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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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**GOVERNMENT NOTICE**  
**GOEWERMENSKENNISGEWING**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 1594

10 December 2003

**JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001:**  
**AMENDMENT OF REGULATIONS**

The President has under section 13 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), made the regulations in the Schedule.

**SCHEDULE**

**Definitions**

1. In this Schedule -

"the Regulations" means the regulations published by Government Notice No. R. 894 of 5 July 2002.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definition after the definition of "official duties":

" "registrar" means the registrar at the headquarters of a Constitutional Court judge or judge;".

**Amendment of regulations 12(1) and (2), 13(2) and 19(1) of the Regulations**

3. Regulations 12(1) and (2), 13(2) and 19(1) of the Regulations are hereby amended by the insertion of the expression "or partner" after the expression "spouse" wherever it appears in the said regulations.

**Addition of regulations 21 to 23 to the Regulations**

4. The following regulations are hereby added after regulation 20 of the Regulations:

**"PARTNER AND SPOUSE****Registration of partner**

21. (1) A Constitutional Court judge or judge who wishes to register a person as his or her partner must complete Form 1 of the Annexure in duplicate.

(2) A completed Form 1 of the Annexure must -

(a) be accompanied by -

(i) certified copies of the identity documents of the Constitutional Court judge or judge and the person to be registered as partner; and

(ii) an affidavit by a person confirming the existence of a relationship between the Constitutional Court judge or judge and the person to be registered as partner; and

(b) together with the documents contemplated in paragraph (a) be submitted in duplicate to the registrar.

(3) The registrar must -

(a) on receipt of the documents contemplated in subregulation (2) affix the official stamp of the Department with the date of receipt on all pages of both copies of Form 1 and the attachments thereto;

(b) return one copy of Form 1 and the attachments thereto to the Constitutional Court judge or judge;

- (c) enter the following in a register kept for this purpose:
  - (i) the date of receipt of Form 1; and
  - (ii) the particulars of the Constitutional Court judge or judge and the person to be registered as partner; and
- (d) forthwith forward the retained copy of Form 1 and the attachments thereto to the Director-General: Justice and Constitutional Development.

### **Deregistration of partner**

22. (1) A Constitutional Court judge or judge who wishes to deregister a person who was registered as his or her partner in terms of regulation 21(1) must complete Form 2 of the Annexure.

(2) A completed Form 2 of the Annexure must be submitted in triplicate to the registrar.

(3) The registrar must -

- (a) on receipt of the documents contemplated in subregulation (2) affix the official stamp of the Department with the date of receipt on all pages of all the copies of Form 2;
- (b) return two copies of Form 2 to the Constitutional Court judge or judge;
- (c) enter the following in a register kept for this purpose:
  - (i) the date of receipt of Form 2; and
  - (ii) the particulars of the Constitutional Court judge or judge and the person to be deregistered as partner; and
- (d) forthwith forward the retained copy of Form 2 to the Director-General: Justice and Constitutional Development.

(4) The Constitutional Court judge or judge referred to in subregulation (1) must -

- (a) by registered post send one of the copies of Form 2 contemplated in subregulation (3)(b) to the last known address of the person who is deregistered as his or her partner; and
- (b) keep proof of having posted the copy to the relevant person.

**Determination of spouses' benefits**

23. (1) A determination for the purposes of the proviso to section 9(1) or 10(1) of the Act, must be -

- (a) made in the form of Form 3 of the Annexure;
- (b) made with due regard to the laws governing customary marriages; and
- (c) submitted in duplicate to the registrar.

(2) The registrar must -

- (a) on receipt of the copies of the document contemplated in subregulation (1) affix the official stamp of the Department with the date of receipt on all pages of both copies of Form 3;
- (b) return one copy of Form 3 to the Constitutional Court judge or judge;
- (c) enter the following in a register kept for this purpose:
  - (i) the date of receipt of Form 3;
  - (ii) the particulars of the Constitutional Court judge or judge;
  - (iii) in respect of a determination for purposes of section 9(1) or 10(1)-
    - (aa) the full names and identity numbers of the spouses concerned; and
    - (bb) the division of benefits;

and

- (d) forthwith forward the retained copy of Form 3 to the Director-General: Justice and Constitutional Development.”.



.....  
.....  
.....

(d) I hereby wish to register said ..... as my partner for purposes of the above-mentioned Act.

\_\_\_\_\_  
**DEPONENT**

\_\_\_\_\_  
**DATE**

***CERTIFICATION***

I hereby certify that before \*administering the oath/taking the affirmation I asked the Deponent the following questions and noted \*his/her answers in \*his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?  
Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?  
Answer \_\_\_\_\_.

(c) Do you consider the prescribed oath to be binding on your conscience?  
Answer \_\_\_\_\_.

I hereby certify that the Deponent has acknowledged that \*he/she knows and understands the contents of this declaration which was \*sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
\*Justice of the Peace/Commissioner of Oaths





(d) I hereby agree to be registered as the said \* Constitutional Court judge/ judge's partner for purposes of the abovementioned Act.

\_\_\_\_\_  
**DEPONENT**

\_\_\_\_\_  
**DATE**

***CERTIFICATION***

I hereby certify that before \*administering the oath/taking the affirmation I asked the Deponent the following questions and noted \*his/her answers in \*his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?

Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?

Answer \_\_\_\_\_.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer \_\_\_\_\_.

I hereby certify that the Deponent has acknowledged that \*he/she knows and understands the contents of this declaration which was \*sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
 \*Justice of the Peace/Commissioner of Oaths

Full names \_\_\_\_\_

Designation \_\_\_\_\_

Area for which appointed \_\_\_\_\_



**FORM 2**  
**(Regulation 22)**

*[To be submitted in triplicate]*

**DEREGISTRATION OF PARTNER IN TERMS OF THE JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001 (ACT No. 47 of 2001)**

I, ..... (name and surname of \*Constitutional Court judge/judge) with identity number ..... hereby declare under \*oath/affirmation that the permanent life partnership between myself and ..... (name and surname) with identity number ..... who was registered as my partner at ..... on ..... , has been terminated.

I herewith wish to deregister \*him/her as my partner for purposes of the above-mentioned Act.

\_\_\_\_\_  
**DEPONENT**

\_\_\_\_\_  
**DATE**

***CERTIFICATION***

I hereby certify that before \*administering the oath/taking the affirmation I asked the Deponent the following questions and noted \*his/her answers in \*his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?

Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?

Answer \_\_\_\_\_.



**FORM 3**  
**(Regulation 23)**

*[To be submitted in duplicate]*

**DETERMINATION FOR PURPOSES OF SECTION 9(1) OR 10(1)\* OF THE  
JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001  
(ACT NO. 47 of 2001)**

I, ..... (name and surname of \*Constitutional Court judge/  
judge) with identity number .....

(a) declare that the persons whose particulars are set out below are my spouses;  
and

(b) hereby determine that, in the event of my death, my benefits must be divided  
between my spouses as indicated below.

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**PART A**

**DETERMINATION FOR PURPOSES OF SECTION 9(1)**

Name of spouse	Identity number of spouse	Division of benefits

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**PART B**

**DETERMINATION FOR PURPOSES OF SECTION 10(1)**

Name of spouse	Identity number of spouse	Division of benefits

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

.....  
 Signature of \*Constitutional Court judge/judge

.....  
 Signature of witness

**\* Delete whichever is not applicable.**

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