South African Law Reform Commission

FOR IMMEDIATE RELEASE

ADDITIONAL DISCUSSION PAPERS ON THE REVIEW OF CRIMINAL PROCEDURE ACT 51 OF 1977 FOR PUBLIC COMMENT

The South African Law Reform Commission (SALRC) is pleased to publish the following additional discussion papers on the Review of the Criminal Procedure Act 51 of 1977 (CPA) for general information and public comment.

1. Discussion Paper 176: Offences and Competent Verdicts in the Criminal Procedure Act 51 of 1977
2. Discussion Paper 177: The Right to Legal Representation
3. Discussion Paper 178: Mercy and Pardon
4. Discussion Paper 179: Expungement of Criminal Records
5. Discussion Paper 180: Criminal Jurisdiction
6. Discussion Paper 181: Review of the Law regarding Contempt of Court.

The discussion papers, considered together with the papers that were published in February 2025 (four) and on 16 February 2026 (five) and 31 March 2026 (two), seek to contribute to a new criminal procedural law that is modernised and conforms to the country's democratic Constitution and its underlying values and principles. In summary, the discussion papers deal with the following, respectively:

(a) Reviewing and updating the various categories of offences created under and competent verdicts listed in the CPA with a view to adapting them to the Constitution

(b) Examining the content and scope of the right to legal representation of arrested, detained and accused persons including at state expense, and the extension of the right to legal representation to victims of crime including in relation to the institution of private prosecution under the CPA.

(c) Adapting the laws and principles relating to Mercy and Pardon under the CPA to the new constitutional framework founded on the Rule of Law, including matters pertaining to judicial review and appeals against, or in relation to the decisions taken by the

President and the Minister of Justice and Constitutional Development concerning persons found to have been wrongfully convicted.

(d) Further reforming the dispensation of expungement of criminal records including consideration of automatic expungement of criminal records in deserving cases; the determination of different waiting periods with regard to certain categories of convictions; and categories of convictions which should not qualify for expungement.

(e) Reviewing and adapting the law and principles relating to criminal jurisdiction under the CPA and adapting and aligning them to the right to a fair trial and access to justice imperative enshrined in the Constitution.

(f) Reviewing the crime of contempt of court in criminal proceedings and adapting the common law contempt of court principles, including the summary procedure, to the Constitution.

Written submissions on the discussion papers must be submitted to the SALRC by no later than **02 October 2026**. An e-mail address has been provided for each discussion paper, with the email CPAreform@justice.gov.za being the central e-mail address for all submissions.

The discussion papers are available on the website of the SALRC at:
https://www.justice.gov.za/salrc/dpapers.htm

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ISSUED BY THE SECRETARY: SA LAW REFORM COMMISSION, PRETORIA
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