REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS TO**

**CRIMINALAND RELATED MATTERS**

**AMENDMENT BILL**

**[B 17—2020]**

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**[B 17A—2020]**

**AMENDMENTS PROPOSED TO**

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CRIMINAL AND RELATED MATTERS AMENDMENT BILL

[B 17—2020]

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CLAUSE 1

1. On page 3, in line 3, after ‘‘**51A**’’ to insert "(1)".

2. On page 3, from line 41, to omit subsection (5) and to substitute:

 "(5) *(a)* A court must provide reasons for refusingany application**[~~or request]~~**for the appointment of an intermediary, immediately uponrefusal, which reasons must be entered into the record of the proceedings.

 *(b)* A court may, on application by a party affected by the refusalcontemplated in paragraph *(a)*, and if it is satisfied that there is a material change in respect of any fact or circumstance that influenced that refusal, review its decision.".

CLAUSE 4

1. On page 7, in line 44, after "bail" to insert "or placed under correctionalsupervision, day parole, parole or medical parole as contemplated insection 73 of the Correctional Services Act, 1998".

CLAUSE 8

2. On page 11, from line 32, to omit subsection (7) and to substitute:

 "(7) *(a)* The court **[shall]** must provide reasons for refusing any applicationorrequest by the public prosecutor or a witness referred to in subsection (1),for the appointment of an intermediary,**[in respect of a child below the age of 14 years,]**immediately uponrefusal, which reasons must be entered into the record of the proceedings.

 *(b)* A court may, on application by the public prosecutorand if it is satisfied that there is a material change in respect of any fact or circumstance that influencedthe refusal contemplated in paragraph (a), review its decision.".

CLAUSE 15

1. On page 15, after line 11, to insert the following paragraph:

"*(b)* by the insertion of the following offence:

 "Attempted murder, in circumstances referred to in paragraphs *(a)* to *(g)* of the offence of 'murder'.".

2. On page 15, in line 10, to omit the first "*(b)*"’ and to substitute "*(c)*".

3. On page 16, in line7, to omit the first "*(c)*"’ and to substitute "*(d)*".

CLAUSE 16

1. On page 17, in line 8, after "murder" to insert "in circumstances other than those referred to in Part I".

CLAUSE 18

2. On page 8, from line 32, to omit subsection (5) and to substitute:

 "(5) *(a)* A court must provide reasons for refusing any application**[~~or request]~~**for the appointment of an intermediary, immediately uponrefusal, which reasons must be entered into the record of the proceedings.

 *(b)* A court may, on application by a party affected by the refusalcontemplated in paragraph *(a)*, and if it is satisfied that there is a material change in respect of any fact or circumstance that influenced that refusal, review its decision.".