

## JUDICIAL MATTERS AMENDMENT ACT 62 OF 2000

[ASSENTED TO 5 DECEMBER 2000] [DATE OF COMMENCEMENT: 23 MARCH 2001]  
(Unless otherwise indicated)

*(English text signed by the President)*

### ACT

To amend the Magistrates' Courts Act, 1944, so as to further regulate the appointment of judicial officers; to amend the General Law Amendment Act, 1955, so as to remove a reverse onus; to amend the Stock Theft Act, 1959, so as to provide anew for the jurisdiction of magistrates' courts in respect of sentence; to amend the Supreme Court Act, 1959, consequentially; to amend the Administration of Estates Act, 1965, so as to substitute an obsolete expression; to amend the Criminal Procedure Act, 1977, so as to delete a definition; to further regulate the hearing of bail proceedings; to repeal an obsolete provision; to effect certain consequential amendments; and to further regulate the granting of bail; to amend the Attorneys Act, 1979, so as to insert a new definition and to substitute another; to provide for the recovery of costs by law clinics; and to make new provision regarding the constitution and quorum of the Attorneys Fidelity Fund Board of Control; to amend the Rules Board for Courts of Law Act, 1985, so as to delete a certain definition; to further regulate the powers of the Rules Board for Courts of Law; and to effect certain technical changes; to amend the Game Theft Act, 1991, so as to make new provision regarding the jurisdiction of magistrates' courts in respect of sentence; to amend the Magistrates Act, 1993, so as to make new provision for the composition of the Magistrates Commission; to amend the Magistrates' Courts Amendment Act, 1993, so as to repeal an obsolete provision; to amend the Special Investigating Units and Special Tribunals Act, 1996, so as to further regulate legal representation on behalf of a Special Investigating Unit; and to further regulate the powers and functions of a Special Tribunal; to amend the Criminal Law Amendment Act, 1997, so as to further regulate the imposition of minimum sentences for certain serious offences; so as to further regulate the committal of an accused for the imposition of sentence by a High Court after conviction in a regional court; and to provide that the court of a regional division retains its jurisdiction to try offences referred to in Part I of Schedule 2 to that Act; and to provide for matters connected therewith.

- 1 Amends section 9 (2) of the Magistrates' Courts Act 32 of 1944 by substituting paragraph (a) .
- 2 Amends section 37 of the General Law Amendment Act 62 of 1955 by substituting subsection (1).
- 3 Repeals section 13 of the Stock Theft Act 57 of 1959 .
- 4 Substitutes section 14 of the Stock Theft Act 57 of 1959 .
- 5 Amends section 12 (1) of the Supreme Court Act 59 of 1959 by substituting paragraph (b A) .
- 6 Amends section 72 (1) (a) of the Administration of Estates Act 66 of 1965 by substituting subparagraph (ii).
- 7 Amends section 1 of the Criminal Procedure Act 51 of 1977 by deleting the definition of 'special superior court'.

**8** (1) Amends section 50 of the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) substitutes subsection (3); paragraph (b) substitutes subsection (6) (c) ; and paragraph (c) deletes subsection (6) (d) (iii).

(2) Any bail proceedings in respect of a person who is charged with an offence referred to in Schedule 6 to the Criminal Procedure Act, 1977 ( Act 51 of 1977 ), which have commenced prior to the date of commencement of this Act in a regional court or any other lower court within the area of jurisdiction of such regional court in terms of section 50 (6) (c) of that Act and which proceedings have not been concluded at that date, must be continued in, and concluded by, that court as if this Act had not been passed.

**9** Amends section 60 of the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) substitutes subsection (1) (a) ; and paragraph (b) substitutes in subsection (4) the words preceding paragraph (a) .

**10** Repeals section 148 of the Criminal Procedure Act 51 of 1977 .

**11** Amends section 315 of the Criminal Procedure Act 51 of 1977 by substituting subsection (1).

**12** Amends section 316 (1) of the Criminal Procedure Act 51 of 1977 by deleting paragraph (a) .

**13** Amends section 317 of the Criminal Procedure Act 51 of 1977 by deleting subsection (3).

**14** Amends section 319 of the Criminal Procedure Act 51 of 1977 by substituting subsection (3).

**15** Amends Part II of Schedule 2 to the Criminal Procedure Act 51 of 1977 , as follows: paragraph (a) substitutes the ninth offence; and paragraph (b) substitutes the eleventh offence.

**16** Amends Schedule 7 to the Criminal Procedure Act 51 of 1977 by substituting the ninth offence.

**17** Amends section 1 of the Attorneys Act 53 of 1979 , as follows: paragraph (a) inserts the definition of 'attend'; and paragraph (b) substitutes the definition of 'law clinic'.

**18** Amends section 28 (1) of the Attorneys Act 53 of 1979 by substituting paragraph (b) .

**19** Substitutes section 33 of the Attorneys Act 53 of 1979 .

**20** Inserts section 79A in the Attorneys Act 53 of 1979 .

**21** Amends section 1 of the Rules Board for Courts of Law Act 107 of 1985 by deleting the definition of 'Supreme Court'.

**22** Amends section 3 (1) of the Rules Board for Courts of Law Act 107 of 1985 by substituting paragraphs (a) and (b) .

**23** Amends section 6 of the Rules Board for Courts of Law Act 107 of 1985 , as follows: paragraph (a) substitutes in subsection (1) the words preceding paragraph (a) ; paragraph (b) substitutes subsection (1) (p) ; paragraph (c) substitutes subsection (1) (t) ; and paragraph (d) substitutes subsection (2).

- 24** Amends section 8 of the Rules Board for Courts of Law Act 107 of 1985 by substituting subsection (1).
- 25** Substitutes the long title of the Rules Board for Courts of Law Act 107 of 1985 .
- 26** Amends the Rules Board for Courts of Law Act 107 of 1985 , as follows: paragraph (a) substitutes the word 'chairperson' for the word 'chairman', wherever it occurs in sections 4 (1) and (3), 5 (3) and 5A (1) and (2); paragraph (b) substitutes the word 'vice-chairperson' for the word 'vice-chairman', wherever it occurs in sections 4 (1) and (3), 5 (3) and 5A (1); paragraph (c) substitutes the expression 'he or she' for the word 'he', wherever it occurs in sections 3 (1A) and 4 (1); paragraph (d) substitutes the expression 'his or her' for the word 'his', wherever it occurs in sections 3 (2), 5 (2), 5A (4) and 8 (2); and paragraph (e) substitutes the expression 'him or her' for the word 'him', wherever it occurs in sections 5 (1) and (2) and 8 (2).
- 27** Amends section 5 of the Game Theft Act 105 of 1991 by substituting subsection (1).
- 28** Amends section 6 of the Game Theft Act 105 of 1991 by substituting paragraphs (a) and (b) .
- 29** (1) Amends section 3 (1) (a) of the Magistrates Act 90 of 1993 by substituting subparagraph (xi).
- (2) Any person designated as a member of the Magistrates Commission in terms of section 3 (1) (a) (xi) of the Magistrates Act, 1993 ( Act 90 of 1993 ), prior to the commencement of this Act, must be regarded as having been so designated in terms of that section as amended by subsection (1).
- 30** Repeals section 6 of the Magistrates' Courts Amendment Act 120 of 1993 .
- 31** Amends section 5 of the Special Investigating Units and Special Tribunals Act 74 of 1996 by adding subsection (9).
- 32** Amends section 8 of the Special Investigating Units and Special Tribunals Act 74 of 1996 by substituting subsection (2).
- 33** Amends section 51 of the Criminal Law Amendment Act 105 of 1997 , as follows: paragraph (a) substitutes subsection (1); paragraph (b) substitutes in subsection (2) the words preceding paragraph (a) ; paragraph (c) substitutes in subsection (2) (a) the words preceding subparagraph (i); paragraph (d) substitutes in subsection (2) (b) the words preceding subparagraph (i); paragraph (e) substitutes in subsection (2) (c) the words preceding subparagraph (i); and paragraph (f) substitutes subsection (8) (b) .
- 34** Amends section 52 of the Criminal Law Amendment Act 105 of 1997 , as follows: paragraph (a) substitutes the heading; paragraph (b) substitutes subsection (1); paragraph (c) substitutes in subsection (2) (b) the words following upon subparagraph (ii); paragraph (d) substitutes subsection (2) (c) ; paragraph (e) substitutes in subsection (3) (b) the words preceding the proviso; and paragraph (f) substitutes subsection (3) (e) (i) and (ii).
- 35** Inserts sections 52A and 52B in the Criminal Law Amendment Act 105 of 1997 .  
[Date of commencement of s. 35: 21 June 2002.]
- 36** Substitutes section 53 of the Criminal Law Amendment Act 105 of 1997 .
- 37** Amends Part I of Schedule 2 to the Criminal Law Amendment Act 105 of 1997 by substituting in paragraph (c) (ii) of the first offence.

**38 Short title and commencement**

This Act is called the Judicial Matters Amendment Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette* .

© 2005 Juta and Company, Ltd.