



Amendment of section 1 of Act No. 12 of 2012. 1. Section 1 of the Sexual Offences Act, 2012 is amended by inserting immediately after the definition of "person with mental or disability" the following new definition -

"sexual act" means an act performed with another person for sexual gratification;

Amendment of section 6 of Act No. 12 of 2012. 2. Section 6 of the Sexual Offences Act, 2012 is amended by repealing and replacing that section with the following new section -

"Rape. 6. A person who intentionally commits an act of sexual penetration with another person without the consent of that other person commits the offence of rape and is liable on conviction to a term of imprisonment not less than 15 years or life imprisonment."

Amendment of section 19 of Act No. 12 of 2012. 3. Section 19 of the Sexual Offences Act, 2012 is amended by (a) repealing and replacing that section with the following new section -

"Sexual penetration of a child. 19. Subject to section 24 of the Children and Young Persons Act (Cap 44), a person who engages in an act of sexual penetration with a child commits an offence and is liable on conviction to life imprisonment".

(b) inserting immediately after that section the following new section -

"Aggravated sexual assault. 19. A. (1) A person who, in a sexual manner, coerces or physically forces another person, to engage in any sexual act, including any form of sexual violence, drug facilitated sexual assault, groping or torture, commits the offence of aggravated sexual assault and is liable on conviction to a term of imprisonment not less than 15 years.

(2) Where a person is charged with rape or sexual penetration of a child, he may, if the evidence so warrants, be acquitted of rape or sexual penetration of a child and convicted of aggravated sexual assault although he was not charged with that offence and is liable on conviction to a term of imprisonment not less than 15 years."

Amendment of section 42 of Act No. 12 of 2012. 4. Section 42 of the Sexual Offences Act, 2012 is amended by repealing and replacing that section with the following new section-

"Prosecution of offences. 42. (1) Where the Attorney-General is of the opinion that the findings in any investigation warrants prosecution under this Act, the Attorney-General shall do so in the High Court.

(2) An indictment relating to an offence under this Act shall be preferred without any previous committal for trial and it shall in all respects be deemed to have been preferred pursuant to a consent in been preferred pursuant to a consent in

- writing by a judge granted under subsection (1) of section 136 of the Criminal Procedure Act, (No. 32 of 1965) and shall be proceeded with accordingly.
- (3) On a trial on indictment preferred under this section, an extract of the findings of the police or investigators, signed by the Attorney-General to the effect that a particular person is, or particular persons are implicated in any offence under this Act shall, without more, be sufficient authority for preferring that indictment in respect of such offence as is disclosed in or based on the report of those findings.
- (4) An indictment preferred under this section shall be filed and served on the accused together with the summary of the evidence of the witnesses which the Attorney-General rely on for the proof of the charge contained in that indictment and the names of such witnesses shall be listed on the back of the indictment.
- (5) The Attorney-General may, upon giving to the Registrar of the Court and to the accused a notice of its intention to do

so together with a summary of the evidence to be given by that witness, call as additional witness any person not listed on the back of the indictment who may give necessary or material evidence at the trial of any indictment under this section, whether or not that person gave any evidence during an investigation by the police or investigators.

- (6) The trial of any offence under this Act shall have priority of hearing in the Court over any other indictment except an indictment for treason, murder or other capital offence."

Amendment  
of section 42  
of Act No. 12  
of 2012.

5. Section 42 of the Sexual Offences Act, 2012 is amended by inserting immediately after that section the following new section -

**"Rules of  
Court  
Committee to  
make rules.**

- 42 A. (1) Notwithstanding section 42, the Rules of Court Committee may make rules for regulating the practice and procedure under this Act, including the application of special measures in accordance with section 40."