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3 June 2024

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## THE PRESIDENCY

**No. 4922**                      **3 June 2024**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 07 of 2024: Cannabis for Private Purposes Act, 2024**

## OFISI YA MOPRESIDENTE

**No. 4922**                      **3 Junie 2024**

Go itsisiwi gore MoPoresidente o dumetse Molao o o latelang, o o phasaladiwang fano go itsisiwe botlhe:—

**No. 07 ya 2024: Molao wa Maitlhomona a Poraefete a Cannabis, 2024**

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## NTLHATLHALOSO YA KAKARETSO:

[ ] Mafoko a a kwetsweng ka bontsho jo bo gateletsweng mo masakaneng a a sekwere a bontsha tseo di tlogetsweng mo melaong e e leng teng.

\_\_\_\_\_ Mafoko a a thaletsweng ka mola o o kopaneng a bontsha tseo di tsentsweng mo melaong e e leng teng.

\_\_\_\_\_  
(English text signed by the President)  
(Assented to 28 May 2024)  
\_\_\_\_\_

## MOLAO

Go—

- tlotla tshwanelo ya bosephiri ya mogolo ya go dirisa kgotsa go tshola *cannabis*;
- laola tiriso le tsholo ya *cannabis* ka mogolo;
- laela mabapi le mokgwa o mongwe wa go samagana le ntlha ya tiriso e e kganetsweng, go tsholwa ga, kgotsa go dira ka, *cannabis* ka bana, ka kelotlhoko e e maleba go kgatlhego e e kwa godimo ya ngwana;
- kganela go dira ka *cannabis*;
- laela mabapi le go tloswa ga direkoto tsa bosenyi tsa batho ba ba bonweng molato wa go tshola kgotsa go dirisa *cannabis* kgotsa ba ba dirang ka *cannabis* ka ntlha ya kgopolelo;
- tlhabolola ditaello tsa melao e e rileng; le
- laela mabapi le merero e e amanang le ona.

**P**ALAMENTE ya Rephaboliki ya Aforika Borwa e dira molao, jaana:—

## THULAGANYO YA DIKAROLO

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## Ditlhaloso le thanolo

1. (1) Mo Molaong ono, ntle le fa maitshetlego a kaya ka mokgwa osele—  
“**mogolo**” o kaya motho yo o dingwaga di le 18 kgotsa go feta;  
“**cannabis**” e kaya sethunya kgotsa leungo le le tlhogang mo godimo mo semeleng sa *cannabis* le go akaretsa ditlhagiso tse di tswang mo go sona, fela ga le akaretse peo 20

without any fruit or flower, and the roots of a cannabis plant, including products made therefrom;

“**child**” means a person who is under the age of 18 years;

“**consideration**” means any form of compensation, gift, reward, favour or benefit;

“**cultivate**” includes to plant, propagate, nurture, tend, grow or harvest a cannabis plant, and “**cultivation**” has a corresponding meaning; 5

“**deal in**” means to provide for consideration, receive for consideration, sell, buy, offer for sale, offer to purchase, import, advertise for sale, export, cultivate for the purposes of dealing, and any other conduct to facilitate selling cannabis, but does not include any such activity that is authorised in terms of this Act, or in terms of a permit or licence issued under any other national legislation; 10

“**Director-General**” means the Director-General: Justice and Constitutional Development;

“**Minister**” means the Cabinet member responsible for the administration of justice;

“**private place**” means— 15

(a) any place, including a building, house, room, shed, hut, tent, mobile home, caravan, boat or land or any portion thereof, to which the public does not have access as of right; and

(b) any part or portion of communal land as defined in section 1 of the Communal Land Rights Act, 2004 (Act No. 11 of 2004), which, in terms of the rules or custom of a community or the standard rules contemplated in section 19(5) of that Act, is a place which is exclusively used to cultivate or use cannabis in a private place, by an adult person as a member of such a community; 20

“**private purpose**” means for the exclusive use, possession and cultivation of cannabis by an adult person with the intention to keep, store, transport or be in control of cannabis, in a manner that conceals it from public view; 25

“**public place**” means—

(a) any place to which the public has right of access; and

(b) any part or portion of communal land which is not exclusively used to cultivate cannabis, as contemplated in paragraph (b) of the definition of “**private place**”; 30

“**private place**”;

“**public road**” means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**responsible adult**” means an adult person who is in a position of authority, supervision or care of a child; 35

“**smoke**” means to—

(a) inhale or exhale the smoke produced by ignited cannabis or holding or otherwise having control of ignited cannabis or any device or object that contains ignited cannabis; or

(b) inhale or exhale the vapour or aerosol of cannabis produced by a vaping device or holding or otherwise having control of a vaping device producing cannabis vapour or aerosol; 40

“**this Act**” includes the regulations;

“**use of cannabis**” means the consumption of cannabis, including but not limited to the eating, drinking, or smoking of cannabis, or to otherwise self-administer cannabis and “**use cannabis**” has a corresponding meaning; and 45

“**vehicle**” means a vehicle as defined in section 1 of the National Road Traffic Act, 1996.

(2) Offences in section 4(1), (4) and (5) do not apply to any such activities that are expressly authorised in this Act or in terms of a permit or licence issued under any other national legislation. 50

### Cannabis for private purpose by adult person

2. (1) An adult person may—

(a) use or possess cannabis; and

efe, letlhogela, lotlhaka, matlhare le dikala ntle le leungo kgotsa sethunya sefe, le medi ya semela sa *cannabis*, go akaretsa le ditlhagiso tse di dirilweng go tswa mo go sona;

“**ngwana**” o kaya motho yo o ka fa tlase ga dingwaga tse 18;

“**kakanyetso**” e kaya mofuta ofe wa phimolakeledi, mpho, moputso, molemo kgotsa tshiamelo;

“**go lema**” go akaretsa go jala, go atisa, go otlala, go tlhokomela, go godisa kgotsa go kotula semela sa *cannabis*, e bile “**temo**” e na le bokao jo bo tsamaelanang;

“**go dira ka**” go kaya go tlamela mabapi le kakanyetso, go amogela mabapi le kakanyetso, rekisa, reka, tsholofetso ya thekiso, tsholofetso ya go reka, thomelogare, papatso mabapi le thekiso, thomelontle, temo mabapi le maitlthomo a kgwebo, le maitsholo mangwe afe a go nolofatsa go rekiswa ga *cannabis*, mme ga go akaretse tiro epe efe e e rebotsweng go ya ka Molao ono, kgotsa go ya ka lokwalotetla kgotsa laesense e e rebotsweng ka fa tlase ga molao mongwe le mongwe ofe wa bosetšhaba;

“**Mokaedikakaretso**” o kaya Mokaedikakaretso: Bosiamisi le Tlhaboololo ya Molaotheo;

“**Tona**” o kaya tokololo ya Kabinete e e rwalang maikarabelo a tsamaiso ya bosiamisi;

“**lefelo la poraefete**” le kaya—

(a) lefelo lefe, go akaretsa le moago, ntlo, phaposi, mogwaafatshe, mokgoro, tente, ntlo e e tsamayang, kharabene, mokoro kgotsa lefatshe kgotsa karolo ya lona, leo baagi ba senang tshiamelo ya go le fitlhelela; le

(b) karolo kgotsa karolwana efe ya lefatshe le le tlhakanetsweng jaaka le tlhalositswe mo karolong 1 ya *Communal Land Rights Act, 2004* (Molao 11 wa 2004), leo, go ya ka melawana e e tlwaelegileng e e umakilweng mo karolong 19(5) ya Molao oo, ke lefelo le le diriswang ka kgethego go lema kgotsa go dirisa *cannabis* mo lefelong la poraefete, ke mogolo jaaka mongwe wa baagi bao;

“**maitlthomo a poraefete**” a kaya mabapi le tiriso e e kgethegileng, tsholo le temo ya *cannabis* ka mogolo ka maikaelelo a go tshola, baya, rwala kgotsa go nna mo taolong ya *cannabis*, ka mokgwa wa go e fitlhela setšhaba;

“**lefelo la botlhe**” le kaya—

(a) lefelo lefe le setšhaba se nang le tshwanelo ya go le fitlhelela; le

(b) karolo le karolwana efe ya lefatshe le le tlhakanetsweng leo le sa dirisetsweng ka kgethego go lema *cannabis*, jaaka go umakilwe mo temaneng (b) ga tlhaloso ya “**lefelo la poraefete**”;

“**mmila wa botlhe**” o kaya mmila wa botlhe jaaka o tlhalositswe mo karolong 1 ya *National Road Traffic Act, 1996* (Molao 93 wa 1996);

“**mogolo yo o maikarabelo**” o kaya mogolo yo o mo maamong a taolo, bookamedi le tlhokomelo ya ngwana;

“**go tsuba**” go kaya go—

(a) goga kgotsa go ntshetsa kwa ntle mosi o o tswang mo *cannabis* e e tshubilweng kgotsa go tshwara kgotsa ka mokgwa ofe go nna le taolo ya *cannabis* e e tshubilweng kgotsa sediriswa sefe se se nang le *cannabis* e e tshubilweng; kgotsa

(b) goga kgotsa go ntshetsa kwa ntle mouwane kgotsa aerosolo ya *cannabis* e e tswang mo sedirisweng sa go tsuba kgotsa go tshwara kgotsa ka mokgwa ofe go nna le taolo ya sediriswa sa go tsuba se se tlhagisang mouwane wa *cannabis* kgotsa aerosolo;

“**Molao ono**” o akaretsa le melwanataolo;

“**tiriso ya cannabis**” e kaya tiriso ya *cannabis*, go akaretsa le mme go sa lekanyetswa mo go jeweng, go noweng, kgotsa go tsubiweng ga *cannabis*, kgotsa ka mokgwa mongwe go dirisa *cannabis* ka bowena e bile “**go dirisa cannabis**” go na le bokao jo bo tsamaelanang; le

“**serori**” se kaya serori jaaka se tlhalositswe mo karolong 1 ya *National Road Traffic Act, 1996*.

(2) Ditlolomolao mo karolong 4(1), (4) le (5) ga di diriswe mo ditirong dife tse di jalo tse di rebotsweng ka kgatelelo mo Molaong ono kgotsa go ya ka lokwalotetla kgotsa laesense e e rebotsweng ka fa tlase ga molao mongwe le mongwe ofe wa bosetšhaba.

### **Cannabis mabapi le maitlthomo a poraefete ka mogolo**

2. (1) Mogolo o ka—

(a) dirisa kgotsa tshola *cannabis*; le

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(b) without the exchange of consideration per occasion provide to, or obtain from, another adult person, cannabis, in a private place for a private purpose.

(2) Notwithstanding subsection (1), no adult person may use cannabis in a private place for a private purpose—

(a) in the presence of a child or non-consenting adult person; or

(b) (i) within a reasonable distance from a window of, ventilation inlet of, doorway to, or entrance into, another place; or

(ii) that forms part of any public place where persons congregate within close proximity of one another and where the smoke is likely to cause a disturbance or nuisance to any person at that place.

(3) An adult person may possess cannabis in a public place: Provided that such cannabis may not be used in a public place.

### Protection of child

3. (1) In all matters regarding a child, the best interest of the child must prevail in the legal response where the child is suspected or alleged to have contravened any legislation relating to the—

(a) use or possession of cannabis, the child must be dealt with in terms of—

(i) the Children's Act, 2005 (Act No. 38 of 2005);

(ii) the Prevention of and Treatment from Substance Abuse Act, 2008 (Act No. 70 of 2008); or

(iii) any other relevant legislation; or

(b) dealing in cannabis, the child must be dealt with in terms of the—

(i) legislation referred to in paragraph (a); or

(ii) Child Justice Act, 2008 (Act No. 75 of 2008).

(2) (a) No adult person may knowingly—

(i) permit a child to use or possess cannabis; or

(ii) supply a child with cannabis or a product containing cannabis.

(b) Notwithstanding paragraph (a), a responsible adult may administer cannabis to a child, with or without consent or knowledge of the child, if prescribed by a medical practitioner.

(3) An adult person who is in possession of cannabis must take reasonable measures to ensure that such cannabis is inaccessible to a child whether that child is under the authority, supervision or care of that adult person or not.

(4) No person may engage a child to deal in cannabis.

### Offences and penalties

4. (1) Any person who deals in cannabis, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 10 years or to both such fine and imprisonment.

(2) An adult person who knowingly permits a child to use or possess cannabis as contemplated in section 3(2)(a)(i), is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(3) An adult person who is in possession of cannabis at any place and who fails to store such cannabis in a secure space that is inaccessible to a child, as contemplated in section 3(3), is guilty of an offence and is liable on conviction to a fine not exceeding R2 000.

(4) Any person who is in possession of cannabis, either in a private or public place, in an amount which exceeds the maximum amount prescribed for private purpose, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding five years or to both such fine and imprisonment.

(5) Any person who cultivates cannabis plants which exceed the maximum number prescribed for private purpose, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding five years or to both such fine and imprisonment.

- (b) ntle le thefosano ya kakanyetso mo motsing mongwe le mongwe tlamela, o ka bona go tswa mo, mogolong yo mongwe, *cannabis*, mo lefelong la poraefete mabapi le maitlthomo a poraefete.
- (2) Go sa nyatswe karotlaleletso (1), ga go mogolo ope yo o ka dirisang *cannabis* mo lefelong la poraefete mabapi le maitlthomo a poraefete— 5
- (a) mo pontsheng ya ngwana kgotsa ya mogolo yo mongwe yo o sa batleng; kgotsa
- (b) (i) mo sekgaleng se se bonagalang go tswa mo letlhabaphefong la, mo phatlheng e e tsenyang mowa ya, mo mojakong wa, mo kgorong ya, lefelo le lengwe; kgotsa 10
- (ii) leo e leng karolo ya lefelo lefe la botlhe mo batho ba kgobokanelang teng le le bapileng le le lengwe le leo mosi o ka bakang kgoreletso kgotsa kgoberego mo mothong ofe yo o mo lefelong leo.
- (3) Mogolo o ka tshola *cannabis* mo lefelong la botlhe: Fa fela *cannabis* eo e ka se diriswe mo lefelong la botlhe. 15

### Tshireletso ya ngwana

3. (1) Mo mererong yotlhe e e mabapi le ngwana, kgatlhego e e tseneletseng ya ngwana e tshwanetse go tswa tsia mo tsibogelong ya semolao e mo go yona ngwana a belaelwang kgotsa a latofatswang ka tlolomolao efe e e amanang le—
- (a) tiriso kgotsa tsholo ya *cannabis*, ngwana o tshwanetse go kgalengwa go ya ka— 20
- (i) *Children's Act, 2005* (Molao 38 wa 2005);
- (ii) *Prevention of and Treatment from Substance Abuse Act, 2008* (Molao 70 wa 2008); kgotsa
- (iii) molao mongwe le mongwe ofe o o maleba; kgotsa 25
- (b) go dira ka *cannabis*, ngwana o tshwanetse go kgalengwa go ya ka—
- (i) molao o o umakilweng mo temaneng (a); kgotsa
- (ii) Molao wa Bosiamisi wa Ngwana, 2008 (Molao 75 wa 2008).
- (2) (a) Ga go mogolo ope yo ka kitso a ka—
- (i) letlang ngwana go dirisa kgotsa go tshola *cannabis*; kgotsa 30
- (ii) tlamelang ngwana ka *cannabis* kgotsa setlhagiso se se nang le *cannabis*.
- (b) Go sa nyatswe temana (a), mogolo yo o maikarabelo o ka dirisa *cannabis* mo ngwaneng, ka kgotsa ntle le tetla kgotsa kitso ya ngwana, fa modiri wa tsa kalafi a laetse.
- (3) Mogolo yo o tshotseng *cannabis* o tshwanetse go tsaya dikgato tse di maleba go netefatsa gore *cannabis* eo ga e kgone go fitlhelwa ke ngwana go sa kgathalesege gore ngwana yoo o ka fa tlase ga taolo, bookamedi kgotsa tlhokomelo ya mogolo yoo kgotsa nnyaa. 35
- (4) Ga go motho ope yo o ka dirang gore ngwana a dire ka *cannabis*.

### Ditlolomolao le dikotlhao

4. (1) Motho ofe yo o dirang ka *cannabis*, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka atholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga di le 10 kgotsa ka bobedi tuediso le kgolego eo. 40
- (2) Mogolo yo ka kitso a letlang ngwana go dirisa kgotsa go tshola *cannabis* jaaka go umakilwe mo karolong 3(2)(a)(i), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka atholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tuediso le kgolego eo. 45
- (3) Mogolo yo o fitlhelwang a tshotse *cannabis* kwa lefelong lefe le yo o retelelwang ke go baya *cannabis* eo mo lefelong le le sireletsegileng le le sa kgoneng go fitlhelwa ke ngwana, jaaka go umakilwe mo karolong 3(3), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka atholelwa tuediso e e sa feteng R2 000. 50
- (4) Motho ofe yo o fitlhelwang a tshotse *cannabis*, e ka tswa e le mo lefelong la poraefete kgotsa la botlhe, ya boleng jo bo fetang jo bo beetsweng maitlthomo a poraefete, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka atholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga di le tlhano kgotsa ka bobedi tuediso le kgolego eo. 55
- (5) Motho ofe yo o lemang dimela tsa *cannabis* tse di fetang boleng jo bo beetsweng maitlthomo a poraefete, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka atholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga di le tlhano kgotsa ka bobedi tuediso le kgolego eo.

(6) Any person who engages a child to deal in cannabis, as contemplated in section 3(4), is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 10 years or to both such fine and imprisonment.

(7) Any adult person who provides or administers cannabis to a child, unless prescribed by a medical practitioner, as contemplated in section 3(2)(b), is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding 12 months or to both such fine and imprisonment. 5

(8) (a) Any person who transports cannabis in an amount which exceeds the maximum amount, as prescribed for private purpose, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding five years or to both such fine and imprisonment. 10

(b) Any person who transports cannabis and contravenes or fails to comply with any condition, restriction, prohibition, obligation, requirement or standard regarding the transportation of such cannabis, as may be prescribed, is guilty of an offence and is liable on conviction to a fine not exceeding R2 000. 15

(c) Any person who uses cannabis in a vehicle on a public road, is guilty of an offence and is liable on conviction to a fine not exceeding R2 000.

(d) Any person who is a passenger in a vehicle on a public road, and who contravenes or fails to comply with any condition, restriction, prohibition, obligation, requirement or standard regarding the transportation of cannabis, that may be prescribed in respect of such a passenger, is guilty of an offence and is liable on conviction to a fine not exceeding R2 000. 20

(9) Any person who uses cannabis in a public place as contemplated in section 2(3), is guilty of an offence and is liable on conviction to a fine not exceeding R2 000.

(10) Any person who uses cannabis in a private place in the immediate presence of a child or non-consenting adult person as contemplated in section 2(2)(a), is guilty of an offence and is liable on conviction to a fine not exceeding R2 000. 25

(11) Any person who smokes cannabis in a private place—

(a) within a reasonable distance from a window of, ventilation inlet of, doorway to, or entrance into, another place as contemplated in section 2(2)(b)(i); or 30

(b) forming part of any public place where persons congregate within close proximity of one another and where the smoke is likely to cause a disturbance or nuisance to any person at that place as contemplated in section 2(2)(b)(ii),

is guilty of an offence and is liable on conviction to a fine not exceeding R2 000.

(12) A penalty imposed for payment of a fine without an alternative of imprisonment does not constitute a previous conviction as contemplated in Chapter 27 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 35

#### **Expungement of criminal records of persons convicted of possession or use of cannabis or dealing in cannabis on the basis of a presumption**

5. (1) (a) Where a court has convicted a person of a contravention of— 40

(i) section 2(b) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), in that the person used or possessed the dependence-producing drug or plant of cannabis (dagga);

(ii) section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), in that the person used or possessed the undesirable dependence-producing substance of cannabis (dagga); or 45

(iii) any law of the former Republics of Transkei, Bophuthatswana, Ciskei or Venda, or of any former self-governing territory, as provided for in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), before the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), that criminalised the use or possession of cannabis (dagga), 50



(6) Motho ofe yo o dirang gore ngwana a dire ka *cannabis*, jaaka go umakilwe mo karolong 3(4), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga di le 10 kgotsa ka bobedi tuediso le kgolego eo.

(7) Mogolo ofe yo o tlamelang kgotsa yo o dirisang *cannabis* mo ngwaneng, ntle le fa go laetswe jalo ke modiri wa tsa kalafi, jaaka go umakilwe mo karolong 3(2)(b), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tuediso le kgolego eo. 5

(8) (a) Motho ofe yo o rwalang *cannabis* ya boleng jo bo fetang jo bo beilweng, jaaka go laetswe mabapi le maitlthomo a poraefete, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso kgotsa go golegwa sebaka sa paka e e sa feteng dingwaga di le tlhano kgotsa ka bobedi tuediso le kgolego eo. 10

(b) Motho ofe yo o rwalang *cannabis* le go tlola kgotsa go retelelwa ke go obamela peelo, kganelo, thibelo, pateletsego, tlhokego efe kgotsa tlhomamo mabapi le thwalo ya *cannabis* eo, jaaka go ka laelwa, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000. 15

(c) Motho ofe yo o dirisang *cannabis* mo seroring mo mmileng wa botlhe, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000. 20

(d) Motho ofe yo e leng mopagami mo seroring mo mmileng wa botlhe, le yo o tloang kgotsa yo o retelelwang ke go obamela peelo, kganelo, thibelo, pateletsego, tlhokego efe kgotsa tlhomamo mabapi le thwalo ya *cannabis*, e e ka laelwang mabapi le mopagami yoo, o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000. 25

(9) Motho ofe yo o dirisang *cannabis* mo lefelong la botlhe jaaka go umakilwe mo karolong 2(3), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000.

(10) Motho ofe yo o dirisang *cannabis* mo lefelong la poraefete mo pontsheng ya ngwana kgotsa ya mogolo yo o sa batleng jaaka go umakilwe mo karolong 2(2)(a), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000. 30

(11) Motho ofe yo o tsubang *cannabis* mo lefelong la poraefete—

(a) mo sekgaleng se se bonalang go tswa kwa letlhabaphefong la, mo phatlheng e e tsenyang mowa ya, mo mojakong wa, mo kgorong ya, lefelo le lengwe jaaka go umakilwe mo karolong 2(2)(b)(i); kgotsa 35

(b) leo e leng karolo ya lefelo la botlhe mo batho ba kgobokanelang teng le le bapileng le le lengwe le leo mosi o ka bakang kgoreletso kgotsa kgoberego mo mothong ofe yo o mo lefelong leo jaaka go umakilwe mo karolong 2(2)(b)(ii), o bonwa molato wa tlolomolao e bile fa a bonwe molato o ka athholelwa tuediso e e sa feteng R2 000. 40

(12) kotlhao e e pateletswang ya tuelo kgotsa tuediso ntle le tsela e nngwe ya go golegwa ga e tsewe jaaka ponomolato ya pele jaaka go umakilwe mo Kgaolong 27 ya *Criminal Procedure Act, 1977* (Molao 51 wa 1977).

#### **Tloso ya direkoto tsa bosenyi tsa motho yo o bonweng molato wa tsholo kgotsa tiriso ya *cannabis* kgotsa yo o dirang ka *cannabis* ka ntlha ya kgopolelo** 45

5. (1) (a) Fa kgotlatshekelo e bone motho molato wa tlolo ya—

(i) karolo 2(b) ya *Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971* (Molao 41 wa 1971), e mo go yona motho a dirisitseng kgotsa a tshotseng seritibatsi kgotsa semela sa *cannabis* (motekwane) se se bakang boikaego; 50

(ii) karolo 4(b) ya *Drugs and Drug Trafficking Act, 1992* (Molao 140 wa 1992), e mo go yona motho a dirisitseng kgotsa a tshotseng seritibatsi kgotsa semela sa *cannabis* (motekwane) se se sa batlegeng se se bakang boikaego; kgotsa

(iii) molao ofe wa Direphaboliki tsa maloba tsa Transkei, Bophuthatswana, Ciskei kgotsa Venda, kgotsa wa naga efe e e neng e ipusa mo malobeng, jaaka go laetswe mo *Self-governing Territories Constitution Act, 1971* (Molao 21 wa 1971), pele ga tshimololo ya Molaotheo wa Rephaboliki ya Aforika Borwa, 1993 (Molao 200 wa 1993), o o dirileng tiriso kgotsa tsholo ya *cannabis* (motekwane) tlolomolao ya bosenyi, 60

the criminal record, containing the conviction and sentence in question, of that person in respect of that offence must be expunged automatically by the Criminal Record Centre of the South African Police Service.

(b) Where the criminal record of a person referred to in paragraph (a) has not been expunged automatically as provided for in that paragraph, the criminal record of that person must, on that person's written application to the Director-General, in the prescribed form and manner, be expunged. 5

(c) The Director-General must, on receipt of the written application of a person referred to in paragraph (b), issue a prescribed certificate of expungement, directing that the conviction and sentence of the person be expunged, if the Director-General is satisfied that the person complies with the criteria set out in paragraph (a). 10

(d) An applicant to whom a certificate of expungement has been issued as provided for in paragraph (c) must, in the prescribed manner, submit the certificate to the head of the Criminal Record Centre of the South African Police Service, to be dealt with in accordance with subsection (3). 15

(2) (a) Where a court has convicted a person of a contravention of—

(i) section 2(a) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, on the basis of the operation of any presumption in section 21(1)(a)(i), (b), (d) or (e) of that Act, in terms of which it is presumed that the person dealt in the dependence-producing drug or plant of cannabis (dagga); 20

(ii) section 5(b) of the Drugs and Drug Trafficking Act, 1992, on the basis of the operation of any presumption in section 21(1)(a)(i), (b), (c) or (d) of that Act, in terms of which it is presumed that the person dealt in the undesirable dependence-producing substance of cannabis (dagga); or 25

(iii) any law of the former Republics of Transkei, Bophuthatswana, Ciskei or Venda, or of any former self-governing territory, as provided for in the Self-governing Territories Constitution Act, 1971, before the commencement of the Constitution of the Republic of South Africa, 1993, on the basis of the operation of any presumption similar to the laws in subparagraph (i) and (ii), in terms of which it is presumed that the person dealt in cannabis (dagga), 30

the criminal record, containing the conviction and sentence in question, of that person in respect of that offence must, subject to paragraph (b), on that person's written application, be expunged.

(b) The Director-General must, on receipt of the written application, in the prescribed form, of a person referred to in paragraph (a), issue a prescribed certificate of expungement, directing that the criminal record of the person be expunged, if the Director-General is satisfied from the application that the person applying for expungement was convicted of the offence of dealing in the undesirable dependence-producing substance of cannabis (dagga), on the basis of the operation of any presumption referred to in paragraph (a). 35 40

(c) The Director-General must, in the prescribed manner, submit every certificate of expungement that has been issued as provided for in paragraph (b), to the head of the Criminal Record Centre of the South African Police Service to be dealt with in accordance with subsection (3). 45

(d) Notwithstanding the provisions of the Child Justice Act, 2008 (Act No. 75 of 2008), a person whose particulars appear in the diversion record administered by the Director-General: Social Development for having used, possessed, cultivated or dealt in cannabis may apply to the Director-General concerned to have that record expunged.

(3) (a) The head of the Criminal Record Centre of the South African Police Service or a senior person or person at the rank of Director or above, employed at the Centre, who has been authorised, in writing, by the head of the Centre to do so, must expunge the criminal record of a person if that head or person is furnished with a certificate of expungement as provided for in subsection (1)(d) or (2)(c). 50

(b) The head of the Criminal Record Centre of the South African Police Service must, on the written request of an applicant, in writing, confirm that the criminal record of the person has been expunged. 55

(4) Where the Director-General has, in terms of subsections (1)(c) and (2)(b), issued a certificate of expungement, and it subsequently appears that the applicant did not qualify for the expungement of that criminal record, the Director-General must— 60

rekoto ya bosenyi, e e nang le ponomolato le katlholo e e umakwang, ya motho yoo mabapi le tloamolao eo e tshwanetse go tloswa ka boyona ke Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa.

(b) Fa rekoto ya bosenyi ya motho yo o umakilweng mo temaneng (a) e sa tloswa ka boyona jaaka go laetswe mo temaneng eo, rekoto ya bosenyi ya motho yoo e tshwanetse, ka kopo ya motho yoo e e kwaletsweng Mokaedikakaretso, mo foromong e e laetsweng le ka mokgwa o o laetsweng, go tloswa. 5

(c) Mokaedikakaretso o tshwanetse, fa a amogela kopo e e kwetsweng ya motho yo o umakilweng mo temaneng (b), go rebola setifikeiti se se laetsweng sa tloso, se se laelang gore ponomolato le katlholo ya motho di tloswe, fa Mokaedikakaretso a kgotsofetse gore motho o obametse peelo e e tlhagisitsweng mo temaneng (a). 10

(d) Modirakopo yo o reboletsweng setifikeiti sa tloso jaaka go laetswe mo temaneng (c) o tshwanetse, ka mokgwa o o laetsweng, go romelela tlhogo ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi sa Aforika Borwa setifikeiti, se se tla sekasekwang go ya ka karolotlaleletso (3). 15

(2) (a) Fa kgotlatshekelo e bone motho molato wa tloamolao ya—

(i) karolo 2(a) ya *Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971*, ka ntlha ya tiro ya kgopolelo efe mo karolong 21(1)(a)(i), (b), (d) kgotsa (e) ya Molao oo, e go ya ka yona go tsewang gore motho o dirile ka seritibatsi se se bakang boikaegi kgotsa semela sa *cannabis* (motekwane); 20

(ii) karolo 5(b) ya *Drugs and Drug Trafficking Act, 1992*, ka ntlha ya tiro ya kgopolelo efe mo karolong 21(1)(a)(i), (b), (c) kgotsa (d) ya Molao oo, e go ya ka yona go tsewang gore motho o dirile ka seritibatsi se se bakang boikaegi jo bo sa batlegeng sa *cannabis* (motekwane); kgotsa

(iii) molao ofe wa Direphaboliki tsa maloba tsa Transkei, Bophuthatswana, Ciskei kgotsa Venda, kgotsa wa naga efe e e neng e ipusa mo malobeng, jaaka go laetswe mo *Self-governing Territories Constitution Act, 1971*, pele ga tshimololo ya Molaotheo wa Rephaboliki ya Aforika Borwa, 1993, ka ntlha ya tiro ya kgopolelo efe e e tshwanang le melao e e mo temanatlaleletsong (i) le (ii), e go ya ka yona go tsewang gore motho o dirile ka *cannabis* (motekwane), 30

rekoto ya bosenyi, e e nang le ponomolato le katlholo e e umakwang, ya motho yoo mabapi le tloamolao eo e tshwanetse, go latela temana (b), ka kopo e e kwetsweng ya motho yoo, go tloswa.

(b) Mokaedikakaretso o tshwanetse, fa a amaogela kopo e e kwetsweng, mo foromong e e laetsweng, ya motho yo o umakilweng mo temaneng (a), go rebola setifikeiti se se laetsweng sa tloso, se se laelang gore rekoto ya bosenyi e tloswe, fa Mokaedikakaretso a kgotsofetse go tswa mo kopong gore motho yo o dirang kopo ya tloso o ne a bonwe molato wa tloamolao ya go dira ka seritibatsi se se bakang boikaegi jo bo sa batlegeng sa *cannabis* (motekwane), ka ntlha ya tiro ya kgopolelo efe e e umakilweng mo temaneng (a). 40

(c) Mokaedikakaretso o tshwanetse, ka mokgwa o o laetsweng, go romela setifikeiti sengwe le sengwe sa tloso se se rebotsweng jaaka go laetswe mo temaneng (b), kwa tlhologong ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa se se tla sekasekwang go latela karolotlaleletso (3).

(d) Go sa nyatswe ditaello tsa Molao wa Bosiamisi jwa Ngwana, 2008 (Molao 75 wa 2008), motho yo dintlha tsa gagwe di tlhagelelang mo rekotong ya phaposo e e tsamaiswang ke Mokaedikakaretso: Tlhabolololoago mabapi le go dirisa, go tshola, go lema kgotsa go dira ka *cannabis* o ka dira kopo kwa Mokaedikakaretsong yo o amaegang ya gore rekoto e tloswe. 45

(3) (a) Tlhogo ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa kgotsa motho yo mogolwane kgotsa motho yo o mo maemong a Bokaedi kgotsa kwa godimo, yo o dirang kwa Lefelong, yo o neilweng tetla, ka go kwala, ke tlhogo ya Lefelo go dira jalo, o tshwanetse go tlosa rekoto ya bosenyi fa tlhogo eo kgotsa motho yoo a neilwe setifikeiti sa tloso jaaka go laetswe mo karolotlaleletsong (1)(d) kgotsa (2)(c). 50

(b) Tlhogo ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa o tshwanetse, mo kopong e e kwetsweng ya modirakopo, ka go kwala, go netefatsa gore rekoto ya bosenyi ya motho e tlositswe. 55

(4) Fa Mokaedikakaretso a, go ya ka dikarolotlaleletso (1)(c) le (2)(b), rebotse setifikeiti sa tloso, mme go tlhagelela morago gore modirakopo ga a siamela tloso ya rekoto eo ya bosenyi, Mokaedikakaretso o tshwanetse go— 60

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- (a) inform the applicant in writing of the information that has come to the Director-General's attention and that the Director-General intends to revoke the certificate of expungement;
- (b) afford the applicant an opportunity to furnish compelling written reasons to the Director-General within 90 working days after the applicant is informed of the intention to revoke, why the applicant's record should remain expunged; 5
- (c) inform the applicant in writing within 30 working days after a decision is made of—
- (i) that decision; and
  - (ii) the reasons for revoking the certificate of expungement; and 10
- (d) inform the head of the Criminal Record Centre of the South African Police Service, in writing within 14 working days after the decision was made, to revoke the certificate of expungement and to reinstate the convictions and sentences in question.
- (5) If the applicant fails to furnish compelling reasons contemplated in subsection (4)(b), the Director-General may, subject to the Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000), revoke the certificate of expungement. 15
- (6) (a) The Director-General may delegate any power or assign any duty conferred upon or assigned to the Director-General in terms of subsection (1)(c), (2)(c) or (4), to an appropriately qualified official in the employ of the Department of Justice and Constitutional Development at the rank of Deputy Director-General. 20
- (b) A delegation or assignment in terms of paragraph (a)—
- (i) is subject to any limitation, condition and direction which the Director-General may impose;
  - (ii) must be in writing; and 25
  - (iii) does not divest the Director-General of the responsibility concerning the exercise of the power or the performance of the duty.
- (c) The Director-General may—
- (i) confirm, vary or revoke any decision taken in consequence of a delegation or assignment in terms of this subsection, subject to any rights that may have accrued to a person as a result of the decision; and 30
  - (ii) at any time withdraw a delegation or assignment.

### Regulations

6. (1) The Minister must make regulations to prescribe—
- (a) the maximum amounts contemplated in section 4(4), (5) and (8)(a); 35
  - (b) the conditions, restrictions, prohibitions, obligations, requirements or standards regarding the transportation of cannabis, by the person transporting cannabis as well as in respect of the passenger in such transport, as contemplated in section 4(7)(a) and (d);
  - (c) the form on which a person's written application for the expungement of a criminal record must be made, as provided for in section 5(1)(b) and (2)(a); 40
  - (d) the certificate of expungement to be issued by the Director-General as provided for in section 5(1)(c) and (2)(b); and
  - (e) the manner in which the Director-General must submit certificates of expungement that have been issued, to the head of the Criminal Record Centre of the South African Police Service, as provided for in section 5(1)(d) and (2)(c). 45
- (2) (a) The Minister may make regulations to prescribe any matter which is necessary or expedient to achieve the objects of this Act.
- (b) Any regulation made in terms of paragraph (a) and subsection (1)(a) or any amendment thereto must, before publication in the *Gazette*, be approved by Parliament. 50

### Amendment of laws

7. The laws mentioned in the Schedule are hereby amended to the extent reflected in the fourth Column of the Schedule.

- (a) itsise modirakopo ka go kwala ka ga tshedimotsetso e e tshwanetseng go lemoswa Mokaedikakaretso le gore Mokaedikakaretso o ikaelela go gogela morago setifikeiti sa tloso;
- (b) naya modirakopo tšhono ya go tlamela Mokaedikakaretso ka mabaka a a kwetsweng a a utlwagalang mo matsatsing a le 90 a tiro morago ga fa modirakopo a sena go itsisiwe ka ga maikaelelo a kgogelomorago, gore goreng rekoto ya modirakopo e tshwanetse go tswela go tloswa; 5
- (c) itsise modirakopo ka go kwala mo matsatsing a le 30 a tiro morago ga go tsewa ga tshwetso ka ga—
- (i) tshwetso eo; le 10
- (ii) mabaka a go gogelwa morago ga setifikeiti sa tloso; le
- (d) itsise tlhogo ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa, ka go kwala mo matsatsing a le 14 a tiro morago ga go tsewa ga tshwetso, go gogela morago setifikeiti sa tloso le go busetsa diponomolato le dikatlholo tse di umakwang. 15
- (5) Fa modirakopo a retelelwa ke go tlamela mabaka a a utlwagalang a a umakilweng mo temanatlaleletsong (4)(b), Mokaedikakaretso o ka, go latela *Promotion of Administrative Justice Act, 2000* (Molao 2 wa 2000), gogela morago setifikeiti sa tloso.
- (6) (a) Mokaedikakaretso o ka rolela thata efe kgotsa o ka abela tiro efe e e neetsweng kgotsa e e beetsweng Mokaedikakaretso go ya ka karotlaleletso (1)(c), (2)(c) kgotsa (4), mo motlankeding yo o siametseng tiro yo o dirang mo Lefapheng la Bosiamisi le Tlhabololo ya Molaotheo yo o mo maamong a Motlatsamokaedikakaretso. 20
- (b) Tholelo kgotsa kabelo go ya ka temana (a)—
- (i) e go ya ka tekanyetso, peelo le taelo e e ka pateletswang ke Mokaedikakaretso; 25
- (ii) e tshwanetse go kwalwa; e bile
- (iii) ga e amoge Mokaedikakaretso maikarabelo a a mabapi le tiragatso ya thata kgotsa go dirwa ga tiro.
- (c) Mokaedikakaretso o ka—
- (i) netefatsa, farologanya kgotsa gogela morago tshwetso efe e e dirilweng ka ntlha ya tholelo kgotsa kabelo go ya ka karotlaleletso eno, go latela ditshwanelo dife tse di ka tswang di bonwe ke motho ka ntlha ya tshwetso; e bile 30
- (ii) ka nako efe, gogela morago tholelo kgotsa kabelo.

### Melawanataolo

6. (1) Tona o tshwanetse go dira melawanataolo go laela—
- (a) boleng jo bo kwa godimo jo bo umakilweng mo karolong 4(4), (5) le (8)(a); 35
- (b) dipeelo, dikganelo, dithibelo, dipateletsego, ditlhokego le ditlhomamiso mabapi le thwalo ya *cannabis*, ka motho yo o rwalang *cannabis* le mabapi le mopagami yo o mo sepalangweng seo, jaaka go umakilwe mo karolong 4(7)(a) le (d);
- (c) foromo e mo go yona kopo e e kwetsweng ya motho ya tloso ya rekoto ya bosenyi e tshwanetseng go dirwa, jaaka go laetswe mo karolong 5(1)(b) le (2)(a); 40
- (d) setifikeiti sa tloso se se tshwanetseng go rebolwa ke Mokaedikakaretso jaaka go laetswe mo karolong 5(1)(c) le (2)(b); le
- (e) mokgwa o ka ona Mokaedikakaretso a tshwanetseng go romela ditifikeiti tsa tloso tse di rebotsweng, kwa tlhogong ya Lefelo la Direkoto tsa Bosenyi la Tirelo ya Sepodisi ya Aforika Borwa, jaaka go laetswe mo karolong 5(1)(d) le (2)(c). 45
- (2) (a) Tona o ka dira melawanataolo go laela morero ofe o o tlhokegang kgotsa o o potlakileng go fitlhelela maitlthomo a Molao ono. 50
- (b) Molawanataolo ofe o o dirilweng go ya ka temana (a) le karotlaleletso (1)(a) kgotsa tlhabololo efe ya ona e tshwanetse, pele ga go phasalatswa mo Lokwalodikgannyeng la Puso, go rebolwa ke Palamente.

### Tlhabololo ya melao

7. Melao e e umakilweng mo Šejuleng e tlhabololwa fano go ya ka bogolo jo bo tlhagisitsweng mo Kholomong ya bone ya Šejule. 55

**Short title and commencement**

**8.** (1) This Act is called the Cannabis for Private Purposes Act, 2024, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) For purposes of subsection (1) different dates may be proclaimed in respect of different provisions of the Act and the different items of the Schedule to the Act. 5

**Setlhogo se sekhutshwane le tshimololo**

8. (1) Molao ono o bidiwa Molao wa Maitlhomō a Poraefete a *Cannabis*, 2024, e bile o tsena mo tirisong ka letlha le le beilweng ke Moporesidente ka kgoeletso mo Lokwalodikannyeng la Puso.

(2) Mabapi le maitlhomō a karotlaleletso (1) matlha a a farologaneng a ka goeletswa 5 malebana le ditaelo tse di farologaneng tsa Molao le dintlha tse di farologaneng tsa Šejule ya Molao.

16  
**Schedule**  
*(Section 7)*

**LAWS AMENDED**

| Item No. | Number and year of law | Short title                          | Extent of repeal or amendment   |
|----------|------------------------|--------------------------------------|---|
| 1.       | Act No. 140 of 1992    | Drugs and Drug Trafficking Act, 1992 | <p>(a) Part II of Schedule 2 is amended by the deletion of the item:<br/> “Dronabinol [(-)-transdelta-9-tetrahydrocannabinol].”</p> <p>(b) Part III of Schedule 2 is amended by the deletion of the items:</p> <p>(i) “Cannabis (dagga), the whole plant or any portion or product thereof, except dronabinol [(-)-transdelta-9-tetrahydrocannabinol]”; and</p> <p>(ii) “Tetrahydrocannabinol”.</p>   |
| 2.       | Act No. 93 of 1996     | National Road Traffic Act, 1996      | <p>(a) The Index to the Act is amended by—</p> <p>(i) the substitution for the heading to Chapter XI of the following heading:<br/> <b>“RECKLESS OR NEGLIGENT DRIVING, INCONSIDERATE DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, THC OR A DRUG HAVING A NARCOTIC EFFECT, AND MISCELLANEOUS OFFENCES”</b>; and</p> <p>(ii) the substitution for item 65 of Chapter XI of the following item:<br/> <b>“Driving or occupying driver’s seat while under the influence of intoxicating liquor[ or], a drug having narcotic effect or THC, or with excessive amount of alcohol or THC or a drug having a narcotic effect in blood or breath”</b>;</p> <p>(b) The insertion in section 1—</p> <p>(i) after the definition of “driving licence testing centre” of the following definition:<br/> <b>“‘drug having a narcotic effect’ means any substance or a combination of substances that have an impairing effect on a person’s ability to control his or her actions, but excludes THC;”</b>; and</p> <p>(ii) after the definition of “testing station” of the following definition:<br/> <b>“‘THC’ means any substance containing (-)-trans-delta-9-tetrahydrocannabinol;”</b>.</p> <p>(c) The amendment of section 15 by the substitution in subsection (1) for paragraph (g) of the following paragraph:<br/> “(g) if he or she is addicted to the use of any drug having a narcotic effect, or the excessive use of intoxicating liquor or THC; or”.</p> <p>(d) The amendment of section 61 by the substitution in subsection (1) for paragraph (g) of the following paragraph:<br/> “(g) not, except on the instructions of or when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor, THC, or drug having a narcotic effect unless he or she has complied with the provisions of paragraph (f), where it is his or her duty to do so, and has been examined by a medical practitioner if such examination is required by a traffic officer.”.</p> |



17  
Bylae  
(Artikel 7)

**WETTE GEWYSIG**

| Item No. | Nommer en jaar van wet | Kort titel                                   | Omvang van herroeping of wysiging  |
|----------|------------------------|--|--|
| 1.       | Wet No. 140 van 1992   | Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 | <p>(a) Deel II van Bylae 2 word gewysig deur die volgende item te skrap:<br/>“Dronabinol [(-)-transdelta-9-tetrahidrokannabinol].”</p> <p>(b) Deel III van Bylae 2 word gewysig deur die volgende items te skrap:</p> <p>(i) “Cannabis (dagga), die hele plant of enige gedeelte of produk daarvan, uitgesonderd dronabinol [(-)-transdelta-9-tetrahidrokannabinol].”; en</p> <p>(ii) “Tetrahidrokannabinol.”.</p>   |
| 2.       | Wet No. 93 van 1996    | Nasionale Padverkeerswet, 1996               | <p>(a) Die Indeling van die Wet word gewysig—</p> <p>(i) deur die opskrif van Hoofstuk XI deur die volgende opskrif te vervang:<br/><b>“ROEKELOSE OF NALATIGE BESTUUR, ONBEDAGSAME BESTUUR, BESTUUR TERWYL ONDER DIE INVLOED VAN STERK DRANK, THK OF 'N VERDOWINGSMIDDEL WAT 'N NARKOTIESE UITWERKING HET, EN DI-VERSE MISDRYWE”;</b> en</p> <p>(ii) deur item 65 van Hoofstuk XI deur die volgende item te vervang:<br/><b>“Bestuur of in die bestuurderssitplek sit terwyl onder invloed van sterk drank [of], verdowingsmiddel wat narkotiese uitwerking of THK het, of met oormatige hoeveelheid alkohol of THK of 'n verdowingsmiddel wat 'n narkotiese uitwerking het in bloed of asem”;</b></p> <p>(b) Die invoeging in artikel 1—</p> <p>(i) na die omskrywing van “trekker” van die volgende omskrywing:<br/><b>“verdowingsmiddel wat 'n narkotiese uitwerking het’ enige stof of 'n kombinasie van stowwe wat 'n belemmerende uitwerking het op 'n persoon se vermoë om sy of haar handelinge te beheer, maar sluit THK uit;”;</b> en</p> <p>(ii) na die omskrywing van “teëspoedwa” van die volgende omskrywing:<br/><b>“‘THK’ enige stof wat (-)-transdelta-9-tetrahidrokannabinol bevat;”.</b></p> <p>(c) Die wysiging van artikel 15 deur in subartikel (1) paragraaf (g) deur die volgende paragraaf te vervang:<br/>“(g) indien hy of sy verslaaf is aan die gebruik van enige verdowingsmiddel wat 'n narkotiese uitwerking het of aan die oormatige gebruik van sterk drank of THK; of”.</p> <p>(d) Die wysiging van artikel 61 deur in subartikel (1) paragraaf (g) deur die volgende paragraaf te vervang:<br/>“(g) nie, behalwe op las van of wanneer dit toegedien word deur 'n geneesheer in die geval van besering of skok, enige sterk drank drink, THK of 'n verdowingsmiddel wat 'n narkotiese uitwerking het, in neem nie tensy hy of sy voldoen het aan die bepalings van paragraaf (f) waar dit sy of haar plig is om dit te doen, en deur 'n geneesheer ondersoek is indien sodanige ondersoek deur 'n verkeersbeampte vereis word.”.</p> |

| Item No. | Number and year of law | Short title | Extent of repeal or amendment  |
|----------|------------------------|-------------|--|
|          |                        |             | <p>(e) The amendment of section 65 by—</p> <p>(i) the substitution for the heading to that section of the following heading:<br/> <b>“Driving or occupying driver’s seat while under the influence of intoxicating liquor[ or], a drug having narcotic effect or THC, or with excessive amount of alcohol or THC or a drug having a narcotic effect in blood or breath”;</b></p> <p>(ii) the substitution for subsections (1), (2) and (3) of the following subsections, respectively:</p> <p>“(1) No person shall on a public road—</p> <p>(a) drive a vehicle; or</p> <p>(b) occupy the driver’s seat of a motor vehicle the engine of which is running,</p> <p>while under the influence of intoxicating liquor, THC or a drug having a narcotic effect or any combination thereof.</p> <p>(2) No person shall on a public road—</p> <p>(a) drive a vehicle; or</p> <p>(b) occupy the driver’s seat of a motor vehicle the engine of which is running,</p> <p>while the concentration of—</p> <p>(i) alcohol;</p> <p>(ii) THC;</p> <p>(iii) a drug having a narcotic effect; or</p> <p>(iv) any combination of (i), (ii) and (iii),</p> <p>in any specimen of blood taken from any part of his or her body is not less than <b>[0,05 gram per 100 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres]</b> the concentration of alcohol, THC or a drug having a narcotic effect or a combination thereof specified in subsection (10).</p> <p>(3) For purposes of subsection (2) or subsection (5)(a) or (b)(ii), [I]f, in any prosecution for an alleged contravention of a provision of [subsection (2)] those subsections, it is proved that the concentration of alcohol, THC or other drug having a narcotic effect or a combination thereof, in any specimen of blood taken from any part of the body of the person concerned was not less than <b>[0,05 gram per 100 millilitres]</b> the concentration specified in subsection (10) or (11), respectively, at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than <b>[0,05 gram per 100 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,02 gram per 100 millilitres]</b> the concentrations specified in those subsections, respectively, at the time of the alleged contravention.”;</p> |

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|          |                        |            | <p>(e) Die wysiging van artikel 65—</p> <p>(i) deur die opskrif van daardie artikel deur die volgende opskrif te vervang: <b>“Bestuur of die bestuurder se sitplek okkupeer terwyl onder invloed van sterk drank [of], verdoewingsmiddel wat narkotiese uitwerking het of THK, of met oormatige hoeveelheid alkohol of THK of ’n verdoewingsmiddel wat ’n narkotiese uitwerking het in bloed of asem”</b>;</p> <p>(ii) deur subartikels (1), (2) en (3), onderskeidelik, deur die volgende subartikels te vervang:</p> <p>“(1) Niemand mag op ’n openbare pad—</p> <p>(a) ’n voertuig bestuur; of</p> <p>(b) in die bestuurdersitplek van ’n motorvoertuig waarvan die enjin loop, sit,</p> <p>terwyl hy of sy onder die invloed is van sterk drank, THK of ’n verdoewingsmiddel wat ’n narkotiese uitwerking het of enige kombinasie daarvan nie.</p> <p>(2) Niemand mag op ’n openbare pad—</p> <p>(a) ’n voertuig bestuur; of</p> <p>(b) in die bestuurdersitplek van ’n motorvoertuig waarvan die enjin loop, sit,</p> <p>terwyl die konsentrasie—</p> <p>(i) alkohol;</p> <p>(ii) THK;</p> <p>(iii) ’n verdoewingsmiddel wat ’n narkotiese uitwerking het; of</p> <p>(iv) enige kombinasie van (i), (ii) en (iii),</p> <p>in enige monster van bloed wat van enige deel van sy of haar liggaam geneem is, nie minder as <b>[0,05 gram per 100 milliliter is nie, of in die geval van ’n professionele bestuurder in artikel 32 bedoel, nie minder as 0,02 gram per 100 milliliter]</b> die konsentrasie alkohol, THK of ’n verdoewingsmiddel wat ’n narkotiese uitwerking het of ’n kombinasie daarvan in subartikel 10 gespesifiseer, is nie.</p> <p>(3) <b>[Indien]</b> By die toepassing van subartikel (2)(a) of (b)(ii), indien daar, by enige vervolging weens ’n beweerde oortreding van ’n bepaling van <b>[subartikel (2)]</b> daardie subartikels, bewys word dat die konsentrasie alkohol, THK of ander verdoewingsmiddel wat ’n narkotiese uitwerking het of ’n kombinasie daarvan in enige monster van bloed wat van enige deel van die liggaam van die betrokke persoon te eniger tyd binne twee uur na die beweerde oortreding geneem is, onderskeidelik nie minder as <b>[0,05 gram per 100 milliliter]</b> die konsentrasie in subartikel (10) of (11) gespesifiseer, was nie, word daar vermoed, behoudens weerleggende getuienis, dat sodanige konsentrasie ten tyde van die beweerde oortreding nie, onderskeidelik, minder as <b>[0,05 gram per 100 milliliter was nie, of in die geval van ’n professionele bestuurder in artikel 32 bedoel, nie minder as 0,02 gram per 100 milliliter was nie, word daar vermoed, behoudens weerleggende getuienis, dat sodanige konsentrasie ten tyde van die beweerde oortreding nie minder as 0,02 gram per 100 milliliter]</b> die konsentrasie in daardie subartikels gespesifiseer, was nie.”;</p> |

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|          |                        |             | <p>(iii) the substitution for subsections (5) and (6) of the following subsections respectively:</p> <p>“(5) No person shall on a public road—</p> <p>(a) drive a vehicle; or</p> <p>(b) occupy the driver’s seat of a motor vehicle, the engine of which is running, while the concentration—</p> <p>(i) of alcohol in any specimen of breath exhaled by such person is not less than <b>0,24 milligrams per 1 000 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1000 millilitres]</b> the concentration specified in subsection (11); or</p> <p>(ii) of alcohol in any specimen of breath exhaled by such person in combination with THC or drug having a narcotic effect in any specimen of blood taken from any part of the body of the person is not less than the concentration specified in subsection (11).</p> <p>(6) If, in any prosecution for a contravention of a provision of subsection (5), it is proved that the concentration of alcohol in any specimen of breath of the person concerned <b>[was not less than 0,24 milligrams per 1 000 millilitres of breath]</b> taken at any time within two hours after the alleged contravention was not less than the concentration specified in subsection (11), it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than <b>[0,24 milligrams per 1 000 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1000 millilitres, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,10 milligrams per 1 000 millilitres]</b> the concentration specified in subsection (11) at the time of the alleged contravention.”;</p> <p>(iv) the substitution for subsection (8) of the following subsection:</p> <p>“(8) Except on the instruction of or when administered by a medical practitioner, no person detained for an alleged contravention of any provision of this section shall during his or her detention consume any alcohol, THC or a drug having a narcotic effect, nicotine, or any medication until the specimen referred to in subsection (3) or (6) has been taken.”; and</p> |

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|          |                        |            | <p>(iii) subartikels (5) en (6) word onderskeidelik deur die volgende subartikels vervang:</p> <p>“(5) Niemand mag op ’n openbare pad—</p> <p>(a) ’n voertuig bestuur; of</p> <p>(b) in die bestuurdersitplek van ’n motorvoertuig waarvan die enjin loop, sit, terwyl die konsentrasie—</p> <p>(i) alkohol in enige monster van die asem uitgeblaas deur sodanige persoon nie minder as <b>[0,24 milligram per 1 000 milliliter is nie, of in die geval van ’n professionele bestuurder in artikel 32 bedoel, nie minder as 0,10 milligram per 1 000 milliliter]</b> die konsentrasie in subartikel (11) gespesifiseer, is nie; of</p> <p>(ii) alkohol in enige monster van die asem uitgeblaas deur sodanige persoon in kombinasie met THK of verdowingsmiddels wat ’n narkotiese uitwerking het in enige bloedmonster wat van enige deel van die liggaam van die persoon geneem is, nie minder is as die konsentrasie in subartikel (11) gespesifiseer nie.</p> <p>(6) Indien daar, by enige vervolging weens ’n oortreding van ’n bepaling van subartikel (5), bewys word dat die konsentrasie alkohol in enige monster van die asem van die betrokke persoon wat te eniger tyd binne twee uur na die beweerde oortreding geneem is, nie minder <b>[as 0,24 milligram per 1 000 milliliter]</b> as die konsentrasie in subartikel (11) gespesifiseer, was nie, word daar vermoed, behoudens weerleggende getuienis, dat sodanige konsentrasie ten tyde van die beweerde oortreding nie minder as <b>[0,24 milligram per 1 000 milliliter was nie, of in die geval van ’n professionele bestuurder in artikel 32 bedoel, nie minder as 0,10 milligram per 1 000 milliliter was nie, word daar vermoed, behoudens weerleggende getuienis, dat sodanige konsentrasie ten tyde van die beweerde oortreding nie minder as 0,10 milligram per 1 000 milliliter]</b> die konsentrasie gespesifiseer in subartikel (11) was nie.”;</p> <p>(iv) subartikel (8) word deur die volgende subartikel vervang:</p> <p>“(8) Behalwe by instruksie deur of wanneer toegedien deur ’n mediese praktisyn, mag geen persoon wat vir enige beweerde oortreding van enige bepaling van hierdie artikel aangehou word, tydens sy of haar aanhouding enige alkohol, THK of ’n verdowingsmiddel wat ’n narkotiese uitwerking het, nikotien, of enige medikasie verbruik totdat die monster in subartikel (3) of (6) bedoel, geneem is nie.”; en</p> |

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|          |                        |             | <p>(v) the addition of the following subsections after subsection (9):</p> <p>“(10) (a) Where a person is a professional driver referred to in section 32—</p> <p>(i) a concentration of less than a concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood;</p> <p>(ii) a concentration of less than—</p> <p>(aa) 0,02 gram alcohol per 100 millilitres of blood;</p> <p>(bb) 200 nanograms THC per 100 millilitres of blood; or</p> <p>(cc) 0,01 gram alcohol and 100 nanograms THC per 100 millilitres of blood, without any detectable concentration of a drug having a narcotic effect, as may be prescribed; or</p> <p>(iii) a concentration of less than—</p> <p>(aa) 0,01 gram alcohol and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood; or</p> <p>(bb) 100 nanograms THC and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood.</p> <p>(b) Where a person is not a professional driver—</p> <p>(i) a concentration of less than a concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood;</p> <p>(ii) a concentration of less than—</p> <p>(aa) 0,05 gram alcohol per 100 millilitres of blood;</p> <p>(bb) 500 nanograms THC per 100 millilitres of blood; or</p> <p>(cc) 0,025 gram alcohol and 250 nanograms THC per 100 millilitres of blood, without any detectable concentration of a drug having a narcotic effect, as may be prescribed; or</p> <p>(iii) a concentration of less than—</p> <p>(aa) 0,025 gram alcohol and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood; or</p> <p>(bb) 250 nanograms THC and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood.</p> <p>(11) (a) Where a person is a professional driver referred to in section 32—</p> <p>(i) a concentration of less than—</p> <p>(aa) 0,10 milligrams alcohol per 1000 millilitres of breath; or</p> <p>(bb) 0,5 milligrams alcohol per 1000 millilitres of breath and 100 nanograms THC per 100 millilitres of blood,</p> |

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|          |                        |            | <p>(v) die volgende subartikels word na subartikel (9) bygevoeg:</p> <p>“(10) (a) Waar ’n persoon ’n professionele bestuurder bedoel in artikel 32 is—</p> <p>(i) ’n konsentrasie van minder as ’n konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed;</p> <p>(ii) ’n konsentrasie van minder as—</p> <p>(aa) 0,02 gram alkohol per 100 milliliter bloed;</p> <p>(bb) 200 nanogram THK per 100 milliliter bloed; of</p> <p>(cc) 0,01 gram alkohol en 100 nanogram THK per 100 milliliter bloed,</p> <p>sonder enige bespeurbare konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word; of</p> <p>(iii) ’n konsentrasie van minder as—</p> <p>(aa) 0,01 gram alkohol en enige konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed; of</p> <p>(bb) 100 nanogram THK en enige konsentrasie van ’n verdowingsmiddel wat nie ’n narkotiese uitwerking het nie, soos voorgeskryf kan word, per 100 milliliter bloed.</p> <p>(b) Waar ’n persoon nie ’n professionele bestuurder is nie—</p> <p>(i) ’n konsentrasie van minder as ’n konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, per 100 milliliter bloed;</p> <p>(ii) ’n konsentrasie van minder as—</p> <p>(aa) 0,05 gram alkohol per 100 milliliter bloed;</p> <p>(bb) 500 nanogram THK per 100 milliliter bloed; of</p> <p>(cc) 0,025 gram alkohol en 250 nanogram THK per 100 milliliter bloed,</p> <p>sonder enige bespeurbare konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word; of</p> <p>(iii) ’n konsentrasie van minder as—</p> <p>(aa) 0,025 gram alkohol en enige konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed; of</p> <p>(bb) 250 nanogram THK en enige konsentrasie van ’n verdowingsmiddel wat ’n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed.</p> <p>(11) (a) Waar ’n persoon ’n professionele bestuurder is soos in artikel 32 bedoel—</p> <p>(i) ’n konsentrasie van minder as—</p> <p>(aa) 0,10 milligram alkohol per 1000 milliliter asem; of</p> <p>(bb) 0,5 milligram alkohol per 1000 milliliter asem 100 nanogram THK per 100 milliliter bloed.</p> |

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|          |                        |             | <p>without any detectable concentration of a drug having a narcotic effect, as may be prescribed; or</p> <p>(ii) a concentration of less than 0,5 milligrams alcohol per 1000 millilitres of breath and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood.</p> <p>(b) Where a person is not a professional driver—</p> <p>(i) a concentration of less than—</p> <p>(aa) 0,24 milligrams alcohol per 1000 millilitres of breath; or</p> <p>(bb) 0,12 milligrams alcohol per 1000 millilitres of breath and 250 nanograms THC per 100 millilitres of blood,</p> <p>without any detectable concentration of a drug having a narcotic effect, as may be prescribed; or</p> <p>(ii) a concentration of less than 0,12 milligrams alcohol per 1000 millilitres of breath and any concentration of a drug having a narcotic effect, as may be prescribed, per 100 millilitres of blood.</p> <p>(f) The amendment of section 75 by the insertion after subsection (1) of the following subsection:</p> <p>“(1A) The Minister may, in consultation with the Cabinet member responsible for health, prescribe any drug or category or class of such drugs having a narcotic effect and the concentration thereof for purposes of section 65(10) or (11).”.</p> |



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|          |                        |            | <p>sonder enige waarneembare konsentrasie van 'n verdowingsmiddel wat 'n narkotiese uitwerking het, soos voorgeskryf kan word; of</p> <p>(ii) 'n konsentrasie van minder as 0,5 milligram alkohol per 1000 milliliter asem en enige konsentrasie van 'n verdowingsmiddel wat 'n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed.</p> <p>(b) Waar 'n persoon nie 'n professionele bestuurder is nie—</p> <p>(i) 'n konsentrasie van minder as—</p> <p>(aa) 0,24 milligram alkohol per 1000 milliliter asem; of</p> <p>(bb) 0,12 milligram alkohol per 1000 milliliter asem en 250 nanogram THK per 100 milliliter bloed,</p> <p>sonder enige bespeurbare konsentrasie van 'n verdowingsmiddel wat 'n narkotiese uitwerking het, soos voorgeskryf kan word; of</p> <p>(ii) 'n konsentrasie van minder as 0,12 milligram alkohol per 1000 milliliter asem en enige konsentrasie van 'n verdowingsmiddel wat 'n narkotiese uitwerking het, soos voorgeskryf kan word, per 100 milliliter bloed.</p> <p>(f) Die wysiging van artikel 75 deur die volgende subartikel in subartikel (1) in te voeg:</p> <p>“(1A) Die Minister kan, in oorleg met die Kabinetslid verantwoordelik vir gesondheid, enige verdowingsmiddel of klas van sodanige verdowingsmiddels wat 'n narkotiese uitwerking het en die konsentrasie daarvan vir die doeleindes van artikel 65(10) of (11) voorskryf.”.</p> |