

(18 May 2001 - to date)

## NATIONAL PROSECUTING AUTHORITY ACT 32 OF 1998

*(Gazette No. 19021, Notice No. 892, dated 3 July 1998. Commencement date: 16 October 1998, unless otherwise indicated [Proc. No. R103, Gazette No. 19372, dated 16 October 1998];*

### REGULATIONS ON THE LEGAL QUALIFICATIONS FOR PROSECUTORS, 2001

*Government Notice R423 in Government Gazette 22284, dated 18 May 2001. Commencement date: 18 May 2001.*

The Minister for Justice and Constitutional Development has, under section 40, read with sections 16(3) and 25(2), of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), made the regulations in the Schedule.

#### SCHEDULE

1. Definition
2. Legal qualifications
- 3.
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#### 1. Definition

In these regulations any expression to which a meaning has been assigned to in the Act shall bear that meaning and, unless the context otherwise indicates, "**the Act**" means the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).

#### 2. Legal qualifications

The appropriate legal qualifications for the appointment of a person as a prosecutor in a lower court as contemplated in section 16(3) of the Act are a recognised three-year legal degree or diploma obtained at a university in the Republic of South Africa, including, but not limited to, the degrees *baccalaureus iuris* or *baccalaureus procurationis* or the *diploma iuris*, which includes at least a course in each of the following: Law of Evidence, Civil Procedure, Criminal Procedure, Criminal Law and the Interpretation of Statutes: Provided that, for purposes of the appointment of a person as prosecutor in a lower court after 1 January 2006, a legal diploma will not be regarded as an appropriate legal qualification.

#### 3.

The appropriate legal qualifications for any prosecutor to have the right to appear in any court in the Republic of South Africa as contemplated in section 25(2) of the Act are a recognised three-year legal

degree or diploma obtained at a university in the Republic of South Africa, including, but not limited to, the degrees *baccalaureus iuris* or *baccalaureus procurationis* or the *diploma iuns*, which includes at least a course in each of the following: Law of Evidence, Civil Procedure, Criminal Procedure, Criminal Law and the interpretation of Statutes: Provided that a legal diploma will with effect from 1 January 2006 not be regarded as a legal qualification as contemplated in section 25(2)(a) of the Act: Provided further that a prosecutor who holds a legal diploma and has the right to appear in any court in the Republic as contemplated in section 25(2) of the Act on 31 December 2005, will continue to have the right to so appear.

#### **4. Short title and commencement**

These regulations shall be called the Regulations on the Legal Qualifications for Prosecutors, 2001, and shall come into operation on 18 May 2001.