

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
PROBATION SERVICES  
AMENDMENT BILL**

[B 15—99]

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*(As agreed to by the Portfolio Committee on Welfare (National Assembly))*

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[B 15A—99]

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REPUBLIEK VAN SUID-AFRIKA

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**PORTEFEULJESKOMITEE-AMENDEMENTE  
OP  
WYSIGINGSWETSONTWERP  
OP PROEFDIENSTE**

[W 15—99]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Welsyn (Nasionale Vergadering))*

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[W 15A—99]

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**AMENDMENTS AGREED TO**  


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**PROBATION SERVICES AMENDMENT BILL**  
**[B 15—99]**  


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CLAUSE 1

1. On page 2, in line 11, to omit all the words after the second “the” up to and including “for” in line 12 and to substitute:  

attitude of the alleged offender in relation to
2. On page 2, in line 20, after “and” to insert:  

, except in sections 9(1) and 15A,
3. On page 2, in line 28, to omit “the laying of charges against or”.
4. On page 4, in line 24, to omit “custom” and to substitute “customary law”.

CLAUSE 4

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

**Insertion of section 4A in Act 116 of 1991**

**4.** The following section is hereby inserted in the principal Act after section 4:

**“Mandatory assessment of arrested children**

**4A.** (1) Every child who is alleged to have committed an offence shall as soon as possible but not later than 48 hours after his or her arrest be assessed by a probation officer.

(2) If the child has not yet appeared in court when the assessment is conducted, the probation officer may request the police official charged with the investigation of the case to arrange that the child be detained in a place of safety or a secure care facility established under the Child Care Act, 1983 (Act No. 74 of 1983), or a prison, with due regard to the best interests of the child and in the least restrictive and most supportive environment.

(3) Immediately after the assessment contemplated in subsection (1) the probation officer shall recommend to the public prosecutor concerned—

- (a) that no further action be taken in respect of the alleged offence;
- (b) diversion to a specified process or programme;
- (c) that the matter not be diverted;
- (d) that the matter be referred to a children’s court established under the Child Care Act, 1983;

- (e) that the child be released to a parent or to an appropriate adult, or on the child's own recognisances; or
- (f) any combination of the options mentioned in paragraphs (a) to (e) or any other option provided for by law.

(4) If the child is brought before a court the probation officer may request the court to order that the child be detained in a place of safety or a secure care facility established under the Child Care Act, 1983, or a prison, with due regard to the best interests of the child and in the least restrictive and most supportive environment.

(5) If the child is brought before a court the public prosecutor shall submit the report regarding the assessment by the probation officer to the court and the court may at any time during the proceedings direct the probation officer to give evidence.

(6) This section does not derogate from any other law whereby an arrested person may be released on bail or on warning or on a written notice to appear in court."

#### CLAUSE 5

1. On page 6, in line 32, to omit "5A" and to substitute "8A".
2. On page 6, in line 33, to omit "5" and to substitute "8".
3. On page 6, in line 36, to omit "5A" and to substitute "8A".

#### CLAUSE 6

Clause rejected.

#### CLAUSE 7

1. On page 8, in line 4, to omit ", other than an assistant probation officer,".
2. On page 8, in line 5, after "guardian" to insert:  
and to bring them to court in order to assist the child in the case

