

Child Justice Act, 2008

ACT NO.	75 of 2008
CATEGORY	Criminal & Procedural

Summary

Separate criminal justice process for children in conflict with the law, including diversion.

Full text of the Act

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Start Date

End Date

Child Justice Act 75 of 2008

Files

Attachment

Size

75of2008ocr.pdf

8.9 MB

75 of 2008

The Child Justice Act 75 of 2008 aims:

to establish a criminal justice system for children, who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic;

to provide for the minimum age of criminal capacity of children;

to provide a mechanism for dealing with children who lack criminal capacity outside the criminal justice system;

to make special provision for securing attendance at court and the release or detention and placement of children;

to make provision for the assessment of children;

to provide for the holding of a preliminary inquiry and to incorporate, as a central feature, the possibility of diverting matters away from the formal criminal justice system, in appropriate circumstances;

to make provision for child justice courts to hear all trials of children whose matters are not diverted;

to extend the sentencing options available in respect of children who have been convicted;

to entrench the notion of restorative justice in the criminal justice system in respect of children who are in conflict with the law; and

to provide for matters incidental thereto.

Amends

Correctional Services Act 8 of 1959

Criminal Procedure Act 51 of 1977

Probation Services Act 116 of 1991

Social Assistance Act 13 of 2004

Correctional Services Act 111 of 1998

Children's Act 38 of 2005

Commencement

1 April 2010

Amendments

The Southern African Legal Information Institute provides a complete amended Act at https://www.saflii.org/za/legis/consol_act/cja2008132/ [Updated to 19 August 2022]

Amended by Cybercrimes Act 19 of 2020

Amended by Child Justice Amendment Act 28 of 2019

Amended by Judicial Matters Amendment Act 24 of 2015

Amended by Legal Aid South Africa Act 39 of 2014

Amended by Judicial Matters Amendment Act 14 of 2014

Amended by Judicial Matters Amendment Act 42 of 2013

Amended by Prevention and Combating of Trafficking in Persons Act 7 of 2013

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Official source

<https://www.gov.za/documents/child-justice-act>

How we can help

Reading the Act is one thing; applying it to your facts is another. Nkadameng Danny Legal & Compliance Support can prepare submissions, negotiate on your behalf, or refer you to an admitted attorney where representation is required. Call 071 276 6198 or email nkadamengdanny7@gmail.com to book a consultation.