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Government Gazette

REPUBLIC OF SOUTH AFRICA

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THE PRESIDENCY

No. 4597 **3 April 2024**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 15 of 2023: Judicial Matters Amendment, Act 2023

DIE PRESIDENSIE

No. 4597 **3 April 2024**

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 15 v
Geregtelike A

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GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
_____	Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 March 2024)

ACT

To amend—

- **the Magistrates Courts Act, 1944, so as to further regulate the—**
  - **calling of a witness by the court; and**
  - **use of assessors;**
- **the Administration of Estates Act, 1965, so as to—**
  - **make provision for electronic payments;**
  - **provide for an affidavit by an executor;**
  - **further regulate liquidation and distribution accounts;**
  - **provide for the review of the Master's appointments;**
  - **provide for the powers, duties and functions of the Chief Master;**
  - **provide for a procedure to review a decision of a Master of the High Court or designated official; and**
  - **further regulate the making of regulations;**
- **the Criminal Procedure Act, 1977, so as 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;**
  - **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"); and**
  - **provide 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 has been convicted and sentenced by the court in respect of the offence in question;**
  - **provide for the procedure and criteria that are to be taken into account to declare offences in respect of which an accused may pay a fine without appearing in court and which will not result in a previous conviction;**
  - **provide for the payment of a fine without appearance in court and previous conviction;**
  - **provide for the expungement of criminal records of persons whose name appears in the records of the CRC after having paid an admission of guilt fine for offences as envisaged in section 57B(1);**

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vetdruk tussen vierkantige hakies dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 26 March 2024)

WET

Tot wysiging van—

- **die Wet op Landdroshowe, 1944, ten einde die—**
  - **roep van 'n getuie deur die hof; en**
  - **gebruik van assessore,**

  te reguleer;
- **die Boedelwet, 1965, ten einde—**
  - **vir elektroniese betalings voorsiening te maak;**
  - **vir 'n beëdigde verklaring deur 'n eksekuteur voorsiening te maak;**
  - **likwidasie- en distribusierekenings verder te reguleer;**
  - **vir die hersiening van die Meester se aanstellings voorsiening te maak;**
  - **vir die bevoegdhede, pligte en werksaamhede van die Hoofmeester voorsiening te maak;**
  - **vir 'n prosedure vir die hersiening van 'n besluit van die Meester van die Hooggeregshof of aangewese beampte voorsiening te maak; en**
  - **die uitvaardiging van regulasies verder te reguleer;**
- **die Strafproseswet, 1977, ten einde—**
  - **voorsiening te maak vir die inligting wat op 'n dagvaarding of skriftelike kennisgewing moet verskyn wat geëndosseer is te dien effekte dat die beskuldigde sy of haar skuld kan erken ten opsigte van 'n misdryf ten opsigte waarvan 'n skulderkenningsboete betaal kan word sonder om voor die hof te verskyn;**
  - **voorsiening te maak vir die vaslegging van die skuldigbevinding en vonnis van 'n persoon wat 'n skulderkenningsboete betaal, deur die Kriminele Rekordsentrum van die Suid-Afrikaanse Polisiediens ("KRS"); en**
  - **voorsiening te maak vir die skrapping van die kriminele rekord van 'n persoon wat—**
    - **geag word skuldig bevind en gevonnis te wees ten opsigte van 'n misdryf waarvoor 'n skulderkenningsboete betaal is; of**
    - **voor die hof verskyn het ingevolge 'n dagvaarding of skriftelike kennisgewing ten opsigte van 'n misdryf waar dit toelaatbaar was vir die persoon om sy of haar skuld te erken en wat ten opsigte van die betrokke misdryf deur die hof skuldig bevind en gevonnis is;**
  - **voorsiening te maak vir die prosedure en maatstawwe wat in ag geneem moet word om misdrywe te verklaar ten opsigte waarvan 'n aangeklaagde 'n boete kan betaal sonder om voor die hof te verskyn en wat nie tot 'n vorige skuldigbevinding sal lei nie;**
  - **voorsiening te maak vir die betaling van 'n boete sonder verskyning voor die hof en vorige skuldigbevinding;**
  - **voorsiening te maak vir die skrapping van kriminele rekords van persone wie se name in die rekords van die KRS verskyn nadat 'n skulderkenningsboete betaal is vir misdrywe soos in artikel 57B(1) beoog;**

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- **provide for the expungement of the criminal record of a person who—**
  - **is deemed to have been convicted and sentenced in respect of an offence contemplated in any regulations that have been made in terms of section 27(2) of the Disaster Management Act, 2002, 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 contemplated in any regulations that have been made in terms of section 27(2) of the Disaster Management Act, 2002, 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; and**
  - **further regulate the calling of a witness by the court;**
- **the Matrimonial Property Act, 1984, 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, so as to—**
  - **regulate the designation of public health establishments for purposes of providing post exposure prophylaxis and carrying out compulsory HIV testing;**
  - **amend the definition of "sexual offence";**
  - **regulate the designation of sexual offences courts; and**
  - **regulate the manner in which child pornography must be dealt with and be disposed of;**
- **the Superior Courts Act, 2013, so as to further regulate—**
  - **applications for leave to appeal and appeals;**
  - **the composition of courts of appeal;**
- **the South African Human Rights Commission Act, 2013, so as to further regulate the powers of the South African Human Rights Commission with respect to its investigations;**
- **the Legal Aid South Africa Act, 2014, so as to further regulate the—**
  - **appointment of the Board;**
  - **substitution of obsolete provisions;**
- **the International Arbitration Act, 2017, so as to effect a technical correction; and**
- **repeal the common law crime of defamation,**

and to provide for matters connected therewith.

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- **voorsiening te maak vir die skrapping van die kriminele rekord van 'n persoon wat—**
  - **geag word skuldig bevind en gevonnis te wees ten opsigte van 'n misdryf beoog in enige regulasies wat ingevolge artikel 27(2) van die Wet op Rampbestuur, 2002, uitgevaardig is, ten opsigte waarvan 'n skulderkenningsboete betaal is; of**
  - **voor 'n hof verskyn het ingevolge 'n dagvaarding of skriftelike kennisgewing ten opsigte van 'n misdryf in enige regulasies beoog wat ingevolge artikel 27(2) van die Wet op Rampbestuur, 2002, uitgevaardig is, waar dit toelaatbaar was vir die persoon om sy of haar skuld te erken en wat deur die hof skuldig bevind en gevonnis is ten opsigte van die betrokke misdryf; en**
  - **die roep van getuies deur die hof verder te reguleer;**
- **die Wet op Huweliksgoedere, 1984, ten einde 'n ongrondwetlike bepaling te herroep;**
- **die Wet op Balju's, 1986, ten einde die duur van die ampstermyn van lede van die Raad vir Balju's te wysig;**
- **die Wet op Intestate Erfopvolging, 1987, ten einde die betekenis van "gade" uit te brei;**
- **die Wet op Onderhoud van Langslewende Gades, 1990, ten einde omskrywings in te voeg;**
- **die Wet op die Nasionale Vervolgingsgesag, 1998, ten einde die sperdatums van verslae deur direkteurs van Openbare Vervolgings en die Nasionale Direkteur van Openbare Vervolgings te reguleer;**
- **die Wet op Skuldinvorderaars, 1998, ten einde die ampstermyn van lede van die Raad vir Skuldinvorderaars verder te reguleer;**
- **die Wet op Gesinsgeweld, 1998, ten einde die aflegging van 'n vals verklaring te straf;**
- **die isiZulu-weergawe van die "Promotion of Equality and Prevention of Unfair Discrimination Act, 2000", ten einde aan 'n uitspraak van die Konstitusionele Hof gevolg te gee;**
- **die Wet op Beskermde Bekendmakings, 2000, ten einde 'n tegniese wysiging aan te bring;**
- **die Wet op die Besoldiging en Diensvoorwaardes van Regters, 2001, ten einde die diensvoorwaardes van regters van die Konstitusionele Hof, die Hoogste Hof van Appèl, en die Hooggeregshof verder te reguleer;**
- **die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, ten einde die plig van privaatsektorentiteite om maatreëls teen korrupte aktiwiteite in plek te stel, te reguleer;**
- **die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, ten einde—**
  - **die aanwysing van openbare gesondheidsinstellings vir doeleindes om na-blootstellingsprofilakse te voorsien en verpligte MIV-toetse te doen, te reguleer;**
  - **die omskrywing van "seksuele misdryf" te wysig;**
  - **die aanwysing van howe vir seksuele misdrywe te reguleer; en**
  - **die wyse te reguleer waarop kinderpornografie hanteer en oor beskik moet word;**
- **die Wet op Hoër Howe, 2013, ten einde—**
  - **aansoeke om toestemming om te appèlleer en appèlle;**
  - **die samestelling van appèlhowe,**

  verder te reguleer;
- **die Wet op die Suid-Afrikaanse Menseregtekommissie, 2013, ten einde die bevoegdhede van die Suid-Afrikaanse Menseregtekommissie ten opsigte van hul ondersoeke verder te reguleer;**
- **die Sesotho-weergawe van die "Legal Aid South Africa Act, 2014", ten einde—**
  - **die aanstelling van die Raad;**
  - **vervanging van uitgediende bepalings,**

  verder te reguleer;
- **die Wet op Internasionale Arbitrasie, ten einde 'n tegniese regstelling aan te bring; en**
- **die gemeneregmisdaad van laster te skrap,**

en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 51 of Act 32 of 1944, as amended by section 7 of Act 19 of 1963, substituted by section 9 of Act 80 of 1964, amended by section 5 of Act 91 of 1977 and substituted by section 2 of Act 19 of 1985

1. Section 51 of the Magistrates' Courts Act, 1944, is hereby amended by the addition of the following subsections:

"(4) When the court requires information pertaining to an infrastructure related or operational matter that arose at the court which falls within the responsibility of the Department of Justice and Constitutional Development, the court manager of that court must be subpoenaed to give evidence for this purpose and if he or she is unavailable or unable to respond or provide a satisfactory response, the following officials of the Department of Justice and Constitutional Development may be subpoenaed:

(a) The provincial Head of the province in which the court is situated;

(b) the Deputy Director-General responsible for court administration; or

(c) the Director-General.".

Amendment of section 93*ter* of Act 32 of 1944, as inserted by section 3 of Act 14 of 1954 and amended by section 2 of Act 16 of 1959, section 10 of Act 91 of 1977, section 1 of Act 118 of 1991, section 62 of Act 120 of 1993 and section 2 of Act 67 of 1998

2. Section *93ter* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

"*(b)* in considering a community-based punishment in respect of any person who has been convicted of any offence,

summon to his or her assistance any one or two persons who, in his or her opinion, may be of assistance at the trial of the case or in the determination of a proper sentence, as the case may be, to sit with him or her as assessor or assessors**[: Provided that if an accused is standing trial in the court of a regional division on a charge of murder, whether together with other charges or accused or not, the judicial officer shall at that trial be assisted by two assessors unless such an accused requests that the trial be proceeded with without assessors, whereupon the judicial officer may in his discretion summon one or two assessors to assist him**]."

Amendment of section 28 of Act 66 of 1965, as substituted by section 3 of Act 79 of 1971 and amended by section 7 of Act 86 of 1983 and section 9 of Act 20 of 2001

3. Section 28 of the Administration of Estates Act, 1965, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) An executor or a person appointed in terms of section 18—

(a) shall, unless the Master otherwise directs, as soon as he or she has in hand moneys in the estate in excess of **[R1 000]** an amount determined by the Chief Master, by directive, from time to time, open a **[cheque]** transactional account, or the type of account as directed from time to time by the Chief Master by directive, in the name of the estate with a bank in the Republic and shall deposit therein the moneys which he or she has in hand and such other moneys as he or she may from time to time receive for the estate;

(b) may open a savings account in the name of the estate with a bank and may transfer **[thereto]** into that account so much of the moneys deposited in the account referred to in paragraph *(a)* as is not immediately required for the payment of any claim against the estate; and

(c) may place so much of the moneys deposited in the account referred to in paragraph *(a)* as is not immediately required for the payment of any claim against the estate on interest-bearing deposit with a bank in the Republic."; and

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DIE PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 51 van Wet 32 van 1944, soos gewysig deur artikel 7 van Wet 19 van 1963, vervang deur artikel 9 van Wet 80 van 1964, gewysig deur artikel 5 van Wet 91 van 1977 en vervang deur artikel 2 van Wet 19 van 1985

1. Artikel 51 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende subartikels by te voeg:

"(4) Wanneer die hof inligting vereis aangaande 'n infrastruktuurverwante of bedryfsaangeleentheid wat by die hof ontstaan het wat in die verantwoordelikheid van die Departement van Justisie en Staatkundige Ontwikkeling val, moet die hofbestuurder van daardie hof gedagvaar word om getuienis vir hierdie doel te gee en as hy of sy nie beskikbaar is nie of nie kan antwoord of 'n bevredigende antwoord kan verstrek nie, kan die volgende beamptes van die Departement van Justisie en Staatkundige Ontwikkeling gedagvaar word:

(a) Die provinsiale hoof van die provinsie waarin die hof geleë is;

(b) die Adjunk-direkteur-generaal verantwoordelik vir hofadministrasie; of

(c) die Direkteur-generaal.".

Wysiging van artikel 93*ter* van Wet 32 van 1944, soos ingevoeg deur artikel 3 van Wet 14 van 1954 en gewysig deur artikel 2 van Wet 16 van 1959, artikel 10 van Wet 91 van 1977, artikel 1 van Wet 118 van 1991, artikel 62 van Wet 120 van 1993 en artikel 2 van Wet 67 van 1998

2. Artikel *93ter* van die Wet op Landdroshowe, 1944, word hierby gewysig deur paragraaf *(b)* in subartikel (1) deur die volgende paragraaf te vervang:

"*(b)* by die oorweging van 'n gemeenskapgebaseerde straf ten opsigte van 'n persoon wat aan 'n misdryf skuldig bevind is,

een of twee persone wat na sy of haar mening by die verhoor van die saak of, na gelang van die geval, by die bepaling van 'n gepaste straf behulpsaam kan wees, aansê om hom of haar by te staan, en om met hom of haar as assessor of assessore sitting te neem**[: Met dien verstande dat indien 'n beskuldigde in die hof van 'n streekafdeling op 'n aanklag van moord, hetsy tesame met ander aanklagte of beskuldigdes al dan nie, teregstaan, die regterlike amptenaar by daardie verhoor deur twee assessore bygestaan moet word, tensy so 'n beskuldigde versoek dat die verhoor sonder assessore voortgesit word, waarop die regterlike amptenaar na goeddunke een of twee assessore kan aansê om hom by te staan]**.".

Wysiging van artikel 28 van Wet 66 van 1965, soos vervang deur artikel 3 van Wet 79 van 1971 en gewysig deur artikel 7 van Wet 86 van 1983 en artikel 9 van Wet 20 van 2001

3. Artikel 28 van die Boedelwet, 1965, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Eksekuteur of 'n persoon ingevolge artikel 18 aangestel—

(a) moet, tensy die Meester anders gelas, sodra hy of sy meer as **[R1 000]** 'n bedrag wat van tyd tot tyd by lasgewing deur die Hoofmeester vasgestel word, aan boedelgelde voorhande het, by 'n bank in die Republiek 'n **[tjekrekening]** transaksierekening, of die tipe rekening soos van tyd tot tyd deur die Hoofmeester by lasgewing voorgeskryf, op naam van die boedel open, en die gelde wat hy of sy voorhande het daarin stort, asook die ander gelde wat hy of sy van tyd tot tyd vir die boedel ontvang;

(b) kan by 'n bank 'n spaarrekening op naam van die boedel open, en kan soveel van die gelde gestort in die in paragraaf *(a)* vermelde rekening as wat nie onmiddellik vir betaling van 'n vordering teen die boedel nodig is nie, **[daarin]** in daardie rekening oorbetaal; en

(c) kan soveel van die gelde gestort in die in paragraaf *(a)* vermelde rekening as wat nie onmiddellik vir betaling van 'n vordering teen die boedel nodig is nie, by 'n bank in die Republiek in rentedraende deposito plaas."; en

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(b) by the substitution for subsection (4) of the following subsection:

"(4) All payments made from an account referred to in subsection (1)*(a)* must—

(a) be made by the executor or his or her duly authorised agent or a person appointed in terms of section 18, as the case may be;

(b) identify the payee, the amount paid and the cause of payment;

(c) identify the account of the payee in respect of an electronic transfer of payment; and

(d) contain relevant information to identify the estate and any such additional information as directed by the Master.".

Amendment of section 34 of Act 66 of 1965, as amended by section 4 of Act 15 of 1978, section 10 of Act 86 of 1983, section 3 of Act 12 of 1984 and section 10 of Act 20 of 2001

4. Section 34 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (11) of the following subsection:

"(11) When an account has been confirmed by the Master, the executor shall forthwith pay the creditors and distribute the estate among the heirs, if any, in accordance with the account, and lodge with the Master the receipts and acquittances of the creditors and heirs, if any: Provided that **[a cheque purporting to be drawn payable to a creditor or heir in respect of any claim or share due to him and paid by the banker on whom it is drawn,]** an affidavit by the executor in which he or she declares that a creditor was paid or that an heir received his or her share in accordance with the account, may be accepted by the Master in lieu of any such receipt or acquittance.".

Amendment of section 35 of Act 66 of 1965, as amended by section 5 of Act 15 of 1978, section 11 of Act 86 of 1983 and section 4 of Act 12 of 1984

5. Section 35 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (12) of the following subsection:

"(12) When an account has lain open for inspection as **[hereinbefore]** provided in this section and—

(a) no objection has been lodged; or

(b) an objection has been lodged and the account has been amended in accordance with the Master's direction and has again lain open for inspection, if necessary, as provided in subsection (11), and no application has been made to the Court within the period referred to in subsection (10) to set aside the Master's decision; or

(c) an objection has been lodged but withdrawn, or has not been sustained and no such application has been made to the Court within the said period,

the executor shall forthwith pay the creditors and distribute the estate among the heirs in accordance with the account, lodge with the Master the receipts and acquittances of such creditors and heirs and produce to the Master the deeds of registration relating to such distribution, or lodge with the Master a certificate by the registration officer or a conveyancer specifying the registrations which have been effected by the executor: Provided that**[—**

(i) a cheque purporting to be drawn payable to a creditor or heir in respect of any claim or share due to him and paid by the banker on whom it is drawn; or

(ii)] an affidavit by the executor in which he or she declares that a creditor was paid or that an heir received his or her share in accordance with the account,

may be accepted by the Master in lieu of any such receipt or acquittance.".

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(b) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Alle betalings wat vanuit 'n rekening bedoel in subartikel (1)*(a)* gemaak word, moet—

(a) deur die eksekuteur of sy of haar behoorlik gemagtigde agent of 'n persoon ingevolge artikel 18 aangestel, na gelang van die geval, gemaak word;

(b) die ontvanger van die betaling, die bedrag betaal en die oorsaak van betaling identifiseer;

(c) die rekening van die ontvanger van die betaling identifiseer ten opsigte van 'n elektroniese oordrag van betaling; en

(d) tersaaklike inligting bevat om die boedel te identifiseer en sodanige bykomende inligting soos deur die Meester gelas.".

Wysiging van artikel 34 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 15 van 1978, artikel 10 van Wet 86 van 1983, artikel 3 van Wet 12 van 1984 en artikel 10 van Wet 20 van 2001

4. Artikel 34 van die Boedelwet, 1965, word hierby gewysig deur subartikel (11) deur die volgende subartikel te vervang:

"(11) Wanneer 'n rekening deur die Meester bekragtig is, moet die eksekuteur onverwyld, ooreenkomstig die rekening, die skuldeisers uitbetaal en die boedel onder die erfgename, as daar is, verdeel, en die kwitansies en kwiterings van bedoelde skuldeisers en erfgename, as daar is, by die Meester inlewer: Met dien verstande dat **['n tjek wat so getrek heet te wees dat dit aan 'n skuldeiser of erfgenaam ten opsigte van enige vordering of aandeel aan hom verskuldig, betaalbaar is en deur die bankier op wie dit getrek is, betaal is,]** 'n beëdigde verklaring deur die eksekuteur waarin hy of sy verklaar dat 'n krediteur betaal is of dat 'n erfgenaam sy of haar deel ooreenkomstig die rekening ontvang het, deur die Meester in plaas van so 'n kwitansie of kwitering aanvaar kan word.".

Wysiging van artikel 35 van Wet 66 van 1965, soos gewysig deur artikel 5 van Wet 15 van 1978, artikel 11 van Wet 86 van 1983 en artikel 4 van Wet 12 van 1984

5. Artikel 35 van die Boedelwet, 1965, word hierby gewysig deur subartikel (12) deur die volgende subartikel te vervang:

"(12) Wanneer 'n rekening soos **[hierbo]** in hierdie artikel bepaal ter insae gelê het en—

(a) geen beswaar ingelewer is nie; of

(b) 'n beswaar ingelewer is en die rekening ooreenkomstig die Meester se lasgewing of opdrag gewysig is en indien nodig weer ter insae gelê het soos by (11) bepaal, en geen aansoek binne die in (10) bedoelde tydperk by die Hof gedoen is om die Meester se besluit tersyde te stel nie; of

(c) 'n beswaar ingelewer maar teruggetrek is of nie gehandhaaf is nie en geen sodanige aansoek binne genoemde tydperk by die Hof gedoen is nie,

moet die eksekuteur onverwyld, ooreenkomstig die rekening, die skuldeisers uitbetaal en die boedel onder die erfgename verdeel, die kwitansies en kwiterings van bedoelde skuldeisers en erfgename by die Meester inlewer en aan die Meester die registrasie-aktes met betrekking tot die verdeling voorlê of by die Meester 'n sertifikaat deur die registrasiebeampte of 'n transportbesorger inlewer waarin die registrasies deur die eksekuteur bewerkstellig, vermeld word: Met dien verstande dat**[—**

(i) 'n tjek wat so getrek heet te wees dat dit aan 'n skuldeiser of erfgenaam ten opsigte van enige vordering of aandeel aan hom verskuldig, betaalbaar is en deur die bankier op wie dit getrek is, betaal is; of

(ii)] 'n beëdigde verklaring deur die eksekuteur waarin hy of sy verklaar dat 'n skuldeiser ooreenkomstig die rekening uitbetaal of dat 'n erfgenaam sy of haar deel ooreenkomstig die rekening ontvang het,

deur die Meester in plaas van so 'n kwitansie of kwitering aanvaar kan word.".

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Amendment of section 95 of Act 66 of 1965

6. The following section is hereby substituted for section 95 of the Administration of Estates Act, 1965:

"**Review of Master's appointments etc.**

95. (1) The Chief Master may review any appointment of an executor, curator or interim curator, and every decision, ruling, order, direction or taxation made by the Master, after taking into consideration representations from an executor, curator, interim curator, beneficiary or any other person whom the Chief Master considers relevant, and the Chief Master may confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation, as the case may be.

(2) Representations must be in writing and must include all relevant information pertaining to the matter, including—

(a) the estate number;

(b) name of the deceased or executor of the estate;

(c) name of the court in whose jurisdiction the matter falls; and

(d) a copy of the correspondence from the Master regarding his or her decision on the matter.

(3) A decision of the Chief Master taken in terms of subsection (1) shall be subject to appeal or review by the Court upon motion at the instance of any person aggrieved thereby, and the Court may on any such appeal or review confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation, as the case may be.

(4) Pursuant to subsection (1), the Chief Master—

(a) must determine a review and appeal policy and issue policy directives to give effect to the provisions of this section or any other law; and

(b) may intervene in any stage of the process when policy directives are not complied with.".

Amendment of section 96 of Act 66 of 1965

7. The following section is hereby substituted for section 96 of the Administration of Estates Act, 1965:

"**Proceedings by Master**

96. (1) Notwithstanding anything contained in any other law, the Chief Master, acting upon the request of a Master or a person designated by him or her, may—

(a) institute civil proceedings in pursuance of this Act, against any executor, tutor, curator, administrator or interim executor or curator, in the High Court within whose area of jurisdiction the appointment of such executor, tutor, curator, administrator or interim executor or curator was made, whether or not such executor, tutor, curator, administrator or interim executor or curator is resident within that area or otherwise subject to the jurisdiction of that High Court; and

(b) in any such proceedings, proceed by way of application or motion and report to the Court in writing the facts upon which he or she relies instead of stating them in an affidavit.

(2) Whenever, in the course of their duties, the Chief Master or a person delegated by him or her, finds it necessary to lay any facts before the Court otherwise than upon formal application or motion, they may do so by way of a report in writing: Provided that the Court may refer any such report back to the Chief Master or the delegated person, and direct them to proceed by way of formal application or motion.

(3) Whenever any difference of opinion upon a question of law arises between the Master and an executor in the distribution of an estate and a person under the age of 18 years has an interest in such decision, the Master

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Wysiging van artikel 95 van Wet 66 van 1965

6. Artikel 95 van die Boedelwet, 1965, word hierby deur die volgende artikel vervang:

"**Hersien van Meester se aanstellings, ens**

95. (1) Die Hoofmeester kan enige aanstelling van 'n eksekuteur, kurator of tussentydse kurator en elke besluit, bevinding, bevel, voorskrif of taksasie deur die Meester gedoen, hersien na inagneming van vertoë van 'n eksekuteur, kurator, tussentydse kurator, begunstigde of enige ander persoon wat die Hoofmeester tersaaklik ag, en die Hoofmeester kan die aanstelling, besluit, beslissing, bevel, voorskrif of taksasie, na gelang van die geval, tersyde stel of verander.

(2) Vertoë moet skriftelik wees en moet alle tersaaklike inligting rakende die aangeleentheid insluit, met inbegrip van—

(a) die boedelnommer;

(b) die naam van die oorledene of eksekuteur van die boedel;

(c) die naam van die hof in wie se regsgebied die aangeleentheid val; en

(d) 'n afskrif van die korrespondensie van die Meester rakende sy of haar besluit oor die aangeleentheid.

(3) 'n Beslissing van die Hoofmeester ingevolge subartikel (1) is onderworpe aan appèl na of hersiening deur die Hof by mosie deur enige persoon wat hom of haar daardeur veronreg voel, en die Hof kan by enige sodanige appèl of hersiening die aanstelling, besluit, beslissing, bevel, voorskrif of taksasie, na gelang van die geval, tersyde stel of wysig.

(4) Ingevolge subartikel (1)—

(a) moet die Hoofmeester 'n beleid oor hersiening en appèlle bepaal en beleidsvoorskrifte uitreik wat gevolg gee aan die bepalings van hierdie artikel of enige ander wetsbepaling; en

(b) kan die Hoofmeester ingryp in enige stadium van die proses wanneer nie aan beleidsvoorskrifte voldoen word nie.".

Wysiging van artikel 96 van Wet 66 van 1965

7. Artikel 96 van die Boedelwet, 1965, word hierby deur die volgende artikel vervang:

"**Geregtelike stappe deur Meester**

96. (1) Ondanks andersluidende bepalings in enige ander wet, kan die Hoofmeester, op versoek van 'n Meester of 'n persoon deur hom of haar aangewys—

(a) 'n siviele proses ingevolge hierdie Wet instel teen enige eksekuteur, kurator, administrateur of tussentydse eksekuteur of kurator in die Hooggeregshof binne wie se jurisdiksie die aanstelling van sodanige eksekuteur, voog, kurator, administrateur of tussentydse eksekuteur of kurator gedoen is, hetsy sodanige eksekuteur, voog, kurator, administrateur of tussentydse eksekuteur of kurator binne die gebied woon of andersins aan die jurisdiksie van die Hooggeregshof onderhewig is, al dan nie; en

(b) in enige sodanige proses, by wyse van aansoek of mosie voortgaan en skriftelik aan die Hof verslag doen oor die feite waarop hy of sy staatmaak in plaas van om hulle in 'n beëdigde verklaring te stel.

(2) Wanneer die Hoofmeester of persoon deur hom of haar gedelegeer, dit in die verloop van hul pligte nodig ag om enige feite voor die Hof te bring andersins as by formele aansoek of mosie, kan hulle dit by wyse van 'n skriftelike verslag doen: Met dien verstande dat die Hof enige sodanige verslag na die Hoofmeester of die gedelegeerde persoon kan terugverwys, en gelas dat hulle by wyse van formele aansoek of mosie voortgaan.

(3) Wanneer enige meningsverskil oor 'n regsvraag tussen die Meester en 'n eksekuteur in die verdeling van 'n boedel ontstaan en 'n persoon onder die ouderdom van 18 jaar 'n belang in sodanige besluit het, kan die

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and the executor may state a case, in writing, for consideration by a judge in chambers.

(4) The decision of the judge is binding upon the Master and the executor, without prejudice to the rights of other persons interested in the distribution: Provided that the judge may refer the matter to the Court for argument.''.

Insertion of section 96A in Act 66 of 1965

8. The following section is hereby inserted after section 96 of the Administration of Estates Act, 1965:

''**Powers, duties and functions of Chief Master**

96A. The Chief Master, as the head of the Offices of the Master of the High Court, shall have authority over the exercise of all powers, and the performance of all the duties and functions, conferred or imposed on or assigned to any Master by this Act or any other law.''.

Amendment of section 103 of Act 66 of 1965, as amended by section 46 of Act 97 of 1986, section 1 of Act 1 of 1992, section 18 of Act 20 of 2001 and section 6 of Act 8 of 2017

9. Section 103 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) The Minister may make regulations—

(a) providing for the custody and preservation of any records, moneys or securities in the offices of Masters, the removal from such offices and preservation in any other place of such records and the destruction of such records of an ephemeral nature;

(b) as to payments out of working balances of the guardian's fund;

(c) providing for the good conduct of Master's offices or prescribing the practice and procedure to be observed therein;

(d) prescribing the matters in respect of which Master's fees shall be payable, the tariff of such fees and the manner in which such fees shall be payable;

(e) prescribing a tariff of remuneration payable to any person performing any act relating to the liquidation or distribution of an estate on behalf of the executor of the estate in question and prohibiting the charging or recovery of remuneration at a higher tariff than the tariff so prescribed;

[*(e*A) prescribing a tariff of remuneration payable, either by way of cession or otherwise, to any person concerning the tracing of someone who is entitled to receive money out of the guardian's fund, and prohibiting the charging or recovery of remuneration at a higher tariff than the tariff so prescribed;

***(e*A) prescribing which persons, including juristic persons, are prohibited from liquidating or distributing a deceased estate;**

***(e*B) prescribing any exemptions from the prohibition contemplated in paragraph *(e*A), which exemptions may be permanent or to the extent specified in each case;**

***(f)* as to all matters which by this Act are required or permitted to be prescribed; and**

***(g)* generally, as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.]**

(f) prescribing which persons, including juristic persons, are prohibited from liquidating or distributing a deceased estate;

(g) prescribing any exemptions from the prohibition contemplated in paragraph *(f)*, which exemptions may be permanent or to the extent specified in each case;

(h) as to all matters which by this Act are required or permitted to be prescribed; and

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Meester en die eksekuteur 'n saak skriftelik stel vir oorweging deur 'n regter in kamers.

(4) Die besluit van die regter is bindend op die Meester en die eksekuteur, sonder benadeling van die regte van ander persone wat 'n belang in die verdeling het: Met dien verstande dat die regter die saak vir beredenering na die Hof kan verwys.''.

Invoeging van artikel 96A in Wet 66 van 1965

8. Die volgende artikel word hierby na artikel 96 van die Boedelwet, 1965, ingevoeg:

''**Bevoegdhede, pligte en werksaamhede van Hoofmeester**

96A. Die Hoofmeester, as die hoof van die kantore van die Meester van die Hooggeregshof, het gesag oor die uitoefening van alle bevoegdhede en die verrigting van al die pligte en werksaamhede verleen, opgelê of toegewys aan enige Meester deur hierdie Wet of enige ander wetsbepaling.''.

Wysiging van artikel 103 van Wet 66 van 1965, soos gewysig deur artikel 46 van Wet 97 van 1986, artikel 1 van Wet 1 van 1992, artikel 18 van Wet 20 van 2001 en artikel 6 van Wet 8 van 2017

9. Artikel 103 van die Boedelwet, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

''(1) Die Minister kan regulasies uitvaardig—

(a) wat voorsiening maak vir die bewaring van stukke, gelde of sekuriteite in die kantore van Meesters, die verwydering uit sodanige kantore en bewaring op enige ander plek van sodanige stukke, en die vernietiging van sodanige stukke van verbygaande aard;

(b) aangaande betalings uit bedryfsaldo's van die voogdyfonds;

(c) wat vir die behoorlike bestuur van Meesterskantore voorsiening maak of die praktyk en prosedure wat daarin gevolg moet word, voorskryf;

(d) wat die aangeleenthede ten opsigte waarvan Meestersgelde betaalbaar is, die tarief van sodanige gelde en die wyse waarop sodanige gelde betaal moet word, voorskryf;

(e) wat 'n tarief van vergoeding betaalbaar aan iemand wat enige handeling betreffende die bereddering of verdeling van 'n boedel namens die eksekuteur van die betrokke boedel verrig, voorskryf en wat die vra of verhaal deur so iemand van vergoeding teen 'n hoër tarief as die aldus voorgeskrewe tarief verbied;

[*(eA)* wat 'n tarief van vergoeding betaalbaar, hetsy by wyse van sessie of andersins, aan enige persoon betreffende die opsporing van iemand wat geregtig is om geld uit die voogdyfonds te ontvang, voorskryf, en wat die vra of verhaal van vergoeding teen 'n hoër tarief as die aldus voorgeskrewe tarief verbied;

***(eA)* wat voorskryf watter persone, ook regspersone, verbied word om 'n bestorwe boedel te beredder of te verdeel;**

***(eB)* wat enige vrystelling van die verbod beoog in paragraaf *(eA)* voorskryf, welke vrystellings permanent of tot die mate in elke geval vasgestel, kan wees;**

***(f)* aangaande alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en**

***(g)* in die algemeen, aangaande alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.]**

(f) wat voorskryf watter persone, met inbegrip van regspersone, daarvan belet is om 'n bestorwe boedel te beredder of te verdeel;

(g) wat enige vrystellings van die beletting in paragraaf *(f)* beoog, voorskryf, welke belettings permanent kan wees of tot die mate in elke geval gespesifiseer;

(h) aangaande alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of mag word; en

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(i) generally, as to all matters which he or she considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.''.

Addition of sections 57B, 57C and 57D in Act 51 of 1977

10. The following sections are hereby added after section 57A of the Criminal Procedure Act, 1977:

''**Payment of admission of guilt fine without appearance in court and previous conviction**

57B. (1) The Minister may, in consultation with the National Director of Public Prosecutions and after consultation with the Cabinet member responsible for police and subject to subsection (2), by notice in the *Gazette*, declare any offence, category or class of offences, or offence committed in specified circumstances, in respect of which—

(a) an accused may pay a fine without appearing in court; and

(b) which fine is not recorded in the criminal record book for admission of guilt fines,

as an offence or offences, as the case may be, that does not result in a previous conviction of an accused.

(2) For purposes of subsection (1), the following grounds and criteria must be considered to determine whether or not an offence may be declared as contemplated in subsection (1):

(a) The offence must be a statutory offence punishable with a fine, without or with an alternative sentence of imprisonment not exceeding six months in default of payment of such a fine;

(b) the offence must not—

(i) contain an element of violence;

(ii) involve the infliction of mental, psychological or physical harm on another person;

(iii) involve damage to property;

(iv) involve an element of dishonesty;

(v) involve cruelty to animals;

(vi) be an offence against the administration of justice; or

(vii) cause pecuniary or economic loss to another person; and

(c) a criminal record in respect of the offence in question cannot be regarded as an appropriate mechanism to encourage compliance with the law.

Expungement of criminal records of persons whose name appears in records of Criminal Record Centre of South African Police Service after having paid an admission of guilt fine for offences determined in terms of section 57B(1)

57C. (1) Where a person obtained a criminal record which appears in the database of the Criminal Record Centre of the South African Police Service ('CRC') after having paid an admission of guilt fine for an offence determined in terms of section 57B(1), the criminal record containing the conviction and sentence in question, of that person in respect of that offence must be expunged automatically by the CRC.

(2) Where the criminal record of a person referred to in subsection (1) has not been expunged automatically as provided for in that subsection, the criminal record of that person must, on his or her written application to the Director-General of the Department of Justice and Constitutional Development, be expunged in terms of the provisions of this Act.

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(i) in die algemeen, aangaande alle aangeleenthede wat hy of sy nodig of raadsaam ag om voor te skryf sodat die oogmerke van hierdie Wet bereik kan word.''.

Byvoeging van artikels 57B, 57C en 57D in Wet 51 van 1977

10. Die volgende artikels word hierby na artikel 57A van die Strafproseswet, 1977, bygevoeg:

''**Betaling van skulderkenningsboete sonder verskyning voor hof en vorige skuldigbevinding**

57B. (1) Die Minister kan, in oorleg met die Nasionale Direkteur van Openbare Vervolgings en in oorleg met die Kabinetslid verantwoordelik vir die polisie en behoudens subartikel (2), by kennisgewing in die *Staatskoerant*, enige misdryf, kategorie of klas van misdrywe of wat onder gespesifiseerde omstandighede gepleeg is, ten opsigte waarvan—

(a) 'n beskuldigde 'n boete kan betaal sonder om voor die hof te verskyn; en

(b) welke boete nie in die kriminele rekordboek vir skulderkenningsboetes is nie,

verklaar 'n misdryf of misdrywe, na gelang van die geval, te wees, wat nie tot 'n vorige skuldigbevinding van 'n aangeklaagde lei nie.

(2) By die toepassing van subartikel (1), moet die volgende gronde en maatstawwe oorweeg word om te bepaal hetsy 'n misdryf soos beoog in subartikel (1) verklaar kan word, al dan nie:

(a) Die misdryf moet 'n statutêre misdryf wees wat strafbaar is met 'n boete, met of sonder 'n alternatiewe vonnis van gevangenisstraf van hoogstens ses maande by wanbetaling van sodanige boete;

(b) die misdryf moet nie—

(i) 'n element van geweld bevat nie;

(ii) die aandoen van verstandelike, sielkundige of fisieke leed aan iemand anders behels nie;

(iii) skade aan eiendom behels nie;

(iv) 'n element van oneerlikheid behels nie;

(v) wreedheid teen diere behels nie;

(vi) 'n misdryf teen regspleging wees nie; en

(vii) geldelike of ekonomiese verlies vir 'n ander persoon veroorsaak nie; en

(c) 'n kriminele rekord ten opsigte van die betrokke misdryf kan nie as 'n gepaste meganisme beskou word om voldoening aan die reg aan te moedig nie.

Skrapping van kriminele rekords van persone wie se naam in rekords van Kriminele Rekordsentrum van Suid-Afrikaanse Polisiediens verskyn nadat 'n skulderkenningsboete betaal is vir misdrywe ingevolge artikel 57B(1) bepaal

57C. (1) Waar 'n persoon 'n kriminele rekord gekry het wat op die databasis van die Kriminele Rekordsentrum van die Suid-Afrikaanse Polisiediens ('KRS') verskyn, nadat 'n skulderkenningsboete betaal is vir 'n misdryf ingevolge artikel 57B(1) bepaal, moet daardie persoon se kriminele rekord wat die betrokke skuldigbevinding en vonnis bevat, ten opsigte van daardie misdryf outomaties deur die KRS geskrap word.

(2) Waar die kriminele rekord van 'n persoon in subartikel (1) bedoel, nie outomaties geskrap is soos in daardie subartikel bepaal nie, moet die kriminele rekord van daardie persoon, by sy of haar skriftelike aansoek aan die Direkteur-generaal van die Departement van Justisie en Staatkundige Ontwikkeling, ingevolge die bepalings van hierdie Wet geskrap word.

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Convictions and sentences in respect of admission of guilt fines relating to offences in terms of regulations made in terms of section 27(2) of Disaster Management Act, 2002

57D. (1) From the date of commencement of this section, the criminal record of a person which contain the conviction and sentence of a person who—

(a) is deemed to have been convicted and sentenced by a court as contemplated in section 57(6) of this Act, in respect of a specified offence; or

(b) appeared in court in terms of a summons or written notice referred to in section 57(1) of this Act, in respect of a specified offence where it was permissible for that person to admit his or her guilt and who has been convicted and sentenced by the court in respect of the specified offence in question,

is hereby expunged, determined from the date of payment of the admission of guilt fine referred to in paragraph *(a)*, or the sentence referred to in paragraph *(b)*.

(2) Where the criminal record of a person referred to in subsection (1) has not been expunged automatically as provided for in that subsection, the criminal record of that person must, on his or her written application to the Director-General, in the prescribed form and manner, be expunged.

(3) The Director-General must, on receipt of the written application of an applicant referred to in subsection (2), issue a prescribed certificate of expungement, directing that the conviction and sentence of the person be expunged, if the Director-General is satisfied that the person complies with the criteria envisaged in subsection (1).

(4) An applicant to whom a certificate of expungement has been issued as provided in subsection (3) must, in the prescribed manner, submit the certificate to the head of the CRC, to be dealt with in accordance with subsection (5).

(5) *(a)* The head of the CRC or a senior person or person of the rank of Director or above, employed at the CRC, who has or have been authorised, in writing, by the head of the CRC to do so, must expunge the criminal record of a person if he or she is furnished by the applicant, with a certificate of expungement as provided for in subsection (3).

(b) The head of the CRC must, on the written request of an applicant, in writing, confirm that the criminal record of the person has been expunged.

(6) Where the Director-General, in terms of subsection (3), has issued a certificate of expungement, and it subsequently appears that the applicant does not meet the requirements for the expungement of his or her criminal record, the Director-General must—

(a) inform the applicant in writing of the information that has come to his or her attention and that he or she intends to revoke the certificate of expungement;

(b) afford the applicant an opportunity to furnish compelling written reasons to the Director-General within 90 working days after he or she is informed of the intention to revoke, why his or her record should remain expunged;

(c) inform the applicant in writing within 30 working days after a decision is made of—

(i) his or her decision; and

(ii) the reasons for revoking the certificate of expungement; and

(d) inform the head of the CRC, in writing, within 14 working days after the decision was made, to revoke the certificate of expungement and to reinstate the convictions and sentences in question.

(7) If the applicant fails to furnish compelling reasons as contemplated in subsection (6)*(b)*, the Director-General may, subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), revoke the certificate of expungement.

(8) *(a)* The Director-General may delegate any power or assign any duty conferred upon or assigned to him or her in terms of subsection (3) or (6) to an appropriately qualified official in the employ of the Department of

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Skuldigbevindings en vonnisse ten opsigte van skulderkenningsboetes in verband met misdrywe ingevolge regulasies ingevolge artikel 27(2) van die Wet op Rampbestuur, 2002, uitgevaardig

57D. (1)Vanaf die inwerkingtredingsdatum van hierdie artikel, word die kriminele rekord van 'n persoon wat die skuldigbevinding en vonnis bevat van 'n persoon wat—

(a) geag word deur 'n hof skuldig bevind en gevonnis te wees soos in artikel 57(6) van hierdie Wet beoog, ten opsigte van 'n gespesifiseerde misdryf; of

(b) voor die hof verskyn het ingevolge 'n dagvaarding of skriftelike kennisgewing in artikel 57(1) van hierdie Wet bedoel, ten opsigte van 'n gespesifiseerde misdryf waar dit vir daardie persoon toelaatbaar was om sy of haar skuld te erken en wat deur die hof skuldig bevind is, ten opsigte van die betrokke gespesifiseerde misdaad,

hierby geskrap, vasgestel vanaf die datum van betaling van die skulderkenningsboete in paragraaf *(a)* bedoel, of die vonnis in paragraaf *(b)* bedoel.

(2) Waar die kriminele rekord van 'n persoon in subartikel (1) bedoel, nie outomaties geskrap is soos in daardie subartikel bepaal nie, moet die kriminele rekord van daardie persoon, by sy of haar skriftelike aansoek aan die Direkteur-generaal, op die voorgeskrewe vorm en wyse, geskrap word.

(3) Die Direkteur-generaal moet, by ontvangs van die skriftelike aansoek van 'n aansoeker in subartikel (2) bedoel, 'n voorgeskrewe sertifikaat vir skrapping uitreik waarin gelas word dat die skuldigbevinding en vonnis van die persoon geskrap word, indien die Direkteur-generaal oortuig is dat die persoon aan die maatstawwe beoog in subartikel (1), voldoen.

(4) 'n Aansoeker aan wie 'n sertifikaat van skrapping uitgereik is soos in subartikel (3) bepaal, moet, op die voorgeskrewe wyse, die sertifikaat by die hoof van die KRS indien om ooreenkomstig subartikel (5) hanteer te word.

(5) *(a)* Die hoof van die KRS of 'n senior persoon met die rang van Direkteur of hoër, wat by die KRS in diens is, wat skriftelik deur die hoof van die KRS gemagtig is om dit te doen, moet die kriminele rekord van 'n persoon skrap as hy of sy deur die aansoeker voorsien word van 'n skrappingsertifikaat soos in subartikel (3) bepaal.

(b) Die hoof van die KRS moet, by skriftelike versoek van 'n aansoeker, skriftelik bevestig dat die persoon se kriminele rekord geskrap is.

(6) Waar die Direkteur-generaal, ingevolge subartikel (3), 'n skrapping-sertifikaat uitgereik het en dit daarna blyk dat die aansoeker nie aan die vereistes vir die skrapping van sy of haar kriminele rekord voldoen nie, moet die Direkteur-generaal—

(a) die aansoeker skriftelik verwittig van die inligting wat onder sy of haar aandag gekom het en dat hy of sy voornemens is om die skrapping-sertifikaat terug te trek;

(b) die aansoeker 'n geleentheid gun om dwingende skriftelike redes aan die Direkteur-generaal te voorsien binne 90 werksdae nadat hy of sy van die voorgenome terugtrekking ingelig is, oor waarom sy of haar rekord geskrap moet bly;

(c) die aansoeker binne 30 werksdae na 'n besluit geneem is, inlig van—

(i) sy of haar besluit; en

(ii) die redes waarom die skrappingsertifikaat teruggetrek word; en

(d) die hoof van die KRS binne 14 werksdae na die besluit geneem is, skriftelik inlig om die skrappingsertifikaat terug te trek en om die betrokke skuldigbevindings en vonnisse weer in te stel.

(7) As die aansoeker versuim om dwingende redes te verstrek soos in subartikel (6)*(b)* bedoel, kan die Direkteur-generaal, behoudens die 'Promotion of Administrative Justice Act, 2000' (Wet No. 3 van 2000), die skrappingsertifikaat terugtrek.

(8) *(a)* Die Direkteur-generaal kan enige bevoegdheid of enige plig wat aan hom of haar verleen of toegewys is, ingevolge subartikel (3) of (6) aan 'n gepas gekwalifiseerde beampte in diens van die Departement van Justisie

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Justice and Constitutional Development of the rank of Deputy Director-General.

(b) A delegation or assignment in terms of paragraph *(a)*—

(i) is subject to any limitation, condition and direction which the Director-General may impose;

(ii) must be in writing; and

(iii) does not divest the Director-General of the responsibility concerning the exercise of the power or the performance of the duty.

(c) The Director-General may—

(i) confirm, vary or revoke any decision taken in consequence of a delegation or assignment in terms of this subsection, subject to any rights that may have accrued to a person as a result of the decision; and

(ii) at any time withdraw a delegation or assignment.

(9) For purposes of this section a 'specified offence' means any offence contemplated in any regulations that have been made in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), in respect of the declaration of the national state of disaster in terms of section 27(1) of that Act, as published in terms of Government *Gazette* No. 43096 on 15 March 2020 and extended from time to time.''.

Amendment of section 342A of Act 51 of 1977, as inserted by section 13 of Act 86 of 1996

11. Section 342A of the Criminal Procedure Act, 1977 is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) A court before which criminal proceedings are pending shall investigate any delays in the completion of proceedings which appears to the court to be unreasonable and which could cause substantial prejudice to the prosecution, the accused or his or her legal adviser, the State or a witness: Provided that when the court requires information pertaining to an infrastructure related or operational matter that arose at the court which falls within the responsibility of the Department of Justice and Constitutional Development, the court manager of that court must be subpoenaed to give evidence for this purpose and if he or she is unavailable or unable to respond or provide a satisfactory response, the following officials of the Department of Justice and Constitutional Development may be subpoenaed:

(a) The provincial Head of the province in which the court is situated;

(b) the Deputy Director-General responsible for court administration; or

(c) the Director-General.''.

Amendment of section 21 of Act 88 of 1984, as amended by section 1 of Act 91 of 1986

12. Section 21 of the Matrimonial Property Act, 1984, is hereby amended by the deletion of paragraph *(a)* of subsection (2).

Amendment of section 11 of Act 90 of 1986, as amended by section 8 of Act 14 of 2012

13. Section 11 of the Sheriffs Act, 1986, is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) Every member of the Board appointed in terms of section 9(2) shall, subject to section 14A, be appointed for a period of **[three]** five years, but shall, after the expiration of the period for which he or she was appointed, continue to hold office for a further period, but not exceeding **[three]** six months, until his or her successor has been appointed.''.

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en Staatkundige Ontwikkeling met die rang van Adjunk-direkteur-generaal delegeer of toewys.

(b) 'n Delegering of toewysing ingevolge paragraaf *(a)*—

(i) is onderhewig aan enige beperking, voorwaarde en lasgewing wat die Direkteur-generaal kan oplê;

(ii) moet skriftelik wees; en

(iii) ontneem nie die Direkteur-generaal van die verantwoordelikheid betreffende die uitoefening van die bevoegdheid of die verrigting van die plig nie.

(c) Die Direkteur-generaal kan—

(i) enige besluit bevestig, verander of herroep wat as gevolg van 'n delegering of toewysing ingevolge hierdie subartikel geneem is, behoudens enige regte wat as gevolg van die besluit aan 'n persoon toegeval het; en

(ii) 'n delegering of toewysing te eniger tyd terugtrek.

(9) By die toepassing van hierdie artikel, beteken 'gespesifiseerde misdryf' enige misdryf in enige regulasies beoog wat ingevolge artikel 27(2) van die Wet op Rampbestuur, 2002 (Wet No. 57 van 2002), uitgevaardig is, ten opsigte van die verklaring van die nasionale ramptoestand ingevolge artikel 27(1) van daardie Wet, soos ingevolge *Staatskoerant* No. 43096 op 15 Maart 2020 gepubliseer en van tyd tot tyd verleng.".

Wysiging van artikel 342A van Wet 51 van 1977, soos ingevoeg deur artikel 13 van Wet 86 van 1996

11. Artikel 342A van die Strafproseswet, 1977, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Hof voor wie strafregtelike verrigtinge hangende is, moet ondersoek instel na 'n vertraging in die afhandeling van die verrigtinge wat vir die hof onredelik voorkom en wat wesenlike benadeling vir die vervolging, die beskuldigde of sy of haar regsadviseur, die Staat of 'n getuie kan meebring: Met dien verstande dat wanneer die hof inligting rakende 'n infrastruktuurverwante of bedryfsaangeleentheid vereis wat by die hof ontstaan het wat die verantwoordelikheid van die Departement van Justisie en Staatkundige Ontwikkeling is, die hofbestuurder van daardie hof gedagvaar moet word om getuienis vir hierdie doel te gee en as hy of sy nie beskikbaar is nie of nie kan reageer of 'n bevredigende antwoord kan verstrek nie, die volgende beamptes van die Departement van Justisie en Staatkundige Ontwikkeling gedagvaar kan word:

(a) Die provinsiale Hoof van die provinsie waarin die hof geleë is;

(b) die Adjunk-direkteur-generaal verantwoordelik vir hofadministrasie; of

(c) die Direkteur-generaal.".

Wysiging van artikel 21 van Wet 88 van 1984, soos gewysig deur artikel 1 van Wet 91 van 1986

12. Artikel 21 van die Wet op Huweliksgoedere, 1984, word hierby gewysig deur paragraaf *(a)* in subartikel (2) te skrap.

Wysiging van artikel 11 van Wet 90 van 1986, soos gewysig deur artikel 8 van Wet 14 van 2012

13. Artikel 11 van die Wet op Balju's, 1986, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke lid van die Raad wat ingevolge artikel 9(2) aangestel is, word, behoudens artikel 14A, vir 'n tydperk van **[drie]** vyf jaar aangestel, maar behou, na die verstryking van die tydperk waarvoor hy of sy aangestel is, sy of haar amp vir 'n verdere tydperk, maar hoogstens **[drie]** ses maande, totdat sy of haar opvolger aangestel is.".

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Amendment of section 1 of Act 81 of 1987, as amended by section 14 of Act 43 of 1992 and section 8 of Act 11 of 2009

14. Section 1 of the Intestate Succession Act, 1987, is hereby amended by the addition of the following subsection:

"(1A) The word 'spouse', wherever it appears in this section, includes a partner in a permanent life partnership in which the partners have undertaken reciprocal duties of support.".

Amendment of section 1 of Act 27 of 1990, as amended by section 8 of Act 11 of 2009

15. Section 1 of the Maintenance of Surviving Spouses Act, 1990, is hereby amended—

(a) by the insertion in subsection (1) of the following definition, after the definition of "executor":

" **'marriage'** for the purposes of this Act includes a permanent life partnership in which the partners undertook reciprocal duties of support;";

(b) by the insertion in subsection (1) of the following definition, after the definition of "own means":

" **'spouse'** for the purposes of this Act, includes a person in a permanent life partnership in which the partners undertook reciprocal duties of support;"; and

(c) by the substitution in subsection (1) for the definition of "survivor" of the following definition:

" **'survivor'** means the surviving spouse in a marriage dissolved by death, and includes—

(a) the surviving partner of a permanent life partnership terminated by the death of one partner in which the partners undertook reciprocal duties of support and in circumstances where the surviving partner has not received an equitable share in the deceased partner's estate; and

(b) **[includes]** a spouse of a customary marriage which was dissolved by a civil marriage contracted by her husband in the customary marriage to another woman on or after 1 January 1929 (the date of commencement of sections 22 and 23 of the Black Administration Act, 1927 (Act No. 38 of 1927)), but before 2 December 1988 (the date of commencement of the Marriage and Matrimonial Property Law Amendment Act, 1988 (Act No. 3 of 1988)).".

Amendment of section 34 of Act 32 of 1998

16. Section 34 of the National Prosecuting Authority Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A Director must annually, not later than the first day of **[March]** June, submit to the National Director a report on all his or her activities during the previous financial year.".

Amendment of section 35 of Act 32 of 1998

17. Section 35 of the National Prosecuting Authority Act, 1998, is hereby amended by the substitution in subsection (2) for paragraph *(a)* of the following paragraph:

"*(a)* The National Director must submit annually, not later than the first day of **[June]** September, to the Minister a report referred to in section 22(4)*(g)*, which report must be tabled in Parliament by the Minister within 14 days, if Parliament is then in session, or if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.".

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Wysiging van artikel 1 van Wet 81 van 1987, soos gewysig deur artikel 14 van Wet 43 van 1992 en artikel 8 van Wet 11 van 2009

14. Artikel 1 van die Wet op Intestate Erfopvolging, 1987, word hierby gewysig deur die volgende subartikel by te voeg:

"(1A) Die woord 'gade', waar dit ook al in hierdie artikel voorkom, sluit 'n maat in 'n permanente lewensverhouding in waarin die maats wederkerige ondersteuningspligte onderneem het.".

Wysiging van artikel 1 van Wet 27 van 1990, soos gewysig deur artikel 8 van Wet 11 van 2009

15. Artikel 1 van die Wet op Onderhoud van Langslewende Gades, 1990, word hierby gewysig—

(a) deur in subartikel (1) die volgende omskrywing van die omskrywing van "eksekuteur" in te voeg:

" **'gade'** by die toepassing van hierdie Wet, ook 'n persoon in 'n permanente lewensverhouding waarin die maats wederkerige ondersteuningspligte onderneem het;";

(b) deur in subartikel (1) die volgende omskrywing na die omskrywing van "hof" in te voeg:

" **'huwelik'** by die toepassing van hierdie Wet, ook 'n permanente lewensverhouding waar die maats wederkerige ondersteuningspligte onderneem het;"; en

(c) deur in subartikel (1) die omskrywing van "langslewende" deur die volgende omskrywing te vervang:

" **'langslewende'** in 'n huwelik wat deur die dood ontbind is die langslewende gade, en **[sluit]** ook—

(a) die langslewende maat in 'n permanente lewensverhouding wat ontbind is deur die dood van een maat waarin die maats wederkerige ondersteuningspligte onderneem het en in omstandighede waar die langslewende maat nie 'n billike aandeel in die oorlede maat se boedel ontvang het nie; en

(b) 'n gade **[in]** van 'n gewoonteregtelike huwelik wat ontbind is deur 'n siviele huwelik aangegaan deur die man in die gebruiklike huwelik met 'n ander vrou op of na 1 Januarie 1929 (die aanvangsdatum van artikels 22 en 23 van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927)), maar voor 2 Desember 1988 (die aanvangsdatum van die Wysigingswet op Huweliks- en Huweliksgoederereg, 1988 (Wet No. 3 van 1988)).".

Wysiging van artikel 34 van Wet 32 van 1998

16. Artikel 34 van die Wet op die Nasionale Vervolgingsgesag, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n *Direkteur* moet jaarliks nie later nie as die eerste dag van **[Maart]** Junie, 'n verslag aan die *Nasionale Direkteur* voorlê rakende al sy of haar bedrywighede gedurende die vorige **[jaar]** boekjaar.".

Wysiging van artikel 35 van Wet 32 van 1998

17. Artikel 35 van die Wet op die Nasionale Vervolgingsgesag, 1998, word hierby gewysig deur in subartikel (2) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* Die *Nasionale Direkteur* moet jaarliks, nie later nie as die eerste dag van **[Junie]** September, 'n verslag bedoel in artikel 22(4)*(g)* aan die *Minister* voorlê, welke verslag binne 14 dae deur die *Minister* in die Parlement ter tafel gelê moet word, indien die Parlement dan in sitting is of, indien die Parlement nie dan in sitting is nie, binne 14 dae na die aanvang van sy eersvolgende sitting.".

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Amendment of section 3 of Act 114 of 1998, as amended by section 23 of Act 66 of 2008

18. Section 3 of the Debt Collectors Act, 1998, is hereby amended—

(a) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

"*(a)* A member of the Council, subject to paragraphs *(b)*, *(c)*, *(d)* and *(e)*, holds office for a term, not exceeding **[three]** five years, as determined by the Minister at the time of the member's appointment."; and

(b) by the substitution in subsection (4) for paragraph *(c)* of the following paragraph:

"*(c)* A member of the Council may be re-appointed at the expiry of his or her term of office for one additional term only.".

Amendment of section 17 of Act 116 of 1998, as amended by section 22 of Act 14 of 2021

19. Section 17 of the Domestic Violence Act, 1998, is hereby amended by the substitution in subsection (1) for paragraph *(d)* of the following paragraph:

"*(d)* in an affidavit referred to in section 8(4)*(a)*, or in a declaration relating to any application contemplated in this Act, wilfully makes a false statement in a material respect,".

Amendment of section 10 of Act 4 of 2000

20. Section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to the proviso in section 12, no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to**[—**

***(a)* be hurtful;**

***(b)*]** be harmful or to incite harm**[;**

***(c)*]** and to promote or propagate hatred.".

Amendment of section 10 of Act 26 of 2000, as amended by section 11 of Act 5 of 2017

21. Section 10 of the Protected Disclosures Act, 2000, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* for the purposes of section 8(1), matters which, in addition to the legislative provisions pertaining to such functionaries, may in the ordinary course be referred to any of the **[Public Protector or the Auditor-General]** persons or bodies referred to in section 8(1)**[, as the case may be]**;".

Amendment of section 13 of Act 47 of 2001, as amended by section 17 of Act 28 of 2003

22. Section 13 of the Judges' Remuneration and Conditions of Employment Act, 2001, is hereby amended by the addition of the following subsection:

"(3) *(a)* The President may, on the recommendation of the Minister, from time to time, by notice in the *Gazette*, adjust any amount determined in terms of subsection (1)*(c)* or *(d)*.

(b) The Minister must make the recommendations referred to in paragraph *(a)*—

(i) after consultation with the Chief Justice, the President of the Supreme Court of Appeal and the judges president of the High Court of South Africa; and

(ii) with the concurrence of the Cabinet member responsible for Finance.".

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Wysiging van artikel 3 van Wet 114 van 1998, soos gewysig deur artikel 23 van Wet 66 van 2008

18. Artikel 3 van die Wet op Skuldinvorderaars, 1998, word hierby gewysig—

(a) deur in subartikel (4) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* Behoudens paragrawe *(b)*, *(c)*, *(d)* en *(e)* beklee 'n lid van die Raad sy of haar amp vir die tydperk, maar hoogstens **[drie]** vyf jaar, wat die Minister ten tyde van die lid se aanstelling bepaal."; en

(b) deur in subartikel (4) paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* 'n Lid van die Raad kan by die verstryking van sy of haar ampstermyn weer aangestel word vir slegs een bykomende termyn.".

Wysiging van artikel 17 van Wet 116 van 1998, soos gewysig deur artikel 22 van Wet 14 van 2021

19. Artikel 17 van die Wet op Gesinsgeweld, 1998, word hierby gewysig deur in subartikel (1) paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* in 'n beëdigde verklaring in artikel 8(4)*(a)* bedoel, of in 'n verklaring rakende enige aansoek in hierdie Wet beoog, opsetlik 'n valse verklaring in 'n wesenlike opsig maak,".

Wysiging van artikel 10 van Wet 4 van 2000

20. Artikel 10 van die isiZulu-weergawe van die "Promotion of Equality and Prevention of Unfair Discrimination Act, 2000", word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"**10.** (1) Kuye ngombandela wesigaba 12, akukho muntu ongazisa ahlwanyele, aphakamise noma adalule amagama asekelwe kwesisodwa kwezingaphezulu zezizathu ezinqatshelwe abhekane noma imuphi umuntu angahunyushwa ngokufanele njengokukhombisa ngokusobala inhloso**[—**

(a) **yokuthunuka;**

(b)**]** yokulimaza noma ukubhebhezela ingozi/ukulimala**[;**

(c) **yokuvuthela]** kanye nokuvuthela noma ukuhlwanyela inzondo.".

Wysiging van artikel 10 van Wet 26 van 2000, soos gewysig deur artikel 11 van Wet 5 van 2017

21. Artikel 10 van die Wet op Beskermde Bekendmakings, 2000, word hierby gewysig deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* vir die doeleindes van artikel 8(1), aangeleenthede wat, addisioneel tot die wetgewende bepalings wat op sodanige funksionarisse van toepassing is, in die gewone loop na enige van die **[Openbare Beskermer of die Ouditeur-generaal, na gelang van die geval,]** persone of liggame bedoel in artikel 8(1) verwys kan word;".

Wysiging van artikel 13 van Wet 47 van 2001, soos gewysig deur artikel 17 van Wet 28 van 2003

22. Artikel 13 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001, word hierby gewysig deur die volgende subartikel by te voeg:

"(3) *(a)* Die President kan, by aanbeveling deur die Minister, van tyd tot tyd, by kennisgewing in die *Staatskoerant*, enige bedrag verander wat ingevolge subartikel (1)*(c)* of *(d)* vasgestel is.

(b) Die Minister moet aanbevelings bedoel in paragraaf *(a)*, doen—

(i) na oorlegpleging met die Hoofregter, die President van die Hoogste Hof van Appèl en die regters-president van die Hooggeregshof van Suid-Afrika; en

(ii) met die instemming van die Kabinetslid verantwoordelik vir Finansies.".

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Insertion of section 34A in Act 12 of 2004

23. The following section is hereby inserted after section 34 of the Prevention and Combating of Corrupt Activities Act, 2004:

"**Failure by members of private sector or incorporated state-owned entities to prevent corrupt activities**

34A. (1) Any member of the private sector or incorporated state-owned entity is guilty of an offence if a person associated with that member of the private sector or that incorporated state-owned entity gives or agrees, or offers to give any gratification prohibited in terms of Chapter 2 to another person, intending to obtain or retain—

(a) business for that member of the private sector or that incorporated state-owned entity; or

(b) an advantage in the conduct of business for that member of the private sector or that incorporated state-owned entity: Provided that no offence shall be committed where that member of the private sector or that incorporated state-owned entity had in place adequate procedures designed to prevent persons associated with that member of the private sector or that incorporated state-owned entity from giving, agreeing or offering to give any gratification prohibited in terms of Chapter 2.

(2) For the purposes of section 34A(1), a person is associated with a member of the private sector or an incorporated state-owned entity if, disregarding any gratification under consideration, that person performs services for or on behalf of that member of the private sector or that incorporated state-owned entity, irrespective of the capacity in which such person performs services for or on behalf of that member of the private sector or that incorporated state-owned entity.".

Amendment of section 29 of Act 32 of 2007

24. Section 29 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) The Director-General: **[Justice and Constitutional Development]** Health must, within 14 days of publication of each designation or withdrawal thereof contemplated in subsection (1), provide a copy of the notice to—

(a) the relevant role-players falling under his or her jurisdiction; and

(b) the National Commissioner of the South African Police Service, the National Commissioner of Correctional Services and the **[Director-General of Health]** Director-General: Justice and Constitutional Development."; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) The National Commissioner of the South African Police Service, National Commissioner of Correctional Services and **[Director-General of Health]** Director-General: Justice and Constitutional Development must distribute the notice referred to in subsection (1) to all relevant role-players falling under his or her jurisdiction.".

Amendment of section 40 of Act 32 of 2007, as amended by section 36 of Act 8 of 2017 and section 12 of Act 13 of 2021

25. Section 40 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by the deletion of subparagraph (iii) in paragraph *(b)* of the definition of "sexual offence".

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Invoeging van artikel 34A in Wet 12 van 2004

23. Die volgende artikel word hierby na artikel 34 van die Wet op Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, ingevoeg:

"**Versuim deur lede van private sektor of ingelyfde entiteite in staatsbesit om korrupte aktiwiteite te voorkom**

34A. (1) Enige lid van die private sektor of ingelyfde entiteit in staatsbesit is skuldig aan 'n misdryf indien 'n persoon wat met daardie lid van die private sektor of ingelyfde entiteit in staatsbesit geassossieer word, enige beloning wat ingevolge Hoofstuk 2 belet is, aan 'n ander persoon gee, of instem om te gee of aanbied om te gee, met die voorneme om—

(a) besigheid vir daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit; of

(b) 'n voordeel in die doen van sake vir daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit,

te verkry of te behou: Met dien verstande dat geen misdryf gepleeg word nie waar daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit voldoende prosedures in plek gehad het om te voorkom dat persone wat met daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit geassosieer is, enige beloning wat ingevolge Hoofstuk 2 belet is, gee, op ooreenkom of aanbied.

(2) By die toepassing van artikel 34A(1), word 'n persoon met 'n lid van die private sektor of 'n ingelyfde entiteit in staatsbesit geassosieer indien, ondanks enige beloning wat oorweeg word, daardie persoon dienste vir of namens daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit verrig, ongeag van die hoedanigheid waarin daardie persoon dienste vir of namens daardie lid van die private sektor of daardie ingelyfde entiteit in staatsbesit lewer.".

Wysiging van artikel 29 van Wet 32 van 2007

24. Artikel 29 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die Direkteur-generaal: **[Justisie en Staatkundige Ontwikkeling]** Gesondheid moet binne 14 dae na die publikasie van elke aanwysing of terugtrekking in subartikel (1) bedoel, 'n afskrif van die kennisgewing verskaf aan—

(a) die tersaaklike rolspelers binne sy of haar jurisdiksie; en

(b) die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens, die Nasionale Kommissaris van Korrektiewe Dienste en die Direkteur-generaal: **[van Gesondheid]** Justisie en Staatkundige Ontwikkeling."; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens, die Nasionale Kommissaris van Korrektiewe Dienste en die Direkteur-generaal: **[van Gesondheid]** Justisie en Staatkundige Ontwikkeling moet die kennisgewing in subartikel (1) bedoel onder alle tersaaklike rolspelers binne sy of haar jurisdiksie versprei.".

Wysiging van artikel 40 van Wet 32 van 2007, soos gewysig deur artikel 36 van Wet 8 van 2017 en artikel 12 van Wet 13 van 2021

25. Artikel 40 van Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig deur subparagraaf (iii) van paragraaf *(b)* van die omskrywing van "seksuele misdryf" te skrap.

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Amendment of section 55A of Act 32 of 2007, as amended by section 2 of Act 43 of 2013 and section 38 of Act 8 of 2017

26. Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to subsection (2), the Minister may by notice in the *Gazette* designate any—

(a) Division of the High Court of South Africa or the main seat or any local seat of a Division referred to in section 6 of the Superior Courts Act, 2013 (Act No. 10 of 2013); or

(b) **[Magistrate's Court, as defined in section 1 of the Superior Courts Act, 2013, at which a sexual offences court must be established.]** places in each regional division appointed for the holding of a court as provided in section 2(1)*(i)* of the Magistrates' Court Act, 1944; or

(c) place within each district appointed for the holding of court as provided in section 2(1)*(h)* of the Magistrates' Court Act, 1944, at which a sexual offences court must be established.".

Amendment of section 66 of Act 32 of 2007, as amended by section 33 of Act 42 of 2013, section 3 of Act 43 of 2013 and section 15 of Act 24 of 2015

27. Section 66 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

(a) by the addition in subsection (1) after paragraph *(c)* of the following paragraph:

"*(d)* The National Commissioner of the South African Police Service must, in consultation with the National Director of Public Prosecutions, issue and publish in the *Gazette* national instructions regarding the manner in which police officials must deal with child pornography in order to ensure the confidentiality of such material."; and

(b) by the addition in subsection (2) after paragraph *(c)* of the following paragraph:

"*(d)* The National Director of Public Prosecutions must, in consultation with the National Commissioner of the South African Police Service, issue and publish in the *Gazette* directives regarding the manner in which prosecutors and other officials in the national prosecuting authority must deal with child pornography in order to ensure the confidentiality of such material.".

Amendment of section 17 of Act 10 of 2013

28. Section 17 of the Superior Courts Act, 2013, is hereby amended by the substitution in subsection (2) for paragraph *(f)* of the following paragraph:

"*(f)* The decision of the majority of the judges considering an application referred to in paragraph *(b)*, or the decision of the court, as the case may be, to grant or refuse the application shall be final: Provided that the President of the Supreme Court of Appeal may, in **[exceptional]** circumstances**[,]** where a grave failure of justice would otherwise result or the administration of justice may be brought into disrepute, whether of his or her own accord or on application filed within one month of the decision, refer the decision to the court for reconsideration and, if necessary, variation.".

Amendment of section 18 of Act 10 of 2013

29. Section 18 of the Superior Courts Act, 2013, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) *(a)* If a court orders otherwise, as contemplated in subsection (1)—

(i) the court must immediately record its reasons for doing so;

(ii) the aggrieved party has an automatic right of appeal to the next highest court;

(iii) the court hearing such an appeal must deal with it as a matter of extreme urgency; and

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Wysiging van artikel 55A van Wet 32 van 2007, soos gewysig deur artikel 2 van Wet 43 van 2013 en artikel 38 van Wet 8 van 2017

26. Artikel 55A van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Behoudens subartikel (2), kan die Minister by kennisgewing in die *Staatskoerant* enige—

(a) afdeling van die Hooggeregshof van Suid-Afrika of die hoofsetel of enige plaaslike setel van 'n afdeling in artikel 6 van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), bedoel; of

(b) **[landdroshof, soos omskryf in artikel 1 van die Wet op Hoër Howe, 2013, aanwys waar 'n hof vir seksuele misdrywe ingestel moet word]** plekke in elke streekafdeling aangewys vir die hou van 'n hof soos in artikel 2(1)*(i)* van die Wet op Landdroshowe, 1944, bepaal; of

(c) plek binne elke distrik bepaal vir die hou van 'n hof aangewys soos in artikel 2(1)*(h)* van die Landdroshofwet, 1944, bepaal, waar 'n hof vir seksuele misdrywe ingestel moet word.".

Wysiging van artikel 66 van Wet 32 van 2007, soos gewysig deur artikel 33 van Wet 42 van 2013, artikel 3 van Wet 43 van 2013 en artikel 15 van Wet 24 van 2015

27. Artikel 66 van die Wysigingswet op die Strafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007, word hierby gewysig—

(a) deur in subartikel (1) die volgende paragraaf na paragraaf *(c)* in te voeg:

"*(d)* Die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens moet, in oorleg met die Nasionale Direkteur van Openbare Vervolging, nasionale instruksies uitreik en in die *Staatskoerant* publiseer oor die wyse waarop polisiebeamptes kinderpornografie moet hanteer ten einde die vertroulikheid van sodanige materiaal te verseker."; en

(b) deur in subartikel (2) die volgende paragraaf na paragraaf *(c)* in te voeg:

"*(d)* Die Nasionale Direkteur van Openbare Vervolging moet, in oorleg met die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens, voorskrifte uitreik en in die *Staatskoerant* publiseer betreffende die wyse waarop aanklaers en ander beamptes in die nasionale vervolgingsgesag kinderpornografie moet hanteer ten einde die vertroulikheid van sodanige materiaal te verseker.".

Wysiging van artikel 17 van Wet 10 van 2013

28. Artikel 17 van die Wet op Hoër Howe, 2013, word hierby gewysig deur in subartikel (2) paragraaf *(f)* deur die volgende paragraaf te vervang:

"*(f)* Die beslissing van die meerderheid van die regters wat 'n aansoek in paragraaf *(d)* bedoel oorweeg, of die beslissing van die hof, na gelang van die geval, om die aansoek toe te staan of van die hand te wys is finaal: Met dien verstande dat die President van die Hoogste Hof van Appèl onder **[buitengewone]** omstandighede**[,]** waar 'n ernstige regskending andersins die gevolg sou wees of die regspleging aan minagting blootgestel kan word, hetsy uit sy of haar eie of by aansoek ingedien binne een maand na die beslissing, die beslissing na die hof kan verwys vir heroorweging en, indien nodig, verandering.".

Wysiging van artikel 18 van Wet 10 van 2013

29. Artikel 18 van die Wet op Hoër Howe, 2013, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) *(a)* Indien 'n hof anders gelas, soos in subartikel (1) beoog—

(i) moet die hof onmiddellik die redes daarvoor aanteken;

(ii) het die benadeelde party 'n outomatiese reg van appèl tot die volgende Hoër Hof;

(iii) moet die hof wat sodanige appèl aanhoor, dit as uiters dringend hanteer; en

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(iv) such order will be automatically suspended, pending the outcome of such appeal.

(b) 'Next highest court', for purposes of paragraph *(a)*(ii), means—

(i) a full court of that Division, if the appeal is against a decision of a single judge of the Division; or

(ii) the Supreme Court of Appeal, if the appeal is against a decision of two judges or the full court of the Division.''.

Amendment of section 15 of Act 40 of 2013

30. Section 15 of the South African Human Rights Commission Act, 2013, is hereby amended by the substitution in subsection (2)*(b)* for subparagraph (i) of the following subparagraph:

''(i) the Commission**[, in consultation with the Director of Public Prosecutions who has jurisdiction,]** issues an order to that effect;''.

Amendment of section 6 of Act 39 of 2014, as amended by section 41 of Act 8 of 2017

31. Section 6 of the Legal Aid South Africa Act, 2014, is hereby amended by the substitution for subsection (4) of the following subsection:

''(4) In the case of directors referred to in subsection (1)*(b)*, the Board must, whenever necessary, invite **[nominations]** applications for the appointment of persons as directors in the manner determined by the Minister in consultation with the Board.''.

Amendment of section 17 of Act 39 of 2014

32. Section 17 of the Legal Aid South Africa Act, 2014, is hereby amended by the substitution for paragraphs *(a)* and *(b)* of subsection (2) of the following paragraphs:

''*(a)* Legal Aid South Africa has the right to operate its offices **[and justice centres]** without having to seek accreditation from **[any law society]** the South African Legal Practice Council referred to in the **[Attorneys Act, 1979 (Act No. 53 of 1979)]** Legal Practice Act, 2014 (Act No. 28 of 2014), and is entitled to employ candidate attorneys, subject to the provisions of the **[Attorneys Act, 1979]** Legal Practice Act, 2014.

(b) For the purposes of paragraph *(a)*, **[''justice centre'']** 'offices' means national, provincial, local and satellite offices of Legal Aid South Africa which administer and provide legal aid in the Republic.''.

Amendment of Schedule 1 to Act 15 of 2017

33. Article 17A of Schedule 1 to the International Arbitration Act, 2017, is hereby amended by the substitution for paragraph (2) of the following paragraph:

''(2) With regard to a request for an interim measure under article 17(2)*(d)*, the requirements in paragraphs **[(i)]**(1)*(a)* and *(b)* of this article shall apply only to the extent the arbitral tribunal considers appropriate.''.

Repeal of law

34. (1) The common law relating to the crime of defamation is hereby repealed.

(2) Subsection (1) does not affect civil liability in terms of the common law based on defamation.

Short title and commencement

35. (1) This Act is called the Judicial Matters Amendment Act, 2023.

(2) Section 9 comes into operation on a date fixed by the President by proclamation in the *Gazette*.

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(iv) sal sodanige bevel outomaties opgeskort word, hangende die uitkoms van so 'n appèl.

(b) 'Volgende hoër hof' by die toepassing van paragraaf *(a)*(ii), beteken—

(i) 'n volle hof van daardie Afdeling, indien die appèl teen 'n beslissing van 'n enkele regter van die Afdeling is; of

(ii) die Hoogste Hof van Appèl indien die appèl teen 'n beslissing van twee regters of die volle hof van die Afdeling is.''.

Wysiging van artikel 15 van Wet 40 van 2013

30. Artikel 15 van die Wet op die Suid-Afrikaanse Menseregtekommissie, 2013, word hierby gewysig deur in subartikel (2)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:

''(i) die Kommissie**[, in oorleg met die Direkteur van Openbare Vervolging wat jurisdiksie het,]** 'n bevel te dien effekte uitreik;''.

Sehlomathiso sa karolo ya 6 ya Molao wa 39 wa 2014, jwaloka ha o hlomathisitswe ke karolo ya 41 ya Molao wa 8 wa 2017

31. Karolo ya 6 ya Molao wa ''Thuso ya Molao Afrika Borwa, 2014'', jwale e hlomathiswa ka ho nkelwa sebaka ha karolwana (4) ya karolwana e latelang:

''(4) Mabapi le batsamaisi ba boletsweng ho karolwana (1)*(b)*, Boto e a tlameha, neng kapa neng ha ho hlokahala, hore e batle **[mabitso]** dikopo bakeng sa ho thonngwa ha batho e le batsamaisi ho ya ka methati e behilweng ke Letona ka pontshano le Boto.''.

Sehlomathiso sa karolo ya 17 ya Molao wa 39 wa 2014

32. Karolo ya 17 ya ''Thuso ya Molao Afrika Borwa, 2014'', jwale e hlomathiswa ka ho nkelwa sebaka ha dirapa tsa *(a)* le *(b)* tsa karolwana (2) ya dirapa tse latelang:

''*(a)* Thuso ya Molao Afrika Borwa e na le tokelo ya ho tsamaisa diofisi tsa yona **[le ditsi tsa toka]** ntle le ho batla kananelo **[mokgatlong ofe kapa ofe wa molao]** Lekgotleng la Tshebetso ya Molao la Afrika Borwa le boletsweng **[Molaong wa Boramolao, 1979 (Molao wa. 53 wa 1979)]** Molao wa Tshebetso ya Molao, 2014 (Molao wa. 28 wa 2014), hape e na le tokelo ya ho hira moithuti wa boramolao, ho ya ka dipehelo tsa **[Molao wa Boramolao, 1979]** Molao wa Tshebetso ya Molao, 2014.

(b) Ho ya ka sepheo sa serapa sa *(a)*, **["setsi sa toka"]** 'diofisi' e bolela tsa naha, tsa diprovense, tsa selehae le tsa sathelaete tsa Thuso ya Molao Afrika Borwa, tse tsamaisang di bile di fana ka thuso ya molao ka hare ho Rephaboliki.''.

Wysiging van Bylae 1 by Wet 15 van 2017

33. Artikel 17A van die Engelse weergawe van Bylae 1 by die Wet op Internasionale Arbitrasie, 2017, word hierby gewysig deur paragraaf (2) deur die volgende paragraaf te vervang:

''(2) With regard to a request for an interim measure under article 17(2)*(d)*, the requirements in paragraphs **[(i)]**(1)*(a)* and *(b)* of this article shall apply only to the extent the arbitral tribunal considers appropriate.''.

Herroeping van regsbepaling

34. (1) Die gemenereg betreffende die misdaad van laster word hierby herroep.

(2) Subartikel (1) raak nie siviele aanspreeklikheid ingevolge die gemenereg op grond van laster nie.

Kort titel en inwerkingtreding

35. (1) Hierdie Wet heet die Wysigingswet op Geregtelike Aangeleenthede, 2023.

(2) Artikel 9 tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.