
GENERAL NOTICE

NOTICE 319 OF 2011

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PUBLICATION OF EXPLANATORY SUMMARY OF THE JUDICIAL MATTERS AMENDMENT BILL, 2011

The Minister of Justice and Constitutional Development intends introducing the Judicial Matters Amendment Bill, 2011, in the National Assembly shortly. The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The Bill intends -

- (a) to amend the following Acts, namely -
- the Magistrates' Courts Act, 1944, so as to bring the Afrikaans text relating to causes of action over which magistrates' courts have jurisdiction in line with that of the English text; and to further regulate the jurisdiction of magistrates' courts in line with a decision of the Constitutional Court;
 - the Criminal Procedure Act, 1977, so as to effect technical corrections; and to further regulate the provisions relating to the expungement of certain criminal records;
 - the Small Claims Courts Act, 1984, so as to further regulate the appointment of commissioners;
 - the Special Investigating Units and Special Tribunals Act, 1996, so as to further regulate the litigation functions of a Special Investigating Unit; and to provide for the secondment of a member of a Special Investigating Unit to another State institution;
 - the Criminal Law Amendment Act, 1997, so as to exclude persons under the age of 18 years from the operation of that Act;
 - the National Prosecuting Authority Act, 1998, so as to further regulate the remuneration of Deputy Directors and prosecutors;
 - the Maintenance Act, 1998, so as to further regulate the area of jurisdiction of a maintenance court; to further regulate the circumstances under which maintenance orders may be granted by default; to clarify the legal position relating to the amendment of a maintenance order made by a High Court by a subsequent order made by a maintenance court; to further regulate the transfer of maintenance orders; to increase the penalties for certain offences; to create certain new offences; and to further regulate the conversion of criminal proceedings into maintenance enquiries;
 - the Domestic Violence Act, 1998, so as to further regulate the powers of members of the South African Police Service in domestic violence matters;
 - the Prevention of Organised Crime Act, 1998, so as to make it clear that the Administration of Estates Act, 1965, applies to a curator bonis appointed under Chapter 6 of that Act;
 - the Promotion of Access to Information Act, 2000, so as to extend the time periods within which to bring court applications;
 - the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, so as to amend certain

- definitions; to provide that the designated judge may consider applications for the issuing of archived communication-related directions; to provide that electronic communication service providers, other than mobile cellular electronic communication service providers, must electronically record and store information relating to customers; and to further regulate the provisions relating to penalties;
- the National Credit Act, 2005, so as to determine the jurisdiction of magistrates' courts for the purposes of debt review proceedings;
 - to amend 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 to further regulate the issuing of directives by the National Director of Public Prosecutions;
 - the Child Justice Act, 2008, so as to further regulate the evaluation of the criminal capacity of a child; to further regulate the reporting of any injury sustained or severe psychological trauma suffered by a child while in police custody; to further regulate the holding of preliminary inquiries; 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; to effect certain textual corrections; to repeal provisions that make the Criminal Law Amendment Act, 1997, applicable to persons under the age of 18 years; and to further regulate the expungement of records of certain convictions of children;
 - the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, so as to effect certain textual corrections;
- (b) to establish the Limpopo High Court, Polokwane and the Mpumalanga High Court, Nelspruit; and
- (c) to provide for matters connected therewith.

A copy of the Bill can be found on the websites of the Department of Justice and Constitutional Development and the Parliamentary Monitoring Group at <http://www.justice.gov.za> and <http://www.pmg.org.za>, respectively and may, after introduction, also be obtained from:

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