

**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 (1) The Sexual Offences Act, 1957 (Act No. 23 of 1957) is hereby repealed.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Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) is hereby repealed.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to the commencement of this Act and which are not concluded before the commencement of this Act must be ceased and withdrawn.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*.