

12 Powers of judicial officers

(1) A magistrate-

(a) may hold a court, provided that a court of a regional division may, subject to subsection (6), only be held by a magistrate of the regional division;

[Para. (a) amended by s. 9 of Act 40 of 1952 (wef 27 June 1952) and substituted by s. 4 (a) of Act 31 of 2008 (wef 9 August 2010).]

(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;

(c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate.

[Para. (c) added by s. 5 of Act 66 of 1998 (wef 7 October 1998).]

(2) An additional magistrate or an assistant magistrate-

(a) may hold a court;

(b) shall possess such powers and perform such duties conferred or imposed upon magistrates by law.

[Para. (b) substituted by s. 4 (b) of Act 31 of 2008 (wef 9 August 2010).]

(3) An acting magistrate, additional magistrate, or assistant magistrate, respectively, shall possess the powers and jurisdiction and perform the duties of the magistrate, additional magistrate, or assistant magistrate in whose place he is appointed to act, for the particular case or during the time or in the circumstances for which he is appointed to act.

(4) Every additional magistrate and every assistant magistrate shall, in each district for which he has been appointed, be subject to the administrative direction of the magistrate; and the magistrate shall allocate the work among the additional magistrates and assistant magistrates.

(5)

[Sub-s. (5) added by s. 25 of Act 94 of 1974 (wef 1 March 1975) and repealed by s. 4 (c) of Act 31 of 2008 (wef 9 August 2010).]

(6) Only a magistrate of a regional division, designated by the magistrate at the head of a regional division, may adjudicate on civil disputes contemplated in section 29 (1) or 29 (1B), in accordance with the criteria set out in subsection (8).

[Sub-s. (6) added by s. 4 (d) of Act 31 of 2008 (wef 9 August 2010) and substituted by s. 3 of Act 19 of 2010 (wef 7 December 2010) and by s. 2 (a) of Act 8 of 2017 (wef 2 August 2017).]

(7)

[Sub-s. (7) added by s. 4 (d) of Act 31 of 2008 (wef 9 August 2010), substituted by s. 3 of Act 19 of 2010 (wef 7 December 2010) and deleted by s. 2 (b) of Act 8 of 2017 (wef 2 August 2017).]

(8) A magistrate at the head of a regional division may only designate a magistrate contemplated in subsection (6), if one or more places have been appointed in terms of section 2 (1) (iA) within the regional division in respect of which the magistrate in question had been appointed for the adjudication of civil disputes, and-

(a) the head of the South African Judicial Education Institute has issued a duly signed certificate that the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes;

(b) the magistrate at the head of the regional division is satisfied that, before the establishment of the Institute referred to in paragraph (a), the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes; or

(c) the magistrate at the head of the regional division is satisfied that the magistrate, on account of previous experience, has suitable knowledge of, and expertise in, civil litigation matters to preside over the adjudication of civil disputes contemplated in section 29 (1) or 29 (1B) or both sections 29 (1) and 29 (1B).

[Sub-s. (8) added by s. 4 (d) of Act 31 of 2008 (wef 9 August 2010) and substituted by s. 3 of Act 19 of 2010 (wef 7 December 2010) and by s. 2 (c) of Act 8 of 2017 (wef 2 August 2017).]