



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

**No. 8193**

*Regulasiekoerant*

**Vol. 477**

**Pretoria, 22 March 2005**  
**Maart**

**No. 27406**



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**PROCLAMATION**  
*by the*  
***President of the Republic of South Africa***

**No. R. 13, 2005**

**COMMENCEMENT OF THE JUDICIAL MATTERS SECOND AMENDMENT ACT,  
2003 (ACT NO. 55 OF 2003)**

Under section 34 of the Judicial Matters Second Amendment Act, 2003 (Act No. 55 of 2003), I hereby fix 31 March 2005 as the date on which the said Act, with the exception of sections 8, 9, 10 and 22 of the said Act, shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Ninth day of March Two thousand and five.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

# **PROKLAMASIE**

*van die*

*President van die Republiek van Suid-Afrika*

**No. R. 13, 2005**

## **INWERKINGTREDING VAN DIE TWEEDE WYSIGINGSWET OP GEREGTELIKE AANGELEENTHEDE, 2003 (WET NO. 55 VAN 2003)**

Kragtens artikel 34 van die Tweede Wysigingswet op Geregte Like Aangeleent hede, 2003 (Wet No. 55 van 2003), bepaal ek hierby 31 Maart 2005 as die datum waarop die gemelde Wet, met die uitsondering van artikels 8, 9, 10 en 22 van die gemelde Wet, in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Negende dag van Maart Tweeduisend-en-vyf.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

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**GOVERNMENT NOTICES**  
**GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 250

22 March 2005

**JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001:**  
**AMENDMENT OF REGULATIONS**

The President has under section 13 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), made the regulations in the Schedule.

**SCHEDULE**

**Definitions**

1. In this Schedule -

"the Regulations" means the regulations published by Government Notice No. R. 894 of 5 July 2002, as amended by Government Notice No. R. 1594 of 10 December 2003.

**Amendment of regulation 23 of the Regulations**

2. Regulation 23 is hereby amended by the addition of the following subregulations:

"(3) A determination for the purposes of the proviso to section 11(7) of the Act, must be -

- (a) made in the form of Form 3 of the Annexure;
- (b) made with due regard to the laws governing customary marriages; and
- (c) submitted in duplicate to the registrar.

## (4) The registrar must -

- (a) on receipt of the copies of the document contemplated in subregulation (3) affix the official stamp of the Department with the date of receipt on all pages of both copies of Form 3;
- (b) return one copy of Form 3 to the Constitutional Court judge or judge;
- (c) enter the following in a register kept for this purpose:
  - (i) the date of receipt of Form 3;
  - (ii) the particulars of the Constitutional Court judge or judge;
  - (iii) in respect of a determination for purposes of section 11(7)-
    - (aa) the full names and identity numbers of the spouses concerned; and
    - (bb) the division of benefits;
- and
- (d) forthwith forward the retained copy of Form 3 to the Director-General: Justice and Constitutional Development.”.

**Substitution of Form 3 of the Annexure to the Regulations**

3. The following Form is hereby substituted for Form 3 of the Annexure to the Regulations:

**“ FORM 3  
(Regulation 23)**

*[To be submitted in duplicate]*

**DETERMINATION FOR PURPOSES OF SECTION 9(1), 10(1) OR 11(7)\* OF THE JUDGES’ REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001 (ACT NO. 47 of 2001)**

I, ..... (name and surname of \*Constitutional Court judge/ judge) with identity number .....

(a) declare that the persons whose particulars are set out below are my spouses;  
and

(b) hereby determine that, in the event of my death, my benefits must be divided  
between my spouses as indicated below.

---

**PART A****DETERMINATION FOR PURPOSES OF SECTION 9(1)**

Name of spouse	Identity number of spouse	Division of benefits

---

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**PART B**

**DETERMINATION FOR PURPOSES OF SECTION 10(1)**

Name of spouse	Identity number of spouse	Division of benefits

**PART C**

**DETERMINATION FOR PURPOSES OF SECTION 11(7)**

Name of spouse	Identity number of spouse	Division of benefits

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

.....  
 Signature of \*Constitutional Court judge/judge

.....  
 Signature of witness

**\* Delete whichever is not applicable. ”**



No. R. 250

22 Maart 2005

**WET OP BESOLDIGING EN DIENSVOORWAARDES VAN REGTERS, 2001:  
WYSIGING VAN REGULASIES**

Die President het kragtens artikel 13 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), die regulasies in die Bylae uitgevaardig.

**BYLAE**

**Woordomskrywing**

1. In hierdie Bylae beteken -

“die Regulasies” die regulasies afgekondig by Goewermentskennisgewing No. R. 894 van 5 Julie 2002, soos gewysig by Goewermentskennisgewing No. R. 1594 van 10 Desember 2003.

**Wysiging van regulasie 23 van die Regulasies**

2. Regulasie 23 van die Regulasies word hierby gewysig deur die byvoeging van die volgende subregulasies:

“(3) ‘n Vasstelling vir doeleindes van die voorbehoudsbepaling by artikel 11(7) van die Wet moet -

- (a) in die vorm van Vorm 3 van die Aanhangsel gemaak word;
- (b) gemaak word met behoorlike inagneming van die reg waardeur gebruikelike verbindings gereël word; en
- (c) in duplikaat by die griffier ingedien word.

(4) Die griffier moet –

- (a) by ontvangs van die afskrifte van die dokumente in subregulasie (3) bedoel die amptelike stempel van die Departement met die datum van ontvangs op alle bladsye van beide afskrifte van Vorm 3 aanbring;
- (b) een afskrif van Vorm 3 aan die Konstitusionele Hof-regter of regter teruggee;
- (c) die volgende aantekens in 'n register gehou vir hierdie doel:
- (i) die datum van ontvangs van Vorm 3;
  - (ii) die besonderhede van die Konstitusionele Hof-regter of regter;
  - (iii) ten opsigte van 'n vasstelling vir doeleindes van artikel 11(7)-
    - (aa) die volle name en identiteitsnommers van die betrokke gades; en
    - (bb) die verdeling van die voordele;
- en
- (d) sonder versuim die afskrif van Vorm 3 wat gehou is aan die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling stuur.”.

### **Vervanging van Vorm 3 van die Aanhangsel tot die Regulasies**

3. Vorm 3 van die Aanhangsel by die Regulasies word hierby deur die volgende Vorm vervang:

**“ VORM 3  
(Regulasie 23)**

*[Moet in duplikaat voorgelê word]*

**VASSTELLING VIR DOELEINDES VAN ARTIKEL 9(1), 10(1) OF 11(7)\* VAN DIE WET OP BESOLDIGING EN DIENSVOORWAARDES VAN REGTERS, 2001 (WET NO. 47 van 2001)**

Ek, ..... (volle name van \*Konstitusionele Hof-regter/regter),  
met identiteitsnommer .....

(a) verklaar dat die persone wie se besonderhede hieronder uiteengesit is my gades is; en

(b) bepaal hierby dat, in die geval van my dood, my voordele tussen my gades verdeel moet word soos hieronder aangedui.

---

**DEEL A****VASSTELLING VIR DOELEINDES VAN ARTIKEL 9(1)**

Naam van gade	Identiteitsnommer van gade	Verdeling van voordele

---

**DEEL B****VASSTELLING VIR DOELEINDES VAN ARTIKEL 10(1)**

Naam van gade	Identiteitsnommer van gade	Verdeling van voordele

---

**DEEL C****VASSTELLING VIR DOELEINDES VAN ARTIKEL 11(7)**

Naam van gade	Identiteitsnommer van gade	Verdeling van voordele

Gedateer te \_\_\_\_\_ hierdie \_\_\_\_\_ dag van  
\_\_\_\_\_ 20\_\_.

.....

Handtekening van \*Konstitusionele Hof-regter/regter

.....

Handtekening van getuie

---

**\* Skrap wat nie van toepassing is nie. ”**

No. R. 251

22 March 2005

**MEDIATION IN CERTAIN DIVORCE MATTERS ACT, 1987**  
**AMENDMENT OF MEDIATION IN CERTAIN DIVORCE MATTERS**  
**REGULATIONS**

The Minister for Justice and Constitutional Development has under section 5 of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), made the regulations in the Schedule.

**SCHEDULE**

**Definitions**

1. In these regulations, "the Regulations" means the Mediation in Certain Divorce Matters Regulations, 1990, promulgated by Government Notice No. R. 2385 of 3 October 1990, as amended by Government Notice Nos. R. 2513 of 11 September 1992, R. 920 of 19 May 1993, R. 1342 of 12 August 1996 and R. 1123 of 16 November 2001.

**Insertion of regulation 4A in the Regulations**

2. The following regulation is hereby inserted after regulation 4 of the Regulations:

**“Circumstances in which court may cause investigation to be carried out by Family Advocate in maintenance inquiries and domestic violence proceedings**

**4A** (1) For the purposes of this regulation “court” means any court contemplated in the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), or any family court or maintenance court established in terms of an Act of Parliament, as the case may be.

(2) A court may cause an investigation to be carried out by a Family Advocate as contemplated in section 10(1A) of the Maintenance Act, 1998 (Act No. 99 of 1998), or section 5(1A) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), where the court deems it-

- (a) in the best interest of any minor or dependent child affected by the proceedings or enquiry before the court, as the case may be; and
- (b) necessary in view of the complexity of any matter or issue that affects such a minor or dependent child.”.

No. R. 251

22 Maart 2005

**WET OP BEMIDDELING IN SEKERE EGSKEIDINGSAANGELEENTHEDE, 1987**  
**WYSIGING VAN REGULASIES OP BEMIDDELING IN SEKERE**  
**EGSKEIDINGSAANGELEENTHEDE**

Die Minister vir Justisie en Staatkundige Ontwikkeling het kragtens artikel 5 van die Wet op Bemiddeling in Sekere Egskeidingsaangeleentehede, 1987 (Wet No. 24 of 1987), die regulasies in die Bylae uitgevaardig.

**BYLAE**

**Woordomskrywing**

1. In hierdie regulasies, beteken "die Regulasies" die Regulasies op Bemiddeling in Sekere Egskeidingsaangeleentehede, 1990, afgekondig by Goewermentskennigsewing No. R. 2385 van 3 Oktober 1990, soos gewysig by Goewermentskennigsewing No. R. 2513 van 11 September 1992, R. 920 van 19 Mei 1993, R. 1342 van 12 Augustus 1996 en R. 1123 van 16 November 2001.

**Invoeging van regulasie 4A in die Regulasies**

2. Die volgende regulasie word hierby na regulasie 4 van die Regulasies ingevoeg:

**“Omstandighede waaronder hof in onderhoudsondersoeke en gesinsgeweldverrigtinge ondersoek kan laat instel deur Gesinsadvokaat**

**4A** (1) Vir doeleindes van hierdie regulasie beteken “hof” enige hof beoog in die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of enige gesinshof of onderhoudshof ingevolge ‘n Wet van die Parlement ingestel, na gelang van die geval.

(2) ‘n Hof kan ‘n ondersoek soos beoog in artikel 10(1A) van die Wet op Onderhoud, 1998 (Wet No. 99 van 1998), of artikel 5(1A) van die Wet op Gesinsgeweld, 1998 (Wet No. 116 van 1998), deur ‘n Gesinsadvokaat laat instel waar die hof dit ag-

- (a) in die beste belang van enige minderjarige of afhanklike kind te wees wat deur die verrigtinge of ondersoek voor die hof, na gelang van die geval, geraak word; en
- (b) noodsaaklik te wees in die lig van die ingewikkeldheid van enige aangeleentheid of geskilpunt wat sodanige minderjarige of afhanklike kind raak.”

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531