

BECHUANALAND PROTECTORATE.

No. 38 of 1920.

[Promulgated 17th September, 1920.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the "Bechuanaland Protectorate Girls' and Mentally Defective Women's Protection Proclamation, 1920."

Whereas it is expedient to amend the criminal law in force in the Bechuanaland Protectorate relating to the protection of girls under the age of sixteen years and of mentally defective women;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim, and make known as follows:—

1. (1) Every male person who has unlawful carnal connection with a girl under the age of sixteen years or who commits with a girl under that age immoral or indecent acts or who solicits or entices a girl under that age to the commission of such acts shall be guilty of an offence and liable on conviction to imprisonment with or without hard labour for a period not exceeding six years with or without whipping not exceeding twenty-four lashes and with or without a fine not exceeding five hundred pounds in addition to such imprisonment and lashes.

(2) If, upon the trial of any person for the crime of rape, the Court is satisfied that the accused is guilty of an offence under sub-section (1) of this section, but is not satisfied that he is guilty of the crime of rape or of an assault with intent to commit rape, it may acquit the accused of rape and find him guilty of an offence under sub-section (1) and thereupon he shall be liable to the punishments in that sub-section provided.

(3) If upon the trial of any person for the crime of rape or assault with intent to commit rape or for an offence under sub-section (1) of this section insufficient evidence is adduced *aliunde* as to whether or not the complainant is under the age when her consent would be a lawful defence to the act charged against the accused, the Court may decide the question of the complainant's age from her appearance.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court before whom the charge is brought that the girl at the time of the commission of the offence charged was a prostitute, or that the person so charged was at the said time under the age of sixteen years.

Provided further that nothing in this section shall be deemed to alter or impair the law in regard to the crime of rape upon girls who are of or above the age of twelve years and under the age of sixteen years.

2. Every person who

(a) has or attempts to have carnal connection with any female idiot or imbecile under circumstances which do not amount to rape; or

(b) commits or attempts to commit with such a female immoral or indecent acts; or

(c) solicits or entices such a female to the commission of immoral or indecent acts,

shall if it be proved that such person knew that such female was an idiot or imbecile, be guilty of an offence and liable on conviction to the penalties mentioned in section *one*.

3. "Unlawful carnal connection" means, for the purposes of this Proclamation, carnal connection otherwise than between husband and wife.

4. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Girls' and Mentally Defective Women's Protection Proclamation 1920 and shall have force and effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Ninth day of September One thousand Nine hundred and Twenty.

B. C. CARTER,
Brigadier-General,
High Commissioner.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.