

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 412.

4 Maart 1988

No. 412.

4 March 1988

Hierby word bekend gemaak dat die Staatspresident sy
—dkeuring geheg het aan die onderstaande Wet wat
rby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has
assented to the following Act which is hereby published
for general information:—

No. 1 van 1988: Strafreghwysigingswet, 1988.

No. 1 of 1988: Criminal Law Amendment Act, 1988.

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.

*(Afrikaans text signed by the State President.)
(Assented to 25 February 1988.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. (1) Any person who consumes or uses any substance which impairs his faculties to appreciate the wrongfulness of his 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 faculties were impaired as aforesaid, shall be guilty of an offence and shall be liable on conviction to the penalty, except the death penalty, which may be imposed in respect of the commission of that act. Acts committed under influence of certain substances to be punishable.
- (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. 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. Commission of offence while faculties were impaired may be an aggravating circumstance.
3. This Act shall be called the Criminal Law Amendment Act, 1988. Short title.