

CRIMINAL PROCEDURE SECOND AMENDMENT ACT 75 OF 1995

[ASSENTED TO 21 SEPTEMBER 1995] [DATE OF COMMENCEMENT: 21 SEPTEMBER 1995]

*(English text signed by the President)***ACT**

To amend the Criminal Procedure Act, 1977, so as to further regulate the detention of arrested persons; to make provision for accused persons to be entitled to be released on bail in certain circumstances to give a court a discretion to postpone bail proceedings in certain circumstances; to empower a court to, in respect of certain serious offences, order the accused to satisfy the court that the interests of justice do not require his or her detention in custody; to empower the attorney-general to appeal against the decision of a court to release an accused on bail and the imposition of bail conditions; to set out the factors which should be taken into account in considering bail; to further regulate bail proceedings; to revoke the power of an attorney-general to prevent the granting of bail in certain cases; to render the non-appearance of persons who are on bail in certain cases and the non-compliance of bail conditions punishable; to further regulate the cancellation of bail; to empower a superior court to consider the granting of bail after the refusal of such an application in a magistrate's court where an accused is standing trial in the superior court; and to make the bail-related provisions in the Criminal Procedure Act, 1977, as amended, applicable in the whole of the national territory; and to provide for matters connected therewith.

- 1 Amends [section 50](#) of the Criminal Procedure [Act 51 of 1977](#), as follows: paragraph (a) substitutes subsection (3); and paragraph (b) adds subsections (6) and (7).
- 2 Amends section 59 (1) of the Criminal Procedure [Act 51 of 1977](#) by substituting paragraph (a) .
- 3 Substitutes [section 60](#) of the Criminal Procedure [Act 51 of 1977](#) .
- 4 Repeals [section 61](#) of the Criminal Procedure [Act 51 of 1977](#) .
- 5 Amends [section 63](#) of the Criminal Procedure [Act 51 of 1977](#) by substituting subsection (1).
- 6 Substitutes [section 64](#) of the Criminal Procedure [Act 51 of 1977](#) .
- 7 Inserts section 65A in the Criminal Procedure [Act 51 of 1977](#) .
- 8 Amends [section 66](#) of the Criminal Procedure [Act 51 of 1977](#) by substituting subsection (1).
- 9 Inserts section 67A in the Criminal Procedure [Act 51 of 1977](#) .
- 10 and 11 Substitute respectively sections 68 and 70 of the Criminal Procedure [Act 51 of 1977](#) .
- 12 Amends [section 307](#) of the Criminal Procedure [Act 51 of 1977](#), as follows: paragraph (a) substitutes subsection (2) (b) ; paragraph (b) inserts subsection (3A); and paragraph (c) substitutes subsection (6).
- 13 Amends [section 309](#) of the Criminal Procedure [Act 51 of 1977](#) by adding subsection (5).

14 Adds Schedule 5 to the Criminal Procedure [Act 51 of 1977](#).

15 Transitional provisions

(1) Any provision contained in any other law that is in respect of bail inconsistent with the provisions of sections 37, 50, 58 up to and including 71, 72, 141, 144, 170, 304, 307, 308, 308A and 321 of the Criminal Procedure Act, 1977 ([Act 51 of 1977](#)), as amended by this Act, shall be deemed to be amended to the extent of the inconsistency thereof.

(2) Notwithstanding the provisions of subsection (1), bail proceedings which have commenced before the date of commencement of this Act in any superior court, regional court or magistrate's court shall, if such proceedings have at that date not been concluded, be continued and concluded as if subsection (1) has not come into operation.

16 Short title

This Act shall be called the Criminal Procedure Second Amendment Act, 1995.