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No. 28391

THE PRESIDENCY

DIE PRESIDENSIE

No. 21

11 January 2006

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

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

No. 22 of 2005: Judicial Matters Amendment Act, 2005.

No. 22 van 2005: Wysigingswet op Geregtelike Aangeleenthede, 2005.

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 23 December 2005.)

ACT

To amend—

- the Magistrates' Courts Act, 1944, so as to provide for the disposal of part heard cases by permanently appointed magistrates who vacate the office of magistrate;
- the Administration of Estates Act, 1965, so as to amend the definition of "Master"; and to provide that the Chief Master is subject to the control, direction and supervision of the Minister;
- the Companies Act, 1973, so as to effect a technical correction;
- the Criminal Procedure Act, 1977, so as to effect a technical correction;
- the Attorneys Act, 1979, so as to allow a council to exempt an attorney from the attendance of a legal practice management course in certain circumstances;
- the Right of Appearance in Courts Act, 1995, so as to provide that an attorney that has been granted the right to appear in a High Court may do so in any court in the Republic;
- the Special Investigating Units and Special Tribunals Act, 1996, so as to provide for the delegation by the head of a Special Investigating Unit of his or her powers and functions in certain circumstances;
- the Maintenance Act, 1998, so as to further regulate the appointment or designation of officers in the Department as maintenance investigators;
- the Debt Collectors Act, 1998, so as to amend the definition of "debt collector"; to correct an erroneous reference; to provide anew for the keeping of registers by the Debt Collectors Council; to provide for the cancellation of the registration of a debt collector; and to further regulate the provisions relating to trust accounts of debt collectors;
- the Promotion of Administrative Justice Act, 2000, so as to make provision for the publishing of a code of good administrative conduct by notice in the *Gazette*; and to extend the period of time within which the code of good administrative conduct must be made;
- the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, so as to extend the application of the Act expressly to include intersexed persons within the definition of sex;

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake 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 23 Desember 2005.)

WET

Tot wysiging van—

- die Wet op Landdroshowe, 1944, ten einde voorsiening te maak vir die afhandeling van sake deur voltydse landdroste wat die amp van landdros ontruim;
- die Boedelwet, 1965, ten einde die omskrywing van “Meester” te wysig; en te bepaal dat die Hoofmeester onderhewig is aan die beheer, leiding en toesig van die Minister;
- die Maatskappywet, 1973, ten einde 'n tegniese regstelling aan te bring;
- die Strafproseswet, 1977, ten einde 'n tegniese regstelling aan te bring;
- die Wet op Prokureurs, 1979, ten einde 'n raad toe te laat om 'n prokureur in sekere omstandighede van die bywoning van 'n regspraktykbestuurskursus vry te stel;
- die Wet op die Reg op Verskyning in Howe, 1995, ten einde te bepaal dat 'n prokureur wat die reg op verskyning in 'n Hoë Hof verleen is, in enige hof in die Republiek kan verskyn;
- die Wet op Spesiale Ondersoekenhede en Spesiale Tribunale, 1996, ten einde voorsiening te maak vir die delegasie deur die hoof van 'n Spesiale Ondersoekendeheid van sy of haar bevoegdhede en werksaamhede in sekere omstandighede;
- die Wet op Onderhoud, 1998, ten einde voorsiening te maak vir die aanstelling of aanwysing van beamptes in die Departement as onderhoudsondersoekers;
- die Wet op Skuldinvorderaars, 1998, ten einde die omskrywing van “skuldinvorderaar” te wysig; 'n verkeerde verwysing reg te stel; opnuut voorsiening te maak vir die byhou van registers deur die Raad vir Skuldinvorderaars; voorsiening te maak vir die terugtrekking van die registrasie van 'n skuldinvorderaar; en die bepaling wat met trustrekenings van skuldinvorderaars verband hou, verder te reël;
- die “Promotion of Administrative Justice Act, 2000”, ten einde voorsiening te maak vir die publikasie van 'n gedragskode oor administratiewe handeling by kennisgewing in die *Staatskoerant* en die tydperk waarbinne die gedragskode oor administratiewe handeling gemaak moet word, te verleng;
- die “Promotion of Equality and Prevention of Unfair Discrimination Act, 2000”, ten einde die toepassing van die Wet uit te brei ten einde persone wat interseksueel is uitdruklik daarby in te sluit binne die omskrywing van seks;

- the Implementation of the Rome Statute of the International Criminal Court Act, 2002, so as to clarify the provision regarding the surrender of a person to the International Criminal Court; and
 - the Judicial Matters Second Amendment Act, 2003, so as to repeal a redundant provision;
- and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967 and amended by section 4 of Act 53 of 1970, section 8 of Act 102 of 1972, section 11 of Act 29 of 1974, section 24 of Act 94 of 1974, section 1 of Act 28 of 1981, section 2 of Act 34 of 1986, section 17 of Act 90 of 1993, section 3 of Act 104 of 1996, section 3 of Act 66 of 1998, section 1 of Act 62 of 2000 and section 1 of Act 28 of 2003

1. Section 9 of the Magistrates' Courts Act, 1944, is hereby amended by the addition of the following subsection after subsection (6):

“(7) (a) A magistrate appointed in terms of subsection (1) who presided in criminal proceedings in which a plea was recorded in accordance with section 106 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall, notwithstanding his or her subsequent vacation of the office of magistrate at any stage, dispose of those proceedings and, for such purpose, shall continue to hold such office in respect of any period during which he or she is necessarily engaged in connection with the disposal of those proceedings—

- (i) in which he or she participated, including an application for leave to appeal in respect of such proceedings; and
- (ii) which were not disposed of when he or she vacated the office of magistrate.

(b) The proceedings contemplated in paragraph (a) shall be disposed of at the court where the proceedings were commenced, unless all parties to the proceedings agree unconditionally in writing to the proceedings being resumed in another court mentioned in the agreement.

(c) If the magistrate contemplated in paragraph (a) has subsequently been appointed as a Constitutional Court judge or judge as defined in section 1 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001)—

- (i) he or she shall only be entitled to the benefits to which such a Constitutional Court judge or judge is entitled as contemplated in the Judges' Remuneration and Conditions of Employment Act, 2001, in respect of any period taken to dispose of the proceedings as contemplated in paragraph (a); and
- (ii) the period taken to dispose of the proceedings as contemplated in paragraph (a) is deemed to be active service for purposes of the Judges' Remuneration and Conditions of Employment Act, 2001.

(d) If the magistrate contemplated in paragraph (a) has subsequently not been appointed as a Constitutional Court judge or judge as contemplated in paragraph (c), he or she is entitled to such benefits as determined by the Minister from time to time by notice in the *Gazette* at an hourly rate.

(e) A magistrate contemplated in paragraph (a) who is, in the opinion of the Minister—

- (i) unfit to continue holding the office of magistrate for purposes of disposing of the proceedings in question; or
- (ii) incapacitated and is not able to dispose of the proceedings in question due to such incapacity,

may be exempted by the Minister from the provisions of this subsection, after consultation with the Chief Justice.”

Amendment of section 1 of Act 66 of 1965, as amended by section 1 of Act 54 of 1970, section 1 of Act 79 of 1971, section 1 of Act 49 of 1996, section 26 of Act 57 of 1988 and section 1 of Act 20 of 2001

2. Section 1 of the Administration of Estates Act, 1965, is hereby amended by the substitution for the definition of “Master” of the following definition:

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- die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002, ten einde die bepaling oor die uitlewering van 'n persoon aan die Internasionale Strafhof op te klaar; en
 - die Tweede Wysigingswet op Geregetelike Aangeleenthede, 2003, ten einde 'n uitgediende bepaling te herroep;
- en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 9 van Wet 32 van 1944, soos vervang deur artikel 2 van Wet 8 van 1967 en gewysig deur artikel 4 van Wet 53 van 1970, artikel 8 van Wet 102 van 1972, artikel 11 van Wet 29 van 1974, artikel 24 van Wet 94 van 1974, artikel 1 van Wet 28 van 1981, artikel 2 van Wet 34 van 1986, artikel 17 van Wet 90 van 1993, artikel 3 van Wet 104 van 1996, artikel 3 van Wet 66 van 1998, artikel 1 van Wet 62 van 2000 en artikel 1 van Wet 28 van 2003

1. Artikel 9 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende subartikel na subartikel (6) by te voeg:

“(7) (a) 'n Landdros wat ingevolge subartikel (1) aangestel is wat by strafverrigtinge voorgesit het waar 'n pleit ooreenkomstig artikel 106 van die Strafproseswet, 1977 (Wet No. 51 van 1977), aangeteken is, moet, ondanks sy of haar daaropvolgende ontruiming van die amp van landdros te eniger tyd, daardie verrigtinge afhandel en, vir dié doel, hou aan om sodanige amp te beklee ten opsigte van enige tydperk waartydens hy of sy noodsaaklikerwys besig is in verband met die afhandeling van sodanige verrigtinge—

(i) waaraan hy of sy deelgeneem het, met inbegrip van 'n aansoek om verlof tot appèl ten opsigte van daardie verrigtinge; en

(ii) wat nie afgehandel was nie toe hy of sy die amp van landdros ontruim het.

(b) Die verrigtinge beoog in paragraaf (a) word afgehandel by die hof waar die verrigtinge 'n aanvang geneem het, tensy al die partye tot die verrigtinge onvoorwaardelik skriftelik ooreenkom dat die verrigtinge in 'n ander hof wat in die ooreenkoms uiteengesit word, voortgesit word.

(c) Indien die landdros beoog in paragraaf (a) daarna as 'n Konstitusionele Hof regter of regter soos omskryf in artikel 1 van die Wet op die Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), aangestel is—

(i) is hy of sy slegs op die voordele geregtig wat aan so 'n Konstitusionele Hof regter of regter toekom, soos beoog in die Wet op die Besoldiging en Diensvoorwaardes van Regters, 2001, ten opsigte van enige tydperk wat in beslag geneem word om die verrigtinge beoog in paragraaf (a) af te handel; en

(ii) word die tydperk beoog in paragraaf (a) om die verrigtinge af te handel, geag aktiewe diens te wees vir doeleindes van die Wet op die Besoldiging en Diensvoorwaardes van Regters, 2001.

(d) Indien die landdros beoog in paragraaf (a) nie daarna as 'n Konstitusionele Hof regter of regter soos beoog in paragraaf (c) aangestel is nie, is hy of sy op sodanige voordele geregtig soos bepaal deur die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant*, op 'n uurlikse grondslag.

(e) 'n Landdros beoog in paragraaf (a) wat na die mening van die Minister—

(i) nie geskik is om die amp van landdros voortaan te beklee nie vir doeleindes om die betrokke verrigtinge af te handel; of

(ii) nie in staat is om die betrokke verrigtinge af te handel nie as gevolg van sodanige onbevoegdheid, kan deur die Minister van die bepalinge van hierdie subartikel vrygestel word, na oorlegpleging met die Hoofregter.”

Wysiging van artikel 1 van Wet 66 van 1965, soos gewysig deur artikel 1 van Wet 54 van 1970, artikel 1 van Wet 79 van 1971, artikel 1 van Wet 49 van 1996, artikel 26 van Wet 57 of 1988 en artikel 1 van Wet 20 van 2001

2. Artikel 1 van die Boedelwet, 1965, word hierby gewysig deur die omskrywing van “Meester” deur die volgende omskrywing te vervang:

“ ‘**Master**’, in relation to any matter, property or estate, means the Master, Deputy Master or Assistant Master of a High Court appointed under section 2, who has jurisdiction in respect of that matter, property or estate and who is subject to the control, direction and supervision of the Chief Master;”.

Amendment of section 2 of Act 66 of 1965, as amended by section 2 of Act 79 of 1971, section 35 of Act 47 of 1997, section 2 of Act 20 of 2001 and section 14 of Act 16 of 2003 5

3. Section 2 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) Subject to subsection (2) and the laws governing the public service, the Minister— 10

[(a)(i)] shall appoint a Chief Master of the High Courts, **who shall, as such, be the executive officer of the Master’s offices and exercise such supervision over all the Masters as may be necessary in order to bring about uniformity in their practice and procedure;** 15

[(b)(ii)] shall, in respect of the area of jurisdiction of each High Court, appoint a Master of the High Court; and

[(c)(iii)] may, in respect of each such area, appoint one or more Deputy Masters of the High Court and one or more Assistant Masters of the High Court, who may, subject to the control, direction and supervision of the Master, do anything which may lawfully be done by the Master. 20

(b) The Chief Master—

(i) is subject to the control, direction and supervision of the Minister;

(ii) is the executive officer of the Masters’ offices; and

(iii) shall exercise control, direction and supervision over all the Masters.”. 25

Amendment of section 370 of Act 61 of 1973

4. Section 370 of the Companies Act, 1973, is hereby amended by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) if the person so nominated was nominated as sole liquidator or if all the persons so nominated have not been appointed by him or her, appoint, in accordance with the policy determined by the Minister, as liquidator or liquidators of the company concerned any other person or persons not disqualified from being liquidator of that company.”. 30

Amendment of section 276 of Act 51 of 1977, as amended by section 3 of Act 107 of 1990, section 41 of Act 122 of 1991, section 18 of Act 139 of 1992, section 20 of Act 116 of 1993, section 2 of Act 33 of 1997, section 34 of Act 105 of 1997 and section 5 of Act 55 of 2003 35

5. Section 276 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (3) for the proviso to paragraph (b) of the following proviso:

“: Provided that any punishment contemplated in this paragraph may not be imposed in any case where the court **[intends imposing]** is obliged to impose a sentence contemplated in section 51(1) or (2), read with section 52, of the Criminal Law Amendment Act, 1997.”. 40

Substitution of section 13B of Act 53 of 1979, as inserted by section 8 of Act 55 of 2003 45

6. The following section is hereby substituted for section 13B of the Attorneys Act, 1979:

“Certain attorneys to complete training in legal practice management

13B. (1) After the commencement of section 6 of the Judicial Matters **[Second]** Amendment Act, **[2003]** 2005, and subject to subsection (2), every attorney who, for the first time, **[practises as a partner in a firm of** 50

“‘Meester’, met betrekking tot enige aangeleentheid, goed of boedel, die Meester, Adjunk-meester of Assistent-meester van ’n Hoë Hof kragtens artikel 2 aangestel, wat ten opsigte van daardie aangeleentheid, goed of boedel met regsbevoegdheid beklee is en wat onderhewig is aan die beheer, leiding en toesig van die Hoofmeester;”.

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Wysiging van artikel 2 van Wet 66 van 1965, soos gewysig deur artikel 2 van Wet 79 van 1971, artikel 35 van Wet 47 van 1997, artikel 2 van Wet 20 van 2001 en artikel 14 van Wet 16 van 2003

3. Artikel 2 van die Boedelwet, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

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“(1) (a) Behoudens subartikel (2) en die wette op die Staatsdiens—

[(a)](i) stel die Minister ’n Hoofmeester van die Hoë Hofe aan [**wat, as sodanig, die uitvoerende beampste van die Meesterskantore is en die toesig oor alle Meesters uitoefen wat nodig is ten einde eenvormigheid in hul praktyk en prosedures mee te bring;**

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[(b)](ii) stel die Minister, ten opsigte van die regsgebied van iedere Hoë Hof, ’n Meester van die Hoë Hofe aan: en

[(c)](iii) kan die Minister, ten opsigte van iedere sodanige gebied, een of meer Adjunk-meesters van die Hoë Hofe en een of meer Assistent-meesters van die Hoë Hofe aldus aanstel, wat, onder die beheer, leiding en toesig van die Meester, bevoeg is om alles te doen wat die Meester wettiglik kan doen.

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(b) Die Hoofmeester—

(i) is onderhewig aan die beheer, leiding en toesig van die Minister;

(ii) is die uitvoerende beampste van die Meesterskantore: en

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(iii) oefen beheer uit oor, gee leiding aan en hou toesig oor al die Meesters.”.

Wysiging van artikel 370 van Wet 61 van 1973

4. Artikel 370 van die Maatskappywet, 1973, word hierby gewysig deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) indien die persoon aldus benoem as enigste likwidateur benoem is of indien al die persone aldus benoem nie deur hom of haar aangestel is nie, stel hy of sy, ooreenkomstig die beleid wat deur die Minister bepaal is, ’n ander persoon of persone wat nie onbevoeg is om likwidateur van die betrokke maatskappy te wees nie, as likwidateur of likwidateurs van daardie maatskappy aan.”.

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Wysiging van artikel 276 van Wet 51 van 1977, soos gewysig deur artikel 3 van Wet 107 van 1990, artikel 41 van Wet 122 van 1991, artikel 18 van Wet 139 van 1992, artikel 20 van Wet 116 van 1993, artikel 2 van Wet 33 van 1997, artikel 34 van Wet 105 van 1997 en artikel 5 van Wet 55 van 2003

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5. Artikel 276 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (3) die voorbehoudsbepaling by paragraaf (b) deur die volgende voorbehoudsbepaling te vervang:

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“: Met dien verstande dat enige straf beoog in hierdie paragraaf [word] nie opgelê word in enige saak waar die hof [van voornemens] verplig is om ’n vonnis beoog in artikel 51(1) of (2), saamgelees met artikel 52 van die Strafreghysigingswet, 1997, op te lê nie.”.

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Vervanging van artikel 13B van Wet 53 van 1979, soos ingevoeg deur artikel 8 van Wet 55 van 2003

6. Artikel 13B van die Wet op Prokureurs, 1979, word hierby deur die volgende artikel vervang:

“Sekere prokureurs moet opleiding in regspraktykbestuur ondergaan

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13B. (1) Na die inwerkingtreding van artikel 6 van die [Tweede] Wysigingswet op Geregtelike Aangeleenthede, [2003] 2005, en behoudens subartikel (2), moet elke prokureur wat vir die eerste maal [as ’n venoot

attorneys or who practises for his or her own account] is required to apply for a fidelity fund certificate in terms of section 42 must—

(a) within the period contemplated in section 74(1)(dA); and

(b) after payment of the fee prescribed in terms of section 80[(1)](i),

complete a legal practice management course approved by and to the satisfaction of the council of the province in which he or she [practises] intends to practise.

(2) The relevant council may exempt an attorney, fully or partially and on such conditions as may be appropriate, from completing a legal practice management course to the extent that the attorney—

(a) has a qualification that is similar to or of a higher standard than that attainable on completion of the course in question; or

(b) has a level of experience that would render the completion of the course in question or any part of such a course unnecessary.”.

Amendment of section 4 of Act 62 of 1995

7. Section 4 of the Right of Appearance in Courts Act, 1995, is hereby amended by the addition of the following subsection:

“(4) An attorney who has been granted the right of appearance in terms of this section shall be entitled to appear in any court throughout the Republic.”.

Insertion of section 5A in Act 74 of 1996

8. The following section is hereby inserted in the Special Investigating Units and Special Tribunals Act, 1996, after section 5:

“Delegation of powers and functions by Head of Special Investigating Unit

5A. (1) The Head of a Special Investigating Unit may, in writing—

(a) delegate any power vested in and any function entrusted to him or her in terms of this Act to any member of that Special Investigating Unit; and

(b) at any time revoke the delegation contemplated in paragraph (a).

(2) A delegation to a member in terms of subsection (1)(a)—

(a) is subject to any limitations and conditions prescribed in terms of this Act;

(b) is subject to any limitations and conditions that the Head of the Special Investigating Unit may impose;

(c) may be either in respect of a specific person or in respect of the holder of a specific post in the Special Investigating Unit; and

(d) does not divest the Head of the Special Investigating Unit of any responsibility concerning the exercise of the delegated power or the performance of the delegated function.

(3) The Head of a Special Investigating Unit may vary or revoke any decision taken by a member as a result of a delegation in terms of subsection (1)(a), subject to any rights that may have become vested as a consequence of such decision.”.

Amendment of section 5 of Act 99 of 1998

9. Section 5 of the Maintenance Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister, or any officer of the Department of Justice and Constitutional Development authorised thereto in writing by the Minister, may—

(a) subject to the laws governing the public service, appoint or designate one or more officers in the Department; or

(b) appoint in the prescribed manner and on the prescribed conditions one or more persons,

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in 'n prokureursfirma praktiseer of wat vir sy of haar eie rekening praktiseer] ingevolge artikel 42 aansoek moet doen om 'n getrouheidsfondssertifikaat—

(a) binne die tydperk beoog in artikel 74(1)(dA); en

(b) na betaling van die geld ingevolge artikel 80(i) voorgeskryf, 'n [praktiese] regspraktykbestuurskursus [voltooi] wat goedgekeur is deur die raad van die provinsie waarbinne hy of sy van voorneme is om te praktiseer tot die bevrediging van die raad voltooi.

(2) Die betrokke raad kan 'n prokureur, geheel of gedeeltelik en op die voorwaardes wat dienstig geag word, vrystel van die voltooiing van 'n regspraktykbestuurskursus in die mate dat die prokureur—

(a) 'n kwalifikasie besit wat soortgelyk is aan of van 'n hoër standaard is as dit wat bereikbaar is na voltooiing van die betrokke kursus; of

(b) 'n ondervindingsvlak het wat die voltooiing van die betrokke kursus of enige gedeelte van so 'n kursus onnodig sou maak.”

Wysiging van artikel 4 van Wet 62 van 1995

7. Artikel 4 van die Wet op die Reg op Verskyning in Howe, 1995, word hierby gewysig deur die volgende subartikel by te voeg:

“(4) 'n Prokureur wat ingevolge hierdie artikel die reg van verskyning verkry het, is daarop geregtig om in enige hof in die Republiek verskyn.”

Invoeging van artikel 5A in Wet 74 van 1996

8. Die volgende artikel word hierby in die Wet op Spesiale Ondersoekeenheid en Spesiale Tribunale, 1996, na artikel 5 ingevoeg:

“Delegasie van bevoegdhede en werksaamhede deur Hoof van Spesiale Ondersoekeenheid

5A. (1) Die Hoof van 'n Spesiale Ondersoekeenheid kan skriftelik—

(a) enige bevoegdheid en enige werksaamheid wat ingevolge hierdie Wet aan hom of haar verleen en toevertrou is, aan enige lid van daardie Spesiale Ondersoekeenheid delegeer; en

(b) te eniger tyd die delegasie beoog in paragraaf (a) terugtrek.

(2) 'n Delegasie ingevolge subartikel (1)(a) aan 'n lid—

(a) is onderhewig aan enige beperkings en voorwaardes wat ingevolge hierdie Wet voorgeskryf word;

(b) is onderhewig aan enige beperkings en voorwaardes wat die Hoof van die Spesiale Ondersoekeenheid kan oplê;

(c) kan òf ten opsigte van 'n bepaalde persoon òf ten opsigte van die bekleër van 'n bepaalde pos in die Spesiale Ondersoekeenheid wees; en

(d) ontnem nie die Hoof van 'n Spesiale Ondersoekeenheid van enige verantwoordelikheid aangaande die uitoefening van die gedelegeerde bevoegdheid of van die verrigting van die gedelegeerde werksaamheid nie.

(3) Die Hoof van 'n Spesiale Ondersoekeenheid kan enige besluit geneem deur 'n lid as gevolg van 'n delegasie ingevolge subartikel (1)(a) wysig of terugtrek, behoudens enige gevestigde regte as gevolg van sodanige besluit.”

Wysiging van artikel 5 van Wet 99 van 1998

9. Artikel 5 van die Wet op Onderhoud, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister, of 'n beampte van die Departement van Justisie en Staatkundige Ontwikkeling wat skriftelik deur die Minister daartoe gemagtig is, kan—

(a) behoudens die wette wat die staatsdiens reël, een of meer beamptes in die Departement aanstel of aanwys; of

(b) op die voorgeskrewe wyse en op die voorgeskrewe voorwaardes een of meer persone aanstel,

as maintenance investigators of a maintenance court to exercise or perform any power, duty or function conferred upon or assigned to maintenance investigators by or under this Act.”.

Amendment of section 1 of Act 114 of 1998

10. Section 1 of the Debt Collectors Act, 1998, is hereby amended by the substitution in the definition of “debt collector” for paragraph (c) of the following paragraph: 5

“(c) a person who, as an agent or employee of a person referred to in paragraph (a) or (b) or as an agent of an attorney, collects the debts on behalf of such person or attorney, excluding an employee whose duties are purely administrative, clerical or otherwise subservient to the actual occupation of debt collector;” 10

Amendment of section 10 of Act 114 of 1998

11. Section 10 of the Debt Collectors Act, 1998, is hereby amended by the substitution in subsection (1)(a) for subparagraph (ii) of the following subparagraph:

“(ii) he or she has been found guilty in terms of section [18] 15 of improper conduct;” 15

Substitution of section 12 of Act 114 of 1998

12. The following section is hereby substituted for section 12 of the Debt Collectors Act, 1998:

“[Register] Registers

12. (1) The Council shall keep— 20

(a) a register of the names and prescribed particulars of every debt collector whose application for registration under section 9(3) has been approved[, **or whose registration has been withdrawn or disapproved**], who is in possession of a valid certificate of registration contemplated in section 11; and 25

(b) a register of the names and prescribed particulars of every debt collector whose registration has been cancelled at the debt collector’s request or whose registration has been withdrawn or disapproved by the Council, and the reasons therefor.

(2) The register contemplated in subsection (1)(a) shall— 30

(a) be published [**in the Gazette annually**] on the website of the Council;

(b) be updated every [second] month by the Council;

[(c) **be available for inspection by the public at the prescribed places and times;**] and

(d) be submitted to Parliament within 14 days after the [**publication thereof in the Gazette**] end of each financial year. 35

(3) The register contemplated in subsection (1)(b) shall be updated every month by the Council.

(4) The registers contemplated in subsection (1)(a) and (b) shall be available for inspection by the public at the prescribed places and times. 40

(5) The Council shall, when it submits the register to Parliament as contemplated in subsection (2)(d), publish a notice in the *Gazette* and in a national newspaper, setting out the prescribed places and particulars where the register is available for inspection by the public.”.

Insertion of section 16A in Act 114 of 1998

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13. The following section is hereby inserted in the Debt Collectors Act, 1998, after section 16:

as onderhoudsonderzoekers van 'n onderhoudshof [**aanstel**] om 'n bevoegdheid, plig of werksaamheid wat by of kragtens hierdie Wet aan onderhoudsonderzoekers verleen of opgedra word, uit te oefen of te verrig.”.

Wysiging van artikel 1 van Wet 114 van 1998

5 **10.** Artikel 1 van die Wet op Skuldinvorderaars, 1998, word hierby gewysig deur paragraaf (c) van die omskrywing van “skuldinvorderaar” deur die volgende paragraaf te vervang:

10 “(c) 'n **persoon** wat as 'n verteenwoordiger of werknemer van 'n persoon in paragraaf (a) of (b) bedoel of as 'n verteenwoordiger van 'n prokureur, skulde ten behoeve van sodanige persoon of prokureur invorder, uitgesonderd 'n werknemer wie se pligte suiwer administratief, klerklik of andersins ondergeskik is aan die werklike beroep van skuldinvorderaar.”.

Wysiging van artikel 10 van Wet 114 van 1998

11. Artikel 10 van die Wet op Skuldinvorderaars, 1998, word hierby gewysig deur in 15 subartikel (1)(a) subparagraaf (ii) deur die volgende subparagraaf te vervang:

“(ii) hy of sy ingevolge artikel [**18**] 15 aan onbehoorlike gedrag skuldig bevind is;”.

Vervanging van artikel 12 van Wet 114 van 1998

12. Artikel 12 van die Wet op Skuldinvorderaars, 1998, word hierby deur die 20 volgende artikel vervang:

“**[Register] Registers**

12. (1) Die Raad moet—

25 (a) 'n register hou van die name en voorgeskrewe besonderhede van elke skuldinvorderaar wie se aansoek om registrasie kragtens artikel 9(3) goedgekeur is [, of wie se registrasie ingetrek of afgekeur is] , wat 30 in besit is van 'n geldige registrasiesertifikaat beoog in artikel 11; en

(b) 'n register hou van die name en voorgeskrewe besonderhede van elke skuldinvorderaar wie se registrasie op die versoek van die skuldinvorderaar teruggetrek is of wie se registrasie deur die Raad ingetrek of afgekeur is, en die redes daarvoor.

(2) Die register beoog in subartikel (1)(a) moet—

35 (a) [jaarliks in die Staatskoerant] op die webtuiste van die Raad gepubliseer word;

(b) elke [tweede] maand deur die Raad op datum gebring word;

40 [(c) op die voorgeskrewe plekke en tye vir insae deur die publiek beskikbaar wees]; en

(d) aan die Parlement voorgelê word binne 14 dae na die [publikasie daarvan in die Staatskoerant] einde van elke boekjaar.

(3) Die register beoog in subartikel (1)(b) moet elke maand deur die Raad 45 op datum gebring word.

(4) Die registers beoog in subartikel (1)(a) en (b) moet op die voorgeskrewe plekke en tye vir insae deur die publiek beskikbaar wees.

50 (5) Die Raad moet, wanneer hy die register aan die Parlement voorlê soos beoog in subartikel (2)(d), 'n kennisgewing in die Staatskoerant en in 'n nasionale koerant publiseer, wat die voorgeskrewe plekke en besonderhede uiteensit waar die register vir insae deur die publiek beskikbaar is.”.

Invoeging van artikel 16A in Wet 114 van 1998

13. Die volgende artikel word hierby in die Wet op Skuldinvorderaars, 1998, na artikel 16 ingevoeg:

“Cancellation of registration as debt collector

16A. The Council shall—

- (a) in the prescribed manner cancel the registration of a debt collector upon the written request of the debt collector; and
 (b) record the name of such debt collector in the register contemplated in section 12(1)(b).”

Amendment of section 20 of Act 114 of 1998

14. Section 20 of the Debt Collectors Act, 1998, is hereby amended—

- (a) by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) The money deposited in terms of subsection (1) shall, **together with the interest as determined under subsection (3),** be paid within a reasonable or agreed time to the person on whose behalf the money is received or held: Provided that a settlement account, containing a complete exposition of all credits and debits reflected in the said account shall be delivered to that person at least once a month.

(3) All interest, if any, on money deposited in terms of subsection (1) shall be paid, **[as] at the prescribed time and in the prescribed manner, to the [person on whose behalf the money was deposited] Council.**”;

- (b) by the insertion after subsection (3) of the following subsection:

“(3A) The Council may, in accordance with a tariff and procedure determined by the Council, reimburse the debt collector concerned for any bank charges or any portion thereof incurred by the debt collector in connection with the keeping of his or her trust account.”;

- (c) by the addition of the following subsections:

“(6) A debt collector must, in the prescribed manner and period—

- (a) cause his or her accounting records to be audited annually by a public accountant or auditor contemplated in the Public Accountants’ and Auditors’ Act, 1991 (Act No. 80 of 1991); and
 (b) report to the Council thereon.

(7) No amount standing to the credit of a trust account contemplated in subsection (1) shall form part of the assets of a debt collector or may be attached on behalf of any creditor of such debt collector.

(8) If any debt collector—

- (a) dies;
 (b) becomes insolvent;
 (c) in the case of a company or close corporation, is liquidated or placed under judicial management, whether provisionally or finally;
 (d) has his or her registration withdrawn;
 (e) is declared by a competent court to be incapable of managing his or her own affairs; or
 (f) abandons his or her practice or ceases to practise.

the Council must, where necessary, control and administer his or her trust account until the Master of the High Court having jurisdiction has, on application made by the Council or by a person having an interest in the trust account of that debt collector, appointed a *curator bonis* with such rights, duties and powers as the Master may deem fit to control and administer such account.”

Substitution of section 10 of Act 3 of 2000

- 15. The following section is hereby substituted for section 10 of the Promotion of Administrative Justice Act, 2000:**

“Terugtrekking van registrasie as skuldinvorderaar**16A. Die Raad moet—**

- (a) op die voorgeskrewe wyse die registrasie van ’n skuldinvorderaar op die skriftelike versoek van die skuldinvorderaar terugtrek; en
- (b) die naam van sodanige skuldinvorderaar in die register beoog in artikel 12(1)(b) aanteken.”

Wysiging van artikel 20 van Wet 114 van 1998**14. Artikel 20 van die Wet op Skuldinvorderaars, 1998, word hierby gewysig—**

- (a) deur subartikels (2) en (3), onderskeidelik, deur die volgende subartikels te vervang:

“(2) Die geld wat ingevolge subartikel (1) gedeponeer is, word, **tesame met die rente ingevolge subartikel (3) bepaal,** binne ’n redelike of ooreengekome tyd aan die persoon ten behoeve van die geld ontvang of gehou word, betaal: Met dien verstande dat ’n afrekeningstaat minstens een maal per maand aan laasgenoemde persoon gelewer moet word wat ’n volledige opgawe van alle krediete en debiete op die bedoelde rekening bevat.

(3) Alle rente, indien enige, op geld wat ingevolge subartikel (1) gedeponeer is, word op die voorgeskrewe tyd en op die voorgeskrewe wyse aan die [persoon ten behoeve van wie die geld gedeponeer is, Raad betaal [soos voorgeskryf].”;

- (b) deur die volgende subartikel na subartikel (3) in te voeg:

“(3A) Die Raad kan, ooreenkomstig ’n tarief en prosedure soos deur die Raad bepaal, die betrokke skuldinvorderaar vir enige bankkoste of enige gedeelte daarvan vergoed wat deur die skuldinvorderaar aangegaan is in verband met die byhou van sy of haar trustrekening.”; en

- (c) deur die volgende subartikels by te voeg:

“(6) ’n Skuldinvorderaar moet, op die voorgeskrewe wyse en tydperk—

- (a) sy of haar rekeningkundige aantekeninge jaarliks deur ’n openbare rekenmeester of ouditeur beoog in die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), laat ouditeer; en

- (b) daarvoor aan die Raad verslag doen.

(7) Geen bedrag op krediet van ’n trustrekening beoog in subartikel (1) word as deel van die bates van ’n skuldinvorderaar beskou of kan ten behoeve van ’n skuldeiser van sodanige skuldinvorderaar in beslag geneem word nie.

(8) Indien ’n skuldinvorderaar—

- (a) sterf;
- (b) insolvent raak;
- (c) in die geval van ’n maatskappy of beslote korporasie, gelikwieder word of onder geregtelike bestuur, hetsy voorlopig of finaal, geplaas word;
- (d) se registrasie ingetrek word;
- (e) deur ’n bevoegde hof onbevoeg verklaar word om sy of haar eie saak te beheer; of
- (f) sy of haar praktyk laat vaar of staak,

moet die Raad, waar nodig, sy of haar trustrekening beheer en administreer totdat die Meester van die Hoë Hof wat jurisdiksie het, op aansoek van die Raad of van iemand wat ’n belang by die trustrekening van daardie skuldinvorderaar het, ’n curator bonis aangestel het, met soveel van die regte, pligte en bevoegdhede as wat die Meester goedvind om sodanige rekening te beheer en te administreer.”.

Vervanging van artikel 10 van Wet 3 van 2000

15. Artikel 10 van die isiXhosa teks van die “Promotion of Administrative Justice Act, 2000” word hierby deur die volgende artikel vervang:

“Regulations and code of good administrative conduct

- 10.** (1) The Minister must make regulations relating to—
- (a) the procedures to be followed by designated administrators or in relation to classes of administrative action in order to promote the right to procedural fairness; 5
 - (b) the procedures to be followed in connection with public inquiries;
 - (c) the procedures to be followed in connection with notice and comment procedures; and
 - (d) the procedures to be followed in connection with requests for reasons; and 10
 - (e) **a code of good administrative conduct in order to provide administrators with practical guidelines and information aimed at the promotion of an efficient administration and the achievement of the objects of this Act].**
- (2) The Minister may make regulations relating to— 15
- (a) the establishment, duties and powers of an advisory council to monitor the application of this Act and to advise the Minister on—
 - (i) the appropriateness of publishing uniform rules and standards which must be complied with in the taking of administrative actions, including the compilation and maintenance of registers containing the text of rules and standards used by organs of state; 20
 - (ii) any improvements that might be made in respect of internal complaints procedures, internal administrative appeals and the judicial review by courts or tribunals of administrative action; 25
 - (iii) the appropriateness of establishing independent and impartial tribunals, in addition to the courts, to review administrative action and of specialised administrative tribunals, including a tribunal with general jurisdiction over all organs of state or a number of organs of state, to hear and determine appeals against administrative action; 30
 - (iv) the appropriateness of requiring administrators, from time to time, to consider the continuance of standards administered by them and of prescribing measures for the automatic lapsing of rules and standards; 35
 - (v) programmes for educating the public and the members and employees of administrators regarding the contents of this Act and the provisions of the Constitution relating to administrative action;
 - (vi) any other improvements aimed at ensuring that administrative action conforms with the right to administrative justice; 40
 - (vii) any steps which may lead to the achievement of the objects of this Act; and
 - (viii) any other matter in respect of which the Minister requests advice; 45
 - (b) the compilation and publication of protocols for the drafting of rules and standards;
 - (c) the initiation, conducting and co-ordination of programmes for educating the public and the members and employees of administrators regarding the contents of this Act and the provisions of the Constitution relating to administrative action; 50

“Imimiselo kunye nomgaqo wokuziphatha olungele ulawulo

- 10.** (1) Umphathiswa uyakwenza imimiselo ebhekiselele—
- (a) kwimigaqo-nkqubo emayilandelwe kwabanikezelwe igunya lokuba ngabaphathi okanye ngokubekiselele kwiindidi zesenzo solawulo ukulungiselela ukuphuhlisa ilungelo kamgaqo-nkqubo ongenasheyi; 5
- (b) kwimigawo-nkqubo yokumisela inkqubo emayilandelwe malunga nophando lukawonke-wonke;
- (c) kwimigaqo-nkqubo yokumisela inkqubo emayilandelwe malunga nesaziso kunye neenkqubo-nkcazo; kunye
- (d) kwimigaqo-nkqubo emayilandelwe malunga nezicelo zokufumana izizathu; 10
- [(e) kwingqodelela yomthetho ecwangcisiweyo ukwenzela ukunika abaphathi, imigaqo nengxelo ekujongwe kuyo ukuze kukhuthazwe ulawulo olunempumelelo nokuphumeza iinjongo zalo Mthetho].** 15
- (2) Umphathiswa angeza imimiselo ebhekiselele—
- (a) **[uyilo]** ekusekweni, imisebenzi **[namandla]** namagunya ebhunga elicebisayo ukuba **[lujonge]** lijonge ukusetyenziswa kwalomthetho lize licebise uMphathiswa mayela—
- (i) **[kubhengezo olululo]** nokufaneleka kopapasho lwemigaqo eyodwa nesemgangathweni ekufanele uthotyelwe ekusebenziseni isenzo solawulo, siquka ukuthotyelwa nokucwangciswa kweencwadi eziqulethe imigaqo **[nesemgathweni]** esemgathweni emayisetyenziswe **[liziko likarhulumente]** ngamaziko karhulumente; 20 25
- (ii) nakuzo naziphina iziphuhliso ezinokwenziwa malunga nezikhalazo zenkqubo zangaphakathi, [iinkqubo], izibheni zokuphatha zangaphakathi kunye nohlolo ziinkundla okanye iinqila zesenzo solawulo;
- (iii) **[kuyilo olululo lweenkundla]** ukufaneleka kokusekwa kweenqila ezizimeleyo nezingemnakhethe, [ukwandiswa kwezo nkundla, ukuba] ukongeza phezu kweenkundla, ngokuthi zihlale isenzo solawulo kunye, [neenkundla] neenqila zolawulo ezizodwa, ziquka [iinkundla] neenqila nje ezinegunya kuwo onke amaziko karhulumente okanye inani elithile lamaziko karhulumente, ukuba zize zimisele izibheni ezinxulumene nesenzo esilawulayo; 30 35
- (iv) **[kuhlobo olululo lokufuna]** ukufaneleka kokofunwa kwabaphathi, ixesha [ngexesha] nexesha [ukubonelela] abazokuqwalasela ukuqhuba kwemigaqo yokuphatha kwabo kunye nokumisela imiqathango yokuphela kwemigaqo [esemgangathweni] nemigangatho; 40
- (v) **[kuqalisa, ukwenza ngokulungeleleneyo, udweliso]** olinkqubo zokufundisa uwonke-wonke namalungu kunye nabaqeshwa babaphathi ngokubhekiselele kokuqulathwe kuloMthetho kunye nokukumGaqosiseko okumayela nesenzo solawulo; 45
- (vi) **[nakuyo nayiphina into]** naluphi na uphuhliso olujonge [ekuqinisekisekeni] ekuqinisekiseni ukuba isenzo solawulo siyavumelana nolawulo olunobulungisa; 50
- (vii) nakuwo nawaphina amanyathelo anokusisa ekufumaneni zonke iimfuno zalo mthetho; kunye
- (viii) nakuyo nayiphina enye into enxulumene nokuba uMphathiswa angacela ingcebiso kuyo;
- (b) ukunqulunqwa nokubhengezwa [kwemithetho] kwemigaqo yokuziphatha yokubhaliswa [lwemithetho] kwemiqathango nemigangatho [ekufuneka ibe kuyo]; 55
- (c) ukuqalisa, [ukwenza ngokulungeleleneyo] ukuqhuba nokuququzelela udweliso lweenkqubo zokufundisa uwonke -wonke namalungu kunye nabaqeshwa babaphathi ngokubhekiselele kokuqulathwe kuloMthetho kunye namasoloty omGaqo-siseko [okumayela] anxulumene nesenzo solawulo; 60

- (d) matters required or permitted by this Act to be prescribed; and
- (e) matters necessary or convenient to be prescribed in order to—
- (i) achieve the objects of this Act; or
 - (ii) subject to subsection (3), give effect to any advice or recommendations by the advisory council referred to in paragraph (a).
- (3) This section may not be construed as empowering the Minister to make regulations, without prior consultation with the Public Service Commission, regarding any matter which may be regulated by the Public Service Commission under the Constitution or any other law.
- (4) Any regulation—
- (a) made under subsections (1)(a), (b), (c) and (d) and (2)(c), (d) and (e) must, before publication in the *Gazette*, be submitted to Parliament; and
 - (b) made under subsection [(1)(e) and] (2)(a) and (b) must, before publication in the *Gazette*, be approved by Parliament.
- (5) Any regulation made under subsections (1) and (2) or any provision of the code of good administrative conduct made under subsection (5A) which may result in financial expenditure for the State must be made in consultation with the Minister of Finance.
- (5A) The Minister must, by notice in the *Gazette*, publish a code of good administrative conduct in order to provide administrators with practical guidelines and information aimed at the promotion of an efficient administration and the achievement of the objects of this Act.
- (6) The [regulations] code of good administrative conduct contemplated in subsection [(1)(e)] 5A must, before publication in the *Gazette*, be approved by Cabinet and Parliament and must be made within [two years] 42 months after the commencement of this [Act] section.”.

Amendment of section 1 of Act 4 of 2000

16. Section 1 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is hereby amended—
- (a) by the insertion in subsection (1) after the definition of “HIV/AIDS status” of the following definition:

“ ‘intersex’ means a congenital sexual differentiation which is atypical, to whatever degree:”;
 - (b) by the insertion in subsection (1) after the definition of “sector” of the following definition:

“ ‘sex’ includes intersex:”.

Amendment of section 10 of Act 27 of 2002

17. Section 10 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002, is hereby amended by the substitution in subsection (5) for the words following paragraph (c) of the following words:
- “the magistrate must [issue an] order [committing] that such person [to prison pending his or her surrender] be surrendered to the Court and that he or she be committed to prison pending such surrender.”.

- (d) imibandela efunwa nevu nywe nguloMthetho ukuba imiselwe; kunye
- (e) nemibandela efanelekileyo **[noncedo]** okanye elungileyo emayimiselwe **[ukwenza]** ukuze—
- (i) **[ukuphumeza]** kuphunyezwe iinjongo zaloMthetho; okanye[—] 5
- (ii) phantsi kwesiqwenwana (3), **[enze oko akucetyisiweyo okanye ekuthiwe makakwenze libhunga elicebisayo exeliweyo kumphathi]** inike uphuhliso nakuyo nayiphi ingcebiso okanye ekuthiwe makawenze libhunga elicebisayo elikhankanywe kwisiqendwana (a). 10
- (3) Esi siqendu masingatolikwa njengesigunyazisa uMphathiswa ukuba **[wenza]** enze imimiselo, engakhange ahlangani nekomishani yeeNKonzo zoLuntu mayela nawo nawuphina umbandela ongamiselwa **[nguMthetho]** yiKomishani yeeNkonzo **[kaRhulumente]** zoLuntu **[na]** phantsi komGaqo-siseko okanye nawo nawuphina uMthetho. 15
- (4) Nawo nawuphina ummiselo—
- (a) owenziwe phantsi kweziqendwana (1)(a), (b), (c) no (d), kunye no (2)(c), (d) no (e), kufuneka phambi kokuba **[zipapashwe]** upapashwe kwiGazethi **[maziqala]** uqale usiwe ePalamente; kunye 20
- (b) okwenziwe phantsi kweziqendwana (1)(e) no (2)(a) kunye no (b) kufuneka phambi kokuba zipapashwe kwiGazethi, zivunywe yiPalamente.
- (5) Nawo Nawuphina ummiselo owenziwe phantsi **[kweziqendu 10]** kwamacandelwana (1) no (2) okanye nawaphi na amalungiselelo omgaqo wokuziphatha olungileyo wokulawula owenziwe ngaphantsi kwecandelwana u(5A) **[nempembelelo]** elinokukhokelela **[yenkitho]** kwinkcitho mali **[kuRhulumente]** nguRhulumente ekufanele ukuba senziwe ngokunxumana noMphathiswa wezeMali. 25
- (5A) UmPhathiswa fanele ngesaziso kwiGazethi ngokupapasha umgaqo wokuziphatha olungileyo wokulawula ukwenzela ukunikeza abalawuli izikhokelo ezenziweyo nolwazi olujonge ekukhuthazeni ulawulo olusebenzayo noluncuzo yeenjongo zalo Mthetho. 30
- (6) **[Umimiselo okhankanywe]** Umgaqo wokuziphatha olungileyo wokulawula kwicandelwana [(1) (e)] (5A) kufuneka ngaphambi kokuba apapashwe kwiGazethi, avunywe yiKhabhinethi nayiPalamente yaye kufuneka wenziwe **[iminyaka emibini]** engu 4.2 emva kokuqala kwale **[Mthetho]** sigaba.”. 35

Wysiging van artikel 1 van Wet 4 van 2000

16. Artikel 1 van die isiZulu teks van die “Promotion of Equality and Prevention of Unfair Discrimination Act, 2000”, word hierby gewysig— 40

- (a) ngokufaka lesi sigatshana (1) emva kwencazelo “yesimo se-HIV/AIDS” yale ncazelo elandelayo: 45
- “‘ukuhlanganisa ubulili kwezocansi’ kusho ukuhluka kwezocansi umuntu azalwe nakho kodwa okungesilo ufuzo kunoma yiliphi izinga;”;
- kanye
- (b) nangokufaka esigatshaneni (1) emva kwencazelo “yengxenywe” yale ncazelo elandelayo:
- “‘lucansi’ lubandakanya ukuhlanganisa ezocansi;”.

Wysiging van artikel 10 van Wet 27 van 2002 50

17. Artikel 10 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002, word hierby gewysig deur in subartikel (5) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang:

- “moet die landdros **[’n bevel uitreik vir die gevangesetting van]** gelas dat **[daardie]** sodanige persoon **[in afwagting van sy of haar uitlewering]** aan die Hof uitgelewer word en dat hy of sy in ’n gevangenis opgeneem word in afwagting van sodanige uitlewering.”. 55

Repeal of section 22 of Act 55 of 2003

18. Section 22 of the Judicial Matters Second Amendment Act, 2003, is hereby repealed.

Short title and commencement

19. (1) This Act is called the Judicial Matters Amendment Act, 2005. 5
- (2) Sections 1 and 10 to 14 come into operation on a date fixed by the President by proclamation in the *Gazette*.
- (3) Section 6 comes into operation on the date of commencement of section 8 of the Judicial Matters Second Amendment Act, 2003 (Act No. 55 of 2003).
- (4) Section 9 comes into operation on the date of commencement of section 5 of the Maintenance Act, 1998 (Act No. 99 of 1998). 10

Herroeping van artikel 22 van Wet 55 van 2003

18. Artikel 22 van die Tweede Wysigingswet op Geregetelike Aangeleenthede, 2003, word hierby herroep.

Kort titel en inwerkingtreding

19. (1) Hierdie Wet heet die Wysigingswet op Geregetelike Aangeleenthede, 2005. 5
- (2) Artikels 1 en 10 tot 14 tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.
- (3) Artikel 6 tree in werking op die datum van inwerkingtreding van artikel 8 van die Tweede Wysigingswet op Geregetelike Aangeleenthede, 2003 (Wet No. 55 van 2003).
- (4) Artikel 9 tree in werking op die datum van inwerkingtreding van artikel 5 van die 10
Wet op Onderhoud, 1998 (Wet No. 99 van 1998).