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# South African Cannabis Bill Summarised

**MAY 28TH 2024**, South Africa's President Cyril Ramaphosa finally signed and passed the Cannabis for Private Purposes Bill which decriminalises the possession, cultivation and use of cannabis for PRIVATE purposes.

Here's a little guide to help you, your parents, your teachers, your Gogo (Grandma) and your Mkhulu (Grandpa) understand what this actually means.



Cannabis is **NOT** legal.

However, the use, possession and cultivation for private purposes for **ADULTS** is decriminalised.

"Definition of an adult is any person over 18."

Medicines and substances are classified into two different schedules

**Schedule 2** - including all the illegal substances, like methamphetamine (tik), amphetamines, cannabis (dagga), nyaope (heroin), fentanyl and Methaqualone (mandrax) just to name a few.

Cannabis (dagga), the whole plant or any portion or product except THC has been deleted from Schedule 2.



## DECRIMINALISATION.

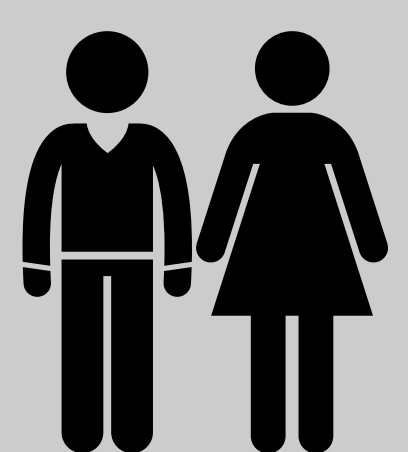
Decriminalization is the act of removing criminal sanctions against certain activities, including possession of drugs for personal use. The substance is still prohibited generally, but the repercussions for being found in possession of the substance are no longer criminal. Instead of incarceration, those found in possession of drugs could get redirected to services and have the drug seized. The production and sale of the decriminalized drug is still illegal.



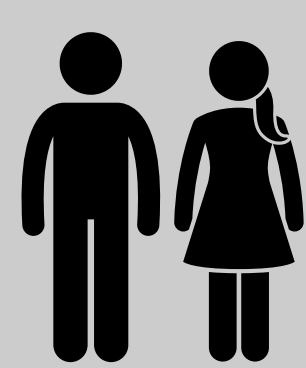
## LEGALISATION.

Legalisation is the act of a substance becoming permissible by law. In other words, it means that a once-banned substance is no longer illegal. People can use the substance without worry of being convicted or fined. However, there may be some restrictions set forth with the legalization of a drug, in efforts to keep users safe. For example, law may require you to be a certain age to use the drug. Government may also limit the amount that a person may carry or possess. In addition, suppliers (such as retail stores) may need licenses in order to sell the substance, like we've seen with cannabis.

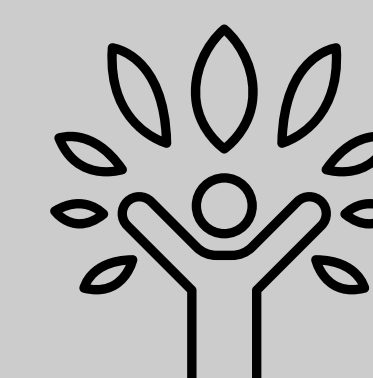
## DEFINITIONS AND INTERPRETATION



**Adult person:** Any person over 18 years old.



**Child:** Any person under 18 years old.



**Personal use:** Only for adult use.



**Dwelling:** Any place where people live. It can be a formal house, a shack, or even an outdoor area that is used mainly for living.

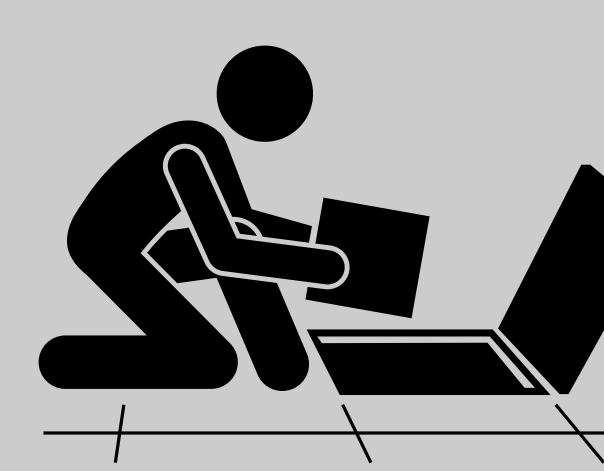


**Dried Cannabis:** The flowers and leaves of a cannabis plant that have been picked from the plant and then dried.



PRIVATE

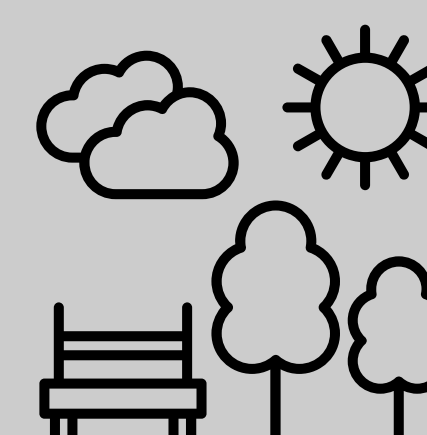
**Private place:** Area where the public cannot freely go. Houses, rooms, sheds, huts, tents, mobile homes, caravans, boats, or any piece of land.



**Possess in private:** To keep, store, transport, or control cannabis or a cannabis plant in a way that hides it from public view.



**Public road:** A road that is open to everyone, as explained in the National Road Traffic Act.



**Public place:** Any place where anyone from the public is allowed to go.





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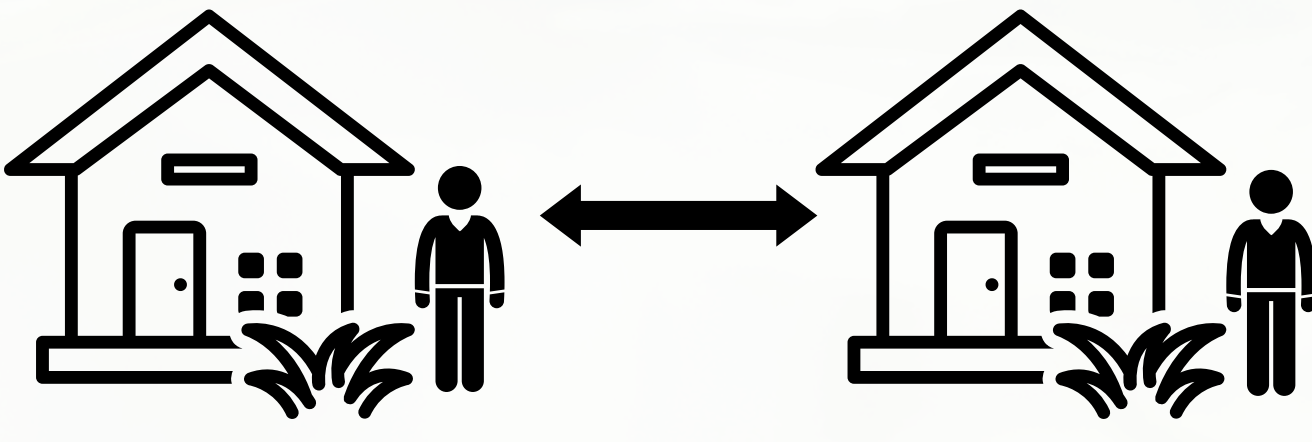


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## CANNABIS FOR PRIVATE PURPOSE.



- An adult can use and posses cannabis in a private place.



- Provide to another adult without exchanging compensation, gift, reward or favour.



- Cannot use/smoke in public where smoke will cause disturbance or nuisance



- Do not use in the presence of a child.



- Can use within a reasonable distance from a window or doorway entrance into another building.

## PROTECTION OF CHILDREN.



- Do not sell to children.



- Do not permit a child to use or possess.



- A responsible adult may administer cannabis to a child if prescribed by a medical practitioner.



- If a child is convicted for use and/or possession the criminal record may on application be expunged.

**The use of Cannabis by a child is no longer criminalised and may be referred to a civil process.**

**“CANNABIS USE IS A SOCIAL PROBLEM, AND AN APPROPRIATE RESPONSE, WHICH RECOGNISES A CHILD’S RIGHTS IN SECTION 28 OF THE CONSTITUTION, SHOULD BE LOCATED IN SOCIAL SYSTEMS AS OPPOSED TO IN THE CRIMINAL JUSTICE SYSTEM. THE CONSTITUTIONAL COURT REITERATED THE NEED FOR A SOCIAL RESPONSE TO CANNABIS USE OR POSSESSION BY A CHILD, AND CONCLUDED THAT THE RESPONSE SHOULD BE WHOLLY CENTRED ON REHABILITATION, SUPPORT AND RECOGNISING THE INHERENT VULNERABILITY OF THE CHILD AND AS SUCH, THE RESPONSE SHOULD NOT BE LOCATED WITHIN THE CRIMINAL JUSTICE SYSTEM.”**





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## OFFENCES AND PENALTIES.



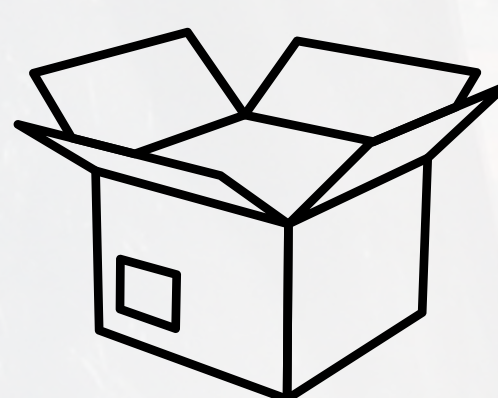
**= 10 YEARS OR A  
FINE/BOTH.**

- Selling cannabis



**= 12 MONTHS OR  
A FINE/BOTH.**

- If an adult willingly permits a child to use or possess cannabis.



**= R2000  
FINE.**

- If an adult has cannabis and fails to store it in a secure place that is inaccessible to a child.



**= 5 YEARS OR A  
FINE/BOTH.**

- If in possession of cannabis in a private/public exceeding the maximum amount



**= 5 YEARS OR A  
FINE/BOTH.**

- If an adult cultivates more than the maximum amount for private purposes



**= 10 YEARS OR A  
FINE/BOTH.**

- If you sell to a child



**= R2000  
FINE.**

- If you transport cannabis



**= R2000  
FINE.**

- If you use/smoke in a vehicle in a public road



**= R2000  
FINE.**

- A passenger in a vehicle on a public road who doesn't comply with the standards regarding the transportation of cannabis.



**= R2000  
FINE.**

- If you use cannabis in the presence of a child or an unconsenting adult.



**= R2000  
FINE.**

- If you smoke in private and not at a reasonable distance from a window or doorway or entrance into another place or forming a part of a public place where people congregate.



# South African Cannabis Bill Summarised.

## EXPUNGEMENT OF CRIMINAL RECORDS OF PERSONS CONVICTED OF POSSESSION OR USE OF CANNABIS

The criminal record of any person who was convicted for being in possession or using cannabis by being in contravention of any law that criminalised the use and possession of cannabis must be expunged automatically by the Criminal Record Centre of the South African Police Service. If their criminal record is not expunged automatically. This is what they need to do

### STEP 1

Submit an application to the Director General: Justice and Correctional Development

### STEP 2

Director-General: Justice and Correctional Development must, on receipt of application, issue a certificate of expungement

### STEP 3

Applicant must then submit certificate to the head of the Criminal Record Centre of SAPS

### STEP 4

The head of Criminal Records Centre or senior person at the rank of Director must expunge the criminal record

### STEP 5

The head of the Criminal Records Centre must then confirm in writing that the criminal record of the applicant has been expunged.

However, in the event that the Director-General issues a certifiical of expungement and it appears that the applicant did not qualify for expungement, the Director-General: Justice and Correctional Development must:

### STEP 1

Inform the applicant in writing of the information that has come to their attention

### STEP 2

Grant the applicant 90 days to appeal and provide compelling reasons why their record should be expunged.

### STEP 3

Inform the applicant within 30 days of the Director-General: Justice and Correctional Development's decision

### STEP 4

Inform the head of the Criminal Record Centre within 14 days in writing to revoke the certificate of expungements and reinstate the convictions and sentences. If the applicant fails to furnish the Director-General: with compelling reasons.

## TO DO LIST FOR THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Develop regulations in terms of:

- Maximum amounts
- Measuring immature cannabis plants
- The distance from a window, ventilation, doorway, or entrance
- Requirement for standard regarding cultivation in a private place
- Regulations regarding the transportation of cannabis
- Regulations regarding storing cannabis plants
- The expungement form
- The certificate of expungement
- The manner in which the ~Director General: Justice and Correctional Development must submit certificates of expungement
- The manner in which cannabis plants must be disposed of

## WHAT HAS CHANGED AND IN WHICH LAWS?

Changes to the Drugs and Drug Trafficking Act 1992

*"Cannabis (dagga), the whole plant or any portion or product except THC has been deleted from part 3 of Schedule 2 and THC has been deleted from Part 2 of Schedule 2"*

Changes to the National Road Traffic Act, 1996

*"THC or a drug having narcotic effect in blood or breath has been included throughout the Act"*

*-A person should not drive if the concentration of THC or a drug having narcotic effect in blood or breath is not less than 0,05 grams per 100 millilitres of blood."*

Summarised and designed by.



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