

**CRIMINAL PROCEDURE AMENDMENT ACT 42 OF 2003**

[ASSENTED TO 17 DECEMBER 2003] [DATE OF COMMENCEMENT: 1 JANUARY 2004]

*(English text signed by the President)***ACT**

**To amend the Criminal Procedure Act, 1977, so as to introduce leave to appeal and petition procedures in respect of decisions of lower courts; to provide that certain appeals against decisions by the lower courts and the High Courts relating to children may be noted without having to apply for leave to appeal; to provide that certain appeals must be considered on the written agreement of the parties; and to provide for matters connected therewith.**

**1** Amends section 302 (1) of the Criminal Procedure [Act 51 of 1977](#) by substituting paragraph (b) .

**2** Amends section 309 of the Criminal Procedure [Act 51 of 1977](#) , as follows: paragraph (a) substitutes subsection (1) (a) ; and paragraph (b) substitutes subsection (3A).

**3** Substitutes sections 309B, 309C and 309D of the Criminal Procedure [Act 51 of 1977](#) .

**4** Amends section 315 of the Criminal Procedure [Act 51 of 1977](#) , as follows: paragraph (a) substitutes subsection (1); paragraph (b) substitutes subsection (2); and paragraph (c) substitutes subsection (5) (a).

**5** Substitutes section 316 of the Criminal Procedure [Act 51 of 1977](#) .

**6** Amends section 317 of the Criminal Procedure [Act 51 of 1977](#) , as follows: paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (5).

**7 Transitional arrangements**

(1) The provisions of this Act do not apply in respect of any appeal pending before a High Court or the Supreme Court of Appeal on the date of the commencement of this Act.

(2) (a) Notwithstanding any amendments to the Criminal Procedure Act, 1977 ( [Act 51 of 1977](#) ), effected by this Act, the rules applicable to the Supreme Court of Appeal, the High Courts and the magistrates' courts in respect of appeals, as existing on the date of the commencement of this Act, shall, subject to any subsequent amendments thereto, continue to apply in respect of such appeals: Provided that any reference therein contained to a provision of the Criminal Procedure Act, 1977, that has been amended by this Act, must be construed as a reference to the corresponding provision of that Act as amended.

(b) The Rules Board for Courts of Law must revise and, when necessary, amend all rules in respect of appeals applicable to the Supreme Court of Appeal, the High Courts and the magistrates' courts in accordance with the provisions of this Act.

(c) Any draft rules contemplated in paragraph (b) must, within three months after the date of the commencement of this Act, be submitted to Parliament.

(d) Any amended rules must be approved by Parliament and thereafter be published in the *Gazette* .

**8 Short title and commencement**

This Act is called the Criminal Procedure Amendment Act, 2003, and comes into operation on 1 January 2004 or any earlier date as the President may determine by proclamation in the *Gazette* .