

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**CRIMINAL AND RELATED
MATTERS AMENDMENT BILL**

[B 17—2020]

*(As agreed to by the Portfolio Committee on Justice and Correctional Services
(National Assembly))*

[B 17A—2020]

ISBN 978-1-4850-0705-0

No. of copies printed 350

AMENDMENTS AGREED TO

CRIMINAL AND RELATED MATTERS AMENDMENT BILL [B 17—2020]

CLAUSE 1

1. On page 3, in line 3, after “**51A**” to insert “(1)”.
2. On page 3, from line 41, to omit subsection (5) and to substitute:

“(5) (a) A court must provide reasons for refusing any application for the appointment of an intermediary, immediately upon refusal, which reasons must be entered into the record of the proceedings.

(b) A court may, on application by a party affected by the refusal contemplated in paragraph (a), and if it is satisfied that there is a material change in respect of any fact or circumstance that influenced that refusal, review its decision.”.

CLAUSE 4

1. On page 7, in line 44, after “bail” to insert “or placed under correctional supervision, day parole, parole or medical parole as contemplated in section 73 of the Correctional Services Act, 1998”.

CLAUSE 8

1. On page 11, from line 32, to omit subsection (7) and to substitute:

“(7) (a) The court [shall] must provide reasons for refusing any application or request by the public prosecutor or a witness referred to in subsection (1), for the appointment of an intermediary, [in respect of a child below the age of 14 years,] immediately upon refusal, [and such] which reasons [shall] must be entered into the record of the proceedings.

(b) A court may, on application by the public prosecutor and if it is satisfied that there is a material change in respect of any fact or circumstance that influenced the refusal contemplated in paragraph (a), review its decision.”.

CLAUSE 10

1. On page 13, from line 18, to omit clause 10 and to substitute:

10. The following section is hereby substituted for section 316B of the Criminal Procedure Act, 1977:

“Appeal by [attorney-general] National Director against sentence of superior court

316B (1) Subject to subsection (2), the [attorney-general] National Director of Public Prosecutions may, in circumstances, where a grave failure of justice would otherwise result or the

administration of justice may be brought into disrepute, appeal to the **[Appellate Division]** Supreme Court of Appeal against a sentence imposed upon an accused **[in a criminal case]** by a **[superior court]** High Court sitting as a court of appeal in terms of section 310A or as a trial court.

(2) The provisions of section 316 in respect of an application or appeal referred to in that section by an accused, shall apply *mutatis mutandis* with reference to a case in which the **[attorney-general]** National Director of Public Prosecutions appeals in terms of subsection (1) of this section.

(3) Upon an appeal in terms of subsection (1) or an application referred to in subsection (2), brought by the **[attorney-general]** National Director of Public Prosecutions, the court may order that the State pay the accused concerned the whole or any part of the costs to which the accused may have been put in opposing the appeal or application, taxed according to the scale in civil cases of that court.”.

CLAUSE 15

1. On page 15, after line 9, to insert the following paragraph:

“(b) by the insertion of the following offence:

“Attempted murder, in circumstances referred to in paragraphs (a) to (g) of the offence of ‘murder’.”.

2. On page 15, in line 10, to omit the first “(b)” and to substitute “(c)”.
3. On page 16, in line 7, to omit the first “(c)” and to substitute “(d)”.

CLAUSE 16

1. On page 17, in line 8, after “murder” to insert “in circumstances other than those referred to in Part I”.

CLAUSE 18

1. On page 18, from line 32, to omit subsection (5) and to substitute:

“(5) (a) A court must provide reasons for refusing any application for the appointment of an intermediary, immediately upon refusal, which reasons must be entered into the record of the proceedings.

(b) A court may, on application by a party affected by the refusal contemplated in paragraph (a), and if it is satisfied that there is a material change in respect of any fact or circumstance that influenced that refusal, review its decision.”.

Printed by Creda Communications

ISBN 978-1-4850-0705-0