



REPUBLIC OF SOUTH AFRICA

FORM 10

[Regulation 19]

APPLICATION FOR REMOVAL OF PARTICULARS FROM REGISTER

Section 51 of the Criminal Law (Sexual Offences and Related Matters)
Amendment Act, 2007 (Act No. 32 of 2007)(the Act)

Date:

NOTE 1: A fingerprint report of applicant must be attached to this form (a fingerprint report can be obtained from any police station).**NOTE 2:** Section 51 of the Act provides that subject to subsections (2) and (3), the particulars of a person—**“Removal of particulars from Register 51.**

(1) Subject to subsections (2), (2A) and (3), the particulars of a person— (a) who— (i) has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a period of at least six months but not exceeding eighteen months, whether the sentence was suspended or not, may, on application as contemplated in subsection (3), be removed from the Register after a period of 20 years has lapsed after that person has been released from prison or the period of suspension has lapsed; (ii) has been sentenced for a conviction of a sexual offence [against a child or a person who is mentally disabled] to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a period of six months or less, whether the sentence was suspended or not, may, on application as contemplated in subsection (3), be removed from the Register after a period of 14 years has lapsed after that person has been released from prison or the period of suspension has lapsed; or (iii) is alleged to have committed a sexual offence in respect of whom a court, whether before or after the commencement of this Chapter, has made a finding and given a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, may, on application as contemplated in subsection (3), be removed from the Register after a period of ten years has lapsed after such person has recovered from the mental illness or mental defect in question and is discharged in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), from any restrictions imposed on him or her; or (b) who has been sentenced for a conviction of a sexual offence to any other form of lesser punishment or court order may, on application as contemplated in subsection (3), be removed from the Register after a period of ten years has lapsed since the particulars of that person were included in the Register.

2) The particulars of a person who has— (a) been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, with or without the option of a fine for a period exceeding 18 months, whether the sentence was suspended or not; or (b) two or more convictions of a sexual offence, may not be removed from the Register. (2A) A person falling into the categories contemplated in subsection (1) or (2), who was a child at the time of the commission of the offence concerned and who was convicted of such offence or a person who was a child at the time of the alleged commission of the offence and in respect of whom a court has made a finding and given a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977— (a) before the implementation of this Chapter, may, at any time before the expiration of the periods referred to in subsection (1), apply to a court for an order that his or her particulars must be removed from the Register by— (i) addressing the court on the reasons for such application and showing good cause why it is unlikely that he or she will commit another sexual offence; and (ii) submitting to the court an affidavit by him or her stating that no charge relating to a sexual offence is pending against him or her; or (b) after the implementation of this Chapter, may, at any time before the expiration of the periods referred to in subsection (1), apply to the court referred to in section 50(2)(c) for an order that his or her particulars must be removed from the Register by— (i) addressing the court on the reasons for such application and showing good cause why it is unlikely that he or she will commit another sexual offence; and (ii) submitting to the court an affidavit by him or her stating that no charge relating to a sexual offence is pending against him or her. (2B) The periods applicable in subsection (1) should be reduced by half if the person was a child at the time of the commission of the offence. (3) (a) A person falling into the categories contemplated in subsection (1) may apply, in the prescribed manner, to the Registrar to have his or her particulars removed from the Register. (b) The Registrar must, after considering the application, remove the particulars of the person contemplated in paragraph (a) from the Register, unless the person concerned has a charge relating to a sexual offence pending against him or her and the relevant case has not yet been finalised, in which event the finalisation of the application must be postponed until the Registrar has, in the prescribed manner, received information on the outcome of the case. (c) The Registrar may, at the request of a person whose particulars are included in the Register, remove those particulars from the Register, if the Registrar is satisfied that the entry of those particulars in the Register was clearly in error.

1. PARTICULARS OF APPLICANT	
Title:	
Full names and surname:	
Indicate any other surnames:	
Any known alias or nickname:	
Profession or trade:	
Date of birth:	
Age:	
Identity number/ passport number:	
Driver's licence number:	
Home address/ Last known physical address:	
Any other contact details (including postal address):	
E-mail address:	
Telephone number:	
Cell number:	

2. REASON FOR APPLICATION OF REMOVAL OF PARTICULARS
See note 2 above:

3. DECLARATION
<i>Note: Regulation 20 of the Criminal Law (Sexual Offences and Related Matters) Regulations provides that a person who applies for the removal of his or her particulars from the Registrar, who falsely declares that there are no criminal proceedings for allegedly having committed a sexual offence against a child or a person who is mentally disabled, pending against him or her, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.</i>
I hereby declare that there are no criminal proceedings, for allegedly having committed a sexual offence against a child or a person who is mentally disabled, pending against me.
..... SIGNATURE OF APPLICANT (If application is not submitted electronically)