Criminal Procedure *Handbook*

By JJ Joubert (ed)
Cape Town: Juta Law
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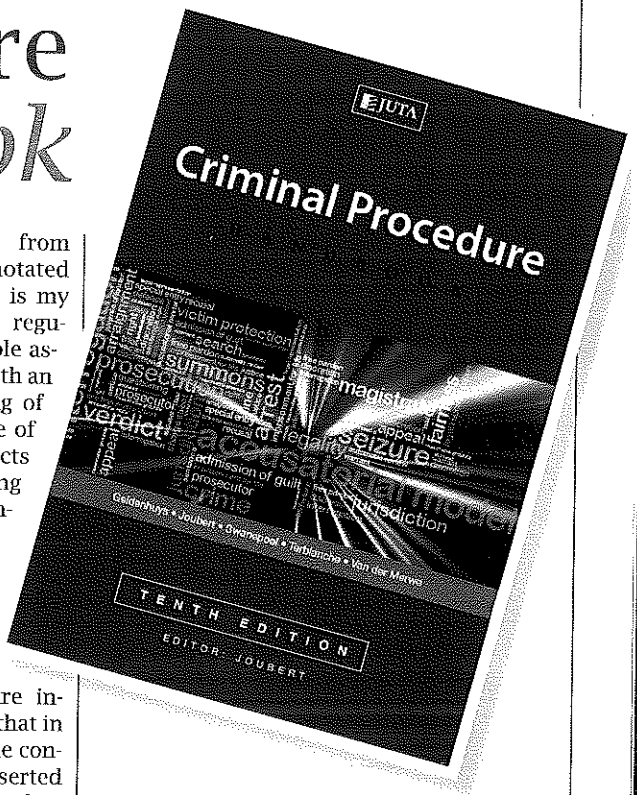

The Criminal Procedure Act 51 of 1977 (CPA) has always been at the core of procedure in criminal litigation. This Act is once more pertinently the focus of discussion and criticism in this handbook. The present Act and its precursors have through the years been a source of considerable controversy and litigation. The increased demand in South Africa to reduce crime once again underlines the need for continued research on legislation that deals more or less exclusively with this issue and the procedure associated therewith. New case law, dealt with in detail in this book, has considerably extended the sphere of application of criminal law and procedure. No less a personage than the Minister of Justice and Constitutional Development (and also the National Commissioner of Police) has on numerous occasions in the media referred to the CPA as 'rather difficult' and 'intricate' legislation. Most, if not all, legal practitioners will agree with such statements. This fact is also attested to by the numerous judicial decisions that have been handed down in the years that have elapsed since the previous editions of the handbook under review and the legal articles published in recent years.

Both practitioners and students (and even laymen) can, therefore, be grateful for the appearance of this new edition at such an opportune time. Although I prefer the exposition method adopted by some other books, which avoids the repetition, continual cross-reference and multitudinous quotations from judgments of the apparently annotated statute approach of this book, it is my opinion, nevertheless, that, used regularly, this book will be of invaluable assistance in providing the reader with an insight into and an understanding of the workings, purposes and scope of criminal procedure. In many respects the previous editions (the first being published in 1994) are complementary to this latest edition.

The 10th edition deals with the CPA and legal developments, as far as case law and statutory amendments are concerned, up to March 2011.

Various valuable appendices are included in the book. An innovation that in my opinion needs mentioning is the concise references that have been inserted on the Bill of Rights in appropriate places in the material based on the CPA. Sections of the Constitution dealt with are reproduced after the index to each chapter, with mention of the subdivision of the chapter where each section appears. Such selected sections of the Constitution are included by way of an appendix at the end of the book; also supplied is a list of the sections of the CPA that are dealt with in the text, the relevant page being indicated.

The book consists of two parts, part one covering selected general principles of the law of criminal procedure and part two dealing with the criminal process. Part two is divided up to cover four phases, namely the pre-trial criminal procedure, the trial phase, the sentencing phase and the post-verdict and post-sentencing stage.

The book introduces readers to the fundamental principles and values underlying this specialised field of law and can be used as a systematic guide through the rules of procedure that apply in criminal cases. The authors responsible for the various chapters are all experienced lawyers in the field of criminal litigation and have all written extensively on topics covered in the book. The intrinsic merit and worth of the book need no elaboration. I have tried my best to think of aspects that might enhance future editions, but to no avail. No printing errors immediately caught my eye.

One final comment: It can be said that after the ten editions that have appeared over a period of 17 years this book has been one of the basic works about modern criminal litigation, a work on which many of us under the age of 40 have cut our eye-teeth. I therefore approached the task of reviewing it with a sense of veneration. This book will undoubtedly continue to be of great value to legal practitioners, students and law teachers for many years to come.

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