

**Act No. 5
of 1927.**

[Date of commencement—30th September, 1927.*

ACT

To prohibit illicit carnal intercourse between Europeans and natives and other acts in relation thereto.

(Assented to 26th March, 1927.)

(Signed by the Governor-General in Afrikaans.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Penalty on men in case of illicit intercourse between Europeans and natives.

1. Any European male who has illicit carnal intercourse with a native female, and any native male who has illicit carnal intercourse with a European female, in circumstances which do not amount to rape, an attempt to commit rape, indecent assault, or a contravention of section *two* or *four* of the Girls' and Mentally Defective Women's Protection Act, 1916 (Act No. 3 of 1916) shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

Penalty on women in case of illicit intercourse between Europeans and natives.

2. Any native female who permits any European male to have illicit carnal intercourse with her and any European female who permits any native male to have illicit carnal intercourse with her shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding four years.

Procuring.

3. Any person who procures any native female for the purpose of her having illicit carnal intercourse with any European male or who procures any European female for the purpose of her having illicit carnal intercourse with any native male, or in any way assists in bringing about such intercourse shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

Owner or occupier of premises permitting therein offences against this Act.

4. Any owner or occupier of any premises who knowingly permits the use of such premises for the purpose of any offence against any provision of this Act shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

Onus of proving marriage.

5. Whenever in any proceedings under this Act the question is in issue whether any female was married to any male, the onus of proving such marriage shall be upon the accused and in the absence of such proof such female and male shall be deemed to be unmarried.

Contravention of this Act by persons not born in Union.

6. (1) If any person (not having been born in any part of South Africa which has been included in the Union) has been convicted of contravening section *one* or *three* or *four* the Minister of the Interior may by warrant under his hand cause him to be removed from the Union and pending removal to be detained in custody.

(2) Any person so removed shall be deemed to be a prohibited immigrant under the law relating to immigration.

* See section eight of the Act.

**Act No. 5
of 1927.**Interpreta-
tion of
terms.

7. In this Act the expression "illicit carnal intercourse" means carnal intercourse other than between husband and wife and the expression "native" means any member of any aboriginal race or tribe of Africa.

Short title
and com-
mencement.

8. This Act may be cited as the Immorality Act, 1927, and shall come into operation on the thirtieth day of September, 1927.

**Act No. 6
of 1927.**

[Date of commencement—29th March, 1927.*]

ACT

To apply a sum not exceeding ten million one hundred thousand pounds on account of the service of the year ending the thirty-first day of March, 1928.

(Assented to 26th March, 1927.)

(Signed by the Governor-General in Afrikaans.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Exchequer
account
charged with
£7,750,000
on revenue
account and
£2,350,000
on loan
account.

1. On and after the first day of April, 1927, there may be issued out of the Exchequer Account such sums of money, not exceeding in the aggregate the sum of seven million seven hundred and fifty thousand pounds for revenue services and two million three hundred and fifty thousand pounds for loan services as may from time to time be required for the service of the Union for the year ending the thirty-first day of March, 1928, until such time as provision is made therefor by Parliament in an Appropriation Act.

Sums issued
under this
act to be
advances in
anticipation.

2. All sums issued under the provisions of this Act shall be deemed to be advances on account of grants to be made by Parliament in an Appropriation Act for the year ending the thirty-first day of March, 1928, and immediately on the commencement of such Appropriation Act, this Act shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Act, and shall be accounted for in accordance with the provisions thereof:

Provided that no services upon which expenditure has not been incurred during the financial year ending the thirty-first day of March, 1927, or for which there is no statutory authority, shall be deemed to be authorized under this Act.

Short title.

3. This Act may be cited as the Appropriation (Part) Act, 1927.

* The Act was first published in *Gazette Extraordinary* No. 1618 of the 29th March, 1927.