

## **HOW TO APPLY FOR EXPUNGEMENT OF A CRIMINAL RECORD THROUGH GMTM CONSULTANTS**

### **WHAT IS EXPUNGEMENT OF A CRIMINAL RECORD?**

- Expungement of a criminal record is a process by which a criminal record of a convicted offender is expunged from the criminal record database of the Criminal Record Centre of the South African Police Service.
- This allows a person to carry on with life without a criminal record being an obstruction to employment opportunities.

### **WHEN CAN, A PERSON APPLY FOR AN EXPUNGEMENT OF A CRIMINAL RECORD?**

- When a period of 10 years has passed after the date of the conviction for that offence.
- When the person has **not** been convicted, and sentenced to a period of imprisonment without the option of a fine during those 10 years.
- When the sentence was corporal punishment.
- When the sentence was postponed or the person was cautioned and discharged.
- When the sentence was a fine **not exceeding** R20 000.
- When the sentence was imprisonment with the option to pay a fine (not more than R20 000) instead of serving the period of imprisonment.
- When the sentence of imprisonment was suspended wholly.
- When the sentence was correctional supervision in terms of section 276(1)(h) of the Act.
- When the sentence was imprisonment in terms of section 276(1)(i) of the Act.
- When the sentence was periodical imprisonment in term of section 276(1)(c) of the Act.
- When proof is provided that a person's name has been removed from the National Register of Sex Offenders or the National Child Protection Register, if relevant.

### **A PERSON WILL NOT QUALIFY IF:**

- His or her name is included in the National Register for Sex Offenders or the National Child Protection Register and his or her name has not been removed from the National Register for Sex Offenders or the National Child Protection Register.
- When a person was sentenced to direct imprisonment.
- When a fine of more than R20 000 was imposed.
- When a period of 10 years has not lapsed after the date of the conviction.
- When a person was sentenced to direct imprisonment (the imprisonment was not suspended and there was not the option of a fine) during the relevant 10 year period.

### **IMPORTANT DOCUMENTS TO BE SUBMITTED WITH THE APPLICATION**

- A clearance certificate from the Criminal Record Centre of the South African Police Service issued on a date 10 years after the conviction(s) and sentence(s).

- Confirmation stating that your name has been removed from the National Register for Sex Offences or the National Child Protection Register if your name has been included in any of these registers.

#### **STEPS DURING AN APPLICATION**

- Download and complete the applications form (Part II and Part III), and email it back to us at [info@gmtm.co.za](mailto:info@gmtm.co.za)
- We will retype the application and email it back to u.
- You print two copies and sign on the last page.
- The completed applications form (Part II and Part III), together with the attachments must be posted/couriered or delivered to us at:

GMTM

47 Swarthout Street

Doringkloof

Centurion

Gauteng

0157

- We will lodge and follow up on the application at the Department of Justice.
- If the Director-General is satisfied that a person meets the requirements, he or she will issue a certificate of Expungement directing that the conviction(s) and sentence(s) of the person be expunged—this process takes approximately 3 months.
- The certificate of Expungement issued by the Director-General will be submitted to the head of the Criminal Record Centre of the South African Police Service within 14 working days after the Director-General issued it.
- If the application for Expungement is refused, the person will be informed by post of this decision and reasons for the decision.
- The head of the Criminal Record Centre of the South African Police Service will, within 21 working days after his or her receipt of the certificate of Expungement, confirm to the person in writing that the conviction(s) and sentence(s) in question has/have been expunged.