

**CLAUSE 17: AMENDMENT OF SECTION 341 OF THE CRIMINAL
PROCEDURE ACT, 1977 (ACT 51 OF 1977)**

Compounding of certain minor offences

(1) If a person receives from any peace officer a notification in writing alleging that such person has committed, at a place and upon a date and at a time or during a period specified in the notification, any offence likewise specified, of any class mentioned in Schedule 3, and setting forth the amount of the fine which a court trying such person for such offence would probably impose upon him, such person may within thirty days after the receipt of the notification deliver or transmit the notification, together with a sum of money equal to the said amount, to the magistrate of the district or area wherein the offence is alleged to have been committed, and thereupon such person shall not be prosecuted for having committed such offence.

(2) (a) Where a notification referred to in subsection (1) is issued by a peace officer in the service of a local authority in respect of an offence committed within the area of jurisdiction of such local authority, any person receiving the notification may deliver or transmit it together with a sum of money equal to the amount specified therein to such local authority.

(b) Any sum of money paid to a local authority as provided in paragraph (a) shall be deemed to be a fine imposed in respect of the offence in question.

(c) Not later than seven days after receipt of any sum of money as provided in paragraph (a), the local authority concerned shall forward to the magistrate of the district or area wherein the offence is alleged to have been committed a copy of the notification relating to the payment in question.

(d) If the magistrate finds that the amount specified in the notification exceeds the amount determined in terms of subsection (5) in respect of the offence in question, he shall notify the local authority of the amount whereby the amount specified in the notification exceeds the amount so

determined and the local authority concerned shall immediately refund the amount of such excess to the person concerned.

(e) For the purpose of this subsection 'local authority' means any institution or body contemplated in section 84 (1)(f) of the Provincial Government Act, 1961 (Act 32 of 1961), and includes-

- (i) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act 109 of 1985);
- (ii) any institution or body established under the Rural Areas Act, (House of Representatives), 1987 (Act 9 of 1987);
- (iii) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act 102 of 1982);
- (iv) a local government body contemplated in section 30 (2)(a) of the Black Administration Act, 1927 (Act 38 of 1927); and
- (v) any committee referred to in section 17 (1) of the Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983).

(3) Any money paid to a magistrate in terms of subsection (1) shall be dealt with as if it had been paid as a fine for the offence in question.

(4) The Minister may from time to time by notice in the *Gazette* add any offence to the offences mentioned in Schedule 3, or remove therefrom any offence mentioned therein.

(5) The amount to be specified in any notification issued under this section as the amount of the fine which a court would probably impose in respect of any offence, shall be determined from time to time **[for any particular area by the magistrate of the district or area in which such area is situated,]** by the Minister by notice in the *Gazette* and may differ from the admission of guilt fine determined under section 57 **[(5)(a)] (2)(b)** for the offence in question.