

see 2.1.1  
 04/05/06  
 (9)

same as: position

**POSITION OF ACTS: 4 May 2006**

| ACT   | POSITION  | OUTSTANDING | REMARKS |
|---|---|-------------|---------|
| <b>1996 ACTS</b>  |   |             |         |
| <p><b>Justice Laws Rationalisation Act, 1996 (Act 18 of 1996)</b><br/> <i>(Contact person: Mr S J Robbertse at tel no 012-315 1708)</i></p>   | <p><b>Whole Act in operation</b><br/>           * The Act, except for the repeal of the Ombudsman laws in various former TBVC-States and Self-governing Territories, commenced on 1/4/97.<br/>           * The Bophuthatswana Ombudsman Acts were repealed with effect from 1/4/99.<br/>           * The Transkei and QwaQwa Ombudsman legislation were repealed with effect from 1/8/2000.</p> |             |         |
| <p><b>Legal Aid Amendment Act, 1996 (Act 20 of 1996):</b> Provides, inter alia, for the establishment of a new Board, the new Legal Aid Guide and the application of the Legal Aid Act throughout the Republic.<br/> <i>(Contact person: Mrs A Stelling at tel no 012-315 1705)</i></p> | <p><b>Whole Act in operation</b><br/>           * Section 1(a) was put into operation on 17/10/97.<br/>           * Sections 1(b) and 2 were put into operation on 1/5/02.<br/>           * Sections 6 and 7 were put into operation on 1/4/98.<br/>           * Sections 3, 4 and 5 were put into</p>  |             |         |

| ACT   | POSITION              | OUTSTANDING | REMARKS |
|---|-----------------------|-------------|---------|
|   | operation on 1/10/98. |             |         |
| <b>Magistrates Amendment Act, 1996 (Act 35 of 1996):</b> Provides, inter alia, for the restructuring of the Commission and the establishment of a complaints committee.<br><i>(Contact person: Mrs A Stelling at tel no 012-315 1705)</i> | Commenced on 1/10/98  |             |         |
| <b>Commission on Gender Equality Act, 1996 (Act 39 of 1996)</b><br><i>(Contact person: Mr S J Robbertse at tel no 012-315 1708)</i>   | Commenced on 08/08/96 |             |         |
| <b>International Child Abduction Act, 1996 (Act 72 of 1996)</b><br><i>(Contact person: Mr J M van Rensburg at tel no 012- 315 1709)</i>   | Commenced on 1/10/97  |             |         |
| <b>Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996)</b><br><i>(Contact person: Mr S J Robbertse at tel no 012 - 315 1708)</i>   | Commenced on 20/11/96 |             |         |
| <b>International Co-operation in Criminal Matters Act, 1996 (Act 75 of 1996)</b><br><i>(Contact person: Mr J M van Rensburg at tel no 012-315 1709)</i>   | Commenced on 1/01/98  |             |         |
| Proceeds of Crime Act, 1996 (Act  | Commenced on 16/5/97  |             |         |

| ACT   | POSITION              | OUTSTANDING | REMARKS   |
|---|-----------------------|-------------|---|
| 76 of 1996)<br>(Contact person: Mr J M van Rensburg at tel no 012-315 1709)   |                       |             | The Prevention of Organised Crime Act, 1998, has repealed this Act. |
| Extradition Amendment Act, 1996 (Act 77 of 1996): Provides, inter alia, for obtaining evidence from foreign states, supplying evidence to those states and transferring proceeds of crime.<br>(Contact person: Mrs A Stelling at tel no 012-315 1705) | Commenced on 17/1/97  |             |   |
| Criminal Procedure Second Amendment Act, 1996 (Act 85 of 1996): The Act further regulates the use of trapping systems.<br>(Contact person: S J Robbertse tel no 012-315 1708)   | Commenced on 20/11/96 |             |   |

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| <p><b>Criminal Procedure Act, 1997</b> (the exception of section 13 in so far as it relates to sections 342A (3) (e) and (5) in the Criminal Procedure Act, 1977, was amended by the Criminal Procedure (Amendment) Act, 1997, which came into effect on 1/9/97. (Contact the Act came into effect on 8/6/02.</p> | <p><b>Section 13</b> abolishes confessions referred to the committees for 20/6/2000. deals with cost orders delays criminal proceedings to be implemented due to the implications and problems. The matter was referred to the Parliamentary Committees on 21/6/2000. referred to the former Portfolio Committee on 21/6/2000. deals with the amendments sections 11 and 13.</p> |
| <p><b>Judicial Service Act, 1996</b> (Amendment) Act, 1997 (inter alia rectification provisions)</p>  |  |

| ACT  | POSITION                     | OUTSTANDING | REMARKS |
|--|------------------------------|-------------|---------|
| <b>1997 ACTS</b>   |                              |             |         |
| <b>Prescribed Rate of Interest Amendment Act, 1997 (Act 7 of 1997)</b>   | <b>Commenced on 11/4/97</b>  |             |         |
| <b>Promotion of National Unity and Reconciliation Amendment Act, 1997 (Act 18 of 1997)</b>                             | <b>Commenced on 27/6/97</b>  |             |         |
| <b>Abolition of Corporal Punishment Act, 1997 (Act 33 of 1997)</b>   | <b>Commenced on 5/9/97</b>   |             |         |
| <b>State of Emergency Act, 1997 (Act 64 of 1997)</b>   | <b>Commenced on 21/11/97</b> |             |         |
| <b>Divorce Courts Amendment Act, 1997 (Act 65 of 1997)</b>   | <b>Commenced on 6/4/98</b>   |             |         |
| <b>Contingency Fees Act, 1997 (Act 66 of 1997)</b><br><i>(Contact person: Mr S J Robbertse at tel no 012-315 1708)</i> | <b>Commenced on 23/4/99</b>  |             |         |

| ACT  | OUTSTANDING | RRE: |
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| <b>Criminal<br/>Act, 19<sup>n</sup> 28/5/99.<br/>Act fu/4/01.<br/>against<br/>(Cont<br/>at tel n</b> |             |      |
| <b>Judges<br/>Condit<br/>Amenc<br/>1997)</b>   |             |      |
| <b>Qualif<br/>Practit<br/>1997 (</b>   |             |      |
| <b>Consti<br/>Compl<br/>Act, 19<br/>(Cont<br/>no 012</b>   |             |      |

| ACT   | POSITION              | OUTSTANDING | REMARKS  |
|---|-----------------------|-------------|--|
| Magistrates' Courts Second Amendment Act, 1997 (Act 80 of 1997): The Act amends section 110 to bring it in line with section 170 of the Constitution. | Commenced on 10/12/97 |             |  |
| Magistrates' Courts Amendment Act, 1997 (Act 81 of 1997): Debt-recovery procedure   | Commenced on 10/12/97 |             |  |
| Criminal Procedure Second Amendment Act, 1997 (Act 85 of 1997):Bail<br>(Contact person: Mr S J Robbertse at tel 012-315 1708)                         | Commenced on 1/8/98   |             |  |
| Natural Fathers of Children Born out of Wedlock Act, 1997 (Act 86 of 1997)<br>(Contact person: Mr J van Rensburg at tel 012-315 1709)                 | Commenced on 4/9/98   |             | The Adoption Matters Amendment Act, 1998, repealed section 6 of the Act. |

| ACT  | POSITION  | OUTSTANDING | REMARKS   |
|--|---|-------------|---|
| <b>Criminal Law Amendment Act, 1997 (Act 105 of 1997):</b><br><b>Conversion of death sentences and imposition of minimum sentences</b>                   | <b>Whole Act is in operation</b><br>* Sections 51 to 53, dealing with minimum sentences, commenced on 1/5/98.<br>* The remaining provisions commenced on 13/11/98.                                  |             | * Sections 51 to 53 were extended for two years with effect from 1/5/01.<br><br>* Also see Act 62 of 2000 |
| <b>1998 ACTS</b>   |   |             |   |
| <b>National Prosecuting Authority Act, 1998 (Act 32 of 1998)</b><br><i>(Contact person: Mrs W Louw at tel 012-315 1701)</i>                              | <b>Whole Act is in operation</b><br>* Sections 9, 10, 12 and 17 commenced on 1/8/98.<br>* The remainder of the Act, except section 38, commenced on 16/10/98.<br>* Section 38 commenced on 23/4/99. |             |   |
| <b>Promotion of National Unity and Reconciliation Amendment Act, 1998 (Act 33 of 1998)</b><br><i>(Contact person: C van Vuuren, at tel 012-315 1706)</i> | <b>Commenced on 30/04/98</b>  |             |   |



| ACT  | POSITION   | OUTSTANDING | REMARKS |
|--|--|-------------|---------|
| <p><b>Judicial Matters Amendment Act, 1998 (Act 34 of 1998): Amends a number of Acts and prohibits certain acts concerning military, paramilitary and similar operations.</b><br/> <i>(Contact person: S J Robbertse, at tel 012-315 1708)</i></p> | <p><b>Whole Act is in operation</b><br/> * Section 1 commenced on 31/3/99.<br/> * Sections 2, 6, 7, 11, (except in so far as it inserts section 16B in the Criminal Law Second Amendment Act, 1992), 12 to 18 and 20 were put into operation on 15/1/99.<br/> * Section 11, in so far as it inserts section 16B in the Criminal Law Second Amendment Act, 1992, was put into operation on 1/4/99.<br/> * In terms of the Act -<br/> (a) Sections 3 to 5 and 8 to 10 commenced on the date of commencement of the Criminal Procedure Second Amendment Act, 1997 (Act 85 of 1997) namely 1/8/98.<br/> (b) Section 19 came into operation with effect from 1/10/93.<br/> (c) Section 21 came into operation with effect from 1/4/97.<br/> (d) Section 22 came into operation with effect from 16/5/97.<br/> (e) Section 23 and 24 came into operation with effect from 10/12/97.<br/> (f) Section 25 came into operation with effect from 19/12/97.</p> |             |         |

| <b>ACT</b><br><b>Magistr</b><br><b>(Act 66 c</b><br><b>provides</b><br><b>and regu</b><br><b>powers c</b><br><b>(Contact</b><br><b>tel 012-3</b> | <b>OUTSTANDING EMR</b>                       |  |
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| <b>Magistr</b><br><b>Act, 199</b><br><b>assessors</b><br><b>(Contact</b><br><b>Rensbur</b>   | <b>All secti, except</b><br><b>section 2</b> | <b>It v into ject i</b><br><b>peron bf ject</b><br><b>lar200</b><br><b>A nbious y</b><br><b>aisey / anap</b><br><b>iat contibilo</b><br><b>eret rimfhe</b><br><b>'ste Prians t</b><br><b>nd dt onsen</b><br><b>ormtecll bed</b><br><b>epuMfhSei</b><br><b>ranhaed ma</b><br><b>equed bepiste</b><br><b>nall itme in'</b><br><b>ie p p</b><br><b>Thatbe l w</b><br><b>epuMindate</b><br><b>aplents t no</b><br><b>eteme</b> |
| <b>Crimina</b><br><b>Act, 199</b><br><b>patients</b>   |  |  |

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| <i>(Contact person: Mr S Robbertse at tel 012-315 1708)</i>  |   |   |   |
| <b>ACT</b>   | <b>POSITION</b>   | <b>OUTSTANDING</b>  | <b>REMARKS</b>  |
| <p>Sheriffs Amendment Act, 1998 (Act 74 of 1998): Provides, inter alia, for the rationalisation of legislation regarding the sheriffs' profession<br/> <i>(Contact person: Mrs A Stelling at tel 012-315 1705)</i><br/> <i>Contact person: Rules Board: Ms C Hartley at tel 012-3200493)</i></p> | <p>Whole Act is in operation<br/> * The Act, with the exception of section 2, commenced on 1/3/99.<br/> * Section 2 commenced on 1/9/2000<br/> * Regulations aimed at co-ordinating the activities of more than one sheriff in a particular area were published in the Gazette on 5/10/01 (No. R.957 of 5/10/01).</p> | <p>* The appointment of more than one sheriff is, however, dependent on the amendment of the rules of court. Draft rules were considered by the Magistrate's Court Committee and the High Court Committee. The draft rules were distributed for comment. The closing date for comment was 31/8/04.<br/> * The Rules Board took a decision on 05/08/05 to amend the Magistrate's Courts Rules and the High Court Rules.<br/> * A memorandum to the Minister for her approval of the amendments was submitted to the Minister in November 2005.</p> | <p>* An investigation regarding areas where more than one sheriff should be appointed was conducted. A report on the investigation and recommendations were submitted to the former Minister. He approved the recommendations.<br/> * The relevant vacancies were advertised. In respect of some of the vacancies, recommendations for appointment have been made. In respect of others, the selection process is still in progress.<br/> *Finalisation of this process is dependant on the finalisation of the amendment to the rules.</p> |

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|---|---|---|---|
| <p>Maintenance Act, 1998 (Act 99 of 1998)<br/>           (Contact person: Mrs C van Vuuren at tel 012-315 1706)</p>   | <p>The Act, with the exception of sections 5 and 7(1)(d) and (2), commenced on 26/11/99.</p>  | <p>Sections 5 and 7(1) (d) and (2).</p> | <p>* A date for the commencement of sections 5 and 7(1) (d) and (2) has not yet been set. However, memoranda to the Minister regarding-</p> <p>(a) the commencement of the said sections; and</p> <p>(b) draft regulations dealing with the powers and duties of maintenance investigators, are in the process of being finalised. The memoranda can only now be finalised as amendments to section 5 of the Act have only recently been affected by the Judicial Matters Amendment Act, 2005.</p>  |
| <p>Witness Protection Act, 1998 (Act 112 of 1998)<br/>           (Contact person: Mrs W Louw at tel 012-315 1701)</p> | <p>*The Act, with the exception of sections 6 and 20, commenced on 31/3/2000.</p> <p>*A Government Notice for the establishment of branch offices was published on 20/7/01.</p> | <p>Sections 6 and 20</p>                | <p>* No date for the commencement of sections 6 and 20 has been set as the Director: Witness Protection indicated that the NPA envisages substantial amendments to the Act.</p> <p>* The NPA also requested that the regulations not be finalised in view of the above.</p> <p>* On 14/8/01 a letter was submitted to the Witness Protection Director enquiring what the present position is.</p> <p>* A response was received to the effect that discussions will be arranged.</p> <p>* Further enquiries were made but without success. A letter was submitted to the</p> |