

National Council of Provinces

1. Report of the Select Committee on Security and Constitutional Affairs on the *Criminal Law (Sentencing) Amendment Bill* [B15B-2007] (National Assembly – sec 75), dated 14 November 2007:

The Select Committee on Security and Constitutional Affairs, having considered the subject matter of the *Criminal Law (Sentencing) Amendment Bill* [B15B-2007] (National Assembly – sec 75), referred to it, reports the Bill with proposed amendments, as follows:

CLAUSE 1

1. On page 3, in line 47, to delete subparagraph (i)
2. On page 3, from line,50 to delete subparagraph (iv)

Report to be considered.

2. REPORT OF THE SELECT COMMITTEE ON SECURITY AND CONSTITUTIONAL AFFAIRS ON THE UPLIFTMENT OF THE PROVISIONAL SUSPENSION OF A MAGISTRATE: MR MS MAKAMU, SENIOR MAGISTRATE AT BENONI, DATED 25 OCTOBER 2007:

The Select Committee on Security and Constitutional Affairs, having considered the report on the upliftment of the provisional suspension of a Magistrate, Mr MS Makamu, Senior Magistrate at Benoni, reports as follows:

1. Background

- 1.1 The Select Committee noted from the report tabled by the Minister for Justice and Constitutional Development that the Minister for Justice and Constitutional Development, on 23 November 2005, provisionally suspended Mr M S Makamu, a Senior Magistrate at Benoni, from office. It was done in terms of section 13(3)(a) of the Magistrates Act, 1993, (Act No 90 of 1993) on the advice of the Magistrates Commission. A report to this effect was subsequently tabled in Parliament in terms of section 13(3)(b) of the Act. The National Assembly, on 21 June 2006, and the National Council of Provinces, shortly thereafter, confirmed Mr Makamu's provisional suspension. Mr Makamu's provisional suspension was based on the following:

Mr Makamu was convicted by the Johannesburg Regional Court of fraud and, on 21 June 2005, sentenced to a fine of R10 000.00 or, in default of payment, to a period of six months imprisonment, all of which were suspended for a period of four years on certain conditions. The conviction relates to an incident where he allegedly convinced the administration Officer at the Benoni Magistrate's Court to sign an official letter in which he stated that he (Mr Makamu) was entitled to an official motor vehicle allowance to the amount of R80 973.00 per annum, well knowing that in truth and in fact he at the time did not qualify to receive such an allowance. Mr Makamu then presented the said letter to Bankfin where he applied for an instalment sale agreement in order to purchase a new motor vehicle.