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SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE
EXTRAORDINARY

VOL. XXII]

MBABANE, Friday, November 29th., 1984

[No. 326

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PART A — BILLS

13. The Criminal Procedure and Evidence (Amendment) Bill S1

THE CRIMINAL PROCEDURE AND EVIDENCE (AMENDMENT) BILL
1984

(Bill No. 13 of 1984)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Criminal Procedure and Evidence Act, 1938 by adding a new section which —

- (a) requires the Court convicting a person of rape to impose a minimum sentence where the Court finds aggravating circumstances to have been present;
- (b) provides for the holding in camera of all criminal proceedings pertaining to rape;
- (c) make it an offence to publish the name and other particulars of a victim of rape.

D.P. MAKANZA
Attorney—General

A BILL
entitled

An Act to amend the Criminal Procedure and Evidence Act, 1938.

Short title.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act 1984 and shall be read as one with the Criminal Procedure and Evidence Act, 1938.

Addition of section 185 bis.

2. The Criminal Procedure and Evidence Act, 1938 is amended by inserting after section 185 the following new section —

“Sentence for rape etc.

185 bis. (1) A person convicted of rape shall, if the Court finds aggravating circumstances to have been present, be liable to a minimum sentence of nine years without the option of a fine and no sentence or part thereof shall be suspended.

(2) The proceedings in a case of rape, including the proceedings where a person is charged with having unlawful carnal connection with a girl under the age of sixteen years or with a female idiot or imbecile shall be held in camera if at any time the victim so requests or the Court so determines.

(3) A person who in connection with proceedings under this section publishes any information as to —

(a) the identity of a victim of rape or of a girl under the age of sixteen years or of a female idiot or imbecile;

(b) the place where the offence in question was alleged to have been committed; or

(c) the name of any witness,

shall be guilty of an offence and liable on conviction to a fine of one thousand Emalangeni or imprisonment for two years."