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CHAPTER 158

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[1st February, 1955]

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SeyLII subscribes to the principles of the Free Access to Law movement:



- Act 21 of 1978
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- Act 4 of 1979
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PART I - GENERAL PROVISIONS

CHAPTER I

Preliminary

1. This Act may be cited as The Penal Code and hereinafter is referred to as "this Code".

3. Nothing in this Code shall affect -

(a) the liability, trial or punishment of a person for an offence against any law in force in Seychelles other than this Code; or

(b) the liability of a person to be tried or punished for an offence under the provisions of any law in force in Seychelles relating to the jurisdiction of the courts of Seychelles in respect of acts done beyond the ordinary jurisdiction of such courts; or

(c) the power of any court to punish a person for contempt of such court; or

(c) the person non-accidentally touches the other person with the person's sexual organ;

(d) the person penetrates any part of the body orifice of the other person for a sexual purpose.

(3) For the purposes of subsection (1), a victim is dependent upon, or is under the legal authority of a person if the person is the guardian of or has control or custody over or care of the victim or was at the time living in the same household as the victim and was in a position of authority over the victim.

(4) For the purposes of subsection (1) a person is closely related to a victim if the person is the father, mother, brother or half-brother, sister or half-sister, grandfather or grandmother of the victim.

136A. (Repealed by Act 15 of 1996)

137. Any person who does an indecent act –

(a) in the public view;

(b) in a public place in the presence of one or more persons; or

(c) in any place, with intent thereby to insult or offend any person,

is guilty of an offence and liable to imprisonment for five years.

138. Any person who -

(a) procures or attempts to procure any girl or woman under the age of twenty-one years, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either in Seychelles or elsewhere, with any other person or persons; or

(b) procures or attempts to procure any woman or girl to become, either in Seychelles or elsewhere, a common prostitute; or

(c) procures or attempts to procure any woman or girl to leave Seychelles, with intent that she may become an inmate of or frequent a brothel elsewhere; or

(d) procures or attempts to procure any woman or girl to leave her usual place of abode in Seychelles (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Seychelles or elsewhere,

is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

139. Any person who -

(a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful connection, either in Seychelles or elsewhere; or

(b) by false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either in Seychelles or elsewhere; or

(c) applies, administers to, or causes to be taken by

any woman or girl any drug, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

140. (1) Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for five years.

(2) Any person who, being the owner or occupier of premises or having or assisting in the management or control thereof, induces or knowingly suffers any girl not under the age of thirteen years but under the age of fifteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour.

(3) 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 shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fifteen years.

141. Any person who detains any woman or girl against her will -

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

is guilty of a misdemeanour.

When a woman or girl is in or upon any premises the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

142. If it appears to any magistrate, on information made before him on oath by any parent, relative or guardian of any woman or girl or other person who, in the opinion of the magistrate, is acting bona fide in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorising the person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a magistrate; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and -

(a) either is under the age of fifteen years; or

(b) if she is of or over the age of fifteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or

(c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorised by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place mentioned in the warrant, and may remove such woman therefrom.

143. Whoever for purposes of gain -

(a) procures, entices or leads away, for purposes of prostitution, another person (even with the consent of that other person); or

(b) exploits, or is an accessory in, the prostitution of another person (even with the consent of that other person), or the illicit carnal connection of two other persons,

is guilty of a misdemeanour.

144. Whoever -

(a) procures, entices or leads away, for purposes prostitution, another person (even with the consent of that other person); or