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THE PRESIDENCY

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

No. 54 of 2002: Promotion of Access to Information Amendment Act, 2002.



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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 30 December 2002.)

ACT

To amend the Promotion of Access to Information Act, 2000, so as to amend a definition and to provide for the training of presiding officers in the magistrates' courts for purposes of the Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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

1. Section 1 of the Promotion of Access to Information Act, 2000, is hereby amended by the substitution for the definition of "court" of the following definition: 5
- “ ‘court’ means—
- (a) the Constitutional Court acting in terms of section 167(6)(a) of the Constitution; or
- (b) (i) a High Court or another court of similar status; or 10
- (ii) a Magistrate's Court, 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 designated in **[writing by the Minister after consultation with the Magistrates Commission]** terms of section 91A, 15
- within whose area of jurisdiction—
- (aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;
- (bb) the public body or private body concerned has its principal place of administration or business; or
- (cc) the requester or third party concerned is domiciled or ordinarily 20 resident;”.

Insertion of section 91A in Act 2 of 2000

2. The following section is hereby inserted after section 91 of the Promotion of Access to Information Act, 2000:

“Designation and training of presiding officers 25

91A. (1) (a) The head of an administrative region defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), must, subject to subsection (2), designate in writing any magistrate or additional magistrate

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 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 who has completed a training course—

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

(b) as contemplated 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 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 of any magistrate or additional magistrate who has completed a training course as contemplated in subsections (5) and (6) or who has been designated in terms of subsection (1).

(4) The Director-General: Justice and Constitutional Development must compile and keep a list of every magistrate or additional magistrate who has—

(a) completed a training course as contemplated in subsections (5) and (6); 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 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)."

Short title

3. This Act is called the Promotion of Access to Information Amendment Act, 2002. 40