
GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 356 OF 2013

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PUBLICATION OF EXPLANATORY SUMMARY OF THE JUDICIAL MATTERS AMENDMENT BILL, 2013

1. Notice is hereby given in terms of Rule 241(1)(b) of the Rules of the National Assembly that the Minister of Justice and Constitutional Development intends to introduce the Judicial Matters Amendment Bill, 2013, in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.
3. The Bill intends to amend -
 - 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 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 Judicial Service Commission Act, 1994, so as to allow the Chairperson of the Judicial Conduct Committee to delegate certain powers or functions to an acting Chairperson; to further regulate the election of an acting Chairperson of the Judicial Conduct Committee; to provide for the referral of a complaint to the Deputy Chief Justice; to provide that the Minister may make regulations regarding witness fees; and to effect certain textual corrections;
 - the Criminal Law Amendment Act, 1997, so as to exclude persons under the age of 18 years from the operation 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 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 effect certain textual corrections; 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; to further regulate the automatic review of children in certain cases; and to further regulate the expungement of records of certain convictions of children; and
- the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, so as to effect certain textual corrections, and to provide for matters connected therewith.

4. A copy of the Bill can be found on the websites of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and the Department of Justice and Constitutional Development at www.justice.gov.za and, after introduction, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).