

## LAW OF EVIDENCE AND THE CRIMINAL PROCEDURE ACT AMENDMENT ACT 103 OF 1987

[ASSENTED TO 13 OCTOBER 1987]

[DATE OF COMMENCEMENT: 23 OCTOBER 1987]

*(English text signed by the State President)*

### ACT

**To make provision that any accountable boy under the age of 14 years may be held legally responsible for any act or offence of which sexual intercourse with a female is an element; to amend the Criminal Procedure Act, 1977, so as to further regulate the circumstances in which certain criminal proceedings shall not take place in open court; and to extend the prohibition of the publication of certain information relating to certain offences; and to provide for matters incidental thereto.**

#### **1 Evidence of sexual intercourse by boy under 14 years may be adduced**

Notwithstanding the provisions of any law or the common law, but subject to any rule of law relating to the accountability of any person under the age of 14 years, evidence may be adduced in legal proceedings where the question is in issue whether a boy under the age of 14 years has had sexual intercourse with any female, that such sexual intercourse has taken place, and no presumption or rule of law to the effect that such a boy is incapable of sexual intercourse shall come into operation.

#### **2**

Amends section 153 of the Criminal Procedure Act 51 of 1977 by inserting subsection (3A).

#### **3**

Amends section 154 (2) of the Criminal Procedure Act 51 of 1977 by substituting paragraph (a).

#### **4**

Inserts section 335A in the Criminal Procedure Act 51 of 1977 .

#### **5 Short title**

This Act shall be called the Law of Evidence and the Criminal Procedure Act Amendment Act, 1987.