

No. R. 251

22 March 2005

MEDIATION IN CERTAIN DIVORCE MATTERS ACT, 1987
AMENDMENT OF MEDIATION IN CERTAIN DIVORCE MATTERS
REGULATIONS

The Minister for Justice and Constitutional Development has under section 5 of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, "the Regulations" means the Mediation in Certain Divorce Matters Regulations, 1990, promulgated **by** Government Notice No. R. 2385 of 3 October 1990, as amended **by** Government Notice Nos. R. 2513 of 11 September 1992, **R. 920 of 19 May 1993, R. 1342 of 12 August 1996** and R. 1123 of **16** November 2001.

Insertion of regulation 4A in the Regulations

2. The following regulation is hereby inserted after regulation 4 of the Regulations:

“Circumstances in which court may cause investigation to be carried out by Family Advocate in maintenance inquiries and domestic violence proceedings

4A (1) For the purposes of this regulation “court” means any court contemplated in the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), or any family court or maintenance court established in terms of an **Act** of Parliament, as the case may be.

(2) A court may cause an investigation to be carried out by a Family Advocate as contemplated in section 10(1A) of the Maintenance Act, 1998 (Act No. 99 of 1998), or section 5(1A) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), where the court deems it-

- (a) in the best interest of any minor or dependent child affected by the proceedings or enquiry before the court, as the case may be; and
- (b) necessary in view of the complexity of any matter or issue that affects such a minor or dependent child.”.