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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).

KENNISGEWING 356 VAN 2013**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING****PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE
WYSIGINGSWETSONTWERP OP GEREGETELIKE AANGELEENTHEDE, 2013**

1. Kragtens reël 241(1)(b) van die Reëls van die Nasionale Vergadering word hiermee kennis gegee dat die Minister van Justisie en Staatkundige Ontwikkeling beoog om die Wysigingswetsontwerp op Geregetelike Aangeleenthede, 2013, eersdaags in die Nasionale Vergadering in te dien.
2. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 241(c) van die Reëls van die Nasionale Vergadering gepubliseer.
3. Die Wetsontwerp het ten doel om -
 - die Wet op Landdroshowe, 1944, ten einde die Afrikaanse teks met betrekking tot skuldoorsake waarvoor landdroshowe jurisdiksie het in ooreenstemming met die Engelse teks te bring; en die jurisdiksie van landdroshowe verder te reël in ooreenstemming met 'n beslissing van die Konstitusionele Hof;
 - die Strafproseswet, 1977, ten einde sekere tekstuele regstellings aan te bring; en die bepalings met betrekking tot die skraping van sekere kriminele rekords verder te reël;
 - die Wet op Prokureurs, 1979, ten einde die samestelling en magte van die beheerraad van die Getrouheidsfonds vir Prokureurs verder te reël;
 - die Wet op Howe vir Klein Eise, 1984, ten einde die aanstelling van kommisarisse verder te reël;
 - die Wet op die Regterlike Dienskommissie, 1994, ten einde die Voorsitter van die Regterlike Gedragskomitee toe te laat om sekere magte of funksies aan 'n waarnemende Voorsitter te delegeer; ten einde die verkiesing van 'n waarnemende Voorsitter van die Regterlike Gedragskomitee te reël; ten einde voorsiening te maak vir die verwysing van 'n klagte na die Adjunk-Hoofregter; ten einde te bepaal dat die Minister regulasies met betrekking tot getuiefooie kan maak; en sekere tekstuele regstellings aan te bring;
 - die Strafwysigingswet, 1997, ten einde persone onder die ouderdom van 18 jaar uit te sluit van die werking van daardie Wet;
 - die Wet op Bevordering van Toegang tot Inligting, 2000, ten einde die tydperke waarbinne hofaansoeke gebring moet word te verleng;
 - die "Children's Act", 2005, ten einde toe te laat dat inligting in die "National Child Protection Register" beskikbaar gemaak word in die geval van aansoeke om die skraping van sekere kriminele rekords;
 - die Wysigingswet op die Strafwet (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, ten einde sekere tekstuele regstellings aan te bring; om toe te laat dat inligting in die Nasionale Register vir Seks-oortreders beskikbaar gemaak word in die geval van aansoeke om die skraping van sekere kriminele rekords; en om verder die uitreiking van voorskrifte deur die Nasionale Direkteur van Openbare Vervolgings verder te reël;

- die "Child Justice Act", 2008, ten einde die evaluasie van die strafregtelike toerekenbaarheid van 'n kind verder te reël; die aanmelding van 'n besering opgedoen of ernstige sielkundige trauma gely deur 'n kind terwyl in polisieaanhouding verder te reël; die hou van voorlopige ondersoeke verder te reël; vir die delegasie van sekere bevoegdhede en die toewys van sekere pligte deur die Kabinetslid verantwoordelik vir maatskaplike ontwikkeling ten opsigte van die akkreditasie van afleidingsprogramme en afleidingsdiensverskaffers voorsiening te maak; ten einde sekere tekstuele regstellings aan te bring; bepalinge wat die Strafwysigingswet, 1997, van toepassing maak op persone jonger as 18 jaar te herroep; die outomatiese hersiening van kinders in sekere sake verder te reël; en die skraping van rekords van sekere veroordelings van kinders verder te reël; en
- die "Reform of Customary Law of Succession and Regulation of Related Matters Act", 2009, ten einde sekere tekstuele regstellings aan te bring, te wysig en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

4. 'n Afskrif van die Wetsontwerp kan op die webtuistes van die Parlementêre Moniteringsgroep by <http://www.pmg.org.za> en die Departement van Justisie en Staatkundige Ontwikkeling by www.justice.gov.za gevind word en, na indiening, kan ook verkry word van die Staatsdrukkers: Kaapstad (Telefoon nommer: (021) 465-7531).

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