

**REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA**

Vol. 521 Cape Town,
Kaapstad, 5 November 2008

No. 31579

THE PRESIDENCY

No. 1201 5 November 2008

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

No. 31 of 2008: Jurisdiction of Regional Courts Amendment Act, 2008.

DIE PRESIDENSIE

No. 1201 5 November 2008

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

No. 31 van 2008: Wysigingswet op Regsbevoegdheid van Streekhowe, 2008.

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 1 November 2008.)*

ACT

To amend the Magistrates' Courts Act, 1944, so as to confer on courts for regional divisions jurisdiction in respect of certain civil disputes, including matters currently regulated by section 10 of the Administration Amendment Act, 1929; to repeal the Administration Amendment Act, 1929; to effect consequential amendments to certain other laws; and to provide for matters connected therewith.

PREAMBLE

SINCE the Divorce Courts established under section 10 of the Administration Amendment Act, 1929, have their origins based on race;

AND SINCE these Courts, although now open to all races, are not geographically distributed throughout the national territory;

AND SINCE courts for regional divisions only deal with criminal matters, while courts for districts deal with criminal and civil matters;

IT IS CONSEQUENTLY THE PURPOSE of this Act, as an interim measure, pending the further rationalisation of the lower courts, to—

- enhance access to justice by conferring jurisdiction on courts for regional divisions which are distributed throughout the national territory to deal with certain civil matters, including matters currently dealt with in the Divorce Courts established under section 10 of the Administration Amendment Act, 1929; and
- promote the development of judicial expertise among the ranks of magistrates with the view to broadening the pool of fit and proper persons qualifying for appointment to the superior courts,

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

Amendment of section 1 of Act 32 of 1944, as amended by section 1 of Act 53 of 1970, section 1 of Act 4 of 1991 and section 1 of Act 66 of 1998

1. Section 1 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the definition of "court" of the following definition: 5
" 'court' means a magistrate's court for any district or for any regional division;"

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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 1 November 2008.)*

WET

Tot wysiging van die Wet op Landdroshowe, 1944, ten einde aan howe vir streekafdelings regsbevoegdheid te verleen ten opsigte van sekere siviele gedinge, met inbegrip van aangeleenthede wat tans deur artikel 10 van die Administrasiewysigingswet, 1929, gereël word; ten einde die Administrasiewysigingswet, 1929, te herroep; en om vir verbandhoudende aangeleenthede voorsiening te maak.

AANHEF

AANGESIEN die Egskeidingshowe ingestel kragtens artikel 10 van die Administrasiewysigingswet, 1929, se oorsprong op ras gebaseer is;

EN AANGESIEN daardie Howe, hoewel tans oop vir alle rasse, nie geografies deur die nasionale grondgebied versprei is nie;

EN AANGESIEN howe vir streekafdelings slegs strafsake hanteer, terwyl distrikshowe straf- en siviele sake hanteer;

IS DIT GEVOLGLIK DIE DOEL van hierdie Wet, as 'n tussentydse maatreeël, hangende die verdere rasionalisering van die laer howe, om—

- toegang tot die regspleging te bevorder deur regsbevoegdheid te verleen aan howe vir streekafdelings wat deur die nasionale grondgebied versprei is, om sekere siviele sake te hanteer, met inbegrip van sake wat tans deur die Egskeidingshowe ingestel kragtens artikel 10 van die Administrasiewysigingswet, 1929, gehanteer word; en
- die ontwikkeling van regterlike kundigheid in die geledere van landdroste te bevorder ten einde die groep geskikte persone wat kwalifiseer vir aanstelling in die hoër howe te vergroot,

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

Wysiging van artikel 1 van Wet 32 van 1944, soos gewysig deur artikel 1 van Wet 53 van 1970, artikel 1 van Wet 4 van 1991 en artikel 1 van Wet 66 van 1998

1. Artikel 1 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die omskrywing van “hof” deur die volgende omskrywing te vervang:
“ ‘hof’ ’n magistratshof vir ’n distrik of ’n streekafdeling;”.

Substitution of section 2 of Act 32 of 1944, as substituted by section 2 of Act 53 of 1970 and amended by section 7 of Act 102 of 1972, section 2 of Act 34 of 1986 and section 2 of Act 66 of 1998

2. The following section is hereby substituted for section 2 of the Magistrates' Courts Act, 1944:

5

“Minister’s powers relative to districts, regional divisions and courts

2. (1) The Minister may, by notice in the *Gazette*—
- (a) create districts, define the local limits of each district, which may consist of various non-contiguous areas, and declare the name by which any district shall be known; 10
 - (b) create regional divisions consisting of a number of districts, or of a district together with one or more sub-districts, and declare the name by which any regional division shall be known;
 - (c) increase or decrease the local limits of any district;
 - (d) increase or decrease the limits of any regional division; 15
 - (e) for all purposes or for such purposes as he or she may declare, annex any district or any portion thereof to another district;
 - (eA) for all purposes or for such purposes as he or she may declare, annex any regional division or any portion thereof to another regional division; 20
 - (f) establish a court for any district for the purposes of—
 - (i) the trial of persons accused of committing any offence which shall have jurisdiction contemplated in sections 89 and 92; and
 - (ii) adjudicating civil disputes contemplated in section 29(1);
 - (g) establish a court for any regional division for the **[purpose]** purposes of— 25
 - (i) the trial of persons accused of committing any offence, which shall have increased jurisdiction **[as hereinafter provided]** contemplated in sections 89 and 92; and
 - (ii) adjudicating civil disputes contemplated in section 29(1) and 29(1B); 30
 - (h) appoint one or more places within each district for the holding of a court for such district, and may by like notice prescribe the local limits of an area in a district, which area may include any portion of an adjoining district, and declare the name by which such area shall be known, and appoint one or more places in such area for the holding of a court for such district; of which places, if more than one is appointed, one shall be specified as the seat of the magistracy; 35
 - (i) appoint one or more places in each regional division for the holding of a court for **[such regional division]** the adjudication of offences contemplated in section 89(2); 40
 - (iA) appoint one or more places within each regional division for the holding of a court for the adjudication of civil disputes contemplated in—
 - (i) section 29(1); or 45
 - (ii) section 29(1B); or
 - (iii) section 29(1) and (1B),
 and prescribe the local limits within which such courts shall have jurisdiction, and may include within those limits any portion of an adjoining regional division; 50
 - (j) within any district appoint places other than the seat of magistracy for the holding of periodical courts, and prescribe the local limits within which such courts shall have jurisdiction, and include within those limits any portion of an adjoining district;
 - (k) detach a portion of a district or portions of two or more adjoining districts as a sub-district to form the area of jurisdiction of a detached court, and declare the name by which such sub-district shall be known, and appoint the places where such detached court is to be held; 55

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Vervanging van artikel 2 van Wet 32 van 1944, soos vervang deur artikel 2 van Wet 53 van 1970 en gewysig deur artikel 7 van Wet 102 van 1972, artikel 2 van Wet 34 van 1986 en artikel 2 van Wet 66 van 1998

2. Artikel 2 van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

“Bevoegdhede van Minister met betrekking tot distrikte en howe

2. (1) Die Minister kan, by kennisgewing in die *Staatskoerant*—
- (a) distrikte instel, die plaaslike grense van elke distrik, wat uit verskillende nie-aangrensende gebiede kan bestaan, omskryf, en die naam bepaal waaronder ’n distrik bekend sal staan; 10
 - (b) streekafdelings instel bestaande uit ’n aantal distrikte, of uit ’n distrik tesame met een of meer subdistrikte, en die naam bepaal waaronder ’n streekafdeling bekend sal staan;
 - (c) die plaaslike grense van ’n distrik uitbrei of inperk;
 - (d) die grense van ’n streekafdeling uitbrei of inperk; 15
 - (e) ’n distrik of ’n gedeelte daarvan vir alle doeleindes of vir sodanige doeleindes as wat hy of sy bepaal, by ’n ander distrik byvoeg;
 - (eA) ’n streekafdeling of ’n gedeelte daarvan vir alle doeleindes of vir sodanige doeleindes as wat hy of sy bepaal, by ’n streekafdeling byvoeg; 20
 - (f) ’n hof vir ’n distrik instel vir doeleindes van—
 - (i) die verhoor van persone wat van ’n misdryf beskuldig is, wat jurisdiksie het soos beoog in artikels 89 en 92; en
 - (ii) beregting van siviele gedinge soos beoog in artikel 29(1);
 - (g) ’n hof vir ’n streekafdeling instel **[ten einde]** vir doeleindes van— 25
 - (i) die verhoor van persone wat van ’n misdryf beskuldig is, [te verhoor,] wat verhoogde jurisdiksie het soos [hieronder bepaal, sal hê] beoog in artikels 89 en 91; en
 - (ii) beregting van siviele gedinge soos beoog in artikel 29(1) en 29(1)(B); 30
 - (h) een of meer plekke in elke distrik vir die hou van **[hofsittings]** ’n hof vir daardie distrik bepaal, en kan by dergelike kennisgewing die plaaslike grense bepaal van ’n gebied in ’n distrik, welke gebied ’n gedeelte van ’n aangrensende distrik kan insluit, en die naam bepaal waaronder so ’n gebied bekend sal staan, en een of meer plekke in so ’n gebied bepaal waar **[hofsittings]** ’n hof vir daardie distrik gehou kan word; indien meer dan een sodanige plek bepaal word, word een daarvan as die magistratuursetel aangewys; 35
 - (i) een of meer plekke in elke streekafdeling bepaal vir die hou van **[hofsittings]** ’n hof vir **[so ’n streekafdeling]** die beregting van misdrywe beoog in artikel 89(2); 40
 - (iA) een of meer plekke in elke streekafdeling bepaal vir die hou van ’n hof vir die beregting van siviele gedinge beoog in—
 - (i) artikel 29(1); of
 - (ii) artikel 29(1B); of
 - (iii) artikel 29(1) en (1B), 45
 en die plaaslike grense bepaal waarbinne sulke howe jurisdiksie het, en enige gedeelte van ’n aangrensende streekafdeling binne daardie grense opneem;
 - (j) binne ’n distrik ander plekke as die magistratuursetel vir die hou van periodieke hofsittings bepaal, en die plaaslike grense bepaal waarbinne sulke howe jurisdiksie het, en enige gedeelte van ’n aangrensende distrik binne daardie grense opneem; 50
 - (k) ’n gedeelte van ’n distrik of gedeeltes van twee of meer aangrensende distrikte as ’n subdistrik afsonder om die regsgebied van ’n afgesonderde hof uit te maak, en die naam bepaal waaronder so ’n subdistrik bekend sal staan, en die plekke waar so ’n afgesonderde hof sitting sal hou, aanwys; 55

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(1) withdraw or vary any notice under this section and abolish any regional division, district, sub-district or other area of jurisdiction and the court thereof.

(2) The Minister may, by notice in the *Gazette* and after consultation with the Magistrates Commission, join any group of districts together to create an administrative region for administrative purposes.” 5

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967 and amended by section 24 of Act 94 of 1974, section 2 of Act 34 of 1986, section 17 of Act 90 of 1993, section 3 of Act 66 of 1998, section 1 of Act 62 of 2001 and section 1 of Act 28 of 2003 10

3. Section 9 of the Magistrates’ Courts Act, 1944, is hereby amended by the deletion of paragraph (c) of subsection (1).

Amendment of section 12 of Act 32 of 1944, as amended by section 9 of Act 40 of 1952, section 25 of Act 94 of 1974 and section 5 of Act 66 of 1998

4. Section 12 of the Magistrates’ Courts Act, 1944, is hereby amended— 15

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

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

(b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) shall possess such powers and perform such duties conferred or imposed upon magistrates [as he is not expressly prohibited from exercising or performing either by the Minister or by the magistrate of the district] by law.”; 25

(c) by the repeal of subsection (5); and

(d) by the addition of the following subsections:

“(6) Only a magistrate of a regional division whose name appears on the list referred to in subsection (7), may adjudicate on civil disputes as contemplated in section 29(1) and 29(1B). 30

(7) The Magistrates Commission must enter the names of magistrates of regional divisions on a list of magistrates for the adjudication of civil disputes contemplated in section 29(1) and 29(1B).

(8) The Magistrates Commission may only enter the name of a magistrate on the list in terms of subsection (7) if one or more places have been appointed in terms of section 2(1)(iA) within the regional division in respect of which the magistrate in question had been appointed for the adjudication of civil disputes, and— 35

(a) the head of the South African Judicial Education Institute has issued a duly signed certificate that the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes; or 40

(b) the Magistrates Commission is satisfied that, before the establishment of the Institute referred to in paragraph (a), the magistrate has successfully completed an appropriate training course in the adjudication of civil disputes; or 45

(c) the Magistrates Commission is satisfied that the magistrate, on account of previous experience—

(i) as a magistrate presiding over the adjudication of civil disputes; or 50

(ii) as a legal practitioner with at least five years’ experience in the administration of justice,

has suitable knowledge of, and expertise in, civil litigation matters to preside over the adjudication of civil disputes contemplated in section 29(1) and 29(1B).” 55

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(1) enige kennisgewing kragtens hierdie artikel intrek of wysig en enige streekafdeling, distrik, subdistrik of ander regsgebied asmede die hof daarvan, afskaf.

(2) Die Minister kan, by kennisgewing in die *Staatskoerant* en na oorlegpleging met die Landdrostekommissie, 'n groep distrikte saamvoeg ten einde 'n administratiewe streek vir administratiewe doeleindes in te stel.” 5

Wysiging van artikel 9 van Wet 32 van 1944, soos vervang deur artikel 2 van Wet 8 van 1967 en gewysig deur artikel 24 van Wet 94 van 1974, artikel 2 van Wet 34 van 1986, artikel 17 van Wet 90 van 1993, artikel 3 van Wet 66 van 1998, artikel 1 van Wet 62 van 2001 en artikel 1 van Wet 28 van 2003 10

3. Artikel 9 van die Wet op Landdroshowe, 1944, word hierby gewysig deur paragraaf (c) van subartikel (1) te skrap.

Wysiging van artikel 12 van Wet 32 van 1944, soos gewysig deur artikel 9 van Wet 40 van 1952, artikel 25 van Wet 94 van 1974 en artikel 5 van Wet 66 van 1998 15

4. Artikel 12 van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
“(a) kan hofsittings hou: Met dien verstande dat 'n sitting van 'n hof van 'n streekafdeling, behoudens subartikel (6), slegs deur 'n magistraat van die streekafdeling gehou kan word;”;

(b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
“(b) besit sulke bevoegdhede en verrig sulke pligte as wat regtens aan magistratre verleen of opgelê word[, vir sover die uitoefening of verrigting daarvan hom nie deur die Minister of deur die magistraat van die distrik uitdruklik ontsê is nie].”;

(c) deur subartikel (5) te skrap; en

(d) deur die volgende subartikels by te voeg:

“(6) Slegs 'n magistraat van 'n streekafdeling wie se naam op die lys bedoel in subartikel (7) verskyn, kan siviele gedinge beoog in artikel 29(1) en 29(1B) bereg. 30

(7) Die Landdrostekommissie moet die name van magistratre van streekafdelings plaas op 'n lys van magistratre vir die beregting van siviele gedinge beoog in artikel 29(1) en 29(1B).

(8) Die Landdrostekommissie mag slegs die naam van 'n magistraat op die lys plaas ingevolge subartikel (7) indien een of meer plekke ingevolge artikel 2(1)(iA) bepaal is vir die beregting van siviele gedinge in die streekafdeling ten opsigte waarvan die betrokke magistraat aangestel is, en— 35

(a) die hoof van die Suid-Afrikaanse Regterlike Opleidingsinstituut 'n behoorlik ondertekende sertifikaat uitgereik het dat die magistraat 'n toepaslike opleidingskursus in die beregting van siviele gedinge suksesvol voltooi het; of 40

(b) die Landdrostekommissie tevrede is dat, voor die stigting van die Instituut bedoel in paragraaf (a), die magistraat 'n toepaslike opleidingskursus in die beregting van siviele gedinge suksesvol voltooi het; of 45

(c) die Landdrostekommissie tevrede is dat die magistraat, op grond van vorige ondervinding—

(i) as 'n magistraat wat voorgesit het by die beregting van siviele gedinge; of 50

(ii) as 'n regspraktisyn met ten minste vyf jaar ondervinding van die regspleging,

geskikte kennis van, en kundigheid oor, siviele gedingvoering-aangeleenthede het om voor te sit by die beregting van siviele gedinge beoog in artikel 29(1) en 29(1B).” 55

Insertion of section 13A in Act 32 of 1944

5. The following section is hereby inserted into the Magistrates' Act, 1944:

“Registrar of regional division

13A. (1) The Director-General of the Department of Justice and Constitutional Development must appoint for each regional division a registrar and so many assistant registrars as may be necessary. 5

(2) Any clerk of the court and any assistant clerk of the court may also be appointed as the registrar or an assistant registrar of a regional division.

(3) A refusal by a registrar or assistant registrar to do any act which he or she is by any law empowered to do, shall be subject to review by the court of the regional division in question on application either *ex parte* or on notice, as the circumstances may require. 10

(4) Any reference in any law to a “clerk of the court” is, in so far as that law relates to a court of a regional division, deemed to be a reference to the registrar or assistant registrar of that regional division.” 15

Substitution of section 28 of Act 32 of 1944, as amended by section 12 of Act 40 of 1952

6. The following section is hereby substituted for section 28 of the Magistrates' Courts Act, 1944:

“Jurisdiction in respect of persons

28. (1) Saving any other jurisdiction assigned to a court by this Act or by any other law, the persons in respect of whom the court shall, subject to subsection (1A), have jurisdiction shall be the following and no other[—]: 20

(a) Any person who resides, carries on business or is employed within the district or regional division; 25

(b) any partnership which has business premises situated or any member whereof resides within the district or regional division;

(c) any person whatever, in respect of any proceedings incidental to any action or proceeding instituted in the court by such person himself or herself; 30

(d) any person, whether or not he or she resides, carries on business or is employed within the district or regional division, if the cause of action arose wholly within the district or regional division;

(e) any party to interpleader proceedings, if— 35

(i) the execution creditor and every claimant to the subject matter of the proceedings reside, carry on business, or are employed within the district or regional division; or

(ii) the subject-matter of the proceedings has been attached by process of the court; or

(iii) such proceedings are taken under [sub-section (2) of section sixty-nine] section 69(2) and the person therein referred to as the “third party” resides, carries on business, or is employed within the district or regional division; or 40

(iv) all the parties consent to the jurisdiction of the court;

(f) any defendant (whether in convention or reconvention) who appears and takes no objection to the jurisdiction of the court; 45

(g) any person who owns immovable property within the district or regional division in actions in respect of such property or in respect of mortgage bonds thereon.

(1A) For the purposes of section 29(1B) a court for a regional division shall have jurisdiction if the parties are or if either of the parties is— 50

(i) domiciled in the area of jurisdiction of the court on the date on which proceedings are instituted; or

Invoeging van artikel 13A in Wet 32 van 1944

5. Die volgende artikel word hierby in die Wet op Landdroshowe, 1944, ingevoeg:

“Griffier van streekafdeling

13A. (1) Die Direkteur-generaal van die Departement van Justisie en Staatkundige Ontwikkeling moet vir elke streekafdeling ’n registrator en die aantal assistent-registrateurs wat nodig is, aanstel. 5

(2) ’n Klerk van die hof en ’n assistent-klerk van die hof kan ook as die griffier of ’n assistent-griffier van ’n streekafdeling aangestel word.

(3) Indien ’n griffier of ’n assistent-griffier weier om ’n handeling waartoe hy of sy by wet gemagtig is, te verrig, is sodanige weiering onderhewig aan hersiening deur die hof van die betrokke streekafdeling op aansoek gedoen óf *ex parte* óf na kennisgewing, na gelang van die omstandighede. 10

(4) ’n Verwysing in enige wetsbepaling na ’n “klerk van die hof” word, in die mate waartoe daardie wetsbepaling op ’n hof van ’n streekafdeling betrekking het, geag ’n verwysing te wees na die griffier of assistent-griffier van daardie streekafdeling.”. 15

Vervanging van artikel 28 van Wet 32 van 1944, soos gewysig deur artikel 12 van Wet 40 van 1952

6. Artikel 28 van die Wet op Landdroshowe, 1944, word hierby deur die volgende 20 artikel vervang:

“Jurisdiksie ten aansien van persone

28. (1) Behoudens enige ander jurisdiksie wat by hierdie Wet of ander wetsbepalings aan ’n hof verleen word, het die hof, behoudens subartikel (1A), jurisdiksie ten aansien van ondervermelde persone en niemand anders nie[—]. 25

(a) ’n Persoon wat in die distrik of streekafdeling woon, besigheid dryf of in diensbetrekking is;

(b) ’n vennootskap waarvan ’n besigheidperseel geleë is, of waarvan ’n lid woon, in die distrik of streekafdeling; 30

(c) ’n persoon wie ookal, ten opsigte van enige verrigtings wat in verband staan met ’n aksie of verrigting deur sodanige persoon [**selfs**] self in die hof ingestel;

(d) ’n persoon, hetsy hy of sy in die distrik of streekafdeling woon, besigheid dryf of in diensbetrekking is al dan nie, indien die skuldoorsaak geheel en al in die distrik of streekafdeling ontstaan het; 35

(e) ’n party by ’n tussenpleit-geding, indien—
(i) die eksekusie-skuldeiser en elke reklamant van die onderwerp van die geding in die distrik of streekafdeling woon, besigheid dryf of in diensbetrekking is; of 40

(ii) die onderwerp van die geding geregtelik in beslag geneem is; of

(iii) sodanige geding ingevolge [**subartikel (2) van artikel negen-en-sestig**] artikel 69(2) ingestel is, en die persoon waarna daarin verwys word as “[’n] die derde” binne die distrik of streekafdeling woon, besigheid dryf of in diens is; of 45

(iv) al die partye [**in die bevoegdheid**] tot die jurisdiksie van die hof toestem;

(f) ’n verweerder (hetsy in konvensie of in rekonvensie), wat verskyn en geen beswaar teen die bevoegdheid van die hof opper nie; 50

(g) ’n persoon wat die eienaar is van vaste eiendom in die distrik of streekafdeling, in aksies in verband met bedoelde eiendom of in verband met ’n verband daarop.

(1A) Vir doeleindes van artikel 29(1B) het ’n hof vir ’n streekafdeling jurisdiksie indien die partye of enigen van die partye— 55

(i) in die regsgebied van die hof gedomisilieerd is op die datum waarop die verrigtinge ingestel word; of

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- (ii) ordinarily resident in the area of jurisdiction of the court on the said date and has or have been ordinarily resident in the Republic for a period of not less than one year immediately prior to that date.
- (2) 'Person' and 'defendant' in this section include the State."

Substitution of section 29 of Act 32 of 1944, as substituted by section 27 of Act 94 of 1974 and amended by section 1 of Act 56 of 1984, section 35 of Act 88 of 1984, section 3 of Act 25 of 1987, section 2 of Act 157 of 1993 and section 172 of Act 34 of 2005 5

7. The following section is hereby substituted for section 29 of the Magistrates' Courts Act, 1944: 10

"Jurisdiction in respect of causes of action

- 29.** (1) Subject to the provisions of this Act and the National Credit Act, 2005 (Act No. 34 of 2005), [the] a court in respect of causes of action, shall have jurisdiction in—
- (a) actions in which is claimed the delivery or transfer of any property, movable or immovable, not exceeding in value the amount determined by the Minister from time to time by notice in the *Gazette*; 15
- (b) actions of ejectment against the occupier of any premises or land within the district or regional division: Provided that, where the right of occupation of any such premises or land is in dispute between the parties, such right does not exceed the amount determined by the Minister from time to time by notice in the *Gazette* in clear value to the occupier; 20
- (c) actions for the determination of a right of way, notwithstanding the provisions of section 46; 25
- (d) actions on or arising out of a liquid document or a mortgage bond, where the claim does not exceed the amount determined by the Minister from time to time by notice in the *Gazette*; 30
- (e) actions on or arising out of any credit agreement as defined in section 1 of the [Credit Agreements Act, 1980 (Act No. 75 of 1980)] National Credit Act, 2005 (Act No. 34 of 2005); 35
- (f) actions in terms of section 16(1) of the Matrimonial Property Act, 1984 (Act No. 88 of 1984), where the claim or the value of the property in dispute does not exceed the amount determined by the Minister from time to time by notice in the *Gazette*; 40
- (fA) actions, including an application for liquidation, in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984); 45
- (g) actions other than those already mentioned in this section, where the claim or the value of the matter in dispute does not exceed the amount determined by the Minister from time to time by notice in the *Gazette*. 50
- (1A) The Minister may determine different amounts contemplated in subsection (1)(a), (b), (d), (e), (f) and (g) in respect of courts for districts and courts for regional divisions.
- (1B) (a) A court for a regional division, in respect of causes of action, shall, subject to section 28(1A), have jurisdiction to hear and determine suits relating to the nullity of a marriage or a civil union and relating to divorce between persons and to decide upon any question arising therefrom, and to hear any matter and grant any order provided for in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998). 55
- (b) A court for a regional division hearing a matter referred to in paragraph (a) shall have the same jurisdiction as any High Court in relation to such a matter.
- (c) The presiding officer of a court for a regional division hearing a matter referred to in paragraph (a) may, in his or her discretion, summon to his or her assistance two persons to sit and act as assessors in an advisory capacity on questions of fact.

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- (ii) op daardie datum gewoonlik in die regsgebied van die hof woonagtig is en vir 'n tydperk van minstens een jaar onmiddellik voor daardie datum gewoonlik in die Republiek woonagtig was.
- (2) In hierdie artikel omvat 'persoon' en 'verweerder' ook die Staat."

Vervanging van artikel 29 van Wet 32 van 1944, soos vervang deur artikel 27 van Wet 94 van 1974 en gewysig deur artikel 1 van Wet 56 van 1984, artikel 35 van Wet 88 van 1984, artikel 3 van Wet 25 van 1987, artikel 2 van Wet 157 van 1993 en artikel 172 van Wet 34 van 2005 5

7. Artikel 29 van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang: 10

"Jurisdiksie ten aansien van skuldoorsake

- 29.** (1) Behoudens die bepalings van hierdie Wet en die 'National Credit Act, 2005' (Wet No. 34 of 2005), het [die] 'n hof, ten aansien van skuldoorsake, jurisdiksie in—
- (a) aksies tot lewering of oordrag van roerende of onroerende goed waarvan die waarde nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie; 15
- (b) aksies tot uitsetting teen die okkupeerder van 'n perseel of grond binne die distrik of streekafdeling geleë: Met dien verstande dat, waar die reg tot okkupasie van die perseel of grond tussen die partye in geskil is, die suiwer waarde van daardie reg vir die okkupeerder nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie; 20
- (c) aksies vir die vasstelling van 'n reg van weg, ondanks die bepalings van artikel 46; 25
- (d) aksies gebaseer op of wat ontstaan uit 'n likwiede dokument of 'n verband waar die vordering nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie; 30
- (e) aksies gebaseer op of wat ontstaan uit 'n kredietoorreënkomste omskryf in artikel 1 van die [Wet op Kredietoorreënkomste, 1980 (Wet 75 van 1980)] 'National Credit Act, 2005' (Wet No. 34 van 2005), waar die vordering of die waarde van die goed in geskil nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie; 35
- (f) aksies ingevolge artikel 16(1) van die Wet op Huweliksgoedere, 1984 (Wet No. 88 van 1984), waar die vordering of die waarde van die goed in geskil nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie; 40
- (fA) aksies, met inbegrip van 'n aansoek om likwidasie, ingevolge die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984); 40
- (g) ander aksies as dié wat reeds in hierdie subartikel vermeld is, waar die vordering of die waarde van die onderwerp in geskil nie die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, te bowe gaan nie. 45
- (1A) Die Minister kan verskillende bedrae beoog in subartikel (1)(a), (b), (d), (e), (f) en (g) bepaal ten opsigte van howe vir distrikte en howe vir streekafdelings. 45
- (1B) (a) 'n Hof vir 'n streekafdeling het, behoudens artikel 28(1A), ten opsigte van skuldoorsake, jurisdiksie om regsdinge te verhoor betreffende die nietigheid van 'n huwelik of 'n 'civil union' en betreffende egskeiding tussen persone en om oor enige vraag wat daaruit voortspruit, te beslis, en om enige aangeleentheid aan te hoor en om enige bevel te verleen waarvoor ingevolge die Wet op Erkenning van Gebruiklike Huwelike, 1998 (Wet No. 120 van 1998), voorsiening gemaak word. 50
- (b) 'n Hof vir 'n streekafdeling wat 'n aangeleentheid bedoel in paragraaf (a) verhoor, het dieselfde jurisdiksie as 'n Hoë Hof ten opsigte van so 'n aangeleentheid. 55
- (c) Die voorsittende beampte van 'n hof vir 'n streekafdeling wat 'n aangeleentheid bedoel paragraaf (a) verhoor, kan na goeddunke twee

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(d) Any person who has been appointed as a Family Advocate or Family Counsellor under the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), shall be deemed to have also been appointed in respect of any court for a regional division having jurisdiction in the area for which he or she has been so appointed.

(1C) Jurisdiction conferred on a court for a regional division in terms of this section shall be subject to a notice having been issued under section 2(1)(iA) in respect of the place for the holding, and the extent of the civil adjudication, of such court.

(2) In subsection (1) 'action' includes a claim in reconvention.".

Amendment of section 46 of Act 32 of 1944, as amended by section 5 of Act 19 of 1963, section 28 of Act 94 of 1974, section 2 of Act 56 of 1984 and section 4 of Act 25 of 1987

8. Section 46 of the Magistrates' Courts Act, 1944, is hereby amended by the repeal of subsection (1).

Transitional provisions

9. (1) Any proceedings instituted in a court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), before the commencement of this section and which are not concluded before the commencement of this section must be continued and concluded in all respects as if this Act had not been passed.

(2) On the date of the commencement of this section—

(a) each court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), becomes a court of the regional division designated by the Minister in respect of that court;

(b) any person holding office as a presiding officer of a court referred to in paragraph (a) shall, subject to any condition regarding his or her term of office and any condition of service applicable to his or her appointment to that office, hold office as a magistrate of the regional division contemplated in paragraph (a); and

(c) any person who is an officer of a court referred to in paragraph (a), continues to hold such office as an officer of the regional court in question.

(3) Notwithstanding subsection (2)(a)—

(a) the area of jurisdiction of any court referred to in that subsection shall, subject to any subsequent amendment thereof, remain as it existed immediately before the commencement of this section;

(b) in so far as such area of jurisdiction overlaps with the areas of jurisdiction of regional divisions other than the regional division of which such court has become a court of, those other regional divisions or the relevant portions thereof are deemed to have been annexed to the regional division of the court in question in terms of section 2(1)(eA) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944); and

(c) the place or places of sitting of such court must be deemed to have been designated in terms of a notice contemplated in section 2(1)(iA)(ii).

(4) The rules in force on the date of the commencement of this Act in respect of the courts established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), remain in force until they are repealed or amended by a competent authority.

(5) Any reference in any law to a Divorce Court established in terms of section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), is deemed to be a reference to a court of a regional division.

(6) (a) The Rules Board for Courts of Law established by section 2 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), must, within six months after the commencement of this Act, review and amend the existing rules of the magistrates' courts and the rules referred to in subsection (4), in order to ensure that courts of regional divisions can exercise the jurisdiction conferred on them under the Magistrates' Courts Act, 1944, as amended by this Act, effectively and efficiently.

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persone tot sy of haar hulp roep om met hom of haar as assessors in 'n adviserende hoedanigheid oor feitelike sake te sit en op te tree.

(d) Enige persoon wat as Gesinsadvokaat of Gesinsraadgewer ingevolge die Wet op Bemiddeling in Sekere Egskeidingsaangeleenthede, 1987 (Wet No. 24 van 1987), aangestel is, word geag om ook aangestel te wees ten opsigte van enige hof vir 'n streekafdeling wat jurisdiksie het in die gebied waarvoor hy of sy so aangestel is.

(1C) Jurisdiksie kragtens hierdie artikel aan 'n hof vir 'n streekafdeling verleen, is daaraan onderworpe dat 'n kennisgewing kragtens artikel 2(1)(iA) uitgereik is ten opsigte van die plek vir die hou, en die omvang van die siviele beregting, van so 'n hof.

(2) Die woord 'aksie' in subartikel (1) omvat ook 'n vordering in rekonvensie."

Wysiging van artikel 46 van Wet 32 van 1944, soos gewysig deur artikel 5 van Wet 19 van 1963, artikel 28 van Wet 94 van 1974, artikel 2 van Wet 56 van 1984 en artikel 4 van Wet 25 van 1987

8. Artikel 46 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (1) te skrap.

Oorgangsbepalings

9. (1) Enige verrigtinge voor die inwerkingtreding van hierdie artikel ingestel in 'n hof wat kragtens artikel 10 van die Administrasiewysigingswet, 1929 (Wet No. 9 van 1929), ingestel is en wat nie voor die inwerkingtreding van hierdie artikel afgehandel is nie, moet in alle opsigte voortgesit en afgehandel word asof hierdie Wet nie aangeneem is nie.

(2) Op die datum van die inwerkingtreding van hierdie artikel—

(a) word elke hof ingestel kragtens artikel 10 van die Administrasiewysigingswet, 1929 (Wet No. 9 van 1929), 'n hof van die streekafdeling wat deur die Minister ten opsigte van daardie hof aangewys is;

(b) beklee 'n persoon wat die amp beklee van voorsittende beampte van 'n hof in paragraaf (a) bedoel, behoudens enige voorwaarde betreffende sy of haar aanstelling in daardie amp, die amp van 'n landdros van die streekafdeling in paragraaf (a) beoog; en

(c) behou elke persoon wat 'n beampte is van 'n hof in paragraaf (a) bedoel, daardie pos as 'n beampte van die betrokke streekhof.

(3) Nieteenstaande subartikel (2)(a)—

(a) bly die regsgebied van 'n hof in daardie subartikel bedoel, behoudens enige latere wysiging daarvan, soos dit onmiddellik voor die inwerkingtreding van hierdie artikel was;

(b) in die mate waarin sodanige regsgebied oorvleuel met die regsgebiede van streekafdelings anders as die streekafdeling waarvan sodanige hof 'n hof geword het, word daardie streekafdelings of die relevante gedeeltes daarvan geag ingevolge artikel 2(1)(eA) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), by die streekafdeling van die betrokke hof gevoeg te wees; en

(c) word die plek of plekke van sitting van so 'n hof geag bepaal te wees ingevolge 'n kennisgewing beoog in artikel (2)(1)(iA)(ii).

(4) Die reëls van krag op die datum van die inwerkingtreding van hierdie Wet ten opsigte van die hof kragtens artikel 10 van die Administrasiewysigingswet, 1929 (Wet No. 9 van 1929), ingestel, bly van krag totdat dit deur 'n bevoegde gesag herroep of gewysig word.

(5) 'n Verwysing in enige wetsbepaling na 'n Egskeidingshof ingestel ingevolge artikel 10 van die Administrasiewysigingswet, 1929 (Wet No. 9 van 1929), word geag 'n verwysing te wees na 'n hof van 'n streekafdeling.

(6) (a) Die Reëlsraad vir Geregshowe ingestel deur artikel 2 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), moet, binne ses maande na die inwerkingtreding van hierdie Wet, die bestaande reëls van die landdroshowe en die reëls bedoel in subartikel (4), hersien en wysig ten einde te verseker dat hof van streekafdelings die jurisdiksie opgedra aan hulle deur die Wet op Landdroshowe, 1944, soos deur hierdie Wet gewysig, doelmatig en doeltreffend kan uitoefen.

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(b) Any rules made or amended as a result of the amendments to the Magistrates' Courts Act, 1944, by this Act, must be aimed at enhancing access to the courts by, among others and as far as is reasonably possible—

- (i) providing for simplified and expeditious procedures; 5
 - (ii) providing for clerks or registrars to assist litigants;
 - (iii) limiting the costs associated with the litigation processes; and
 - (iv) retaining or improving the measures introduced by the rules referred to in subsection (4) in order to facilitate and promote access to the courts referred to in subsection (1).
- (c) The rules referred to in paragraph (a) must be submitted to Parliament. 10

Repeal and amendment of laws, and saving

10. (1) The Administration Amendment Act, 1929 (Act No. 9 of 1929), is hereby repealed.

(2) The laws referred to in the first column of the Schedule are hereby amended to the extent mentioned in the third column thereof. 15

(3) Nothing in this Act affects any of the powers exercised by the Minister in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), before the commencement of this Act.

Short title and commencement

11. (1) This Act is called the Jurisdiction of Regional Courts Amendment Act, 2008, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 20

(2) Different dates may be so fixed in respect of different regional divisions for the purposes of section 2(1)(g)(ii) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as inserted by section 2 of this Act. 25

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- (b) Enige reëls gemaak of gewysig as gevolg van die wysigings aan die Wet op Landdroshowe, 1944, deur hierdie Wet, moet daarop gemik wees om toegang tot die howe te verhoog deur, onder andere en sover dit redelikerwys moontlik is—
- (i) voorsiening te maak vir vereenvoudigde en spoedige prosesse;
 - (ii) voorsiening te maak dat klerke of griffiers litigante bystaan; 5
 - (iii) die koste beperk wat met litigasie gepaard gaan; en
 - (iv) die maatreëls behou of verbeter wat deur die reëls bedoel in subartikel (4) ingestel is ten einde toegang tot die howe in subartikel (1) bedoel te bewerkstellig en te bevorder.
- (c) Die reëls bedoel in paragraaf (a) moet aan die Parlement voorgelê word. 10

Herroeping en wysiging van wette, en voorbehoud

10. (1) Die Administrasiewysigingswet, 1929 (Wet No. 9 van 1929), word hierby herroep.

(2) Die wette bedoel in die eerste kolom van die Bylae word hierby gewysig in die mate in die derde kolom daarvan genoem. 15

(3) Niks in hierdie Wet affekteer enige van die bevoegdhede deur die Minister uitgeoefen ingevolge artikel 2 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), voor die inwerkingtreding van hierdie Wet, nie.

Kort titel en inwerkingtreding

11. (1) Hierdie Wet heet die Wysigingswet op Regsbevoegdheid van Streekhoe, 20 2008, en tree in werking op 'n datum deur die President by Proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ten opsigte van verskillende streekafdelings vir doeleindes van artikel 2(1)(g)(ii) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), soos ingevoeg deur artikel 2 van hierdie Wet, bepaal word. 25

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SCHEDULE

Laws amended by section 10(2)

No and year of law	Short title	Extent of amendment	
Act No. 53 of 1979	Attorneys Act, 1979	<p>1. The amendment of section 8 by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Any candidate attorney who has satisfied all the requirements for the degree referred to in paragraph (a) of section 2(1), or for the degrees referred to in paragraph (aA) of that section, or for a degree or degrees referred to in paragraph (aB) of that section in respect of which a certification in accordance with that paragraph has been done, shall be entitled to appear in any court, other than any [division of the Supreme] High Court, and before any board, tribunal or similar institution in or before which his or her principal is entitled to appear, instead of and on behalf of such principal, who shall be entitled to charge the fees for such appearance as if he or she himself or herself had appeared: Provided that such a candidate attorney shall not be entitled to appear in a court of a regional division established under section 2 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), [or a Divorce Court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929),] unless he or she—</p> <ul style="list-style-type: none"> (i) has previously practised as an advocate for at least half a year; or (ii) has served for at least one year under his or her articles or contract of service; or (iii) has at least one year’s experience as a state advocate, state prosecutor or magistrate.”. 	5 10 15 20 25 30 35
Act No. 70 of 1979	Divorce Act, 1979	<p>1. The amendment of section 1 by the substitution for the definition of “court” of the following definition:</p> <p>“‘court’ means any High Court as contemplated in section 166 of the Constitution of the Republic of South Africa, 1996 [(Act 108 of 1996)], or a [divorce] court [established under section 10 of the Administration Amendment Act, 1929 (Act 9 of 1929)] for a regional division contemplated in section 29(1B) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), which has jurisdiction with respect to a divorce action;”.</p>	40 45 50
Act No. 90 of 1986	Sheriffs Act, 1986	<p>1. The amendment of section 1 by the substitution for the definition of “lower court” of the following definition:</p> <p>“‘lower court’ means a court established under the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944)[, and a divorce court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929)];”.</p>	55 60

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BYLAE

Wette deur artikel 10(2) gewysig

No and jaar van wet	Kort titel	Omvang van wysiging	
Wet No. 53 van 1979	Wet op Prokureurs, 1979	<p>1. Die wysiging van artikel 8 deur subartikel (1) deur die volgende subartikel te vervang:</p> <p>“(1) ’n Kandidaat-prokureur wat aan al die vereistes vir die in paragraaf (a) van artikel 2(1) bedoelde graad, of in paragraaf (aA) van daardie artikel bedoelde grade, of vir ’n in paragraaf (aB) van daardie artikel bedoelde graad of grade ten opsigte waarvan ’n sertifisering ooreenkomstig daardie paragraaf gedoen is, voldoen het, is geregtig om in plaas van en ten behoewe van sy of haar prinsipaal te verskyn in enige hof, behalwe ’n [afdeling van die Hooggeregshof] Hoë Hof, en voor enige raad, regbank of soortgelyke instelling waarin of voor wie sy of haar prinsipaal geregtig is om te verskyn, en die prinsipaal van so ’n kandidaat-prokureur is geregtig om die gelde vir so ’n verskyning te bereken asof hy of sy self verskyn het: Met dien verstande dat so ’n kandidaat-prokureur nie geregtig is om in ’n hof van ’n streekafdeling ingestel kragtens artikel 2 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), [of ’n Egskeidingshof ingestel by artikel 10 van die Administrasie Wysigingswet, 1929 (Wet 9 van 1929),] te verskyn nie tensy hy of sy—</p> <ul style="list-style-type: none"> (i) voorheen minstens een jaar lank as advokaat gepraktiseer het; of (ii) minstens een jaar lank kragtens sy of haar leerkontrak of dienskontrak gedien het; of (iii) minstens een jaar lank ondervinding as staatsadvokaat, staatsaanklaer of landdros het.”. 	5 10 15 20 25 30 35 40
Wet No. 70 van 1979	Wet op Egskeiding, 1979	<p>1. Die wysiging van artikel 1 deur die woordoms krywing “hof” deur die volgende woordoms krywing te vervang:</p> <p>“ ‘hof’ ’n Hoë Hof beoog in artikel 166 van die Grondwet van die Republiek van Suid-Afrika, 1996 [(Wet 108 van 1996)], of ’n [egskeidings]hof [ingestel kragtens artikel 10 van die Administrasie Wysigingswet, 1929 (Wet 9 van 1929)] vir ’n streekafdeling beoog in artikel 29(1B) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), wat met betrekking tot ’n egskeidingsgeding jurisdiksie het;”.</p>	45 50 55
Wet No. 90 van 1986	Wet op Balju’s, 1986	<p>1. Die wysiging van artikel 1 deur die woordoms krywing van “laer hof” deur die volgende woordoms krywing te vervang:</p> <p>“‘laer hof’ ’n hof kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), ingestel, en ’n egskeidingshof kragtens artikel 10 van die Administrasie Wysigingswet, 1929 (Wet 9 van 1929);”.</p>	60

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No and year of law	Short title	Extent of amendment	
Act No. 24 of 1987	Mediation in Certain Divorce Matters Act, 1987	1. The amendment of section 1 by the insertion before the definition of "Family Advocate" of the following definition: " <u>'court'</u> means the court having jurisdiction in any action or proceedings referred to in section 4;".	5
Act No. 78 of 1997	Qualification of Legal Practitioners Amendment Act, 1997	1. The amendment of section 11 by the substitution for subsection (2) of the following subsection: "(2) Any candidate attorney who at the commencement of this Act— (a) has satisfied the requirement for the degree of <i>baccalaureus procurationis</i> ; or (b) was registered as a student at any university in the Republic with a view to obtaining the degree of <i>baccalaureus procurationis</i> and provided that he or she has satisfied the requirements for the said degree on or before 31 December 2004, shall be entitled to appear in any court, other than any [division of the] High Court, or a court of a regional division established under section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), [or a Divorce Court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929),] and before any board, tribunal or similar institution in which his or her principal is entitled to appear, instead of or on behalf of such principal, who shall be entitled to charge the fees for such appearance as if he or she himself or herself had appeared."	10 15 20 25 30 35
Act No. 99 of 1998	Maintenance Act, 1998	1. The substitution for section 3 of the following section: "Maintenance courts 3. Every magistrate's court for a district, established in terms of section 2(1)(e) of the <u>Magistrates' Courts Act, 1944 (Act No. 32 of 1944)</u> , [shall] is within its area of jurisdiction [be] a maintenance court for the purposes of this Act."	40 45
Act No. 116 of 1998	Domestic Violence Act, 1998	1. The amendment of section 1 by the substitution for the definition of "court" of the following definition: " <u>'court'</u> means any <u>magistrate's court for a district contemplated in the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)</u> [, or any family court established in terms of an Act of Parliament] ."	50 55

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Wet No. 24 van 1987	Wet op Bemiddeling in Sekere Egskeidings-aangeleenthede, 1987	1. Die wysiging van artikel 1 deur die invoeging van die volgende woordskrywing na die woordskrywing van "Gesinsraadgewer": " 'hof" die hof wat jurisdiksie in enige aksie of verrigtinge bedoel in subartikel (4) het;".	5 10
Wet No. 78 van 1997	Wysigingswet op die Kwalifikasie van Regspraktisyne, 1997	1. Die wysiging van artikel 11 deur subartikel (2) deur die volgende subartikel te vervang: "(2) 'n Kandidaat-prokureur wat by die inwerkingtrede van hierdie Wet— (a) voldoen het aan die vereistes van die graad <i>baccalaureus procurationis</i> ; of (b) as 'n student by enige universiteit van die Republiek ingeskryf was met die oog op die verwerwing van die graad <i>baccalaureus procurationis</i> en met dien verstande dat hy of sy aan die vereistes van voormelde graad voldoen het voor of op 31 Desember 2004. is geregtig om in plaas van en ten behoeve van sy of haar prinsipaal te verskyn in enige hof, behalwe 'n [afdeling van die] Hoë Hof,] of 'n hof van 'n streekafdeling ingestel kragtens artikel 2 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944). [of 'n Egskeidingshof ingestel by artikel 10 van die Administrasie Wysigingswet, 1929 (Wet 9 van 1929),] en voor enige raad, regbank of soortgelyke instelling waarin of voor wie sy of haar prinsipaal geregtig is om te verskyn, en die prinsipaal van so 'n kandidaat-prokureur is geregtig om die gelde vir so 'n verskyning te bereken asof hy of sy self verskyn het."	15 20 25 30 35 40
Wet No. 99 van 1998	Wet op Onderhoud, 1998	1. Die vervanging van artikel 3 deur die volgende artikel: "Onderhoudshowe 3. Elke landdroshof vir 'n distrik, ingestel ingevolge artikel 2(1)(c) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), is binne sy regsgebied 'n onderhoudshof by die toepassing van hierdie Wet."	45 50
Wet No. 116 van 1998	Wet op Gesinsgeweld, 1998	1. Die wysiging van artikel 1 deur die omskrywing van "hof" deur die volgende omskrywing te vervang: " 'hof' 'n [hof] landdroshof vir 'n distrik beoog in die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944)], of 'n gesinshof ingevolge 'n Wet van die Parlement ingestel] ."	55 60

Act No. 31, 2008

JURISDICTION OF REGIONAL
COURTS AMENDMENT ACT, 2008

No and year of law	Short title	Extent of amendment	
Act No. 120 of 1998	Recognition of Customary Marriages Act, 1998	<p>1. The amendment of section 1 by the substitution for the definition of "court" of the following definition:</p> <p>"court" means a High Court [of South Africa, a family court established under any law or a Divorce Court established in terms of section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929)] or a court for a regional division contemplated in section 29(1B) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);".</p>	5 10
Act No. 12 of 2004	Prevention and Combating of Corrupt Activities Act, 2004	1. The amendment of section 1 by the deletion of paragraph (g) of the definition of "judicial officer".	15

WYSIGINGSWET OP
REIGSBEVOEGDHEID VAN STREEKHOF, 2008

Wet No. 31, 2008

No and jaar van wet	Kort titel	Omvang van wysiging	
Wet No. 120 van 1998	Wet op Erkenning van Gebruiklike Huwelike. 1998	<p>1. Die wysiging van artikel 1 deur die woordskrywing van "hof" deur die volgende woordskrywing te vervang:</p> <p>“ ‘hof’ ’n Hoë Hof [van Suid-Afrika, ’n gesinshof wat ingevolge enige wet ingestel is of ’n Egskeidingshof ingestel ingevolge artikel 10 van die Administrasie Wysigingswet, 1929 (Wet 9 van 1929)] of ’n hof vir ’n streekafdeling beoog in artikel 29(1B) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);”.</p>	5 10 15
Wet No. 12 van 2004	Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004	1. Die wysiging van artikel 1 deur paragraaf (g) van die woordskrywing van “regterlike beampte” te skrap.	20