

**CRIMINAL PROCEDURE AMENDMENT ACT 76 OF 1997**

[ASSENTED TO 26 NOVEMBER 1997] [DATE OF COMMENCEMENT: 28 MAY 1999]  
(Unless otherwise indicated)

*(Afrikaans text signed by the President)*

**ACT**

**To amend the Criminal Procedure Act, 1977, so as to further regulate appeals against decisions of lower courts; to regulate legal representation in respect of appeals; to repeal certain provisions; and to provide for matters connected therewith.**

- 1** Repeals [section 305](#) of the Criminal Procedure [Act 51 of 1977](#) .
- 2** Amends [section 309](#) of the Criminal Procedure [Act 51 of 1977](#) , as follows:  
paragraph *(a)* substitutes subsection 1 *(a)* ; paragraph *(b)* substitutes subsection (2);  
paragraph *(c)* inserts subsection (3A); and paragraph *(d)* deletes subsection 4 *(a)* .
- 3** Inserts sections 309B, 309C and 309D in the Criminal Procedure [Act 51 of 1977](#) .

**4 Savings**

(1) Pending the commencement of the Legal Aid Guide as contemplated in section 3A of the Legal Aid Act, 1969, and to the extent that the Legal Aid Guide, existing at the commencement of this Act, does not regulate the position of the granting of legal aid or legal representation in respect of the proceedings referred to in section 3 of this Act, the Legal Aid Board shall be competent to draft directives, in consultation with the Minister, in terms of which legal aid or legal representation is rendered or made available for purposes of section 3 of this Act.

(2) *(a)* The directives referred to in subsection (1) must be published in the *Gazette* .

*(b)* Before the directives are published in the *Gazette* , they must be submitted to Parliament and tabled as soon as possible.

[Date of commencement of s. 4: 20 April 2001.]

**5 Short title and commencement**

(1) This Act shall be called the Criminal Procedure Amendment Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette* .

(2) Different dates may be so fixed in respect of different provisions of this Act.