

Penal Code (Amendment) Bill 1989

(NAME OF BILL)

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Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
~~(Authorisation from Minister of Finance under s.60 of Constitution)~~

1/8/89 FROM

Attorney General's Chambers

✓ TO

Minister

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO

~~Minister of Finance~~

~~(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)~~

✓ TO

Clerk to National Parliament
(for certificate by Speaker)

Foruwa, 1.8.89

TO

Attorney General's Chambers
(for printing)

✓ TO

Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed *8/8/89* Act No. *5/89*)

✓ TO

Attorney General's Chambers
(for checking before Assent)

7/9/89

✓ TO

Governor-General
(for Assent)

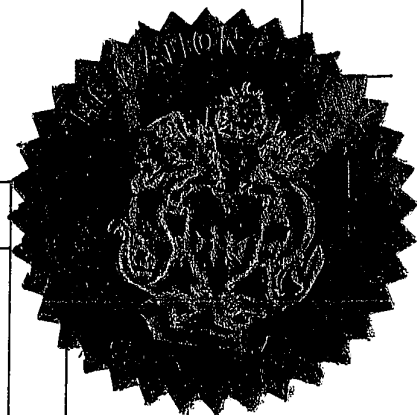
7/9/89

255 Hg.

TO

Clerk to National Parliament
(for distribution)

1 copy Attorney General's Chambers
1 copy Ministry
1 copy Parliament Office
1 copy Registrar of the High Court



PENAL CODE (AMENDMENT) ACT 1989

(NO. 5 OF 1989)



PENAL CODE (AMENDMENT) ACT 1989

(NO. 5 OF 1989)

Passed by the National Parliament this eighth day of August 1989.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

J. M. Tuhaiaka
J.M. Tuhaiaka
Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this seventh day of September 1989.

G. G. D. Lepping
G.G.D. Lepping
Governor-General

Date of commencement: date of publication in the Gazette.

AN ACT to amend the Penal Code.

ENACTED by the National Parliament of Solomon Islands.

Short
title.

Amendment
of Cap.5.

1. This Act may be cited as the Penal Code (Amendment) Act, 1989.

2. The Penal Code is amended in the manner set out in the Schedule hereto -

SCHEDULE

(1) Section 19 -

Omit the section, insert the following -

“Compulsion
by spouse.

19. A married person is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of that person's spouse; but on a charge against a married person for any offence other than treason or murder, it shall be a good defence to prove that the offence was committed in the presence of and under the coercion of that person's spouse.”.

(2) Section 145 -

Omit the section, insert instead the following -

“Living on
earnings of
prostitution
or aiding
prostitution.

145. (1) Any person who -

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any public place persistently solicits or importunes for immoral purposes; or
- (c) for the purpose of gain exercises control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling her prostitution with any other person or generally,

shall be guilty of a misdemeanour.

(2) For the purposes of subsection (1)(a), a person who is proved to be living with or to be habitually in the company of a prostitute shall, unless that person satisfies the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.”.

(3) Section 146 -
Omit the section.

(4) Section 148 -
Omit subsection (2).

(5) Section 155 -
(a) Omit the word ‘male’ wherever the word appears in the section;
(b) after the word ‘him’, insert the words ‘or her’;
(c) after the word ‘himself’, insert the words ‘or herself’.

(6) Section 379 -
Omit all those words commencing with the words ‘A wife does not become an accessory’, insert instead the following -

“A person does not become an accessory after the fact of an offence of which the person’s spouse is guilty by receiving or assisting the spouse in order to enable the spouse to escape punishment; or by receiving or assisting in the spouse’s presence and by the spouse’s authority another person who is guilty of an offence in the commission of which the spouse has taken part in order to enable that other person to escape punishment.”.

[illegible]