

EDITORIAL NOTE TO REVISION SERVICE 52, 2014

1. Revision Service 52, 2014 brings *Commentary* up to date as at the end of January 2014. Where possible, subsequent case law has been added.
2. New cases referred to in this Revision Service and those listed in the previous Supplementary Table of Cases, have been consolidated into the Table of Cases.
3. Subscribers may wish to note that the **Judicial Matters Amendment Act 42 of 2013** came into operation on 22 January 2014. See *GG 37254* of 22 January 2014. The main effects of Act 42 of 2013 on the Criminal Procedure Act are as follows:
 - 3.1 Sections 309(1)(a) and 309B(1)(a) have been amended to restore the automatic right of appeal of all persons sentenced by a regional court to life imprisonment under s 51(1) of the Criminal Law Amendment Act 105 of 1997. See ss 10 and 11 of Act 42 of 2013. However, ss 10 and 11 of Act 42 of 2013 are—in terms of s 43(2) of the same Act—deemed to have come into operation on 1 April 2010. This **retrospective operation** given to the amended s 309(1)(a) and s 309B(1)(a) was necessary to render meaningless all those decisions where it was held that the afore-mentioned automatic right of appeal ceased to exist on the day the Child Justice Act 75 of 2008 came into operation, that is, 10 April 2010. Such cases were *S v Chake* 2014 (1) SACR 177 (SCA) and *S v Alam* 2011 (2) SACR 553 (WCC). As far as the automatic right of appeal of children is concerned, see the commentary on s 309B, sv ‘Section 309B(1)(a) and s 84 of the Child Justice Act 75 of 2008’.
 - 3.2 Act 42 of 2013 amended ss 271B and 271C of the Criminal Procedure Act and inserted two new sections: s 271DA and 271DB. These amendments and new sections regulate the expungement of certain criminal records.
 - 3.3 Act 42 of 2013 also effected certain textual corrections to the following sections of the Criminal Procedure Act: 38, 73, 276A and 309D.
4. It should be noted that the whole of the Supreme Court Act 59 of 1959 was repealed by s 55 of the Superior Courts Act 10 of 2013, with effect from 23 August 2013. See *GG 36743* of 12 August 2013 as read with Proc R36 in *GG 36774*. However, given the transitional arrangements in s 52 as read with s 27 of Act 10 of 2013, it remains necessary for purposes of *Commentary* to retain—for the time being—certain provisions of Act 59 of 1959. See also the commentary on s 309, sv ‘Appeals: Selected provisions of the Superior Courts Act of 2013 (with effect from 23 August 2013)’.
5. My co-authors and I wish to thank Dr Andra le Roux-Kemp for her research support and commentary on s 337 of Act 51 of 1977.
6. Prof Gerhard Kemp (Law Faculty, University of Stellenbosch) is, in addition to his commentary on ss 49 and 342A, the author responsible for ‘International and Transnational Criminal Procedure’. See Appendix B in the Supplementary binder of *Commentary*. His contribution is gratefully acknowledged.
7. For purposes of this Revision Service, the authors of *Commentary* took responsibility for the chapters indicated in brackets:
 - Frederick de Jager (Chapters 2, 4–7, 10, 12, 14, 16, 21, 25 and 30–33)
 - Andrew Paizes (Chapters 22–24)
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