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No. 44034

THE PRESIDENCY

No. 1416 23 December 2020

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

Act No. 15 of 2020: Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Act, 2020

DIE PRESIDENSIE

No. 1416 23 Desember 2020

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

Wet No. 15 van 2020: Wysigingswet op Verjaring in Siviele en Strafregtelike Aangeleenthede (Seksuele Misdrywe), 2020

ISSN 1682-5843



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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

(English text signed by the President)
(Assented to 20 December 2020)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Prescription Act, 1969, so as to extend the list of sexual offences in respect of which prescription does not commence to run under certain circumstances regarding a debt that is based on the alleged commission of any of those sexual offences; to amend the Criminal Procedure Act, 1977, so as to extend the list of sexual offences in respect of which a prosecution may be instituted after a period of 20 years has lapsed since the date of the alleged commission of the sexual offence; and to provide for matters connected therewith.

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

Amendment of section 12 of Act 68 of 1969, as amended by section 1 of Act 11 of 1984, section 68 of Act 32 of 2007 and section 48 of Act 7 of 2013

1. Section 12 of the Prescription Act, 1969, is hereby amended by the substitution for subsection (4) of the following subsection: 5

“(4) Prescription shall not commence to run in respect of a debt that is based on the alleged commission of—

(a) **[an alleged sexual offence as contemplated in sections 3, 4, 17, 18(2), 20(1), 23, 24(2) and 26(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007,]** any sexual offence in terms of the common law or a statute; and 10

(b) **[an alleged offence]** offences as provided for in sections 4, 5, 6, [and] 7 and 8(1) and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013, 15
during the time in which the creditor is unable to institute proceedings because of his or her mental or **[psychological condition]** intellectual disability, disorder or incapacity, or because of any other factor that the court deems appropriate.”.

Amendment of section 13 of Act 68 of 1969, as amended by section 11 of Act 139 of 1992 20

2. Section 13 of the Prescription Act, 1969, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) the creditor is a minor or is **[insane]** a person with a mental or intellectual disability, disorder or incapacity, or is affected by any other factor that the