

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To amend the Immorality Act, 1957, so as to amend the special penal provisions relating to persons found in a brothel; to penalise the rendering of assistance for the purpose of unlawful carnal intercourse; to extend the provisions of that Act relating to presumptions; and to amend the general penal provisions of that Act.

*(English text signed by the State President.)
(Assented to 22nd May, 1967.)*

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

Amendment of section 8 of Act 23 of 1957.

1. Section 8 of the Immorality Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person found in or upon such house or place who, when called upon to do so by the police officer conducting the search, refuses to furnish his name and address or furnishes a name or address which is false in any material particular or refuses to disclose the name or identity of the keeper of such house or place or to produce any book, receipt, paper, document or thing which he has in his possession or custody or under his control, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rand and in default of payment to imprisonment for a period not exceeding six months.”.

Insertion of section 12A in Act 23 of 1957.

2. The following section is hereby inserted in the principal Act after section 12:

“Assistance for purposes of unlawful carnal intercourse. 12A. (1) Any person who, with intent that any female, whether a particular female or not, be unlawfully carnally known by any male, performs any act or does anything or furnishes any information which is calculated or likely to enable such male to communicate with or to establish the whereabouts of or to trace any such female, shall be guilty of an offence.

(2) No prosecution in respect of an offence under subsection (1) shall be instituted except on the written authority of the attorney-general having jurisdiction in the area concerned or of a member of his staff designated by him in writing.”.

Amendment of section 21 of Act 23 of 1957.

3. Section 21 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Whenever in any prosecution for an offence under section 12A it is proved that the accused has performed any act or has done anything or has furnished any information, which was calculated or likely to enable any male to communicate with or to establish the whereabouts of or to trace any female who the accused had reason to believe to be a prostitute, the accused shall be presumed to have performed such act or to have done such thing or to have furnished such information, as the case may be, with intent that such female be unlawfully carnally known by such male, unless the contrary is proved.”.

Substitution of
section 22 of Act
23 of 1957.

4. The following section is hereby substituted for section 22 of the principal Act:

"Penalties. 22. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed, shall be liable—

- (a) in the case of an offence referred to in section 2 or 20 (1) (a), to imprisonment for a period not exceeding three years with or without a fine not exceeding six hundred rand in addition to such imprisonment, or, where it is proved that the person convicted kept a brothel and that unlawful carnal intercourse took place in such brothel to his knowledge between a white female and a coloured male or between a coloured female and a white male, for a period not exceeding seven years with or without a fine not exceeding one thousand rand in addition to such imprisonment;
- (b) in the case of an offence referred to in section 9 (1), to imprisonment for a period not exceeding five years, or, if the female concerned is under the age of twelve years, for life;
- (c) in the case of an offence referred to in section 10, to imprisonment for a period not exceeding five years, or, where it is proved that the person convicted procured or attempted to procure any white female for the purpose of having unlawful carnal intercourse with a coloured male, or any coloured female for the purpose of having unlawful carnal intercourse with a white male, for a period not exceeding seven years;
- (d) in the case of an offence referred to in section 11, 12A or 18, to imprisonment for a period not exceeding five years;
- (e) in the case of an offence referred to in section 12 (1), 13 (1) or 16, to imprisonment for a period not exceeding seven years;
- (f) in the case of an offence referred to in section 14 (1), 15 or 17, to imprisonment for a period not exceeding six years with or without a fine not exceeding one thousand rand in addition to such imprisonment;
- (g) in the case of an offence referred to in section 19 or 20 (1) (b) or (c), 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."

Short title.

5. This Act shall be called the Immorality Amendment Act, 1967.