

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 588 OF 2016

PUBLICATION OF EXPLANATORY SUMMARY OF THE JUDICIAL MATTERS AMENDMENT BILL, 2016

1. Notice is hereby given in terms of Rule 241(1)(b) of the Rules of the National Assembly that the Minister of Justice and Correctional Services intends to introduce the Judicial Matters Amendment Bill, 2016 (the Bill), in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.
3. The Bill intends to amend—
 - (a) the Magistrates' Courts Act, 1944, so as to—
 - (i) further regulate the benefits of magistrates who are required to dispose of proceedings which were not disposed of on vacation of the office of magistrate; and
 - (ii) further provide for the appointment of magistrates of regional divisions to adjudicate on civil disputes;
 - (b) the State Liability Act, 1957, so as to—
 - (i) further regulate the service of court process;
 - (ii) further regulate the issuing of writs of execution or warrants of execution by registrars or clerks of the court; and
 - (iii) amend certain definitions;
 - (c) the Administration of Estates Act, 1965, so as to enable the Cabinet member responsible for the administration of justice to make certain regulations regarding persons who may liquidate and distribute deceased estates;
 - (d) the South African Law Reform Commission Act, 1973, so as to further regulate the constitution of the South African Law Reform Commission;
 - (e) the Criminal Procedure Act, 1977, so as to—
 - (i) further regulate the prescription of the right to institute prosecutions;
 - (ii) further regulate the availability of certain witnesses in criminal proceedings;
 - (iii) further regulate the competency or compellability of witnesses to give evidence; and
 - (iv) effect technical corrections;
 - (f) the Attorneys Act, 1979, so as to further regulate the engagement of candidate attorneys;
 - (g) the Small Claims Courts Act, 1984, so as to give the Rules Board for Courts of Law the power to make rules regulating various aspects in respect of small claims courts;
 - (h) the Rules Board for Courts of Law Act, 1985, so as to further regulate the constitution of the Rules Board for Courts of Law;
 - (i) the Sheriffs Act, 1986, so as to—
 - (i) further regulate the appointment of sheriffs;
 - (ii) provide for the transfer of certain moneys in the trust accounts of sheriffs to the Fidelity Fund for Sheriffs;

- (iii) regulate the allocation of areas for sheriffs; and
- (iv) assist certain litigants with the payment of costs for the execution of small claims court judgments;
- (j) the Magistrates Act, 1993, so as to —
 - (i) effect technical corrections;
 - (ii) further regulate the composition of the Magistrates Commission; and
 - (iii) extend the age of retirement of magistrates;
- (k) the Criminal Law Amendment Act, 1997, so as to include rape and compelled rape of an older person in Part I of Schedule 2;
- (l) the National Prosecuting Authority Act, 1998, so as to provide for the establishment of offices for the prosecuting authority at local seats of Divisions of the High Court;
- (m) the Debt Collectors Act, 1998, so as to further regulate the powers of the Council for Debt Collectors;
- (n) the Promotion of Access to Information Act, 2000, so as to further regulate the designation and training of presiding officers;
- (o) the Promotion of Administrative Justice Act, 2000, so as to further regulate the designation and training of presiding officers;
- (p) the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, so as to add HIV/AIDS status to the definition of "prohibited grounds" and further regulate the designation and training of presiding officers;
- (q) the Institution of Legal Proceedings against certain Organs of State Act, 2002, so as to further regulate —
 - (i) the service of notices against organs of state; and
 - (ii) the service of process against organs of state in accordance with the provisions of the State Liability Act, 1957;
- (r) the Children's Act, 2005, so as to effect technical corrections;
- (s) the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to further regulate—
 - (i) the categories of persons whose particulars must be included in the National Register for Sex Offenders;
 - (ii) the inclusion of the particulars of convicted persons in the National Register for Sex Offenders; and
 - (iii) the designation of sexual offences courts;
- (t) the Prevention and Combating of Trafficking in Persons Act, 2013, so as to effect technical corrections;
- (u) the Superior Courts Act, 2013, so as to further regulate the electronic transmission of summonses, writs and other process; and
- (v) the Legal Aid South Africa Act, 2014, so as to—
 - (i) effect technical corrections; and
 - (ii) further regulate the term of appointment of members of the Board of Legal Aid South Africa; and
- (w) to provide for matters connected therewith.

4. A copy of the Bill can be found on the websites of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and the Department of Justice and Constitutional Development at www.justice.gov.za and, after introduction, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).