

POCA: (The Prevention of Organised Crime Act)

The aim of POCA is to introduce measures to combat organised crime, money laundering and criminal gang activities; to prohibit certain activities relating to racketeering activities; to provide for the prohibition of money laundering and for an obligation to report certain information; to criminalise certain activities associated with gangs; to provide for the recovery of the proceeds of unlawful activity; to provide for the establishment of a Criminal Assets Recovery Account; and to amend the Drugs and Drug Trafficking Act, 1992.

A "criminal gang" includes any individual, partnership, corporation, association, or other juristic person or legal entity, and any union or group of individuals associated in fact, although not a juristic person or legal entity.

In defining "instrumentality of an offence", for purposes of the act a person has knowledge of a fact if:

- The person has actual knowledge of that fact; or,
- The court is satisfied that:
 - The person believes that there is a reasonable possibility of the existence of that fact; and,
 - He/she fails to obtain information to confirm the existence of that fact.
- For the purposes of the act a person ought reasonably to have known or suspected a fact if the conclusions that he or she ought to have reached are those which would have been reached by a reasonably diligent and vigilant person having both:
 - The general knowledge, skill, training and experience that may reasonably be expected of a person in his or her position; and,
 - The general knowledge, skill, training and experience that he or she in fact has.

If such person, being in an official position, was under a legal obligation to obey a manifestly unlawful instruction, is neither a defence to a crime nor (a ground for any possible reduction of sentence once a person has been convicted of a crime.

In order to secure the jurisdiction of a South African court, any person who commits a crime outside South Africa territory is deemed to have committed that crime in South African territory if that person is a South African citizen.