
(English text signed by the President)
(Assented to 16 September 2023)

ACT

To repeal the Transkeian Penal Code, 1983; to extend the application of certain laws to the area formerly known as the Republic of Transkei; to provide for transitional arrangements; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise, “**Code**” means the Transkeian Penal Code, 1983 (Act No. 9 of 1983), of the Republic of Transkei. 5

Repeal of Code

2. The Code is hereby repealed.

Reinstatement of common law

3. The common law and rules which by virtue of the Code did not apply in the area formerly known as the Republic of Transkei, must, from the date of commencement of this Act, also apply in the area formerly known as the Republic of Transkei. 10

Transitional provisions

4. (1) Any proceedings which prior to the commencement of this Act were instituted in terms of the provisions of the Code and which proceedings have not been concluded before the commencement of this Act, must continue and be concluded in every respect as if this Act had not been passed. 15

(2) An investigation, prosecution or other legal proceedings, in respect of conduct which would have constituted an offence in terms of the Code, and which occurred after the commencement of the Code but before the commencement of this Act, may be concluded, instituted and continued as if this Act had not been passed. 20

(3) Notwithstanding the repeal or amendment of any provision of any law by this Act, such provision must, for the purpose of the disposal of any investigation, prosecution or any proceedings contemplated in subsection (1) or (2), remain in force as if such provision had not been repealed or amended.

Savings**5.** (1) Nothing in this Act affects—

- (a) the exercise of any power in terms of the Code or any right, privilege, obligation or liability acquired, accrued or incurred in terms of the Code;
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed in terms of the provisions of the Code; and 5
- (c) any appointment to any office made in terms of the Code, if a corresponding law in operation in the rest of the Republic of South Africa also provides for such appointment, and anything done in connection with or by virtue of any such appointment, is deemed to have been done in terms of such corresponding law. 10

(2) As from the commencement of this Act, any provision of the Code which confers a power, jurisdiction or right, imposes a duty or entrusts a function to the holder of an office, a body, an institution or any other authority appointed or established in terms of the Code, such power, jurisdiction or right must be exercised and such duty or function must be performed by the holder of a corresponding office, or a corresponding body, institution or authority appointed or established for the purpose of exercising a corresponding power, jurisdiction or right, or performing a corresponding duty or function, in terms of a corresponding law in operation in the Republic of South Africa. 15

(3) Any reference in a law in operation in the area formerly known as the Republic of Transkei to a duty, function, power, procedure, process, provision or any other act in terms of the Code which, when the operation of the Code is repealed by this Act, must be construed as a reference to a duty, function, power, procedure, process, provision or act in terms of a corresponding law in operation in the Republic of South Africa. 20

Short title

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6. This Act is called the Repeal of the Transkeian Penal Code Act, 2023, and takes effect on a date fixed by the President by proclamation in the *Gazette*.