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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 412.

4 Maart 1988

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 1 van 1988: Strafwysigingswet, 1988.

No. 412.

4 March 1988

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

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

WET

Om sekere handeling verrig deur persone wie se geestesvermoëns deur die inname of gebruik van sekere stowwe aangetas is, strafbaar te maak; en om voorsiening te maak vir aanleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Februarie 1988.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Handelinge verrig onder invloed van sekere stowwe is strafbaar.

1. (1) Iemand wat enige stof inneem of gebruik wat sy vermoëns om die wederregtelikheid van sy handeling in te sien of om in ooreenstemming met daardie insig te handel, aantast, terwyl hy weet dat daardie stof daardie uitwerking het, en wat terwyl daardie vermoëns aldus aangetas is 'n handeling verrig wat deur die reg op straf verbied word, maar wat nie strafregtelik aanspreeklik is nie omdat sy vermoëns aangetas was soos voormeld, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf, behalwe die doodstraf, wat ten opsigte van die pleging van daardie handeling opgelê kan word.

(2) Indien in enige vervolging weens enige misdryf daar bevind word dat die beskuldigde nie strafregtelik aanspreeklik is vir die ten laste gelegde misdryf nie op grond van die feit dat die vermoëns in subartikel (1) vermeld, aangetas was deur die inname of gebruik van enige stof, kan daardie beskuldigde skuldig bevind word aan 'n oortreding van subartikel (1), indien die getuienis die pleging van sodanige oortreding bewys.

Pleging van misdryf terwyl vermoëns aangetas was kan as verswarende omstandigheid beskou word.

2. Wanneer dit bewys word dat iemand wat aan 'n misdryf skuldig bevind is, se vermoëns as gevolg van die inneem of gebruik van 'n stof aangetas was toe hy die misdryf gepleeg het, kan die hof by die bepaling van 'n gepaste vonnis wat hom opgelê moet word ten opsigte van bedoelde misdryf, die feit dat sy vermoëns aldus aangetas was, as 'n verswarende omstandigheid beskou.

Kort titel.

3. Hierdie Wet heet die Strafregrwysigingswet, 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, Short title.
25 1988.

