

Schedule 1
(Sections 40 and 42)

[Schedule 1 substituted by s. 17 of Act 26 of 1987 (wef 24 June 1987), amended by s. 8 of Act 122 of 1998 (wef 18 July 2003), substituted by s. 68 of Act 32 of 2007 (wef 16 December 2007) and amended by s. 11 of Act 13 of 2013 (wef 29 July 2013), by s. 48 of Act 7 of 2013 (wef 9 August 2015), by s. 11 of Act 12 of 2021 (wef 5 August 2022) and by s. 24 of Act 23 of 2022 (wef 4 January 2023).]

Treason.

Sedition.

Public violence.

Murder.

Culpable homicide.

Rape or compelled rape as contemplated in sections 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.

Trafficking in persons as provided for in section 4 and involvement in the offence as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.

[Item substituted by s. 48 of Act 7 of 2013 (wef 9 August 2015).]

Bestiality as contemplated in section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

Robbery.

Kidnapping.

Child stealing.

Assault –

- (a) when a dangerous wound is inflicted;
- (b) involving the infliction of grievous bodily harm; or
- (c) where a person is threatened –
 - (i) with grievous bodily harm; or
 - (ii) with a firearm or dangerous weapon, as defined in section 1 of the Dangerous Weapons Act, 2013 (Act 15 of 2013).

[Item substituted by s. 11 of Act 12 of 2021 (wef 5 August 2022).]

Arson.

Malicious injury to property.

Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.

Theft, whether under the common law or a statutory provision.

Receiving stolen property knowing it to have been stolen.

Fraud.

Forgery or uttering a forged document knowing it to have been forged.

Offences relating to the coinage.

Any offence, except the offence of escaping from lawful custody in circumstances other than the circumstances referred to immediately hereunder, the punishment wherefor may be a period of imprisonment exceeding six months without the option of a fine.

Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in this Schedule or is in such custody in respect of the offence of escaping from lawful custody.

Offences referred to in section 4(1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013.

[Item added by s. 11 of Act 13 of 2013 (wef 29 July 2013).]

Offences referred to in Chapter 2 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004).

[Item added by s. 24 of Act 23 of 2022 (wef 4 January 2023).]

Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

Schedule 5

(Sections 58 and 60 (11) and (11A) and Schedule 6)

[Schedule 5 added by s. 14 of Act 75 of 1995 (wef 21 September 1995), substituted by s. 9 of Act 85 of 1997 (wef 1 August 1998), amended by s. 36 (1) of Act 12 of 2004 (wef 27 April 2004) and by s. 27 (1) of Act 33 of 2004 (wef 20 May 2005), substituted by s. 68 of Act 32 of 2007 (wef 16 December 2007) and amended by s. 48 of Act 7 of 2013 (wef 9 August 2015), by s. 4 of Act 18 of 2015 (wef 1 June 2016), by s. 12 of Act 8 of 2017 (wef 2 August 2017), by s. 58 of Act 19 of 2020 and by s. 24 of Act 23 of 2022 (wef 4 January 2023).]

Treason.

Murder.

Attempted murder involving the infliction of grievous bodily harm.

Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively, in circumstances other than those referred to in Schedule 6.

Any offence referred to in sections 5, 6, 7, 8 (1) and 23 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.

[Item substituted by s. 48 of Act 7 of 2013 (wef 9 August 2015) and by s. 12 of Act 8 of 2017 (wef 2 August 2017).]

Any offence referred to in section 13(f) of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992), if it is alleged that –

- (a) the value of the dependence-producing substance in question is more than R50 000,00; or
- (b) the value of the dependence-producing substance in question is more than R10 000,00 and 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; or
- (c) the offence was committed by any law enforcement officer.

Any offence relating to the dealing in or smuggling of ammunition, firearms, explosives or armament, or the possession of an automatic or semi-automatic firearm, explosives or armament.

Any offence in contravention of section 36 of the Arms and Ammunition Act, 1969 (Act 75 of 1969), on account of being in possession of more than 1 000 rounds of ammunition intended for firing in an arm contemplated in section 39(2)(a)(i) of that Act.

Any offence relating to exchange control, extortion, fraud, forgery, uttering, theft, or any offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 –

- (a) involving amounts of more than R500 000,00; or

- (b) involving amounts of more than R100 000,00, 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; or
- (c) if it is alleged that the offence was committed by any law enforcement officer-
 - (i) involving amounts of more than R10 000,00; or
 - (ii) as a member of a group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy.

Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively on a child under the age of 16 years.

An offence referred to in Schedule 1 –

- (a) and the accused has previously been convicted of an offence referred to in Schedule 1; or
- (b) which was allegedly committed whilst he or she was released on bail in respect of an offence referred to in Schedule 1.

The offences referred to in section 3, 4, 11, 13 or 14 (in so far as it relates to the aforementioned sections) of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004.

[Item substituted by s. 24 of Act 23 of 2022 (wef 4 January 2023).]

Any offence referred to in section 2, 4, 5, 6 or 9 of the Prevention of Organised Crime Act, 1998 (Act 121 of 1998).

[Item added by s. 4 of Act 18 of 2015 (wef 1 June 2016).]

Any offence referred to in –

- (a) section 54(1) of the International Trade Administration Act, 2002 (Act 71 of 2002);
- (b) section 32 (1)(a), (b), (c), (d), (k) in so far as that paragraph relates to section 21(1), (l), (m) or (o) of the Second-Hand Goods Act, 2009 (Act 6 of 2009); or
- (c) section 36 or 37 of the General Law Amendment Act, 1955 (Act 62 of 1955),

if it is alleged that ferrous or non-ferrous metal which formed part of essential infrastructure, as defined in section 1 of the Criminal Matters Amendment Act, 2015, is involved.

[Item added by s. 4 of Act 18 of 2015 (wef 1 June 2016).]

Theft of ferrous or non-ferrous metal which formed part of essential infrastructure, as defined in section 1 of the Criminal Matters Amendment Act, 2015 –

- (a) if it is alleged that the offence caused or has the potential to cause –
 - (i) interference with or disruption of any basic service, as defined in section 1 of the aforementioned Act, to the public; or
 - (ii) damage to such essential infrastructure; or
- (b) if it is alleged that the offence was committed by or with the collusion or assistance of –
 - (i) a law enforcement officer, as defined in section 51(8) of the Criminal Law Amendment Act, 1997 (Act 105 of 1997);
 - (ii) a security officer, as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001), who was required to protect or safeguard such essential infrastructure;
 - (iii) an employee of, or contractor appointed by, the owner or the person in charge of such essential infrastructure; or
 - (iv) a group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy.

[Item added by s. 4 of Act 18 of 2015 (wef 1 June 2016).]

An offence referred to in section 3 of the Criminal Matters Amendment Act, 2015.

[Item added by s. 4 of Act 18 of 2015 (wef 1 June 2016).]

A contravention of section 8, 9 or 10 of the Cybercrimes Act, 2020 –

- (a) involving amounts of more than R500 000,00;
- (b) involving amounts of more than R100 000,00, if it is proven that the offence was committed –
 - (i) by a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or
 - (ii) by a person or with the collusion or assistance of another person, who as part of his or her duties, functions or lawful authority was in charge of, in control of, or had access to data, a computer program, a computer data storage medium or a computer system of another person in respect of which the offence in question was committed; or
- (c) if it is proven that the offence was committed by any law enforcement officer-
 - (i) involving amounts of more than R10 000; or
 - (ii) as a member of a group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or
 - (iii) with the collusion or assistance of another person, who as part of his or her duties, functions or lawful authority was in charge of, in control of, or had access to data, a computer program, a computer data storage medium or a computer system of another person in respect of which the offence in question was committed.

[\[Item added by s. 58 of Act 19 of 2020 \(wef 1 December 2021\).\]](#)

A contravention of section 11(2) of the Cybercrimes Act, 2020.

[\[Item added by s. 58 of Act 19 of 2020 \(wef 1 December 2021\).\]](#)

Schedule 6

(Sections 50(6), 58 and 60 (11) and (11A))

[\[Schedule 6 added by s. 10 of Act 85 of 1997 \(wef 1 August 1998\), amended by s. 27 \(1\) of Act 33 of 2004 \(wef 20 May 2005\), substituted by s. 68 of Act 32 of 2007 \(wef 16 December 2007\) and amended by s. 48 of Act 7 of 2013 \(wef 9 August 2015\), by s. 13 of Act 8 of 2017 \(wef 2 August 2017\) and by s. 24 of Act 23 of 2022 \(wef 4 January 2023\).\]](#)

Murder, when –

- (a) it was planned or premeditated;
- (b) the victim was –
 - (i) a law enforcement officer performing his or her functions as such, whether on duty or not, or a law enforcement officer who was killed by virtue of his or her holding such a position; or
 - (ii) a person who has given or was likely to give material evidence with reference to any offence referred to in Schedule 1;
- (c) the death of the victim was caused by the accused in committing or attempting to commit or after having committed or having attempted to commit one of the following offences:
 - (i) Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively; or
 - (ii) robbery with aggravating circumstances; or
- (d) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively –

- (a) when committed –

- (i) in circumstances where the victim was raped more than once, whether by the accused or by any co-perpetrator or accomplice;
 - (ii) by more than one person, where such persons acted in the execution or furtherance of a common purpose or conspiracy;
 - (iii) by a person who is charged with having committed two or more offences of rape; or
 - (iv) by a person, knowing that he has the acquired immune deficiency syndrome or the human immunodeficiency virus;
- (b) where the victim –
- (i) is a person under the age of 16 years;
 - (ii) is a physically disabled person who, due to his or her physical disability, is rendered particularly vulnerable; or
 - (iii) is a person who is mentally disabled as contemplated in section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; or
- (c) involving the infliction of grievous bodily harm.

Any offence referred to in section 4 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.

[Item substituted by s. 48 of Act 7 of 2013 (wef 9 August 2015) and by s. 13 of Act 8 of 2017 (wef 2 August 2017).]

Robbery, involving –

- (a) the use by the accused or any co-perpetrators or participants of a firearm;
- (b) the infliction of grievous bodily harm by the accused or any of the co-perpetrators or participants; or
- (c) the taking of a motor vehicle.

An offence referred to in Schedule 5 –

- (a) and the accused has previously been convicted of an offence referred to in Schedule 5 or this Schedule; or
- (b) which was allegedly committed whilst he or she was released on bail in respect of an offence referred to in Schedule 5 or this Schedule.

The offences referred to in section 2, 3(2)(a), 4(1), 4A, 5, 6, 7, 8, 9, 10 or 14 (in so far as it relates to the aforementioned sections) of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004, sections 133 or 142 (2A), read with section 142 (6), of the Civil Aviation Act, 2009 (Act 13 of 2009), section 26(1)(j) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act 87 of 1993) and section 56(1)(h) of the Nuclear Energy Act, 1999 (Act 46 of 1999).

[Item substituted by s. 24 of Act 23 of 2022 (wef 4 January 2023).]