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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

#### NOTICE 1509 OF 2022

#### INVITATION FOR PUBLIC COMMENTS

#### CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT BILL, 2022

1. The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2022 (the Bill).
- 2.1 The purpose of the Bill is to repeal the Sexual Offences Act, 1957 (Act No. 23 of 1957) as well as section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) to decriminalise the sale and purchase of adult sexual services and to provide for matters connected therewith.
- 2.2 The Bill only decriminalises sex work insofar as it relates to the buying and selling of adult sexual services. Engaging in sexual services with children or persons who are mentally disabled remains an offence under the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
- 2.3 Members of the public are encouraged to participate in the legislative development process, by making inputs based on facts in order to improve the Bill.
3. A copy of the Bill is available on the website of the Department at <http://www.justice.gov.za>.
4. The comments on the Bill must be submitted to the Chief Directorate: Legislative Development on or before 31 January 2023. The contact details are:
  - (a) Postal address:  
The Director-General: Justice and Constitutional Development  
Private Bag X 81  
Pretoria  
0001  
marked for the attention of Tsietsi Sebelemetja; or
  - (b) E-mail address:  
[Bills1@justice.gov.za](mailto:Bills1@justice.gov.za); or
  - (c) Fax nr:  
012 406 4632.
5. Further information can be obtained from the Chief Directorate: Legislative Development at 012 406 4769/ 4753.

**REPUBLIC OF SOUTH AFRICA**

**CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT  
BILL, 2022**

*(As introduced in the National Assembly (proposed section 75); explanatory summary of  
Bill published in Government Gazette No.     of     2022)  
(The English text is the official text of the Bill)*

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(DRAFT)  
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(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

## BILL

**To repeal the Sexual Offences Act, 1957; to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act and to provide for matters connected therewith.**

**PARLIAMENT** of the Republic of South Africa enacts, as follows:—

### Repeal of laws

1. (1) The Sexual Offences Act, 1957 (Act No. 23 of 1957) is hereby repealed.
- (2) Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) is hereby repealed.

### **Expungement of criminal records of persons convicted of, engaged in, rendering or receiving sexual services from persons 18 years or older**

2. (1) Where a court has convicted a person of—
  - (a) rendering;
  - (b) engaging; or
  - (c) receiving,sexual services under the provisions of the Sexual Offences Act, 1957 and section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, from a person 18 years or older, the criminal record containing the conviction and sentence in question, of that person in respect of that offence must be expunged automatically by the Criminal Record Centre of the South African Police Service.
- (2) Where the criminal record of a person referred to in subsection (1) has not been expunged automatically as provided for in that subsection, the criminal record of that person must, on their written application to the Director-General of the Department of Justice and Constitutional Development, be expunged in line with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

### **Transitional provisions**

3. All criminal proceedings relating to sexual services rendered or received by persons 18 years or older, which were instituted prior to the commencement of this Act and which are not concluded before the commencement of this Act must be ceased and withdrawn.

### **Short title and commencement**

4. This Act is called the Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2022 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.