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**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2269**

**DATE OF QUESTION: 09 JUNE 2023**

**DATE OF SUBMISSION: 23 JUNE 2023**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services [🟊305] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8))]:**

Given that tens of thousands of persons were fined for infringements of the COVID-19 state of disaster regulations, which are restricting such persons from continuing with many aspects of their lives, by what date(s) will their criminal records be wiped and/or expunged?

**NO2568E**

**REPLY:**

The Judicial Matters Amendment Bill, 2023 (“the Bill”) which is currently under deliberation by the Portfolio Committee on Justice and Correctional Services contains, amongst others, a provision (clause 10) that proposes the insertion of a new section 57B, 57C and 57D into the Criminal Procedure Act, (Act No. 51 of 1977) (‘‘Criminal Procedure Act’’). The proposed new section 57D (**Convictions and sentences in respect of admission of guilt fines relating to offences in terms of regulations made in terms of section 27(2) of Disaster Management Act, 2002**), specifically provides that “criminal record of a person which contain the conviction and sentence of a person who—

*(a)* is deemed to have been convicted and sentenced by a court as contemplated in section 57(6) of this Act, in respect of a specified offence; or

*(b)* appeared in court in terms of a summons or written notice referred to in section 57(1) of this Act, in respect of a specified offence where it was permissible for that person to admit his or her guilt and who has been convicted and sentenced by the court in respect of the specified offence in question,

is hereby expunged, determined from the date of payment of the admission of guilt fine referred to in paragraph *(a)*, or the sentence referred to in paragraph *(b)*”.

The objective of the amendment is also to provide for automatic expungement of the criminal record. In the event that that is not the case, the amendment provides for submission of a written application to assist any person in achieving the expungement automatically by the Criminal Record Centre of the South African Police Service.

The automatic expungements will take effect once the Bill is assented to and signed into an Act of Parliament.