

CHAPTER 116

THE CRIMINAL LAW AMENDMENT ACT

Arrangement of Sections

Section

1. Short title.
 2. Procuring defilement by threats or fraud, or administering drugs.
 3. Defilement of girl under twelve years of age.
 4. Defilement of girl between twelve and fourteen years of age.
 5. Householder, &c., permitting defilement of young girl on his premises.
 6. Abduction of girl under sixteen with intent to have carnal knowledge.
 7. Unlawful detention with intent to have carnal knowledge.
 8. Power, on indictment for rape, to convict of certain misdemeanours.
 9. Power of search.
 10. Custody of girls under sixteen.
 11. Saving of liability to other criminal proceedings
 12. Connection by personating husband to be rape.
-

CRIMINAL LAW AMENDMENT

(5th March, 1887.)

6/1887.
271926.
811933.
811949.

S.R.O. 2211956.

1. This Act may be cited as the Criminal Law Amendment Act. **Short title.**

2. Any person who—

(a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, or

(b) by false pretences or false representations procures any woman or girl to have any unlawful carnal connections, or

(c) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

3. (1) Any person who unlawfully and carnally knows any girl under the age of twelve years shall be guilty of felony, and shall be liable to be imprisoned for life. **Defilement of girl under twelve years of age.**

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of twelve years shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour:

Provided that in the case of an offender whose age does not exceed sixteen years, the Court may, instead of sentencing

Cap. 106. him to any term of imprisonment, order him to be whipped as prescribed by the Corporal Punishment Act.

(3) Where, upon the hearing of a charge under this section, the girl in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness does not, in the opinion of the Court or Magistrate, understand the nature of an oath, the evidence of such girl or other child of tender years may be received, though not given upon oath, if, in the opinion of the Court or Magistrate, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth:

Provided that no person shall be liable to be convicted of the offence, unless the testimony admitted by virtue of this section and given on behalf of the prosecution shall be corroborated by some other material evidence in support thereof implicating the accused:

Provided, also, that any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all respects as if he or she had been sworn.

Defilement of girl between twelve and fourteen years of age.

4. Any person who—

(a) unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any girl being of or above the age of twelve years and under the age of fourteen years; or

(b) unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew, at the time of the commission of the offence, that the woman or girl was an idiot or imbecile;

shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour:

Provided that it shall be a sufficient defence to any charge under paragraph (a) of this section, if it shall be made to appear to the Court or jury, before whom the charge shall be brought, that the person so charged had reasonable cause

to believe that the girl was of or above the age of fourteen years:

Provided also that no prosecution shall be commenced for an offence under paragraph (a) of this section more than three months after the commission of the offence.

5. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to, or be in or upon, such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally—

Householder, &c., permitting defilement of young girl on his premises.

(a) shall, if such girl is under the age of twelve years, be guilty of felony, and shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and

(b) if such girl is of or above the age of twelve and under the age of fourteen years, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour:

Provided that it shall be a sufficient defence to any charge under this section, if it shall be made to appear to the Court or jury, before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the girl was of or above the age of fourteen years.

6. Any person who, with intent that any unmarried girl under the age of sixteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, takes, or causes to be taken, such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour:

Abduction of girl under sixteen with intent to have carnal knowledge.

Provided that it shall be a sufficient defence to any charge under this section, if it shall be made to appear to the Court

or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Unlawful
detention with
intent to have
carnal
knowledge.

7. (1) Any person who detains any woman or girl against her will—

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally, or

(b) in any brothel,

shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

(2) Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises, or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withhold from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Power, on
indictment for
rape, to convict
of certain
misdemeanours.

8. If upon the trial of any indictment for rape, or any offence made felony by section 3, the jury shall be satisfied that the defendant is guilty of an offence under section 2, 3 or 4, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had

been convicted upon an indictment for such offence as aforesaid, or for the misdemeanour of indecent assault.

9. (1) If it appears to any Magistrate, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of such Magistrate, is *bonâ fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Magistrate, such Magistrate may issue a warrant authorizing any person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Magistrate; and the Magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require. **Power of search.**

(2) The Magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a Magistrate, and proceedings to be taken for punishing such person according to law.

(3) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and—

(a) either is under the age of fourteen years; or

(b) if of or over the age of fourteen years, and under the age of sixteen years, is so detained against her will, or against the will of her father or mother, or of any other person having the lawful care or charge of her; or

(c) if of or above the age of sixteen years, is so detained against her will.

(4) Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be, by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom:

Provided that every warrant issued under this section shall be addressed to and executed by some officer of the police force, who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the Magistrate shall otherwise direct.

Custody of girls under sixteen.

10. Where, on the trial of any offence under this Act, it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian, until she has attained the age of twenty-one, or any age below this as the Court may direct. And the Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Saving of liability to other criminal proceedings.

11. This Act shall not exempt any person from any proceedings for an offence which is punishable at common law, or under any Act other than this Act, so that the person be not punished twice for the same offence.

Connection by personating husband to be rape.

12. Whereas doubts have been entertained whether a man who induces a married woman to permit him to have connection with her by personating her husband is or is not guilty of rape, it is hereby enacted and declared that every such offender shall be deemed to be guilty of rape.
