

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**PREVENTION AND COMBATING
OF HATE CRIMES AND HATE
SPEECH BILL**

[B 9B—2018]

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

[B 9C—2018]

ISBN 978-1-4850-0936-8

No. of copies printed 150

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PREVENTION AND COMBATING OF HATE CRIMES AND HATE
SPEECH BILL
[B 9B—2018]

CLAUSE 1

1. On page 3, in line 14, to delete “nationality, migrant or refugee status or asylum seekers;”, and to insert the following:
“nationality, migrant, refugee or asylum seeker status;”.
2. On page 3, in line 27, to delete “an”.
3. On page 4, in lines 1 to 5, to delete the definitions of “court” and “Criminal Procedure Act”
4. On page 4, in lines 9 to 11, to delete the definition of “Director of Public Prosecutions”.
5. On page 4, in line 21, to delete “nationality, migrant or refugee status or asylum seekers;”, and to insert the following:
“nationality, migrant, refugee or asylum seeker status;”.
6. On page 4, in lines 32 to 34, to delete the definition of “National Director of Public Prosecutions”.

CLAUSE 3

1. On page 5, in line 3, after “a” to insert “person with one or more characteristics or a”.

CLAUSE 5

1. On page 5, in lines 49 to 51, to delete the following:
“, when adducing evidence or addressing the court on sentence in respect of an offence under this Act, consider the interests of a victim of the offence and the impact of the offence on the victim and”.
2. On page 5, in line 55, after “statement” to insert the following:
“: Provided that a prosecutor may obtain a victim impact statement from—
 - (i) someone, in the event of the victim’s death, authorised by a family member of the victim or a group of persons with whom the victim associated or supported; or
 - (ii) an organisation or institution with expert knowledge or experience of the group to which the victim belongs or is perceived to belong.”.

CLAUSE 6

1. On page 6, in line 24, to delete “eight”, and to insert “five”.

CLAUSE 7

1. On page 7, in line 6, after “that” to delete “as many”.
2. On page 7, in line 6, after “prosecutors” to delete “as possible”.

CLAUSE 8

1. On page 7, in line 12, to delete “and”.
2. On page 7, in line 15, after “Authority,” to insert the following:
 “and
 (c) prescribe the information that must be collected and collated
 by the clerks of the court and Registrars of the High Court,”.
3. On page 7, in lines 16 and 17, to delete “and to provide quantitative and qualitative data,”.

Printed by Creda Communications

ISBN 978-1-4850-0936-8