

REPUBLIC OF SOUTH AFRICA

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**CRIMINAL PROCEDURE AMENDMENT BILL**

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(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

**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 extend the list of offences where a prosecution may be instituted after a period of 20 years has lapsed since the date of the alleged commission of an offence; and to provide for matters connected therewith.**

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**PARLIAMENT** of the Republic of South Africa enacts, as follows:—

**Amendment of section 18 of Act 51 of 1977, as substituted by section 27 of Act 105 of 1997, amended by section 39 of Act 27 of 2002, substituted by section 68 of Act 32 of 2007, section 48 of Act 7 of 2013 and section 8 of Act 8 of 2017**

1. Section 18 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for section 18 of the following section:

“**18.** The right to institute a prosecution for any offence, other than **[the offences of]**—

- (a) murder;
- (b) treason committed when the Republic is in a state of war;
- (c) robbery, if aggravating circumstances were present;
- (d) kidnapping;
- (e) child-stealing;
- (f) **[rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively] any sexual offence in terms of the common law or statute;**
- (g) genocide, crimes against humanity and war crimes, as contemplated in section 4 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002;
- (h) any contravention of section 4, 5 or 7 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013);
- (hA) trafficking in persons for sexual purposes by a person as contemplated in section 71(1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; or

**[(i) using a child or person who is mentally disabled for pornographic purposes as contemplated in sections 20(1) and 26(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; or (j)] (i) torture as contemplated in section 4(1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013 (Act No. 13 of 2013), shall, unless some other period is expressly provided for by law, lapse after the expiration of a period of 20 years from the time when the offence was committed.”.**

**Short title**

**2.** This Act is called the Criminal Procedure Amendment Act, 20XX.