

Act No. 21
of 1950.

ACT

To amend the Immorality Act, 1927, so as to prohibit illicit carnal intercourse between Europeans and non-Europeans, and to provide for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 1st May, 1950.)

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:—

1. Sections *one*, *two* and *three* of the Immorality Act, 1927 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "native", wherever it occurs, of the word "non-European".

Amendment of sections 1, 2 and 3 of Act 5 of 1927.

2. The following section is hereby inserted in the principal Act after section *two*:

Insertion of section *2bis* in Act 5 of 1927.

2bis. It shall be a sufficient defence to any charge under section *one* or section *two* if it is proved to the satisfaction of the court or jury before whom the charge is brought that the person so charged at the time of the commission of the offence had reasonable cause to believe that the person with whom he or she committed the offence was a European if the person so charged is a European, or a non-European if the person so charged is a non-European."

3. The following section is hereby substituted for section *seven* of the principal Act:

Substitution of section 7 of Act 5 of 1927.

7. In this Act—
(i) 'European' means a person who in appearance obviously is, or who by general acceptance and repute is a European; (i)
(ii) 'illicit carnal intercourse' means carnal intercourse other than between husband and wife; (iii) and
(iii) 'non-European' means a person who in appearance obviously is, or who by general acceptance and repute is a non-European. (ii)."

4. The following section is hereby inserted in the principal Act after section *seven*:

Insertion of section *7bis* in Act 5 of 1927.

7bis. Any person who seems in appearance obviously to be a European or a non-European, as the case may be, shall for the purposes of this Act be deemed to be such, until the contrary is proved."

5. The long title of the principal Act is hereby amended by the substitution for the word "natives", of the word "non-Europeans".

Amendment of long title of Act 5 of 1927.

6. This Act shall be called the Immorality Amendment Act, 1950.

Short title.