

**SEXUAL OFFENCES ACT**

**CHAPTER 10:36**

**Act**

**L.I. 6 of 1887**

Amended by

L.I. 2 of 1926

L.I. 8 of 1933

19 of 1939

25 of 1956

27 of 1967

**Current Authorised Pages**

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**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note  
on  
Title of Act**

This Act was originally entitled (in the 1961 Ed.) "The Criminal Law Amendment Ordinance (Cap. 33)".

**CHAPTER 10:36****SEXUAL OFFENCES ACT****ARRANGEMENT OF SECTIONS**

## SECTION

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## CHAPTER 10:36

## \*SEXUAL OFFENCES ACT

1961 Ed.  
Cap. 33.  
L.I. 6 of 1887.

**AN ACT relating to sexual crimes, to the abduction, procurement and prostitution of women and to kindred offences.**

Commencement.

[5th March 1887]

Short title.

**1.** This Act may be cited as the –

**SEXUAL OFFENCES ACT.**

Procuring  
defilement by  
threats or fraud,  
or administering  
drugs.

**2.** (1) 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, not being a common prostitute or of known immoral character, to have any unlawful carnal connection.; 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,

is liable to imprisonment for two years.

(2) No person shall be convicted of an offence under this section upon the evidence of one witness only unless the witness is corroborated in some material particular by evidence implicating the accused.

Defilement of  
girl under twelve  
years of age.  
[27 of 1987].

**3.** (1) Any person who unlawfully and carnally knows any girl under the age of twelve years is liable to imprisonment for life.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of twelve years is liable to imprisonment for seven years; but in the case of an offender whose age does not exceed sixteen years, the Court may, instead of sentencing him to any term of imprisonment, order him to be whipped as prescribed by the Juvenile Offenders Punishment Act.

Ch. 12:72.

(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 the 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, the 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.

(4) 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 is corroborated by some other material evidence in support thereof implicating the accused.

(5) 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.

4. (1) Subject to subsections (2) and (3), any person who –
- (a) unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any girl 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,

Defilement of girl between twelve and fourteen years of age. [27 of 1987].

DEFENCE TO IMPRISONMENT FOR SEVEN YEARS

(2) It shall be a sufficient defence to any charge under subsection (1)(a) if it is made to appear to the Court or jury before whom the charge is brought that the person so charged had reasonable cause to believe that the girl was of or above the age of fourteen years.

(3) No prosecution shall commence for an offence under subsection (1)(a) more than three months after the commission of the offence.

Householder, etc., permitting defilement of young girl on his premises.

5. (1) 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, the premises for the purpose of being unlawfully and carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally –

- (a) is, if the girl is under the age of twelve years, liable to imprisonment for five years; and
- (b) if the girl is of or above the age of twelve and under the age of fourteen years, is liable to imprisonment for two years.

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

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

6. (1) 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 the carnal knowledge is intended to be with any particular man or generally, takes, or causes to be taken, the 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, is liable to imprisonment for two years..

(2) It shall be a sufficient defence to any charge under this section, if it is 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 carnal knowledge.

7. (1) Any person who detains any woman or girl against her will—  
unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

(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 the woman or girl in or upon the premises, or in the brothel if, with intent to compel or induce her to remain in or upon the premises or in the brothel, the person withholds from the woman or girl any wearing apparel or other property belonging to her or, where wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of the person, the person threatens the 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 woman or girl for taking away or being found in possession of any wearing apparel as was necessary to enable her to leave the premises or brothel.

8. If upon the trial of any indictment for rape, or any offence under section 3(1), the jury is satisfied that the defendant is guilty of an offence under sections 2, 3, or 4, or of an indecent assault, but is not satisfied that the defendant is guilty of the offence charged in the indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of the offence charged and find him guilty of the offence as aforesaid, or of an indecent assault, and thereupon the defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the offence as aforesaid, or for the offence of indecent assault.

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

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 the Magistrate, is *bona fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that the woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of the Magistrate, the Magistrate may issue a warrant authorising any person named therein to search for and, when found, to take to and detain in a place of safety the woman or girl until she can be brought before a Magistrate, and the Magistrate before whom the 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 the warrant may, by the same or any other warrant, cause any person named in it to be lawfully detained in

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 authorised 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 the warrant, and may remove the woman or girl therefrom; and every warrant issued under this section shall be addressed to and executed by some officer of the police service, who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the Magistrate otherwise directs.

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 the Court may divest the father, mother, guardian, master or mistress of all authority over her, and appoint any person or persons willing to take charge of the girl to be her guardian, until she attains the age of eighteen, or any age below this as the Court may direct. And the Court may from time to time rescind or vary the order by the appointment of any other person or persons as the 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, provided that the person is 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 is deemed to be guilty of rape.



## PUNISHMENT OF INCEST

**13.** In this Act the expressions “brother” and “sister” respectively include half-brother and half-sister, and the provision of this Act shall apply whether the relationship between the person charged with an offence under this Act and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

Test of relationship when incest charged.

**14.** (1) Any male who carnally knows a female who is to his knowledge his grand-daughter, daughter, sister or mother, is liable to imprisonment for seven years; but if, on indictment for the offence, it is alleged in the indictment and proved that the female is under the age of twelve years, the same punishment may be imposed as may be imposed under section 3 for carnally knowing a female under twelve years of age.

Incest by males.

(2) It is immaterial that the carnal knowledge was had with the consent of the female.

(3) If any male attempts to commit the offence as aforesaid, he is liable to imprisonment for two years.

(4) On the conviction before any Court of any male of an offence under this section against any female under eighteen years of age, the Court may divest the offender of all authority over that female and, if the offender is her guardian, remove him from the guardianship and appoint any person or persons to be her guardian or guardians during her minority or any less period; and the Court may at any time vary or rescind the order by the appointment of any other person as the guardian or in any other respect.

**15.** Any female of or above the age of sixteen years who with consent permits her grandfather, father, brother or son, to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) is liable to imprisonment for seven years.

Incest by females of or over sixteen.

**16.** (1) All proceedings under sections 13 to 15 shall be held *in camera* if the Court so orders.

Prosecutions for incest.

(2) Subject to section 72(6) of the Constitution, no prosecution for any offence under sections 13 to 15 shall be commenced without the written authority of the Attorney General.

