

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 912 OF 2022

INVITATION FOR PUBLIC COMMENTS

ON

THE MAGISTRATES BILL, 2022

1. INVITATION

1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the Magistrates Bill, 2022 (the Bill). The Bill and the Memorandum on the Objects of the Bill are available on the website of the Department at the following address:
<https://www.justice.gov.za/legislation/invitations/invites.htm>

1.2 The comments on the Bill must be submitted not later than **Friday, 29 April 2022**, marked for the attention of **Mr M Mokulubete**, and –

- (a) if they are forwarded by post, be addressed to –
The Director-General: Justice and Constitutional Development
Private Bag X81
Pretoria
0001
- (b) if they are delivered by hand, be delivered at –
SALU Building, Room 23.22
316 Thabo Sehume Street
Pretoria
- (c) if they are delivered by email, be emailed to MMokulubete@justice.gov.za
- (d) if they are faxed, be faxed to **086 519 8972**.

1.3 For further information, please do not hesitate to contact Mr Mokulubete on **084 842 5780 / 012 406 4755**.

2. BACKGROUND NOTE

2.1 The purpose of the Bill is to provide for the establishment, constitution, objects and functions of the Magistrates Commission, to regulate the appointment, conditions of service, remuneration, retirement, suspension and removal of, magistrates; and to provide for matters in connection with Magistrates.

2.2 The main aims of the Bill are threefold: **Firstly**, it aims to replace the current Magistrates Act, 1993 (Act No. 90 of 1993) in order to ensure the autonomy of the lower courts judiciary from the Executive. **Secondly**, it aims to incorporate all the provisions relating to the appointment of judicial officers of the lower courts in the Bill itself, since some provisions are presently contained in the Magistrates' Courts Act, 1944 (Act No. 32 of 1944). **Thirdly**, it aims to bring the procedure for dealing with complaints about magistrates' conduct in line with the dispensation applicable to judges in the superior courts.