

Organised Crime and Proceeds of Crime Law in South Africa

By Albert Kruger
LexisNexis (2008)
242 pages.

Soft cover R347.70 (VAT incl)

The author describes this book (somewhat diffidently) as being no more and no less than a practical guide to the Prevention of Organised Crime Act 121 of 2008 (vii). *Organised Crime and Proceeds of Crime Law in South Africa* accomplishes its objective admirably, providing an instructive and user-friendly guide to the Prevention of Organised Crime Act 121 of 1998 (POCA).

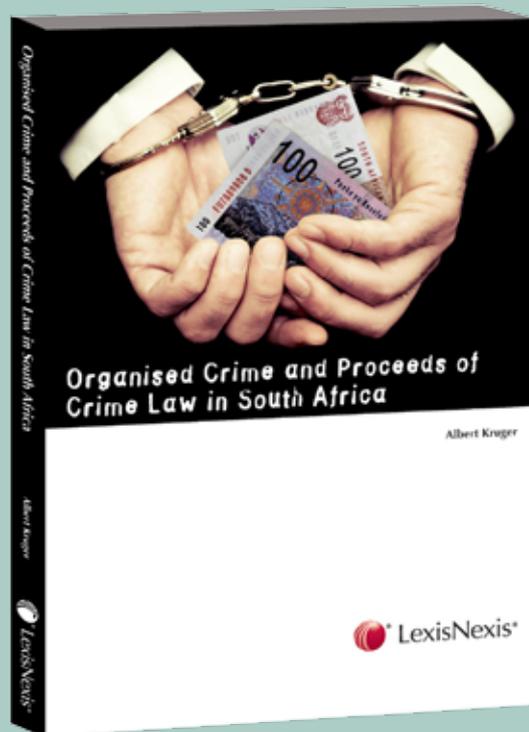
It is not unfair to describe POCA as the legislative equivalent of one of those mazes that one still finds in English country gardens, where the illusion of neatly-clipped hedges lures you into an impenetrable cul-de-sac just when you were confidently expecting to find the exit to the car park. There are at least two reasons why practitioners might easily become lost in the labyrinthine

structure of POCA. The first reason is textual: the drafting of POCA is dense and opaque. So, for example, POCA contains a bewildering array of internal definitions, some of which apply to one chapter of POCA but not to

other chapters. The second reason is curial: the Supreme Court of Appeal and the Constitutional Court have added a series of significant glosses to the wording of POCA. Unless one is aware of the decided case law (which is extensive), one is likely to be gulled into the not unreasonable assumption that the text of POCA means what it says.

For both of these reasons, most practitioners will require a guide through the maze of POCA. *Organised Crime and Proceeds of Crime Law in South Africa* is the only published work that provides such a guide. It explains how the various provisions of POCA fit together, alerts the reader to the case law that has accumulated around the text, and provides a series of helpful precedents for the drafting of papers. Practitioners will have to go further and study the judgments referred to in the text, since the discussion in the book is by no means comprehensive. But that is not a criticism since *Organised Crime and Proceeds of Crime Law in South Africa* does not purport to provide the last word on the subject. It provides the first word – and a particularly helpful first word at that.

Alfred Cockrell, Johannesburg Bar 



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