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THE PRESIDENCY

No. 21 8 January 2016

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

Act No. 24 of 2015: Judicial Matters Amendment Act, 2015

DIE PRESIDENSIE

No. 21 8 Januarie 2016

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

Wet No 24 van 2015: Wysigingswet op Geregtelike Aangeleenthede, 2015

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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 24 December 2015)

ACT

To amend the Magistrates' Courts Act, 1944, so as to further regulate the period of acting appointment of judicial officers; to amend the Criminal Procedure Act, 1955, so as to repeal an obsolete provision; to amend the Prescribed Rate of Interest Act 1975, so as to further regulate the calculation of interest on certain debts; to amend the Magistrates Act, 1993, so as to further regulate the pension benefits of a magistrate who is appointed to the office of judge; to amend the Judicial Service Commission Act, 1994, so as to amend the position regarding accountability for the receipt and payment of money in respect of the administration and functioning of the Judicial Service Commission; to amend the Promotion of Access to Information Act, 2000, the Promotion of Administrative Justice Act, 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, so as to further provide for the training and designation of presiding officers for purposes of court proceedings as contemplated in these Acts; to amend the Judges' Remuneration and Conditions of Employment Act, 2001, so as to substitute references to the Director-General: Justice and Constitutional Development with references to the Secretary-General of the Office of the Chief Justice; to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to further regulate reporting on the implementation and training programmes of the said Act; to amend the South African Judicial Education Institute Act, 2008, so as to amend the position regarding accountability for the receipt and payment of money in respect of the administration and functioning of the South African Judicial Education Institute; to amend the Child Justice Act, 2008, so as to further regulate reporting on the implementation of the said Act and to further regulate the expungement of records of certain convictions and diversion orders in respect of children; to amend the Prevention and Combating of Trafficking in Persons Act, 2013, so as to further regulate protective measures for foreign victims of trafficking, and to further regulate matters in respect of which regulations can be made; and to provide for matters connected therewith.

PARLIAMENT OF THE Republic of South Africa therefore enacts as follows:—

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vierkantige hakies 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 24 Desember 2015)

WET

Tot wysiging van die Wet op Landdroshowe, 1944, ten einde die tydperk van waarnemende aanstelling van regterlike amptenare verder te reël; die Strafproseswet, 1955, ten einde 'n uitgediende bepaling te herroep; die Wet op die Voorgeskrewe Rentekoers, 1975, ten einde die berekening van rente op sekere skulde verder te reël; die Wet op Landdroste, 1993, ten einde die pensioenvoordele van 'n landdros wat tot die amp van regter aangestel word, verder te reël; die Wet op die Regterlike Dienskommissie, 1994, ten einde die posisie aangaande aanspreeklikheid vir die ontvangs en betaling van geld ten opsigte van die administrasie en funksionering van die Regterlike Dienskommissie te wysig; die Wet op Bevordering van Toegang tot Inligting, die "Promotion of Administrative Justice Act", 2000, en die "Promotion of Equality and Prevention of Unfair Discrimination Act", 2000, ten einde verder voorsiening te maak vir die opleiding en aanwysing van voorsittende beamptes vir die doeleindes van hofverrigtinge soos in hierdie Wette beoog; die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001, ten einde verwysings na die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling te vervang deur verwysings na die Sekretaris-generaal van die Kantoor van die Hoofregter; die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, ten einde verslagdoening oor die inwerkingstelling en opleidingsprogramme van die genoemde Wet verder te reël; die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008, ten einde die posisie aangaande aanspreeklikheid vir ontvangs en betaling van geld ten opsigte van die administrasie en funksionering van die Suid-Afrikaanse Regterlike Opleidingsinstituut te wysig; die "Child Justice Act, 2008", ten einde verslagdoening oor die inwerkingstelling van die genoemde Wet verder te reël en die skrapping van rekords van sekere skuldigbevindings en afleidingsbevele ten opsigte van kinders verder te reël; die "Prevention and Combating of Trafficking in Persons Act", 2013, verder te wysig ten einde beskermende maatreëls vir buitelandse slagoffers van mensehandel verder te reël, en om aangeleenthede ten opsigte waarvan regulasies uitgevaardig kan word, verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Derhalwe verorden die Parlement van die Republiek van Suid-Afrika, soos volg:—

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967, and 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 of Act 28 of 2003, section 1 of Act 22 of 2005, section 3 of Act 31 of 2008 and section 1 of Act 19 of 2010

1. Section 9 of the Magistrates' Courts Act, 1944, is hereby amended—

(a) by the substitution in subsection (5) for subparagraph (i) of the following subparagraph:

"(i) holds that office for a period determined by the Minister at the time of the appointment, but the period so determined may not exceed **[three]** 12 months and;"; and

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

"*(b)* The Minister must cause Parliament and the Magistrates Commission to be informed whenever any vacancy in the office of a magistrate has remained unfilled for a continuous period exceeding **[three]** 12 months.".

Repeal of section 384 of Act 56 of 1955, as amended by section 1 of Act 4 of 1992

2. Section 384 of the Criminal Procedure Act, 1955, is hereby repealed.

Substitution of section 1 of Act 55 of 1975

3. The following section is hereby substituted for section 1 of the Prescribed Rate of Interest Act, 1975:

"**[Interest on a debt to be calculated at a prescribed rate]** **Rate at which interest on debt is calculated** **in certain circumstances**

1. (1) If a debt bears interest and the rate at which the interest is to be calculated is not governed by any other law or by an agreement or a trade custom or in any other manner, such interest shall be calculated at the rate **[prescribed under]** contemplated in subsection (2)*(a)* as at the time when such interest begins to run, unless a court of law, on the ground of special circumstances relating to that debt, orders otherwise.

(2) *(a)* For the purposes of subsection (1), the rate of interest is the repurchase rate as determined from time to time by the South African Reserve Bank, plus 3,5 percent per annum.

(b) The Cabinet member responsible for the administration of justice must, whenever the repurchase rate is adjusted by the South African Reserve Bank, publish the amended rate of interest contemplated in paragraph *(a)* by notice in the *Gazette*.

(c) The interest rate contemplated in paragraph *(b)* is effective from the first day of the second month following the month in which the repurchase rate is determined by the South African Reserve Bank.

(3) For purposes of this section—

(a) "repurchase rate" means the rate at which banks borrow rands from the South African Reserve Bank; and

(b) "South African Reserve Bank" means the central bank of the Republic regulated in terms of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989).".

Wysiging van artikel 9 van Wet 32 van 1944, soos vervang deur artikel 2 van Wet 8 van 1967, en 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 2003, artikel 1 van Wet 22 van 2005, artikel 3 van Wet 31 van 2008 en artikel 1 van Wet 19 van 2010

1. Artikel 9 van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur in subartikel (5) subparagraaf (i) deur die volgende subparagraaf te vervang:

"(i) beklee daardie amp vir 'n tydperk wat ten tye van die aanstelling deur die Minister bepaal is, maar die tydperk aldus bepaal mag nie **[drie]** 12 maande te bowe gaan nie; en"; en

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

"*(b)* Die Minister moet toesien dat die Parlement en die Landdrostekommissie ingelig word wanneer ook al 'n vakature in die pos van 'n landdros vir 'n aaneenlopende tydperk wat **[drie]** 12 maande te bowe gaan nie gevul is nie.".

Herroeping van artikel 384 van Wet 56 van 1955, soos gewysig deur artikel 1 van Wet 4 van 1992

2. Artikel 384 van die Strafproseswet, 1955, word hierby herroep.

Vervanging van artikel 1 van Wet 55 van 1975

3. Artikel 1 van die Wet op die Voorgeskrewe Rentekoers, 1975, word hierby deur die volgende artikel vervang:

"**[Rente] Koers waarteen rente op ['n] skuld [word] in sekere omstandighede [teen 'n voorgeskrewe koers] bereken word**

1. (1) Indien 'n skuld rente dra en die koers waarteen die rente bereken moet word nie deur 'n ander wet of deur 'n ooreenkoms of handelsgebruik of op 'n ander wyse gereël word nie, word die rente bereken teen die koers soos **[kragtens]** in subartikel (2)*(a)* **[voorgeskryf]** beoog wanneer die rente begin oploop, tensy 'n geregshof op grond van spesiale omstandighede wat op daardie skuld betrekking het anders gelas.

(2) *(a)* By die toepassing van subartikel (1), is die rentekoers die terugkoopkoers soos van tyd tot tyd deur die Suid-Afrikaanse Reserwebank vasgestel, plus 3,5 persent per jaar.

(b) Die kabinetslid verantwoordelik vir die regspleging moet, wanneer die terugkoopkoers deur die Suid-Afrikaanse Reserwebank aangepas word, die gewysigde rentekoers in subartikel *(a)* beoog by kennisgewing in die *Staatskoerant* publiseer.

(c) Die rentekoers in paragraaf *(b)* beoog is in werking vanaf die eerste dag van die tweede maand na die maand waarin die Suid-Afrikaanse Reserwebank die terugkoopkoers vasstel.

(3) By die toepassing van hierdie artikel beteken—

(a) 'terugkoopkoers' die koers waarteen 'n bank rande van die Suid-Afrikaanse Reserwebank leen; en

(b) 'Suid-Afrikaanse Reserwebank' die sentrale bank van die Republiek soos ingevolge die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), gereël.".

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 and section 4 of Act 28 of 2003

4. Section 13 of the Magistrates Act, 1993, is hereby amended by the insertion after subsection (5) of the following subsections:

''(5A) When a magistrate is appointed to the office of a judge he or she shall be entitled to—

(a) the payment of his or her actuarial interest, as defined in the rules issued in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), in the Government Employees Pension Fund as on the date of appointment as a judge; and

(b) the payment of all accumulated leave as on the date of appointment as a judge.

(5B) *(a)* A magistrate referred to subsection (5A) may—

(i) request the Government Employees Pension Fund to transfer the full actuarial interest from the said Fund to a designated preservation fund where the monies remain until the former magistrate attains the age of 55 years, whereafter he or she can buy a monthly pension or take out an annuity with the further option to withdraw one third of the accrued amount in cash; or

(ii) request the Government Employees Pension Fund to pay the full actuarial interest to him or her and not to transfer the monies to a preservation fund as contemplated in subparagraph (i).

(b) For purposes of this subsection ''preservation fund'' means a pension preservation fund or a provident preservation fund, as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962).''.

Amendment of section 36 of Act 9 of 1994, as inserted by section 9 of Act 20 of 2008

5. Section 36 of the Judicial Service Commission Act, 1994, is hereby amended—

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

''(1) Expenditure in connection with the administration and functioning of the Commission must be defrayed from monies appropriated by Parliament for this purpose to the **[Department of Justice and Constitutional Development]** Office of the Chief Justice vote (hereinafter referred to as the Departmental vote) in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).'';

(b) by the substitution in subsection (2) for paragraph *(b)* of the following paragraph:

''*(b)* may not be used by the **[Department]** Office of the Chief Justice for any other purpose, without the approval of Treasury and the Chief Justice as Chairperson of the Commission.''; and

(c) by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

''(4) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), the **[Director-General]** Secretary-General of the **[Department]** Office of the Chief Justice—''.

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 en artikel 4 van Wet 28 van 2003

4. Artikel 13 van die Wet op Landdroste, 1993, word hierby gewysig deur die volgende subartikels na subartikel (5) in te voeg:

"(5A) Wanneer 'n landdros in die amp van 'n regter aangestel word, is hy of sy geregtig op—

(a) die uitbetaling van sy of haar aktuariële rente, soos omskryf in die reëls ingevolge die 'Government Employees Pension Law', 1996 (Proklamasie No. 21 van 1996), uitgereik, in die Pensioenfonds vir Staatsamptenare soos op die datum van aanstelling as regter; en

(b) die uitbetaling van alle opgeloopte verlof soos op die datum van aanstelling as regter.

(5B) *(a)* 'n Landdros in subartikel (5A) bedoel kan—

(i) versoek dat die Pensioenfonds vir Staatsamptenare die volle aktuariële rente uit die Fonds na 'n aangewese pensioenbewaringsfonds oordra waar die geld bly totdat die voormalige landdros die ouderdom van 55 jaar bereik, waarna hy of sy 'n maandelikse pensioen kan koop of 'n annuïteit kan uitneem met die verdere opsie om een derde van die opgelope bedrag in kontant te onttrek; of

(ii) versoek dat die Pensioenfonds vir Staatsamptenare die volle aktuariële rente aan hom of haar uitbetaal en nie die geld na 'n pensioenbewaringsfonds soos in subparagraaf (i) beoog, oordra nie.

(b) By die toepassing van hierdie subartikel beteken 'pensioenbewaringsfonds' 'n pensioenbewaringsfonds of 'n voorsorgbewaringsfonds, soos in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), omskryf.".

Wysiging van artikel 36 van Wet 9 van 1994, soos ingevoeg deur artikel 9 van Wet 20 van 2008

5. Artikel 36 van die Wet op die Regterlike Dienskommissie, 1994, word hierby gewysig—

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

"(1) Uitgawes in verband met die administrasie en funksionering van die Kommissie word bestry uit gelde wat die Parlement vir hierdie doel bewillig aan die begroting van die **[Departement van Justisie en Staatkundige Ontwikkeling]** Kantoor van die Hoofregter (hierna die Departementele begroting genoem) ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).";

(b) deur in subartikel (2) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* mag nie sonder die toestemming van Tesourie en die Hoofregter as Voorsitter van die Kommissie, vir enige ander doel deur die **[Departement]** Kantoor van die Hoofregter aangewend word nie."; en

(c) deur in subartikel (4) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"(4) Behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), is die **[Direkteur-generaal]** Sekretaris-generaal van die **[Departement]** Kantoor van die Hoofregter—".

Amendment of section 1 of Act 2 of 2000, as amended by section 21 of Act 42 of 2001 and section 1 of Act 54 of 2002

6. Section 1 of the Promotion of Access to Information Act, 2000, is hereby amended by the substitution in the definition of **"court"** for subparagraph *(b)*(ii) of the following subparagraph:

''(ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the *Gazette* and presided over by a magistrate **[or]**, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 91A,''.

Substitution of section 91A of Act 2 of 2000, as inserted by section 2 of Act 54 of 2002

7. The following section is hereby substituted for section 91A of the Promotion of Access to Information Act, 2000:

''**Designation and training of presiding officers**

91A. (1) *(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 **[or]**, 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) A presiding officer must perform all the functions and duties and exercise the powers assigned to or conferred on him or her under this Act or any other law.

(2) Only a magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course—

(a) before the commencement of this section; or

(b) **[as contemplated]** referred to in subsection (5),

and whose name has been included on the list contemplated in subsection (4)*(a)*, may be designated in terms of subsection (1).

(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 **[Director-General: Justice and Constitutional Development]** Magistrates Commission of any magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course **[as contemplated in subsections (5) and (6)]** referred to in subsection (5) or who has been designated in terms of subsection (1).

Wysiging van artikel 1 van Wet 2 van 2000, soos gewysig deur artikel 21 van Wet 42 van 2001 en artikel 1 van Wet 54 van 2002

6. Artikel 1 van die Wet op Bevordering van Toegang tot Inligting, 2000, word hierby gewysig deur in die omskrywing van ''hof'' subparagraaf *(b)*(ii) deur die volgende subparagraaf te vervang:

''(ii) 'n Landdroshof vir enige distrik of enige streeksafdeling ingevolge artikel 2 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), deur die Minister ingestel met die doel om siviele gedinge te bereg, hetsy in die algemeen of ten opsigte van 'n spesifieke klas van besluite ingevolge hierdie Wet, wat deur die Minister by kennisgewing in die *Staatskoerant* aangewys is, waarin 'n landdros **[of]**, 'n addisionele landdros of 'n landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg, na gelang van die geval, ingevolge artikel 9A aangewys, voorsit,''.

Vervanging van artikel 91A van Wet 2 van 2000, soos ingevoeg deur artikel 2 van Wet 54 van 2002

7. Artikel 91A van die Wet op Bevordering van Toegang tot Inligting, 2000, word hierby deur die volgende artikel vervang:

''**Aanwysing en opleiding van voorsittende beamptes**

91A. (1) *(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 **[of]**, 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) 'n Voorsittende beampte moet al die werksaamhede en verpligtinge verrig en die bevoegdhede uitoefen wat kragtens hierdie Wet of enige ander wet aan hom of haar toegewys is of opgedra word.

(2) Slegs 'n landdros **[of]**, 'n addisionele landdros of landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg wat 'n opleidingskursus voltooi het—

(a) voor die datum van inwerkingtreding van hierdie artikel; of

(b) soos **[beoog]** in subartikel (5) bedoel,

en wie se naam op die lys soos beoog in subartikel (4)*(a)* ingesluit is, kan ingevolge subartikel (1) aangewys word.

(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 **[Direkteur-generaal: Justisie en Staatkundige Ontwikkeling]** Landdrostekommissie in kennis stel van enige landdros **[of]**, addisionele landdros of landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg, wat 'n opleidingskursus **[soos beoog in subartikels (5) en (6)]** in subartikel (5) bedoel voltooi het of wat ingevolge subartikel (1) aangewys is.

(4) The **[Director-General: Justice and Constitutional Development]** Magistrates Commission must compile and keep a list of every magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has—

(a) completed a training course **[as contemplated in subsections (5) and (6)]** referred to in subsection (5); or

(b) been designated as a presiding officer of a magistrate's court as contemplated in subsection (1).

(5) The **[Chief Justice must, in consultation with the Judicial Service Commission and the Magistrates Commission, develop the content of training courses]** South African Judicial Education Institute established in terms of section 3 of the South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008), must develop and implement training courses for presiding officers with the view to building a dedicated and experienced pool of trained and specialised presiding officers for purposes of presiding in court proceedings as contemplated in this Act.

[(6) The Chief Justice must, in consultation with the Judicial Service Commission, the Magistrates Commission and the Minister, implement the training courses referred to in subsection (5).

(7) The Minister must table a report in Parliament, as prescribed, relating to the content and implementation of the training courses referred to in subsections (5) and (6).]

(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 3 of 2000, as amended by section 1 of Act 53 of 2002 and section 26 of Act 55 of 2003

8. Section 1 of the Promotion of Administrative Justice Act, 2000, is hereby amended by the substitution in the definition of **"court"** for subparagraph *(b)*(ii) of the following subparagraph:

''(ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), either generally or in respect of a specified class of administrative actions, designated by the Minister by notice in the *Gazette* and presided over by a magistrate **[or]**, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 9A;''.

Substitution of section 9A of Act 3 of 2000, as inserted by section 2 of Act 53 of 2002

9. The following section is hereby substituted for section 9A of the Promotion of Administrative Justice Act, 2000:

''**Designation and training of presiding officers**

9A. (1) *(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 **[or]**, 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.

(b) A presiding officer must perform all the functions and duties and exercise the powers assigned to or conferred on him or her under this Act or any other law.

(4) Die **[Direkteur-generaal: Justisie en Staatkundige Ontwikkeling]** Landdrostekommissie moet 'n lys opstel en hou van elke landdros **[of]**, addisionele landdros of landdros van 'n streeksafdeling ingestel met die doel om siviele gedinge te bereg wat—

(a) 'n opleidingskursus **[soos beoog in subartikels (5) en (6)]** in subartikel (5) bedoel, voltooi het; of

(b) as 'n voorsittende beampte van 'n landdroshof soos beoog in subartikel (1) aangewys is.

(5) Die **[Hoofregter moet, in oorleg met die Regterlike Dienskommissie en die Landdrostekommissie, die inhoud van opleidingskursusse]** Suid-Afrikaanse Regterlike Opleidingsinstituut ingestel ingevolge artikel 3 van die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008 (Wet No. 14 van 2008), moet opleidingskursusse vir voorsittende beamptes ontwikkel en instel met die oog daarop om 'n toegewyde en ervare poel van opgeleide en gespesialiseerde voorsittende beamptes op te bou ten einde by hofverrigtinge in hierdie Wet beoog, voor te sit.

[(6) Die Hoofregter moet, in oorleg met die Regterlike Dienskommissie, die Landdrostekommissie en die Minister, die opleidingskursusse bedoel in subartikel (5) implementeer.

(7) Die Minister moet, soos voorgeskryf, 'n verslag in die Parlement ter tafel lê wat verband hou met die inhoud en implementering van die opleidingskursusse bedoel in subartikels (5) en (6).]

(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 1 van Wet 3 van 2000, soos gewysig deur artikel 1 van Wet 53 van 2002 en artikel 26 van Wet 55 van 2003

8. Artikel 1 van die Zulu-weergawe van die ''Promotion of Administrative Justice Act'', 2000, word hierby gewysig deur in die omskrywing van ''hof'' subparagraaf *(b)*(ii) deur die volgende subparagraaf te vervang:

''(ii) iNkantolo kaMantshi yesigodi noma isifunda esungulwe nguNgqongqoshe ngokwemigomo yesigaba sesi-2 se-Magistrates' Courts Act, 1944 (Act No. 32 of 1944), ngokujwayelekile noma ngokomkhakha othile wezokusingatha, oqokwe uNgqongqoshe ngesaziso kuSomqulu futhi enganyelwe imantshi **[noma]**, enye imantshi noma imantshi yegatsha lesifunda, noma enye yazo, eqokwe ngokwemigomo yesigaba sesi-9A,''.

Wysiging van artikel 9A van Wet 3 van 2000, soos ingevoeg deur artikel 2 van Wet 53 van 2002

9. Artikel 9A van die Zulu-weergawe van die ''Promotion of Administrative Justice Act'', 2000, word hierby deur die volgende artikel vervang:

''**Ukuqokwa nokuqeqeshwa kwabasebenzi abangamele**

9A. (1) *(a)* Inhloko yesifunda esingamele echazwe ngesigaba soku-1 se-Magistrates' Courts Act, 1944 (Act No. 32 of 1944), noma imantshi eyinhloko yegatsha lesifunda njengoba kuveziwe esigabeni sesi-9 se-Magistrates' Courts Act, 1944, ngokwesigatshana sesi-(2), kufanele, iqoke ngokubhalwe phansi imantshi **[noma]**, imantshi yokwengeza noma imantshi yegatsha lesifunda, noma enye yazo, ukuba ingamele iNkantolo kaMansthi eqokwe uNgqongqoshe ngokwemigomo yesigaba soku-1 soMthetho.

(b) Umsebenzi ongamele kufanele aqhube yonke imisebenzi nezibophezelo futhi asebenzise amandla athweswe wona negunya enikezwe lona ngaphansi kwalo Mthetho noma omunye umthetho.

(2) Only a magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course—

(a) before the date of commencement of this section; or

(b) **[as contemplated]** referred to in subsection (5),

and whose name has been included on the list contemplated in subsection (4)*(a)*, may be designated in terms of subsection (1).

(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 **[Director-General: Justice and Constitutional Development]** Magistrates Commission of any magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course **[as contemplated in subsections (5) and (6)]** referred to in subsection (5) or who has been designated in terms of subsection (1).

(4) The **[Director-General: Justice and Constitutional Development]** Magistrates Commission must compile and keep a list of every magistrate or additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has—

(a) completed a training course **[as contemplated in subsections (5) and (6)]** referred to in subsection (5); or

(b) been designated as a presiding officer of a magistrate's court contemplated in subsection (1).

(5) The **[Chief Justice must, in consultation with the Judicial Service Commission and the Magistrates Commission, develop the content of training courses]** South African Judicial Education Institute established in terms of section 3 of the South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008), must develop and implement training courses for presiding officers with the view to building a dedicated and experienced pool of trained and specialised presiding officers for purposes of presiding in court proceedings as contemplated in this Act.

[(6) The Chief Justice must, in consultation with the Judicial Service Commission, the Magistrates Commission and the Minister, implement the training courses contemplated in subsection (5).

(7) The Minister must table a report in Parliament, as prescribed, relating to the content and implementation of the training courses referred to in subsections (5) and (6).]

(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 16 of Act 4 of 2000, as substituted by section 1 of Act 52 of 2002 and amended by section 28 of Act 55 of 2003

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

(a) by the substitution for subsections (1), (2), (3) and (4) of the following subsections, respectively:

''(1) For the purposes of this Act, but subject to section 31—

(a) every Division of the High Court or local seat thereof is an equality court for the area of its jurisdiction;

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

(2) Imantshi kuphela **[noma]**, imantshi yokwengeza noma imantshi yegatsha lesifunda ephothule izifundo zokuqeqeshwa—

(a) ngaphambi kosuku lokuqala ukusebenza kwalesi sigaba; noma

(b) **[njengoba kuveziwe]** evezwe esigatshaneni sesi-(5), futhi igama layo elifakwe ohlwini oluvezwe esigatshaneni sesi-(4)*(a)*, engaqokwa ngokwemigomo yesigatshana soku-(1).

(3) Izinhloko zezifunda ezisingethe noma izimantshi eziyinhloko yezifunda zamagatsha okufanele—

(a) zithathe zonke izinyathelo ezifanele ngokusebenzisa izinsiza ezikhona okuqoka okungenani umsebenzi oyedwa ozokwengamela enkantolo kamantshi ngayinye endaweni lapho inegunya khona eqokwe uNgqongqoshe ngokwemigomo yesigaba soku-1; futhi

(b) ngaphandle kokupholisa amaseko, zazise **[uMqondisi-Jikelele: Wezobulungiswa Nokuthuthukiswa Komthethosisekelo]** Ikhomishana yezimantshi ngemantshi [**noma**], ngemantshi eyengeziwe noma imantshi yegatsha lesifunda ephothule izifundo zokuqeqeshwa **[njengoba kuveziwe esigatshaneni sesi-(5) nesesi-(6)]** ezivezwe esigatshaneni sesi-5) noma eqokiwe ngokwemigomo yesigatshana soku-(1).

(4) **[UMqondisi-Jikelele: Wezobulungiswa Nokuthuthukiswa Komthethosisekelo]** Ikhomishana kaMantshi kufanele ihlanganise uhlu lwazo zonke izimantshi noma izimantshi ezengeziwe noma imantshi yegatsha lesifunda—

(a) ephothule izifundo zokuqeqeshwa **[njengoba kuveziwe esigatshaneni sesi-(5) nesesi-(6)]** ezibalulwe esigatshaneni sesi-(5); noma

(b) eqokwe njengomsebenzi ongaele enkantolo kamantshi ovezwe esigatshaneni soku-(1).

(5) **[IJaji Elikhulu, ngokuxoxisana neKhomishana yoPhiko lezoBulungiswa, kufanele, basungule izinhlelo zezifundo zokuqeqeshwa]** IsiKhungo sezeMfundo kwezoBulungiswa eNingizimu Afrika esisungulwe ngokwemigomo yesigana sesi-3 se-*South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008)*, kufanele sisungule futhi siqale izifundo zokuqeqesha kubasebenzi abangamele ngenjongo yokwakha abasebenzi abangamele abazinikele futhi abanolwazi lomsebenzi abaqeqeshiwe ukuba bangamele okuqhubekayo enkantolo njengoba kuveziwe kulo Mthetho.

[(6) Ijaji Elikhulu, ngokuxoxisana neKhomishana yoPhiko lwezoBulungiswa, iKhomishana yeziMantshi noNgqongqoshe, kufanele baqale izifundo zokuqeqesha ezivezwe esigashaneni sesi-(5).

(7) UNgqongqoshe kufanele athule umbiko ePhalamende, njengoba kunqunyiwe, ohambisana nengqikithi nokuqalwa kwezifundo zokuqeqesha ezivezwe esigatshaneni sesi-(5) nesesi-(6).]

(8) Imibandela yesigaba se-12(6), (7) nesesi-(8) se-*Magistrates Courts Act, 1944 (Act No. 32 of 1944)*, isebenza nezinguquko ezifanele zengqikithi.''.

Wysiging van artikel 16 van Wet 4 van 2000, soos gewysig deur artikel 1 van Wet 52 van 2002 en gewysig deur artikel 28 van Wet 55 van 2003

10. Artikel 16 van die Zulu-weergawe van die ''Promotion of Equality and Prevention of Unfair Discrimination Act'', 2000, word hierby gewysig—

(a) deur subartikels (1), (2), (3) en (4) onderskeidelik deur die volgende subartikels te vervang:

''(1) Ngokwalo Mthetho, kodwa ngokwesigaba sama-31—

(a) wonke amaGatsha eNkantolo ePhakeme noma izihlalo zayo zendawo kuyinkantolo yezokulingana emkhakheni wezobulungiswa;

(b) noma eliphi ijaji, ngokwesigatshana sesi-(2), lingaqokwa ngokubhalwe phansi iJaji Elingamele njengomsebenzi ongamele enkantolo yezokulingana endaweni lapho lisebenza khona;

(c) the Minister must, after consultation with 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, by notice in the *Gazette*—

(i) designate one or more magistrates' courts as equality courts for the administrative region or regional division concerned, as the case may be;

(iA) designate any regional division established for the purposes of adjudicating civil disputes, as an equality court;

(ii) define the area of jurisdiction of each equality court referred to in subparagraph (i), which may consist of any number of districts, sub-districts, regional divisions or other areas of jurisdiction created in terms of section 2 of the Magistrates' Courts Act, 1944;

(iii) increase or reduce the area of jurisdiction of each equality court referred to in subparagraph (i), when necessary to do so;

(iv) appoint one or more places within the area of jurisdiction of each equality court for the holding of sittings of an equality court **[sittings]**; and

(v) withdraw or vary any notice made under this paragraph:

Provided that any proceedings pending before an equality court which are not finalised at the time of the publication of a notice in the *Gazette* as contemplated in this paragraph, must be finalised by that court, as if such notice **[had]** has not been published; and

(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 **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, as a presiding officer of the equality court.

(2) Only a judge, magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course as a presiding officer of an equality court—

(a) before the **[date of]** commencement date of section 31; or

(b) **[as contemplated]** referred to in section 31(4),

and whose name has been included on the list contemplated in subsection (4)*(a)*, may be designated as such in terms of subsection (1).

(3) The Judges President, **[and the]** 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) without delay, inform the **[Director-General of the Department]** Office of the Chief Justice of any judge **[,]** and the Magistrates Commission, as the case may be, of any magistrate **[or]**, additional magistrate or magistrate of a regional division established for the purposes of adjudicating civil disputes, who has completed a training course **[as contemplated]** referred to in section 31(4) **[and (5)]** or who has been designated in terms of subsection (1).

(c) ngemuva kokuxoxisana nenhloko ephethe esifundeni echazwe esigabeni soku-1 se-Magistrates' Courts Act, 1944 (Act No. 32 of 1944), noma nemantshi eyinhloko yegatsha lesifunda esungulwe ngenjongo yokwahlulela imibango yomphakathi, uNgqongqoshe kufanele asebenzise isaziso kuSomqulu—

(i) ukuqoka inkantolo kamantshi eyodwa noma ezidlulile kweyodwa njengezinkantolo zokulingana ukusingatha isifunda noma igatsha lesifunda eliqondene, noma okunye kwakho;

(iA) aqoke noma eliphi igatsha lesifunda elisungulwe ukuze kwahlulelwe imibango yomphakathi, ukuba libe inkantolo yezokulingana;

(ii) ukuchaza indawo yegunya enkantolo ngayinye yezokulingana, ebalulwe endimaneni i), engaba nezifunda, izifunda ezingaphansi kwezinye, amagatsha ezifunda noma ezinye izindawo zegunya ezisungulwe ngokwemigomo yesigaba sesi-2 se-Magistrates' Courts Act, 1944;

(iii) anyuse noma anciphise indawo yegunya lenkantolo ngayinye yezokulingana, ebalulwe endimaneni (i),

(iv) aqoke indawo eyodwa noma ezingaphezulu kweyodwa endaweni yegunya lenkantolo ngayinye yezokulingana lapho kuzobanjwa khona izithangamu zenkantolo yezokulingana; futhi

(v) aboxise noma akhiphe isaziso esihlukile ngaphansi kwale ndima:

Inqobo nje uma izinyathelo ezisaqhubeka ezisaqulwa enkantolo yesokulingana zingakaphothulwa ngesikhathi kushicilelwa isaziso kuSomqulu njengoba kuveziwe kule ndima, kufanele ziphothulwe ileyo nkantolo, kube sengathi leso saziso

asikaze sishicilelwe; futhi

(d) inhloko esingethe isifunda noma imantshi eyinhloko yagatsha lesifunda evezwe endimeni *(c)*, ngokwesigatshana sesi-(2), kufanele iqoke ngencwadi imantshi noma imantshi yokwengeza noma imantshi yegatsha lesifunda esungulelwe ukuhlulela imibango yomphakathi njengomsebenzi ongamele inkantolo yezokulingana.

(2) Ijaji kuphela, izimantshi noma imantshi yokwengeza noma imantshi yegatsha lesifunda esungulelwe ukuhlulela imibango yomphakathi, ephothule izifundo zokuqeqeshwa njengomsebenzi ongamele inkantolo yezokulingana—

(a) ngaphambi kosuku lokuqala ukusebenza kwesigaba sama-31; noma

(b) **[njengoba kuveziwe]** esiveziwe esigabeni sama-31(4), futhi igama lakhe elisohlwini oluvezwe esigatshaneni sesi-(4)*(a)*, ongaqokwa ngale ndlela ngokwemigomo yesigatshana soku-(1).

(3) Amajaji Angamele, **[kanye]** izinhloko ezingamele izifunda nezimantshi eziyizinhloko zamagatsha ezifunda esungulelwe ukuhlulela imibango yomphakathi, kufanele—

(a) zithathe zonke izinyathelo ezifanele ngezinsiza ezikhona ukuqoka okungenani umsebenzi oyedwa owengamele enkantolo ngayinye yezokulingana lapho enegunya khona; futhi

(b) ngaphandle kokupholisa amaseko, lazise **[uMqondisi-Jikelele: Wezobulungiswa Nokuthuthukiswa Komthethosisekelo]** iHhovisi leNhloko yezoBulungiswa ngejaji **[,]** neKhomishana yeziMantshi, noma omunye wabo, mayelana nemantshi noma imantshi yokwengeza noma ngemantshi yegatsha lesifunda esungulelwe ukuhlulela imibango yomphakathi, esiphothule izifundo zokuqeqeshwa **[njengoba kuveziwe]** kubalulwe esigabeni sama-31(4) **[nesesi-(5)]** noma oqokiwe ngokwemigomo yesigatshana soku-(1).

(4) The **[Director-General of the Department]** Office of the Chief Justice and the Magistrates Commission, as the case may be, must compile and keep a list of every judge, magistrate **[and]**, additional magistrate and magistrate of a regional division established for the purposes of adjudicating civil disputes, who has—

(a) completed a training course **[as contemplated]** referred to in section 31(4) **[and (5)]**; or

(b) been designated as a presiding officer of an equality court in terms of subsection (1).''; and

(b) by the addition 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 31 of Act 4 of 2000, as substituted by section 3 of Act 52 of 2002

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

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

''*(a)* and in giving effect to subsection (1), judges, magistrates **[or]**, additional magistrates or magistrates of regional divisions established for the purposes of adjudicating civil disputes, as the case may be, and the clerks referred to in subsection (1) may be—

(i) designated as presiding officers; and

(ii) appointed or designated as clerks,

respectively, for one or more equality courts;'';

(b) by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

''The **[Chief Justice must, in consultation with the Judicial Service Commission and the Magistrates Commission, develop the content of training courses]** South African Judicial Education Institute established in terms of section 3 of the South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008), must develop and implement training courses for presiding officers with a view to building a dedicated and experienced pool of trained and specialised presiding officers, for purposes of presiding in court proceedings as contemplated in this Act, by providing—''; and

(c) by the deletion of subsections (5) and (7).

Amendment of section 7 of Act 47 of 2001, as amended by section 34 of Act 66 of 2008

12. Section 7 of the Judges' Remuneration and Conditions of Employment Act, 2001, is hereby amended by the substitution for subsections (4) and (5) of the following subsections, respectively:

''(4) The registrar of the Supreme Court of Appeal or a Division of the High Court or a local seat thereof where a Constitutional Court judge or judge performs service in terms of subsection (1), shall notify the **[Director-General: Justice and Constitutional Development]** Secretary-General of the Office of the Chief Justice immediately of the commencement and duration of the service.

(5) The **[Director-General: Justice and Constitutional Development]** Secretary-General of the Office of the Chief Justice shall keep a register of all service performed by Constitutional Court judges or judges in terms of subsection (1).''.

(4) **[UMqondisi-Jikelele: Womnyango]** IHhovisi leNhloko yezoBulungiswa neKhomishana yeziMantshi, noma omunye wabo, kufanele ahlanganise futhi agcine uhlu lwamajaji wonke, imantshi, **[kanye]**, nemantshi yokwengeza nemantshi yegatsha lesifunda esungulelwe ukuhlulela imibango yomphakathi-esi—

(a) esiphothule izifundo zokuqeqeshwa **[njengoba kubalulwe]** kuveziwe esigabeni sama-31(4) **[nesesi-(5)]**; noma

(b) eqokwe njengomsebenzi ongamele enkantolo yezokulingana ngokwemigomo yesigatshana soku-(1)).''; futhi.

(b) deur die volgende subartikel by te voeg:

''(6) Imibandela yesigaba se-12(6), (7) nesesi-(8) ose-Magistrates Court Act, 1944 (Act No. 32 of 1944), ziyasebenza nezinguquko ezifanele ezihambisana nengqikithi.''.

Wysiging van artikel 31 van Wet 4 van 2000, soos vervang deur artikel 3 van Wet 52 van 2002

11. Artikel 31 van die Zulu-weergawe van die ''Promotion of Equality and Prevention of Unfair Discrimination Act'', 2000, word hierby gewysig—

(a) deur in subartikel (2) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* futhi ukulandela isigatshana soku-(1), amajaji, izimantshi noma izimantshi zokwengeza noma izimantshi zamagatsha esifunda ezisungulelwe ukuhlulela imibango yomphakathi, noma enye yazo,nomabhalane abavezwe esigatshaneni soku-(1) banga —

(i) qokwa njengabasebenzi abangamele; futhi

(ii) qokwa njengomabhalane,

Ngaleyo ndlela, enkantolo yezokulingana noma ezinkantolo zokulingana;'';

(b) deur in subartikel (4) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''[Jaji Elikhulu, ngokuxoxisana neKhomishana yoPhiko lezoBulungiswa, kufanele, basungule izinhlelo zezifundo zokuqeqeshwa] IsiKhungo sezeMfundo kwezoBulungiswa eNingizimu Afrika esisungulwe ngokwemigomo yesigana sesi-3 se-*South African Judicial Education Institute Act, 2008 (Act No. 14 of 2008)*, kufanele sisungule futhi siqale izifundo zokuqeqesha kubasebenzi abangamele ngenjongo yokwakha abasebenzi abangamele abazinikele futhi abanolwazi lomsebenzi abaqeqeshiwe ukuba bangamele okuqhubekayo enkantolo njengoba kuveziwe kulo Mthetho, ngokuhlinzekela—''; en

(c) deur subartikels (5) en (7) te skrap.

Wysiging van artikel 7 van Wet 47 van 2001, soos gewysig deur artikel 34 van Wet 66 van 2008

12. Artikel 7 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001, word hierby gewysig deur subartikels (4) en (5) onderskeidelik deur die volgende subartikels te vervang:

''(4) Die griffier van die Hoogste Hof van Appèl of 'n **[Hoë Hof]** afdeling van die Hooggeregshof of 'n plaaslike setel daarvan waar 'n Konstitusionele Hof regter of regter ingevolge subartikel (1) diens verrig, moet die **[Direkteur-generaal: Justisie en Staatkundige Ontwikkeling]** Sekretaris-generaal van die Kantoor van die Hoofregter onverwyld van die aanvang en duur van die diens in kennis stel.

(5) Die **[Direkteur-generaal: Justisie en Staatkundige Ontwikkeling]** Sekretaris-generaal van die Kantoor van die Hoofregter moet 'n register hou van alle diens deur Konstitusionele Hof regters of regters ingevolge subartikel (1) verrig.''.

Substitution of section 14 of Act 47 of 2001

13. The following section is hereby substituted for section 14 of the Judges' Remuneration and Conditions of Employment Act, 2001:

"**Administration of Act**

14. The **[Director-General: Justice and Constitutional Development]** Secretary-General of the Office of the Chief Justice shall, subject to the directions of the Minister, be charged with the general administration of this Act.".

Amendment of section 65 of Act 32 of 2007

14. Section 65 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

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

"(3) The Minister **[must, after consultation with]** and the Cabinet members responsible for safety and security, correctional services, social development and health **[and the National Director of Public Prosecutions]** must, not later than 30 September of every year—

(a) **[within one year]** after the **[implementation]** commencement of section 14 of **[this]** the Judicial Matters Amendment Act, 2015, each submit reports, as prescribed, to Parliament by each Department or institution contemplated in section 63(2) on the implementation of this Act; and

(b) **[every year thereafter submit such reports to Parliament]** report thereon to a committee or committees of Parliament sitting jointly or separately as determined by Parliament."; and

(b) by the addition of the following subsection:

"(4) The Cabinet members referred to in subsection (3) must, in their individual reports, that are referred to in subsection (3), report on the implementation of the training courses contemplated in section 66.".

Amendment of section 66 of Act 32 of 2007 as amended by by section 33 of Act 42 of 2013

15. Section 66 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by the deletion of subsection (5)*(b)*.

Amendment of section 1 of Act 14 of 2008

16. Section 1 of the South African Judicial Education Institute Act, 2008, is hereby amended—

(a) by the deletion of the definition of "Director-General";

(b) by the substitution for the definition of "Department" of the following definition:

"**Department**" means the **[Department of Justice and Constitutional Development]** Office of the Chief Justice;";

(c) by the insertion after the definition of "Minister" of the following definitions:

"(viii) **'Office of the Chief Justice'** means the Office of the Chief Justice, proclaimed as a national department in terms of Proclamation No. 44 of 2010 of 23 August 2010;

(ix) **'Secretary-General'** means the Secretary-General of the Office of the Chief Justice;"; and

(d) by the substitution for the definition of "this Act"of the following definition:

"[(viii)] (x) 'this Act' includes any guidelines issued under section 16.".

Vervanging van artikel 14 van Wet 47 van 2001

13. Artikel 14 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001, word hierby deur die volgende artikel vervang:

"**Uitvoering van Wet**

14. Die **[Direkteur-generaal: Justisie en Staatkundige Ontwikkeling]** Sekretaris-generaal van die Kantoor van die Hoofregter word, behoudens die voorskrifte van die Minister, met die algemene uitvoering van hierdie Wet belas.".

Wysiging van artikel 65 van Wet 32 van 2007

14. Artikel 65 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig—

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

"(3) Die Minister **[moet, na oorlegpleging met]** en die kabinetslede wat vir veiligheid en sekuriteit, korrektiewe dienste, maatskaplike ontwikkeling en gesondheid verantwoordelik is**[, en die Nasionale Direkteur van Openbare Vervolgings]** moet, nie later nie as 30 September van elke jaar—

(a) **[binne een jaar]** na die **[implementering]** inwerkingtreding van **[hierdie Wet,]** artikel 14 van die Wysigingswet op Geregtelike Aangeleenthede, 2015, elk verslae, soos voorgeskryf, van elke Departement of instelling in artikel 63(2) beoog oor die implementering van hierdie Wet aan die Parlement voorlê; en

(b) **[sodanige verslae elke jaar daarna aan die Parlement voorlê]** verantwoording daaroor doen aan 'n Parlementêre komitee of komitees, wat gesamentlik of apart sit, soos deur die Parlement bepaal."; en

(b) deur die volgende subartikel by te voeg:

"(4) Die kabinetslede in subartikel (3) bedoel moet, in hul individuele verslae in subartikel (3) bedoel, verslag doen oor die implementering van die opleidingskursusse in artikel 66 beoog.".

Wysiging van artikel 66 van Wet 32 van 2007 soos gewysig deur artikel 33 van Wet 42 van 2013

15. Artikel 66 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig deur subartikel (5)*(b)* te skrap.

Wysiging van artikel 1 van Wet 14 van 2008

16. Artikel 1 van die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008, word hierby gewysig—

(a) deur die omskrywing van "Departement" deur die volgende omskrywing te vervang:

" **'Departement'** die **[Departement van Justisie en Staatkundige Ontwikkeling]** Kantoor van die Hoofregter;";

(b) deur die omskrywing van "Direkteur-generaal" te skrap;

(c) deur die volgende omskrywing na die omskrywing van "Instituut" in te voeg:

" **'Kantoor van die Hoofregter'** die Kantoor van die Hoofregter, ingevolge Proklamasie No. 44 van 2010 van 23 Augustus 2010 as 'n nasionale departement afgekondig;"; en

(d) deur die volgende omskrywing na die omskrywing van "Raad" in te voeg:

" **'Sekretaris-generaal'** die Sekretaris-generaal van die Kantoor van die Hoofregter;".

Amendment of section 12 of Act 14 of 2008

17. Section 12 of the South African Judicial Education Institute Act, 2008, is hereby amended by the substitution for paragraph *(c)* in subsection (3) of the following paragraph:

"(c) provide quarterly management reports to the **[Director-General]** Secretary-General.".

Amendment of section 13 of Act 14 of 2008

18. Section 13 of the South African Judicial Education Institute Act, 2008, is hereby amended by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

"Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), the **[Director-General]**—".

Amendment of section 96 of Act 75 of 2008

19. Section 96 of the Child Justice Act, 2008, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The Cabinet **[member]** members responsible for the administration of justice, **[must, after consultation with the Cabinet members responsible for]** safety and security, correctional services, social development, education and health must, not later than 30 September of every year—

(a) **[within one year]** after the commencement of **[this]** section 19 of the Judicial Matters Amendment Act, 2015, each submit reports, as prescribed, to Parliament by each Department or institution referred to in section 94(2) on the implementation of this Act; and

(b) **[every year thereafter submit those reports to Parliament]** report thereon to a committee or committees of Parliament, sitting jointly or separately, as determined by Parliament.".

Amendment of section 98 of Act 75 of 2008

20. Section 98 of the Child Justice Act, 2008, is hereby amended by the addition of the following subsection:

"(4) Despite the provisions of section 4, a child who, before the commencement of this Act, was convicted of—

(a) an offence referred to in Schedule 1 or 2; or

(b) any other offence under the common law or statute which has been repealed by the Acts referred to in—

(i) items 2, 13, 14 or 15 of Schedule 1; or

(ii) items 2, 13, 14, 15, 16, 17 or 21 of Schedule 2,

may apply for the expungement of his or her criminal record in terms of section 87 of this Act.".

Wysiging van artikel 12 van Wet 14 van 2008

17. Artikel 12 van die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008, word hierby gewysig deur paragraaf *(c)* in subartikel (3) deur die volgende paragraaf te vervang:

''*(c)* kwartaallikse bestuursverslae aan die **[Direkteur-generaal]** Sekretaris-generaal voorsien.''.

Wysiging van artikel 13 van Wet 14 van 2008

18. Artikel 13 van die Wet op die Suid-Afrikaanse Regterlike Opleidingsinstituut, 2008, word hierby gewysig deur in subartikel (4) paragrawe *(a)* en *(b)* onderskeidelik deur die volgende paragrawe te vervang:

''*(a)* is die **[Direkteur-generaal]** Sekretaris-generaal belas met die verantwoordelikheid om verantwoording te doen vir geld ontvang of betaal vir of op rekening van die administrasie en funksionering van die Instituut en vir donasies, bydraes, of geskenke ooreenkomstig Nasionale Tesourie-regulasies; en

(b) moet die **[Direkteur-generaal]** Sekretaris-generaal die nodige rekeningkundige en ander verwante rekords laat byhou, welke rekords deur die Ouditeur-generaal geoudit moet word.''.

Wysiging van artikel 96 van Wet 75 van 2008

19. Artikel 96 van die Setswana-weergawe van die ''Child Justice Act'', 2008, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

''(3) **[Leloko]** maloko a Kabinete a a nang le maikarabelo mo tsamaisong ya bosiamisi **[a tshwanetse gore, morago ga go buisana le maloko a Kabinete a a nang le maikarabelo mo go tsa]** pabalesego le tshireletso, ditirelo tsa tshiamiso, tlhabololo ya katlaatlelo loago, thuto le maphelo a tshwanetse, e seng morago ga di 30 Lwetse tsa ngwaga mongwe le mongwe—

(a) **[mo ngwageng o le esi]** morago ga tshimologo ya karolo 19 **[eno]** ya Judicial Matters Second Amendment Act, 2015, mangwe le mangwe a romela dipegelo, jaaka go laetswe, go Palamente ke lefapha lengwe le lengwe kgotsa setheo se se kailweng mo karolong 94(2) mo go diragatseng Molao ono; le

(b) **[go romela dipegelo tseo kwa Palamenteng ngwaga mongwe le mongwe morago ga moo]** go bega kwa komiting kgotsa dikomiting tsa Palamente, kokoanotshwaraganelo kgotsa kokoano e e kgaogantsweng, jaaka go sweditswe ke Palamente.''.

Wysiging van artikel 98 van Wet 75 van 2008

20. Artikel 98 van die Setswana-weergawe van die ''Child Justice Act'', 2008, word hierby gewysig deur die volgende subartikel by te voeg:

''(4) Le fa go dirilwe dikabelo tsa karolo 4, ngwana yo, pele ga tiragatso ya Molao ono, a neng a bonwe molato wa—

(a) tlolomolao e e tlhagisitsweng mo Šejuleng 1 kgotsa 2; kgotsa

(b) tlolomolao nngwe le nngwe ka fa tlase ga molao o o tlwaelegileng kgotsa molao o o phimotsweng ke Melao e e kailweng mo—

(i) dintlhaneng 2, 13, 14 or 15 tsa Šejule 1; kgotsa

(ii) dintlhaneng 2, 13, 14, 15, 16, 17 kgotsa 21 tsa Šejule 2, aka dira kopo ya go phimolwa ga direkoto tsa tlolomolao tsa gagwe go ya ka karolo 87 ya Molao ono.''.

Amendment of section 15 of Act 7 of 2013

21. Section 15 of the Prevention and Combating of Trafficking in Persons Act, 2013, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"Despite the provisions of the Immigration Act, the Director-General: Home Affairs may, in the prescribed manner and subject to the prescribed conditions, issue, a foreigner who is not in possession of a valid visa or whose visa is about to expire and in respect of whom—".

Amendment of section 43 of Act 7 of 2013

22. Section 43 of the Prevention and Combating of Trafficking in Persons Act, 2013, is hereby amended—

(a) by the deletion in subsection (2) of the word "and" at the end of paragraph *(c)*; and

(b) by the insertion in subsection (2) after paragraph *(c)* of the following paragraph:

"*(c*A*)* the manner in which any extension or withdrawal of a visitor's visa may be granted as provided for in section 16(1)*(c)*; and".

Short title and commencement

23. This Act is called the Judicial Matters Amendment Act, 2015, and sections 5, 12, 13, 14, 16, 17, 18 and 19 come into operation on a date fixed by the President by proclamation in the *Gazette*.

Wysiging van artikel 15 van Wet 7 van 2013

21. Artikel 15 in die Siswati-weergawe van die ''Prevention and Combating of Trafficking in Persons Act'', 2013, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

''Nangaphandle kwalemibandzela yeMtsetfo Wetifikanamtfwalo, Umcondzisi-Jikelele: Welitiko Lasekhaya anga, ngendlela lebekiwe kanye nangekuya ngemibandzela lebekiwe, anganiketa, umchamuki lekangenayo ivisa lesemtsetfweni noma le ivisa yakhe seyitawuphelelwa sikhatsi kantsi lekufanele kutsi —''.

Wysiging van artikel 43 van Wet 7 van 2013

22. Artikel 43 in die Siswati-weergawe van die ''Prevention and Combating of Trafficking in Persons Act'', 2013, word hierby gewysig—

(a) deur in subartikel (2) die woord ''na'' aan die einde van paragraaf *(c)* te skrap; en

(b) deur in subartikel (2) die volgende pargraaf na paragraaf *(c)* in te voeg:

''*(c*A*)* indlela le noma ngukuphi kukhulisa noma kuhociswa kwevisa yesivakashi kunganiketwa njengoba kubekiwe kusigaba 16(1)*(c)*; ne''.

Kort titel en inwerkingtreding

23. Hierdie Wet heet die Wysigingswet op Geregtelike Aangeleenthede, 2015, en artikels 5, 12, 13, 14, 16, 17, 18 en 19 tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.