

CRIMINAL LAW AMENDMENT ACT 1 OF 1988

[ASSENTED TO 25 FEBRUARY 1988]

[DATE OF COMMENCEMENT: 4 MARCH 1988]

(Afrikaans text signed by the State President)

as amended by
Criminal Law Amendment Act 105 of 1997

ACT

To render punishable certain acts committed by persons whose mental faculties are impaired by the consumption or use of certain substances; and to provide for matters incidental thereto.

1 Acts committed under influence of certain substances to be punishable

(1) Any person who consumes or uses any substance which impairs his or her faculties to appreciate the wrongfulness of his or her acts or to act in accordance with that appreciation, while knowing that such substance has that effect, and who while such faculties are thus impaired commits any act prohibited by law under any penalty, but is not criminally liable because his or her faculties were impaired as aforesaid, shall be guilty of an offence and shall be liable on conviction to the penalty which may be imposed in respect of the commission of that act.

[Sub-s. (1) substituted by s. 46 of Act 105 of 1997 .]

(2) If in any prosecution for any offence it is found that the accused is not criminally liable for the offence charged on account of the fact that his faculties referred to in subsection (1) were impaired by the consumption or use of any substance, such accused may be found guilty of a contravention of subsection (1), if the evidence proves the commission of such contravention.

2 Commission of offence while faculties were impaired may be an aggravating circumstance

Whenever it is proved that the faculties of a person convicted of any offence were impaired by the consumption or use of a substance when he committed that offence, the court may, in determining an appropriate sentence to be imposed upon him in respect of that offence, regard as an aggravating circumstance the fact that his faculties were thus impaired.

3 Short title

This Act shall be called the Criminal Law Amendment Act, 1988.