

REPUBLIC OF SOUTH AFRICA

CRIMINAL PROCEDURE AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. of 2012)
(The English text is the official text of the Bill)*

(MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

[B—2012]

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments
- _____ Words underlined with a solid line indicate insertions in existing enactments
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BILL

To amend the Criminal Procedure Act, 1977, so as to to further regulate applications for condonation, leave to appeal and further evidence; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 316 of Act 51 of 1977, as substituted by section 5 of Act 42 of 2003 and as amended by section 16 of Act 66 of 2008 and section 99 of Act 75 of 2008

1. Section 316 of the Criminal Procedure Act, 1977, is hereby amended—
 - (a) by the addition to subsection (10) of the following proviso:

“: Provided that—

 - (i) if the accused was legally represented at the trial;
 - (ii) if the accused and the prosecuting authority agree thereto;

(iii) if the prospective appeal is against the sentence only; or

(iv) if the petition relates solely to an application for condonation,

a copy of the judgment, which includes the reasons for conviction and

sentence, shall, subject to subsection (12)(a), suffice for the purposes

of the petition.”; and

(b) by the deletion in subsection (12) of the word “or” at the end of paragraph (a), the insertion in that subsection of the word “or” at the end of paragraph (b) and the addition to that subsection of the following paragraph:

“(c) call for a copy of the record of the proceedings if it was not

submitted in terms of subsection (10)(c).”.

Short title and commencement

2. This Act is called the Criminal Procedure Amendment Act, 2012, and is deemed to have come into operation on 10 September 2010.