



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 690

2 December 2022  
Desember

No. 47637

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

4 7 6 3 7



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
<b>GENERAL NOTICES • ALGEMENE KENNISGEWINGS</b>			
<b>Justice and Constitutional Development, Department of / Justisie en Staatkundige Ontwikkeling, Departement van</b>			
1482	Repeal of the Transkeian Penal Code Bill, 2022: Publication of explanatory summary of the Bill.....	47637	3
1482	Herroeping van die "Transkeian Penal Code", 2022: Publikasie van verduidelikende opsomming van die Wetsontwerp.....	47637	4

---

**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

---

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****NOTICE 1482 OF 2022****PUBLICATION OF EXPLANATORY SUMMARY OF THE REPEAL OF THE TRANSKEIAN PENAL CODE BILL, 2022**

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Repeal of the Transkeian Penal Code Bill, 2022 (the Bill), in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.
  - 3.1 The primary aim of the Bill is to provide for the repeal of the Transkeian Penal Code, 1983 (Act 9 of 1983 of the Republic of Transkei) (the Code), to extend the application of certain laws to the area formerly known as the Republic of Transkei, to provide for transitional arrangements and to provide for matters connected therewith.
  - 3.2 When the former Republic of Transkei became 'independent', the Code was enacted. Almost 20 years after the reincorporation of the former Republic of Transkei into South Africa, the Code remains operational, although the former Republic of Transkei has ceased to exist.
  - 3.3 The continued application of the Code has created an untenable situation. In the rest of the Republic of South Africa, a large part of substantive criminal law has not been codified but in the former Republic of Transkei, as a result of the application of the Code, crimes are codified.
  - 3.4 It is therefore incumbent on the State to ensure that there is a uniform system of criminal law and that there are no parallel laws that regulate the same subject-matter in different parts of the country.
4. A copy of the Bill can be found on the websites of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and the Department of Justice and Constitutional Development at [www.justice.gov.za](http://www.justice.gov.za) and, after introduction, may also be obtained from the Government Printing Works.

**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****KENNISGEWING 1482 VAN 2022****PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE WETSONTWERP OP DIE HERROEPING VAN DIE “TRANSKEIAN PENAL CODE”, 2022**

1. Kragtens Reël 276(1)(b) van die Reëls van die Nasionale Vergadering word hiermee kennis gegee dat die Minister van Justisie en Korrektiewe Dienste beoog om die Wetsontwerp op die Herroeping van die “Transkeian Penal Code”, 2022 (die Wetsontwerp), eersdaags in die Nasionale Vergadering in te dien.
2. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 276(1)(c) van die Reëls van die Nasionale Vergadering gepubliseer.
- 3.1 Die hoof-oogmerk van die Wetsontwerp is om voorsiening te maak vir die herroeping van die “Transkeian Penal Code”, 1983 (Wet 9 van 1983 van die Republiek van Transkei) (die Kode), ten einde die toepassing van sekere wette uit te brei na die gebied wat vroeër bekendgestaan het as die Republiek van Transkei, om vir oorgangsmatreëls voorsiening te maak, en om vir aangeleenthede wat daarmee verband hou, voorsiening te maak.
- 3.2 Toe die voormalige Republiek van Transkei ‘onafhanklik’ geword het, is die Kode verorden. Bykans 20 jaar na die herinkorporering van die voormalige Republiek van Transkei in Suid-Afrika, is die Kode steeds in werking, al het die voormalige Republiek van Transkei ophou bestaan.
- 3.3 Die voortgesette toepassing van die Kode het ‘n onhoudbare situasie geskep. In die res van die Republiek van Suid-Afrika is ‘n groot deel van substantiewe strafreg nie gekodifiseer nie, maar in die voormalige Republiek van Transkei, as gevolg van die toepassing van die Kode, is misdade gekodifiseer.
- 3.4 Dis derhalwe verpligtend vir die Staat om te verseker dat daar ‘n eenvormige strafregstelsel is en dat daar geen paralelle wette is wat dieselfde aangeleentheid in verskillende dele van die land reguleer nie.
4. ‘n Afskrif van die Wetsontwerp kan op die webtuistes van die Parlementêre Moniteringsgroep by <http://www.pmg.org.za> en die Departement van Justisie en Staatkundige Ontwikkeling by [www.justice.gov.za](http://www.justice.gov.za) gevind word en, na indiening, ook verkry word van die Staatsdrukkers.







