

**REPUBLIC OF SOUTH AFRICA**

**PREVENTION AND COMBATING OF CORRUPT ACTIVITIES AMENDMENT  
BILL**

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*(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill  
and prior notice of its introduction published in Government Gazette No. .... of  
..... 20..)*

*(The English text is the official text of the Bill)*

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**(MS DE JAMES, MP)**

**GENERAL EXPLANATORY NOTE:**

[            ]            Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_            Words underlined with a solid line indicate insertions in existing enactments.

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**BILL**

**To amend the Prevention and Combating of Corrupt Activities Act, 2004, so as to introduce minimum sentences for offences relating to corrupt activities; to lower the threshold for the reporting of corruption; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 26 of Act 12 of 2004, as amended by section 35 of Act 66 of 2008**

1. Section 26 of the Prevention and Combating of Corrupt Activities Act, 2004 (hereinafter referred to as the “principal Act”), is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the of the following paragraph:

“(a) Part 1, 2, 3 or 4, or section 18 of Chapter 2, is, subject so subsection (1A), liable in the case of a sentence to be imposed by—

(i) **[in the case of a sentence to be imposed by]** a High Court, to a fine or to

imprisonment **[up to a]** for a minimum period [for] of 18 years' imprisonment, up to imprisonment for life, or to both such fine and imprisonment;

(ii) **[in the case of a sentence to be imposed by]** a regional court, to a fine or to imprisonment for a minimum period of 15 years and not exceeding 18 years, or to both such fine and imprisonment; or;

(iii) **[in the case of a sentence to be imposed by ]** a magistrate's court, to a fine or to imprisonment for a minimum period of five years and not exceeding [five] 10 years, or to both such fine and imprisonment;”;

(b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) section 28(6)(b), is liable to a fine of **[R250 000]** R500 000 or to imprisonment for a period not exceeding **[three]** five years, or to both such fine and imprisonment.”;

(c) by the insertion of subsection (1A) of the following subsection:

“(1A) If any court referred to in subsection (1)(a) is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than the minimum sentence prescribed in that subsection, it shall enter those circumstances on the record of the proceedings and must thereupon impose such lesser sentence.”.

### **Amendment of section 34 of Act 12 of 2004, as amended by section 21 of Act 10 of 2012**

2. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of **[R100 000]** R30 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported

to the police official in the Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995, (Act No. 68 of 1995).”.

**Short title**

3. This Act is called the Prevention and Combating of Corrupt Activities Amendment Act, 2026.

## **MEMORANDUM ON THE OBJECTS OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES AMENDMENT BILL, 2026**

### **1. INTRODUCTION AND PURPOSE**

- 1.1 ActionSA has declared corruption as Public Enemy Number One. Despite the legal framework provided by the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) (“PRECCA”), and the painful lessons of ‘state capture’, accountability for corruption remains elusive, deterrence is weak, and public trust in institutions continues to erode. The current system too often allows individuals implicated in serious acts of corruption to evade meaningful consequences and quickly return to public life.
- 1.2 Corruption involving large sums of public or private funds causes disproportionate harm to the economy and service delivery, and undermines public trust. Although PRECCA criminalises a broad range of corrupt conduct, there is currently no mandatory sentencing framework based on the monetary value or aggravating impact of the corruption involved.
- 1.3 To address this, ActionSA proposes an amendment to PRECCA to introduce mandatory minimum sentences for individuals convicted under the Act, linked to the monetary scale of the corrupt conduct. This will ensure that penalties for corruption are effective, proportionate, and dissuasive, in line with international standards and the principle of zero tolerance for corruption.

### **2. OBJECTS OF THE BILL**

- 2.1 The purpose of the Bill is to—

- 2.1.1. introduce mandatory minimum sentences for offences relating to corrupt activities, linked to the monetary value of the corruption involved, to ensure that penalties are effective, proportionate, and dissuasive; and
- 2.1.2. lower the threshold for the reporting of corruption to enhance accountability and transparency in public and private institutions.

### **3. CONTENTS OF THE BILL**

3.1 Clause 1 seeks to amend section 26 of PRECCA by introducing minimum sentences for offences under the Act. Specifically, the amendments provide for:

- 3.1.1 High Court sentences of a fine or imprisonment for a minimum of 18 years up to life, or both fine and imprisonment;
- 3.1.2 Regional Court sentences of a fine or imprisonment for a minimum of 15 years and not exceeding 18 years, or both fine and imprisonment;
- 3.1.3 Magistrate's Court sentences of a fine or imprisonment for a minimum of five years and not exceeding 10 years, or both fine and imprisonment; and
- 3.1.4 an increase in the fine or imprisonment for offences under section 28(6)(b) to a fine of R500 000 or imprisonment for up to five years, or both fine and imprisonment.

3.2 These amendments are intended to strengthen deterrence, ensure proportionate penalties, and promote accountability for corrupt conduct. The clause further provides that a court may deviate from imposing the prescribed minimum sentence if substantial and compelling circumstances exist.

3.3 Clause 2 seeks to amend section 34 of PRECCA to lower the threshold for the reporting of certain offences. Specifically, the amendment requires that any knowledge or suspicion of theft, fraud, extortion, forgery, or uttering a forged document involving an amount of R30

000 or more must be reported.

3.4 Clause 3 provides for the short title of the Act.

#### **4. ORGANISATIONAL AND PERSONNEL IMPLICATIONS**

The implementation of the Bill will not require the appointment of additional personnel. Existing institutional capacity and resources are considered sufficient to give effect to the proposed amendments.

#### **5. FINANCIAL IMPLICATIONS FOR THE STATE**

None.

#### **6. PARLIAMENTARY PROCEDURE**

6.1 The member proposes that the Bill be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provisions to which the procedures set out in section 74, 76 or 77 of the Constitution apply.

6.2 The member is of the opinion that it is not necessary to refer this Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), since it does not contain provisions pertaining to customary law or customs of traditional communities.