**Report of the Portfolio Committee on Justice and Correctional Services on the Repeal of Transkeian Penal Code Bill [B 34 - 2022] (National Assembly – section 75), dated 17 February 2023**

The Portfolio Committee on Justice and Correctional Services, having considered the **Repeal of Transkeian Penal Code Bill** [B34 - 2022] (National Assembly – section 75),referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports the Bill without amendments.

The Committee reports further:

1. The Repeal of Transkeian Penal Code Bill [B 34-2022] was both introduced and referred to the Committee for consideration and report on 15 December 2022.
2. The Committee called for public submissions on the Bill but received no response to the call.
3. Broadly, the Bill proposes to repeal the Transkeian Penal Code, 1983, which continues to apply in the area formerly known as the Republic of Transkei and to reinstate the application of the common law and rules in that area.
4. The Code was enacted when the area formerly known as the Republic of Transkei became nominally ‘independent’. Despite the incorporation of the area into South Africa under the new democratic dispensation, in terms of the Constitution, 1996, the Code remains in force until repealed or amended.
5. The Committee believes that it is untenable that the Code, which codified the criminal law, continues to apply so many years after the area was incorporated and the people living there continue to be subject to a different system of criminal law to that applied in the rest of South Africa.
6. The Committee, therefore, supports the Bill as introduced and referred to it.

**Report for consideration**