

REPUBLIC OF SOUTH AFRICA

JUDICIAL MATTERS AMENDMENT BILL

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill published in Government Gazette No. of 2018) (The English text is the official text of the Bill)

(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

[B —2018]

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

BILL

To amend —

- * **the Magistrates' Courts Act, 1944, so as to provide for—**
 - * **the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings;**
 - * **the oath and competency of intermediaries; and**
 - * **the giving of evidence through audiovisual link in proceedings other than criminal proceedings;**
- * **the Administration of Estates Act, 1965, so as to—**
 - * **make provision for electronic payments; and**
 - * **effect a technical amendment;**
- * **the Criminal Procedure Act, 1977, so as to further regulate –**
 - * **the failure by an accused on bail to appear before court;**
 - * **the giving of evidence by means of closed circuit television or similar electronic media; and**
 - * **the appointment, oath and competency of intermediaries;**
- * **the Intimidation Act, 1982, so as to delete a provision which has been declared to be unconstitutional;**
- * **the Sheriffs Act, 1986, so as to further regulate –**
 - * **the definition of legal practitioner;**
 - * **the term of office of members of the Board for Sheriffs;**
 - * **the general functions of the Board for Sheriffs; and**

- * the operating of trust accounts by sheriffs;
- * the Magistrates Act, 1993, so as to further regulate—
 - * the vacation of office by magistrates appointed to the office of a judge; and
 - * the consultation process to be followed in respect of the adjustment of amounts that have a bearing on certain conditions of service of magistrates;
- * the Criminal Law Amendment Act, 1997, so as to further regulate aspects relating to the sentencing of a person convicted of rape and compelled rape referred to in Part I of Schedule 2;
- * the National Prosecuting Authority Act, 1998, so as to further –
 - * the term of office of the National Director of Public Prosecutions and the Deputy National Directors of Public Prosecutions; and
 - * regulate the due dates of reports by Directors of Public Prosecutions and the National Director of Public Prosecutions;
- * the Correctional Services Act, 1998, so as to further regulate conditions relating to community corrections;
- * 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 further regulate the application of the Act by the prosecuting authority and members of the South African Police Service;
- * the Protected Disclosures Act, 2000, so as to affect 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 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to further—

- * regulate the designation of public health establishments for purposes of providing Post Exposure Prophylaxis and carrying out compulsory HIV testing; and
- * regulate the manner in which child pornography must be dealt with and be disposed of;
- * the Superior Courts, 2013, so as to—
 - * further regulate applications for leave to appeal;
 - * provide for—
 - * the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings;
 - * the oath and competency of intermediaries; and
 - * evidence through audiovisual link in proceedings other than criminal proceedings;
- * 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 Practice Act, 2014, so as to further regulate –
 - * the qualification requirements for admission and enrolment as a legal practitioner;
 - * the composition of appeal tribunals established under the Act; and
 - * the obligations of certain legal practitioners relating to the operating of trust accounts; and
- * the International Arbitration Act, 2017 so as to effect a technical correction;

and to provide for matters connected therewith.

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

Insertion of sections 51A, 51B and 51C in Act 32 of 1944

1. The following sections are hereby inserted after section 51 of the Magistrates' Courts Act, 1944:

“Evidence through intermediaries in proceedings other than criminal proceedings

51A. (1) A court may, on application by any party to proceedings in terms of Part II of this Act before the court or of its own accord and subject to subsection (4), appoint a competent person as an intermediary in order to enable a witness under the biological or mental age of eighteen years to give his or her evidence through that intermediary, if it appears to that court that the proceedings would expose such a witness to undue mental stress or suffering if he or she testifies at such proceedings.

(2) (a) No examination, cross-examination or re-examination of any witness in respect of whom a court has appointed an intermediary under subsection (1), except examination by the court, may take place in any manner other than through that intermediary.

(b) The said intermediary may, unless the court directs otherwise, convey the general purport of any question to the relevant witness.

(3) If a court appoints an intermediary under subsection (1), the court may direct that the relevant witness gives his or her evidence at any place—

(a) which is informally arranged to set that witness at ease;

(b) which is so situated that any person whose presence may upset that witness, is outside the sight and hearing of that witness; and

(c) which enables the court and any person whose presence is necessary at the relevant proceedings to see and hear, either directly or through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.

(4) (a) The Minister may, by notice in the Gazette, determine the persons or the category or class of persons who are competent to be appointed as intermediaries.

(b) An intermediary appearing at proceedings in terms of this section who is not in the full-time employment of the State must be paid such traveling and subsistence and other allowances in respect of the services rendered by him or her as is prescribed by the rules made by the Rules Board for Courts of Law under the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985).

(5) A court must provide reasons for refusing any application or request for the appointment of an intermediary, immediately upon refusal and such reasons must be entered into the record of the proceedings.

(6) An intermediary referred to in subsection (1) may be summoned to appear in court on a specified date and at a specified place and time to act as an intermediary.

(7) If, at the commencement of or at any stage before the completion of the proceedings concerned, an intermediary appointed by the court—

(a) is for any reason absent;

(b) becomes unable to act as an intermediary in the opinion of the court; or

(c) dies,

the court may, in the interests of justice and after due consideration of the arguments put forward by the parties—

(i) postpone the proceedings in order to obtain the intermediary's presence;

(ii) summons the intermediary to appear before the court to advance reasons for being absent;

(iii) direct that the appointment of the intermediary be revoked and appoint another intermediary; or

(iv) direct that the appointment of the intermediary be revoked and that the proceedings continue in the absence of an intermediary.

(8) The court must immediately give reasons for any direction or order referred to in subsection (7) (iv), which reasons must be entered into the record of the proceedings.

Oath and competency of intermediaries

51B. (1) Subject to subsection (3), any person who is competent to be appointed as an intermediary in terms of section 51A(4) of this Act, must before commencing with his or her functions in terms of section 51A, take an oath or make an affirmation subscribed by him or her, in the form set out below, before the magistrate presiding over the proceedings:

'I, do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an intermediary I shall truly and correctly to the best of my knowledge and ability —

(a) perform my functions as an intermediary; and

(b) convey properly and accurately all questions put to witnesses and, where necessary, convey the general purport of any question to the witness, unless directed otherwise by the court '.

(2) (a) Subject to subsection (3), before a person is appointed to perform the functions of an intermediary in a magistrate's court for any district or for any regional division, the magistrate presiding over the proceedings must enquire into the competence of the person to be appointed as an intermediary.

(b) The enquiry contemplated in paragraph (a), must include, but is not limited to, the person's -

(i) fitness as a person to be an intermediary;

(ii) experience which has a bearing on the role and functions of an intermediary;

(iii) qualifications;

(iv) knowledge which has a bearing on the role and functions of an intermediary;

- (v) language proficiency; and
- (vi) ability to interact with a witness under the biological or mental age of eighteen years.

(3) (a) The head of a court may, at his or her discretion and after holding an enquiry contemplated in subsection (2), issue a certificate in the form determined by the Minister by notice in the *Gazette*, to a person whom he or she has found to be competent to appear as an intermediary in a magistrate's court for a district or for a regional division.

(b) Before the head of a court issues a certificate referred to in paragraph (a), he or she must cause the person who has been found competent to be appointed as an intermediary, to take the oath or make the affirmation referred to in subsection (1) and must endorse the certificate with a statement of the fact that it was taken or made before him or her and of the date on which it was so taken or made and append his or her signature thereto.

(c) A certificate contemplated in paragraph (a) may be accepted as proof —

- (i) of the competency of a person to be appointed as an intermediary; and
- (ii) of the fact that the person has taken the oath or made the affirmation contemplated in subsection (1),

for purposes of this section, in any subsequent proceedings in terms of this Act, before a magistrate's court for a district or for a regional division and it is not necessary for the magistrate presiding over the proceedings in question to administer the oath or affirmation or to hold an enquiry into the competence of the person to be appointed as an intermediary.

(d) Paragraph (c) must not be construed as prohibiting a magistrate from holding an enquiry, at any stage of proceedings, regarding the competence of a person to act as an intermediary.

Evidence through audiovisual link in proceedings other than criminal proceedings

51C. (1) A court may, on application by any party to proceedings in terms of Part II of this Act before that court or of its own accord, order that a witness, irrespective of whether the witness is in or outside the Republic, if the witness consents thereto, may give evidence by means of audiovisual link.

(2) A court may make an order contemplated in subsection (1) only if—

(a) it appears to the court that to do so would—

(i) (aa) prevent unreasonable delay;

(bb) save costs;

(cc) be convenient; or

(dd) prevent the likelihood that prejudice or harm might result to any person if he or she testifies or is present at such proceedings; and

(ii) otherwise be in the interests of justice;

(b) facilities therefor are readily available or obtainable at the court; and

(c) the audiovisual link that is used by the witness or at the court enables—

(i) persons at the courtroom to see, hear and interact with the witness giving evidence; and

(ii) the witness who gives evidence to see, hear and interact with the persons at the courtroom.

(3) The court may make the giving of evidence in terms of subsection (1) subject to such conditions as it may deem necessary in the interests of justice.

(4) The court must provide reasons for —

(a) allowing or refusing an application by any of the parties; or

(b) its order and any objection raised by the parties against the order,

as contemplated in subsection (1).

(5) For purposes of this Act, a witness who gives evidence by means of audiovisual link, is regarded as a witness who was subpoenaed to give evidence in the court in question.

(6) For purposes of this section “audiovisual link” means facilities that enable both audio and visual communications between a witness and persons at a courtroom in real-time as they take place.”.

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

2. 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 –

- (a) shall, unless the Master otherwise directs, as soon as he or she has in hand moneys in the estate in excess of R1000, open **[a cheque]** an appropriate account in the name of the estate with a bank in the Republic and shall deposit **[therein]** in that account the moneys which he or she has in hand and such other money 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 an 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 within the Republic.”;

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

“(4) All **[cheques or orders drawn upon any such account]** payments made from the account referred to in subsection (1)(a) shall **[contain the name of]** identify the payee and the cause of payment and shall be **[drawn**

to order and be signed] authorised by every executor or his or her duly authorized agent.”; and

(c) by the insertion after subsection (4) of the following subsection:

“(4A) All electronic payments made from an account referred to in subsection (1)(a) shall specify—

(a) the name of the payee and details of the account of the payee;

(b) the amount paid and the cause of payment; and

(c) any other relevant information to enable the identification of the estate and the beneficiaries.” .

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

3. 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 the 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 as referred to in section 35(12)(ii) may be accepted by the Master in lieu of any such receipts 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

4. 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 for 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 time, 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 receipts or acquittance.”.

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

5. Section 103 of the Administration of Estates Act, 1965 is hereby amended—

- (a) by the renumbering of paragraphs (eA) and (eB) as inserted by section 6 of Judicial Matters Amendment Act, 2017, (Act No. 8 of 2017), as paragraphs (eB) and (eC) respectively; and
- (b) by the substitution in paragraph (eC) for the reference to “paragraph (eA)” of the reference “paragraph (eB)”.

Amendment of section 67 of Act 51 of 1977

6. Section 67 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (1) for the words following paragraph (b) of the following words:

“the court before which the matter is pending shall declare the bail provisionally cancelled and the bail money provisionally forfeited to the State, and issue a warrant for the arrest of the accused: Provided that the court may suspend the provisional cancellation of the bail, the provisional forfeiture of the bail money and the execution of the warrant of arrest for a period determined by the court on good cause shown.”.

Amendment of section 158 of Act 51 of 1977, as substituted by section 7 of Act 86 of 1996 and amended by section 68 of Act 32 of 2007

7. Section 158 of the Criminal Procedure Act, 1977, is hereby amended—
- (a) by substitution for paragraph (a) of subsection (2) of the following paragraph:
 - “(a) A court may, subject to section 153, on its own initiative or on application by the public prosecutor, order that a witness, irrespective of whether the witness is in or outside the Republic, or an accused person, if the witness or accused person consents thereto, may give evidence by means of closed circuit television or similar electronic media.”; and
 - (b) by the addition of the following subsection after subsection (5):

“(6) For purposes of this section, a witness who is outside the Republic and who gives evidence by means of closed circuit television or similar electronic media, is regarded as a witness who was subpoenaed to give evidence in the court in question.”.

Amendment of section 170A of Act 51 of 1977, as inserted by section 3 of Act 135 of 1991, substituted by section 1 of Act 17 of 2001 and amended by section 68 of Act 32 of 2007

8. Section 170A of the Criminal Procedure Act, 1977, is hereby amended by

—

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

“(1) Whenever criminal proceedings are pending before any court and it appears to such court that it would expose any witness under the biological or mental age of eighteen years or an older person as defined in section 1 of the Older Persons Act, 2006 (Act No. 13 of 2006), to undue mental stress or suffering if he or she testifies at such proceedings, the court may, subject to subsection (4), appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary.”; and

(b) the addition after subsection (10) of the following subsections:

“(11) Subject to subsection (13), any person who is competent to be appointed as an intermediary in terms of subsection (4), must before commencing with his or her functions in terms of this section, take an oath or make an affirmation subscribed by him or her, in the form set out below before the judicial officer presiding over the proceedings:

‘I, do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an intermediary I shall, truly and correctly to the best of my knowledge and ability —

(a) perform my functions as an intermediary; and

(b) convey properly and accurately all questions put to witnesses and, where necessary convey the general purport of any question to the witness, unless directed otherwise by the court '.

(12) (a) Subject to subsection (13), before a person is appointed to perform the functions of an intermediary—

(i) in a magistrate's court for any district or for any regional division, the magistrate presiding over the proceedings; or

(ii) in a Superior Court, the judicial officer presiding over the proceedings, must enquire into the competence of the person to be appointed as an intermediary.

(b) The enquiry contemplated in paragraph (a), must include, but is not limited to the person's —

(i) fitness as a person to be an intermediary;

(ii) experience which has a bearing on the role and functions of an intermediary;

(iii) qualifications;

(iv) knowledge which has a bearing on the role and functions of an intermediary;

(v) language proficiency; and

(vi) ability to interact with a witness under the biological or mental age of eighteen years.

(13) (a) The head of a court may, at his or her discretion and after holding an enquiry contemplated in subsection (12), issue a certificate in the form determined by the Minister by notice in the *Gazette*, to a person whom he or she has found to be competent to appear as an intermediary in the court concerned.

(b) Before the head of a court issues the certificate referred to in paragraph (a), he or she must cause the person who has been found competent to be appointed as an intermediary to take the oath or make the affirmation referred to in subsection (11) and must endorse the certificate with a

statement of the fact that it was taken or made before him or her and of the date on which it was so taken or made and append his or her signature thereto.

(c) A certificate contemplated in paragraph (a) may be accepted as proof —

(i) of the competency of a person to be appointed as an intermediary in the court concerned; and

(ii) of the fact that the person has taken the oath or made the affirmation contemplated in subsection (11),

for purposes of this section, in any subsequent proceedings in terms of this Act, before the court concerned in respect of which a certificate contemplated in paragraph (a) was issued by the head of the court and it is not necessary for the magistrate or the judicial officer presiding over the proceedings of the court in question to administer the oath or affirmation or to hold an enquiry into the competence of the person to be appointed as an intermediary.

(d) Paragraph (c) must not be construed as prohibiting a magistrate or a judicial officer presiding over proceedings from holding an enquiry, at any stage of proceedings, regarding the competence of a person to act as an intermediary.”.

Amendment of section 1 of Act 72 of 1982, as amended by section 32 of Act 138 of 1991 and section 6 of Act 126 of 1992

9. Section 1 of the Intimidation Act, 1982, is hereby amended by the deletion of subsection (2).

Amendment of section 1 of Act 90 of 1986, as amended by section 1 of Act 74 of 1998, section 12 of Act 55 of 2003, section 10 of Act 31 of 2008 and section 1 of Act 14 of 2012

10. Section 1 of the Sheriffs Act, 1986, is hereby amended by the substitution for the definition of “legal practitioner” of the following definition:

“ ‘legal practitioner’ means an advocate or attorney admitted and enrolled as such in terms of sections 24 and 30 of the Legal Practice Act, 2014 (Act No. 28 of 2014), respectively.”

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

11. Section 11 of the Sheriffs Act, 1986, is hereby amended by -
(a) 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 14(A), be appointed for a period **[of three] not exceeding five years determined by the Minister at the time of the member’s appointment****[, 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 months, until his or her successor has been appointed].”**;
and

(b) the substitution for subsection (3) of the following subsection:

“(3) Any person whose term of office as a member or the Board has expired, shall be eligible for reappointment for one additional term only.”.

Amendment of section 16 of Act 90 of 1986, as amended by section 12 of Act 14 of 2012

12. Section 16 of the Sheriffs Act, 1986, is hereby amended by the insertion after paragraph (j) of the following paragraph:

“(jA) make an arrangement with any banking institution for the keeping of trust accounts opened in terms of section 22(2) and for the investment of money in a separate trust savings or other interest-bearing accounts opened in terms of section 22(3) and (4) to provide for one or more of the following:

- (i) The payment of interest to the Fund on the whole or any part of the money deposited in terms of section 22(2) and the money invested in terms of section 22(3) and (4), as contemplated in section 22(5);
- (ii) the manner in which the Fund is informed of amounts held in the accounts opened in terms of section 2(2), (3) and (4);
- (iii) the auditing of interest calculations and account balances in the accounts opened in terms of section 22(2), (3) and (4) in the bank accounts; and
- (iv) any other relevant matter;”.

Substitution of section 22 of Act 90 of 1986, as amended by section 25 of Act 139 of 1992, section 7 of Act 74 of 1998 and section 19 of Act 8 of 2017

13. The following section is hereby substituted for section 22 of the Sheriffs Act, 1986:

“Trust accounts

22. (1) Every sheriff must operate a trust account, which must be an interest-bearing account.

(2) Every sheriff must keep a trust account at a bank with which the Board has made an arrangement as provided for in section 16(jA) and must deposit therein, the next business day or as soon as possible after receipt thereof, money held by such sheriff on behalf of any person.

(3) (a) A sheriff may, of his or her own accord, invest in a separate trust savings account or other interest-bearing account any money which is not immediately required for any particular purpose.

(b) An account referred to in paragraph (a) must be opened with the same bank contemplated in subsection (2) and must be linked to the account referred to in subsection (2).

(4) A sheriff may, on the written instructions of any person, open a separate trust savings account or other interest-bearing account for the purpose of investing therein any money deposited in the trust account of that sheriff, on behalf of such person over which he or she exercises exclusive control as trustee, agent or stakeholder or in any other fiduciary capacity.

(5) From the commencement of this section interest accrued on money deposited in terms of this section must, in the case of money deposited in terms of –

(a) subsections (2) and (3), be paid over to the Fund and vests in the Fund; and

(b) subsection (4), be paid over to the person referred to in that subsection: Provided that 5% of the interest accrued on money in terms of this paragraph must be paid over to the Fund and vests in the Fund.

(6) A sheriff may not deposit money in terms of subsection (2), nor invest money in terms of subsections (3) and (4) in accounts held at a bank which is not a party to an arrangement as provided for in section 16(jA), unless prior written consent of the Board has been obtained.

(7) (a) A sheriff must comply with the terms of an arrangement concluded between a bank and the Board as provided for in section 16(jA).

(b) The provisions of paragraph (a) must be complied with by all sheriffs within 60 days after the commencement of this section.

(8) (a) Any money held in the trust account of a sheriff in respect of which the identity of the owner is unknown or which is unclaimed after one year, must, after the second annual closing of the accounting records of the sheriff following the date upon which those funds were deposited in the trust account of the sheriff, be paid in the prescribed manner to the Fund by the sheriff concerned.

(b) Nothing in this subsection deprives the owner of the money contemplated in paragraph (a) of the right to claim from the Fund any portion as he or she may prove entitlement to.

(9) (a) Subject to paragraph (b), an amount standing to the credit of any trust account of a sheriff –

(i) does not form part of the assets of the sheriff; and

(ii) may not be attached by the creditor of any such sheriff.

(b) Any excess remaining after all claims of persons whose money has, or should have been deposited or invested in a trust account referred to in paragraph (a), and all claims in respect of interest on money so invested, are deemed to form part of the assets of the sheriff concerned.

(10) Any account opened in terms of this section must contain a reference to the provisions of this section in question.”.

Amendment of section 23 of Act 90 of 1986, as amended by section 2 of Act 3 of 1991

14. Section 23 of the Sheriffs Act, 1986, is hereby amended –

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

“(1) A sheriff shall, subject to the provisions of subsection (4) –

(a) keep separate records of moneys deposited or invested by him or her in, and payments made by him or her out of, **[an] a trust account or other interest-bearing account** mentioned in section 22**[(1) or (2)]**; and

(b) cause the records referred to in paragraph (a) to be audited by an auditor at least once annually.”; and

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

“(3) If in the opinion of the Board sound reasons exist for doing so, it may by way of a notice in writing request any sheriff or auditor of the sheriff contemplated in section 23 to submit to the Board within the period specified in the notice, which period shall not be less than 30 days after the date of the notice, such auditor’s report, statement or other document relating to an account mentioned in section 22**[(1) or (2)]** as the Board may require.”.

Amendment of section 24 of Act 90 of 1986

15. Section 24 of the Sheriffs Act, 1986, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If in the opinion of a competent superior court sound reasons exist for doing so, that court may upon application of the Board or any person having a direct financial interest in **[an] a trust account or other interest-bearing account** mentioned in section 22~~[(1) or (2)]~~, prohibit the sheriff concerned from dealing with the said account in any manner.”.

Substitution of section 25 of Act 90 of 1986

16. The following section is hereby substituted for section 26 of the Sheriffs Act, 1986:

“Winding-up of accounts

25. When a sheriff ceases to hold office, **[an] a trust account or other interest-bearing account** opened by him or her in terms of section 22~~[(1) or (2)]~~ shall be wound up in the prescribed manner, and the amount standing to the credit of the account shall be paid out in the prescribed manner to the person entitled to it.”.

Amendment of section 26 of Act 90 of 1986, as amended by section 8 of Act 74 of 1998 and section 20 of Act 8 of 2017

17. Section 26 of the Sheriffs Act, 1986, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There is hereby established a fund to be known as the Fidelity Fund for Sheriffs, and into which shall be paid –

(a) interest paid to the Fund in terms of section 22~~[(4)]~~;

(aA) moneys received by the Fund in terms of section 22~~[(5)]~~~~(8)~~(a);

- (b) the prescribed contribution referred to in section 30(1)(c)(ii) or 31(2);
- (c) interest derived from the investment of moneys in the Fund;
- (d) moneys recovered on behalf of the Fund by virtue of the provisions of section 39;
- (e) moneys mentioned in section 41(2); and
- (f) moneys which may accrue to the **[Board]** Fund from any other source.”.

Amendment of section 33 of Act 90 of 1986, as amended by section 11 of Act 74 of 1998

18. Section 33 of the Sheriffs Act, 1986, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following subsection:

- “(j) has at any time been prohibited under section 24(1) from dealing with [an] a trust account or other interest-bearing account mentioned in section 22[(1) or (2)] in any manner;”.

Amendment of section 60 of Act 90 of 1986, as amended by section 18 of Act 74 of 1998

19. Section 60 of the Sheriffs Act, 1986, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following subsection:

- “(a) contravenes or fails to comply with a provision of section 19(1), 22[(1)], 23(1), 30 or 34(3);”.

Amendment of section 62 of Act 90 of 1986, as amended by section 20 of Act 74 of 1998 and section 16 of Act 14 of 2012

20. Section 62 of the Sheriffs Act, 1986, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) the furnishing by a banking institution or building society of particulars relating to **[an] a trust account or other interest-bearing account** mentioned in section 22**[(1) or (2)]**.”.

Amendment section 13 of Act 90 of 1993, as amended by section 4 of Act 85 of 1995, section 4 of Act 18 of 1996, section 6 of Act 35 of 1996, section 11 of Act 122 of 1998, section 4 of Act 28 of 2003, section 4 of Act 24 of 2015 and section 24 of Act 8 of 2017

21. Section 13 of the Magistrates Act, 1993, is hereby amended—

(a) by the substitution in subsection (5)(a) for paragraph (ii) of the following paragraph:

“(ii) subject to section (5A)(a), for any other reason which the Minister deems sufficient.” ; and

(b) by the substitution for subsection (5A) of the following subsection:

“(5A) When a magistrate is appointed to the office of a judge he or she **[shall be entitled to]**—

(a) does not need to approach the Minister for approval to vacate his or her office as magistrate; and

(b) is entitled to —

[(a)](i) the payment of his or her actuarial interest, as defined in the rules issued in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), in the Government Employees Pension Fund as on the date of appointment as a judge; and

[(b)](ii) the payment of all accumulated leave as on the date of appointment as a judge.”.

Amendment section 16 of Act 90 of 1993, as amended by sections 7 and 8 of Act 35 of 1996, section 19 of Act 104 of 1996, section 8 of Act 66 of 1998 and section 6 of Act 28 of 2003

22. Section 16 of the Magistrates Act, 1993, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) Subject to paragraph (b), [Any] any regulation under this section which results in State expenditure, shall be made with the concurrence of the Minister of Finance.

(b) If a regulation under this section provides for the payment of an amount in respect of—

(i) transfer and resettlement costs;

(ii) leave gratuity;

(iii) remuneration for overtime duty or any other form of remuneration; or

(iv) travel, subsistence, climatic, local and other allowances,

the Minister may, from time to time, after consultation with the Commission, adjust such amount by notice in the *Gazette*.”.

Amendment of Part I of Schedule 2 to Act 105 of 1997, as amended by section 37 of Act 62 of 2000 and section 27 of Act 33 of 2004, substituted by section 68 of Act 32 of 2007 and amended by section 5 of Act 38 of 2007, section 22 of Act 66 of 2008, section 48 of Act 7 of 2013 and section 25 of Act 8 of 2017

23. Part I of Schedule 2 to the Criminal Law Amendment Act, 1997, is hereby amended—

(a) by the substitution for subparagraph (iii) in paragraph (a) of the offence “Rape” of the following subparagraph:

“(iii) by a person who **[has been]—**

(aa) was previously convicted of **[two or more offences]** the offence of rape or compelled rape, **[but]** irrespective of whether that person has **[not yet]** been sentenced in respect **[of such convictions]** thereof or not; or

(bb) has been convicted by the trial court of two or more offences of rape or compelled rape;”; and

(b) by the substitution for subparagraph (ii) in paragraph (a) of the offence “Compelled rape” of the following subparagraph:

“(ii) by a person who—

(aa) has previously been convicted of **[two or more offences]** the offence of rape or compelled rape, **[but]** irrespective of whether that person has **[not yet]** been sentenced in respect **[of such convictions]** thereof or not; or

(bb) has been convicted by the trial court of two or more offences of rape or compelled rape;”.

Amendment of section 12 of Act 32 of 1998

24. Section 12 of the National Prosecuting Authority Act, 1998, is hereby amended –

(a) by the deletion of subsection (4);

(b) by the insertion in subsection (6) after paragraph (a) of the following paragraph:

“(aA) The period from the time the President suspends the National Director or a Deputy National Director to the time he or she decides whether or not to remove the National Director or Deputy National Director may not exceed twelve months.”; and

(c) by the substitution in subsection (6) for paragraph (e) of the following paragraph:

“(e) The National Director or a Deputy National Director provisionally suspended from office shall receive, for the duration of such suspension, **[no salary or such salary as may be determined by the President]** his or her full salary.”.

Amendment of section 34 of Act 32 of 1998

25. 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

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

“(a) The National Director must submit annually, **[not later than the first day of June]** within five months of the end of a financial year, 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.”.

Amendment of section 70 of Act 111 of 1998 as amended by section 26 of Act 32 of 2001, section 46 of Act 25 of 2008 and section 11 of Act 5 of 2011

27. Section 70 of the Correctional Services Act, 1998, is hereby amended—
(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) A person placed under correctional supervision in terms of section 276(1)(h) of the Criminal Procedure Act or any other case in which the court may place a person in the community corrections system of the Department and detained in terms of paragraph (a) must be brought before a court within 48 hours after arrest, which court must make an order as to the further detention and referral of the person to the authority responsible to deal with the matter.”; and

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

“(c) In all cases where the person arrested was subject to community corrections imposed by the Correctional Supervision and Parole Board or the National Commissioner such person must, within 48 hours, be referred to the Board or National Commissioner, as the case may be, in order to decide whether the placement on community corrections should be cancelled.”.

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

- 28.** Section 3 of the Debt Collectors Act, 1998, is hereby amended by –
- (a) the substitution for paragraph (a) of subsection (4) 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, determined by the Minister at the time of the member’s appointment.”; and
- (b) the substitution for paragraph (c) of subsection (4) 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 18 of Act 116 of 1998, as amended by section 36 of Act 1 of 2011

- 29.** Section 18 of the Domestic Violence Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:
- “(1) No prosecutor shall –
- (a) refuse to institute a prosecution; or
- (b) withdraw a charge,
- in respect of a contravention of section 17(a) or in respect of an offence arising out of an act of domestic violence as defined in section 1 of this Act, unless he or she has been authorised thereto, whether in general or in any specific case, by a Director of Public Prosecutions as contemplated in section 13(1)(a) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), or a senior

member of the prosecuting authority designated thereto in writing by such a Director.”.

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

30. Section 10 of the Protected Disclosures Act, 2000, is hereby amended by the substitution for paragraph (a) in subsection (1) 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)[(a) to (c), as the case may be]”.

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

31. Section 13 of the Judges’ Remuneration and Conditions of Employment Act, 2001, is hereby amended by the insertion of the following subsection:

“(3) The Minister may with the concurrence of the President, and 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, from time to time, adjust any amount determined under paragraphs (c) or (d) of subsection (1), by notice in the Gazette.”.

Amendment of section 29 of Act 32 of 2007

32. 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**] of 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 51 of Act 32 of 2007, as amended by section 8 of Act 5 of 2015

33. Section 51 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended by the addition after paragraph (c) in subsection (3) of the following paragraph:

“(d) For purposes of paragraph (b), “investigation” means a process initiated by a report to a police official by any person of the alleged commission of a sexual offence by an identified person or persons, in respect of which the police official is satisfied that there are reasonable grounds to believe that such an offence was indeed committed and, based on those grounds, opens a case docket which is registered on the Crime Administration System of the South African Police Service.”.

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

34. 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 during the collection, retrieval, storage and disposal thereof.”; 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

35. Section 17 of the Superior Courts Act, 2013, is hereby amended by the substitution for paragraph (f) of subsection (2) 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.”

Insertion of sections 37A, 37B and 37C in Act 10 of 2013

36. The following sections are hereby inserted in the Superior Courts Act, 2013 after section 37:

“Evidence through intermediaries in proceedings other than criminal proceedings

37A. (1) A Superior Court may, on application by any party to proceedings, other than criminal proceedings, before the court or of its own accord and subject to subsection (4), appoint a competent person as an intermediary in order to enable a witness under the biological or mental age of eighteen years to give his or her evidence through that intermediary, if it appears to that court that the proceedings would expose such a witness to undue mental stress or suffering if he or she testifies at such proceedings.

(2) (a) No examination, cross-examination or re-examination of any witness in respect of whom a court has appointed an intermediary under subsection (1), except examination by the court, may take place in any manner other than through that intermediary.

(b) The said intermediary may, unless the court directs otherwise, convey the general purport of any question to the relevant witness.

(3) If a court appoints an intermediary under subsection (1), the court may direct that the relevant witness gives his or her evidence at any place—

(a) which is informally arranged to set that witness at ease;

(b) which is so situated that any person whose presence may upset that witness, is outside the sight and hearing of that witness; and

(c) which enables the court and any person whose presence is necessary at the relevant proceedings to see and hear, either directly or through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.

(4) (a) The Minister may, by notice in the Gazette, determine the persons or the category or class of persons who are competent to be appointed as intermediaries.

(b) An intermediary appearing at proceedings in terms of this section who is not in the full-time employment of the State must be paid such traveling and subsistence and other allowances in respect of the services rendered by him or her as is prescribed by the rules made—

- (i) by the Rules Board for Courts of Law under the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), in respect of the High Court; or
- (ii) in terms of section 29 of this Act, in respect of the Constitutional Court.

(5) A court must provide reasons for refusing any application or request for the appointment of an intermediary, immediately upon refusal and such reasons must be entered into the record of the proceedings.

(6) An intermediary referred to in subsection (1) may be summoned to appear in court on a specified date and at a specified place and time to act as an intermediary.

(7) If, at the commencement of or at any stage before the completion of the proceedings concerned, an intermediary appointed by the court—

- (a) is for any reason absent;
- (b) becomes unable to act as an intermediary in the opinion of the court; or
- (c) dies,

the court may, in the interests of justice and after due consideration of the arguments put forward by the parties—

- (i) postpone the proceedings in order to obtain the intermediary's presence;
- (ii) summons the intermediary to appear before the court to advance reasons for being absent;
- (iii) direct that the appointment of the intermediary be revoked and appoint another intermediary; or

(iv) direct that the appointment of the intermediary be revoked and that the proceedings continue in the absence of an intermediary.

(8) The court must immediately give reasons for any direction or order referred to in subsection (7) (iv), which reasons must be entered into the record of the proceedings.

Oath and competency of intermediaries

37B. (1) Subject to subsection (3), any person who is competent to be appointed as an intermediary in terms of section 37A(4) of this Act, must before commencing with his or her functions in terms of section 37A, take an oath or make an affirmation subscribed by him or her, in the form set out below before the judicial officer presiding over the proceedings:

'I, do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an intermediary I shall truly and correctly to the best of my knowledge and ability —

(a) perform my functions as an intermediary; and

(b) convey properly and accurately all questions put to witnesses and, where necessary, convey the general purport of any question to the witness, unless directed otherwise by the court '.

(2) (a) Subject to subsection (3), before a person is appointed to perform the functions of an intermediary in a Superior Court, the judicial officer presiding over the proceedings must enquire into the competence of the person to be appointed as an intermediary.

(b) The enquiry contemplated in paragraph (a), must include, but is not limited to, the person's —

(i) fitness as a person to be an intermediary;

(ii) experience which has a bearing on the role and functions of an intermediary;

(iii) qualifications;

- (iv) knowledge which has a bearing on the role and functions of an intermediary;
- (v) language proficiency; and
- (vi) ability to interact with a witness under the biological or mental age of eighteen years.

(3) (a) The head of a court may, at his or her discretion and after holding an enquiry contemplated in subsection (2), issue a certificate in the form determined by the Minister by notice in the *Gazette*, to a person whom he or she has found to be competent to appear as an intermediary in a Superior Court .

(b) Before the head of a court issues a certificate referred to in paragraph (a), he or she must cause the person who has been found competent to be appointed as an intermediary, to take the oath or make the affirmation referred to in subsection (1) and must endorse the certificate with a statement of the fact that it was taken or made before him or her and of the date on which it was so taken or made and append his or her signature thereto.

(c) A certificate contemplated in paragraph (a) may be accepted as proof —

- (i) of the competency of a person to be appointed as an intermediary; and
- (ii) of the fact that the person has taken the oath or made the affirmation contemplated in subsection (1),

for purposes of this section, in any subsequent proceedings in terms of this Act, before a Superior Court and it is not necessary for the presiding judicial officer presiding over the proceedings in question to administer the oath or affirmation or to hold an enquiry into the competence of the person to be appointed as an intermediary.

(d) Paragraph (c) must not be construed as prohibiting a judicial officer who presides over proceedings in a Superior Court from holding an enquiry, at any stage of proceedings, regarding the competence of a person to act as an intermediary.

Evidence through remote audiovisual link in proceedings other than criminal proceedings

37C. (1) A Superior Court may, on application by any party to proceedings before that court or of its own accord, order that a witness, irrespective of whether the witness is in or outside the Republic, if the witness consents thereto, may give evidence by means of audiovisual link.

(2) A court may make an order contemplated in subsection (1) only if—

(a) it appears to the court that to do so would—

(i) (aa) prevent unreasonable delay;

(bb) save costs;

(cc) be convenient; or

(dd) prevent the likelihood that prejudice or harm might result to any person if he or she testifies or is present at such proceedings; and

(ii) otherwise be in the interests of justice;

(b) facilities therefor are readily available or obtainable at the court; and

(c) the audiovisual facilities that are used by the witness or at the court enable—

(i) persons at the courtroom to see, hear and interact with the witness giving evidence; and

(ii) the witness who gives evidence to see, hear and interact with the persons at the courtroom.

(3) The court may make the giving of evidence in terms of subsection (1) subject to such conditions as it may deem necessary in the interests of justice.

(4) The court must provide reasons for —

(a) allowing or refusing an application by any of the parties; or

(b) its order and any objection raised by the parties against the order, as contemplated in subsection (1).

(5) For purposes of this Act, a witness who give evidence by means of audiovisual link, is regarded as a witness who was subpoenaed to give evidence in the court in question.

(6) For purposes of this section “audiovisual link” means facilities that enable both audio and visual communications between a witness and persons at a courtroom in real-time as they take place.”.

Amendment of section 15 of Act 40 of 213

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

“(b) A person referred to in paragraph (a) is only competent and compelled to answer a question or compelled to produce any article or document contemplated in that paragraph if –

- (i) the Commission[, **in consultation with the Director of Public Prosecutions who has jurisdiction,**] issues an order to that effect;
- (ii) the Commission is satisfied that to require such information from such person is reasonable, necessary and justifiable in an open and democratic society based on freedom and equality; and
- (iii) in the Commission’s judgment, such person has refused or is likely to refuse to answer a question or to produce any article or document on the basis of his or her privilege against self-incrimination.”.

Amendment of section 26 of Act 28 of 2014

38. Section 26 of the Legal Practice Act, 2014, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) satisfied all the requirements for the LLB degree obtained at any **[university registered in the Republic]** higher education institution referred to in the Higher Education Act, 1997 (Act No.

101 of 1997), which degree must be registered with the South African Qualifications Authority established in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), after pursuing for that degree—

- (i) a course of study of not less than four years; or
- (ii) a course of study of not less than five years if the LLB degree is preceded by a bachelor's degree other than the LLB degree, as determined in the rules of the **[university]** higher education institution in question and approved by the Council; or”.

Amendment of section 41 of Act 28 of 2014

39. Section 41 of the Legal Practice Act, 2014, is hereby amended by the substitution for paragraphs (b) and (c) of subsection (2) of the following paragraphs:

“(b) The members of the appeal tribunal must, as far as is practicable, include at least –

- (i) one advocate and one attorney; and
- (ii) one lay person drawn by the Council from a list of persons established and maintained by the Office of the Ombud who has been approved by the Office of the Ombud, as being suitable to serve on appeal tribunals and who is paid an allowance for this purpose determined by the Council and published in the Gazette.”.

Amendment of section 84 of Act 28 of 2014

40. Section 84 of the Legal Practice Act, 2014, is hereby amended by the addition of the following subsection:

“(10) The Council may exempt a legal practitioner referred to in subsection (1) who practises as part of a law clinic, from the obligation of

possessing a Fidelity Fund certificate and operating a trust account, in so far as it pertains to legal services rendered by that legal practitioner at that law clinic, after consideration of a written application from the legal practitioner and if the Council is satisfied that the law clinic has appropriate professional indemnity insurance.”.

Amendment of Schedule 1 of Act 15 of 2017

41. 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.”.

Short title and commencement

42. (1) This Act is called the Judicial Matters Amendment Act, 2018.

(2) Sections 1, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26, 34 and 36 come into operation on a date fixed by the President by proclamation in the *Gazette*.