

*Statutory Instrument No. 103 of 2025*

**CRIMINAL PROCEDURE AND EVIDENCE (CONTROLLED  
INVESTIGATIONS) ACT**  
(Act No. 14 of 2022)

**CRIMINAL PROCEDURE AND EVIDENCE (CONTROLLED  
INVESTIGATIONS) REGULATIONS**  
(Published on 8th August, 2025)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

**PART I — *Preliminary***

1. Citation
2. Interpretation

**PART II — *Complaints***

3. Lodging of complaint
4. Reporting obligation
5. Acknowledgement of complaint
6. Timeline for lodging complaint
7. Condonation
8. Right to be heard
9. Proceedings before Committee
10. Exclusion from making inquiry into complaint
11. Appearance before Committee
12. Completion of investigation
13. Compensation
14. Appeal

**PART III — *Information and Records***

15. Confidential
16. Security of information, documentation and record
17. Electronic record
18. Accessibility of information
19. Period records to be kept

**SCHEDULE**

IN EXERCISE of the powers conferred on the Minister for State President by section 39 of the Criminal Procedure and Evidence (Controlled Investigations) Act, the following Regulations are hereby made —

**PART I — *Preliminary***

1. These Regulations may be cited as the Criminal Procedure and Evidence (Controlled Investigations) Regulations, 2025. Citation

Interpretation 2. In these Regulations, unless the context otherwise requires —  
“complainant” means any person who has submitted or lodged a complaint, as the case may be against any investigatory authority; and  
“complaint” means any report filed with the head of an investigatory authority.

## PART II — *Complaints*

Lodging of complaint 3. (1) Any person aggrieved by an act or omission of an investigatory authority, may lodge a complaint against such investigatory authority.  
(2) A complaint referred to in subregulation (1) shall be made to the Committee in Form A set out in the Schedule.  
(3) Nothing in this regulation shall preclude an investigatory authority from referring any matter to the Committee out of its own volition.

Reporting obligation 4. Any complaint made in terms of regulation 3 shall be forwarded to the Secretariat of the Committee.

Acknowledgement of complaint 5. The Committee shall within seven working days inform the complainant of receipt of the complaint.

Timeline for lodging complaint 6. No complaint shall be received by the Committee unless, the complaint is made within six months from the date on which the facts giving rise to the complaint arose.

Condonation 7. (1) Notwithstanding regulation 6, a complainant may approach the Committee for condonation for lodging a complaint outside six months.  
(2) If the Committee is satisfied with the reasons provided by the complainant for bringing the complaint outside the time provided in regulation 6, the Committee may hear the complaint.

Right to be heard 8. Where the Committee hears the complaint, the Committee shall give the head of the investigatory authority concerned and any other person who is the subject of the complaint, an opportunity to reply to the complaint made against such investigatory authority.

Proceedings before Committee 9. (1) The Committee shall sit as and when it has received a complaint.  
(2) The Committee may call such witnesses or request the production of such documents as in proceedings before the High Court.  
(3) The Rules of the High Court relating to the admissibility of evidence shall apply to proceedings before the Committee.  
(4) The proceedings before the Committee shall be held in camera.  
(5) Notwithstanding the provisions of this regulation, the Committee may exclude from its proceedings any person, other than a party to the proceedings and his or her legal representative, where it considers it necessary to the operations of the investigatory authority, in the interest of defence, public safety, public order, public morality or the protection of private lives of persons concerned in the proceedings.  
(6) A witness appearing before the Committee shall be entitled to the same allowances as those of a witness in proceedings before the High Court.

Exclusion from making inquiry into complaint 10. The Committee shall not inquire into any complaint which —  
(a) relates to a matter that is the subject of judicial proceedings;  
(b) it considers to be prejudicial to national security; or  
(c) it considers to be frivolous and vexatious or is not made in good faith.

Appearance before Committee 11. A person appearing before the Committee may —

- (a) appear in person;
- (b) be represented by a legal practitioner of his or her choice; and
- (c) produce such evidence as he or she considers necessary for the purposes of the proceedings.

12. An investigation shall be finalised within three months after the lodging of a complaint. Completion of investigation

(2) Notwithstanding the provisions of subregulation (1), the Committee may finalise investigations outside the period of three months where the investigations require technical expertise and when that happens, the Committee shall give the complainant prior notice.

13. (1) Where the Committee decides that compensation in the form of money should be paid to the complainant, the Committee shall direct that the money be paid from public funds. Compensation

(2) Where the Committee finds that the act or omission complained of is prejudicial to the complainant, the Committee shall issue an order prohibiting the continuation of the act or omission.

14. A person aggrieved by a decision of the Committee may, within 30 days of such decision being made, appeal to the High Court. Appeal

### PART III — *Information and Records*

15. All information and documentation acquired through a controlled investigation conducted in terms of the Act, and all records pertaining to any such investigation are to be treated as confidential and may not be divulged to any person outside of the investigatory authority or Committee unless authorised by the Committee to be divulged, in the interests of justice. Confidential

16. The Secretariat shall secure at all times all information, documentation and records pertaining to an investigation in a manner that would effectively prevent access to such information, documentation and records by an unauthorised person. Security of information, documentation and record

17. All electronic records are to be secured at all times in a manner that would effectively prevent access to such information, documentation and records by an unauthorised person. Electronic record

18. A member of an investigatory authority may be granted access to such confidential information, documentation and records as are reasonably necessary to enable such member to conduct an investigation in terms of the Act. Accessibility of information

19. An investigatory authority shall keep and maintain all information, documentation and records undertaken as a result of controlled investigation for a period not exceeding 10 years from the date the activity is undertaken. Period records to be kept

SCHEDULE

Form A  
(reg. 3 (2))

**Lodging of Complaints**

**Date: DD/MM/YYYY**

**1. Details of the Complainant:**

Full Name:  
Postal address:  
Physical address:  
City/Town/Village:  
Telephone number:  
E-mail address:  
Gender:  
Occupation:  
Relationship to the Incident (e.g. victim, witness, family member)

**2. Details of the Respondent (the Investigatory Authority)**

Name of the Investigatory Authority:  
Full Name(s) of the officers complained about (if known):  
Physical address/Location or Station:  
Telephone number:

**3. Date and time on which the facts giving rise to the complaint arose:**

Date:  
Time:

**4. Description of the Complaint: (provide a detailed account of what happened and where, including any relevant facts, actions or statements made)**

---

---

---

---

**5. Evidence or Documentation submitted in support of complaint: (documents shall be authenticated and legible)**

**6. Witness information (if applicable)**

Full Name:  
Postal address:  
Physical address:  
City/Town/Village:  
Telephone number:  
E-mail address:

**7. What outcome are you seeking through this complaint?**

**8. Have you reported this incident to any other authority or organisation? If so, provide details:**

**Declaration:**

**I declare that the information provided in the complaint form is true and accurate to the best of my knowledge.**

Signed by \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Complainant

For OFFICIAL USE only:

Received by: \_\_\_\_\_ (Secretariat)

Committee's date stamp:

MADE this 14th day of July, 2025.

MOETI CAESAR MOHWASA,  
*Minister for State President.*