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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 1670 OF 2009

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, hereby publish the order issued by the North Gauteng High Court, Pretoria on 4 December 2009, in the matter between the Child Welfare South Africa and Registrar of the National Register for Sex Offenders and Another (Case No. 68184/09). The North Gauteng High Court, Pretoria issued the following order:

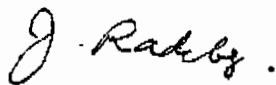
- "1. A relevant authority as defined in section 40 of the of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 need not comply with section 48(1) of that Act unless and until the National Register for Sex Offenders is fully operational and functional for purposes of section 48(1).
2. When the National Register for Sex Offenders is fully operational and functional for purposes of section 48(1), the second respondent shall publish a notice indicating such in the Government Gazette and shall notify all Children's Court Commissioners accordingly.
3. The second respondent shall publish a copy of this order in the

Government Gazette within fifteen days of the date of this order and shall notify all Children's Court Commissioners as soon as reasonably practicable of the order.

4. It is recorded that, notwithstanding this court order and the agreement of the parties thereto:
 - 4.1 the rights of each party are expressly reserved in relation to constitutionality of section 48(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007; and
 - 4.2 the agreement does not constitute an acceptance by either of the respondents that the facts and contentions set out in the finding papers are correct.

5. Each party is to pay its own costs."

Given under my hand at Pretoria on this...24...day of December, 2009.



Jeffrey Thamsanqa Radebe

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

KENNISGEWING 1670 VAN 2009**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

Ek, Jeffrey Thamsanqa Radebe, Minister van Justisie en Staatkundige Ontwikkeling, publiseer hiermee die hofbevel uitgevaardig deur die Noord Gauteng Hoë Hof, Pretoria op 4 Desember 2009, in die saak tussen "**Child Welfare South Africa and Registrar of the National Register for Sex Offenders and Another**" (Saak No. **68184/09**). Die Noord Gauteng Hoë Hof, Pretoria het die volgende bevel gemaak:

1. 'n Betrokke owerheid, soos omskryf in artikel 40 van die Wysigingswet op die Strafwet (Seksuele Misdrywe en Verwante Aangeleenthede) 32 van 2007 hoef nie aan artikel 48(1) van daardie Wet te voldoen nie tensy en totdat die Nasionale Register vir Seks-oortreders ten volle operasioneel en in werking is vir doeleindes van artikel 48(1).
2. Wanneer die Nasionale Register vir Seks-oortreders ten volle operasioneel en in werking is vir doeleindes van artikel 48(1), moet die tweede respondent 'n kennisgewing wat aldus aandui in die Staatskoerant publiseer en die Kinderhof Kommissarisse dienoreenkomstig in kennis stel.

3. Die tweede respondent moet 'n afskrif van hierdie bevel, binne vyftien dae na die datum van hierdie bevel, in die Staatskoerant publiseer en moet al die Kinderhof Kommissaris se so gou as wat redelikerwys moontlik is van die bevel in kennis stel.
4. Dit word op rekord geplaas dat, nieteenstaande hierdie hofbevel en die ooreenkoms tussen die partye daartoe:
 - 4.1 die regte van elk van die partye uitdruklik voorbehou word met betrekking tot die grondwetlikheid van artikel 48(1) van die Wysigingswet op die Strafwet (Seksuele Misdrywe en Verwante Aangeleenthede) 32 van 2007; en
 - 4.2 die ooreenkoms nie 'n aanvaarding deur enige van die respondente dat die feite en geskilpunte, soos in die hofstukke uiteengesit, korrek is nie.
5. Elke party betaal hul eie koste.

Gegee onder my hand te Pretoria op hede..24...dag van Desember, 2009.



Jeffrey Thamsanqa Radebe

MINISTER VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

KITSISOKAKARETSO**NOTICE 1670 OF 2009****LEFAPHA LA BOSIAMISI LE TLHABOLOLO YA MOLAOTHEO**

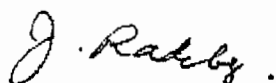
Nna, Jeffrey Thamsanqa Radebe, Tona ya Bosiamisi le Tlhabololo ya Molaotheo, ke phasalatsa taelo e e rebotsweng ke Kgotlatshekelokgolo ya Gauteng Bokone, Pretoria ka letsatsi la 4 Sedimonthole 2009, mo kgetseng magareng ga "Child Welfare South Africa and Registrar of the National Register for Sex Offenders and Another" (Nomoro ya Kgetse - 68184/09). Kgotlatshekelokgolo ya Gauteng Bokone, Pretoria e rebotse taelo e e latelang:

- "1. Bothati jo bo maleba jaaka bo tihaloswa mo karolong 40 ya *Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007* (Molao wa bo32, 2007) ga bo tlhoke go ikobela karolo 48(1) ya Molao o ntle le fa kgotsa go fitlha Kwadiso ya Bosetšhaba ya Batlolamolao ba Thobalano e simolola go dira ka botlalo malebana le karolo 48(1).
2. Fa Kwadiso ya Bosetšhaba ya Batlolamolao ba Thobalano e dira ka botlalo malebana le karolo 48(1), moikarabedi wa bobedi o tla phasalatsa kitsiso e e tihalosang jalo mo Kuranteng ya Puso mme o tla

itsise Mokhomišenara wa Kgotlatshekelo ya Bana ka ga seo.

3. Moikarabedi wa bobedi o tla phasalatsa khopi ya taelo e mo Kuranteng ya Puso mo matsatsing a le sometlhano a letlha la taelo e mme o tla itsise Mokhomišenara wa Kgotlatshekelo ya Bana ka bonako jo bo kgonegang ka taelo eo.
4. Go rekotiwa gore go sa beelwe thoko taelo e ya kgotlatshekelo le tumalano ya maphata ka yona;
 - 4.1 ditshwanelo tsa lephata lengwe le lengwe di sekegiwa ka botlalo malebana le bomolaotheo jwa karolo 48 (1) ya *Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007* (Molao wa bo32, 2007); le
 - 4.2 tumalano ga e kae gore ofe fela wa baikarabedi o amogela gore dintlha le dingangisano tse di tlhagelelang mo dipampiring tsa dipoelo di nepagetse.
5. Lephata lengwe le lengwe le duele ditshenyegelo tsa lona.”

E neetswe ka fa tlase ga seatla sa me kwa Pretoria ka letsatsi la ..24... la Sedimonthole, 2009.



Jeffrey Thamsanqa Radebe

TONA YA BOSIAMISI LE TLHABOLOLO YA MOLAO THEO