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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7067

2 February 2026

### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT INVITATION FOR PUBLIC COMMENTS ON THE DRAFT CANNABIS REGULATIONS

#### 1. INVITATION

- 1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the draft Regulations under the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024) (the Act).
- 1.2 The draft Regulations are issued in terms of section 6 of the Act, and are available on the website of the Department at:  
<https://www.justice.gov.za/legislation/invitations/invites.htm>

#### 2. COMMENTS

- 2.1 The comments must be submitted not later than **Thursday, 5 March 2026**, marked for the attention of **Mr M Mokulubete**, and—
  - (a) if they are forwarded by post, be addressed to—  
**The Department of Justice and Constitutional Development  
Private Bag X81, Pretoria, 0001**
  - (b) if they are delivered by hand, be delivered at—  
**The Department of Justice and Constitutional Development  
Momentum Centre, Room E1431, 239 Pretorius Street, Pretoria**
  - (c) if they are delivered by email, be emailed to [MMokulubete@justice.gov.za](mailto:MMokulubete@justice.gov.za).
- 2.2 For more information, please contact Mr M Mokulubete on **012 406 4753 / 084 842 5780**

## **GOVERNMENT NOTICE**

### **DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**No. R.**

**2025**

#### **CANNABIS FOR PRIVATE PURPOSES ACT, 2024**

#### **CANNABIS FOR PRIVATE PURPOSES REGULATIONS, 2025**

The Minister of Justice and Constitutional Development has, in terms of section 6 of the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024), made the regulations in the Schedule hereto.

### **SCHEDULE**

#### **ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Maximum amount of cannabis for possession in private or public place
3. Maximum number of cannabis plants for cultivation in private
4. Maximum amount of cannabis for transportation
5. Conditions, restrictions, prohibitions, obligations, requirements or standards regarding transportation of cannabis
6. Conditions, restrictions, prohibitions, obligations, requirements or standards regarding passenger in vehicle transporting cannabis
7. Application for expungement of criminal record
8. Certificate of expungement of criminal record
9. Manner of submission of certificate of expungement of criminal record
10. Expungement of criminal records by Criminal Record Centre of South African Police Service
12. Short title

### **ANNEXURE**

Form 1: Application for expungement of criminal record

Form 2: Certificate of expungement of criminal record

**Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

**'applicant'** means a person who applies for expungement of a criminal record in terms of regulation 8;

**'cannabis plant'** means a plant of the genus *Cannabis* of which the flowering or fruiting tops have not been removed from the plant, but excludes hemp;

**'day'** means any calendar day, including Saturday, Sunday and a public holiday;

**'Department'** means the Department of Justice and Constitutional Development;

**'hemp'** means a plant of the genus *Cannabis* which—

(a) has a concentration of trans-delta-9-tetrahydrocannabinol in the leaves and flowering heads of not more than a percentage as may be prescribed in terms of; and

(b) is cultivated under the authority of,

a law that regulates its cultivation;

**'the Act'** means the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024); and

**'working day'** means any day of the week, excluding Saturday, Sunday and a public holiday.

**Maximum amount of cannabis for possession in private or public place (section 4(4))**

2. (1) The amount of cannabis that may be possessed by an adult person in a private place for private purpose may not exceed 750 grams at any given time during the course of a single day.

(2) The amount of cannabis that an adult person may possess in a public place for private purpose may not exceed 750 grams at any given time during the course of a single day.

**Maximum number of cannabis plants for cultivation in private (section 4(5))**

3. The number of cannabis plants that an adult person may cultivate in a private place for private purpose may not exceed 5 cannabis plants at any given time, regardless of the size, shape or strain of the cannabis plant.

**Maximum amount of cannabis for transportation (section 4(8)(a))**

4. The amount of cannabis, including cannabis that has not been removed from the cannabis plant, that an adult person may transport for private purpose may not cumulatively exceed 750 grams at any given time during the course of a single day.

**Conditions, restrictions, prohibitions, obligations, requirements or standards regarding transportation of cannabis (section 6(1)(b))**

5. (1) The conditions applicable to a person transporting cannabis are that—

- (a) the cannabis being transported must be concealed from public view during transportation by ensuring that the cannabis is placed in the boot, trunk or at the back or in the enclosed storage compartment of the transporting vehicle;
- (b) if it is not possible to transport the cannabis in the boot, trunk or at the back or in the enclosed storage compartment of the transporting vehicle, the cannabis may be transported in a storage container: Provided that the structure of the container ensures that the cannabis is concealed from public view; and
- (c) if the storage compartment of the transporting vehicle is not fully enclosable, the cannabis must be covered to ensure that it is completely concealed from public view.

(2) The transportation of cannabis from one place to another is restricted to the amount of cannabis prescribed under regulation 2(2).

(3) The prohibitions applicable to a person transporting cannabis are that such person may not—

- (a) mix cannabis or possess cannabis that is mixed with any other substance that is transported on a public road;
- (b) in any way handle, hold, examine or inspect the cannabis being transported, while transporting such cannabis; and
- (c) reveal to other people who are not passengers, that the vehicle is transporting cannabis.

(4) The obligations applicable to a person transporting cannabis are that—

- (a) the driver of a vehicle must notify any passenger in the vehicle in question that the driver is carrying cannabis before such passenger enters into the vehicle in question; and
- (b) if notified by a passenger that the said passenger is carrying cannabis onto the vehicle, the driver of the vehicle must verify if the cannabis is of an amount permitted in regulation 2(2).

(5) The requirements relating to a person transporting cannabis are that—

- (a) the cannabis being transported must be concealed from the public view at the time of being brought onto the transporting vehicle and after being so loaded onto the vehicle, regardless of the amount of cannabis being brought onto the vehicle; and
- (b) the driver may refuse entry into the transporting vehicle when a passenger refuses the inspection of the cannabis brought onto the said vehicle.

(6) The standard relating to a person transporting cannabis is that only the variety or strain of cannabis permissible by any applicable law in the Republic may be transported in that vehicle.

**Conditions, restrictions, prohibitions, obligations, requirements or standards regarding passenger in vehicle transporting cannabis (section 6(1)(b))**

6. (1) The conditions applicable to a passenger in a vehicle transporting cannabis are that the cannabis in the possession of a passenger of a vehicle must be kept in the bag or luggage of that passenger or placed in the boot, trunk or at the back or in the enclosed storage compartment of the transporting vehicle and concealed from public view.

(2) The restrictions applicable to a passenger in a vehicle transporting cannabis are that the cannabis possessed by a passenger must—

- (a) be of quantities permissible in terms of regulation 4; and
- (b) not be readily accessible to any other passenger in the vehicle in question.

(3) The prohibitions applicable to a passenger in a vehicle transporting cannabis are that such passenger may not—

- (a) mix cannabis or possess cannabis that is mixed with any other substance that is transported on a public road;
- (b) in any way handle, hold, examine or inspect the cannabis being transported on a public road; and
- (c) reveal to other people inside or outside the vehicle on a public road that the vehicle is transporting cannabis.

(4) The obligations applicable to a passenger in a vehicle transporting cannabis are that such a passenger—

- (a) may carry into a vehicle an amount of cannabis that is authorised for transportation in a vehicle; and
- (b) must notify the driver of the vehicle in question that they are carrying cannabis before getting in the vehicle in question.

(5) The requirements relating to a passenger in a vehicle transporting cannabis are that—

- (a) the cannabis being transported must be concealed from the public view at the time of loading onto the vehicle and after being so loaded onto the vehicle, regardless of the amount of cannabis being loaded; and
- (b) the passenger may refuse to enter into the vehicle when the driver of that vehicle is transporting cannabis in that vehicle in excess of the prescribed limits.

(6) The standard relating to a passenger in a vehicle transporting cannabis is that only the variety or strain of cannabis permissible by any applicable law in the Republic may be possessed by a passenger in a vehicle.

**Application for expungement of criminal record (section 5(1)(b) and (2)(a))**

7. (1) An application for expungement of a criminal record in terms of section 5(1)(b) or (2)(a) of the Act must be on a form that corresponds substantially with Form 1 of the Annexure.

(2) The applicant must deliver the original application for expungement of a criminal record by hand or post to the physical or postal address of the Department.

(3) An official of the Department who is assigned to deal with the expungement of criminal records may request further information from the applicant in writing, if the information in Form 1 is inadequate or not clear.

#### **Certificate of expungement of criminal record (section 5(1)(c) and (2)(b))**

8. The certificate of expungement of a criminal record issued by the Director-General in terms of section 5(1)(c) or (2)(b) of the Act must be on a form that corresponds substantially with Form 2 of the Annexure.

#### **Manner of submission of certificate of expungement of criminal record (section 5(1)(d) and (2)(c))**

9. (1) The Director-General must, within 14 working days after the certificate of expungement of a criminal record has been issued in terms of section 5 of the Act, submit that certificate to the Criminal Record Centre of the South African Police Service by hand or electronically.

(2) The Director-General must, within 14 working days after the applicant's application is declined by the Director-General, inform the applicant in writing of such decision, together with the reasons for the refusal.

#### **Expungement of criminal records by Criminal Record Centre of South African Police Service (section 5(3))**

10. (1) The Criminal Record Centre of the South African Police Service must, within 21 working days after receipt of the certificate of expungement inform the applicant in writing by post or electronically that the applicant's criminal record in respect of the specific offence or conviction is expunged.

(2) The applicant or the person authorised by the applicant to do so may collect the certificate from the Criminal Record Centre of the South African Police Service during the office hours of that Criminal Record Centre.

#### **Short title**

11. These Regulations are called the Cannabis for Private Purposes Regulations, 2025.

**ANNEXURE****Form 1****Application for expungement of criminal record**

[Regulation 7(1)]

SECTION 5(1)(b) and 5(2)(a) OF THE CANNABIS FOR PRIVATE PURPOSES ACT, 2024 (Act No. 7 of 2024)  
(the Act)**PART I****GENERAL INFORMATION***(To be completed by a person who has been convicted of certain cannabis related offences in terms of legislation prior to commencement of the Act)***Who may apply for the expungement of a criminal record:****A person may apply if:**

- An offence on that person's criminal record is listed in Part II of this Form.
- The conviction and sentence appearing on the criminal record of the person were not automatically expunged by the Criminal Record Centre of the South African Police Service.

**Note:**

- Before submitting the application for expungement of a conviction, a clearance certificate reflecting the offence (and confirmation that the offence in question was not automatically expunged by the Criminal Record Centre) must be obtained from the Criminal Record Centre of the South African Police Service.

**Process:**

- The completed application form (Part II and Part III), together with the attachments must be posted or delivered by hand to the Director-General: Justice and Constitutional Development:
- Postal Address: Private Bag X81 Pretoria 0001
- Street Address: 2<sup>nd</sup> Floor, Govpret Building, 319 Pretorius Street Pretoria 0001
- If the Director-General is satisfied that a person meets the requirements set out in section 5(1)(a) or 5(2)(a) of the Act, the Director-General will issue a certificate of expungement directing that the conviction(s) and sentence(s) of the person be expunged.
- The certificate of expungement issued by the Director-General will be submitted to the head of the Criminal Record Centre of the South African Police Service within 14 working days.
- If the application for expungement is refused, a person will be informed by post or electronically of this decision and reasons for the decision.
- The head of the Criminal Record Centre of the South African Police Service will, within 21 working days, confirm to the person in writing that the conviction(s) and sentence(s) in question has/have been expunged.

**Note:** Failure to complete the form in full or to attach the required documents may cause the application for expungement to be delayed.

**PART II**

**APPLICATION FOR EXPUNGEMENT OF A CRIMINAL RECORD IN TERMS OF  
SECTION 5(1)(b) OR 5(2)(a) OF THE CANNABIS FOR PRIVATE PURPOSES ACT, 2024  
(ACT NO. 7 OF 2024)**

*(If the space provided is insufficient, information should be supplied on a separate page)*

I, .....  
(full name of applicant)

ID number: .....

or Passport number: .....

or Date of birth: .....

was convicted of the following offence(s) in contravention of-

Please mark the relevant offence(s) with an X

Section 2(a) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, on the basis of the operation of any presumption in section 21(1)(a)(i), (b), (d) or (e) of that Act, in terms of which it is presumed that the person dealt in the dependence-producing drug or plant of cannabis (dagga)	
Section 2(b) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), for use or possession of the dependence-producing drug or plant of cannabis (dagga)	
Section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), for use or possession of the undesirable dependence-producing substance of cannabis (dagga) Section 5(b) of the Drugs and Drug Trafficking Act, 1992, on the basis of the operation of any presumption in section 21(1)(a)(i), (b), (c) or (d) of that Act, in terms of which it is presumed that the person dealt in the undesirable dependence-producing substance of cannabis (dagga)	
Any law of the former Republics of Transkei, Bophuthatswana, Ciskei or Venda, or of any former self-governing territory, as provided for in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971) that criminalised the use or possession of cannabis (dagga)	
Any law of the former Republics of Transkei, Bophuthatswana, Ciskei or Venda, or of any former self-governing territory, as provided for in the Self-governing Territories Constitution Act, 1971, before the commencement of the Constitution of the Republic of South Africa, 1993, on the basis of the operation of any presumption similar to the laws in subparagraph (i) and (ii), in terms of which it is presumed that the person dealt in cannabis (dagga)	
Other (specify):	
(i)	
(ii)	
(iii)	
<p>My criminal record containing the conviction(s) and sentence(s) in respect of the above-mentioned offence(s) should have been expunged automatically by the Criminal Record Centre of the South African Police Service in terms of section 5(1)(a) of the Act.</p> <p>A clearance certificate bearing enquiry no: ..... issued on ..... obtained from the Criminal Record Centre of the South African Police Service on which the offence(s) is reflected is attached.</p> <ul style="list-style-type: none"> <li>• My conviction(s) and sentence(s) in respect of the above-mentioned offence(s) have not been expunged.</li> <li>• I request that a certificate of expungement directing that my conviction(s) and sentence(s) indicated above be expunged be issued in terms of section 5(1)(c) or 5(2)(b) of the Act. My request is based on the following grounds:</li> </ul> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

### PART III

#### PERSONAL AND CONTACT DETAILS

##### (i) PERSONAL DETAILS

Surname: \_\_\_\_\_

Full names: \_\_\_\_\_

ID number: \_\_\_\_\_

or Passport number: \_\_\_\_\_

or Date of birth: \_\_\_\_\_



(ii) CONTACT DETAILS Residential address: _____ _____ _____ Postal code: _____ Postal address: _____ _____ _____ Postal code: _____ Telephone numbers: Work: _____ Home: _____ Cell phone: _____ E-mail address: _____ Fax number: _____	
Signed at ..... this ..... day of ..... year .....	
..... <b>SIGNATURE (Applicant)</b>	

**PART IV**

<b>For official use only: Reference No</b> .....
<b>NAME OF APPLICANT:</b> .....

(i) Responsible official: Recommendation ..... ..... ..... ..... .....	
_____ Signed	_____ Date
(ii) Checking official: Recommendation ..... ..... ..... ..... .....	

Signed	Date
<p>(iii) Director-General: Decision</p> <p>* I am satisfied that the applicant, _____ (name of applicant)</p> <p>complies with the criteria set out in section 5(1)(b) or 5(2)(a) for the issuing of a certificate of expungement and I therefore direct that the particular offence(s) and sentence(s) in question on the applicant's criminal record be expunged.</p> <p>I therefore, in terms of section 5(1)(c) or 5(2)(b), issue the attached certificate of expungement. I request that ..... (assigned official)</p> <p>submit the certificate to the head of the Criminal Record Centre to be dealt with in accordance with section 5(3) of the Act.</p>	

**Form 2**  
**Certificate of expungement of criminal record**

[Regulation 8]

SECTION 5(1)(c) and 5(2)(b) OF THE CANNABIS FOR PRIVATE PURPOSES ACT, 2024 (Act No.7 of 2024)

Clearance certificate enquiry no: _____	
<p>Acting in terms of section 5(1)(c) or 5(2)(b) of the Cannabis for Private Purposes Act, 2024 (Act No. 7 of 2024), I hereby issue this certificate of expungement in respect of the following applicant:</p> <p>Surname: _____</p> <p>Full names: _____</p> <p>ID number: _____</p> <p>or Passport number: _____</p> <p>or Date of birth: _____</p>	
in respect of the following offence(s):	
OFFENCE(S) AND SENTENCE(S)	DATE(S)
<p>.....</p> <p>DIRECTOR-GENERAL: JUSTICE AND CONSTITUTIONAL DEVELOPMENT</p>	Date: .....

(Official stamp of the Director-General)