

JUDICIAL MATTERS SECOND AMENDMENT ACT 122 OF 1998

[ASSENTED TO 20 NOVEMBER 1998] [DATE OF COMMENCEMENT: 1 SEPTEMBER 2000]
(Unless otherwise indicated)

(English text signed by the President)

ACT

To amend the Insolvency Act, 1936, so as to make other provision in connection with the salaries or wages of former employees of an insolvent; to amend the Supreme Court Act, 1959, so as to further regulate persons over whom and matters in relation to which High Courts have jurisdiction; to amend the Criminal Procedure Act, 1977, so as to make other provision in connection with the use of force in effecting arrests; to amend the Attorneys Act, 1979, so as to provide for any board of executors or trust company to receive remuneration for the preparation of a will or other testamentary writing; to amend the Co-operatives Act, 1981, so as to effect a consequential amendment; to amend the Magistrates Act, 1993, so as to further regulate the vacation of office by a magistrate; to amend the Special Investigating Units and Special Tribunals Act, 1996, so as to further regulate the appointment of the President of a Special Tribunal; to amend the National Prosecuting Authority Act, 1998, so as to effect a consequential amendment; to provide for the centralisation of certain offences; to repeal an obsolete law; and to provide for matters connected therewith.

1 Amends section 96 of the Insolvency Act 24 of 1936 by substituting subsection (3).

2 (1) Inserts section 98A in the Insolvency Act 24 of 1936 .

(2) The provisions of subsection (1) shall apply in respect of estates which are sequestrated or provisionally sequestrated on or after the date of commencement of this section.

3 Amends section 99 (1) of the Insolvency Act 24 of 1936 by deleting paragraph (f) .

4 Repeals section 100 of the Insolvency Act 24 of 1936 .

5 Amends section 104 (1) of the Insolvency Act 24 of 1936 by substituting the words preceding the proviso.

6 Amends section 19 (1) of the Supreme Court Act 59 of 1959 by adding paragraph (c) .

[Date of commencement of s. 6: 1 April 1999.]

7 Substitutes section 49 of the Criminal Procedure Act 51 of 1977 .

[Date of commencement of s. 7: 18 July 2003.]

8 Amends Schedule 1 of the Criminal Procedure Act 51 of 1977 by substituting the heading.

[Date of commencement of s. 8: 18 July 2003.]

9 Amends section 83 (12) of the Attorneys Act 53 of 1979 by adding paragraph (g) .

[Date of commencement of s. 9: 1 April 1999.]

10 Amends section 219 of the Co-operatives Act 91 of 1981 by substituting paragraph (b) .

11 Amends section 13 of the Magistrates Act 90 of 1993 by substituting subsection (1).

[Date of commencement of s. 11: 1 April 1999.]

12 (1) Amends section 7 of the Special Investigating Units and Special Tribunals Act 74 of 1996 by substituting subsection (1).

(2) Subsection (1) shall be deemed to have come into operation on 20 November 1996.

[Date of commencement of s. 12: 1 April 1999.]

13 Substitutes section 45 of the National Prosecuting Authority Act 32 of 1998 .

[Date of commencement of s. 13: 1 April 1999.]

14 Removal of certain trials to jurisdiction of other Directors of Public Prosecutions

Despite the provisions of section 13 of the Justice Laws Rationalisation Act, 1996 (Act 18 of 1996), the provisions of section 111 of the Criminal Procedure Act, 1977 (Act 51 of 1977), as made applicable to certain areas of the national territory of the Republic of South Africa by section 2 of the Justice Laws Rationalisation Act, 1996, shall also be applicable in respect of any offence committed in any such area prior to the commencement of the last-mentioned Act.

[Date of commencement of s. 14: 1 April 1999.]

15 Repeal of law

The Bophuthatswana Electricity Act, 1985 (Act 34 of 1985), is repealed.

[Date of commencement of s. 15: 1 April 1999.]

16 Short title and commencement

This Act is called the Judicial Matters Second Amendment Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette* .