
 GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 865

07 AUGUST 2020

PUBLICATION OF EXPLANATORY SUMMARIES OF THE—
*** CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT**
AMENDMENT BILL, 2020,
*** DOMESTIC VIOLENCE AMENDMENT BILL, 2020,**
*** CRIMINAL AND RELATED MATTERS AMENDMENT BILL, 2020,**
*** CANNABIS FOR PRIVATE PURPOSES BILL, 2020**

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2020, the Domestic Violence Amendment Bill, 2020, the Criminal and Related Matters Amendment Bill, 2020, and the Cannabis for Private Purposes Bill, 2020, in the National Assembly shortly.

2.1 The explanatory summaries of the Bills are hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

2.2 Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2020:

The Amendment Bill aims to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), so as to extend the ambit of the offence of incest, introduce a new offence of sexual intimidation and to further regulate the reporting duty of persons who are aware that sexual offences have been committed against children. The Bill also aims to amend the Act by further regulating the inclusion of particulars of persons in the National Register for Sex Offenders, making provision for certain particulars of persons who have been convicted of sexual offences to be made publicly available, extending the list of persons who are to be protected in terms of Chapter 6 of the Act, further regulating the removal of particulars of persons from the National Register for Sex Offenders and providing for matters connected therewith.

2.3 Domestic Violence Amendment Bill, 2020:

The Amendment Bill aims to amend the Domestic Violence Act, 1998 (Act No. 116 of 1998), so as to further facilitate the obtaining of protection orders against acts of domestic violence and to impose obligations on relevant functionaries in the Department of Social Development and the Department of Health to provide certain services to victims of domestic violence. The Bill also aims to align the provisions of the Domestic Violence Act, 1998, with the provisions of the Protection from Harassment Act, 2011 (Act No. 17 of 2011), and to provide for matters connected therewith.

2.4 Criminal and Related Matters Amendment Bill, 2020:

The Amendment Bill aims to amend a number of Acts, namely, the—

- (i) Magistrates' Courts Act, 1944 (Act No. 32 of 1944), so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings, the oath and competency of intermediaries and the giving of evidence through audiovisual link in proceedings other than criminal proceedings;
- (ii) Criminal Procedure Act, 1977 (Act No. 51 of 1977), so as to further regulate the granting and cancellation of bail, the giving of evidence by means of closed circuit television or similar electronic media, the giving of evidence by a witness with physical, psychological or

- mental disability, the appointment, oath and competency of intermediaries and the right of a complainant in a domestic related offence to participate in parole proceedings;
- (iii) Criminal Law Amendment Act, 1997 (Act No. 105 of 1997), so as to further regulate sentences in respect of offences that have been committed against vulnerable persons; and
 - (iv) Superior Courts Act, 2013 (Act No. 10 of 2013), so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings, the oath and competency of intermediaries and evidence through audiovisual link in proceedings other than criminal proceedings, and to provide for matters connected therewith.

2.5 Cannabis for Private Purposes Bill, 2020

The Bill aims to—

- (i) respect the right to privacy of an adult person to possess cannabis plant cultivation material; to cultivate a prescribed quantity of cannabis plants; to possess a prescribed quantity of cannabis; and to consume cannabis;
- (ii) regulate the possession of cannabis plant cultivation material; the cultivation of cannabis plants; the possession of cannabis; and the consumption of cannabis by an adult person;
- (iii) protect adults and children against the harms of cannabis;
- (iv) provide for the expungement of criminal records of persons convicted of possession or use of cannabis; and
- (v) delete and amend provisions of certain laws, and to provide for matters connected therewith.

3. Copies of the Bills can be found on the websites of the Department and Parliamentary Monitoring Group at <http://www.justice.gov.za> and <http://www.pmg.org.za> and may also be obtained, after introduction, from the Government Printers: Cape Town (Telephone number: 021 – 465 7531).