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GOVERNMENT GAZETTE



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[No. 2404.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 821.

21st May, 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 57 of 1969: Immorality Amendment Act, 1969.

No. 821.

21 Mei 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 57 van 1969: Ontugwysingswet, 1969.

Act No. 57, 1969

IMMORALITY AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Immorality Act, 1957, with regard to the commission of offences with girls or boys; to prohibit the manufacture, sale or supply of any article which is intended to be used to perform an unnatural sexual act; to make provision in the said Act for a prohibition on the commission at a party of acts between male persons and which are calculated to stimulate sexual passion or to give sexual gratification; and to repeal section 10 of Act No. 22 of 1898 of Natal.

*(Afrikaans text signed by the State President.)
(Assented to 9th May, 1969.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of
section 14 of
Act 23 of 1957.

1. The following section is hereby substituted for section 14 of the Immorality Act, 1957 (hereinafter referred to as the principal Act):

- “Sexual offences with girls under sixteen or boys under nineteen.
14. (1) Any male person who—
- (a) has or attempts to have unlawful carnal intercourse with a girl under the age of sixteen years; or
 - (b) commits or attempts to commit with such a girl or with a boy under the age of nineteen years an immoral or indecent act; or
 - (c) solicits or entices such a girl or boy to the commission of an immoral or indecent act, shall be guilty of an offence.
- (2) It shall be a sufficient defence to any charge under this section if it shall be made to appear to the court—
- (a) that the girl at the time of the commission of the offence was a prostitute, that the person so charged was at the said time under the age of twenty-one years and that it is the first occasion on which he is so charged; or
 - (b) that the person so charged was at the said time under the age of sixteen years if the offence was committed in respect of a girl; or
 - (bA) that the person so charged was at the said time under the age of nineteen years if the offence was committed in respect of a boy; or
 - (c) that the girl or person in whose charge she was, deceived the person so charged into believing that she was over the age of sixteen years at the said time.”.

WET

Tot wysiging van die bepalings van die Ontugwet, 1957, met betrekking tot die pleeg van misdrywe met meisies of seuns; om die vervaardiging, verkoop of verskaffing van 'n artikel wat bestem is om gebruik te word om 'n onnatuurlike geslagtelike daad te pleeg, te verbied; om in daardie Wet voorsiening te maak vir 'n verbod op die pleeg van daad by 'n party tussen manskoppe, wat daarop bereken is om geslagsdrif te prikkel of om geslagtelike bevrediging te verskaf; en om artikel 10 van Wet No. 22 van 1898 van Natal te herroep.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Mei 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 14 van die Ontugwet, 1957 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

Vervanging van
artikel 14 van
Wet 23 van 1957.

„Seksuele misdrywe met meisies onder sestien of seuns onder negentien.”

14. (1) Enige manskop wat—

- (a) ontug met 'n meisie onder die ouderdom van sestien jaar pleeg of probeer pleeg; of
- (b) 'n onsedelike of onbehoorlike daad met so 'n meisie of met 'n seun onder die ouderdom van negentien jaar pleeg of probeer pleeg; of
- (c) so 'n meisie of seun uitlok of aanlok om 'n onsedelike of onbehoorlike daad te pleeg, is aan 'n misdryf skuldig.

(2) Dit is 'n voldoende verweer teen 'n aanklag ingevolge hierdie artikel wanneer aan die hof blyk—

- (a) dat die meisie ten tyde van die pleeg van die misdryf 'n prostituut was, dat die aldus aangeklaagde persoon op bedoelde tydstip onder die ouderdom van een-en-twintig jaar was en dat dit die eerste geleentheid is waarop hy aldus aangekla is; of
- (b) dat die aldus aangeklaagde persoon op bedoelde tydstip onder die ouderdom van sestien jaar was indien die oortreding ten opsigte van 'n meisie gepleeg is; of
- (bA) dat die aldus aangeklaagde persoon op bedoelde tydstip onder die ouderdom van negentien jaar was indien die oortreding ten opsigte van 'n seun gepleeg is; of
- (c) dat die meisie of persoon in wie se sorg sy was, die aldus aangeklaagde persoon mislei het deur hom te laat glo dat sy op bedoelde tydstip bo die ouderdom van sestien jaar was.”

Act No. 57, 1969

IMMORALITY AMENDMENT ACT, 1969.

Insertion of
section 18A in
Act 23 of 1957.

2. The following section is hereby inserted in the principal Act after section 18:

18A. (1) Any person who manufactures, sells or supplies any article which is intended to be used to perform an unnatural sexual act, shall be guilty of an offence.
(2) For the purposes of subsection (1), 'sell' includes to offer for sale, to keep for sale or to keep in a place where goods are sold, offered or kept for sale."

Insertion of
section 20A in
Act 23 of 1957.

3. The following section is hereby inserted in the principal Act after section 20:

20A. (1) A male person who commits with another male person at a party any act which is calculated to stimulate sexual passion or to give sexual gratification, shall be guilty of an offence.
(2) For the purposes of subsection (1) 'a party' means any occasion where more than two persons are present.
(3) The provisions of subsection (1) do not derogate from the common law, any other provision prohibited. of this Act or a provision of any other law."

Amendment of
section 22 of
Act 23 of 1957,
as substituted by
section 4 of
Act 68 of 1967.

4. Section 22 of the principal Act is hereby amended by the substitution for paragraph (g) of the following paragraph:

"(g) in the case of an offence referred to in section 18A, 19, 20 (1) (b) or (c), or 20A (1), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

Repeal of
section 10 of
Act 22 of 1898
(Natal).

5. Section 10 of the Act "To amend the law relative to the trial and punishment of the Crimes of Rape and Indecent Assault and Conduct" (Act No. 22 of 1898 (Natal)), is hereby repealed.

Short title.

6. This Act shall be called the Immorality Amendment Act 1969.

ONTUGWYSIGINGSWET, 1969.

Wet No. 57, 1969

2. Die volgende artikel word hierby in die Hoofwet na artikel 18 ingevoeg:

Invoeging van artikel 18A in Wet 23 van 1957.

„Vervaardiging, verkoop of verskaf, wat bestem is om gebruik te word om 'n onnatuurlike geslagtelike daad te pleeg, is aan 'n misdryf skuldig. (1) Enigiemand wat 'n artikel vervaardig, verkoop of verskaf, wat bestem is om gebruik te word om 'n onnatuurlike geslagtelike daad te pleeg, is aan 'n misdryf skuldig. (2) By die toepassing van subartikel (1), beteken 'verkoop' ook vir verkoop aanbied, vir verkoop hou of in 'n plek hou waar goedere verkoop, vir verkoop aangebied of vir verkoop gehou word.”.

3. Die volgende artikel word hierby in die Hoofwet na artikel 20 ingevoeg:

Invoeging van artikel 20A in Wet 23 van 1957.

„Dade tussen manskapers (1) 'n Manskaper wat met 'n ander manskaper by 'n party 'n daad pleeg wat daarop bereken is om geslagsdrif te prikkel of om geslagtelike bevrediging te verskaf, is aan 'n misdryf skuldig. (2) By die toepassing van subartikel (1) beteken 'n party' 'n geleentheid waar meer as twee persone teenwoordig is. (3) Die bepalings van subartikel (1) doen nie afbreuk aan die gemene reg, 'n ander bepaling van hierdie Wet of 'n bepaling van enige ander wet nie.”.

4. Artikel 22 van die Hoofwet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:

Wysiging van artikel 22 van Wet 23 van 1957, soos vervang deur artikel 4 van Wet 68 van 1967.

„(g) in die geval van 'n in artikel 18A, 19, 20 (1) (b) of (c), of 20A (1) bedoelde misdryf, met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.”.

5. Artikel 10 van die Wet „To amend the law relative to the trial and punishment of the Crimes of Rape and Indecent Assault and Conduct” (Wet No. 22 van 1898 (Natal)), word hierby herroep.

Herroeping van artikel 10 van Wet 22 van 1898 (Natal).

6. Hierdie Wet heet die Ontugwysigingswet, 1969.

Kort titel.

