



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 434

Cape Town, 17 August 2001
Kaapstad, 17 Augustus 2001

No. 22582



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GENERAL NOTICE

NOTICE 1869 OF 2001

DEPARTMENT OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT

PUBLICATION OF EXPLANATORY SUMMARIES:

- (i) CRIMINAL PROCEDURE SECOND AMENDMENT BILL, 2001
- (ii) INTERCEPTION AND MONITORING BILL, 2001
- (iii) INTERIM RATIONALISATION OF JURISDICTION OF HIGH COURTS BILL, 2001
- (iv) JUDICIAL MATTERS AMENDMENT BILL, 2001

The Minister for Justice and Constitutional Development intends introducing the above Bills in the National Assembly shortly. The explanatory summaries of the Bills are hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The **Criminal Procedure Second Amendment Bill, 2001**, amends the Criminal Procedure Act, 1977, so as to provide for a prosecutor and an accused to enter into a plea and sentence agreement; and provides for matters connected therewith.

The **Interception and Monitoring Bill, 2001**, regulates the interception and monitoring of certain communications; provides for the interception of postal articles and communications and for the monitoring of communications in the case of a serious offence or if the security or other compelling national interests of the Republic are threatened; prohibits the provision of certain telecommunication services which do not have the capacity to be monitored; regulates authorised telecommunication monitoring; and provides for matters connected therewith.

The **Interim Rationalisation of Jurisdiction of High Courts Bill, 2001**, makes provision for the interim rationalisation of the areas of jurisdiction of the High Courts, and for matters connected therewith.

- The **Judicial Matters Amendment Bill, 2001**, amends—
- * the Administration Amendment Act, 1929, so as to further regulate the jurisdiction of the Divorce Courts;
 - * the South African Law Commission Act, 1973, so as to bring the appointment of a member of the judiciary as chairperson of the South African Law Commission into line with the court structure as provided for in the Constitution;
 - * the Criminal Procedure Act, 1977, so as to further regulate the referral of an accused in order to inquire into his or her capacity to understand criminal proceedings or regarding the criminal responsibility of an accused concerning the offence with which he or she is charged;
 - * the Rules Board for Courts of Law Act, 1985, so as to bring the designation of a member of the judiciary as chairperson or vice-chairperson of the Rules Board for Courts of Law into line with the court structure as provided for in the Constitution;
 - * the General Law Third Amendment Act, 1993, so as to repeal an obsolete provision;
 - * the General Law Fourth Amendment Act, 1993, so as to repeal obsolete provisions;
 - * the General Law Sixth Amendment Act, 1993, so as to repeal an obsolete provision;

ALGEMENE KENNISGEWING

KENNISGEWING 1869 VAN 2001

DEPARTEMENT VAN JUSTISIE EN
STAATKUNDIGE ONTWIKKELING

PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMINGS:

- (i) TWEDE STRAFPROSESWYSIGINGSWETSONTWERP, 2001
- (ii) WETSONTWERP OP ONDERSCHEPPING EN MEE-LUISTERING, 2001
- (iii) WETSONTWERP OP INTERIM RASIONALISERING VAN JURISDIKSIE VAN HOË HOWE, 2001
- (iv) WYSIGINGSWETSONTWERP OP GEREGETELIKE AANGELEENTHEDE, 2001

Die Minister vir Justisie en Staatkundige Ontwikkeling beoog om die bovermelde Wetsontwerpe eersdaags in die Nasionale Vergadering in te dien. Die verduidelikende opsommings van die Wetsontwerpe word hierby ooreenkomstig Reël 241(c) van die Reëls van die Nasionale Vergadering gepubliseer.

Die **Tweede Strafbepalingswetsontwerp, 2001**, wysig die Strafbepalingswet, 1977, ten einde voorsiening te maak vir 'n aanklaer en 'n beskuldigde om 'n pleit- en vonnissooreenkoms aan te gaan; en maak voorsiening vir aangeleenthede wat daarmee in verband staan.

Die **Wetsontwerp op Onderskepping en Meeluistering, 2001**, reël die onderskepping van, en meeluistering na, sekere kommunikasies; maak voorsiening vir die onderskepping van posstukke en kommunikasies en vir die meeluistering na kommunikasies in die geval van 'n ernstige misdryf of indien die veiligheid of ander dwingende nasionale belange van die Republiek bedreig word; verbied die verskaffing van sekere telekommunikasiedienste wat nie die kapasiteit het om meegeluister te word nie; reël gemagtigde telekommunikasie meeluistering; en maak voorsiening vir aangeleenthede wat daarmee in verband staan.

Die **Wetsontwerp op Interim Rasionalisering van Jurisdiksie van Hoë Howe, 2001**, maak voorsiening vir die interim rasionalisering van die regsgebiede van die Hoë Howe; en vir aangeleenthede wat daarmee in verband staan.

Die **Wysigingswetsontwerp op Geregetelike Aangeleenthede, 2001**, wysig—

- * die Administrasie Wysigingswet, 1929, ten einde die regsbevoegdheid van die Egskeidingshowe verder te reël;
- * die Wet op die Suid-Afrikaanse Regskommissie, 1973, ten einde die aanstelling van 'n lid van die regbank as voorsitter van die Suid-Afrikaanse Regskommissie in lyn te bring met die hofstruktuur in die Grondwet bepaal;
- * die Strafbepalingswet, 1977, ten einde die verwysing van 'n beskuldigde vir 'n ondersoek na sy of haar vermoë om strafregtelike verrigtinge te begryp of aangaande die strafregtelike toerekenbaarheid van 'n beskuldigde betreffende die misdryf waarvan hy of sy aangekla word, verder te reël;
- * die Wet op die Reëlsraad vir Gereghowe, 1985, ten einde die aanwysing van 'n lid van die regbank as voorsitter of ondervoorsitter van die Reëlsraad vir Gereghowe in lyn te bring met die hofstruktuur in die Grondwet bepaal;
- * die Derde Algemene Regswysigingswet, 1993, ten einde 'n verouderde bepaling te herroep;

- * the Criminal Law Amendment Act, 1997, in order to regulate the period of operation of sections 52A and 52B;
- * the National Prosecuting Authority Act, 1998, in order to regulate certain executive functions of the Minister;
- * the Maintenance Act, 1998, so as to provide that any maintenance or related order may be enforced by a maintenance court other than the court where such order was made;
- * the Promotion of Access to Information Act, 2000, so as to effect certain textual corrections; and
- * the Promotion of Administrative Justice Act, 2000, so as to effect a textual correction.

Copies of the above Bills can be found on the website of the Parliamentary Monitoring Group at "<http://www.pmg.org.za>" and may, after introduction, also be obtained from:

1. Government Printers: Cape Town and Pretoria

2. Mr M V Pama
Parliament
PO Box 15
Cape Town 8000
Telephone (021) 403 2078

3. Mr N L Phakola
Room 528
120 Plein Street Building
Cape Town 8001
Telephone (021) 465 3420

- * die Vierde Algemene Regswysigingswet, 1993, ten einde verouderde bepalings te herroep;
- * die Sesde Algemene Regswysigingswet, 1993, ten einde 'n verouderde bepaling te herroep;
- * die Strafwysigingswet, 1997, ten einde die tydperk van werking van artikels 52A en 52B te reël;
- * die Wet op die Nasionale Vervolgingsgesag, 1998, ten einde sekere uitvoerende werksaamhede van die Minister te reël;
- * die Wet op Onderhoud, 1998, ten einde voorsiening te maak dat 'n onderhouds- of verwante bevel deur 'n ander onderhoudshof as dié onderhoudshof waar sodanige bevel gegee is, afdwing kan word;
- * die Wet op Bevordering van Toegang tot Inligting, 2000, ten einde sekere tekstuele regstellings aan te bring; en
- * die "Promotion of Administrative Justice Act, 2000", ten einde 'n tekstuele regstelling aan te bring.

Afskrifte van die Wetsontwerpe kan op die webtuiste van die Parlementêre Monitorings Groep by "<http://www.pmg.org.za>" gevind word en kan, na indiening, ook verkry word vanaf:

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PRINTED BY CRED A COMMUNICATIONS, CAPE TOWN, FOR THE GOVERNMENT PRINTER, PRETORIA,
TEL. (012) 334-4507, 334-4511, 334-4509, 334-4515—5200
GEDRUK DEUR CRED A COMMUNICATIONS, KAAPSTAD, VIR DIE STAATSDRUKKER, PRETORIA,
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