

**BUITENGEWONE**  
**OFFISIËLE KOERANT**  
VAN SUIDWES-AFRIKA  
**OFFICIAL GAZETTE**  
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OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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**Goewermentskennisgewing**

**Government Notice**

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

N. J. DAVIN  
*Sekretaris van die Nasionale Vergadering van Suidwes-Afrika*

Windhoek

The following Government Notice is published for general information.

N. J. DAVIN  
*Secretary of the National Assembly of South West Africa*

Windhoek

No. AG 170      31 Oktober 1980

**AFKONDIGING VAN WET VAN NASIONALE VERGADERING**

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:-

No. 21 van 1980 Wet op die Bekamping van Onsedelike Praktyke, 1980

No. AG 170      31 October 1980

**PROCLAMATION OF ACT OF NATIONAL ASSEMBLY**

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:-

No. 21 of 1980 Combating of Immoral Practices Act, 1980

Wet No. 21, 1980 **WET OP DIE BEKAMPING VAN ONSEDELIKE PRAKTYKE, 1980**

*(Afrikaanse teks deur die Administrateur-generaal onderteken op 27 Oktober 1980)*

## WET

**Om voorsiening te maak vir die bekamping van bordele, prostitusie en ander onsedelike praktyke en vir aangeleenthede wat daarmee in verband staan.**

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

Woordomskrywings.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken —

- (i) “bordeel” ook ’n huis of plek wat gehou of gebruik word vir doeleindes van prostitusie of vir persone om te besoek met die doel om onwettige vleeslike gemeenskap te hou of met enige ander wellustige of onsedelike doel; (i)
- (ii) “eenaar” ook iemand wat ’n huis of plek verhuur of onderverhuur of die okkupasie daarvan toelaat, hetsy uit eie reg of namens iemand anders; (iii)
- (iii) “huis” ook ’n woonhuis, woonstel, gebou, kamer, buitehuis, skuur of tent of enige deel daarvan; (ii)
- (iv) “onwettige vleeslike gemeenskap” vleeslike gemeenskap tussen persone wat nie getroud is nie of wat nie deelgenote is nie in ’n huweliksverbintenis volgens die tradisionele reg en gebruike wat ’n bepaalde bevolkingsgroep bedoel in artikel 3 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), toepas; (vi)
- (v) “plek” ook ’n perseel, veld, kamp, ruimte, voertuig of boot of enige deel daarvan; (iv)
- (vi) “polisiebeampte” ’n lid van enige polisiemag kragtens die een of ander wet ingestel. (v)

Hou van bordeel.

2. (1) Iemand wat ’n bordeel hou is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir ’n tydperk van hoogstens drie jaar of met bedoelde gevangenisstraf en met ’n boete van hoogstens drieduisend rand.

**COMBATING OF IMMORAL PRACTICES ACT, Act. No. 21, 1980  
1980**

*(Afrikaans text signed by the Administrator-General on 27  
October 1980)*

**ACT**

**To provide for the combating of brothels, prostitution and other immoral practices and for matters connected therewith.**

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

1. In this Act, unless the context indicates otherwise —

Definitions.

- (i) "brothel" includes any house or place kept or used for purposes of prostitution or for persons to visit for the purpose of having unlawful carnal intercourse or for any other lewd or immoral purpose; (i)
- (ii) "house" includes a dwelling-house, flat, building, room, out-house, shed or tent or any part thereof; (iii)
- (iii) "owner" includes any person who lets or sublets or permits the occupation of any house or place whether in his own right or that of another; (ii)
- (iv) "place" includes any premises, field, enclosure, space, vehicle or boat or any part thereof; (v)
- (v) "police officer" means any member of any police force established under any law; (vi)
- (vi) "unlawful carnal intercourse" means carnal intercourse between persons who are not married or who are not partners in a customary union in terms of the traditional laws and customs applied by a particular population group referred to in section 3 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980). (iv)

2. (1) Any person who keeps a brothel shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three years or to such imprisonment and to a fine not exceeding three thousand rand.

Keeping of  
brothel.

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(2) Die volgende persone word by die toepassing van subartikel (1) geag 'n bordeel te hou, naamlik —

- (a) iemand wat by 'n bordeel inwoon tensy hy bewys lewer dat hy van die aard van die huis of plek onbewus was;
- (b) iemand wat 'n bordeel bestuur of wat met die bestuur daarvan help;
- (c) iemand wat wetens al die geld of 'n gedeelte van die geld wat in 'n bordeel ontvang word, ontvang;
- (d) iemand wat die huurder of okkupeerder van 'n huis of plek is en wat wetens toelaat dat dit as 'n bordeel gehou of gebruik word;
- (e) iemand wat die eienaar van 'n huis of plek is en wat dit verhuur of toelaat dat dit verhuur word of verhuur bly, met die wete dat die huis of plek gehou of gebruik gaan word of gehou of gebruik word as 'n bordeel;
- (f) enige vrou wat in 'n bordeel gevind word en wat weier om die naam en identiteit van die houer of bestuurder daarvan te openbaar;
- (g) iemand wie se vrou 'n bordeel hou of by 'n bordeel inwoon of dit bestuur of met die bestuur daarvan help, tensy hy bewys lewer dat hy daarvan onbewus was of dat hy afsonderlik van haar woon en dat hy nie al die geld of 'n gedeelte van die geld wat daarin ontvang is, ontvang het nie.

(3) Wanneer in enige vervolging ingevolge hierdie Wet bewys word —

- (a) dat 'n huis of plek as bordeel gehou of gebruik is en dat, met inagneming van die ligging en akkommodasie daarvan, die huurgeld wat vir die betrokke huis of plek betaal gaan word of betaal is of betaal word buitensporig is, word vermoed, totdat die teendeel bewys word, dat die beskuldigde geweet het dat die betrokke huis of plek as 'n bordeel gehou of gebruik is;
- (b) dat skriftelike kennis gegee is aan die beskuldigde deur 'n polisiebeampte met of bo die rang van sersant of deur twee huisbewoners wat in die buurt van die betrokke huis of plek woon, dat die betrokke huis of plek as 'n bordeel gehou of gebruik word, word dit geag dat die beskuldigde geweet het dat die betrokke huis of plek as bordeel gehou of gebruik is.

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(2) The following persons shall for the purposes of subsection (1) be deemed to keep a brothel, namely —

- (a) any person who lives in a brothel unless he proves that he was ignorant of the character of the house or place;
- (b) any person who manages or assists in the management of any brothel;
- (c) any person who knowingly receives all the money or any share of the money taken in a brothel;
- (d) any person who is the tenant or occupier of any house or place and who knowingly permits it to be kept or used as a brothel;
- (e) any person who is the owner of any house or place and who lets it or allows it to be let or to continue to be let, with the knowledge that such house or place is to be kept or used or is being kept or used as a brothel;
- (f) any woman found in a brothel who refuses to disclose the name and identity of the keeper or manager thereof;
- (g) any person whose wife keeps or lives in or manages or assists in the management of a brothel, unless he proves that he was ignorant thereof or that he lives apart from her and did not receive all the money or any share of the money taken therein.

(3) When in any prosecution in terms of this Act it is proved —

- (a) that any house or place is kept or used as a brothel and that, having regard to the locality and accommodation thereof, the rent to be paid or paid or being paid for the house or place concerned is exorbitant, it shall be presumed, until the contrary is proved, that the accused knew that the house or place concerned was kept or used as a brothel;
- (b) that a notice in writing has been given to the accused by a police officer of or above the rank of sergeant or by two householders living in the vicinity of the house or place concerned, that the house or place concerned is kept or used as a brothel, it shall be deemed that the accused knew that the house or place concerned was kept or used as a brothel.

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Uitwerking van huurkontrak met betrekking tot huis of plek wat as bordeel gehou of gebruik word.

3. (1) Enige huurkontrak om 'n huis of plek te verhuur om as 'n bordeel gehou of gebruik te word, is nietig.

(2) Enige huurkontrak om 'n huis of plek te verhuur wat na die aangaan van die kontrak 'n bordeel word, word vanaf die datum van daardie gebeurtenis beëindig en nietig: Met dien verstande dat wanneer die eenaar bewys lewer dat hy onbewus was dat die huis of plek aldus gehou of gebruik is, hy geregtig is om die huurgeld in te vorder tot op die datum waarop hy bewus geword het dat die huis of plek as 'n bordeel gehou of gebruik is.

(3) Die eenaar van 'n huis of plek wat as 'n bordeel gehou of gebruik word, is geregtig om by die landdros van die distrik waarin die huis of plek geleë is, aansoek te doen om die summiere uitsetting van iemand wat daardie huis of plek as 'n bordeel hou of gebruik en daardie landdros is geregtig om na die ondersoek wat hy nodig of dienstig ag die summiere uitsetting van so 'n persoon te beveel.

Stappe wanneer verklaring ingedien word dat huis of plek as bordeel gebruik word.

4. (1) Wanneer 'n polisiebeampte met of bo die rang van sersant of 'n maatskaplike werker wat kragtens artikel 33 van die Nasionale Welsynswet, 1965 (Wet 79 van 1965), geregistreer is of minstens twee persone van goeie aansien wat bewoners is van verskillende huise in die betrokke buurt 'n beëdigde verklaring of beëdigde verklarings, na gelang van die geval, aan 'n landdros voorlê waaruit blyk dat 'n huis of plek as 'n bordeel gehou of gebruik word of vermoedelik gehou of gebruik word, kan bedoelde landdros —

(a) 'n lasbrief uitreik vir die inhegtenisneming van die persoon wat na bewering die houer van die bordeel is; of

(b) 'n lasbrief uitreik wat 'n polisiebeampte met of bo die rang van sersant magtig om te eniger tyd binne die tydperk wat in die lasbrief vermeld moet word, die huis of plek te betree —

(i) om die naam en identiteit van die houer of gebruiker van daardie huis of plek vas te stel;

(ii) om iemand wat in die huis of op die plek gevind word, te ondervra en sy naam en adres te eis;

(iii) om enige rekeningboek, kwitansie, papier, dokument of ding wat waarskynlik getuieis van die pleeg deur enige persoon van 'n misdryf ingevolge hierdie Wet sal oplewer, te eis, te soek en in besit te neem; en

(iv) om enige verdere ondersoek wat hy nodig ag in verband met die pleeg van 'n misdryf ingevolge hierdie Wet in te stel.

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3. (1) Any lease to let any house or place to be kept or used as a brothel shall be null and void.

Effect of lease in relation to house or place kept of used as brothel.

(2) Any lease to let any house or place which subsequently to the making of such lease becomes a brothel shall as from the date of such event be determined and become null and void: Provided that upon proof by the owner of his ignorance that the house or place was so kept or used he shall be entitled to recover the rent up to the date upon which he became aware that the house or place was being kept or used as a brothel.

(3) The owner of any house or place kept or used as a brothel shall be entitled to apply to the magistrate of the district in which such house or place is situated for the summary ejection of any person who keeps or uses such house or place as a brothel and such magistrate shall be entitled after such enquiry as he may deem necessary or expedient to order the summary ejection of such person.

4. (1) When an affidavit or affidavits, as the case may be, is submitted to a magistrate by any police officer of or above the rank of sergeant or by a social worker registered under section 33 of the National Welfare Act, 1965 Act 79 of 1965), or by not less than two persons of good repute being the occupiers of different houses in the vicinity concerned wherefrom it appears that a house or place is being kept or used or is presumable being kept or used as a brothel, such magistrate may —

Proceedings upon submission of statement that house or place is used as brothel.

- (a) issue a warrant for the arrest of the person alleged to be the keeper of such brothel; or
- (b) issue a warrant authorising a police officer of or above the rank of sergeant to enter, at any time within such period as shall be stated in such warrant, such house or place —
  - (i) to ascertain the name and identity of the keeper or user of such house or place;
  - (ii) to interrogate and demand the name and address of any person found in such house or upon such place;
  - (iii) to demand, to search for and to seize any account book, receipt, paper, document or thing likely to afford evidence of the commission by any person of an offence in terms of this Act; and
  - (iv) to make any further investigation as he may deem necessary in connection with the commission of an offence in terms of this Act.

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(2) Iemand wat in bedoelde huis of op bedoelde plek gevind word en wat, wanneer dit deur die polisiebeampte in subartikel (1)(b) bedoel van hom geëis word, weier of versuim om sy naam of adres te verskaf of 'n naam of adres verskaf wat in 'n wesenlike opsig vals of misleidend is, of weier of versuim om die naam of identiteit van die houer of gebruiker van daardie huis of plek te openbaar of om 'n rekeningboek, kwitansie, papier, dokument of ding wat hy in sy besit of bewaring of onder sy beheer het, voor te lê of te oorhandig of om aan bedoelde polisiebeampte die ander hulp te verleen wat bedoelde polisiebeampte van hom eis in verband met enige ondersoek bedoel in subartikel (1)(b)(iv) is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) Die uitreiking van 'n lasbrief kragtens paragraaf (b) van subartikel (1) raak nie die bevoegdheid van 'n landdros om te eniger tyd 'n lasbrief kragtens paragraaf (a) van genoemde subartikel (1) of kragtens enige ander wetsbepaling uit te reik in enige opsig nie.

Koppelaar.

**5. Iemand wat —**

- (a) 'n vrouspersoon verkry of probeer verkry om onwettige vleeslike gemeenskap met enige ander persoon as die koppelaar te hou of wat op enige manier help om sodanige onwettige vleeslike gemeenskap te bewerkstellig; of
- (b) 'n vrouspersoon na 'n bordeel verlok of aanlok vir die doeleindes van onwettige vleeslike gemeenskap of prostitusie of wat 'n aldus verlokke of aangelokte vrouspersoon in 'n bordeel versteek; of
- (c) 'n vrouspersoon verkry of probeer verkry om 'n prostituut te word; of
- (d) 'n vrouspersoon verkry of probeer verkry om 'n inwoner van 'n bordeel te word; of
- (e) enige verdowingsmiddel, bedwelmende drank, saak of ding toepas op of toedien aan 'n vrouspersoon, of haar dit laat inneem, met die opset om haar te bedwelm of oorweldig om daardeur 'n ander persoon as die koppelaar in staat te stel om met daardie vrouspersoon onwettige vleeslike gemeenskap te hou, is aan 'n misdryf skuldig

en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Hulp vir doeleindes van onwettige vleeslike gemeenskap.

6. Iemand wat met die opset dat 'n manspersoon met 'n vrouspersoon, hetsy 'n bepaalde vrouspersoon al dan nie, onwettige vleeslike gemeenskap kan hou, enige handeling verrig of enigiets doen of enige inligting verstrek, wat bereken is om bedoelde manspersoon in staat te stel om bedoelde manspersoon waarskynlik in staat sal stel om met so 'n vrouspersoon in verbinding te tree of haar verblyfplek

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(2) Any person found in such house or upon such place who, when called upon to do so by the police referred to in subsection (1)(b), refuses or fails to furnish his name or address or furnishes a name or address which is false or misleading in any material respect, or refuses or fails to disclose the name or identity of the keeper or user of such house or place or to produce or hand over any account book, receipt, paper, document or thing which he has in his possession or custody or under his control or to render such police officer such other assistance as such police officer may demand from him in connection with any investigation referred to in subsection (1)(b)(iv), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

(3) The issue of a warrant under paragraph (b) of subsection (1) shall not in any way affect the power of a magistrate to issue, at any time, a warrant under paragraph (a) of the said subsection (1) or under any other law.

5. Any person who —

Procurator

- (a) procure or attempts to procure any female to have unlawful carnal intercourse with any person other than the procurer or in any way assists in bringing about such unlawful carnal intercourse; or
- (b) inveigles or entices any female to a brothel for the purpose of unlawful carnal intercourse or prostitution or conceals any female so inveigled or enticed in a brothel; or
- (c) procures or attempts to procure any female to become a prostitute; or
- (d) procures or attempts to procure any female to become an inmate of a brothel; or
- (e) applies, administers to or causes to be taken by any female any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower her so as thereby to enable any person other than the procurer to have unlawful carnal intercourse with such female, shall be guilty of an offence

and liable on conviction to imprisonment for a period not exceeding five years.

6. Any person who, with intent that any male may have unlawful carnal intercourse with a female, whether a particular female or not, 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

Assistance for purposes of unlawful carnal intercourse.

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vas te stel of haar op te spoor, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Aanlokking tot pleeg van onsedelike daade.

## 7. Iemand wat —

(a) in enige openbare straat of plek vir onsedelike doeleindes iemand anders aanlok, uitlok of lastig val of aan hom voorstelle doen;

(b) homself opsetlik en openlik vertoon in onbehoorlike kleding of op 'n onbehoorlike wyse by enige deur of venster of op enige plek in sig van enige openbare straat of plek of in enige plek waartoe die publiek toegang het,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

Pleeg van onsedelike daade.

8. Iemand wat in die openbaar 'n onsedelike daad met 'n ander persoon pleeg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens drieduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf.

Toelating van misdryf ingevolge hierdie Wet deur eienaar of okkupeerder van perseel.

9. Iemand wat die eienaar of okkupeerder van 'n huis of plek is of wat die bestuur daarvan of beheer daarvoor het of daarin optree of daarmee help en wat wetens toelaat dat daardie huis of plek gebruik word met die doel om een of ander misdryf ingevolge die een of ander bepaling van hierdie Wet te pleeg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met bedoelde gevangenisstraf en met 'n boete van hoogstens eenduisend rand.

Leef van opbrengs van prostitusie en hulpverlening met betrekking tot pleeg van onsedelike daade.

## 10. Iemand wat —

(a) wetens geheel en al of gedeeltelik van die opbrengs van prostitusie leef; of

(b) op enige wyse in die openbaar of in afsondering help om die pleeg deur 'n persoon van enige onsedelike daad met 'n ander persoon te bewerkstellig, of enige vergoeding daarvoor ontvang,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens drieduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf.

Lasbrief om huis of plek wat vir prostitusie gebruik word, te deursoek en om persone wat van opbrengs van prostitusie leef, in hegtenis te neem.

11. Wanneer dit aan 'n landdros uit beëdigde inligting blyk dat daar rede is om te vermoed dat 'n huis deur 'n vrouspersoon vir doeleindes van prostitusie gebruik word en dat 'n persoon wat by die huis inwoon of dit dikwels besoek

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whereabouts of or to trace any such female, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

7. Any person who —

Enticing to commission of immoral acts.

- (a) in any public street or place entices, solicits or importunes or makes any proposals to any other person for immoral purposes;
- (b) wilfully and openly exhibits himself in an indecent dress or manner at any door or window or within view of any public street or place or in any place to which the public have access,

shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

8. Any person who in public commits any immoral act with another person shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Committing of immoral acts.

9. Any person who is the owner or occupier of any house or place or has or acts or assists in the management or control thereof, knowingly permits the use of such house or place for the purpose of committing any offence in terms of any provision of this Act, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years or to such imprisonment and to a fine not exceeding one thousand rand.

Permitting of offence in terms of this Act by owner or occupier of premises.

10. Any person who —

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in public or in private in any way assists in bringing about, or receives any consideration for, the commission by any person of any immoral act with another person,

Living on earnings of prostitution and assistance in relation to commission of immoral acts.

shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

11. When it appears to any magistrate on sworn information that there is reason to suspect that any house is used by a female for purposes of prostitution and that any person residing in or frequenting the house is living wholly or in

Warrant to search house or place used for prostitution and to arrest persons living on earnings of prostitution.

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geheel en al of gedeeltelik van die opbrengs van prostitusie leef, kan die landdros 'n lasbrief uitreik wat 'n polisiebeampte met of bo die rang van sersant magtig om die huis te betree en te deursoek en om daardie persoon in hegtenis te neem.

Vermoedens.

12. (1) Wanneer in enige vervolging ingevolge hierdie Wet die vraag ontstaan of enige vleeslike gemeenskap tussen 'n manspersoon en 'n vrouspersoon onwettig was, word sodanige gemeenskap vermoed, totdat die teendeel bewys word, onwettige vleeslike gemeenskap te gewees het.

(2) Wanneer in enige vervolging ingevolge hierdie Wet bewys word dat iemand by 'n bordeel inwoon of dat hy saamwoon met, of gewoonlik in die geselskap is van, 'n prostituut en dat hy of sy geen sigbare middele van bestaan het nie, word vermoed, totdat die teendeel bewys word, dat so iemand wetens geheel en al of gedeeltelik van die opbrengs van prostitusie leef.

(3) Wanneer in enige vervolging ingevolge artikel 6 bewys word dat die beskuldigde 'n handeling verrig of enigiets gedoen of enige inligting verstrek het wat bereken was om 'n manspersoon in staat te stel of 'n manspersoon waarskynlik in staat sou gestel het om met 'n vrouspersoon, ten opsigte van wie die beskuldigde rede gehad het om te vermoed dat sy 'n prostituut is, in verbinding te tree of om haar verblyfplek vas te stel of om haar op te spoor, word vermoed, totdat die teendeel bewys word, dat die beskuldigde bedoelde handeling verrig het of bedoelde iets te gedoen het of bedoelde inligting verstrek het, na gelang van die geval, met die opset om sodanige manspersoon in staat te stel om onwettige vleeslike gemeenskap met sodanige vrouspersoon te hou.

Aanhouding vir doeleindes van onwettige vleeslike gemeenskap.

13. (1) Iemand wat 'n vrouspersoon teen haar wil —

(a) na 'n huis of plek neem of daar aanhou sodat 'n manspersoon, hetsy 'n bepaalde manspersoon al dan nie, met haar onwettige vleeslike gemeenskap kan hê; of

(b) na 'n bordeel neem of daar aanhou,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar.

(2) Wanneer in enige vervolging ingevolge subartikel (1) bewys word dat 'n vrouspersoon in 'n huis of op 'n plek was sodat 'n manspersoon, hetsy 'n bepaalde manspersoon al dan nie, met haar onwettige vleeslike gemeenskap kon hê, of in 'n bordeel was, word dit geag dat sy teen haar wil daarheen geneem is of daar aangehou word —

(a) indien sy onder die ouderdom van sestien jaar is; of

(b) indien sy sestien jaar of ouer maar onder die ouderdom van een-en-twintig jaar is, en teen haar wil of

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part on the earnings of prostitution, the magistrate may issue a warrant authorizing any police officer of or above the rank of sergeant to enter and search the house and to arrest that person.

12. (1) When in any prosecution in terms of this Act the question arises whether any carnal intercourse between a male and a female was unlawful, such intercourse shall be presumed, until the contrary is proved, to have been unlawful carnal intercourse. Presumptions.

(2) When in any prosecution in terms of this Act a person is proved to live in a brothel or to live with or to be habitually in the company of a prostitute and has no visible means of subsistence, it shall be presumed, until the contrary is proved, that such person lives wholly or in part on the earnings of prostitution.

(3) When in any prosecution in terms of section 6 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 in respect of whom the accused had reason to suspect to be a prostitute, it shall be presumed, until the contrary is proved, that the accused have performed such act or have done such thing or have furnished such information, as the case may be, with intent to enable such male to have unlawful carnal intercourse with such female.

13. (1) Any person who —

(a) takes any female to any house or place or detains her there against her will so that any male, whether a particular male or not, may have unlawful carnal intercourse with her; or

(b) takes any female to a brothel or detains her there against her will,

Detention for purposes of unlawful carnal intercourse.

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years.

(2) When in any prosecution in terms of subsection (1) it is proved that a female was in any house or at any place so that any male, whether a particular male or not, could have unlawful carnal intercourse with her, or was in any brothel, it shall be deemed that she was taken or detained there against her will —

(a) if she is under the age of sixteen years; or

(b) if she is sixteen years or older but under the age of twenty-one years, and was taken thereto or is detained

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teen die wil van haar vader of moeder of enige persoon wat die wettige sorg of toesig oor haar het daarheen geneem is of daarin aangehou word.

Seksuele misdrywe met meisies onder sestien jaar.

14. (1) Enige manspersoön wat —

- (a) onwettige vleeslike gemeenskap met 'n meisie onder die ouderdom van sestien jaar hou of probeer hou; of
- (b) 'n onsedelike of onbehoorlike daad met so 'n meisie pleeg of probeer pleeg; of
- (c) so 'n meisie uitlok of aanlok om 'n onsedelike of onbehoorlike daad te pleeg,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses jaar met of sonder 'n boete van hoogstens drieduisend rand benewens bedoelde gevangenisstraf.

(2) Dit is 'n voldoende verweer teen 'n aanklag ingevolge hierdie artikel indien dit aan die hof blyk —

- (a) dat die meisie ten tyde van die pleeg van die misdryf 'n prostituut was, dat die aldus aangeklaagde persoon op bedoelde tydstop onder die ouderdom van een-en-twintig jaar was en dat dit die eerste geleentheid is waarop hy aldus aangekla is; of
- (b) dat die aldus aangeklaagde persoon op bedoelde tydstop onder die ouderdom van sestien jaar was; of
- (c) dat die meisie of persoon in wie se sorg sy was, die aldus aangeklaagde persoon mislei het deur hom te laat glo dat sy op bedoelde tydstop bo die ouderdom van sestien jaar was.

Seksuele misdrywe met vroulike idioote of swaksinniges.

15. Iemand wat —

- (a) met 'n vroulike idioot of swaksinnige onwettig vleeslike gemeenskap hou of probeer hou in omstandighede wat nie op verkragting neerkom nie; of
- (b) met so 'n vrouspersoon 'n onsedelike of onbehoorlike daad pleeg of probeer pleeg; of
- (c) so 'n vrouspersoon uitlok of aanlok om 'n onsedelike of onbehoorlike daad te pleeg,

is, indien bewys word dat daardie persoon geweet het dat die vrouspersoon 'n idioot of swaksinnige was, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses jaar met of sonder 'n boete van hoogstens drieduisend rand benewens bedoelde gevangenisstraf.

Gebruik van sekere middele om vrouspersoon vir onsedelike doeleindes te bedwelme of te oorweldig.

16. Iemand wat enige verdowingsmiddel, bedwelvende drank, saak of ding toepas op of toedien aan 'n vrouspersoon

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therein against her will or against the will of her father or mother or any person having the lawful care or charge of her.

14. (1) Any male who —

Sexual offences with girls under sixteen years.

- (a) has or attempts to have unlawful carnal intercourse with a girl under the age of sixteen years; or
- (b) commits or attempts to commit with such a girl an immoral or indecent act; or
- (c) solicits or entices such a girl to the commission of an immoral or indecent act,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six years with or without a fine not exceeding three thousand rand in addition to such imprisonment.

(2) It shall be a sufficient defence to any charge in terms of this section if it appears to the court —

- (a) that the girl at the time of the commission of the offence was a prostitute, that the person so charged was at the said time under the age of twenty-one years and that it is the first occasion on which he is so charged; or
- (b) that the person so charged was at the said time under the age of sixteen years; and
- (c) that the girl or person in whose charge she was, deceived the person so charged into believing that she was over the age of sixteen years at the said time.

15. Any person who —

Sexual offences with female idiots or imbeciles.

- (a) has or attempts to have unlawful carnal intercourse with any female idiot or imbecile in circumstances which do not amount to rape; or
- (b) commits or attempts to commit with such a female any immoral or indecent act; or
- (c) solicits or entices such a female to the commission of any immoral or indecent act,

shall, if it be proved that such person knew such female was an idiot or imbecile, be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six years with or without a fine not exceeding three thousand rand in addition to such imprisonment.

16. Any person who applies, administers to or causes to be taken by any female any drug, intoxicating liquor, matter

Use of certain means to stupefy or overpower female for immoral purposes.

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persoon of haar dit laat inneem met die opset om haar te bedwelm of te oorweldig om daardeur homself in staat te stel om onwettige vleeslike gemeenskap met haar te hou, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Vervaardiging, verkoop of verskaffing van artikel bedoel om onnatuurlike geslagtelike daad te pleeg.

17. (1) Enigiemand wat 'n artikel vervaardig, verkoop of verskaf wat bestem is om gebruik te word om 'n onnatuurlike geslagtelike daad te pleeg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

(2) By die toepassing van subartikel (1) beteken "verkoop" ook vir verkoop aanbied, vir verkoop hou of in 'n plek hou waar goedere verkoop word of vir verkoop aangebied of gehou word.

Herroeping van wette.

18. Die wette in die Bylae genoem, word hierby herroep in die mate in die derde kolom van die Bylae aangedui.

Kort titel.

19. Hierdie Wet heet die Wet op die Bekamping van Onsedelike Praktyke, 1980.

**BYLAE**

| No. en jaar van wet     | Kort titel  | Omvang van herroeping |
|-------------------------|---|-----------------------|
| Proklamatie 27 van 1920 | Politie Overtredingen Proklamatie, 1920 .....   | Artikel 6             |
| Proklamatie 28 van 1921 | Meisjes en Geestelik Gekrenkte Vrouwen Beschermins Proklamatie, 1921 .....                            | Die geheel            |
| Ordonnansie 15 van 1962 | Wysigingsordonnansie 1962 op die Politie Overtredingen Proklamatie .....                              | Artikel 4             |
| Ordonnansie 18 van 1962 | Wysigingsordonnansie 1962 op die Meisjes en Geestelik Gekrenkte Vrouwen Beschermins Proklamatie ..... | Die geheel            |

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or thing with intent to stupefy or overpower her so as thereby to enable him to have unlawful carnal intercourse with her, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

17. (1) Any person who manufactures, sells or supplies any article which is intended to be used to perform an unnatural sexual act, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Manufacture, sale or supply of article intended to be used to perform unnatural sexual act.

(2) For the purposes of subsection (1) "sell" includes to offer for sale, to keep for sale or to keep in a place where goods are sold or are offered or kept for sale.

18. The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Repeal of laws.

19. This Act shall be called the Combating of Immoral Practices Act, 1980.

Short title.

**SCHEDULE**

| No. and year of law     | Short title   | Extent of repeal |
|-------------------------|---|------------------|
| Proclamation 27 of 1920 | Police Offences Proclamation, 1920.....   | Section 6        |
| Proclamation 28 of 1921 | Girls' and Mentally Defective Women's Protection Proclamation, 1921 .....                     | The whole        |
| Ordinance 15 of 1962    | Police Offences Proclamation Amendment Ordinance, 1962 .                                      | Section 4        |
| Ordinance 18 of 1962    | Girls' and Mentally Defective Women's Protection Proclamation Amendment Ordinance, 1962 ..... | The whole        |