(3) A person, other than a person referred to in subparagraph (2), who wishes to examine the register must —
(a) submit a SAPS 583(h) (Application for Access to Custody Register) to the station commander or the person designated in writing by the station commander; and
(b) identify himself or herself and provide documentary proof of his or her capacity, if requested to do so by the station commander or designated person.

(4) The station commander or designated person must consider the application and, if he or she —
(a) is satisfied that the applicant has a *bona fide* reason for examining the register and has no reason to believe that allowing him or her to examine the register will detrimentally affect any *child* or other detainee whose name and particulars appear in the register, he or she may authorise the applicant to examine the register; or
(b) is not so satisfied, he or she must decline the application, record his or her reasons for declining the application on the application and provide the applicant with a copy of the declined application.

(5) A *member* must remain present while a person examines the register to protect the privacy of persons in police custody who are not the subject of an investigation involving the *child*.

17. Summons

(1) If a summons is received which is to be served on a *child* who allegedly committed an offence, the investigating officer must contact a parent or *guardian* of the *child* or an *appropriate adult* and make arrangements that will enable him or her to serve the summons in the presence of a parent or *guardian* of the *child* or an *appropriate adult* at least 10 (ten) *working days* before the date of the *preliminary inquiry* or other hearing in respect of which the *child* is summoned.

(2) When the summons is served, the *member* serving the summons must —
(a) explain the contents of the summons to the *child* and the parent, *guardian* or *appropriate adult*;
(b) hand the original summons to the *child* in the presence of the parent, *guardian* or *appropriate adult* and request the *child* and parent, *guardian* or *appropriate adult* to sign the Return of Service to acknowledge receipt of the summons; and
(c) make two copies of the summons and the Return of Service and —
(i) provide the first copy of the summons and the Return of Service to the *designated probation officer* within 24 hours after the summons was handed to the *child*; and
(ii) file proof that it was received by the *designated probation officer* together with the second copy of the summons and

the Return of Service under "B" in the docket opened in respect of the case for which the *child* was summoned.

(3) If the investigating officer is unable to make arrangements that will enable him or her to serve the summons at least 10 (ten) *working days* before the date of the *preliminary inquiry* or other hearing in respect of which the *child* is summoned, the investigating officer must make an appropriate entry in the investigation diary of the docket and submit the docket to the prosecutor with a request to have a new summons issued.

18. Assessment of a child

(1) The station commander and Community Service Centre Commander must render full support to a *probation officer* to enable the *probation officer* to conduct an *assessment* of a *child* in police custody.

(2) A station commander and Community Service Centre Commander must, if requested thereto by a *probation officer*, take all reasonable steps (including phoning the parent or *guardian* of the *child* or an *appropriate adult* or visiting the last known address of the parent or *guardian* of the *child* or an *appropriate adult* (if within a reasonable distance)) in order to assist the *probation officer* to locate a parent or *guardian* of the *child* or an *appropriate adult*.

(3) The station commander must make a room, other than a *police cell*, available for the *probation officer* in which to conduct the *assessment*. Such a room must enable the *probation officer* to conduct the *assessment* in private.

(4) (a) If the station commander, Community Service Centre Commander or any other *member* is of the opinion that —

(i) the *child* poses a danger to the *probation officer* or any other person; or

(ii) there is a risk that the *child* may escape during the *assessment*,

the *member* must inform the *probation officer* of the basis for his or her opinion.

(b) If the *probation officer* requests that a *member* be present during the *assessment*, the station commander or Community Service Centre Commander must make a *member*, other than the investigating officer, available for this purpose.

(5) If a *member* is present while an *assessment* is conducted, such *member* may not disclose any information that came to his or her knowledge during the *assessment*, except if requested thereto by the presiding officer at a *preliminary inquiry* or other court proceeding.

19. Error regarding placement

(1) In terms of *the Act*, no presiding officer (whether at a preliminary enquiry or at a *child justice court*) may remand a *child* to police custody pending the *child's* next appearance in court. Accordingly, if a court issues a warrant for the further *detention* of a *child* and the warrant states that the *child* must be detained in police custody until the date, stated in the warrant, when he or she must again appear in court, this amounts to an error on the part of the presiding officer and the matter must be dealt with as set out in subparagraph (2).

(2) The Community Service Centre Commander must —

(a) accept the *child* into police custody and perform the normal duties relating to the *detention* of a *child* in police custody;

(b) make an entry in the Occurrence Book (OB) recording the fact that the warrant for the *detention* of the *child* in police custody was erroneously issued by the presiding officer;

(c) complete the SAPS 583(i) (Notification of Error regarding Placement form);

(d) make a copy of the warrant for the *detention* of the *child* at the police station and attach the copy to the SAPS 583(i) (Notification of Error regarding Placement form); and

(e) ensure that —

(i) if the *child* is received at the police station at a time when it is still possible for the *child* to be returned to the presiding officer before the end of the court session for that day, the *child* is returned to the presiding officer immediately together with the SAPS 583(i) (Notification of Error regarding Placement form) to which the copy of the warrant for the *detention* of the *child* is attached; or

(ii) if the *child* is received at the police station at a time when it is no longer possible for the *child* to be returned to the presiding officer before the end of the court session for that day, the *child* must be detained in police custody until the next court day and, at the beginning of the next court day, be returned to the presiding officer together with the SAPS 583(i) (Notification of Error regarding Placement form) to which the copy of the warrant for the *detention* of the *child* is attached.

(3) If a *child* is erroneously placed in a *child and youth care centre* and a request is received from the *child and youth care centre* to return the *child* to the presiding officer for the error to be corrected, the station commander must instruct the investigating officer of the case in respect of which the *child* is in *detention*, if he or she is available, and, if not, another *member*, to, —

(a) if the request is received by the station commander at a time when it is still possible for the *child* to be returned to the presiding officer before the end of the court session for that day, collect the *child* and return the *child* to the presiding officer immediately together

with the Written Referral by the *child and youth care centre* to which the copy of the court order for the *detention* of the *child* at the *child and youth care centre* is attached; or

(b) if the request is received by the station commander at a time when it is no longer possible for the *child* to be returned to the presiding officer before the end of the court session for that day, collect the *child* at the beginning of the next court date and return the *child* to the presiding officer, together with the Written Referral by the *child and youth care centre* to which the copy of the court order for the *detention* of the *child* at the *child and youth care centre* is attached.

20. Confession by a child in conflict with the law

(1) If a *child* indicates to a *member* that he or she is willing to make a confession, the *member* must inform the *child* that he or she —

(a) will be taken to a magistrate or a police officer (whoever is applicable), that the confession will be written down and may be used as evidence against him or her in court;

(b) is entitled to have a legal representative present while making the confession; and

(c) is entitled to be assisted by his or her parent, *guardian* or an *appropriate adult* while making the confession.

(2) If the *child* indicates that he or she wishes to have his or her legal representative present while the confession is taken, the *member* must —

(a) establish who the legal representative is;

(b) contact the legal representative and inform him or her that the *child* wishes to have him or her present while he or she makes the confession and of the time when and place where the confession will be taken to enable him or her to attend while the confession is taken; and

(c) inform the magistrate or the police officer (whoever is applicable) of the steps that he or she has taken to inform the legal representative when the *child* is taken to the magistrate or the police officer for the taking of the confession.

(3) If the *child* indicates that he or she wishes to have his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the confession is taken, the *member* must —

(a) establish the whereabouts of the parent, *guardian* or the *appropriate adult*;

(b) contact the parent, *guardian* or the *appropriate adult* and inform him or her that the *child* wishes to have him or her present while he or she makes the confession and of the time when and place where the confession will be taken to enable him or her to attend and assist the *child* during the taking of the confession; and

(c) inform the magistrate or the police officer (whoever is applicable) of the steps that he or she has taken to inform the parent,

guardian or the *appropriate adult* when the *child* is taken to the magistrate or the police officer for the taking of the confession.

(4) If the *child* indicates that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the confession is taken, the *member* must —

(a) if the *member* and the *child* is present at the police station, —

(i) make an entry in the Occurrence Book (OB) stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the confession is taken;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) inform the magistrate or the police officer (whoever is applicable) of the choice of the *child* when the *child* is taken to the magistrate or the police officer for the taking of the confession; or

(b) if the *member* and the *child* is not present at the police station, —

(i) make an entry in his or her Pocketbook stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the confession is taken;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) inform the magistrate or the police officer (whoever is applicable) of the choice of the *child* when the *child* is taken to the magistrate or the police officer for the taking of the confession; and

(c) if requested thereto by the said magistrate or police officer, provide him or her with the contact particulars of the legal representative, parent, *guardian* or *appropriate adult.*

21. Pointing-out by a child in conflict with the law

(1) If a *child* indicates to a *member* that he or she is willing to make a pointing-out, the *member* must inform the *child* that he or she —

(a) will be taken to a magistrate or a police officer (whoever is applicable), that the pointing-out will be recorded and may be used as evidence against him or her in court;

(b) is entitled to have a legal representative present while making the pointing-out; and

(c) is entitled to be assisted by his or her parent, *guardian* or an *appropriate adult* while making the pointing-out.

(2) If the *child* indicates that he or she wishes to have his or her legal representative present while the pointing-out is made, the *member* must —

(a) establish who the legal representative is;

(b) contact the legal representative and inform him or her that the *child* wishes to have him or her present while he or she makes the pointing-out and of the time when and place where the pointing-out will be made to enable him or her to attend while the pointing-out is made; and

(c) inform the magistrate or the police officer (whoever is applicable) of the steps that he or she has taken to inform the legal representative when the *child* will be taken to the magistrate or the police officer for the pointing-out.

(3) If the *child* indicates that he or she wishes to have his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the pointing-out is made, the *member* must —

(a) establish the whereabouts of the parent, *guardian* or the *appropriate adult*;

(b) contact the parent, *guardian* or the *appropriate adult* and inform him or her that the *child* wishes to have him or her present while he or she makes the pointing-out and of the time when and place where the pointing-out will be made to enable him or her to attend and assist the *child* during the pointing-out; and

(c) inform the magistrate or the police officer (whoever is applicable) of the steps that he or she has taken to inform the parent, *guardian* or the *appropriate adult* when the *child* will be taken to the magistrate or the police officer for the pointing-out.

(4) If the *child* indicates that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the pointing-out is made, the *member* must —

(a) if the *member* and the *child* is present at the police station, —

(i) make an entry in the Occurrence Book (OB) stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the pointing-out is made;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) inform the magistrate or the police officer (whoever is applicable) of the choice of the *child* when the *child* is taken to the magistrate or the police officer for the making of the pointing-out; or

(b) if the *member* and the *child* is not present at the police station, —

(i) make an entry in his or her Pocketbook stating that the *child* was informed as set out in subparagraph (1) but that

the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her while the pointing-out is made;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) inform the magistrate or the police officer (whoever is applicable) of the choice of the *child* when the *child* is taken to the magistrate or the police officer for the making of the pointing-out; and

(c) if requested whereto by the said magistrate or police officer, provide him or her with the contact particulars of the legal representative, parent, *guardian* or *appropriate adult*.

22. Admission by a child in conflict with the law

(1) If a *child* makes an admission, the *member* must inform the *child* that he or she is entitled to —

(a) remain silent and does not have to make any statement or answer any question and that anything that he or she says may be written down and may be used as evidence against him or her in court;

(b) consult with a legal representative before making any statement or answering any question; and

(c) be assisted by his or her parent, *guardian* or an *appropriate adult* before making any statement or answering any question.

(2) If the *child* indicates that he or she wishes to consult with his or her legal representative before making any statement or answering any question, the *member* must —

(a) establish who the legal representative is;

(b) contact the legal representative and inform him or her that the *child* wishes to consult with him or her before making any statement or answering any question and when and where he or she may consult with the *child*; and

(c) record in the Occurrence Book (OB), if the *member* is at the police station or, if the *member* is not at the police station, in his or her Pocketbook, the steps that he or she has taken to inform the legal representative as set out in subparagraph (b).

(3) If the *child* indicates that he or she wishes to have his or her parent, *guardian* or an *appropriate adult* present before making any statement or answering any question, the *member* must —

(a) establish the whereabouts of the parent, *guardian* or the *appropriate adult*;

(b) contact the parent, *guardian* or the *appropriate adult* and inform him or her that the *child* wishes to have him or her present when making any statement or answering any question and when and where the statement will be taken or the questions will be asked to enable him or her to assist the *child* while the statement is being taken or the questions are being asked; and

(c) record in the Occurrence Book (OB), if the *member* is at the police station or, if the *member* is not at the police station, in his or her Pocketbook, the steps that he or she has taken to inform the parent, *guardian* or the *appropriate adult* as set out in subparagraph (2)(b).

(4) If the *child* indicates that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her before making any statement or answering any question, the *member* must —

(a) if the *member* and the *child* is present at the police station, —

(i) make an entry in the Occurrence Book (OB) stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her before making any statement or answering any question;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) take any statement made by the *child* by properly completing Form SAPS 3M(m); or

(b) if the *member* and the *child* is not present at the police station, —

(i) make an entry in his or her Pocketbook stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present before making any statement or answering any question;

(ii) request the *child* to sign the entry to confirm the correctness of the entry; and

(iii) take any statement made by the *child* by properly completing Form SAPS 3M(m).

23. Identity parade in which a child in conflict with the law appears as a suspect

(1) An investigating officer in a case in which a *child* is a suspect, who decides that it is necessary for the purposes of the successful conclusion of the investigation of the case, for the *child* to appear as a suspect on an identification parade, must, well in advance before the identification parade is to be held so as to allow the *child* a reasonable opportunity to secure the presence of his or her legal representative and his or her parent, *guardian* or *appropriate adult* at the parade, inform the *child* —

(a) of the intention to hold the identification parade and the purpose of the identification parade;

(b) that he or she is legally obliged to participate in the identification parade; and

(c) that he or she is entitled to have his or her legal representative and his or her parent, *guardian* or *appropriate adult* present at the parade.

(2) If the *child* indicates that he or she wishes to have his or her legal representative present while the identification parade is held, the investigating officer must —

(a) establish who the legal representative is;

(b) contact the legal representative and inform him or her that the *child* wishes to have him or her present while the identification parade is held and of the time when and place where the identification parade will be held to enable him or her to attend the identification parade; and

(c) record in the Occurrence Book (OB) the steps that he or she has taken to inform the legal representative as set out in subparagraph (b).

(3) If the *child* indicates that he or she wishes to have his or her parent, *guardian* or an *appropriate adult* present to assist him or her during the identification parade, the *member* must —

(a) establish the whereabouts of the parent, *guardian* or the *appropriate adult*;

(b) contact the parent, *guardian* or the *appropriate adult* and inform him or her —

(i) that the *child* wishes to have him or her present during the identification parade and of the time when and place where the identification parade will be held to enable him or her to attend and assist the *child* during the identification parade; and

(ii) that he or she is entitled to attend the identification parade and may assist the *child* during the identification parade; and

(c) record in the Occurrence Book (OB) the steps that he or she has taken to inform the parent, *guardian* or the *appropriate adult* as set out in subparagraph (b).

(4) If the *child* indicates that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her during the identification parade, the *member* must —

(a) make an entry in the Occurrence Book (OB) stating that the *child* was informed as set out in subparagraph (1) but that the *child* has indicated that he or she does not wish to have his or her legal representative or his or her parent, *guardian* or an *appropriate adult* present to assist him or her during the identification parade;

(b) request the *child* to sign the entry to confirm the correctness of the entry; and

(c) if requested thereto by the *member* in charge of the identification parade, provide him or her with the contact particulars of the legal representative, parent, *guardian* or *appropriate adult*.

(5) The *member* in charge of an identification parade must, before the commencement of the parade, inform every *child* who will be required to appear as a suspect on the parade of the following:
(a) the nature of the allegations against him or her;
(b) the purpose of the identification parade;
(c) his or her right to legal representation and afford him or her a reasonable opportunity and assist him or her to contact his or her legal representative or to secure legal representation;
(d) his or her right to be assisted by his or her parent, *guardian* or an *appropriate adult* during the parade and assist him or her to contact his or her parent, *guardian* or an *appropriate adult* to secure the presence of his or her parent, *guardian* or an *appropriate adult* at the parade;
(e) his or her right to remain silent; and
(f) that he or she is legally obliged to participate in the identification parade.

(6) If the *child* refuses to participate in the parade, he or she must not be physically taken to the parade. The *child* must, however, be informed that his or her refusal will be adduced as evidence against him or her during his or her trial and that the court may draw an adverse inference from the refusal.

(7) The legal representative of the *child* or his or her parent, *guardian* or an *appropriate adult* may not participate or interfere with the proceedings and is merely an observer. The parent, *guardian* or an *appropriate adult* who attends the parade must be informed accordingly and must be allowed to support the *child* between the appearances of witnesses. The legal representative of the *child* may elicit facts with regard to the identification parade during cross-examination in court and even give evidence thereon.

(8) The *child* must participate in the parade in such condition, position or clothing as the *member* in charge of the parade may determine. The *child* or his or her legal representative, parent, *guardian* or the *appropriate adult* may make reasonable requests regarding the appearance of the *child* on the parade. However, the *member* in charge of the parade may refuse to comply with such a request if it will be in the interest of justice to refuse - such as where the change of appearance will actually result in the *child* being disguised.

(9) National Instruction 1 of 2007 on Identification Parades (as amended by subparagraphs (1)-(8)) applies to an identification parade in which a *child* appears as a suspect.

24. Receiving a report that a child was used by an adult to commit a crime

(1) In terms of section 141(1)(d) read with section 305(1)(c) of the *Children's Act*, any adult person who uses, procures or offers a *child* for the commission of any offence listed in Schedules 1 or 2 of the *Criminal Procedure Act*, or attempts to do so, is guilty of an offence.

(2) In terms of section 92 of *the Act*, a court official or *probation officer* must, if it comes to his or her attention that a *child* has been used by an adult to commit an offence referred to in Schedule 1 or 2 of the *Criminal Procedure Act*, report the information at his or her disposal in this regard, to a police official.

(3) The person reporting the alleged commission of the offence, normally does so voluntarily (except in the circumstances referred to in subparagraph (2)) and is accordingly normally willing to provide all the information at his or her disposal to the police.

(4) Any person reporting such information as a result of the legal duty to do so in terms of section 92 of *the Act*, may sometimes do so because of the legal duty on him or her to do so.

(5) If a person (referred to in subparagraph (4)) reports such knowledge or his or her belief or suspicion to a police official, the *member* receiving the report may under no circumstances turn such a person away. Such a *member* must consider the information and —

(a) if the *member* is satisfied that there are reasonable grounds to believe that the offence established in section 141(1)(d) of the *Children's Act* was indeed committed, take an affidavit from the person setting out the information provided by that person, open a docket for the investigation of the offence that was allegedly committed and register the docket on the CAS system; or

(b) if the *member* is not satisfied that there are reasonable grounds to believe that such an offence was indeed committed, consult with the Community Service Centre Commander who must make a comprehensive OB entry of the report and the reasons why the Commander is not satisfied that there are reasonable grounds to believe that such an offence was indeed committed and provide the number of the OB entry to the person who made the report. The entry must include sufficient particulars of the person that made the report to enable him or her to be located and be interviewed if this turns out to be necessary.

(6) Any person who reports the alleged commission of the offence established in section 141(1)(d) of the *Children's Act* to a *member* must be treated in a professional manner and must be reassured that the report is viewed in a serious light and will be thoroughly investigated.

25. Expungement of previous conviction and criminal record of a child

(1) The Head: Criminal Record Centre may, in writing, authorise any *member* attached to the Criminal Record Centre of or above the rank of Brigadier, to expunge the criminal record of a person who was convicted of an offence while that person was a *child*, upon the receipt of a certificate of expungement issued by —

(a) the Director General of the Department of Justice and Constitutional Development; or

(b) the Minister of Justice and Constitutional Development.

(2) The Head: Criminal Record Centre must file every certificate referred to in subparagraph (1) and keep record of the date of the receipt of the certificate, the date upon which the record of the conviction and sentence was removed and the official who removed it.

(3) The Head: Criminal Record Centre must, upon receipt of a written request from any person whose criminal record has been expunged in accordance with this paragraph, in writing confirm that the criminal record of the *child* has been expunged.

ANNEXURE A

SCHEDULE 1

1. Theft, whether under the common law or a statutory provision, receiving stolen property knowing it to have been stolen or theft by false pretences, where the amount involved does not exceed R 2 500.
2. Fraud, extortion, forgery and uttering or an offence referred to in the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), where the amount involved does not exceed R 1 500.
3. Malicious injury to property, where the amount involved does not exceed R 1 500.
4. Common assault where grievous bodily harm has not been inflicted.
5. Perjury.
6. Contempt of court.
7. Blasphemy.
8. Compounding.
9. Crimen iniuria.
10. Defamation.
11. Trespass.
12. Public Indecency.
13. Engaging sexual services of persons 18 years or older, referred to in section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).
14. Bestiality, referred to in section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
15. Acts of consensual sexual penetration with certain children (statutory rape) and acts of consensual sexual violation with certain children (statutory sexual assault), referred to in and subject to sections 15 and 16 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
16. Any offence under any law relating to the illicit possession of dependence-producing drugs, other than any offence referred to in Item 17 of this Schedule, where the quantity involved does not exceed R 500 in value.
17. Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period of no longer than three months or a fine for that period, calculated in accordance with the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).
18. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

ANNEXURE B

SCHEDULE 2

1. Theft, whether under the common law or a statutory provision, receiving stolen property knowing it to have been stolen, or theft by false pretences, where the amount involved exceeds R 2 500.
2. Fraud, extortion, forgery and uttering or an offence referred to in the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), where the amount involved exceeds R 1 500.
3. Robbery, other than robbery with aggravating circumstances.
4. Malicious injury to property, where the amount involved exceeds R 1 500.
5. Assault, involving the infliction of grievous bodily harm.
6. Public violence.
7. Culpable homicide.
8. Arson.
9. Housebreaking, whether under the common law or a statutory provision, with the intent to commit an offence.
10. Administering poisonous or noxious substance.
11. Crimen expositionis infantis.
12. Abduction.
13. Sexual assault, compelled sexual assault or compelled self-sexual assault referred to in sections 5, 6 and 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), respectively, where grievous bodily harm has not been inflicted.
14. Compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation, referred to in section 8 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
15. Exposure or display of or causing exposure or display of child pornography or pornography as referred to in sections 10 or 19 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
16. Incest and sexual acts with a corpse, referred to in sections 12 and 14 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
17. Exposure or display of or causing exposure or display of genital organs, anus or female breasts to any person ("flashing"), referred to in sections 9 or 22 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
18. Violating a dead body or grave.
19. Defeating or obstructing the course of justice.
20. Any offence referred to in section 1 or 1A of the Intimidation Act, 1982 (Act No. 72 of 1982).
21. Any offence relating to criminal gang activities referred to in Chapter 4 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).
22. Any contravention of section 2 of the Animals Protection Act, 1962 (Act No. 71 of 1962).
23. Any offence under any law relating to the illicit possession of dependence-producing drugs, other than any offence referred to in Item 24 of this Schedule, where the quantity involved exceeds R 500 but does not exceed R 5 000 in value.

24. Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period exceeding three months but less than five years or a fine for that period, calculated in accordance with the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).
25. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

ANNEXURE C

SCHEDULE 3

1. Treason.
2. Sedition.
3. Murder.
4. Extortion, where there are aggravating circumstances present.
5. Kidnapping.
6. Robbery—
   (a) where there are aggravating circumstances; or
   (b) involving the taking of a motor vehicle.
7. Rape or compelled rape referred to in sections 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), respectively.
8. Sexual assault, compelled sexual assault or compelled self-sexual assault referred to in sections 5, 6 and 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively, involving the infliction of grievous bodily harm.
9. Sexual exploitation of children, sexual grooming of children and using children for or benefiting from child pornography, referred to in sections 17, 18 and 20 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
10. Exposure or display of or causing exposure or display of child pornography or pornography to children referred to in section 19 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, if that exposure or display is intended to facilitate or promote—
    (a) the sexual exploitation or sexual grooming of a child referred to in section 17 or 18 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively; or
    (b) the use of a child for purposes of child pornography or in order to benefit in any manner from child pornography, as provided for in section 20 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
11. Compelling or causing children to witness sexual offences, sexual acts or self-masturbation referred to in section 21 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
12. Sexual exploitation of persons who are mentally disabled, sexual grooming of persons who are mentally disabled, exposure or display of or causing exposure or display of child pornography or pornography to persons who are mentally disabled or using persons who are mentally disabled for pornographic purposes or benefiting therefrom, referred to in sections 23, 24, 25, and 26 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.
13. Trafficking in persons for sexual purposes referred to in section 71(1) and involvement in trafficking in persons for sexual purposes referred to in section 71(2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

14. Any offence referred to in Parts 1, 2 and 3 of Chapter 2 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004).
15. Any offence relating to—
    (a) racketeering activities referred to in Chapter 2; or
    (b) the proceeds of unlawful activities referred to in Chapter 3, of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).
16. The crimes of genocide, crimes against humanity and war crimes referred to in the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002).
17. Any offence under any law relating to—
    (a) the dealing in or smuggling of ammunition, firearms, explosives or armament;
    (b) the possession of firearms, explosives or armament.
18. Any offence referred to in section 13(f) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992).
19. Any offence of a serious nature if it is alleged that the offence was committed by a person, group of persons, syndicate or any enterprise, acting in the execution or furtherance of a common purpose or conspiracy.
20. Any offence under any law relating to the illicit possession of dependence producing drugs, other than an offence referred to in Item 21 of this Schedule, where the quantity involved exceeds R 5 000 in value.
21. Any other statutory offence where the maximum penalty determined by that statute is imprisonment for a period exceeding five years or a fine for that period, calculated in accordance with the Adjustment of Fines Act, 1991 (Act No. 101 of 1991).
22. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

SAPS/SAPD 583

INJURIES REGISTER (CHILDREN)
BESERINGSREGISTER (KINDERS)

Serial no Volgno	Date Datum	Nature of injury / trauma and circumstances surrounding the injury / trauma Aard van besering/trauma en omstandighede rondom die besering/trauma	Signature and particulars of complainant / member reporting the incident Handtekening en besonderhede van klaer / lid wat voorval aanmeld	Nature of medical treatment Aard van mediese behandeling	Initial of Station Commander and date Paraaf van Stasiebevelvoerder en datum

-2-

Date report referred to Cluster Commander Datum waarop verslag verwys is na Groepsbevelvoerder	Instructions by Cluster Commander / Provincial Commissioner Instruksies van Groepsbevelvoerder / Provinsiale Kommissaris	Steps taken as result of the instructions of Cluster Commander / Provincial Commissioner Stappe gedoen na aanleiding van instruksies van Groepsbevelvoerder / Provinsiale Kommissaris

SAPS 583(a)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

INFORMATION NOTICE TO PERSON TO WHOM A CHILD YOUNGER THAN 10 YEARS IS HANDED

(Section 9(1) of the Child Justice Act, 2008 (Act No. 75 of 2008))

Particulars of child:

Full names and surname: _____

Age: _____ Alleged offence committed: _____

_____

The above child, who is younger than 10 years, is alleged to have committed the above-mentioned offence and is hereby handed over to:

Particulars of parent, guardian or appropriate adult to whom the child is handed:

Name and surname: _____

Residential address: _____

Contact number: _____

Relationship with child: _____

OR

If the parent or guardian of the child or an appropriate adult is not available, or it is not in the best interest of the child to be handed over to such a person, the child is hereby handed to the following child and youth care centre:

Name and address of Child and Youth Care Centre: _____

_____

Contact particulars of Child and youth Care Centre: _____

Name and surname of person to whom child is handed: _____

_____

Particulars of designated Probation Officer:

Name and surname: _____

Contact particulars: _____

The child was handed over on (date) _____ 20 _____ at (time) _____:_____ by (Persal number) _____ (rank) _____ (name and surname) _____

_____ stationed at (name of police station)

_____ contact number: _____

_____ _____

Signature: Member **Signature of person to whom child was handed**

VERY IMPORTANT: PLEASE NOTE THE INFORMATION ON THE BACK OF THIS NOTICE

PLEASE NOTE:

1. The child is below the age of 10 years and can therefore not be prosecuted in a court of law for the commission of the alleged offence.
2. The child must, as soon as possible, but within 7 days after the issuing of this Information Notice, be assessed by the probation officer (see particulars on the reverse side). The probation officer will contact you to make arrangements to assess the child. You must cooperate with the probation officer to ensure that the child is assessed.
3. After the assessment, the probation officer will decide on how to proceed with the case and will inform you of the next step in the case.
4. The child **MUST** comply with the decision taken by the probation officer. If the child fails to comply with the decision of the probation officer, the matter will be referred to a Children's Court and the child will be dealt with as a child in need of care and protection in accordance with the Children's Act, 2005 (Act No. 38 of 2005).
5. You must cooperate and ensure that the child complies with the decision of the probation officer after the assessment.

SAPS 583(b)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN NOTICE TO APPEAR AT A PRELIMINARY INQUIRY

(Section 18 of the Child Justice Act, 2008 (Act No. 75 of 2008))

Police station:	**CAS/CR No:**	**Investigating officer of SAPS**	
Place of Preliminary Inquiry		**Room No:**	**Date of preliminary inquiry**

TO:

Full name and surname of child:													
Residential address:													
Work address /School attended:													
Sex		**M**	**F**	Nationality:			Age:						
ID No:													

You are, in terms of section 18 of the Child Justice Act, 2008 (Act 75 of 2008), called upon to appear at a preliminary inquiry on the date and at the place stated above at 08:30 to consider allegations against you in that on or about _____ _____ and at or near _____ _____ in the district of _____ you unlawfully _____ _____ _____ _____

The original notice was handed today to the aforementioned child personally and in the presence of (name and surname) _____ _____ OR a copy was handed to (name and surname) _____ with ID no. _____ (residential address) _____ _____ being the child's _____(state relationship with the child).

The child was warned to appear at the preliminary inquiry on the date, time and place indicated above and the parent, guardian or appropriate adult was warned to bring or cause the child to be brought to the preliminary inquiry on the date, time and place as indicated above.

_____ **Place**

_____ **Name and surname of member**

_____ **Signature: Member**

Official Stamp

ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN NOTICE

_____ **Signature: Child**

_____ **Signature: Parent, Guardian or Appropriate adult**

_____ **Date**

_____ **Date**

SAPS 583(c)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN REPORT ON DETENTION OF CHILD ARRESTED FOR SCHEDULE 1 OFFENCE BEFORE APPEARING AT PRELIMINARY INQUIRY

(Section 22(2) of the Child Justice Act, 2008 (Act No. 75 of 2008))

CAS/CR No: _____

Particulars of child

Full names and surname: _____

Age: _____ Date of birth: _____ Sex: _____

Date of arrest: _____ Time of arrest: _____

Station where the child is detained: _____

Alleged offence(s): _____

_____

Reasons for detention of child

Motivate why the child could not be released from custody:

The parents of the child, an appropriate adult or the guardian of the child could not be located or is not available and all reasonable efforts have been made to locate the parents, appropriate adult or guardian. Explain the steps taken:

_____

_____

_____

_____

_____

_____

_____

OR

There is a substantial risk that the child may be a danger to any other person or to himself or herself. Explain the risks if the child is released: (Attach documentation, if relevant to the risk)

_____

_____

_____

_____

_____

_____

_____

_____

_____

Rank: _____ **Persal No:** _____

Name and surname: _____

_____

Signature: Member **Official Stamp**

SAPS 583(d)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN REPORT ON FAILURE TO NOTIFY A PARENT, GUARDIAN OR APPROPRIATE ADULT OF ARREST OF CHILD

(Section 20(3)(d) of the Child Justice Act, 2008 (Act No. 75 of 2008))

CAS/CR No: _____

Particulars of child

Full names and surname: _____

Age: _____ Date of birth: _____ Sex: _____

Date of arrest: _____ Time of arrest: _____

Place where the child is detained: _____

Alleged offence(s): _____

_____

Particulars of parent appropriate adult or guardian (If known)

Full names and surname: _____

_____

Residential address: _____

_____

Contact details: _____

_____

Steps taken to notify parent, guardian or appropriate adult of arrest of the child (including why these were unsuccessful): (Provide details of steps taken, including the manner and time of each attempt)_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Rank: _____ **Persal No:** _____

Name and surname: _____

_____

Signature: Member

Official Stamp

SAPS 583(e)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN REPORT ON FAILURE TO NOTIFY THE PROBATION OFFICER OF THE ARREST OF A CHILD

(Section 20(4)(b) of the Child Justice Act, 2008 (Act No. 75 of 2008))

CAS/CR No: _____

Particulars of child:

Full names and surname: _____

Age: _____ Date of birth: _____ Sex: _____

Date of arrest: _____ Time of arrest: _____

Place where the child is detained: _____

Alleged offence(s): _____

_____

Particulars of probation officer:

Name and surname: _____

Stationed at: _____

Contact Details: _____

Steps taken to notify the probation officer of arrest of the child (including why these were unsuccessful): (Provide details of attempts made, including the manner and time of each attempt) _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Rank: _____ **Persal No:** _____

Name and surname: _____

_____

Signature: Member

Official Stamp

SAPS 583(f)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN REPORT ON INJURY SUSTAINED OR SEVERE TRAUMA SUFFERED BY A CHILD

(Section 28 of the Child Justice Act, 2008 (Act No. 75 of 2008))

Police station _____ **CAS/CR** _____

Injury Register (SAPS 583) no _____

PART A
(TO BE COMPLETED BY THE MEMBER TO WHOM IT WAS REPORTED OR WHO OBSERVED IT)

Particulars of child

Full names and surname: _____

Age: _____ Date of birth/ID no: _____

Date and time of arrest: _____

Alleged offence/s committed: _____

_____

_____

Nature of injury / severe psychological trauma

Describe nature of injury / severe psychological trauma: _____

_____

_____

_____

_____

Describe the steps taken to obtain medical treatment and the outcome thereof: _____

_____

_____

_____

_____

_____

_____

State the nature of medical treatment received by the child: _____

_____

_____

_____

_____

(Attach a copy of the medical report to this Report)

OR

If it is impossible in the circumstances to obtain medical treatment for the child, state the reasons why this was impossible:

_____

_____

State future medical treatment required, if any: _____

If the complaint of injury or trauma was reported by someone other than the child, the particulars of that person:

Full names and surname: _____

Residential address: _____

_____ Contact number: _____

Relationship to child: _____

_____ _____

Signature: Member **Date**

PART B

(TO BE COMPLETED BY THE STATION COMMANDER)

Remarks / Instructions

_____

_____

_____

_____

_____

_____ **Official Stamp**

Signature: Station Commander

PART C

(TO BE COMPLETED BY THE CLUSTER COMMANDER)

Remarks / Instructions

_____

_____

_____

_____

_____

_____ **Official Stamp**

Signature: Cluster Commander

SAPS 583(g)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

WRITTEN REPORT ON TRANSPORTATION OF CHILD WITH ADULTS

(Sections 33(2)(c) of the Child Justice Act, 2008 (Act No. 75 of 2008))

CAS/CR No: _____

Particulars of the child:

Full names and surname: _____

Age: _____ Date of birth: _____ Sex: _____

Date of arrest: _____ Place of detention: _____

Alleged offence/s: _____

_____

Particulars of the transportation:

Date of transportation: _____ Time of transportation: _____

Child was transported from (place) _____ to

_____ (place)

Particulars of adults transported with the child: _____

_____

_____

_____

State attempts that were made to transport the child separately from adults and the reason why the child was not transported separately from adults: _____

_____

_____

_____

State measures taken to protect the child during the transportation: _____

_____

_____

_____

_____

_____

Signature: Member **Official Stamp**

Persal no: _____ **Rank:** _____

Initials and surname of member: _____

SAPS 583(h)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

APPLICATION FOR ACCESS TO CUSTODY REGISTER

(Section 28(4) of the Child Justice Act, 2008 (Act No. 75 of 2008))

CAS/CR No: _____

To: The Station Commander:

_____ **Police station**

Particulars of applicant

Full names and surname: _____

Identity Number: _____

Capacity: _____

Occupation: _____

Name of employer/ business: _____

Residential address: _____

Contact particulars: _____

Reasons for examining the Custody Register

Explain why you are requesting to have access to the Custody Register:

_____

_____

_____

_____

_____

_____ _____

Signature: Applicant **Date**

DECISION OF THE STATION COMMANDER OR THE PERSON DESIGNATED BY THE STATION COMMANDER

Tick the appropriate box. If access to the Custody Register is refused, state the reasons for your decision below.

Access Granted		Access Refused	

Reasons for refusing access to the Custody Register:

_____

_____

_____

_____

_____

_____ **Official Stamp**

Signature: Station Commander / Designated Person

SAPS 583(i)

SOUTH AFRICAN POLICE SERVICE **SUID-AFRIKAANSE POLISIEDIENS**

NOTIFICATION OF ERROR REGARDING PLACEMENT

(Section 31 of the Child Justice Act, 2008 (Act No. 75 of 2008))

Case No: _____

To: The Clerk of the Child Justice Court:

_____

_____

Particulars of the child:

Full names and surname: _____

Age: _____ Date of birth: _____

Alleged offence(s): _____

_____

Particulars of the placement order:

Terms of order: _____

_____

Date on which order was issued: _____

Particulars of presiding officer who issued the order: _____

Particulars of the Community Service Centre Commander who received the child at the police station in terms of the placement order and who refers the child back

Name and surname: _____

Reasons for referring the child back to the presiding officer: _____

_____

_____

_____

_____

_____

_____

_____

Attach a copy of the warrant authorising the detention of the child

_____ **Official stamp**

Signature: Community Service Centre Commander