

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 516

Pretoria, 2 June
Junie 2008

No. 31117

CONTENTS**INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>	<i>Bladsy No.</i>	<i>Koerant No.</i>		
GENERAL NOTICE			ALGEMENE KENNISGEWING				
Justice and Constitutional Development, Department of			Justisie en Staatkundige Ontwikkeling, Departement van				
<i>General Notice</i>			<i>Algemene Kennisgewing</i>				
705	Publication of explanatory summary of the Judicial Matters Amendment Bill, 2008	3	31117	705	Publikasie van verduidelikende opsomming van die Wysigingswetsontwerp op Geregtelike Aangeleenthede, 2008.....	5	31117

GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 705 OF 2008

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PUBLICATION OF EXPLANATORY SUMMARY OF THE JUDICIAL MATTERS AMENDMENT BILL, 2008

The Minister for Justice and Constitutional Development intends introducing the Judicial Matters Amendment Bill, 2008, 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 is intended to amend the General Law Amendment Act, 1935, so as to prohibit the unlawful disposal of the body of a newly born baby; to amend the Administration of Estates Act, 1965, so as to regulate the calculation of interest payable in respect of certain moneys paid into the Guardian's Fund and substitute obsolete terminology; to amend the Medicines and Related Substances Act, 1965, so as to effect a technical correction in the Afrikaans text; to amend the Criminal Procedure Act, 1977, so as to substitute obsolete references; so as to further regulate the payment of admission of guilt fines; to further regulate the release of an accused person on bail; to further regulate the appointment of psychiatrists in cases involving the mental capacity of an accused person; to provide for the prosecution of persons who commit offences while doing diplomatic duty outside of the Republic; to further regulate the imposition of periodical imprisonment; and to further regulate appeals in criminal proceedings from a magistrate's court to a High Court and from a High Court to the Supreme Court of Appeal; to amend the Attorneys Act, 1979, so as to extend the category of persons entitled to engage candidate attorneys; and to increase the penalties that may be imposed on attorneys for improper conduct; to amend the Admiralty Jurisdiction Act, 1983, so as to further regulate the form of proceedings relating to maritime claims; to amend the Matrimonial Property Act, 1984, so as to remove a discriminatory provision; to amend the Intestate Succession Act, 1987, so as to regulate the position of permanent same-sex life partners; to amend the Criminal Law Amendment Act, 1997, so as insert certain serious offences in Part I of Schedule 2; to amend the Debt Collectors Act, 1998, so as to further

regulate the number of the members of the executive committee of the Council for Debt Collectors; and to further regulate the trust accounts of debt collectors; to amend the Promotion of Access to Information Act, 2000, so as to extend the period within which rules of procedure must be made; and to further regulate the liability of persons exercising powers or performing duties in terms of the Act; to amend the Promotion of Administrative Justice Act, 2000, so as to extend the period within which to make rules of procedure for judicial review; to extend the period within which the code of good administrative conduct must be made; and to effect a technical correction in the IsiXhosa text; to amend the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, so as further regulate the remuneration and allowances payable to members of the Equality Review Committee; to amend the Judges' Remuneration and Conditions of Employment Act, 2001, so as to further regulate the service of judges after discharge from active service; to amend the Prevention and Combating of Corrupt Activities Act, 2004, so as to further regulate penalties; and to provide for matters connected therewith.

A copy of the Bill can be found on the website of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and may, after introduction, also be obtained from:

1. Government Printers: Cape Town and Pretoria
2. The website of the Department of Justice and Constitutional Development.

KENNISGEWING 705 VAN 2008**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE
WYSIGINGSWETSONTWERP OP GEREGETELIKE AANGELEENTHEDE, 2008**

Die Minister vir Justisie en Staatkundige Ontwikkeling beoog om die Wysigingswetsontwerp op Geregetelike Aangeleenthede, 2008, eersdaags in die Nasionale Vergadering in te dien. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 241(c) van die Reëls van die Nasionale Vergadering gepubliseer.

Die Wetsontwerp het ten doel om die Algemene Regswysigingswet, 1935, te wysig ten einde die onwettige wegmaak van die liggaam van 'n nuutgebore baba te verbied; om die Boedelwet, 1965, te wysig ten einde die berekening van rente ten opsigte van sekere gelde wat in die Voogdyfonds inbetaal is te reguleer en om verouderde terminologie te vervang; om die Wet op Medisyne en Verwante Stowwe, 1965, te wysig ten einde 'n tegniese regstelling in die Afrikaanse teks aan te bring; om die Strafproseswet, 1977, te wysig ten einde verouderde verwysings te vervang; om die betaling van skulderkennings verder te reël; om die vrylating van 'n beskuldigde persoon op borgtog verder te reël; om die aanstelling van psigiaters in sake wat handel met die geestesvermoë van 'n beskuldigde persoon verder te reël; om voorsiening te maak vir die vervolging van persone wat misdrywe pleeg terwyl hulle diplomatieke diens buite die Republiek verrig; om die oplegging van periodieke gevangenisstraf verder te reël; en om appèlle in stafregtelike verrigtinge vanaf 'n landdroshof na 'n Hoë Hof en vanaf 'n Hoë Hof na die Hoë Hof van Appèl verder te reël; om die Wet op Prokureurs, 1979, te wysig om die kategorie van persone wat kandidaat-prokureurs in diens kan neem uit te brei; en om die strawwe wat prokureurs opgelê kan word vir onbehoorlike gedrag te verhoog; om die Wet op die Reëling van Admiraliteitsjurisdiksie, 1983, te wysig om die aard van verrigtinge wat verband hou met maritieme eise verder te reël; om die Wet op Huweliksgoedere, 1984, te wysig om 'n diskriminerende bepaling te herroep; om die Wet op Intestate Erfopvolging, 1987, te wysig om die posisie van permanente lewensmaats van

dieselfde geslag te reguleer; om die Strafwysingswet, 1997, te wysig ten einde sekere ernstige misdrywe in Deel I van Bylae 2 in te voeg; om die Wet op Skuldinvorderaars, 1998, te wysig ten einde die aantal lede van die uitvoerende komitee van die Raad van Skuldinvorderaars verder te reguleer; en om die trustrekenings van skuldinvorderaars verder te reël; om die Wet op Bevordering van Toegang tot Inligting, 2000, te wysig ten einde die tydperk waarbinne prosedure reëls gemaak moet word te verleng; en om die aanspreeklikheid van persone wat sekere bevoegdhede of pligte ingevolge die Wet verrig verder te reguleer; om die "Promotion of Administrative Justice Act, 2000", te wysig ten einde die tydperk waarbinne prosedure reëls vir geregtelike hersiening gemaak moet word te verleng; om die tydperk waarbinne " a code of good administrative conduct" gemaak moet word te verleng; en om 'n tegniese korreksie in die Xhosa teks aan te bring; om die "Promotion of Equality and Prevention of Unfair Discrimination Act, 2000", te wysig ten einde die vergoeding en toelaes betaalbaar aan lede van die Gelykheidshersieningskomitee verder te reël; om die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001, te wysig ten einde die diens van regters na ontslag van aktiewe diens verder te reël; om die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, te wysig ten einde die oplegging van strawwe verder te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

'n Afskrif van die Wetsontwerp kan op die webtuiste van die Parlementêre Moniteringsgroep by <http://www.pmg.org.za> gevind word en kan, na indiening, ook verkry word vanaf:

1. Staatsdrukkers: Kaapstad en Pretoria.
 2. Die webtuiste van die Departement van Justisie en Staatkundige Ontwikkeling.
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