

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 807 OF 2022

INVITATION FOR PUBLIC COMMENTS

DRAFT REGULATIONS RELATING TO SEXUAL OFFENCES COURTS: CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT, 2007 (ACT NO. 32 OF 2007)

1. The Department of Justice and Constitutional Development invites interested parties to submit written comments on the draft amendments to the Regulations relating to Sexual Offences Courts, 2017 (the draft Regulations).
2. The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) (the Act) was amended by the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021) (the Amendment Act), The Amendment Act, inter alia—
 - (a) substitutes the phrases "child", "children", "person who is mentally disabled" with the phrases "a person who is vulnerable";
 - (b) amends the Act by extending the scope of the National Register for Sex Offenders (NRSO) to include the particulars of all sex offenders and not only offenders against children and persons who are mentally disabled;
 - (c) expands the list of persons who are to be protected to include other vulnerable persons, namely, young women under the age of 25 years who primarily find themselves in higher education institutions, persons with physical, mental or intellectual disabilities and persons over 60 years of age who, for example, receive community based care and support services;
 - (d) extends the list of persons who are entitled to submit applications to the Registrar of the NRSO;
 - (e) increases the periods for which a sex offenders' particulars must remain on the NRSO before they can be removed from the Register; and
 - (e) by further regulating the reporting duty of persons who are aware that sexual offences have been committed against children.
3. These amendments to the Act necessitate consequential amendments to the Regulations. It was deemed necessary and to avoid confusion, to also re-enact the Forms as provided for in Annexure B to the Regulations. Draft amendment Regulations were prepared to reflect the amendments to the Act.
4. A copy of the draft Regulations is available on the website of the Department at <http://www.justice.gov.za>.
5. The comments on the draft Regulations must be submitted to Ms A Van der Walt or Dr I Botha, on or before **28 February 2022**. The contact details are:
 - (a) Postal address:
The Director-General: Justice and Constitutional Development
Private Bag X 81
Pretoria
0001;
 - (b) e-mail address:
alvanderwalt@justice.gov.za or inbotha@justice.gov.za
 - (c) Fax nr:
0866480963
6. Further information can be obtained from Ms A van der Walt at 012 406 4767 or Dr I Botha at 012 406 4756.