Government Gazette

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THE PRESIDENCY

No. 770 02 August 2017

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 8 of 2017: Judicial Matters Amendment Act, 2017

DIE PRESIDENSIE

No. 770 02 Augustus 2017

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 8 van 2017: Wysigingswet op Geregtelike Aangeleenthede, 2017

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
__________	Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 31 July 2017)

ACT

To amend—

- **the Magistrates' Courts Act, 1944, so as to—**
  - ❖ **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**
  - ❖ **further provide for the appointment of magistrates of regional divisions to adjudicate on civil disputes;**
- **the State Liability Act, 1957, so as to—**
  - ❖ **further regulate the service of court process;**
  - ❖ **further regulate the issuing of writs of execution or warrants of execution by registrars or clerks of the court; and**
  - ❖ **amend certain definitions;**
- **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;**
- **the South African Law Reform Commission Act, 1973, so as to further regulate the constitution of the South African Law Reform Commission;**
- **the Criminal Procedure Act, 1977, so as to—**
  - ❖ **further regulate the prescription of the right to institute prosecutions;**
  - ❖ **further regulate the availability of certain witnesses in criminal proceedings;**
  - ❖ **further regulate the competency or compellability of witnesses to give evidence; and**
  - ❖ **effect technical corrections;**
- **the Attorneys Act, 1979, so as to further regulate the engagement of candidate attorneys;**
- **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;**
- **the Rules Board for Courts of Law Act, 1985, so as to further regulate the constitution of the Rules Board for Courts of Law;**
- **the Sheriffs Act, 1986, so as to—**
  - ❖ **further regulate the appointment of sheriffs;**

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ]	Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
______	Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 31 Julie 2017)

WET

Tot wysiging van—

- **die Wet op Landdroshowe, 1944, ten einde—**
  - ❖ **die voordele van landdroste wat oor verrigtinge waaroor ten tyde van die ontruiming van die amp van landdros nog nie beskik was nie moet beskik, verder te reël; en**
  - ❖ **verder voorsiening te maak vir die aanstelling van landdroste van streekafdelings om siviele geskille te bereg;**
- **die Wet op Staatsaanspreeklikheid, 1957, ten einde—**
  - ❖ **die betekening van prosesstukke verder te reël;**
  - ❖ **die uitreiking van uitwinningslasbriewe of lasbriewe vir eksekusie deur griffiers of klerke van die hof verder te reël; en**
  - ❖ **sekere woordomskrywings te wysig;**
- **die Boedelwet, 1965, ten einde die Kabinetslid verantwoordelik vir die regspleging die bevoegdheid te verleen om regulasies uit te vaardig aangaande persone wat bestorwe boedels mag beredder en verdeel;**
- **die Wet op die Suid-Afrikaanse Regshervormingskommissie, 1973, ten einde die samestelling van die Suid-Afrikaanse Regshervormingskommissie verder te reël;**
- **die Strafproseswet, 1977, ten einde—**
  - ❖ **die verjaring van die reg om vervolgings in te stel verder te reël;**
  - ❖ **die beskikbaarheid van sekere getuies in strafregtelike verrigtinge verder te reël;**
  - ❖ **die bevoegdheid of verpligbaarheid van getuies om getuienis af te lê verder te reël; en**
  - ❖ **tegniese verbeteringe aan te bring;**
- **die Wet op Prokureurs, 1979, ten einde die indiensneming van kandidaat-prokureurs verder te reël;**
- **die Wet op Howe vir Klein Eise, 1984, ten einde die bevoegdheid aan die Reëlsraad vir Geregshowe te verleen om reëls te maak wat verskeie aspekte aangaande howe vir klein eise reël;**
- **die Wet op die Reëlsraad vir Geregshowe, 1985, ten einde die samestelling van die Reëlsraad vir Geregshowe verder te reël;**
- **die Wet op Balju's, 1986, ten einde—**
  - ❖ **die aanstelling van balju's verder te reël;**

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- ❖ **provide for the transfer of certain moneys in the trust accounts of sheriffs to the Fidelity Fund for Sheriffs;**
- ❖ **regulate the allocation of areas for sheriffs; and**
- ❖ **assist certain litigants with the payment of costs for the execution of small claims court judgments;**

- **the Magistrates Act, 1993, so as to—**
  - ❖ **effect technical corrections;**
  - ❖ **further regulate the composition of the Magistrates Commission; and**
  - ❖ **extend the age of retirement of magistrates;**
- **the Criminal Law Amendment Act, 1997, so as to include rape and compelled rape of an older person in Part I of Schedule 2;**
- **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;**
- **the Debt Collectors Act, 1998, so as to further regulate the powers of the Council for Debt Collectors;**
- **the Promotion of Access to Information Act, 2000, so as to further regulate the designation and training of presiding officers;**
- **the Promotion of Administrative Justice Act, 2000, so as to further regulate the designation and training of presiding officers;**
- **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;**
- **the Institution of Legal Proceedings against certain Organs of State Act, 2002, so as to further regulate—**
  - ❖ **the service of notices against organs of state; and**
  - ❖ **the service of process against organs of state in accordance with the provisions of the State Liability Act, 1957;**
- **the Children's Act, 2005, so as to effect technical corrections;**
- **the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to further regulate—**
  - ❖ **the categories of persons whose particulars must be included in the National Register for Sex Offenders;**
  - ❖ **the inclusion of the particulars of convicted persons in the National Register for Sex Offenders; and**
  - ❖ **the designation of sexual offences courts;**
- **the Prevention and Combating of Trafficking in Persons Act, 2013, so as to effect technical corrections;**
- **the Superior Courts Act, 2013, so as to further regulate the electronic transmission of summonses, writs and other process; and**
- **the Legal Aid South Africa Act, 2014, so as to—**
  - ❖ **effect technical corrections; and**
  - ❖ **further regulate the term of appointment of members of the Board of Legal Aid South Africa; and**
- **to provide for matters connected therewith.**

PARLIAMENT of the Republic of South Africa enacts as follows:—

Amendment of section 9 of Act 32 of 1944, as amended by section 8 of Act 40 of 1952, section 17 of Act 50 of 1956, section 38 of Act 68 of 1957, section 24 of Act 93 of 1962, section 1 of Act 19 of 1963 and section 1 of Act 48 of 1965, substituted by section 2 of Act 8 of 1967, amended by section 4 of Act 53 of 1970, section 8 of Act 102 of 1972, section 11 of Act 29 of 1974, section 24 of Act 94 of 1974, section 1 of Act 28 of 1981, section 2 of Act 34 of 1986, section 17 of Act 90 of 1993, section 3 of Act 104 of 1996, section 3 of Act 66 of 1998, section 1 of Act 62 of 2000, section 1

- ❖ vir die oordrag van sekere gelde in die trustrekings van balju's na die Getrouheidsfonds vir Balju's voorsiening te maak;
- ❖ die toewysing van gebiede vir balju's te reël;
- ❖ sekere gedingvoerders by te staan met die betaal van kostes vir tenuitvoerlegging van vonnisse van die hof vir klein eise;

• die Wet op Landdroste, 1993, ten einde—

- ❖ tegniese regstellings aan te bring;
- ❖ die samestelling van die Landdrostekommissie verder te reël; en
- ❖ landdroste se ouderdom vir aftrede te verhoog;

• die Strafregwysigingswet, 1997, ten einde verkragting en gedwonge verkragting van 'n ouer persoon in Deel I van Bylae 2 in te sluit;

• die Wet op die Nasionale Vervolgingsgesag, 1998, ten einde voorsiening te maak vir die instelling van kantore vir die vervolgingsgesag by plaaslike setels van afdelings van die Hooggeregshof;

• die Wet op Skuldinvorderaars, 1998, ten einde die bevoegdhede van die Raad vir Skuldinvorderaars verder te reël;

• die Wet op Bevordering van Toegang tot Inligting, 2000, ten einde die aanwysing en opleiding van voorsittende beamptes verder te reël;

• die isiXhosa-teks van die "Promotion of Administrative Justice Act", 2000, ten einde die aanwysing en opleiding van voorsittende beamptes verder te reël;

• die isiZulu-teks van die "Promotion of Equality and Prevention of Unfair Discrimination Act", 2000, ten einde MIV/VIGS-status by te voeg by die omskrywing van "yezizathu ezinqatshelwe" ("prohibited grounds") en die aanwysing en opleiding van voorsittende beamptes verder te reël;

• die Wet op die Instel van Regsgedinge teen sekere Staatsorgane, 2002, ten einde—

- ❖ die betekening van kennisgewings op staatsorgane verder te reël; en
- ❖ die betekening van prosesstukke op staatsorgane ooreenkomstig die bepalings van die Wet op Staatsaanspreeklikheid, 1957, verder te reël;

• die "Children's Act", 2005, ten einde tegniese verbeteringe aan te bring;

• die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, ten einde—

- ❖ die kategorieë persone wie se besonderhede in die Nasionale Register vir Seks-oortreders opgeneem moet word verder te reël;
- ❖ die opneem van die besonderhede van veroordeeldes in die Nasionale Register vir Seks-oortreders verder te reël; en
- ❖ die aanwysing vir howe vir seksuele misdrywe verder te reël;

• die Siswati-teks van die "Prevention and Combating of Trafficking in Persons Act", 2013, ten einde tegniese verbeteringe aan te bring;

• die Wet op Hoër Howe, 2013, ten einde die elektroniese oorsending van dagvaardings, lasbriewe en ander prosesstukke verder te reël; en

• die Sesotho-teks van die "Legal Aid South Africa Act", 2014, ten einde—

- ❖ tegniese verbeteringe aan te bring; en
- ❖ die aanstellingstermyn van lede van die Raad van Regshulp Suid-Afrika verder te reël; en

• voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DIE PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 9 van Wet 32 van 1944, soos gewysig deur artikel 8 van Wet 40 van 1952, artikel 17 van Wet 50 van 1956, artikel 38 van Wet 68 van 1957, artikel 24 van Wet 93 van 1962, artikel 1 van Wet 19 van 1963 en artikel 1 van Wet 48 van 1965, vervang deur artikel 2 van Wet 8 van 1967, gewysig deur artikel 4 van Wet 53 van 1970, artikel 8 van Wet 102 van 1972, artikel 11 van Wet 29 van 1974, artikel 24 van Wet 94 van 1974, artikel 1 van Wet 28 van 1981, artikel 2 van Wet 34 van 1986, artikel 17 van Wet 90 van 1993, artikel 3 van Wet 104 van 1996, artikel 3 van Wet 66 van 1998, artikel 1 van Wet 62 van 2000, artikel 1 van Wet 28 van

of Act 28 of 2003, section 1 of Act 22 of 2005, section 3 of Act 31 of 2008, section 1 of Act 19 of 2010 and section 1 of Act 24 of 2015

1. Section 9 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in subsection (7) for paragraph *(d)* of the following paragraph:

"*(d)* If the magistrate contemplated in paragraph *(a)* has subsequently not been appointed as a Constitutional Court judge or judge as contemplated in paragraph *(c)*, he or she is entitled to such benefits as determined by the Minister from time to time by notice in the *Gazette* **[at an hourly rate]**.".

Amendment of section 12 of Act 32 of 1944, as amended by section 9 of Act 40 of 1952, section 25 of Act 94 of 1974, section 5 of Act 66 of 1998, section 4 of Act 31 of 2008 and section 3 of Act 19 of 2010

2. Section 12 of the Magistrates' Courts Act, 1944, is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

"(6) Only a magistrate of a regional division **[whose name appears on the list referred to in subsection (7)]**, designated by the magistrate at the head of a regional division, may adjudicate on civil disputes contemplated in section 29(1) or 29(1B), in accordance with the criteria set out in subsection (8).";

(b) by the deletion of subsection (7); and

(c) by the substitution for subsection (8) of the following subsection:

"(8) **[The Magistrates Commission]** A magistrate at the head of a regional division may only **[enter the name of]** designate a magistrate **[on the list in terms of subsection (7)]** contemplated in subsection (6), if one or more places have been appointed in terms of section 2(1)*(i*A) within the regional division in respect of which the magistrate in question had been appointed for the adjudication of civil disputes, and—

(a) the head of the South African Judicial Education Institute has issued a duly signed certificate that the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes; **[or]**

(b) the **[Magistrates Commission]** magistrate at the head of the regional division is satisfied that, before the establishment of the Institute referred to in paragraph *(a)*, the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes; or

(c) the **[Magistrates Commission]** magistrate at the head of the regional division is satisfied that the magistrate, on account of previous experience, has suitable knowledge of, and expertise in, civil litigation matters to preside over the adjudication of civil disputes contemplated in section 29(1) or 29(1B) or both sections 29(1) and 29(1B).".

Substitution of section 2 of Act 20 of 1957, as amended by section 1 of Act 201 of 1993 and substituted by section 1 of Act 14 of 2011

3. The following section is hereby substituted for section 2 of the State Liability Act, 1957:

"**Proceedings to be taken against executive authority of department concerned**

2. (1) In any action or other proceedings instituted **[by virtue of the provisions of section 1]** against a department, the executive authority of the department concerned must be cited as nominal defendant or respondent.

(2) The plaintiff or applicant, as the case may be, or his or her legal representative must **[,within seven days]** —

(a) after **[a summons or notice]** any court process instituting proceedings and in which the executive authority of a department is cited as nominal defendant or respondent has been issued, serve a copy of that **[summons or notice]** process on the **[State Attorney]** head of the department concerned at the head office of the department; and

2003, artikel 1 van Wet 22 van 2005, artikel 3 van Wet 31 van 2008, artikel 1 van Wet 19 van 2010 en artikel 1 van Wet 24 van 2015

1. Artikel 9 van die Wet op Landdroshowe, 1944, word hierby gewysig deur in subartikel (7) paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* Indien die landdros beoog in paragraaf *(a)* nie daarna as 'n Konstitusionele Hof regter of regter soos beoog in paragraaf *(c)* aangestel is nie, is hy of sy op sodanige voordele geregtig soos bepaal deur die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant***[, op 'n uurlikse grondslag]**.".

Wysiging van artikel 12 van Wet 32 van 1944, soos gewysig deur artikel 9 van Wet 40 van 1952, artikel 25 van Wet 94 van 1974, artikel 5 van Wet 66 van 1998, artikel 4 van Wet 31 van 2008 en artikel 3 van Wet 19 van 2010

2. Artikel 12 van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Slegs 'n magistraat van 'n streekafdeling **[wie se naam op die lys bedoel in subartikel (7) verskyn]** deur die magistraat aan die hoof van 'n streekafdeling aangewys, kan siviele gedinge beoog in artikel 29(1) of 29(1B), ooreenkomstig die kriteria in subartikel (8) vermeld, bereg.";

(b) deur subartikel (7) te skrap; en

(c) deur subartikel (8) deur die volgende subartikel te vervang:

"(8) **[Die Landdrostekommissie]** 'n Magistraat aan die hoof van 'n streekafdeling mag slegs **[die naam van]** 'n magistraat **[ingevolge subartikel (7) op die lys plaas]** in subartikel (6) beoog, aanwys indien een of meer plekke ingevolge artikel 2(1)(*i*A) bepaal is vir die beregting van siviele gedinge in die streekafdeling ten opsigte waarvan die betrokke magistraat aangestel is, en—

(a) die hoof van die Suid-Afrikaanse Regterlike Opleidingsinstituut 'n behoorlik ondertekende sertifikaat uitgereik het dat die magistraat 'n toepaslike opleidingskursus in die beregting van siviele gedinge suksesvol voltooi het; **[of]**

(b) die **[Landdrostekommissie]** magistraat aan die hoof van die streekafdeling tevrede is dat, voor die stigting van die Instituut bedoel in paragraaf *(a)*, die magistraat 'n toepaslike opleidingskursus in die beregting van siviele gedinge suksesvol voltooi het; of

(c) die **[Landdrostekommissie]** magistraat aan die hoof van die streekafdeling tevrede is dat die magistraat, op grond van vorige ondervinding geskikte kennis van, en kundigheid oor, siviele gedingvoeringaangeleenthede het om voor te sit by die beregting van siviele gedinge beoog in artikel 29(1) of 29(1B) of beide artikels 29(1) en 29(1B).".

Vervanging van artikel 2 van Wet 20 van 1957, soos gewysig deur artikel 1 van Wet 201 van 1993 en vervang deur artikel 1 van Wet 14 van 2011

3. Artikel 2 van die Wet op Staatsaanspreeklikheid, 1957, word hierby deur die volgende artikel vervang:

"**Regsgeding moet teen uitvoerende gesag van betrokke departement aanhangig gemaak word**

2. (1) In 'n aksie of ander regsgeding **[uit hoofde van die bepalings van artikel 1 ingestel,]** teen 'n departement moet die uitvoerende gesag van die betrokke departement as nominale verweerder of respondent gesiteer word.

(2) Die eiser of applikant, na gelang van die geval, of sy of haar regsverteenwoordiger moet**[, binne sewe dae]**—

(a) nadat **['n dagvaarding of kennisgewing]** enige prosesstuk waarby verrigtinge ingestel word en waarin die uitvoerende gesag van 'n departement as nominale verweerder of respondent gesiteer word, uitgereik is, 'n afskrif van daardie **[dagvaarding of kennisgewing]** prosesstuk op die **[Staatsprokureur beteken]** hoof van die betrokke departement by die departement se hoofkantoor beteken; en

(b) within five days after the service of the process contemplated in paragraph *(a)*, serve a copy of that process on the office of the State Attorney operating within the area of jurisdiction of the court from which the process was issued.

(3) Upon receipt of the process contemplated in subsection (2), the State Attorney must—

(a) without undue delay, send a written request to the head of the department concerned to provide the State Attorney with written instructions regarding the proceedings; and

(b) within 10 days of receipt of the process, provide the head of department with legal advice on the merits of the matter.''.

Amendment of section 3 of Act 20 of 1957, as amended by section 36 of Act 9 of 1989 and substituted by section 2 of Act 201 of 1993 and section 2 of Act 14 of 2011

4. Section 3 of the State Liability Act, 1957, is hereby amended by the substitution for subsection (6) of the following subsection:

''(6) If the relevant treasury fails to ensure that—

(a) the judgment debt is satisfied; or

(b) acceptable arrangements have been made with the judgment creditor for the satisfaction of the judgment debt, should there be inadequate funds available in the vote of the department concerned,

within the time period specified in subsection (5), the registrar or clerk of the court concerned, as the case may be, must, upon the written request of the judgement creditor or his or her legal representative, issue a writ of execution or a warrant of execution in terms of the applicable Rules of Court against movable property owned by the State and used by the department concerned: Provided that a writ of execution or a warrant of execution, where a judgment by default was granted against a department, can only be issued by the registrar or clerk of the court if he or she is satisfied that the requirements of subsection (4) have been complied with.''.

Amendment of section 4A of Act 20 of 1957, as inserted by section 3 of Act 14 of 2011

5. Section 4A of the State Liability Act, 1957, is hereby amended—

(a) by the insertion before the definition of ''department'' of the following definition:

'' **'day'** means a day that is not a public holiday, Saturday or Sunday;'';

(b) by the insertion before the definition of ''Public Finance Management Act'' of the following definition:

'' **'head of department'** means the incumbent of a post mentioned in Column 2 of Schedule 1, 2 or 3 to the Public Service Act, 1994 (Proclamation 103 of 1994), and includes any employee acting in such post;''; and

(c) by the substitution for the definition of ''Rules of Court'' of the following definition:

'' **'Rules of Court'** include—

(a) **[the Uniform Rules of Court published under Government Notice R48 of 12 January 1965]** the rules made by the Rules Board for Courts of Law under the provisions of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), or under the provisions of any other law; and

(b) **[the Magistrates' Courts Rules published under Government Notice R740 of 23 August 2010; and**

***(c)*]** any other rule applicable to any other court, established by an Act of Parliament;''.

(b) binne vyf dae nadat die prosesstuk in paragraaf *(a)* beoog, beteken is 'n afskrif van daardie prosesstuk aan die kantoor van die Staatsprokureur wat werk in die regsgebied van die hof waarvan die prosesstuk uitgereik is, beteken.

(3) By ontvangs van die prosesstuk in subartikel (2) beoog, moet die Staatsprokureur—

(a) sonder onbehoorlike oponthoud, 'n skriftelike versoek aan die betrokke departementshoof stuur om die Staatsprokureur te voorsien van skriftelike instruksies aangaande die verrigtinge; en

(b) binne 10 dae vanaf ontvangs van die proses, die departementshoof voorsien van regsadvies oor die meriete van die aangeleentheid.''.

Wysiging van artikel 3 van Wet 20 van 1957, soos gewysig deur artikel 36 van Wet 9 van 1989 en vervang deur artikel 2 van Wet 201 van 1993 en artikel 2 van Wet 14 van 2011

4. Artikel 3 van die Wet op Staatsaanspreeklikheid, 1957, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

''(6) Indien die betrokke tesourie versuim om te verseker dat—

(a) aan die vonnisskuld voldoen word; of

(b) aanvaarbare reëlings met die vonnisskuldeiser vir die voldoening aan die vonnisskuld getref is, sou daar onvoldoende fondse in die begrotingspos van die betrokke departement beskikbaar wees,

binne die tydperk in subartikel (5) bepaal, moet die griffier of klerk van die betrokke hof, na gelang van die geval, op die skriftelike versoek van die vonnisskuldeiser of sy of haar regsverteenwoordiger, 'n uitwinningslasbrief of 'n lasbrief vir eksekusie ingevolge die toepaslike Hofreëls teen roerende goed wat deur die Staat besit en deur die betrokke departement gebruik word, uitreik: Met dien verstande dat 'n uitwinningslasbrief of 'n lasbrief vir eksekusie, waar 'n vonnis by verstek teen 'n departement toegestaan is, slegs deur die griffier of klerk van die hof uitgereik kan word indien hy of sy oortuig is dat aan die vereistes van subartikel (4) voldoen is.''.

Wysiging van artikel 4A van Wet 20 van 1957, soos ingevoeg deur artikel 3 van Wet 14 van 2011

5. Artikel 4A van die Wet op Staatsaanspreeklikheid, 1957, word hierby gewysig—

(a) deur die volgende omskrywing na die omskrywing van ''bewilligingsbegroting'' in te voeg:

'' **'dag'** 'n dag wat nie 'n openbare vakansiedag, Saterdag of Sondag is nie;'';

(b) deur die volgende omskrywing na die omskrywing van ''departement'' in te voeg:

'' **'departementshoof'** die bekleër van 'n pos in Kolom 2 van Bylae 1, 2 of 3 tot die Staatsdienswet, 1994 (Proklamasie 103 van 1994), vermeld en ook enige werknemer wat in sodanige pos waarneem;''; en

(c) deur die omskrywing van ''Hofreëls'' deur die volgende omskrywing te vervang:

'' **'Hofreëls'** ook—

(a) **[die Eenvormige Hofreëls kragtens Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 gepubliseer]** die reëls deur die Reëlsraad vir Geregshowe gemaak kragtens die bepalings van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), of kragtens die bepalings van enige ander wet; en

(b) **[die Landdroshowereëls kragtens Goewermentskennisgewing No. R. 740 van 23 Augustus 2010 gepubliseer; en**

***(c)*]** enige ander reël van toepassing op enige ander hof by 'n Parlementswet ingestel;''.

Amendment of section 103 of Act 66 of 1965, as amended by section 46 of Act 97 of 1986 and section 18 of Act 20 of 2001

6. Section 103 of the Administration of Estates Act, 1965, is hereby amended by the insertion in subsection (1) of the following paragraphs after paragraph *(e)*:

"*(e*A*)* prescribing which persons, including juristic persons, are prohibited from liquidating or distributing a deceased estate;

*(e*B*)* prescribing any exemptions from the prohibition contemplated in paragraph *(e*A*)*, which exemptions may be permanent or to the extent specified in each case;".

Amendment of section 3 of Act 19 of 1973, as amended by section 1 of Act 85 of 1984, section 4 of Act 42 of 2001 and section 6 of Act 55 of 2002

7. Section 3 of the South African Law Reform Commission Act, 1973, is hereby amended by the substitution in subsection (1)*(a)* for subparagraph (i) of the following subparagraph:

"(i) A judge of the Constitutional Court, the Supreme Court of Appeal or **[a]** the High Court, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of section 3 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), as chairperson; and".

Amendment of section 18 of Act 51 of 1977, as substituted by section 27 of Act 105 of 1997, amended by section 39 of Act 27 of 2002, substituted by section 68 of Act 32 of 2007 and amended by section 48 of Act 7 of 2013

8. Section 18 of the Criminal Procedure Act, 1977, is hereby amended—

(a) by the substitution for paragraphs *(f)* to *(h)* of the following paragraph, respectively:

"*(f)* rape or compelled rape as contemplated in **[sections]** section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively;

(g) **[the crime of]** genocide, crimes against humanity and war crimes, as contemplated in section 4 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002; **[or]**

(h) **[offences as provided for in]** any contravention of section 4, 5 **[and]** or 7 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013); **[or]**";

(b) by the insertion of the following paragraph after paragraph *(h)*:

"*(h*A*)* trafficking in persons for sexual purposes by a person as contemplated in section 71(1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007;";

(c) by the substitution for the comma at the end of paragraph (i) of the expression "; or"; and

(d) by the addition of the following paragraph:

"*(j)* torture as contemplated in section 4(1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013 (Act No. 13 of 2013),".

Amendment of section 184 of Act 51 of 1977, as amended by section 3 of Act 126 of 1992

9. Section 184 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Whenever any person is likely to give material evidence in criminal proceedings **[with reference to any offence, other than an offence referred to in Part III of Schedule 2]**, any magistrate, regional magistrate or judge of the court

Wysiging van artikel 103 van Wet 66 van 1965, soos gewysig deur artikel 46 van Wet 97 van 1986 en artikel 18 van Wet 20 van 2001

6. Artikel 103 van die Boedelwet, 1965, word hierby gewysig deur die volgende paragrawe na paragraaf *(e)* in subartikel (1) in te voeg:

"*(e*A*)* wat voorskryf watter persone, ook regspersone, verbied word om 'n bestorwe boedel te beredder of te verdeel;

*(e*B*)* wat enige vrystelling van die verbod beoog in paragraaf *(e*A*)* voorskryf, welke vrystellings permanent of tot die mate in elke geval vasgestel, kan wees;".

Wysiging van artikel 3 van Wet 19 van 1973, soos gewysig deur artikel 1 van Wet 85 van 1984, artikel 4 van Wet 42 van 2001 en artikel 6 van Wet 55 van 2002

7. Artikel 3 van die Wet op die Suid-Afrikaanse Regshervormingskommissie, 1973, word hierby gewysig deur in subartikel (1)*(a)* subparagraaf (i) deur die volgende subparagraaf te vervang:

"(i) Regter van die Konstitusionele Hof, die Hoogste Hof van Appèl of **['n Hoë Hof]** die Hooggeregshof, of 'n regter wat die amp van regter van die Konstitusionele Hof, die Hoogste Hof van Appèl of die Hooggeregshof beklee het en wat ingevolge artikel 3 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), van aktiewe diens onthef is, as voorsitter; en".

Wysiging van artikel 18 van Wet 51 van 1977, soos vervang deur artikel 27 van Wet 105 van 1997, gewysig deur artikel 39 van Wet 27 van 2002 en vervang deur artikel 68 van Wet 32 van 2007

8. Artikel 18 van die Strafproseswet, 1977, word hierby gewysig—

(a) deur paragrawe *(g)* en *(h)* onderskeidelik deur die volgende paragrawe te vervang:

"*(g)* **[die misdaad van]** volksmoord, misdade teen die mensdom en oorlogsmisdade, soos beoog in artikel 4 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002;

(h) **[mensehandel vir seksuele doeleindes deur iemand soos in artikel 71(1) of (2) van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, beoog]** enige oortreding van artikel 4, 5 of 7 en betrokkenheid by hierdie misdrywe soos voor voorsiening gemaak in artikel 10 van die 'Prevention and Combating of Trafficking in Persons Act', 2013 (Wet No. 7 van 2013);";

(b) deur die volgende paragraaf na paragraaf *(h)* in te voeg:

"*(h*A*)* mensehandel vir seksuele doeleindes deur iemand soos in artikel 71(1) of (2) van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, beoog;";

(c) deur die komma aan die einde van paragraaf *(i)* deur die uitdrukking "; of" te vervang; en

(d) deur die volgende paragraaf by te voeg:

"*(j)* marteling soos beoog in artikel 4(1) en (2) van die 'Prevention and Combating of Torture of Persons Act', 2013 (Wet No. 13 van 2013),".

Wysiging van artikel 184 van Wet 51 van 1977, soos gewysig deur artikel 3 van Wet 126 van 1992

9. Artikel 184 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Wanneer iemand waarskynlik wesenlike getuienis by strafregtelike verrigtinge **[met betrekking tot 'n ander as 'n in Deel III van Bylae 2 bedoelde misdryf]** sal kan aflê, kan 'n landdros, streeklanddros of regter van die hof waarin

before which the relevant proceedings are pending may, upon information in writing and on oath that such person is about to abscond, issue a warrant for his or her arrest.''.

Insertion of section 194A in Act 51 of 1977

10. The following section is hereby inserted in the Criminal Procedure Act, 1977, after section 194:

''**Evaluation of competency of witnesses due to state of mind**

194A. (1) For purposes of section 193, whenever a court is required to decide on the competency of a witness due to his or her state of mind, as contemplated in section 194, the court may, when it deems it necessary in the interests of justice and with due consideration to the circumstances of the witness, and on such terms and conditions as the court may decide, order that the witness be examined by a medical practitioner, a psychiatrist or clinical psychologist designated by the court, who must furnish the court with a report on the competency of the witness to give evidence.

(2) A medical practitioner, psychiatrist or clinical psychologist designated by the court in terms of subsection (1) who is not in the full-time service of the State, must be compensated for his or her services in connection with the enquiry from public funds in accordance with a tariff determined by the Minister in consultation with the Cabinet member responsible for national financial matters.

(3) If the contents of a report contemplated in subsection (1) are not disputed, the report is admissible as evidence on its production.''.

Substitution of heading of Part III of Schedule 2 to Act 51 of 1977

11. The following heading is hereby substituted for the heading to Part III of Schedule 2 to the Criminal Procedure Act, 1977:

''***PART III***

(Sections 59, **[61,]** 72, **[184,]** 185, 189)''.

Amendment of Schedule 5 to Act 51 of 1977, as added by section 14 of Act 75 of 1995, substituted by section 9 of Act 85 of 1997, amended by section 36 of Act 12 of 2004 and section 27 of Act 33 of 2004, substituted by section 68 of Act 32 of 2007 and amended by section 48 of Act 7 of 2013

12. Schedule 5 to the Criminal Procedure Act, 1977, is hereby amended by the substitution for the item ''**[Offences as provided for in section 4, 5, 7 and 9(1) and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.]**'' of the following item:

''Any offence referred to in sections 5, 6, 7, 8(1) and 23 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.''.

Amendment of Schedule 6 to Act 51 of 1977, as added by section 10 of Act 85 of 1997, amended by section 27 of Act 33 of 2004, substituted by section 68 of Act 32 of 2007 and amended by section 48 of Act 7 of 2013

13. Schedule 6 to the Criminal Procedure Act, 1977, is hereby amended by the substitution for the item ''**[Offences as provided for in section 4, 5 and 7 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.]**'' of the following item:

''Any offence referred to in section 4 and involvement in these offences as provided for in section 10 of the Prevention and Combating of Trafficking in Persons Act, 2013.''.

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die betrokke verrigtinge hangende is, op skriftelike inligting onder eed dat bedoelde persoon op die punt staan om te vlug, 'n lasbrief vir sy of haar inhegtenisneming uitreik.''.

Invoeging van artikel 194A in Wet 51 van 1977

10. Die volgende artikel word hierby na artikel 194 in die Strafproseswet, 1977, ingevoeg:

''**Evaluasie van bevoegdheid van getuies op grond van geestestoestand**

194A. (1) By die toepassing van artikel 193, wanneer ook al van 'n hof vereis word om oor die bevoegdheid van 'n getuie weens sy of haar geestestoestand te beslis, soos in artikel 194 beoog, kan die hof, wanneer die hof dit in die belang van geregtigheid nodig ag en met behoorlike inagneming van die getuie se omstandighede, en op die bedinge en voorwaardes wat die hof bepaal, gelas dat die getuie deur 'n mediese praktisyn, 'n psigiater of kliniese sielkundige deur die hof aangewys, ondersoek word, wat die hof moet voorsien van 'n verslag oor die getuie se bevoegdheid om getuienis te lewer.

(2) n Mediese praktisyn, psigiater of kliniese sielkundige ingevolge subartikel (1) deur die hof aangewys wat nie heeltyds in diens van die Staat is nie, moet vir sy of haar dienste in verband met die ondersoek vergoed word uit openbare fondse ingevolge 'n tarief deur die Minister in oorleg met die Kabinetslid verantwoordelik vir nasionale finansiële aangeleenthede, bepaal.

(3) Indien die inhoud van 'n verslag in subartikel (1) beoog nie betwis word nie, is die verslag by voorlegging as getuienis toelaatbaar.''.

Vervanging van opskrif van Deel III van Bylae 2 tot Wet 51 van 1977

11. Die opskrif van Deel III van Bylae 2 tot die Strafproseswet, 1977, word hierby deur die volgende opskrif vervang:

''***DEEL III***

(Artikels 59, **[61,]** 72, **[184,]** 185, 189)''.

Wysiging van Bylae 5 tot Wet 51 van 1977, soos bygevoeg deur artikel 14 van Wet 75 van 1995, vervang deur artikel 9 van Wet 85 van 1997, gewysig deur artikel 36 van Wet 12 van 2004 en artikel 27 van Wet 33 van 2004 en vervang deur artikel 68 van Wet 32 van 2007

12. Bylae 5 tot die Strafproseswet, 1977, word hierby gewysig deur die volgende item aan die einde van die Bylae by te voeg:

''Enige misdryf bedoel in artikels 5, 6, 7, 8(1) en 23 en betrokkenheid by hierdie misdrywe soos in artikel 10 van die 'Prevention of Trafficking in Persons Act', 2013, voor voorsiening gemaak.''.

Wysiging van Bylae 6 tot Wet 51 van 1977, soos bygevoeg deur artikel 10 van Wet 85 van 1997, gewysig deur artikel 27 van Wet 33 van 2004 en vervang deur artikel 68 van Wet 32 van 2007

13. Bylae 6 tot die Strafproseswet, 1977, word hierby gewysig deur die volgende item by te voeg:

'' Enige misdryf in artikel 4 bedoel en betrokkenheid by hierdie misdrywe soos in artikel 10 van die 'Prevention and Combating of Trafficking in Persons Act', 2013, voor voorsiening gemaak.''.

Amendment of section 3 of Act 53 of 1979, as amended by section 2 of Act 108 of 1984, substituted by section 2 of Act 87 of 1989, amended by section 2 of Act 102 of 1991, section 18 of Act 66 of 2008, section 25 of Act 39 of 2014 and section 3 of Act 40 of 2014

14. Section 3 of the Attorneys Act, 1979, is hereby amended by the substitution in paragraph *(i)* of subsection (1) for the words preceding the subparagraph of the following words:

''who has, save where he or she has already qualified to engage or retain a candidate attorney as contemplated in paragraph *(j)*—''.

Amendment of section 25 of Act 61 of 1984

15. Section 25 of the Small Claims Courts Act, 1984, is hereby amended—

(a) by the substitution for the heading of the following heading:

''**Power of [Minister] Rules Board for Courts of Law to make rules**'';

(b) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

''The Rules Board for Courts of Law established by section 2 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), may, subject to the approval of the Minister **[may]** make, amend or repeal rules regulating the following matters in respect of small claims courts:'';

(c) by the insertion of the word ''or'' at the end of paragraph *(d)*; and

(d) by the substitution for paragraph *(e)* of the following paragraph:

''*(e)* any other matter which **[he may consider]** is necessary or expedient to prescribe for carrying out the provisions of this Act or the attainment of its objects.''.

Amendment of section 3 of Act 107 of 1985, as amended by section 2 of Act 77 of 1989, section 22 of Act 62 of 2000 and section 9 of Act 42 of 2001

16. Section 3 of the Rules Board for Courts of Law Act, 1985, is hereby amended—

(a) by the substitution in subsection (1) for paragraphs *(a)*, *(b)* and *(c)* of the following paragraphs, respectively:

''*(a)* a judge of the Constitutional Court, the Supreme Court of Appeal or **[a]** the High Court, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of section 3 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), whom the Minister designates as the chairperson;

(b) a judge **[or retired judge]** of the Constitutional Court, the Supreme Court of Appeal or **[a]** the High Court, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of section 3 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), whom the Minister designates as the vice-chairperson;

Wysiging van artikel 3 van Wet 53 van 1979, soos gewysig deur artikel 2 van Wet 108 van 1984, vervang deur artikel 2 van Wet 87 van 1989, gewysig deur artikel 2 van Wet 102 van 1991, artikel 18 van Wet 66 van 2008, artikel 25 van Wet 39 van 2014 en artikel 3 van Wet 40 van 2014

14. Artikel 3 van die Wet op Prokureurs, 1979, word hierby gewysig deur paragraaf *(i)* in subartikel (1) deur die volgende paragraaf te vervang:

"*(i)* wat, behalwe waar hy of sy reeds gekwalifiseer het om 'n kandidaat-prokureur soos in paragraaf *(j)* beoog, in diens te neem of te hou—

(i) **[wat,]** indien hy of sy 'n prokureur is wat aldus vir eie rekening of as vennoot in 'n prokureursfirma of as 'n lid van 'n professionele maatskappy praktiseer, of wat voltyds in diens is by 'n regskliniek, of wat voltyds in diens is by 'n kantoor van Regshulp Suid-Afrika, vir 'n tydperk van drie jaar of vir tydperke wat in totaal drie jaar beloop tydens die voorafgaande vier jaar aldus gepraktiseer het of in diens was;

(ii) **[wat,]** indien hy of sy die Staatsprokureur of 'n Adjunk-staatsprokureur, Senior Assistent-staatsprokureur of Assistent-staatsprokureur soos voormeld is, in die kantoor van die Staatsprokureur of 'n tak daarvan vir 'n tydperk van vier jaar onmiddellik voordat daardie kandidaat-prokureur onder leerkontrak geneem word, onafgebroke die beroep beoefen het; en".

Wysiging van artikel 25 van Wet 61 van 1984

15. Artikel 25 van die Wet op Howe vir Klein Eise, 1984, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

"**Bevoegdheid van [Minister] Reëlsraad vir Geregshowe om reëls uit te vaardig**";

(b) deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Die Reëlsraad vir Geregshowe ingestel by artikel 2 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), kan, onderhewig aan die goedkeuring van die Minister, **[kan]** reëls uitvaardig, wysig of herroep tot reëling van die volgende aangeleenthede ten opsigte van howe vir klein eise:";

(c) deur die woord "of" aan die einde van paragraaf *(d)* in te voeg; en

(d) deur paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* enige ander aangeleentheid wat **[hy]** nodig of dienstig **[ag]** is om voor te skryf ten einde die bepalings van hierdie Wet uit te voer en die oogmerke daarvan te verwesenlik.".

Wysiging van artikel 3 van Wet 107 van 1985, soos gewysig deur artikel 2 van Wet 77 van 1989, artikel 22 van Wet 62 van 2000 en artikel 9 van Wet 42 van 2001

16. Artikel 3 van die Wet op die Reëlsraad vir Geregshowe, 1985, word hierby gewysig—

(a) deur in subartikel (1) paragrawe *(a)*, *(b)* en *(c)* onderskeidelik deur die volgende paragrawe te vervang:

"*(a)* 'n Regter van die Konstitusionele Hof, die Hoogste Hof van Appèl of **['n Hoë Hof]** die Hooggeregshof of 'n regter wat die amp van regter van die Konstitusionele Hof, die Hoogste Hof van Appèl of die Hooggeregshof beklee het en wat ingevolge artikel 3 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), van aktiewe diens onthef is, wat die Minister as die voorsitter aanwys;

(b) 'n Regter **[of afgetrede regter]** van die Konstitusionele Hof, die Hoogste Hof van Appèl of **['n Hoë Hof]** die Hooggeregshof of 'n regter wat die amp van regter van die Konstitusionele Hof, die Hoogste Hof van Appèl of die Hooggeregshof beklee het en wat ingevolge artikel 3 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), van aktiewe diens onthef is, wat die Minister as die ondervoorsitter aanwys;

(c) **[a]** one magistrate appointed for a district and one magistrate appointed for a regional division under section 9(1)*(a)* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);'';

(b) by the substitution for paragraph *(h)* of the following paragraph:

''*(h)* not more than **[three]** two persons who, in the opinion of the Minister, have the necessary expertise to serve as members of the Board**[.]**; and''; and

(c) by the addition of the following paragraph:

''*(i)* a sheriff appointed under section 2(1) of the Sheriff's Act, 1986 (Act No. 90 of 1986), who is nominated by the South African Board for Sheriffs established by section 7 of the Sheriff's Act, 1986.''.

Amendment of section 2 of Act 90 of 1986, as amended by section 2 of Act 14 of 2012

17. Section 2 of the Sheriffs Act, 1986, is hereby amended by the addition of the following subsection:

''(3) Notwithstanding the provisions of subsection (1), where the office of a sheriff in an area remains vacant after the prescribed procedures for recruiting and appointing a fit and proper applicant have been followed, the Minister may, if he or she deems it necessary to achieve the objectives of effective and sustainable service delivery and in the interests of justice—

(a) on the request of, or after consultation with, an Advisory Committee; and

(b) after consultation with the Board,

in writing, appoint a sheriff of another area to serve as sheriff within such area, subject to written confirmation by the Board that it is prepared to issue a fidelity fund certificate to that sheriff.''.

Amendment of section 3 of Act 90 of 1986, as amended by section 2 of Act 74 of 1998

18. Section 3 of the Sheriffs Act, 1986, is hereby amended by the substitution for subsection (2) of the following subsection:

''(2) *(a)* The Minister may describe one or more areas within the area of jurisdiction of a lower or superior court and allocate any such area to a sheriff of that court or a sheriff of another court, after consultation with the Board and subject to written confirmation by the Board that it is prepared to issue a fidelity fund certificate to that sheriff.

(b) The Minister may, after consultation with the Board and subject to written confirmation by the Board that it is prepared to issue a fidelity fund certificate, appoint more than one sheriff for that particular area to perform the duties and functions assigned to a sheriff.''.

Amendment of section 22 of Act 90 of 1986, as amended by section 25 of Act 139 of 1992 and section 7 of Act 74 of 1998

19. Section 22 of the Sheriffs Act, 1986, is hereby amended by the addition of the following subsection:

''(5) *(a)* Any money held in the trust account of a sheriff in respect of which the identity of the owner is unknown or which is unclaimed after one year, must, after the second annual closing of the accounting records of the sheriff following the date upon which those funds were deposited in the trust account of the sheriff, be paid in the prescribed manner to the Fund by the sheriff concerned.

(b) Nothing in this subsection deprives the owner of the money contemplated in paragraph *(a)* of the right to claim from the Fund any portion as he or she may prove an entitlement to.''.

Amendment of section 26 of Act 90 of 1986, as amended by section 8 of Act 74 of 1998

20. Section 26 of the Sheriffs Act, 1986, is hereby amended by the insertion in subsection (1) after paragraph *(a)* of the following paragraph:

''*(a*A*)* moneys received by the Fund in terms of section 22(5)*(a)*;''.

(c) **[’n]** een landdros aangestel vir ’n distrik en een landdros aangestel vir ’n streekafdeling kragtens artikel 9(1)*(a)* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);’’;

(b) deur paragraaf *(h)* deur die volgende paragraaf te vervang:

‘‘*(h)* hoogstens **[drie]** twee persone wat na die oordeel van die Minister oor die nodige kundigheid beskik om as lede van die Raad te dien**[.]**; en’’; en

(c) deur die volgende paragraaf by te voeg:

‘‘*(i)* ’n balju aangestel kragtens artikel 2(1) van die Wet op Balju’s, 1986 (Wet No. 90 van 1986), benoem deur die Suid-Afrikaanse Raad vir Balju’s by artikel 7 van die Wet op Balju’s, 1986, ingestel.’’.

Wysiging van artikel 2 van Wet 90 van 1986, soos gewysig deur artikel 2 van Wet 14 van 2012

17. Artikel 2 van die Wet op Balju’s, 1986, word hierby gewysig deur die volgende subartikel by te voeg:

‘‘(3) Ondanks die bepalings van subartikel (1), waar die amp van ’n balju vakant bly nadat die voorgeskrewe prosedures vir werwing en aanstelling van ’n geskikte en gepaste aansoeker gevolg is, kan die Minister, indien hy of sy dit nodig ag ten einde die oogmerke van doeltreffende en volhoubare dienslewering te bereik en in die belang van geregtigheid—

(a) op versoek van, of na oorleg met ’n Advieskomitee; en

(b) na oorleg met die Raad,

’n balju van ’n ander gebied skriftelik aanstel om binne sodanige gebied as balju te dien, onderhewig aan skriftelike bevestiging deur die Raad dat die Raad bereid is om ’n getrouheidsfondssertifikaat aan daardie balju uit te reik.’’.

Wysiging van artikel 3 van Wet 90 van 1986, soos gewysig deur artikel 2 van Wet 74 van 1998

18. Artikel 3 van die Wet op Balju’s, 1986, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

‘‘(2) *(a)* Die Minister kan een of meer gebiede binne die regsgebied van ’n laer of hoër hof omskryf en so ’n gebied aan ’n balju van daardie hof of ’n balju van ’n ander hof toeken, na oorleg met die Raad en onderhewig aan skriftelike bevestiging deur die Raad dat die Raad bereid is om ’n getrouheidsfondssertifikaat aan daardie balju uit te reik.

(b) Die Minister kan na oorleg met die Raad en onderhewig aan skriftelike bevestiging deur die Raad dat die Raad bereid is om ’n getrouheidsfondssertifikaat uit te reik, meer as een balju vir daardie spesifieke gebied aanstel om die pligte en werksaamhede te verrig wat aan ’n balju opgedra is.’’.

Wysiging van artikel 22 van Wet 90 van 1986, soos gewysig deur artikel 25 van Wet 139 van 1992 en artikel 7 van Wet 74 van 1998

19. Artikel 22 van die Wet op Balju’s, 1986, word hierby gewysig deur die volgende subartikel by te voeg:

‘‘(5) *(a)* Enige geld wat in die trustrekening van ’n balju gehou word ten opsigte waarvan die eienaar se identiteit nie bekend is nie of wat na ’n jaar onopgeëis is, moet, na die tweede jaarlikse sluiting van die rekeningkundige rekords van die balju na die datum waarop daardie fondse in die trustrekening van die balju gedeponeer is, op die voorgeskrewe wyse deur die betrokke balju aan die Fonds betaal word.

(b) Niks in hierdie subartikel ontneem die eienaar van die geld in paragraaf *(a)* beoog die reg om enige gedeelte waartoe hy of sy ’n aanspraak kan bewys, van die Fonds te eis nie.’’.

Wysiging van artikel 26 van Wet 90 van 1986, soos gewysig deur artikel 8 van Wet 74 van 1998

20. Artikel 26 van die Wet op Balju’s, 1986, word hierby gewysig deur die volgende paragraaf na paragraaf *(a)* in subartikel (1) in te voeg:

‘‘*(a*A*)* gelde ingevolge artikel 22(5)*(a)* deur die Fonds ontvang;’’.

Amendment of section 27 of Act 90 of 1986, as amended by section 13 of Act 14 of 2012

21. Section 27 of the Sheriffs Act, 1986, is hereby amended—

(a) by the substitution in subsection (1) for the full stop at the end of paragraph *(g)* of the expression ''; or''; and

(b) by the addition of the following paragraph:

''*(h)* the payment of the costs for the enforcement of judgments of small claims courts by execution as contemplated in section 41 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), in cases where successful judgment creditors are unable to afford such costs, in the circumstances and subject to the conditions determined by the Board in consultation with the Minister.''.

Amendment of section 3 of Act 90 of 1993, as amended by section 1 of Act 35 of 1996 and section 29 of Act 62 of 2000

22. Section 3 of the Magistrates Act, 1993, is hereby amended—

(a) by the substitution in subsection (1)*(a)* for subparagraphs (i), (ii) and (iii) of the following subparagraphs, respectively:

''(i) a judge of **[the Supreme]** a Superior Court **[of South Africa]** as defined in section 1 of the Superior Courts Act, 2013 (Act No. 10 of 2013), as chairperson, designated by the President in consultation with the Chief Justice;

(ii) the Minister or his or her nominee, who must be an officer of the Department of Justice and Constitutional Development;

(iii) two regional magistrates, one who is a head of a regional division, to be designated by the **[respective regional magistrates]** heads of the regional divisions and the other by the President after consultation with the respective regional magistrates;'';

(b) by the substitution in subsection (1)*(a)* for subparagraph (ix) of the following subparagraph:

''(ix) **[the Head: Justice College]** any person designated by the Council of the South African Judicial Education Institute referred to in section 7 of the South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008);''; and

(c) by the substitution for subsection (2) of the following subsection:

''(2) A member of the Commission shall be appointed or designated for a period not exceeding five years, and any such appointment or designation may be withdrawn by the appointing or designating authority, as the case may be, at any time after consultation with the Commission if **[in his, her or its opinion]** there are sound reasons for doing so.''.

Amendment of section 8 of Act 90 of 1993, as amended by section 8 of Act 35 of 1996 and section 19 of Act 104 of 1996

23. Section 8 of the Magistrates Act, 1993, is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) The chairperson of the Commission or a member of a committee who is a judge of **[the Supreme]** a Superior Court or a member of the Commission designated in terms of section 3(1)*(a)*(x) and (xi), may be paid such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions in terms of this Act as the Minister may determine with the concurrence of the Minister of Finance.''.

Amendment of section 13 of Act 90 of 1993, as amended by section 4 of Act 85 of 1995, section 4 of Act 18 of 1996, section 6 of Act 35 of 1996, section 11 of Act 122 of 1998, section 4 of Act 28 of 2003 and section 4 of Act 24 of 2015

24. Section 13 of the Magistrates Act, 1993, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Wysiging van artikel 27 van Wet 90 van 1986, soos gewysig deur artikel 13 van Wet 14 van 2012

21. Artikel 27 van die Wet op Balju's, 1986, word hierby gewysig—

(a) deur in subartikel (1) die punt aan die einde van paragraaf *(g)* deur die uitdrukking "; of" te vervang; en

(b) deur die volgende paragraaf by te voeg:

"*(h)* die betaling van die uitgawes vir die afdwinging van vonnisse van howe vir klein eise by tenuitvoerlegging soos beoog in artikel 41 van die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984), in sake waar suksesvolle vonnisskuldeisers nie sodanige kostes kan bekostig nie, in die omstandighede en behoudens die bepalings deur die Raad in oorleg met die Minister, bepaal.".

Wysiging van artikel 3 van Wet 90 van 1993, soos gewysig deur artikel 1 van Wet 35 van 1996 en artikel 29 van Wet 62 van 2000

22. Artikel 3 van die Wet op Landdroste, 1993, word hierby gewysig—

(a) deur in subartikel (1)*(a)* subparagrawe (i), (ii) en (iii) onderskeidelik deur die volgende subparagrawe te vervang:

"(i) 'n regter van **[die Hooggeregshof van Suid-Afrika]** 'n Hoër Hof soos omskryf in artikel 1 van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), as voorsitter, wat deur die President in oorleg met die Hoofregter aangewys word;

(ii) die Minister of sy of haar genomineerde, **[wie]** wat 'n beampte van die Departement van Justisie en Staatkundige Ontwikkeling moet wees;

(iii) twee streeklanddroste, van wie een 'n hoof van 'n streekafdeling is, deur die **[onderskeie streeklanddroste]** hoofde van die streekafdelings en die ander deur die President na oorleg met die onderskeie streeklanddroste, aangewys word;";

(b) deur in subartikel (1)*(a)* subparagraaf (ix) deur die volgende subparagraaf te vervang:

"(ix) **[die Hoof: Justisie-Kollege]** enigiemand deur die Raad van die Suid-Afrikaanse Regterlike Opleidingsinstituut bedoel in artikel 7 van die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008 (Wet No. 14 van 2008), aangewys;"; en

(c) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Lid van die Kommissie word vir 'n tydperk van hoogstens vyf jaar aangestel of aangewys, en so 'n aanstelling of aanwysing kan te eniger tyd na oorleg met die Kommissie deur die aanstellings- of aanwysingsgesag, na gelang van die geval, ingetrek word indien daar **[na sy of haar oordeel]** gegronde redes daarvoor bestaan.".

Wysiging van artikel 8 van Wet 90 van 1993, soos gewysig deur artikel 8 van Wet 35 van 1996 en artikel 19 van Wet 104 van 1996

23. Artikel 8 van die Wet op Landdroste, 1993, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die voorsitter van die Kommissie of 'n lid van 'n komitee wat 'n regter van **[die Hooggeregshof]** 'n Hoër Hof is of 'n lid van die Kommissie ingevolge artikel 3(1)*(a)*(x) en (xi) aangewys, kan die toelaes vir reis- en verblyfuitgawes deur hom of haar aangegaan by die verrigting van sy of haar werksaamhede ingevolge hierdie Wet betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.".

Wysiging van artikel 13 van Wet 90 van 1993, soos gewysig deur artikel 4 van Wet 85 van 1995, artikel 4 van Wet 18 van 1996, artikel 6 van Wet 35 van 1996, artikel 11 van Wet 122 van 1998, artikel 4 van Wet 28 van 2003 en artikel 4 van Wet 24 van 2015

24. Artikel 13 van die Wet op Landdroste, 1993, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) A magistrate shall, subject to the provisions of subsection (1A), vacate his or her office on attaining the age of 65 years: Provided that if he or she attains the said age after the first day of any month, he or she shall be deemed to attain that age on the first day of the next ensuing month."; and

(b) by the insertion after subsection (1) of the following subsection:

"(1A) *(a)* A magistrate holding office as such may, before attaining the age of 65 years, in written notice to the Commission, indicate his or her intention to continue to serve in such office for such further period specified in the written notice: Provided that a magistrate must vacate his or her office on attaining the age of 70 years: Provided further that if he or she attains the said age after the first day of any month, he or she shall be deemed to attain that age on the first day of the next ensuing month.

(b) A magistrate who intends to continue to serve in such office as contemplated in paragraph *(a)* must timeously give notice thereof in writing to the Commission before he or she attains the age of 65 years.".

Amendment of Part I of Schedule 2 to Act 105 of 1997, as amended by section 37 of Act 62 of 2000 and section 27 of Act 33 of 2004, substituted by section 68 of Act 32 of 2007 and amended by section 5 of Act 38 of 2007, section 22 of Act 66 of 2008 and section 48 of Act 7 of 2013

25. Part I of Schedule 2 to the Criminal Law Amendment Act, 1997, is hereby amended—

(a) by the insertion in paragraph *(b)* of the offence "Rape" after subparagraph (i) of the following subparagraph:

"(iA) is an older person as defined in section 1 of the Older Persons Act, 2006 (Act No. 13 of 2006);"; and

(b) by the insertion in paragraph *(b)* of the offence "Compelled rape" after subparagraph (i) of the following subparagraph:

"(iA) is an older person as defined in section 1 of the Older Persons Act, 2006 (Act No. 13 of 2006);".

Amendment of section 6 of Act 32 of 1998

26. Section 6 of the National Prosecuting Authority Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Cabinet member responsible for the administration of justice—

(a) must establish an Office for the prosecuting authority at the seat of each Division of the High Court provided for in terms of section 6(1); and

(b) may, in consultation with the National Director, establish an Office for the prosecuting authority at the local seat of a Division contemplated in section 6(3)*(c)*,

of the Superior Courts Act, 2013 (Act No. 10 of 2013).".

Insertion of section 3A in Act 114 of 1998

27. The following section is hereby inserted in the Debt Collectors Act, 1998, after section 3:

"**Powers and functions of Council**

3A. In addition to any other powers or functions conferred upon or assigned to the Council by this Act, the Council may—

(a) hire, buy or otherwise acquire such movable or immovable property as it may consider necessary for the performance of its functions and let, sell or otherwise dispose of property so acquired;

(b) from time to time raise money by way of a loan for the purpose of performing its functions;

"(1) 'n Landdros moet, behoudens die bepalings van subartikel (1A), sy of haar amp ontruim wanneer hy of sy die ouderdom van 65 jaar bereik: Met dien verstande dat indien hy of sy die genoemde ouderdom na die eerste dag van enige maand bereik, hy of sy geag sal word daardie ouderdom op die eerste dag van die volgende maand te bereik."; en

(b) deur die volgende subartikel na subartikel (1) in te voeg:

"(1A) *(a)* 'n Landdros wat sodanige amp beklee kan, voordat hy of sy die ouderdom van 65 jaar bereik, by skriftelike kennisgewing aan die Kommissie, sy of haar voorneme aandui om steeds in sodanige amp te dien vir 'n verdere tydperk soos in die skriftelike kennisgewing aangedui: Met dien verstande dat 'n landdros sy of haar amp by die bereiking van die ouderdom van 70 jaar, moet ontruim: Met dien verstande verder dat indien hy of sy die genoemde ouderdom na die eerste dag van enige maand bereik, hy of sy geag sal word daardie ouderdom op die eerste dag van die volgende maand te bereik.

(b) 'n Landdros wat voorneme is om voort te gaan om soos in paragraaf *(a)* beoog in sodanige amp te dien, moet betyds skriftelik daarvan aan die Kommissie kennis gee voordat hy of sy 65 jaar oud word.".

Wysiging van Deel I van Bylae 2 tot Wet 105 van 1997, soos gewysig deur artikel 37 van Wet 62 van 2000 en artikel 27 van Wet 33 van 2004, vervang deur artikel 68 van Wet 32 van 2007 en gewysig deur artikel 5 van Wet 38 van 2007, artikel 22 van Wet 66 van 2008 en artikel 48 van Wet 7 van 2013

25. Deel I van Bylae 2 tot die Strafregwysigingswet, 1997, word hierby gewysig—

(a) deur in paragraaf *(b)* van die misdryf "Verkragting" die volgende subparagraaf na subparagraaf (i) in te voeg:

"(iA) 'n ouer persoon is soos in artikel 1 van die 'Older Persons Act', 2006 (Wet No. 13 van 2006), as 'older person' omskryf;"; en

(b) deur in paragraaf *(b)* van die omskrywing van "Gedwonge verkragting" die volgende subparagraaf na subparagraaf (i) in te voeg:

"(iA) 'n ouer persoon is soos in artikel 1 van die 'Older Persons Act', 2006 (Wet No. 13 van 2006), as 'older person' omskryf;".

Wysiging van artikel 6 van Wet 32 van 1998

26. Artikel 6 van die Wet op die Nasionale Vervolgingsgesag, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Kabinetslid verantwoordelik vir die regspleging—

(a) moet 'n Kantoor vir die vervolgingsgesag instel by die setel van elke afdeling van die Hooggeregshof waarvoor ingevolge artikel 6(1) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), voorsiening gemaak is; en

(b) kan, in oorleg met die Nasionale Direkteur, 'n Kantoor vir die vervolgingsgesag by die plaaslike setel van 'n afdeling beoog in artikel 6(3)*(c)* van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), beoog, instel.".

Invoeging van artikel 3A in Wet 114 van 1998

27. Die volgende artikel word hierby na artikel 3 in die Wet op Skuldinvorderaars, 1998, ingevoeg:

"**Bevoegdhede en werksaamhede van Raad**

3A. Benewens enige ander bevoegdhede of werksaamhede deur hierdie Wet aan die Raad opgelê of toegewys, kan die Raad—

(a) roerende of onroerende eiendom huur, koop of andersins verkry wat die Raad nodig mag ag vir die verrigting van die Raad se werksaamhede en eiendom wat aldus verkry is, uithuur, verkoop of andersins daaroor beskik;

(b) van tyd tot tyd geld deur middel van 'n lening verkry vir die doeleindes van die uitvoering van die Raad se werksaamhede;

(c) hypothecate its immovable property as security for a loan referred to in paragraph *(b)*;

(d) with a view to promoting its objects, lend money against such security as it may consider adequate;

(e) make donations of property (including money) of the Council;

(f) by means of insurance provide for cover for the Council against any loss, damage, risk or liability which it may suffer or incur; and

(g) in general, perform such acts as may be necessary or expedient for the achievement of its objects.''.

Amendment of section 91A of Act 2 of 2000, as inserted by section 2 of Act 54 of 2002 and amended by section 7 of Act 24 of 2015

28. Section 91A of the Promotion of Access to Information Act, 2000, is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

''*(a)* The head of an administrative region defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the magistrate at the head of a regional division established for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944, must**[, subject to subsection (2),]** designate in writing any magistrate, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, as a presiding officer of a Magistrate's Court designated by the Minister in terms of section 1 of this Act.'';

(b) by the deletion of subsection (2);

(c) by the substitution for subsection (3) of the following subsection:

''(3) The heads of administrative regions or magistrates at the head of regional divisions established for the purposes of adjudicating civil disputes must**[—**

***(a)*]** take all reasonable steps within available resources to designate at least one presiding officer for each magistrate's court within his or her area of jurisdiction which has been designated by the Minister in terms of section 1 **[; and**

(b) **without delay, inform the Magistrates Commission of any magistrate, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course referred to in subsection (5) or who has been designated in terms of subsection (1)]**.'';

(d) by the deletion of subsection (4); and

(e) by the substitution for subsection (8) of the following subsection:

''(8) The provisions of section 12(6)**[, (7)]** and (8) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), are applicable with the necessary changes required by the context.''.

Amendment of section 9A of Act 3 of 2000, as inserted by section 2 of Act 53 of 2002 and amended by section 9 of Act 24 of 2015

29. Section 9A of the Promotion of Administrative Justice Act, 2000, is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

''*(a)* The head of an administrative region defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the magistrate at the head of a regional division established for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944, must **[, subject to subsection (2),]** designate in writing any magistrate, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, as a presiding officer of the Magistrate's Court designated by the Minister in terms of section 1 of this Act.'';

(c) die Raad se onroerende eiendom verhipotekeer as waarborg vir 'n lening in paragraaf *(b)* bedoel;

(d) met die oog op die bevordering van die Raad se oogmerke, geld uitleen teen sodanige waarborg wat die Raad voldoende ag;

(e) skenkings van eiendom (met inbegrip van geld) van die Raad maak;

(f) by wyse van versekering voorsiening maak vir dekking vir die Raad teen enige verlies, skade, risiko of aanspreeklikheid wat die Raad kan ly of aan blootgestel kan word; en

(g) oor die algemeen, sodanige stappe doen wat nodig of dienstig mag wees vir die bereiking van die Raad se oogmerke.''.

Wysiging van artikel 91A van Wet 2 van 2000, soos ingevoeg deur artikel 2 van Wet 54 van 2002 en gewysig deur artikel 7 van Wet 24 van 2015

28. Artikel 91A van die Wet op Bevordering van Toegang tot Inligting, 2000, word hierby gewysig—

(a) deur paragraaf *(a)* in subartikel (1) deur die volgende paragraaf te vervang:

''*(a)* Die hoof van 'n administratiewe streek soos omskryf in artikel 1 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die landdros aan die hoof van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg ingevolge artikel 2 van die Wet op Landdroshowe, 1944, moet**[, behoudens subartikel (2),]** enige landdros, addisionele landdros of landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg, na gelang van die geval, skriftelik aanwys as 'n voorsittende beampte van 'n Landdroshof wat deur die Minister ingevolge artikel 1 van hierdie Wet aangewys is.'';

(b) deur subartikel (2) te skrap;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

''(3) Die hoofde van administratiewe streke of landdroste aan die hoof van streeksafdelings ingestel met die doel om siviele gedinge te bereg, moet**[—**

***(a)*]** alle redelike stappe binne die beskikbare bronne doen ten einde ten minste een voorsittende beampte aan te wys vir elke landdroshof binne sy of haar regsgebied wat deur die Minister ingevolge artikel 1 aangewys is**[; en**

***(b)* sonder versuim, die Landdrostekommissie in kennis stel van enige landdros, addisionele landdros of landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg, wat 'n opleidingskursus in subartikel (5) bedoel voltooi het of wat ingevolge subartikel (1) aangewys is]**.'';

(d) deur subartikel (4) te skrap; en

(e) deur subartikel (8) deur die volgende subartikel te vervang:

''(8) Die bepalings van artikel 12(6)**[, (7)]** en (8) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), is van toepassing met die nodige veranderinge deur die samehang vereis.''.

Wysiging van artikel 9A van Wet 3 van 2000, soos ingevoeg deur artikel 2 van Wet 53 van 2002 en gewysig deur artikel 9 van Wet 24 van 2015

29. Artikel 9A van die isiXhosa-teks van die ''Promotion of Administrative Justice Act'', 2000, word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* Intloko yenqila yolawulo echazwe kwisiqendu 1 se*Magistrate's Courts Act* 32 ka-1944, okanye imantyi eyintloko yenqila ngenjongo yokuchophela amatyala embambano ngokwesiqendu 2 se*Magistrate's Courts Act* ka-1944 mayithi **[, ngokulawulwa sisiqendwana (2),]** imisele, ngokubhala, imantyi, imantyi yokongeza okanye imantyi yenqila eqeshelwe ukuba ichophele amatyala embambano, ibe ngumchopheli-matyala weNkundla.'';

(b) by the deletion of subsection (2);

(c) by the substitution for subsection (3) of the following subsection:

"(3) The heads of administrative regions or magistrates at the head of regional divisions established for the purposes of adjudicating civil disputes, must**[—**

***(a)*]** take all reasonable steps within available resources to designate at least one presiding officer for each magistrate's court within his or her area of jurisdiction which has been designated by the Minister in terms of section 1 **[; and**

(b) **without delay, inform the Magistrates Commission of any magistrate, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course referred to in subsection (5) or who has been designated in terms of subsection (1)]**.";

(d) by the deletion of subsection (4); and

(e) by the substitution for subsection (8) of the following subsection:

"(8) The provisions of section 12(6)**[, 7]** and (8) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), are applicable with the necessary changes required by the context.".

Amendment of section 1 of Act 4 of 2000, as amended by section 16 of Act 22 of 2005 and section 10 of Act 24 of 2015

30. Section 1 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is hereby amended by the substitution for paragraph *(a)* of the definition of "prohibited grounds" of the following paragraph:

"*(a)* race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language **[and]**, birth and HIV/AIDS status; or".

Amendment of section 16 of Act 4 of 2000, as substituted by section 1 of Act 52 of 2002 and amended by section 10 of Act 24 of 2015

31. Section 16 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

"*(b)* any judge may**[, subject to subsection (2),]** be designated in writing by a Judge President as a presiding officer of the equality court of the area in respect of which he or she is a judge;";

(b) by the substitution in subsection (1) for paragraph *(d)* of the following paragraph:

"*(d)* the head of an administrative region or magistrate at the head of a regional division contemplated in paragraph *(c)* must**[, subject to subsection (2),]** designate in writing any magistrate, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, as a presiding officer of the equality court.";

(c) by the deletion of subsection (2);

(d) by the substitution for subsection (3) of the following subsection:

"(3) The Judges President, heads of administrative regions and magistrates at the head of regional divisions established for the purposes of adjudicating civil disputes, must **[—**

***(a)*]** take all reasonable steps within available resources, to designate at least one presiding officer for each equality court within his or her area of jurisdiction**[; and**

(b) deur subartikel (2) te skrap;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

''(3) Iintloko zeenqila zolawulo okanye iimantyi eziziintloko eziqeshelwe ukuchophela amatyala embambano, mazithi**[—**

***(a)*]** zenze konke okunokwenziwa ngokwemali ekhoyo ukuba zimisele ubuncinane umchopheli-matyala omnye wenkundla nganye yemantyi kummandla wakhe oqingqwe nguMphathiswa ngokwesiqendu 1 **[; kananjalo**

***(b)* zingalibazisanga, zazise iKomishoni yeeMantyi ngayo nayiphi na imantyi, imantyi yokongeza okanye imantyi yenqila eqeshelwe ukuchophela amatyala embambano, elugqibileyo uqeqesho ekuthethwe ngalo kwisiqendwana (5) okanye emiselwe ngokwesiqendwana (1)]**.'';

(d) deur subartikel (4) te skrap; en

(e) deur subartikel (8) deur die volgende subartikel te vervang:

''(8) Okutshiwo sisiqendu 12(6)**[, 7]** nesiqendwana (8) se*Magistrate's Courts Act* 32 ka-1944 kuyasebenza, kubekho nje utshintsho olunokuthi lufuneke.''.

Wysiging van artikel 1 van Wet 4 van 2000, soos gewysig deur artikel 16 van Wet 22 van 2005 en artikel 10 van Wet 24 van 2015

30. Artikel 1 van die isiZulu-teks van die ''Promotion of Equality and Prevention of Unfair Discrimination Act'', 2000, word hierby gewysig deur paragraaf *(a)* van die omskrywing van ''yezizathu ezinqatshelwe'' (''prohibited grounds'') deur die volgende paragraaf te vervang:

''*(a)* ubuzwe, ubulili, ubulili, ukukhulelwa, ukuma komshado, ubuhlanga, noma ukudabuka kwezokuhlalisana, ibala, ukugeba ngobulili, ubudala, **[umqhina]** ukukhubazeka, inkolo, unembeza, ukukholwa, **[isimo sempucuko,]** ulimi, **[no]**ukuzalwa, isimo **[ukuma kwesakhamuzi ukuma kw]** seSANDULELA NGCULAZI-NESIFO SENGCULAZI, **[ukuma kwezokuhlalisana nomnotho, isibopho somndeni nokuma kwezomndeni,]**; noma''.

Wysiging van artikel 16 van Wet 4 van 2000, soos vervang deur artikel 1 van Wet 52 van 2002 en gewysig deur artikel 10 van Wet 24 van 2015

31. Artikel 16 van die isiZulu-teks van die ''Promotion of Equality and Prevention of Unfair Discrimination Act'', 2000, word hierby gewysig**—**

(a) deur in subartikel (1) paragraaf *(b)* deur die volgende paragraaf te vervang:

''*(b)* **[iJaji eliPhethe wamaJaji angabhala incwadi aqoke nanoma iliphi ijaji ukuba lengamele inkantolo yokulingana endaweni eliyisebenzayo, nokuncike kwisigatshana (2);]** noma iliphi ijaji, **[okukhulunywe ngalo esigatshanyeni sesi-(2),]** lingaqokwa ngokubhala uMongameli wamaJaji ukuba libe umphathi wenkantolo yokulingana endaweni elisebenzela kuyo;'';

(b) deur in subartikel (1) paragraaf *(d)* deur die volgende paragraaf te vervang:

''*(d)* inhloko ephethe **[echazwe kwindima *(c)* kumele ibhale incwadi lapho iqoka khona imantshi eyodwa noma ngaphezulu, abazokwengamela inkantolo yokulingana, nokuncike kwimigomo yesigatshana (2).]** isifunda noma imantshi ephethe isigaba sesifunda esicutshungulwe endimeni *(c)* kumele, ibhale incwadi eqoka imantshi, imantshi eyengeziwe noma imantshi yesigaba sesifunda esungulwe ngezinhloso zokuthatha izinqumo imibango yenhlakahle yomphakathi, njengowengamele inkantolo yezokulingana.'';

(c) deur subartikel (2) te skrap;

(d) deur subartikel (3) deur die volgende subartikel te vervang:

''(3) iJaji eliPhethe kanye nezinhloko zezifundazwe kumele**[—**

***(a)*]** bathathe zonke izinyathelo **[ukuqinisekisa ukuqokwa koyedwa okungenani ukwengamela inkantolo yokulingana endaweni abayiphethe]** ezifanele ngezinsiza ezikhona, ukuqoka okungenani umuntu oyedwa ozokwengamela leyo naleyo nkantolo yokulingana, umuntu loyo onegunya lokusebenzela kuleyondawo **[; futhi**

(b) **without delay, inform the Office of the Chief Justice of any judge and the Magistrates Commission, as the case may be, of any magistrate, additional magistrate or magistrate of a regional divisions established for the purposes of adjudicating civil disputes, who has completed a training course referred to in section 31(4) or who has been designated in terms of subsection (1)]**.'';

(e) by the deletion of subsection (4); and

(f) by the substitution for subsection (6) of the following subsection:

''(6) The provisions of section 12(6)**[, (7)]** and (8) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), are applicable with the necessary changes required by the context.''.

Amendment of section 4 of Act 40 of 2002

32. Section 4 of the Institution of Legal Proceedings against certain Organs of State Act, 2002, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

''*(a)* a national or provincial department mentioned in the first column of Schedule 1, 2 or 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), to the officer who is the incumbent of the post bearing the designation mentioned in the second column of the said Schedule 1, 2 or 3 opposite the name of the relevant national or provincial department: Provided that in the case of the Department of Police, the notice must be sent to the National Commissioner and the Provincial Commissioner of the province in which the cause of action arose, as defined in section 1 of the South African Police Service Act, 1995;''.

Amendment of section 5 of Act 40 of 2002, as amended by section 53 of Act 11 of 2013

33. Section 5 of the Institution of Legal Proceedings against certain Organs of State Act, 2002, is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections:

''(1) *(a)* Any process by which any legal proceedings contemplated in section 3(1) are instituted must be served in **[the manner prescribed by the rules of the court in question for the service of process]** accordance with the provisions of section 2 of the State Liability Act, 1957 (Act No. 20 of 1957).

(b) Despite paragraph *(a)*, any process by which any legal proceedings contemplated in section 3(1) are instituted and in which the—

(i) Minister of State Security is the defendant or respondent, **[may]** must be served on the Director-General: State Security Agency, at the head office of the department;

(ii) Minister **[for Safety and Security]** of Police is the defendant or respondent, **[may]** must be served on—

(aa) the National Commissioner **[of the South African Police Service]** as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), at the head office of the department; **[or]** and

(bb) the Provincial Commissioner [**of the South African Police Service]** as defined in section 1 of the South African Police Service Act, 1995, of the province in which the cause of action arose;

(iii) Minister of Correctional Services is the defendant or respondent, **[may]** must be served on—

(aa) the Commissioner of Correctional Services as defined in section 1 of the Correctional Services Act, 1998 (Act No. 111 of 1998), at the head office of the department; **[or]** and

(bb) the Provincial Commissioner of Correctional Services as defined in section 1 of the Correctional Services Act, 1998 (Act No. 111 of 1998), of the province in which the cause of action arose.

(b) **bazise uMqondisi-Jikelele ngokushesha lapho kunejaji, imantshi okanye imantshi yokwengeza esiphothule uqeqesho oluchazwe kwisigaba 31(4) no (5) noma eqokwe kulandalelwa isigatshana (1)].**";

(e) deur subartikel (4) te skrap; en

(f) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) izihlinzeko zesigaba se-(12)(6)**[, (7)]** kanye nesesi-(8) se-*Magistrate*' *Courts Act*, 1944(*Act No.* 32 *of* 1944), noshintsho oludingekayo ngenxa yesimo zifanelekile.".

Wysiging van artikel 4 van Wet 40 van 2002

32. Artikel 4 van die Wet op die Instel van Regsgedinge teen sekere Staatsorgane, 2002, word hierby gewysig deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* 'n nasionale of provinsiale departement vermeld in die eerste kolom van Bylae 1, 2 of 3 by die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), is, aan die beampte wat die pos beklee wat aangedui word met die naam vermeld in die tweede kolom van gemelde Bylae 1, 2 of 3 teenoor die naam van die betrokke nasionale of provinsiale departement: Met dien verstande dat in die geval van die Departement van Polisie, die kennisgewing aan die Nasionale Kommissaris en die Provinsiale Kommissaris van die provinsie waar die skuldoorsaak ontstaan het, soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995, gestuur moet word;".

Wysiging van artikel 5 van Wet 40 van 2002, soos gewysig deur artikel 53 van Wet 11 van 2013

33. Artikel 5 van die Wet op die Instel van Regsgedinge teen sekere Staatsorgane, 2002, word hierby gewysig—

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

"(1) *(a)* Enige prosesstuk waardeur 'n regsgeding in artikel 3(1) beoog, ingestel word, **[word beteken op die wyse deur die reëls van die betrokke hof vir die betekening van prosesstukke voorgeskryf]** moet beteken word ooreenkomstig die bepalings van artikel 2 van die Wet op Staatsaanspreeklikheid, 1957 (Wet No. 20 van 1957).

(b) Ondanks paragraaf *(a)* **[kan]** moet enige prosesstuk waardeur 'n regsgeding in subartikel 3(1) beoog, ingestel word en waarin die—

(i) Minister van Staatsveiligheid die verweerder of respondent is, beteken word aan die Direkteur-generaal: Staatsveiligheidsagentskap, by die hoofkantoor van die departement;

(ii) Minister **[vir Veiligheid en Sekuriteit]** van Polisie die verweerder of respondent is, beteken word aan—

(aa) die Nasionale Kommissaris **[van die Suid Afrikaanse Polisiediens]** soos in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), omskryf, by die hoofkantoor van die departement; **[of]** en

(bb) die Provinsiale Kommissaris **[van die Suid-Afrikaanse Polisiediens]** soos in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995, omskryf, van die provinsie waarin die skuldoorsaak ontstaan het; of

(iii) Minister van Korrektiewe Dienste die verweerder of respondent is, beteken word aan—

(aa) die Kommissaris van Korrektiewe Dienste soos in artikel 1 van die Wet op Korrektiewe Dienste, 1998 (Wet No. 111 van 1998), omskryf, by die hoofkantoor van die departement; **[of]** en

(bb) die Provinsiale Kommissaris van Korrektiewe Dienste soos in artikel 1 van die Wet op Korrektiewe Dienste, 1998, omskryf, van die provinsie waarin die skuldoorsaak ontstaan het.

(2) No process referred to in subsection (1) may be served as contemplated in that subsection before the expiry of a period of **[30]** 60 days after the notice, where applicable, has been served on the organ of state in terms of section 3(2)*(a)*: Provided that if the organ of state repudiates in writing liability for the debt before the expiry of the said period, the creditor may at any time after such repudiation serve the process on the organ of state concerned.''; and

(b) by the addition after subsection (3) of the following subsection:

''(4) Any process by which legal proceedings contemplated in section 3(1) are instituted must be issued by the court in whose area of jurisdiction the cause of action arose, unless the organ of state in writing consents to the institution of legal proceedings in a different jurisdiction.''.

Amendment of section 141 of Act 38 of 2005, as inserted by section 5 of Act 41 of 2007

34. Section 141 of the Children's Act, 2005, is hereby amended by the deletion in subsection (1) of paragraph *(c)*.

Amendment of section 1 of Act 32 of 2007, as amended by section 48 of Act 7 of 2013 and section 1 of Act 5 of 2015

35. Section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by the insertion before the definition of ''sexual penetration'' of the following definition:

'' **'sexual offences court'** means a court that has a court roll that deals exclusively with the bail application, plea proceedings, trial or sentencing of a person in criminal proceedings arising out of—

(a) an alleged commission of a sexual offence in terms of the common law, any offence in terms of the Sexual Offences Act, 1957 (Act No. 23 of 1957), or any offence in terms of this Act;

(b) any offence in terms of any other law which has a bearing on sexual offences contemplated in paragraph *(a)*, or which involves the complainant against whom a sexual offence contemplated in paragraph *(a)* is alleged to have been committed; or

(c) any offence in terms of any other law which the Director of Public Prosecutions having jurisdiction, or a prosecutor authorised thereto in writing by him or her, deems expedient or necessary for the administration of justice in a particular case, to be disposed of together with an offence contemplated in paragraph *(a)*,

and which has facilities, measures, services and requirements as prescribed by the Minister by regulation in terms of section 55A(6) of the Act;''.

Amendment of section 40 of Act 32 of 2007

36. Section 40 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by insertion after the definition of ''relevant authority'' of the following definition:

'' **'sexual offence against a child'** includes any contravention of section 24B(1) or (3) of the Films and Publications Act, 1996 (Act No. 65 of 1996);''.

Amendment of section 50 of Act 32 of 2007, as substituted by section 37 of Act 66 of 2008

37. Section 50 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

(a) by the substitution in subsection (5) for paragraph *(a)* of the following paragraph:

''*(a)* The National Commissioner of Correctional Services must, in the prescribed manner and at least three months before the establishment of the Register referred to in section 42, forward to the Registrar the particulars referred to in section 49 of every prisoner or former prisoner

(2) Geen prosesstuk in subartikel (1) bedoel, mag beteken word soos in daardie subartikel beoog nie voor die verstryking van 'n tydperk van **[30]** 60 dae nadat die kennisgewing, waar van toepassing, ingevolge artikel 3(2)(*a*) aan die staatsorgaan beteken is: Met dien verstande dat indien die staatsorgaan voor die verstryking van die genoemde tydperk skriftelik aanspreeklikheid vir die skuld ontken, die krediteur te eniger tyd na sodanige ontkenning die prosesstuk op die betrokke staatsorgaan kan beteken.''; en

(b) deur die volgende subartikel na subartikel (3) by te voeg:

''(4) Enige prosesstuk waarby regsverrigtinge in artikel 3(1) beoog, ingestel word, moet uitgereik word deur die hof in wie se regsgebied die skuldoorsaak ontstaan het, tensy die staatsorgaan skriftelik instem tot die instelling van regsverrigtinge in 'n ander regsgebied.''.

Wysiging van artikel 141 van Wet 38 van 2005, soos ingevoeg deur artikel 5 van Wet 41 van 2007

34. Artikel 141 van die ''Children's Act'', 2005, word hierby gewysig deur paragraaf *(c)* in subartikel (1) te skrap.

Wysiging van artikel 1 van Wet 32 van 2007, soos gewysig deur artikel 1 van Wet 5 van 2015

35. Artikel 1 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig deur die volgende omskrywing na die omskrywing van ''hierdie Wet'' in te voeg:

'' **'hof vir seksuele misdrywe'** 'n hof met 'n hofrol wat uitsluitlik die borgaansoek, pleitverrigtinge, verhoor of vonnis hanteer van 'n persoon in strafregtelike verrigtinge na aanleiding van—

(a) 'n beweerde pleging van 'n seksuele misdryf ingevolge die gemenereg, enige misdryf ingevolge die Wet op Seksuele Misdrywe, 1957 (Wet No. 23 van 1957), of enige misdryf ingevolge hierdie Wet;

(b) enige misdryf ingevolge enige ander wetsbepaling wat verband hou met seksuele misdrywe soos in paragraaf *(a)* beoog, of wat betrekking het op die klaer teen wie 'n seksuele misdryf beoog in paragraaf *(a)*, na bewering gepleeg is; of

(c) enige misdryf ingevolge enige ander wetsbepaling wat die Direkteur vir Openbare Vervolgings met jurisdiksie of 'n aanklaer wat skriftelik deur hom of haar daartoe gemagtig is, gepas of nodig ag vir die regspleging in 'n sekere saak, om saam met 'n misdryf beoog in paragraaf *(a)*, oor beskik te word,

en wat fasiliteite, maatreëls, dienste en vereistes het soos deur die Minister by regulasie ingevolge artikel 55A(6) van die Wet voorgeskryf;''.

Wysiging van artikel 40 van Wet 32 van 2007

36. Artikel 40 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig deur die volgende omskrywing na die omskrywing van ''seksuele misdryf'' in te voeg:

'' **'seksuele misdryf teen 'n kind'** ook enige oortreding van artikel 24B(1) of (3) van die Wet op Films en Publikasies, 1996 (Wet No. 65 van 1996);''.

Wysiging van artikel 50 van Wet 32 van 2007, soos vervang deur artikel 37 van Wet 66 van 2008

37. Artikel 50 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig—

(a) deur paragraaf *(a)* in subartikel (5) deur die volgende paragraaf te vervang:

''*(a)* Die Nasionale Kommissaris van Korrektiewe Dienste moet op die voorgeskrewe wyse en ten minste drie maande voor die instelling van die Register bedoel in artikel 42, die besonderhede van elke gevangene

which he or she has on record, who, at the commencement of this Chapter, is serving a sentence of imprisonment or who has served a sentence of imprisonment as the result of a conviction for a sexual offence, five years preceding the commencement of this Chapter, against a child, including an offence referred to in section 14 of the Sexual Offences Act, 1957 (Act No. 23 of 1957), and must, where possible, forward the available particulars of every prisoner or former prisoner which he or she has on record, who at the commencement of this Chapter, is serving a sentence of imprisonment or has served a sentence of imprisonment as a result of a conviction, five years preceding the commencement of this Chapter, for a sexual offence against a person who is mentally disabled, including an offence referred to in section 15 of the Sexual Offences Act, 1957, and the Registrar must forthwith enter those particulars in the Register.'';

(b) by the substitution for subsection (6) of the following subsection:

''(6) The National Commissioner of the South African Police Service must, in the prescribed manner and at least three months before the establishment of the Register referred to in section 42, forward to the Registrar all the available particulars in his or her possession referred to in section 49 of every person, who, at the commencement of this Chapter, has a previous conviction for a sexual offence, five years preceding the commencement of this Chapter, against a child, including, as far as is possible, an offence referred to in section 14 of the Sexual Offences Act, 1957, and who has a previous conviction for a sexual offence against a person who is mentally disabled, including, as far as is possible, an offence referred to in section 15 of the Sexual Offences Act, 1957, and the Registrar must forthwith enter those particulars in the Register.''; and

(c) by the substitution in subsection (7) for paragraph *(a)* of the following paragraph:

''*(a)* The Director-General: Health must, in the prescribed manner and at least three months before the establishment of the Register referred to in section 42, forward to the Registrar the particulars referred to in section 49 of every person, who, at the commencement of this Chapter or in the period of five years preceding the commencement of this Chapter, is or was subject to a direction in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977, as the result of an act which constituted a sexual offence against a child or a person who is mentally disabled and the Registrar must forthwith enter those particulars in the Register.''.

Amendment of section 55A of Act 32 of 2007, as inserted by section 2 of Act 43 of 2013

38. Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

''(1) Subject to subsection (2), the Minister may by notice in the *Gazette* designate any—

(a) Division of the High Court of South Africa or the main seat or any local seat of a Division referred to in section 6 of the Superior Courts Act, 2013 (Act No. 10 of 2013); or

(b) Magistrate's Court, as defined in section 1 of the Superior Courts Act, 2013 **[(Act No. 10 of 2013)]**,

[as] at which a sexual offences court **[exclusively for the purposes of the trial of any person or other proceedings arising out of—**

(a) **an alleged commission of a sexual offence in terms of the common law, any offence in terms of the Sexual Offences Act, 1957 (Act No. 23 of 1957), or any offence in terms of this Act; or**

of voormalige gevangene in artikel 49 bedoel wat hy of sy op rekord het en wat by die inwerkingtreding van hierdie Hoofstuk ’n vonnis van gevangenisstraf uitdien of uitgedien het as gevolg van ’n skuldigbevinding vyf jaar voor die inwerkingtreding van hierdie Hoofstuk aan ’n seksuele misdryf teenoor ’n kind, met inbegrip van ’n misdryf bedoel in artikel 14 van die Wet op Seksuele Misdrywe, 1957 (Wet No. 23 van 1957), aan die Registrateur stuur, en moet, waar moontlik, die beskikbare besonderhede van elke gevangene of voormalige gevangene wat hy of sy op rekord het en wat by die inwerkingtreding van hierdie Hoofstuk ’n vonnis van gevangenisstraf uitdien of uitgedien het as gevolg van ’n skuldigbevinding vyf jaar voor die inwerkingtreding van hierdie Hoofstuk aan ’n seksuele misdryf teenoor ’n persoon wat verstandelik gestremd is, met inbegrip van ’n misdryf in artikel 15 van die Wet op Seksuele Misdrywe, 1957, bedoel, aan die Registrateur stuur, en die Registrateur moet sodanige besonderhede onverwyld in die Register opneem.’’;

(b) deur subartikel (6) deur die volgende subartikel te vervang:

‘‘(6) Die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens moet op die voorgeskrewe wyse en ten minste drie maande voor die instelling van die Register bedoel in artikel 42, alle beskikbare besonderhede bedoel in artikel 49 wat hy of sy op rekord het van elke persoon wat by die inwerkingtreding van hierdie Hoofstuk ’n vorige veroordeling, vyf jaar voor die inwerkingtreding van hierdie Hoofstuk, vir ’n seksuele misdryf teenoor ’n kind het, met inbegrip van, in die mate wat dit moontlik is, ’n veroordeling vir ’n misdryf bedoel in artikel 14 van die Wet op Seksuele Misdrywe, 1957, en wat ’n vorige veroordeling vir ’n seksuele misdryf teenoor ’n persoon wat verstandelik gestremd is, het, met inbegrip van, in die mate wat dit moontlik is, ’n misdryf in artikel 15 van die Wet op Seksuele Misdrywe, 1957, bedoel, aan die Registrateur stuur, en die Registrateur moet sodanige besonderhede onverwyld in die Register opneem.’’; en

(c) deur paragraaf *(a)* in subartikel (7) deur die volgende paragraaf te vervang:

‘‘*(a)* Die Direkteur-generaal: Gesondheid moet op die voorgeskrewe wyse en ten minste drie maande voor die instelling van die Register bedoel in artikel 42, die besonderhede in artikel 49 bedoel van elke persoon wat by die inwerkingtreding van hierdie Hoofstuk of in die tydperk van vyf jaar voor die inwerkingtreding van hierdie Hoofstuk, onderhewig is of was aan ’n lasgewing ingevolge artikel 77(6) of 78(6) van die Strafproseswet, 1977, as gevolg van ’n handeling wat ’n seksuele misdryf teenoor ’n kind of ’n persoon wat verstandelik gestremd is, uitgemaak het, aan die Registrateur stuur, en die Registrateur moet sodanige besonderhede onverwyld in die Register opneem.’’.

Wysiging van artikel 55A van Wet 32 van 2007, soos ingevoeg deur artikel 2 van Wet 43 van 2013

38. Artikel 55A van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig—

(a) deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

‘‘(1) Behoudens subartikel (2), kan die Minister by kennisgewing in die *Staatskoerant*[,] enige—

(a) afdeling van die Hooggeregshof van Suid-Afrika of die hoofsetel of enige plaaslike setel van ’n afdeling in artikel 6 van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), bedoel; of

(b) landdroshof, soos omskryf in artikel 1 van die Wet op Hoër Howe, 2013 **[(Wet No. 10 van 2013)]**,

[as] aanwys waar ’n hof vir seksuele misdrywe **[aanwys uitsluitlik, vir die doeleindes van die verhoor van enige persoon of ander verrigtinge na aanleiding van—**

[*(a)* ’n beweerde pleging van ’n seksuele misdryf ingevolge die gemenereg, enige misdryf ingevolge die Wet op Seksuele Misdrywe, 1957 (Wet No. 23 van 1957), of enige misdryf ingevolge hierdie Wet; of

(b) **any act or omission which constitutes an offence in terms of any other law which has a bearing on sexual offences, as the Director of Public Prosecutions having jurisdiction may, in writing, authorise]** must be established.

(2) The Minister must exercise the power provided for in subsection (1)—

(a) in consultation with the Chief Justice, **[the head of the court in question as defined in section 1 of the Superior Courts Act, 2013, and, in the case of a Magistrate's Court, the Judge President who, in terms of section 8(4)*(c)* of the Superior Courts Act, 2013, is responsible for the coordination of judicial functions of the Magistrate's Courts falling within his or her area of jurisdiction]** who must consult—

(i) if a Division of the High Court of South Africa or the main seat or any local seat thereof, is to be designated, the Judge President of the Division; or

(ii) if a court for a regional division, referred to in section 2*(g)* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), is to be designated, the Judge President and the magistrate at the head of a regional division; or

(iii) if a court for a district, referred to in section 2*(f)* of the Magistrates' Courts Act, 1944, is to be designated, the Judge President and the head of the administrative region contemplated in the Magistrates' Courts Act, 1944; and

(b) after consultation with the National Director of Public Prosecutions.'';

(b) by the substitution for subsection (5) of the following subsection:

''(5) This section does not preclude any court referred to in subsection (1)*(a)* or *(b)* from dealing with the matters referred to in that subsection if it has not been **[designated]** established as a sexual offences court.''; and

(c) by the addition of the following subsections:

''(6) The facilities, measures, services and requirements as prescribed by the Minister by regulation made in terms of section 67 in respect of sexual offences cases and the courts established as sexual offences courts in terms of subsection (1), must be in place and complied with, within the periods as may be prescribed by the Minister.

(7) Upon establishing a court as a sexual offences court in terms of subsection (1), the following persons must ensure that sexual offences cases in that court receive priority and must, for this purpose, issue directives to the judicial officers of that court:

(a) In the case of a Division of the High Court of South Africa or the main seat or any local seat thereof, the Judge President of the Division;

(b) in the case of a court for a regional division, the magistrate at the head of a regional division referred to in subsection (2)*(a)*(ii); or

(c) in the case of a court for a district, the head of the administrative region referred to in subsection (2)*(a)*(iii).

(8) The directives referred to in subsection (7) may only be issued—

(a) after consultation with the National Director of Public Prosecutions; and

(b) with the approval of the Chief Justice.

(9) The Chief Justice must monitor the application of the directives issued in terms of subsection (8).''.

Amendment of section 13 of Act 7 of 2013

39. Section 13 of the Prevention and Combating of Trafficking in Persons Act, 2013, is hereby amended—

(a) by the insertion of ''(1)'' before the words preceding paragraph *(a)*;

(b) **enige handeling of versuim wat 'n misdryf daarstel ingevolge enige ander wet wat op seksuele misdrywe betrekking het, soos skriftelik gemagtig deur die Direkteur van Openbare Vervolgings met jurisdiksie]** ingestel moet word.

(2) Die Minister moet die bevoegdheid waarvoor in subartikel (1) voorsiening gemaak word, uitoefen—

(a) in oorleg met die Hoofregter, **[die hoof van die betrokke hof soos in artikel 1 van die Wet op Hoër Howe, 2013, omskryf, en, in die geval van 'n landdroshof, die Regterpresident wat, ingevolge artikel 8(4)*(c)* van die Wet op Hoër Howe, 2013, verantwoordelik is vir die koördinasie van regterlike werksaamhede van die landdroshowe wat in sy of haar jurisdiksiegebied is]** wat oorleg moet pleeg—

(i) indien 'n afdeling van die Hooggeregshof van Suid-Afrika of die hoofsetel of enige plaaslike setel daarvan, aangewys moet word, met die Regter-president van die afdeling; of

(ii) indien 'n hof vir 'n streekafdeling, bedoel in artikel 2*(g)* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), aangewys moet word, met die Regter-president en die landdros aan die hoof van 'n streekafdeling; of

(iii) indien 'n hof vir 'n distrik, bedoel in artikel 2*(f)* van die Wet op Landdroshowe, 1944, aangewys moet word, met die Regter-president en die hoof van die administratiewe streek in die Wet op Landdroshowe, 1944, beoog; en

(b) na oorleg met die Nasionale Direkteur van Openbare Vervolgings;'';

(b) deur subartikel (5) deur die volgende subartikel te vervang:

''(5) Hierdie artikel belet geen hof in subartikel (1)*(a)* of *(b)* bedoel daarvan om die aangeleenthede in subartikel (1) bedoel te hanteer indien daardie hof nie as 'n hof vir seksuele misdrywe **[aangewys]** ingestel is nie.''; en

(c) deur die volgende subartikels by te voeg:

''(6) Die fasiliteite, maatreëls, dienste en vereistes soos deur die Minister by regulasie ingevolge artikel 67 voorgeskryf ten opsigte van sake van seksuele misdrywe en die howe ingevolge subartikel (1) as howe vir seksuele misdrywe ingestel, moet in plek wees en nagekom word binne die tydperke deur die Minister voorgeskryf.

(7) By die instel van 'n hof as 'n hof vir seksuele misdrywe ingevolge subartikel (1), moet die volgende persone verseker dat seksuele misdrywe in daardie hof voorkeur geniet en moet, vir hierdie doel, voorskrifte aan die regterlike beamptes van daardie hof uitreik:

(a) In die geval van 'n afdeling van die Hooggeregshof van Suid-Afrika of die hoofsetel of enige plaaslike setel daarvan, die Regter-president van die afdeling;

(b) in die geval van 'n hof vir 'n streekafdeling, die landdros aan die hoof van 'n streekafdeling bedoel in subartikel (2)*(a)*(ii); of

(c) in die geval van 'n hof vir 'n distrik, die hoof van die administratiewe streek bedoel in subartikel (2)*(a)*(iii).

(8) Die voorskrifte in subartikel (7) bedoel kan slegs uitgereik word—

(a) na oorleg met die Nasionale Direkteur van Openbare Vervolgings; en

(b) met die goedkeuring van die Hoofregter.

(9) Die Hoofregter moet die toepassing van die voorskrifte ingevolge subartikel (8) uitgereik, monitor.''.

Wysiging van artikel 13 van Wet 7 van 2013

39. Artikel 13 van die Siswati-teks van die ''Prevention and Combating of Trafficking in Persons Act'', 2013, word hierby gewysig—

(a) deur ''(1)'' voor die woorde wat paragraaf *(a)* voorafgaan in te voeg;

(b) by the insertion of the following paragraph after paragraph *(c)*:

"*(c*A*)* section 6 is liable to imprisonment for a period not exceeding 15 years without the option of a fine;";

(c) by the substitution for paragraph *(d)* of the following paragraph:

"*(d)* section **[6 or]** 8(1) is liable to a fine or imprisonment for a period not exceeding 10 years or both; and"; and

(d) by the addition of the following subsection:

"(2) A court that has convicted a person of an offence referred to in section 4, 5, 7 or 8(1) or any involvement in these offences as provided for in section 10, where the offence was committed for purposes of sexual exploitation, must, subject to section 50(2)*(c)* of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), order in the presence of that person that his or her particulars be included in the National Register for Sex Offenders, established in terms of section 42 of that Act, whereafter the provisions of Chapter 6 of that Act apply with the necessary changes required by the context.".

Amendment of section 44 of Act 10 of 2013

40. Section 44 of the Superior Courts Act, 2013, is hereby amended—

(a) by the substitution for the heading of the following heading:

"**Electronic transmission of summonses, writs and other process [and of notice of issue thereof]**";

(b) by the substitution in subsection (1) for paragraphs *(a)* and *(b)* of the following paragraphs, respectively:

"*(a)* In any civil proceedings **[before a Superior Court]**, any summons, writ, warrant, rule, order, notice, document or other process of a Superior Court, or any other communication which by any law, rule or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be transmitted by **[fax]** facsimile, or by means of any other electronic medium **[as provided by the rules]**, to the person who must serve or execute such process or communication.

(b) The document received or printed as a result of the transmission contemplated in paragraph *(a)* is of the same force and effect as **[if the original had been shown to or a copy thereof served or executed upon the person concerned, or left as aforesaid, as the case may be]** the original thereof."; and

(c) by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

"A notice **[sent by fax]** transmitted by facsimile, or any other electronic medium **[authorised by the rules]** as contemplated in subsection (1)—".

Amendment of section 6 of Act 39 of 2014

41. Section 6 of the Legal Aid South Africa Act, 2014, is hereby amended by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

"*(b)* Eight members who, as a whole, have the skills referred to in section **[7*(d)*]** 7(2)*(e)*.".

(b) deur die volgende paragraaf na paragraaf *(c)* in te voeg:

"*(c*A) sigaba se-6 sigunyata kubopha sikhatsi lesingadluli iminyaka le-15 ngaphandle kweligunya lekukhetsa kuhlawula;";

(c) deur paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* sigaba **[6 noma]** 8(1) ungahlawuliswa noma uboshwe sikhatsi lesingadluli iminyaka le-10 noma kokubili; noma"; en

(d) deur die volgende subartikel by te voeg:

"(2) Inkantolo lelahle umuntfu ngelicala ngekuhlukubeta lekukhulunywe ngako kusigaba 4,5,6 nobe 8(1) nobe lokunye nje kubandzakanyeka kulokuhlukubeta lokunjena njengoba kuniketwe esigabeni se-10, lapho lokuhlukunyetwa kwentiwe ngetinhloso tekusebentisa ngekwemacansi, kufanele, ngekuya ngesigaba 50(2)*(c)* se-Criminal Law (kuHlukunyetwa ngeteMacansi kanye netiNkinga letiBandzakanyekako) Amendment Act, 2007 (Act No. 32 of 2007), ikhokhe umyalelo ebukhoneni baloyo muntfu, losho kutsi imininingwane yakhe kufanele ifakwe ku-Rejista yaVelonkhe yalabahlukubeta ngekwemacansi, lemiswe ngekwemibandzela yesigaba sema-42 saloMtsetfo, lapho-ke lokushiwo kuSahluko se-6 saloyo Mtsetfo kusebenta ngelushintjo lolufanele naloludzingekile kumongo.".

Wysiging van artikel 44 van Wet 10 van 2013

40. Artikel 44 van die Wet op Hoër Howe, 2013, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

"**[Oorsending] Elektroniese oorsending van dagvaardings, bevelskrifte en ander prosesstukke [en van kennisgewing van uitreiking daarvan]**";

(b) deur paragrawe *(a)* en *(b)* in subartikel (1) onderskeidelik deur die volgende paragrawe te vervang:

"*(a)* In 'n siviele geding **[voor 'n Hoër Hof]** kan 'n dagvaarding, bevelskrif, lasbrief, reël, bevel, kennisgewing, dokument of ander prosesstuk van 'n Hoër Hof of enige ander mededeling wat volgens wet, reël of ooreenkoms van partye vereis word of gelas is om op iemand te beteken of teen hom of haar ten uitvoer gelê of by die huis of woon- of besigheidsplek van iemand gelaat moet word, sodat so iemand daardeur geraak kan word, per faks of by wyse van enige ander elektroniese medium **[soos deur die reëls bepaal]**, aan die persoon wat sodanige prosesstuk of kommunikasie moet beteken of uitvoer, versend.

(b) Die dokument wat as gevolg van die versending in paragraaf *(a)* beoog ontvang of gedruk is, het dieselfde krag en uitwerking **[asof die oorspronklike soos voormeld aan so iemand betoon of 'n afskrif daarvan op hom of haar beteken of teen hom of haar ten uitvoer gelê of by hom gelaat is, na gelang van die geval]** as die oorspronklike daarvan."; en

(c) deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

" 'n Kennisgewing wat per faks of enige ander **[deur die reëls gemagtigde]** elektroniese medium, soos in subartikel (1) beoog, versend is—".

Wysiging van artikel 6 van Wet 39 van 2014

41. Artikel 6 van die Sesotho-teks van die "Legal Aid South Africa Act", 2014, word hierby gewysig deur in subartikel (1) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* Ditho tse robedi tsenang le bokgoni bo hlalositsweng karolong **[7*(d)*]** 7(2)*(e)*.".

Substitution of section 9 of Act 39 of 2014

42. The following section is hereby substituted for section 9 of the Legal Aid South Africa Act, 2014:

''**Term of appointment**

9. The chairperson, the deputy chairperson and a director referred to in section 6(1)*(a)***[,]** and *(b)* **[and *(d)*]** and any alternate member appointed in terms of section 6(2) holds office for a term of not less than three years and not more than five years, as determined by the Minister, in writing, at the time of his or her appointment and may be reappointed for one additional term only.''.

Short title and commencement

43. (1) This Act is called the Judicial Matters Amendment Act, 2017.

(2) Sections 19, 20, 21, 24, 35 and 38 come into operation on a date fixed by the President by proclamation in the *Gazette*.

Vervanging van artikel 9 van Wet 39 van 2014

42. Artikel 9 van die Sesotho-teks van die ''Legal Aid South Africa Act'', 2014, word hierby deur die volgende artikel vervang:

''**Nako ya ho thonngwa**

9. Modulasetulo, Motlatsi wa modulasetulo le molaodi ya hlalositsweng karolong 6(1)*(a)***[,]** le *(b)* **[le *(d)*]** ha mmoho le setho se seng le se seng se thontsweng ho latela karolo 6(2) ba sebetsa sehla se le seng ka tlasa dilemo tse tharo mme se sa fete dilemo tse hlano, jwalo ka ha Letona le ka hlwaya ka ho ngola, ka nako ya ho thonngwa ha hae mme a ka thonngwa hape bakeng sa keketseho ya sehla se le seng.''.

Kort titel en inwerkingtreding

43. (1) Hierdie Wet heet die Wysigingswet op Geregtelike Aangeleenthede, 2017.

(2) Artikels 19, 20, 21, 24, 35 en 38 tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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