

Judicial Matters Amendment Bill [B7-2023]

Call for comments

The Portfolio Committee on Justice and Correctional Services invites stakeholders and interested persons to submit written submissions on the Judicial Matters Amendment Bill [B7-2023]

Submissions must be emailed to the Committee Secretary, Mr V Ramaano, at Jmabill@parliament.gov.za by no later than Friday, 26 May 2023

Interested parties should indicate an interest in making a verbal presentation

Committee Chairperson Mr Bulelani Magwanishe said the purpose of the Bill is to amend several pieces of other legislation. This includes amending the Magistrates' Courts Act, of 1944, so as to further regulate the calling of a witness by the court and the use of assessors.

It further aims to amend the Administration of Estates Act so as to make provision for electronic payments, provide for an affidavit by an executor, further regulate liquidation and distribution accounts and provide for the review of Master's appointments. It also makes provision for the powers, duties and functions of the Chief Master and provides for a procedure to review a decision of a Master of the High Court or designated official.

In terms of the Criminal Procedure Act, the Bill aims amongst other things to provide for the information that must appear on a summons or a written notice that is endorsed to the effect that the accused may admit his or her guilt in respect of an offence in respect of which an admission of guilt fine may be paid without appearing in court and provide for the capturing of the conviction and sentence of a person who pays an admission of guilt fine by the Criminal Record Centre of the South African Police Service ("CRC").

It also provides for the expungement of the criminal record of a person who is deemed to have been convicted and sentenced in respect of an offence in respect of which an admission of guilt fine has been paid or appeared in court in terms of a summons or written notice in respect of an offence where it was permissible for the person to admit his or her guilt and who have been convicted and sentenced by the court in respect of the offence in question.

Mr Magwanishe said other pieces of legislation affected by the Bill are.

- the Matrimonial Property Act so as to repeal an unconstitutional provision
- the Sheriffs Act, 1986, so as to amend the duration of the term of office of members of the Board for Sheriffs
- the Intestate Succession Act, 1987, so as to extend the meaning of "spouse"
- the Maintenance of Surviving Spouses Act, 1990, so as to insert definitions

- the National Prosecuting Authority Act, 1998, so as to further regulate the due dates of reports by Directors of Public Prosecutions and the National Director of Public Prosecutions
- the Debt Collectors Act, 1998, so as to further regulate the term of office of members of the Council for Debt Collectors
- the Domestic Violence Act, 1998, so as to penalise the making of a false declaration
- the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, so as to give effect to a judgment of the Constitutional Court
- the Protected Disclosures Act, 2000, so as to effect a technical amendment
- the Judges' Remuneration and Conditions of Employment Act, 2001, so as to further regulate the conditions of employment of judges of the Constitutional Court, the Supreme Court of Appeal and the High Court
- the Prevention and Combating of Corrupt Activities Act, 2004, so as to regulate and strengthen the duty of private sector entities to put in place measures against corrupt activities
- the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007
- the Superior Courts Act, 2013
- the South African Human Rights Commission Act, 2013, so as to further regulate the powers of the South African Human Rights Commission or with respect to its investigations
- the Legal Aid South Africa Act, 2014, so as to further regulate the appointment of the Board and substitution of obsolete provisions
- the International Arbitration Act, 2017, so as to effect a technical correction
- repeal the common law crime of defamation and
- to provide for transitional arrangements, and to provide for matters connected therewith.

Enquiries must be directed to Mr V Ramaano at vramaano@parliament.gov.za or 083 709 8427

ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES, MR BULELANI MAGWANISHE.