1. **Final report of the Portfolio Committee on Justice and Correctional Services on the Courts of Law Amendment Bill [B 8-2016] (National Assembly – section 75), dated 10 May 2017**

The Portfolio Committee on Justice and Correctional Services (the Committee), having considered the ***Courts of Law Amendment Bill [B 8-2016]***, (the Bill) referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports the Bill with Amendments [B 8A-2016]. The Committee wishes to report further as follows:

1. This report should be read together with the Committee’s interim report (See Announcements, Tablings and Committee Reports No. 157, published on 1 December 2016).
2. The Courts of Law Amendment Bill was referred to the Committee on 11 May 2016. The Bill was advertised for public comment in various newspapers and in all official languages. Public hearings on the Bill took place in Parliament on 31 August 2016.
3. The Bill seeks to amend the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), largely to address abuses in the civil debt recovery system by providing for judicial oversight in the issuing of emoluments attachments orders. The Bill further seeks to amends those sections of the Magistrates’ Courts Act dealing with the rescission of a judgment where the judgment debt has been settled. It also amends the Superior Courts Act, 2013 (Act No. 10 of 2013) by inserting a new section 23A, which provides for the rescission of judgments with the consent of the judgment creditor and where the judgment debt has been settled.
4. Following the Constitutional Court judgment in *University of Stellenbosch Legal Aid Clinic and Others v Minister of Justice and Correctional Services and Others; Association of Debt Recovery Agents NPC v University of Stellenbosch Legal Aid Clinic and Others; Mavava Trading 279 (Pty) Ltd and Others v University of Stellenbosch Legal Aid Clinic and Others* [2016] ZACC 32 (the Stellenbosch case), the Committee sought the National Assembly’s permission to insert a new section 55 in the Magistrates’ Courts Act. The amendment would provide presiding officers with guidance regarding the factors that should, at a minimum, be taken into account to make a just and equitable order.
5. The National Assembly considered and agreed to the Committee’s request on 15 March 2017 (see Minutes of the National Assembly dated 15 March 2007).

**Report to be considered.**