

Supreme Court of Appeal of South Africa

**MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 13 June 2012

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

**Director of Public Prosecutions Western Cape (Minister of Justice and Constitutional Affairs & two *amici curiae* intervening) v Prins**

The SCA today overturned the decision by the Western Cape High Court that held that criminal charges could not be successfully pursued and prosecuted in respect of sexual offences under the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, because of the absence of penalty provisions in that Act. The SCA held that the penalty provisions in section 276 (1) of the Criminal Procedure Act empower courts to impose sentences upon people convicted of sexual offences under the Sexual Offences Act and the fact that the Act itself does not contain penalty provisions does not justify the quashing of charges laid under the Act. The court held that the constitutional principle of legality as summed up in the Latin maxim *nulla poena sine lege* ( no penalty without law) is satisfied by reference to the sentencing powers enjoyed by all courts under the Criminal Procedure Act.