

- (cc) a just sentence to be imposed by the court, of which the operation of the whole or any part thereof is to be suspended in terms of section 297(1)(b); and
 - (dd) if applicable, an award for compensation as contemplated in section 300. 5
- (b) The prosecutor may enter into an agreement contemplated in paragraph (a)—
- (i) after consultation with the person charged with the investigation of the case;
 - (ii) with due regard to, at least, the— 10
 - (aa) nature of and circumstances relating to the offence;
 - (bb) personal circumstances of the accused;
 - (cc) previous convictions of the accused, if any; and
 - (dd) interests of the community; and
 - (iii) after affording the complainant or his or her representative, where it is reasonable to do so and taking into account the nature of and circumstances relating to the offence and the interests of the complainant, the opportunity to make representations to the prosecutor regarding— 15
 - (aa) the contents of the agreement; and 20
 - (bb) the inclusion in the agreement of a condition relating to compensation or the rendering to the complainant of some specific benefit or service in lieu of compensation for damage or pecuniary loss.
- (c) The requirements of paragraph (b)(i) may be dispensed with if the prosecutor is satisfied that consultation with the person charged with the investigation of the case will delay the proceedings to such an extent that it could— 25
- (i) cause substantial prejudice to the prosecution, the accused, the complainant or his or her representative; and 30
 - (ii) affect the administration of justice adversely.
- (2) An agreement contemplated in subsection (1) shall be in writing and shall at least—
- (a) state that the accused, before entering into the agreement, has been informed that he or she has the right— 35
 - (i) to be presumed innocent until proved guilty beyond reasonable doubt;
 - (ii) to remain silent and not to testify during the proceedings; and
 - (iii) not to be compelled to give self-incriminating evidence;
 - (b) state fully the terms of the agreement, the substantial facts of the matter, all other facts relevant to the sentence agreement and any admissions made by the accused; 40
 - (c) be signed by the prosecutor, the accused and his or her legal representative; and
 - (d) if the accused has negotiated with the prosecutor through an interpreter, contain a certificate by the interpreter to the effect that he or she interpreted accurately during the negotiations and in respect of the contents of the agreement. 45
- (3) The court shall not participate in the negotiations contemplated in subsection (1). 50
- (4) (a) The prosecutor shall, before the accused is required to plead, inform the court that an agreement contemplated in subsection (1) has been entered into and the court shall then—
- (i) require the accused to confirm that such an agreement has been entered into; and 55
 - (ii) satisfy itself that the requirements of subsection (1)(b)(i) and (iii) have been complied with.
- (b) If the court is not satisfied that the agreement complies with the requirements of subsection (1)(b)(i) and (iii), the court shall— 60
- (i) inform the prosecutor and the accused of the reasons for non-compliance; and
 - (ii) afford the prosecutor and the accused the opportunity to comply with the requirements concerned.