

**STATUTES PROMOTED BY
THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
WHICH HAVE BEEN ENACTED SINCE 27 APRIL 1994**

Since 27 April 1994, the Department of Justice and Constitutional Development has promoted 161 Bills, which have been enacted by Parliament. In 1994 the Department promoted 5 Bills, 12 in 1995, 16 in 1996 as well as in 1997 and 1998, 3 in 1999 (election year), 7 in 2000, 10 in 2001, 14 in 2002, 8 in 2003 and 1 in 2004 (election year). In 2005 the Department promoted 5 Bills and 1 in 2006. In 2007 the Department promoted 4 Bills. In 2008, the Department promoted 13 Bills and in 2009 the Department promoted 3 Bills. In 2010 the Department promoted 4 Bills, 2 Bills were promoted in 2011, 6 in 2012 and 8 Bills in 2013. The Department promoted 6 Bills in 2014. (One Bill has been promoted in 2015 as at 7 July 2015.) This is an average of about 8 Bills per year. Fifty five of these statutes are entirely new statutes, giving an indication of the growth in our law since 1994, mainly in order to give effect to the new constitutional dispensation. The following are the statutes that have been placed on the Statute Book since 1994 and which have a bearing on the line functions of the Department:

1994

1. Judicial Service Commission Act, 1994 (Act 9 of 1994)

The Act emanates from section 105 of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993)("the previous Constitution"), which provides for the establishment of a Judicial Service Commission. The Act provides for matters incidental to the establishment of the Commission in order to create a framework within which the Commission may perform its functions.

Date of commencement: 13 July 1994.

2. Judges' Remuneration and Conditions of Employment Amendment Act, 1994 (Act 10 of 1994)

The Act emanates from Chapter 7 of the previous Constitution, which provides for the establishment of a Constitutional Court and the appointment of judges of that Court. The Act complements the Judges' Remuneration and Conditions of Employment Act, 1989 (Act 88 of 1989), by providing, firstly, for the remuneration and conditions of employment of judges of the Constitutional Court and, secondly, by amending the provisions which regulate the conditions of employment of judges of the High Court who are appointed as constitutional judges.

Date of commencement: 13 July 1994.

((This Act was repealed by the Judges' Remuneration and Conditions of Employment Act, 2001(Act 47 of 2001), with effect from 22 November 2001).

3. Public Protector Act, 1994 (Act 23 of 1994)

The Act arises from the provisions of Chapter 8 of the previous Constitution, in terms of which the office of Public Protector is established. The previous Constitution envisaged an Act of Parliament which prescribes the

remuneration and other terms and conditions of employment of the Public Protector, determines the immunities, privileges, powers and functions of the Public Protector and his or her staff and regulates the appointment of such staff and incidental matters.

Date of commencement: 25 November 1994.

4. Human Rights Commission Act, 1994 (Act 54 of 1994)

The Act emanates from sections 115 to 118 of the previous Constitution and amongst others, provides for the establishment, appointment of members, powers, functions, staff and reports of the Human Rights Commission. The objects of the Commission can be summarised as the protection and promotion of fundamental rights.

Date of commencement: Sections 1, 6, 11 to 13 and 16 to 20: 15 September 1995. Remaining sections: 17 May 1996.

This Act will, upon implementation of the South African Human Rights Commission Act, 2013 (Act 40 of 2013), be repealed by that Act (see no. 152 hereunder).

5. Admission of Advocates Amendment Act, 1994 (Act 55 of 1994)

The object of this Amendment Act was to abolish the statutory requirement in section 3 of the Admission of Advocates Act, 1964 (Act 74 of 1964), relating to Latin.

Date of commencement: 2 December 1994.

1995

6. Recognition of Foreign Legal Qualifications and Practice Amendment Act, 1995 (Act 10 of 1995)

The principal Act provided that, in certain circumstances, exiles returning from abroad with foreign legal qualifications could be exempted from certain requirements in terms of the Admission of Advocates Act, 1964 (Act 74 of 1964), and the Attorneys Act, 1979 (Act 53 of 1979). The Amendment Act extended the principal Act to include, for example, spouses and children of these exiles.

Date of commencement: 2 June 1995.

(The principal Act ceased to have effect on 31 March 1998.)

7. Constitutional Court Complementary Act, 1995 (Act 13 of 1995)

The Constitutional Court Complementary Act, 1995, contains various administrative provisions relating to the functioning of the Constitutional Court.

Date of commencement: 14 June 1995.

8. Insolvency Amendment Act, 1995 (Act 32 of 1995)

The Insolvency Amendment Act, 1995, emanates from a report of the South African Law Reform Commission and is aimed at protecting the financial markets in the event of the insolvency of participants in the market.

Date of commencement: 21 July 1995.

9. Admission of Legal Practitioners Amendment Act, 1995 (Act 33 of 1995)

The Admission of Legal Practitioners Amendment Act, 1995, abolished the statutory requirements in respect of English and Afrikaans.

Date of commencement: 19 July 1995.

10. Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995)

The Promotion of National Unity and Reconciliation Act, 1995, arises from the post-amble of the previous Constitution and provides among others for the establishment and appointment of a Truth and Reconciliation Commission.

The Act, with the exception sections 3, 4(a) to (f), 4(h), 5(e) to (g), 5(i), 5(k), 5(m), 11, 14, 15, 18 to 22, 25 to 27, 29 to 34, 37, 43, 44, 47 and 48, was implemented on 1 December 1995, while the above-mentioned sections, excluding section 48, were implemented on 10 April 1996. Section 48 was implemented on 1 June 1996. Sections 47A, 47B and 47C, which were inserted into the Act by the Promotion of National Unity and Reconciliation Amendment Act, 2003 (Act 23 of 2003), were implemented on 1 October 2003.

11. Investigation of Serious Economic Offences Amendment Act, 1995 (Act 46 of 1995)

The Act amended section 6 of the principal Act to bring its investigation, search and seizure provisions in line with the previous Constitution.

Date of commencement: 20 September 1995.

12. Right of Appearance in Courts Act, 1995 (Act 62 of 1995)

The Act provides by way of legislation for the appearance of legal practitioners in the courts and allows attorneys in certain circumstances to appear in the High Court.

Date of commencement: 1 November 1995.

13. Criminal Procedure Second Amendment Act, 1995 (Act 75 of 1995)

The Amendment Act emanates from a report of the South African Law Reform Commission following an in-depth investigation by it on the law of bail in South Africa. The provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), relating to bail were amended, among others, to bring them in line with Chapter 3 of the previous Constitution and to make improvements on existing provisions in this regard.

Date of commencement: 21 September 1995.

14. Interception and Monitoring Prohibition Amendment Act, 1995 (Act 77 of 1995)

The principal Act provides that only judges discharged from active service could be designated to authorise the interception of articles and to monitor conversations in terms of the principal Act. Because of problems in practice, namely that "retired" judges may not always be available to carry out this function, the definition of "judge" was extended to include judges still in active service.

Date of commencement: 6 October 1995.

15. Judicial Matters Amendment Act, 1995 (Act 85 of 1995)

The Amendment Act provides for the inclusion of all magistrates, including magistrates in the former territories, under the jurisdiction of the Magistrates Act, 1993 (Act 90 of 1993).

Date of commencement: 1 December 1995.

16. State of Emergency Act, 1995 (Act 86 of 1995)

The State of Emergency Act, 1995, emanates from Chapter 3 of the previous Constitution and provides for the procedures to be followed regarding the declaration of a state of emergency.

Date of commencement: 6 October 1995.

((This Act was repealed by the State of Emergency Act, 1997 (Act 64 of 1997), with effect from 21 November 1997))

17. Promotion of National Unity and Reconciliation Amendment Act, 1995 (Act 87 of 1995)

This Amendment Act makes provision for certain technical amendments and improvements to the English and Afrikaans texts of the principal Act.

Date of commencement: 16 October 1995.

1996**18. Justice Laws Rationalisation Act, 1996 (Act 18 of 1996)**

The Justice Laws Rationalisation Act, 1996, provides for uniform laws regarding judicial matters throughout the Republic of South Africa (by making the laws regarding judicial matters which were in force in the area of the former Republic of South Africa, applicable throughout the national territory, and by repealing laws regarding judicial matters which were in force in the former TBVC states and self-governing territories.).

Date of commencement: 1 April 1997. The Bophuthatswana Ombudsman legislation was repealed with effect from 1 April 1999. The Transkei and QwaQwa Ombudsman legislation was repealed with effect from 1 August 2000.

19. National Youth Commission Act, 1996 (Act 19 of 1996)

The National Youth Commission Act, 1996, makes provision for a framework within which a National Youth Commission can function. The principal objects of the National Youth Commission are to generate a national plan that utilises available resources and expertise for the development of the youth and to assist in the creation and implementation of a national youth policy.

Date of commencement: 19 June 1996. (NOTE: The Act was repealed by section 22 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008))

20. Legal Aid Amendment Act, 1996 (Act 20 of 1996)

The powers and objects of the Legal Aid Board were extended in the Amendment Act as contemplated in section 25 of the previous Constitution, to enable the Board to provide legal representation at State expense for accused persons in deserving cases. Provision was also made for the restructuring of the Legal Aid Board.

Since the Legal Aid Act, 1969 (Act 22 of 1969), is applicable only in the territory of the former RSA, the Act also extended the application to the former TBVC states and self-governing territories.

Date of commencement: Section 1(a) on 17 October 1997. Sections 6 and 7 on 1 April 1998. Sections 3 to 5 on 1 October 1998. Sections 1(b) and 2 on 1 May 2002.

21. Magistrates Amendment Act, 1996 (Act 35 of 1996)

In the Amendment Act provision was, among others, made for the restructuring of the Magistrates Commission to enable the Minister to make it more representative of the composition of the South African population.

Date of commencement: 1 October 1998.

22. Commission on Gender Equality Act, 1996 (Act 39 of 1996)

Section 119 of the previous Constitution provided for the establishment of a Commission on Gender Equality. In terms of section 187 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), an Act of Parliament shall provide for the composition, powers, functions and functioning of the Commission on Gender Equality.

Date of commencement: 8 August 1996.

(The Act was transferred to Minister of Women, Children and People with Disabilities with effect from 22 June 2009 – See Gazette No. 32367 of 1 July 2009)

23. General Law Amendment Act, 1996 (Act 49 of 1996)

As a result of Namibia's independence and the change of name, it was necessary to substitute or delete all references to "South West Africa" in South African legislation. The General Law Amendment Act gave effect hereto.

Date of commencement: 4 October 1996.

24. Hague Convention on the Civil Aspects of International Child Abduction Act, 1996 (Act 72 of 1996)

The Hague Convention on the Civil Aspects of International Child Abduction ("the Convention") was concluded on 25 October 1980. The objects of the Convention, as set out in Article 1 thereof, are—

- "(a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and
- (b) to ensure that rights of custody and access under the law of one Contracting State are respected in the other Contracting States".

The Act provides that the Convention will apply in South Africa as part of its domestic law. It also designates the Chief Family Advocate as South Africa's Central Authority for the purposes of the Convention and empowers the Chief Family Advocate to delegate or assign certain powers and duties to any Family Advocate. It empowers the Minister for Justice and Constitutional Development to make regulations to give effect to the Convention, including the power to prescribe penalties for the contravention of any regulation.

Date of commencement: 1 October 1997. (NOTE: The Act was repealed by section 313 of the Children's Act, 2005 (Act No. 38 of 2005), with effect from 1 April 2010.)

25. Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996)

The principal object of this Act is to provide a mechanism through which allegations of serious corruption, maladministration or misappropriation of state funds and assets can be comprehensively and swiftly investigated, and at the same time, through which remedial steps, which would ordinarily have to be pursued through the courts of law, can be taken expeditiously and cost-effectively.

Date of commencement: 20 November 1996.

26. International Co-operation in Criminal Matters Act, 1996 (Act 75 of 1996)

This Act, which emanates from an investigation by the South African Law Reform Commission, provides for international co-operation in criminal matters with foreign states in respect of the provision of evidence, the execution of sentences and compensatory orders, and the enforcement of confiscation and restraint orders.

Date of commencement: 1 January 1998.

27. Proceeds of Crime Act, 1996 (Act 76 of 1996)

The Act provides for the restraint and confiscation of the proceeds of crime, and established a number of money laundering offences.

Date of commencement: 16 May 1997

(This Act was repealed by the Prevention of Organised Crime Act, 1998 (Act 121 of 1998), with effect from 21 January 1999).

28. Extradition Amendment Act, 1996 (Act 77 of 1996)

The South African Law Reform Commission, in its report "International Co-operation in Criminal Prosecutions", undertook a comprehensive study regarding the issue of international co-operation in criminal prosecutions. The report is divided into five topics namely—

- (i) obtaining evidence from foreign states;
- (ii) supplying evidence to foreign states;
- (iii) transferring the proceeds of crime;
- (iv) the execution of foreign penal orders and sentences; and
- (v) extradition.

The above-mentioned three Acts, namely the International Co-operation in Criminal Matters Act, 1996, the Proceeds of Crime Act, 1996, and the Extradition Amendment Act, 1996, gave effect to the Law Reform Commission's recommendations regarding the above-mentioned topics.

Date of commencement: 17 January 1997.

29. Criminal Procedure Second Amendment Act, 1996 (Act 85 of 1996)

This Act emanates from the South African Law Reform Commission's report on the "Application of the Trapping System". The report deals with the application of the trapping system in South Africa that is whether there is

justification and a need for the use of such a system as a method of investigation, whether there is sufficient control over its use and how it fits in with a human rights dispensation.

Date of commencement: 20 November 1996.

30. Criminal Procedure Amendment Act, 1996 (Act 86 of 1996)

This Act emanates from an investigation by the South African Law Reform Commission into the simplification of the South African criminal procedure. In its investigation, which was primarily aimed at the elimination of delays in the finalisation of criminal trials, the Commission focussed mainly on the reasons for such delays, abuses of the criminal process, specific provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), which cause delays, cumbersome procedures which cause delays and problems surrounding the administration of the process. The Act envisages addressing these and other problem areas which were identified by the Commission.

The Act, except for sections 2, 11 and 13 ((insofar as it inserts section 342A(3)(e) and (5) in the Criminal Procedure Act, 1977)), was implemented on 1 September 1997.

Section 2 was implemented on 28 June 2002.

31. Abolition of Restrictions on the Jurisdiction of Courts Act, 1996 (Act 88 of 1996)

Section 22 of the previous Constitution provided that every person shall have the right to have justiciable disputes settled by a court of law or, where appropriate, another independent and impartial forum. It is therefore not admissible under a human rights dispensation for the Legislature to restrict the accessibility to the courts by individuals or to place restrictions on the courts in the settling of disputes. The Act, which amends numerous diverse Acts of Parliament, envisages removing those provisions which limit the jurisdiction of our courts in any way.

Date of commencement: 22 November 1996.

32. Divorce Amendment Act, 1996 (Act 95 of 1996)

This Act emanates from the South African Law Reform Commission's report on Jewish Divorces and addresses problems which were identified by the Commission in this regard, namely a spouse's unreasonable refusal to grant a religious divorce after a civil divorce has been granted when it is in that spouse's power to do so.

Date of commencement: 22 November 1996.

33. Judicial Matters Amendment Act, 1996 (Act 104 of 1996)

The amendments are mainly aimed at the deletion or correction of certain obsolete provisions. The Act, however, also contains certain provisions which are of a more substantial nature, for example, provision is made for—

- * the abolition of the Regional Magistrates' Appointments Advisory Board which has become redundant since the establishment of the Magistrates Commission in terms of the Magistrates Act, 1993 (Act 90 of 1993);
- * the service of maintenance orders by sheriffs or by registered mail;

- * the acceptance of a duplicate original will by the Master of the High Court;
- * the payment of an allowance to attorneys who are appointed as acting judges;
- * the empowerment of the Director of the Office for Serious Economic Offences to hold a preparatory examination in order to enable him or her to determine if there are reasonable grounds to conduct an investigation in terms of section 5(1)(a) of the Investigation of Serious Economic Offences Act, 1991 (Act 117 of 1991);
- * the empowerment of Attorneys-General to delegate certain of their powers to the Director of the Office for Serious Economic Offences;
- * the empowerment of Attorneys-General to delegate attorneys with the authority to conduct, on behalf of the State, any prosecution in criminal proceedings in any court or to prosecute in any court on behalf of the State any appeal arising from criminal proceedings.

Date of commencement: 14 February 1997.

1997

34. Prescribed Rate of Interest Amendment Act, 1997 (Act 7 of 1997)

The Act makes provision for the payment of interest on unliquidated debts.

Date of commencement: 11 April 1997.

35. Promotion of National Unity and Reconciliation Amendment Act, 1997 (Act 18 of 1997)

The Act provides for an increase in the number of members of the Committee on Amnesty.

Date of commencement: 27 June 1997.

36. Abolition of Corporal Punishment Act, 1997 (Act 33 of 1997)

This Act gives effect to the Constitutional Court's judgment that corporal punishment as a sentence option is in conflict with the Constitution, by repealing or amending all statutory provisions in terms of which corporal punishment could be imposed by the courts.

Date of commencement: 5 September 1997.

37. State of Emergency Act, 1997 (Act 64 of 1997)

This Act gives effect to section 37(1) of the Constitution and provides for the declaration of state of emergency as contemplated by the Constitution.

Date of commencement: 21 November 1997.

38. Divorce Courts Amendment Act, 1997 (Act 65 of 1997)

This Act provides for the de-racialisation of the Black Divorce Courts.

Date of commencement: 6 April 1998.

39. Contingency Fees Act, 1997 (Act 66 of 1997)

This Act emanates from the report of the South African Law Reform Commission on "Speculative and Contingency Fees". The main object of the Act is to provide for the removal of the common law prohibition on contingency fee agreements and it allows for the payment of contingency fees in respect of proceedings in courts of law, in tribunals that have similar powers to courts of law and in arbitration proceedings. The payment of contingency fees is not allowed in criminal or family law proceedings.

Date of commencement: 23 April 1999.

40. Criminal Procedure Amendment Act, 1997 (Act 76 of 1997)

This Act gives effect to the Constitutional Court's decision in the case of *S v Ntuli* in respect of criminal appeals from the lower courts. All appeals from the lower courts were subject of leave to appeal to the trial court, failing which a petition can be addressed to the appeal court, that is the High Court having jurisdiction. (There are no more "Judges Certificates" issued by judges in chambers in respect of appeals from lower courts by appellants who are in prison).

Date of commencement: Sections 1 to 3 on 28 May 1999. Section 4 on 20 April 2001.

41. Judges' Remuneration and Conditions of Employment Amendment Act, 1997 (Act 77 of 1997)

The Act provides for the payment of a non-taxable allowance to constitutional judges, for the allowance payable to a "High Court" constitutional judge to form part of his or her salary, for increased benefits for a judge discharged from active service who has performed 20 years' active service, for a judge aged 75 years or older to voluntarily perform further service if so requested, and for the gratuity payable to the surviving spouse of a constitutional judge to be paid to his or her estate if he or she is not survived by such a spouse.

Date of commencement: 5 December 1997.

((This Act was repealed by the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001), with effect from 22 November 2001)

42. Qualification of Legal Practitioners Amendment Act, 1997 (Act 78 of 1997)

This Act provides for the establishment of a uniform 4 year LL.B degree.

Date of commencement: 5 December 1997.

43. Constitutional Court Complementary Act Amendment Act, 1997 (Act 79 of 1997)

This Amendment Act provides for the referral of an order of constitutional invalidity in respect of legislation to the Constitutional Court and empowers the President of the Constitutional Court, in consultation with the Chief Justice, to make rules prescribing the manner in which the Constitutional Court may be engaged regarding all matters in respect of which the Court has jurisdiction.

Date of commencement: 28 May 1998.

44. Magistrates' Courts Second Amendment Act, 1997 (Act 80 of 1997)

This Act amended section 110 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), so as to bring it in line with section 170 of the Constitution.

Date of commencement: 10 December 1997.

45. Magistrates' Courts Amendment Act, 1997 (Act 81 of 1997)

This Act originally emanates from the South African Law Reform Commission's report on the "Simplification of the Debt-Recovery Procedure". In its original form, the major part of the Act consisted of comprehensive new debt-recovery provisions. During the Parliamentary process it was suggested that a substantial part of the legislation be referred back to the Law Commission for further consideration. The most important feature of the legislation is the introduction of new provisions which are aimed at ensuring that a debtor is compelled to attend court proceedings. It also gives effect to the Constitutional Court's judgment that imprisonment in respect of debt is unconstitutional.

Date of commencement: 10 December 1997.

46. Promotion of National Unity and Reconciliation Second Amendment Act, 1997 (Act 84 of 1997)

This Act further regulates the composition of the Committee on Amnesty and extends the period within which the Commission must complete its work.

Date of commencement: 10 December 1997.

47. Criminal Procedure Second Amendment Act, 1997 (Act 85 of 1997)

This Act further regulates the provisions in the Criminal Procedure Act, 1977 (Act 51 of 1977), relating to bail, for instance, that bail applications may only be heard during court hours since bail applications outside court hours often give rise to numerous problems, that bail applications in respect of serious offences may only be heard in the Regional Court, unless such a Court is not available, that bail can be refused if this will be in the interests of justice, where there is a likelihood that the release of the accused person will disturb the public order or undermine public peace or security, that a court can detain an accused person charged with certain serious offences unless the accused person satisfies the court that exceptional circumstances exist which justify his or her release.

Date of commencement: 1 August 1998.

48. Natural Fathers of Children Born out of Wedlock Act, 1997 (Act 86 of 1997)

This Act gives the father of a child born out of wedlock the express and unambiguous right to approach a court for relief in regard to access to and to custody and guardianship of his child. The court will only grant such relief if it is in the best interests of the child to do so. The Act also requires the father of a child born out of wedlock to be informed of any impending adoption proceedings of his child.

Date of commencement: 4 September 1998.

((The Adoption Matters Amendment Act, 1998 (Act 56 of 1998), repealed section 6 of this Act with effect from 4 February 1999.)) ((The Act was repealed by section 313 of the Children's Act, 2005 (Act 38 of 2005), with effect from 1 July 2007.))

49. Criminal Law Amendment Act, 1997 (Act 105 of 1997)

This Act gives effect to the decision of the Constitutional Court in respect of the death penalty and provides for the imposition of minimum sentences in respect of certain serious offences.

Date of commencement: Sections 51 to 53, dealing with the imposition of minimum sentences in respect of certain serious offences, on 1 May 1998. The remaining sections, dealing with the conversion of death sentences, on 13 November 1998.

1998**50. National Prosecuting Authority Act, 1998 (Act 32 of 1998)**

The Act makes provision for the establishing of a National Prosecuting Authority in accordance with the provisions of section 179 of the Constitution. Provision is made, among others, for the appointment of a National Director of Public Prosecutions and Directors of Public Prosecutions, and for their conditions of employment and those of public prosecutors.

Date of commencement: Sections 9, 10, 12 and 17 on 1 August 1998. The remaining sections, excluding section 38, on 16 October 1998. Section 38 on 23 April 1999.

51. Promotion of National Unity and Reconciliation Amendment Act, 1998 (Act 33 of 1998)

This Act amends the Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995), so as to further regulate the constitution of the Committee on Amnesty, to provide for the suspension of the activities of the Truth and Reconciliation Commission pending the completion of its work by the Committee on Amnesty and to further regulate the consequences of the dissolution of the Commission.

Date of commencement: 30 April 1998.

52. Judicial Matters Amendment Act, 1998 (Act 34 of 1998)

This Act, among others, amends the Criminal Procedure Act, 1977 (Act 51 of 1977), so as to provide that an accused may in certain circumstances be sentenced by a judge other than the judge who convicted him or her; the Criminal Law Second Amendment Act, 1992 (Act 126 of 1992), in order to prohibit certain military acts and paramilitary or similar operations; the Interception and Monitoring Prohibition Act, 1992 (Act 127 of 1992), to make provision in connection with the issue and execution of directions; the Recognition of Foreign Legal Qualifications and Practice Act, 1993 (Act 114 of 1993), to make provision in connection with the duration of the Act. This Act also effected textual improvements to the Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995), the Justice Laws Rationalisation Act, 1996 (Act 18 of 1996), the Proceeds of Crime Act, 1996 (Act 76 of 1996), the Criminal Procedure Second Amendment Act, 1997 (Act 85 of 1997), and the Criminal Law Amendment Act, 1997 (Act 105 of 1997), so as to further regulate the setting aside of sentences of death.

Section 1 of the Act was implemented on 31 March 1999.

Sections 2, 6, 7, 11, except insofar as it inserts section 16B in the Criminal Law Second Amendment Act, 1992 (Act 126 of 1992), 12 to 18 and 20 were implemented on 15 January 1999.

Section 11 of the Act, in so far as it inserts section 16B in the Criminal Law Second Amendment Act, 1992, was implemented on 1 April 1999.

The remainder of the provisions of the Act came into operation on different dates as provided for in section 26 of the Act. The dates of commencement for the remainder of the sections are the following—

- * sections 3 to 5 and 8 to 10: 1 August 1998;
- * section 19: 1 October 1993;
- * section 21: 1 April 1997;
- * section 22: 16 May 1997;
- * sections 23 and 24: 10 December 1997; and
- * section 25: 19 December 1997.

53. Magistrates Amendment Act, 1998 (Act 66 of 1998)

The object of this Act is to make provision for the implementation of the cluster system of court management, to regulate the administrative powers of magistrates and to make provision for penalties in respect of regulations pertaining to the attendance of disciplinary hearings of magistrates.

Date of commencement: 7 October 1998.

54. Magistrates' Courts Amendment Act, 1998 (Act 67 of 1998)

This Act regulates the appointment of lay assessors in criminal trials in the magistrates' courts, so as to increase community involvement in the administration of justice. The Act also addresses some practical problems regarding the involvement of assessors, such as the recusal or non-availability of assessors before a matter is finalised.

Section 2, as far as it relates to the recusal of an assessor, commenced on 20 April 2000.

55. Criminal Matters Amendment Act, 1998 (Act 68 of 1998)

This Act amended the Criminal Procedure Act, 1977 (Act 51 of 1977), and the Mental Health Act, 1973 (Act 18 of 1973), so as to deal with the declaration and detention of persons as State patients in terms of the Criminal Procedure Act, 1977, and the release of such persons in terms of the Mental Health Act, 1973, including the onus of proof regarding the mental condition of an accused or convicted person.

Date of commencement: 28 February 2002.

56. Sheriffs Amendment Act, 1998 (Act 74 of 1998)

This Act provides for the rationalisation of the legislation which regulates the sheriff's profession. It also repealed the legislation of the former TBVC states as far as these functionaries are concerned.

The Act, with the exception of section 2, was implemented on 1 March 1999. Section 2 was implemented on 1 September 2000.

57. Maintenance Act, 1998 (Act 99 of 1998)

This Act, which repeals the Maintenance Act, 1963 (Act 23 of 1963), heralds the start of a reform process as far as maintenance is concerned. The Act is intended to bring about a number of improvements to the maintenance system, e.g. by the appointment of maintenance investigators to assist maintenance officers, by the setting out of core statutory guidelines relating to the duty of support of parents in respect of their children, by enabling maintenance courts to make maintenance orders in the absence of the respondent in appropriate cases and by extending the circumstances in which a maintenance court can order the payment of maintenance to be made on behalf of respondents.

The Act, except for sections 5 and 7(1)(d) and (2), was implemented on 26 November 1999. Sections 5, 7(1)(d), 7(2)(a), 7(2)(c), 7(2)(d), 7(2)(e), 7(2)(f) and section 7(2)(b) (only in so far as it relates to the service of process of any maintenance court) came into operation on 1 November 2006.

58. Witness Protection Act, 1998 (Act 112 of 1998)

The object of this Act is to provide for the protection of witnesses through the institution of witness protection programmes which will be administered by a central Office for Witness Protection.

The Act, except for sections 6 and 20, was implemented on 31 March 2000.

59. Public Protector Amendment Act, 1998 (Act 113 of 1998)

The aim of this Act is to bring the Public Protector Act, 1994 (Act 23 of 1994), into line with the Constitution and to make provision for the appointment of a Deputy Public Protector.

Date of commencement: 27 November 1998.

60. Debt Collectors Act, 1998 (Act 114 of 1998)

The object of this Act is to make provision for the establishment of a Council for Debt Collectors to exercise control over the occupation of debt collector. Debt collectors will have to register at the Council before they are allowed to engage in the occupation of debt collecting and will be subject to a strict disciplinary and ethical code.

Date of commencement: Sections 1 to 7 on 21 January 2000. Sections 14 and 23 on 29 November 2002. Sections 8 to 13, 15 to 22 and 24 to 28 on 7 February 2003.

61. Attorneys and Matters relating to Rules of Court Amendment Act, 1998 (Act 115 of 1998)

This Act extends the application of the Attorney's Fidelity Fund to the areas of the former Republics of Bophuthatswana and Venda, and provides for the extension of the Rules of the former Supreme Court of South Africa to the former TBVC states.

Date of commencement: 15 January 1999.

62. Domestic Violence Act, 1998 (Act 116 of 1998)

The above-mentioned Act replaced the Prevention of Family Violence Act, 1993 (133 of 1993). The Act comprises a substantial broadening of the limited scope of the 1993-Act, and recognises that domestic violence is a serious social evil and an obstacle to achieving gender equality. The Act offers protection to any victim of

domestic violence who is in a domestic relationship with an abuser. A broad definition has been given to "domestic violence", so as to include any form of abuse and not only physical abuse. The Act places a duty on a member of the Police Service to inform a victim of his or her rights at the scene of the incident of domestic violence. Provision is also made for the National Commissioner of the South African Police Service to issue national guidelines which must be observed when dealing with domestic violence, and failure to comply with these guidelines will result in disciplinary proceedings against the member concerned.

Date of commencement: 15 December 1999.

63. Recognition of Customary Marriages Act, 1998 (Act 120 of 1998)

The main object of this Act is to extend full legal recognition to marriages entered into in accordance with customary law or traditional rites. The Act also improves the position of women and children within these marriages by introducing measures which bring customary law in line with the Constitution and South Africa's international obligations. The Act lays the foundation for a uniform code of marriage law that will be applicable to all South Africans. The principles laid down in the Act, e.g. consent and minimum ages for spouses, community of profit property and judicial regulation of divorce in a system of family courts are intended to provide a uniform national framework receptive to all marriages. The Act removes elements of discrimination against the customary legal tradition and thereby gives expression to 2 constitutional principles, namely the right to systems of family law based on any tradition or religion and the right to cultural pluralism. In the final instance the Act strives to reconcile the preservation of culture and traditions with the competing claims posed by the constitutional requirement to establish norms of equal treatment and non-discrimination.

Date of commencement: 15 November 2000.

64. Prevention of Organised Crime Act, 1998 (Act 121 of 1998)

This Act is aimed at giving the police and prosecutors new powers to help them deal effectively with organised crime. The Act, amongst others, creates a new offence of participating in the affairs of any criminal organisation. It also allows the State to seize assets used to commit crimes or which are the proceeds of crime through a civil action and it criminalises certain activities of street gangs, such as the recruitment of members.

Date of commencement: 21 January 1999.

65. Judicial Matters Second Amendment Act, 1998 (Act 122 of 1998)

This Act amends various laws to, among others—

- * further regulate the jurisdiction of the High Courts in respect of persons and matters;
- * provide for the centralisation of trials in respect of certain offences;
- * further regulate the vacation of office by a magistrate; and
- * to bring the provisions regarding the use of force in effecting an arrest into line with the new Constitution.

Date of commencement: Sections 6, 9 and 11 to 15 on 1 April 1999. Sections 1 to 5 and 10 on 1 September 2000. Sections 7 and 8 on 18 July 2003.

1999**66. Prevention of Organised Crime Amendment Act, 1999 (Act 24 of 1999)**

The Act amends the Prevention of Organised Crime Act, 1998 (Act 121 of 1998), so as to effect certain textual improvements and to further regulate the Criminal Assets Recovery Account.

Date of commencement: 28 April 1999.

67. Judicial Matters Amendment Act, 1999 (Act 26 of 1999)

This Act amends various laws to, among others—

- * further regulate the appointment of Justices of the Peace and Commissioners of Oaths;
- * further regulate the appointment of Appraisers; and
- * further regulate the appointment of Commissioners for small claims.

Date of commencement: 28 April 1999.

68. Prevention of Organised Crime Second Amendment Act, 1999 (Act 38 of 1999)

The above Act amended the principal Act in order to ensure that the provisions of the Act will be applicable in respect of proceeds of crime, and property used in the commission of an offence, where such crime or offence occurred before the commencement of the principal Act. The enactment of this legislation was required as a consequence of conflicting High Court judgments in this regard.

Date of commencement: 7 September 1999.

2000**69. Promotion of Access to Information Act, 2000 (Act 2 of 2000)**

Section 32 of the Constitution deals with the right of access to information and provides that everyone has the right of access to any information held by the State, and any information that is held by another person and that is required for the exercise or protection of any rights. The Act gives effect to section 32 of the Constitution subject to justifiable limitations, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances the right of access to information with any other rights including the rights in the Bill of Rights in Chapter 2 of the Constitution.

The Act, with the exception of sections 10, 14, 16 and 51, was implemented on 9 March 2001.

Sections 10, 14, 16 and 51 were implemented on 15 February 2002.

70. Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

This Act gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution.

The Act, with the exception of sections 4 and 10, was implemented on 30 November 2000.

Sections 4 and 10 of the Act were implemented on 31 July 2002.

71. Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

This Act gives effect to section 9 of the Constitution by providing for—

- * the equal enjoyment of all rights and freedoms by every person;
- * the promotion of equality;
- * the values of non-racialism and non-sexism contained in section 1 of the Constitution;
- * the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution; and
- * the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16(2)(c) of the Constitution.

This Act, amongst others, provide for measures to educate the public and raise public awareness on the importance of promoting equality and overcoming unfair discrimination, hate speech and harassment and to provide remedies for victims of unfair discrimination.

Date of commencement: Sections 1, 2, 3, 4(2), 5, 6, 29 (with the exception of subsection (2)), 32, 33 and 34(1) on 1 September 2000. Sections 4(1), 7 to 23, 30, 31 and 34(2) on 16 June 2003. Sections 24 to 28 and 29(2) have not yet been put into operation.

72. Protected Disclosures Act, 2000 (Act 26 of 2000)

This Act is derived from Part 5 (whistleblower protection) of the Open Democracy Bill [B67 — 98], which Part was omitted from that Bill to be dealt with as a separate Act. The Act makes provision for procedures in terms of which employees in both the public and private sector may disclose information regarding unlawful or irregular conduct by their employers or other employees. The Act provides for the protection of employees from being subjected to an occupational detriment on account of having made a disclosure which is protected in terms of the Act.

Date of commencement: 16 February 2001.

73. Cross-Border Insolvency Act, 2000 (Act 42 of 2000)

This Act provides effective mechanisms for dealing with cases of cross-border insolvency.

Date of commencement: 28 November 2003.

74. National Prosecuting Authority Amendment Act, 2000 (Act 61 of 2000)

The Act amends the National Prosecuting Authority Act, 1998 (Act 32 of 1998), so as to make provision for the establishment of the Directorate of Special Operations and for the existing Investigating Directorates to become part of the Directorate of Special Operations. The Act also amends the Interception and Monitoring Prohibition Act, 1992 (Act 127 of 1992), so as to make provision for applications for directions in terms of that Act by the head of the Directorate of Special Operations.

Date of commencement: 12 January 2001.

75. Judicial Matters Amendment Act, 2000 (Act 62 of 2000)

This Act amends various Acts in order to, among others, further regulate the hearing of bail proceedings and the granting of bail; to provide for the recovery of costs by law clinics; to further regulate the powers of the Rules Board for Courts of Law; to further regulate the imposition of minimum sentences for certain serious offences; and to further regulate the committal of an accused for the imposition of sentence by a High Court after conviction in a regional court.

The Act, with the exception of section 35, was implemented on 23 March 2001. Section 35 was implemented on 7 June 2002.

2001

76. Special Investigating Units and Special Tribunals Amendment Act, 2001 (Act 2 of 2001)

The Act amends the Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), so as to bring the appointment of the Head of a Special Investigating Unit into line with a judgment of the Constitutional Court. Provision is also made for the President to appoint a person as Acting Head of a Special Investigating Unit in the absence of the Head of a Special Investigating Unit.

Date of commencement: 31 July 2001.

77. Supreme Court Decree, 1990 (Ciskei) Amendment Act, 2001 (Act 16 of 2001)

This Act amends the Supreme Court Decree, 1990 (Ciskei), so as to enable the High Court seated at Bisho to sit at any place in the province of the Eastern Cape.

Date of commencement: 20 July 2001.

78. Criminal Procedure Amendment Act, 2001 (Act 17 of 2001)

The Act amends section 170A of the Criminal Procedure Act, 1977 (Act 51 of 1977), so as to further regulate the presentation of evidence through an intermediary.

Date of commencement: 20 July 2001.

79. Administration of Estates Laws Interim Rationalisation Act, 2001 (Act 20 of 2001)

The Act amended the Administration of Estates Act, 1965 (Act 66 of 1965), so as to delete certain definitions, to make the Administration of Estates Act, 1965, applicable throughout the Republic and to repeal the corresponding laws which were in force in the areas of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei. The Act also amended the Insolvency Act, 1936 (Act 24 of 1936), so as to alter certain amounts and the Age of Majority Act, 1972 (Act 57 of 1972), so as to delete an obsolete reference.

Date of commencement: 20 July 2001.

80. Constitution Sixth Amendment Act of 2001¹

This Act amends the Constitution of the Republic of South Africa, 1996, so as to change the title of the President of the Constitutional Court to that of Chief Justice, to provide for the offices of Deputy Chief Justice,

1. From 4 February 1997 to 31 March 2001 the Constitution of the Republic of South Africa, 1996, was administered by the then Department of Constitutional Development which Department promoted five Constitutional Amendment Acts during that period (Annexure "A").

President of the Supreme Court of Appeal and Deputy President of the Supreme Court of Appeal, to provide for the extension of the term of office of a Constitutional Court judge, to further regulate the appointment of Deputy Ministers, to make provision for municipal borrowing powers and to enable a Municipal Council to bind itself and a future Council in the exercise of its legislative and executive authority to secure loans or investments for the municipality concerned.

Date of commencement: 21 November 2001.

81. Interim Rationalisation of Jurisdiction of High Courts Act, 2001 (Act 41 of 2001)

The principal object of the Act is to provide for the interim rationalisation of the areas of jurisdiction of High Courts by conferring on the Minister for Justice and Constitutional Development the power to alter the areas of jurisdiction after consultation with the Judicial Service Commission.

Date of commencement: 5 December 2001.

82. Judicial Matters Amendment Act, 2001 (Act 42 of 2001)

The Act, among others, amends the Criminal Procedure Act, 1977 (Act 51 of 1977), so as to provide for the release or amendment of bail conditions of an accused on account of prison conditions and to further regulate the referral of an accused person in order to inquire into his or her capacity to understand criminal proceedings or regarding the criminal responsibility of an accused concerning the offence with which he or she is charged.

The Act, with the exception of sections 4, 5, 8, 9 and 10, was implemented on 7 December 2001. Sections 4, 5, 9 and 10 are deemed to have come into operation on 4 February 1997. Section 8 came into operation on 28 February 2002.

83. Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001)

The main objects of the Act are the following—

- * To give effect to the head of the Constitutional Court becoming the Chief Justice of South Africa and to the head of the Supreme Court of Appeal becoming the President of the Supreme Court of Appeal, in line with the proposed Constitutional amendments contained in the Constitution Sixth Amendment Act of 2001.
- * To include the offices of deputy Chief Justice and Deputy President of the Supreme Court of Appeal in the legislation regulating the remuneration and conditions of employment of all judges, offices which are reflected in the Constitution.
- * To extend the principles relating to benefits of judges of the Supreme Court of Appeal and High Courts, as contained in the Judges' Remuneration and Conditions of Employment Act, 1989 (Act 27 of 1989), to Constitutional Court judges, whilst, at the same time, retaining the term of office of Constitutional Court judges, as provided for in the Constitution, which includes the extension of such term of office in certain circumstances.
- * To make the legislation regulating the remuneration and conditions of employment of all judges applicable throughout the Republic.

- * To provide for numerous transitional arrangements in order to recognise the active service or service performed by judges who were appointed in terms of homeland legislation or by judges who were seconded to homelands and to bring those judges within the scope of a uniform statute.
- * To provide that judges or their widows who receive pensions in terms of the Judges' Pensions Act, 1978 (Act 90 of 1978), will in future receive "pensions" which are coupled to the salaries of judges who are discharged from active service.

The Act, with the exception of section 16(4), was implemented on 22 November 2001. Section 16(4) commenced on 3 May 2002.

84. Constitution Seventh Amendment Act of 2001

The National Treasury has been involved in a process of reviewing national legislation on financial matters and the relevant review has revealed a range of difficulties in the implementation of the financial legislative regime contemplated in the Constitution. This Act therefore deals exclusively with the financial provisions of the Constitution.

The Act, with the exception of sections 4 and 7, was implemented on 26 April 2002. Sections 4 and 7 were implemented on 1 December 2003.

85. Criminal Procedure Second Amendment Act, 2001 (Act 62 of 2001)

This Act, which emanates from a report of the South African Law Reform Commission (as part of its investigation into the simplification of the criminal procedure), aims to amend the Criminal Procedure Act, 1977 (Act 51 of 1977), to allow a prosecutor and an accused person to enter into a plea and sentence agreement.

Date of commencement: 14 December 2001.

2002

86. Constitution Eighth Amendment Act of 2002

This Act amends the Constitution so as to, among others, enable a member of Municipal Council to become a member of another party whilst retaining membership of that Council, to enable an existing party to merge with another party or to subdivide into more than one party.

Date of commencement: 20 June 2002.

87. Constitution Ninth Amendment Act of 2002

The Act amends the Constitution so as to further regulate the allocation of delegates to the National Council of Provinces.

Date of commencement: 20 June 2002.

88. Loss or Retention of Membership of National and Provincial Legislatures Act, 2002 (Act 22 of 2002)

This Act amends Schedule 2 to the previous Constitution in order to enable a member of a legislature to become a member of another party whilst retaining membership of that legislature, to enable an existing party to merge with another party or to subdivide into more than one party.

Date of commencement: 20 June 2002.

(This Act was repealed by the Constitution Tenth Amendment Act of 2003 with effect from 20 March 2003)

89. Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act 27 of 2002)

This Act is intended to facilitate South Africa's accession to the Rome Statute on the International Criminal Court. It also creates a legislative framework to ensure that the Statute is implemented effectively in South Africa.

Date of commencement: 16 August 2002

90. Reinstatement of Enrolment of Certain Deceased Legal Practitioners Act, 2002 (Act 32 of 2002)

This Act provides for the re-enrolment of lawyers who were prohibited from practising as lawyers as a result of their opposition to the previous constitutional dispensation.

Date of commencement: 6 November 2002.

91. Insolvency Amendment Act, 2002 (Act 33 of 2002)

The Act, which emanates from negotiations between Government and NEDLAC, aims to improve the position of workers when their employers become insolvent.

Date of commencement: 1 January 2003.

92. Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act 40 of 2002)

This Act, which emanates from an investigation of the South African Law Reform Commission, is intended to regulate the institution of legal proceedings against all organs of state in a uniform manner.

Date of commencement: 28 November 2002.

93. Administration of Estates Amendment Act, 2002 (Act 47 of 2002)

This Act addresses the concerns raised by the Constitutional Court in the case of *Moseneke v the Master*, in terms of which certain discriminatory provisions of the Black Administration Act, 1927 (Act 38 of 1927), and certain regulations made thereunder, dealing with the administration of deceased estates of Black persons were declared to be inconsistent with the Constitution.

Date of commencement: 5 December 2002.

94. Promotion of Equality and Prevention of Unfair Discrimination Amendment Act, 2002 (Act 52 of 2002)

The Act addresses a possible area of unconstitutionality in the principal Act, namely the designation of presiding officers of Equality Courts by the Minister. This is intended to enhance the independence of the judiciary. The Act also facilitates the implementation of the principal Act by providing for an incremental

approach of establishing Equality Courts at the level of the lower courts, which, in turn, will provide affordable and accessible remedies to persons who are subject to unfair discrimination, hate speech or harassment.

Date of commencement: 15 January 2003.

95. Promotion of Administrative Justice Amendment Act, 2002 (Act 53 of 2002)

The Act addresses a possible area of unconstitutionality in the principal Act, namely the designation of presiding officers by the Minister. This is intended to enhance the independence of the judiciary. The Act also ensures that members of the judiciary at the lower court level who preside in cases emanating from the application of the principal Act, receive adequate training on the principal Act, the content of which is developed by members of the judiciary.

Date of commencement: 6 February 2003.

96. Promotion of Access to Information Amendment Act, 2002 (Act 54 of 2002)

The Act addresses a possible area of unconstitutionality in the principal Act, namely the designation of presiding officers by the Minister. This is intended to enhance the independence of the judiciary. The Act also ensures that members of the judiciary at the lower court level who preside in cases emanating from the application of the principal Act, receive adequate training on the principal Act, the content of which is developed by members of the judiciary.

Date of commencement: 15 January 2003.

97. Judicial Matters Amendment Act, 2002 (Act 55 of 2002)

The Act deals with numerous *ad hoc* amendments to a wide range of different Acts of Parliament which are administered by the Department, e.g. it corrects technical problems, repeals obsolete provisions and gives effect to some judgments of the Constitutional Court.

The Act, with the exception of sections 12, 13 and 19, was implemented on 17 January 2003. Sections 12, 13 and 19 were implemented on 18 February 2005.

98. Insolvency Second Amendment Act, 2002 (Act 69 of 2002)

Like the Insolvency Amendment Act, 2002 (Act 33 of 2002), referred to above, the Act is intended to further improve the position of workers when their employers become insolvent. The provisions of the Act emanate from negotiations between Government, NEDLAC and trade unions.

Date of commencement: 1 January 2003.

99. Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act 70 of 2002)

This Act, among others, aims to regulate the interception of certain communications, the monitoring of certain signals and radio frequency spectrums and the provision of certain communication-related information. The

Act also regulates the making of applications for, and the issuing of, directions authorising the interception of communications and the provision of communication-related information under certain circumstances.

The Act, with the exception of sections 40 and 62, came into operation on 30 September 2005. Section 62(1) to (5) came into operation on 30 June 2008. Sections 40 and 62(6), as amended by the Regulation of Interception of Communications and Provision of Communication-Related Information Amendment Act, 2008 (Act 48 of 2008), came into operation on 1 July 2009.

2003

100. Constitution Tenth Amendment Act of 2003

This Act, among others, deals with members of the National Assembly or a Provincial Legislature becoming members of other parties whilst retaining membership of the National Assembly or a Provincial Legislature.

Date of commencement: 20 March 2003.

101. Constitution Eleventh Amendment Act of 2003

This Act deals with the change of name of Northern Province to Limpopo and regulates anew some of the financial arrangements in the Constitution, e.g. to deal with financial crises at various levels of government.

Date of commencement: 11 July 2003.

102. Judicial Matters Amendment Act, 2003 (Act 16 of 2003)

This Act empowers the Minister to determine policy regarding the appointment of liquidators and similar functionaries in insolvency related matters. It also creates the position of the Chief Master of the High Courts.

Section 14 of the Act was implemented on 18 June 2004. The remainder of the Act was implemented on 9 July 2004.

103. Public Protector Amendment Act, 2003 (Act 22 of 2003)

This Act makes provision for the appointment of a Deputy Public Protector.

Date of commencement: 7 October 2003.

104. Promotion of National Unity and Reconciliation Amendment Act, 2003 (Act 23 of 2003)

This Act makes provision for the payment of reparations to communities.

Date of commencement: 1 October 2003.

105. Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act 28 of 2003)

This Act extends the scope of the Independent Commission on Public Office Bearers to make recommendations on the remuneration of members of the judiciary. It also bring the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001), into line with the Constitution by making provision for partners of deceased judges to receive certain benefits.

Date of commencement: 1 November 2003.

106. Criminal Procedure Amendment Act, 2003 (Act 42 of 2003)

This Act addresses a problem identified by the Constitutional Court in its judgment of *Steyn v the State*, dealing with appeals in criminal cases from the lower to the superior courts and creates a leave to appeal procedure.

Date of commencement: 1 January 2004.

107. Judicial Matters Second Amendment Act, 2003 (Act 55 of 2003)

This Act amends numerous Acts of Parliament administered by the Department of Justice and Constitutional Development.

Date of commencement, with the exception of sections 8, 9 and 10: 31 March 2005. Sections 8, 9 and 10 put into operation with effect from 14/08/2009.

2004**108. Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004)**

The Act, among others, aims to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; the establishment and endorsement of a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; and to place a duty on certain persons holding a position of authority to report certain corrupt transactions.

Date of commencement, with the exception of section 34(2): 27 April 2004. Date of commencement of section 34(2): 31 July 2004.

2005**109. Citation of Constitutional Laws Act, 2005 (Act 5 of 2005)**

Since the Constitution of the Republic of South Africa is the supreme law of the country, it should be treated differently from other Acts of Parliament. This Act is intended to change the reference to the Constitution by providing that no "Act number" will be allocated to it in future. It also substituted the short titles of all Constitution Amendment Acts that have been enacted since the commencement of the Constitution, so as to provide for the consecutive numbering of those Acts.

Date of commencement: 27 June 2005.

110. Constitutional Matters Amendment Act, 2005 (Act 15 of 2005)

This Act amended the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997), to further regulate the allocation of monies from the Represented Political Parties Fund to political parties participating in the national and provincial legislatures, where a member of a legislature becomes a member of another party while retaining membership of that legislature, or where an existing party merges with another party, or subdivides into more than one party, or subdivides and any one subdivision merges with another party. The Act also amended the Determination of Delegates (National Council of Provinces) Act, 1998 (Act 69 of 1998),

to provide for the determination of certain delegates of a provincial legislature, which has been reconstituted on account of changes of party membership and mergers or subdivisions.

Date of commencement: 31 August 2005.

111. Judicial Matters Amendment Act, 2005 (Act 22 of 2005)

This Act amended a number of different Acts of Parliament, which are administered by the Department. The amendments are technical in nature and address identified practical problems.

- * *Sections 1 and 10 to 14, except section 14(c), came into operation on 2 November 2007.*
- * *Section 6 came into operation on the date of commencement of section 8 of the Judicial Matters Second Amendment Act, 2003 (Act 55 of 2003), namely, 14 August 2009.*
- * *Section 9 came into operation on 1 November 2006 (the date of commencement of section 5 of the Maintenance Act, 1998 (Act 99 of 1998)).*
- * *The remaining sections came into operation on 11 January 2006.*

112. Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005)

This Acts repeals the Black Administration Act, 1927 (Act 38 of 1927), incrementally and amends the Administration of Estates Act, 1965 (Act 66 of 1965), so as to give the Masters of the High Courts jurisdiction over the property of all minors, including those who are governed by the principles of customary law.

Date of commencement: 12 April 2006.

113. Constitution Twelfth Amendment Act of 2005

This Act amended the Constitution so as to, among others, re-determine the geographical areas of the nine provinces of the Republic of South Africa.

Date of commencement: 1 March 2006.

2006

114. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2006 (Act 8 of 2006)

This Act amends the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005), so as to extend the statutory deadline for the repeal of certain provisions of the Black Administration Act, 1927 (Act 38 of 1927).

Date of commencement: 30 July 2006.

2007

115. Constitution Thirteenth Amendment Act of 2007

The Constitution Thirteenth Amendment Act of 2007 amends the Constitution of the Republic of South Africa, 1996, so as to correct invalid provisions relating to the re-determination of the provincial boundary between the Eastern Cape and KwaZulu-Natal.

Date of commencement: 14 December 2007.

116. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2007 (Act 13 of 2007)

This Amendment Act amended the Black Administration Act and Amendment of Certain Laws Act, 2005, so as to substitute a date and provided for matters connected therewith.

Date of commencement: 29 September 2007.

117. Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)

The Act aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of or relating to sexual offences in a single statute, by, among others, repealing the common law offence of rape and replacing it with a new expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender; and repealing the common law offence of indecent assault and replacing it with a new statutory offence of sexual assault, applicable to all forms of sexual violation without consent.

* *Chapters 1 to 4 and 7 of the Act were implemented on 16 December 2007.*

* *Chapter 5 came into operation on 21 March 2008.*

* *Chapter 6 was implemented on 16 June 2008.*

118. Criminal Law (Sentencing) Amendment Act, 2007 (Act 38 of 2007)

The Act aims to amend the Criminal Law Amendment Act, 1997 (Act 105 of 1997), so as to, among others, further regulate the imposition of discretionary minimum sentences for certain serious offences; to give a regional court jurisdiction to convict and sentence a person found guilty of an offence referred to in Part I of Schedule 2 to imprisonment for life; and to provide for matters connected therewith.

Date of commencement: 31 December 2007.

2008**119. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2008 (Act 7 of 2008)**

The Act amended the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, so as to substitute a date.

Date of commencement: 29 June 2008.

120. South African Judicial Education Institute Act, 2008 (Act 14 of 2008)

The Act aims to regulate the training of judicial officers which will be undertaken by an Institute the Act intends to create.

Date of commencement: 23 January 2009.

121. Judicial Service Commission Amendment Act, 2008 (Act 20 of 2008)

The Act creates a Tribunal and sets out procedures to deal with cases of incapacity, gross incompetence or gross misconduct on the part of judges. The Act comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Date of commencement: 1 June 2010.

122. Renaming of High Courts Act, 2008 (Act 30 of 2008)

The Act addresses the undesirable situation where certain High Courts are still referred to by their names under the previous Constitutional dispensation prior to 1994.

Date of commencement: 1 March 2009.

123. Jurisdiction of Regional Courts Amendment Act, 2008 (Act 31 of 2008)

The Act is intended to confer civil jurisdiction on Regional Courts, as well as jurisdiction to deal with family issues which are currently dealt with by the Divorce Courts established under section 10 of the Administration Amendment Act, 1929. The Act comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Date of commencement: 9 August 2010.

124. Regulation of Interception of Communications and Provision of Communication-related Information Amendment Act, 2008 (Act 48 of 2008)

The Act amends sections 40 and 62(6) of the principal Act so as to allow the electronic capturing of the personal particulars of owners and buyers of cellular phones and SIM cards. The Act will come into operation on a date fixed by the President by proclamation in the *Gazette*.

Date of commencement: The Act, with the exception of section 3 came into operation on 1 July 2009.

Section 3 came into operation on 1 August 2009.

125. General Laws (Loss of Membership of National Assembly, Provincial Legislature or Municipal Council) Amendment Act, 2008 (Act 55 of 2008)

The Act, to be read with the Constitution Fourteenth Amendment Bill and Constitution Fifteenth Amendment Bill, aims to amend the Public Funding of Represented Political Parties Act, 1997, the Determination of Delegates (National Council of Provinces) Act, 1998, the Electoral Act, 1998, the Local Government: Municipal Structures Act, 1998, and the Local Government: Municipal Structures Amendment Act, 2002, so as to provide for matters consequential to the abolition of floor-crossing. The Act further aims to amend the Public Funding of Represented Political Parties Act, 1997, so as to further regulate matters relating to the funding of political parties.

Date of commencement: 17 April 2009.

126. Constitution Fourteenth Amendment Act of 2008; and

127. Constitution Fifteenth Amendment Act of 2008

These Acts seek to abolish floor-crossing and further regulate matters relating to the funding of political parties.

Date of commencement: Both Acts were implemented on 17 April 2009.

128. National Prosecuting Authority Amendment Act, 2008 (Act 56 of 2008)

The Act aligns the National Prosecuting Authority Act, 1998, with the relocation of the Directorate of Special Operations to the South African Police Service.

Date of commencement: 6 July 2009.

129. Criminal Procedure Amendment Act, 2008 (Act 65 of 2008)

The Act aims to amend the principal Act, among others, so as to provide for the postponement of certain criminal proceedings against accused persons who are in custody awaiting trial through audiovisual links and to further regulate the falling away of certain convictions as previous convictions and the expungement of certain criminal records of persons under legislation enacted before the Constitution of the Republic of South Africa, 1993, took effect.

Date of commencement: Sections 2 and 3 were implemented on 6 May 2009. Section 1, dealing with audio-visual postponements of certain criminal proceedings, came into operation on 1 October 2010.

130. Judicial Matters Amendment Act, 2008 (Act 66 of 2008)

This Act amends numerous Acts of Parliament and, among others, aims to amend the General Law Amendment Act, 1935, so as to further regulate the concealment of birth of a newly born baby and the Criminal Procedure Act, 1977, to provide for the prosecution of persons who commit offences while doing diplomatic duty outside of the Republic. Amendments are also affected to the—

- * Admiralty Jurisdiction Regulation Act, 1983, so as to further regulate the form of proceedings relating to maritime claims;
- * Debt Collectors Act, 1998, so as to further regulate the appointment of members of the Council for Debt Collectors;
- * Promotion of Access to Information Act, 2000, and the Promotion of Administrative Justice Act, 2000, so as to extend the period within which rules of procedure must be made; and
- * Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to extend the period within which the National Register for Sex Offenders must be established and to extend the period within which the Minister for Justice and Constitutional Development must adopt a National Policy Framework relating to sexual offences.

Date of commencement: Sections 1-4, 9, 11, 12, 18-24, 27-38 were implemented on 17 February 2009. Section 26, in so far as it amends the Debt Collectors Act, 1998 (Act 114 of 1998), came into operation on 1 December 2009. Sections 10, 13, 14, 15 and 16 came into operation on 10 September 2010.

131. Child Justice Act, 2008 (Act 75 of 2008)

The Act aims to establish a criminal justice system for children, who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic. The Act further aims to—

- * provide for the minimum age of criminal capacity of children;
- * provide a mechanism for dealing with children who lack criminal capacity outside the criminal justice system;
- * make special provision for securing attendance at court and the release or detention and placement of children;
- * make provision for the assessment of children;
- * provide for the holding of a preliminary inquiry and to incorporate, as a central feature, the possibility of diverting matters away from the formal criminal justice system, in appropriate circumstances;
- * make provision for child justice courts to hear all trials of children whose matters are not diverted;
- * extend the sentencing options available in respect of children who have been convicted; and
- * entrench the notion of restorative justice in the criminal justice system in respect of children who are in conflict with the law.

Date of commencement: 1 April 2010.

2009

132. Constitution Sixteenth Amendment Act of 2009

The Act aims to amend the Constitution of the Republic of South Africa, 1996, in order to re-determine the geographical areas of the provinces of Gauteng and North-West and to provide for matters connected therewith.

Date of commencement: 3 April 2009.

133. Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009 (Act 11 of 2009)

This Act aims to modify the customary law of succession so as to provide for the devolution of certain property in terms of the law of intestate succession. The Act also clarifies certain matters relating to the law of succession and the law of property in relation to persons who are subject to customary law.

Date of commencement: 20 September 2010.

134. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2009 (Act 20 of 2009)

This Act amended section 1(3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005), by replacing the date of 30 December 2009 with 30 December 2010. The aforementioned date is the date upon which sections 12(1) to (4) and (6) and 20(1) to (6) and (9) and the Third Schedule of the Black Administration Act, 1927 (Act 38 of 1927), are repealed if national legislation (which is aimed at further regulating the matters dealt with the aforementioned sections and Schedule) is not implemented before that date.

Date of commencement: 29 December 2009.

2010

135. Criminal Law (Forensic Procedures) Amendment Act, 2010 (Act 6 of 2010)

The Act, among others, aims to amend the Criminal Procedure Act, 1977 (Act 51 of 1977), so as to provide for the compulsory taking of fingerprints of certain categories of persons and for the taking of fingerprints and body-prints for investigative purposes. The Act further introduced provisions in the Criminal Procedure Act, 1977, so as to provide for the retention of fingerprints and body-prints and to regulate the destruction of fingerprints that have been taken.

Date of commencement: 5 October 2010.

136. Magistrates' Courts Amendment Act, 2010 (Act 19 of 2010)

The Magistrates' Courts Act, 1944 (Act 32 of 1944), has been amended in terms of this Amendment Act so as to regulate anew the qualifications that are required for the appointment of a person as a magistrate, additional magistrate and magistrate of a regional division. Provision has also been made to further regulate the inclusion of magistrates of regional divisions on the list of magistrates who may adjudicate on civil disputes.

Date of commencement: 7 December 2010.

137. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2010 (Act 20 of 2010)

This Act amended section 1(3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005), by replacing the date 30 December 2010 with 30 December 2012.

Date of commencement: 29 December 2010.

138. Regulation of Interception of Communications and Provision of Communication-related Information Amendment Act, 2010 (Act 21 of 2010)

The Act amended the principal Act so as to extend the period within which the information of customers must be recorded and stored.

Date of commencement: 3 December 2010.

2011

139. State Liability Amendment Act, 2011 (Act 14 of 2011)

This Act amended the State Liability Act, 1957 (Act 20 of 1957), so as to regulate the manner in which a final court order sounding in money against the State must be satisfied.

Date of commencement: 30 August 2011.

140. Protection from Harassment Act, 2011 (Act 17 of 2011)

The Act provides for the issuing of protection orders against harassment and aims to introduce measures which seek to enable the relevant organs of state to give effect to the provisions of the Act.

Date of commencement: 27 April 2013.

2012

141. Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2012 (Act 6 of 2012)

This Amendment Act amended the principal Act by inserting a new section 56A in that Act. Section 56A expressly provides that, if a person has been convicted of an offence in terms of the principal Act and a penalty is not prescribed in respect of that offence in terms of that or any other Act, the court may impose a sentence, as provided for in section 276 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which that court considers appropriate and which is within that court's penal jurisdiction.

Date of commencement: 26 June 2012.

142. Criminal Procedure Amendment Act, 2012 (Act 9 of 2012)

This Amendment Act amended section 49 of the Criminal Procedure Act, 1977 (Act 51 of 1977), so as to substitute and align the provisions relating to the use of force in effecting the arrest of a suspect with the judgment of the Constitutional Court in the case of *Ex parte: The Minister of Safety and Security and Others: In re the State v Walters and Another* 2002 (2) SACR 105 (CC).

Date of commencement: 25 September 2012.

143. Judicial Matters Amendment Act, 2012 (Act 11 of 2012)

The Act amended the Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), so as to, among others, further regulate the litigation functions of a Special Investigating Unit and to empower a Special Investigating Unit to charge and recover fees for performing any of its functions. The Act also amended the National Prosecuting Authority Act, 1998 (Act 32 of 1998), so as to further regulate the remuneration of Deputy Directors and prosecutors and to regulate the continued employment and conditions of service of persons employed by the National Prosecuting Authority as financial investigators and analysts.

Date of commencement: 2 October 2012.

144. Sheriffs Amendment Act, 2012 (Act 14 of 2012)

The Act amended the Sheriffs Act, 1986 (Act 90 of 1986), so as to, among others, provide for the establishment of Advisory Committees to assist the Minister of Justice and Constitutional Development in the appointment of sheriffs and to provide the Minister with the power to designate acting sheriffs to perform certain functions of sheriffs in areas where no sheriff or acting sheriff has been appointed.

Date of commencement: Sections 1, 4(b), 5 (to the extent that it inserts section 6B in the Sheriffs Act, 1986), 6 and 10 to 15 came into operation on 1 November 2013. Remaining provisions to be implemented on a date to be determined.

145. Repeal of Black Administration Act and Amendment of Certain Laws Amendment Act, 2012 (Act 20 of 2012)

The Act amended the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, so as to remove a date from section 1(3) of the Act.

Date of commencement: 28 December 2012.

146. Constitution Seventeenth Amendment Act of 2012

The Act aims to amend the Constitution of the Republic of South Africa, 1996, so as to further define the role of the Chief Justice as the head of the judiciary; to provide for a single High Court of South Africa; to provide that the Constitutional Court is the highest court in all matters; to further regulate the jurisdiction of the Constitutional Court and the Supreme Court of Appeal and to provide for the appointment of an Acting Deputy Chief Justice.

Date of commencement: 23 August 2013.

2013

147. Protection of Personal Information Act, 2013 (Act 4 of 2013)

The Act aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual is safeguarded when it is processed by responsible parties. It also aims to balance the right to privacy against other rights, particularly the right to access to information and to generally protect important interests, including the free flow of information within and across the borders of the Republic.

Date of commencement: To be determined.

148. Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013)

The Act aims to give effect to the Republic's obligations concerning the trafficking of persons in terms of international agreements. The Act introduces an offence of trafficking in persons and other offences associated with trafficking in persons and further aims to provide for measures to protect and assist victims of trafficking in persons.

Date of commencement: To be determined.

149. Criminal Procedure Amendment Act, 2013 (Act 8 of 2013)

The Act amended section 316 of the Criminal Procedure Act, 1977, so as to further regulate applications for condonation, leave to appeal and further evidence in criminal appeals.

The Act is deemed to have come into operation on 10 September 2010.

150. Superior Courts Act, 2013 (Act 10 of 2013)

The Act rationalised, consolidated and amended the laws relating to the Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa. The Act also makes provision for the administration of the judicial functions of all courts and those administrative and budgetary matters relating to the Superior Courts.

Date of commencement: 23 August 2013.

151. Prevention and Combating of Torture of Persons Act, 2013 (Act 13 of 2013)

The purpose of the Act is to give effect to the Republic's obligations in terms of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by, among others, providing

for the offence of torture of persons and other offences associated with the torture of persons. The Act also aims to prevent and combat the torture of persons within or across the borders of the Republic.

Date of commencement: 29 July 2013.

152. South African Human Rights Commission Act, 2013 (Act 40 of 2013)

The Act provides for the composition, powers, functions and functioning of the South African Human Rights Commission. The Act also repeals the Human Rights Commission Act, 1994 (Act 54 of 1994).

Date of commencement: To be determined.

153. Judicial Matters Amendment Act, 2013 (Act 42 of 2013)

This Act amends numerous Acts of Parliament and, among others, aims to amend—

- * the Criminal Procedure Act, 1977, so as to effect certain textual corrections and to further regulate the provisions relating to the expungement of certain criminal records;
- * the Attorneys Act, 1979, so as to further regulate the constitution and the powers of the board of control of the Attorneys Fidelity Fund;
- * the Small Claims Courts Act, 1984, so as to further regulate the appointment of commissioners;
- * the Criminal Law Amendment Act, 1997, so as to exclude persons under the age of 18 years from the operation of that Act;
- * the Children's Act, 2005, so as to allow for information in the National Child Protection Register to be made available in the case of applications for the expungement of certain criminal records;
- * the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to allow for information in the National Register for Sex Offenders to be made available in the case of applications for the expungement of certain criminal records; and
- * the Child Justice Act, 2008, so as to, among others, further regulate the reporting of any injury sustained or severe psychological trauma suffered by a child while in police custody and to further regulate the expungement of records of certain convictions of children.

Date of commencement: The whole Act, with the exception of sections 10, 11 and 42, came into operation on 23 January 2014. Sections 10 and 11 of the Act, amending sections 309 and 309B of the Criminal Procedure Act, 1977, respectively, are deemed to have come into operation on 1 April 2010. Section 42 of the Act, amending section 3 of the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, is deemed to have come into operation on 20 September 2010.

154. Judicial Matters Second Amendment Act, 2013 (Act 43 of 2013)

The Act aims to amend certain provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to enable the Minister to designate certain courts for dealing with sexual offences.

Date of commencement: To be determined.

2014

155. State Attorney Amendment Act, 2014 (Act 13 of 2014)

This Amendment Act aims to amend the State Attorney Act, 1957 (Act 56 of 1957), so as to provide for the establishment of offices of State Attorney and for the appointment of a Solicitor-General and State Attorneys. Provision is also made for the powers and functions of the Solicitor-General.

Date of commencement: To be determined.

156. Judicial Matters Amendment Act, 2014 (Act 14 of 2014)

The Act amends the Attorneys Act, 1979 (Act 53 of 1979), so as to further regulate the powers of the board of control of the Attorneys Fidelity Fund. The Act also amends the Child Justice Act, 2008 (Act 75 of 2008), so as to further regulate the evaluation of the criminal capacity of a child and to provide for the delegation of certain powers and assignment of certain duties by the Cabinet member responsible for social development in respect of the accreditation of diversion programmes and diversion service providers.

Date of commencement: Sections 1, 4 and 5 came into operation on 19 May 2014.

Sections 2, 3 and 6 will come into operation on a date to be proclaimed.

157. Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act 22 of 2014)

This Amendment Act aims to amend numerous Acts in order to further regulate the determination of the salary, allowances and benefits of the—

- * Public Protector and Deputy Public Protector as regulated in terms of the Public Protector Act, 1994;
- * members of the Commission for Gender Equality as regulated in terms of the Commission for Gender Equality Act, 1996;
- * members of the Electoral Commission as regulated in terms of the Electoral Commission Act, 1996;
- * councillors of the Council as regulated in terms of the Independent Communications Authority of South Africa Act, 2000;
- * members of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities as regulated in terms of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002;
- * Auditor-General as regulated in terms of the Public Audit Act, 2004;
- * commissioners of the South African Human Rights Commission as regulated in terms of the South African Human Rights Commission Act, 2013.

The Amendment Act also aims to amend the Independent Commission for the Remuneration of Public Office-bearers Act, 1997, so as to substitute definitions, to insert a definition and to further regulate the functions of the Independent Commission for the Remuneration of Public Office-bearers.

Date of commencement: To be determined.

158. Legal Practice Act, 2014 (Act 28 of 2014)

This aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic. The Act further provides for the—

- * establishment, powers and functions of a single South African Legal Practice Council and Provincial Councils in order to regulate the affairs of legal practitioners and to set norms and standards;
- * admission and enrolment of legal practitioners; to regulate the professional conduct of legal practitioners so as to ensure accountable conduct;
- * establishment of an Office of a Legal Services Ombud and for the appointment, powers and functions of a Legal Services Ombud;
- * Legal Practitioners' Fidelity Fund and a Board of Control for the Fidelity Fund; and
- * establishment, powers and functions of a National Forum on the Legal Profession.

Date of commencement: Parts I and II of Chapter 10 came into operation on 1 February 2015.

159. Legal Aid South Africa Act, 2014 (Act 39 of 2014)

The Act aims to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa.

The Act repealed the Legal Aid Act, 1969 (Act 22 of 1969).

Date of commencement: 1 March 2015.

160. Attorneys Amendment Act, 2014 (Act 40 of 2014)

The Amendment Act aims to amend the Attorneys Act, 1979, as an interim measure, pending the enactment of legislation aimed at rationalising the legal profession, so as to address disparities in relation to attorneys and candidate attorneys in the territories comprising the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, and, for that purpose, the Amendment Act repeals the laws of the former territories in so far as they are still applicable to attorneys and candidate attorneys in these territories.

Date of commencement: 29 May 2015.

2015

161. Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2015 (Act 5 of 2015)

To amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to ensure that children of certain ages are not held criminally liable for engaging in consensual sexual acts with each other; to give presiding officers a discretion in order to decide in individual cases whether the particulars of children should be included in the National Register for Sex Offenders or not; to provide for a procedure in terms of which certain persons may apply for the removal of their particulars from the National Register for Sex Offenders; to provide for the removal of the particulars of children who were convicted for having engaged in consensual sexual acts with each other, from the National Register for Sex Offenders; to provide for the expungement of the criminal records of certain persons; and to provide for matters connected therewith.

Date of commencement: 7 July 2015

SYNOPSIS OF DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT'S LEGISLATIVE PROGRAMME SINCE 1994

The Department's Legislative Programme since 1994 has been dominated by three main themes, namely legislation to give effect to the spirit of the new constitutional dispensation in some way or another (transformation) (85 Bills out of 161: 53% of the legislation passed in the last 21 years), legislation to address the crime problem prevailing in the country (40 Bills out of 161: 25% of the legislation passed in the last 21 years) and legal reform (36 Bills out of 161: 22% of the legislation passed in the last 21 years). An attempt is made hereunder to categorise the above legislation into these 3 themes. Some of the legislation deals with transformation as well as with crime, but for purposes hereof each statute is only mentioned once.

TRANSFORMATION:

1994

1. Judicial Service Commission Act, 1994 (Act 9 of 1994)
2. Judges' Remuneration and Conditions of Employment Amendment Act, 1994 (Act 10 of 1994)
3. Public Protector Act, 1994 (Act 23 of 1994)
4. Human Rights Commission Act, 1994 (Act 54 of 1994)
5. Admission of Advocates Amendment Act, 1994 (Act 55 of 1994)

1995

6. Recognition of Foreign Legal Qualifications and Practice Amendment Act, 1995 (Act 10 of 1995)
7. Constitutional Court Complementary Act, 1995 (Act 13 of 1995)
8. Admission of Legal Practitioners Amendment Act, 1995 (Act 33 of 1995)
9. Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995)
10. Investigation of Serious Economic Offences Amendment Act, 1995 (Act 46 of 1995)
11. Right of Appearance in Courts Act, 1995 (Act 62 of 1995)
12. Judicial Matters Amendment Act, 1995 (Act 85 of 1995)
13. State of Emergency Act, 1995 (Act 86 of 1995)
14. Promotion of National Unity and Reconciliation Amendment Act, 1995 (Act 87 of 1995)

1996

15. Justice Laws Rationalisation Act, 1996 (Act 18 of 1996)
16. National Youth Commission Act, 1996 (Act 19 of 1996)
17. Legal Aid Amendment Act, 1996 (Act 20 of 1996)
18. Magistrates Amendment Act, 1996 (Act 35 of 1996)
19. Commission on Gender Equality Act, 1996 (Act 39 of 1996)
20. General Law Amendment Act, 1996 (Act 49 of 1996)
21. Hague Convention on the Civil Aspects of International Child Abduction Act, 1996 (Act 72 of 1996)

22. Abolition of Restrictions on the Jurisdiction of Courts Act, 1996 (Act 88 of 1996)

1997

23. Promotion of National Unity and Reconciliation Amendment Act, 1997 (Act 18 of 1997)
24. Abolition of Corporal Punishment Act, 1997 (Act 33 of 1997)
25. State of Emergency Act, 1997, (Act 64 of 1997)
26. Divorce Courts Amendment Act, 1997 (Act 65 of 1997)
27. Criminal Procedure Amendment Act, 1997 (Act 76 of 1997)
28. Judges' Remuneration and Conditions of Employment Amendment Act, 1997 (Act 77 of 1997)
29. Qualification of Legal Practitioners Amendment Act, 1997, (Act 78 of 1997)
30. Constitutional Court Complementary Act Amendment Act, 1997 (Act 79 of 1997)
31. Magistrates' Courts Second Amendment Act, 1997 (Act 80 of 1997)
32. Magistrates' Courts Amendment Act, 1997 (Act 81 of 1997)
33. Promotion of National Unity and Reconciliation Second Amendment Act, 1997 (Act 84 of 1997)
34. Natural Fathers of Children Born out of Wedlock Act, 1997 (Act 86 of 1997)

1998

35. National Prosecuting Authority Act, 1998 (Act 32 of 1998)
36. Promotion of National Unity and Reconciliation Amendment Act, 1998 (Act 33 of 1998)
37. Magistrates Amendment Act, 1998 (Act 66 of 1998)
38. Magistrates' Courts Amendment Act, 1998 (Act 67 of 1998)
39. Sheriffs Amendment Act, 1998 (Act 74 of 1998)
40. Maintenance Act, 1998 (Act 99 of 1998)
41. Public Protector Amendment Act, 1998 (Act 113 of 1998)
42. Attorneys and Matters relating to Rules of Court Amendment Act, 1998 (Act 115 of 1998)
43. Recognition of Customary Marriages Act, 1998 (Act 120 of 1998)

1999

44. Judicial Matters Amendment Act, 1999 (Act 26 of 1999)

2000

45. Promotion of Access to Information Act, 2000 (Act 2 of 2000)
46. Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
47. Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

2001

48. Supreme Court Decree, 1990 (Ciskei) Amendment Act, 2001 (Act 16 of 2001)
49. Administration of Estates Laws Interim Rationalisation Act, 2001 (Act 20 of 2001)
50. Constitution Sixth Amendment Act of 2001
51. Interim Rationalisation of Jurisdiction of High Courts Act, 2001 (Act 41 of 2001)
52. Judicial Matters Amendment Act, 2001 (Act 42 of 2001)
53. Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001)
54. Constitution Seventh Amendment Act of 2001

2002

- 55. Constitution Eighth Amendment Act of 2002
- 56. Constitution Ninth Amendment Act of 2002
- 57. Loss or Retention of Membership of National and Provincial Legislatures Act, 2002 (Act 22 of 2002)
- 58. Reinstatement of Enrolment of Certain Deceased Legal Practitioners Act, 2002 (Act 32 of 2002)
- 59. Administration of Estates Amendment Act, 2002 (Act 47 of 2002)
- 60. Promotion of Equality and Prevention of Unfair Discrimination Amendment Act, 2002 (Act 52 of 2002)
- 61. Promotion of Administrative Justice Amendment Act, 2002 (Act 53 of 2002)
- 62. Promotion of Access to Information Amendment Act, 2002 (Act 54 of 2002)
- 63. Judicial Matters Amendment Act, 2002 (Act 55 of 2002)

2003

- 64. Constitution Tenth Amendment Act of 2003
- 65. Constitution Eleventh Amendment Act of 2003
- 66. Public Protector Amendment Act, 2003 (Act 22 of 2003)
- 67. Promotion of National Unity and Reconciliation Amendment Act, 2003 (Act 23 of 2003)
- 68. Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act 28 of 2003)

2005

- 69. Citation of Constitutional Laws Act, 2005 (Act 5 of 2005)
- 70. Constitutional Matters Amendment Act, 2005 (Act 15 of 2005)
- 71. Constitution Twelfth Amendment Act of 2005

2007

- 72. Constitution Thirteenth Amendment Bill of 2007

2008

- 73. South African Judicial Education Institute Act, 2008 (Act 14 of 2008)
- 74. Judicial Service Commission Amendment Act, 2008 (Act 20 of 2008)
- 75. Child Justice Act, 2008 (Act 75 of 2008)

2009

- 76. Constitution Sixteenth Amendment Act of 2009

2010

- 77. Magistrates' Courts Amendment Act, 2010 (Act 19 of 2010)

2012

- 78. Sheriffs Amendment Act, 2012 (Act 14 of 2012)
- 79. Constitution Seventeenth Amendment Act of 2012

2013

- 80. Superior Courts Act, 2013 (Act 10 of 2013)

2014

81. State Attorney Amendment Act, 2014 (Act 13 of 2014)
82. Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act 22 of 2014)
83. Legal Practice Act, 2014 (Act 28 of 2014)
84. Legal Aid South Africa Act, 2014 (Act 39 of 2014)
85. Attorneys Amendment Act, 2014 (act 40 of 2014)

CRIME

1995

1. Criminal Procedure Second Amendment Act, 1995 (Act 75 of 1995)

1996

2. Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996)
3. International Co-operation in Criminal Matters Act, 1996 (Act 75 of 1996)
4. Proceeds of Crime Act, 1996 (Act 76 of 1996)
5. Extradition Amendment Act, 1996 (Act 77 of 1996)
6. Criminal Procedure Second Amendment Act, 1996 (Act 85 of 1996)
7. Criminal Procedure Amendment Act, 1996 (Act 86 of 1996)
8. Judicial Matters Amendment Act, 1996 (Act 104 of 1996)

1997

9. Criminal Procedure Second Amendment Act, 1997 (Act 85 of 1997)
10. Criminal Law Amendment Act, 1997 (Act 105 of 1997)

1998

11. Judicial Matters Amendment Act, 1998 (Act 34 of 1998)
12. Criminal Matters Amendment Act, 1998 (Act 68 of 1998)
13. Witness Protection Act, 1998 (Act 112 of 1998)
14. Domestic Violence Act, 1998 (Act 116 of 1998)
15. Prevention of Organised Crime Act, 1998 (Act 121 of 1998)
16. Judicial Matters Second Amendment Act, 1998 (Act 122 of 1998)

1999

17. Prevention of Organised Crime Amendment Act, 1999 (Act 24 of 1999)
18. Prevention of Organised Crime Second Amendment Act, 1999 (Act 38 of 1999)

2000

19. Protected Disclosures Act, 2000 (Act 26 of 2000)
20. National Prosecuting Authority Amendment Act, 2000 (Act 61 of 2000)
21. Judicial Matters Amendment Act, 2000 (Act 62 of 2000)

2001

22. Special Investigating Units and Special Tribunals Amendment Act, 2001 (Act 2 of 2001)

23. Criminal Procedure Amendment Act, 2001 (Act 17 of 2001)
24. Criminal Procedure Second Amendment Act, 2001 (Act 62 of 2001)
- 2002**
25. Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act 27 of 2002)
26. Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act 70 of 2002)
- 2003**
27. Criminal Procedure Amendment Act, 2003 (Act 42 of 2003)
- 2004**
28. Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004)
- 2007**
29. Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)
30. Criminal Law (Sentencing) Amendment Act, 2007 (Act 38 of 2007)
- 2008**
31. Regulation of Interception of Communications and Provision of Communication-related Information Amendment Act, 2008 (Act 48 of 2008)
32. National Prosecuting Authority Amendment Act, 2008 (Act 56 of 2008)
- 2010**
33. Criminal Law (Forensic Procedures) Amendment Act, 2010 (Act 6 of 2010)
34. Regulation of Interception of Communications and Provision of Communication-related Information Amendment Act, 2010 (Act 21 of 2010)
- 2012**
35. Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2012 (Act 6 of 2012)
36. Criminal Procedure Amendment Act, 2012 (Act 9 of 2012)
- 2013**
37. Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013)
38. Prevention and Combating of Torture of Persons Act, 2013 (Act 13 of 2013)
39. Judicial Matters Second Amendment Act, 2013 (Act 43 of 2013)
- 2015**
40. Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2015 (Act 5 of 2015)

LEGAL REFORM:

1995

1. Insolvency Amendment Act, 1995 (Act 32 of 1995)
2. Interception and Monitoring Prohibition Amendment Act, 1995 (Act 77 of 1995)

1996

3. Divorce Amendment Act, 1996 (Act 95 of 1996)

1997

4. Prescribed Rate of Interest Amendment Act, 1997 (Act 7 of 1997)
5. Contingency Fees Act, 1997 (Act 66 of 1997)

1998

6. Debt Collectors Act, 1998 (Act 114 of 1998)

2000

7. Cross-Border Insolvency Act, 2000 (Act 42 of 2000)

2002

8. Insolvency Amendment Act, 2002 (Act 33 of 2002)
9. Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act 40 of 2002)
10. Insolvency Second Amendment Act, 2002 (Act 69 of 2002)

2003

11. Judicial Matters Amendment Act, 2003 (Act 16 of 2003)
12. Judicial Matters Second Amendment Act, 2003 (Act 55 of 2003)

2005

13. Judicial Matters Amendment Act, 2005 (Act 22 of 2005)
14. Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005)

2006

15. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2006 (Act 8 of 2006)

2007

16. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2007 (Act 13 of 2007)

2008

17. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2008 (Act 7 of 2008)
18. Renaming of High Courts Act, 2008 (Act 30 of 2008)
19. Jurisdiction of Regional Courts Amendment Act, 2008 (Act 31 of 2008)
20. General Laws (Loss of Membership of National Assembly, Provincial Legislature or Municipal Council) Amendment Act, 2008 (Act 55 of 2008)
21. Constitution Fourteenth Amendment Act of 2008
22. Constitution Fifteenth Amendment Act of 2008
23. Criminal Procedure Amendment Act, 2008 (Act 65 of 2008)
24. Judicial Matters Amendment Act, 2008 (Act 66 of 2008)

2009

25. Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009 (Act 11 of 2009)

2010

26. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2010 (Act 20 of 2010)

27. Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2010 (Act 20 of 2010)

2011

28. State Liability Amendment Act, 2011 (Act 14 of 2011)

29. Protection from Harassment Act, 2011 (Act 17 of 2011)

2012

30. Judicial Matters Amendment Act, 2012 (Act 11 of 2012)

31. Repeal of Black Administration Act and Amendment of Certain Laws Amendment Act, 2012 (Act 20 of 2012)

2013

32. Protection of Personal Information Act, 2013 (Act 4 of 2013)

33. Criminal Procedure Amendment Act, 2013 (Act 8 of 2013)

34. Judicial Matters Amendment Act, 2013 (Act 42 of 2013)

35. South African Human Rights Commission Act, 2013 (Act 40 of 2013)

2014

36. Judicial Matters Amendment Act, 2014 (Act 14 of 2014)

Annexure A

AMENDMENT OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 PRIOR TO 1 APRIL 2001

1. On 1 April 2001, President T M Mbeki assigned the administration of the Constitution of the Republic of South Africa, 1996, to the Minister of Justice and Constitutional Development². Since that date the Department of Justice and Constitutional Development is, among others, responsible for promoting all amendments of the Constitution through the Parliamentary process.

2. During the period 4 February 1997 to 31 March 2001 the then Department of Constitutional Development³ was responsible for the administration of the Constitution and promoted the following five Constitutional Amendment Acts:

2.1 Constitution First Amendment Act of 1997

This Act amended the Constitution so as to make further provision in relation to the oath sworn or affirmation made by an Acting President and to extend the cut-off date in respect of the granting of amnesty.

Date of commencement: 4 February 1997.

2.2 Constitution Second Amendment Act of 1998

This Act amended the Constitution so as to extend the term of Municipal Councils to provide for the designation of alternates in respect of certain members of the Judicial Service Commission. The Act also changed the name of the Human Rights Commission to that of the South African Human Rights Commission. The Act adjusted the powers of the Public Service Commission and extended and modified the application of transitional arrangements in respect of local government.

Date of commencement: 7 October 1998.

2.3 Constitution Third Amendment Act of 1998

The Constitution was amended in terms of this Act so as to provide that, where a municipal boundary is determined across a provincial boundary, national legislation must make provision for establishing a municipality of a type agreed to by the provincial governments concerned and for the exercising of executive authority over that municipality.

Date of commencement: 30 October 1998.

2.4 Constitution Fourth Amendment Act of 1999

2 Proclamation No. 26 which was published in *Gazette* No. 22231 of 26 April 2001.

3 Presently the Department of Cooperative Governance and Traditional Affairs.

This Act amended the Constitution so as to enable a proclamation calling and setting dates for an election of a provincial legislature to be issued either before or after the expiry of the term of that legislature. Provision was also made for the allocation of undistributed delegates in a provincial delegation to the National Council of Provinces in a case where competing surpluses are equal.

Date of commencement: 19 March 1999.

2.5 Constitution Fifth Amendment Act of 1999

This Act amended the Constitution so as to allow a proclamation calling and setting dates for an election of the National Assembly to be issued either before or after the expiry of the term of the National Assembly. The Act also affected an amendment to the Constitution in order to do away with the requirement that the chairperson and deputy chairperson of the Financial and Fiscal Commission must be full-time members of that Commission.

Date of commencement: 19 March 1999.