**JUSTICE AND CORRECTIONAL SERVICES COMMITTEE BRIEFED ON CUSTOMARY MARRIAGES AMENDMENT BILL**

Parliament, Tuesday, 5 November 2019 – The Portfolio Committee on Justice and Correctional Services today received briefings on the Recognition of Customary Marriages Amendment Bill and of the Judicial Matters Amendment Bill.
The purpose of the recognition of Judicial Matters Amendment Bill is to amend the Divorce Act, 1979, so as to further regulate the division of assets and maintenance of parties in divorce proceedings in accordance with a judgment of the Constitutional Court.

It further aims to amend the National Prosecuting Authority Act, 1998, so as to deal with aspects pertaining to the term of office of the National Director of Public Prosecutions (NDPP) and the Deputy National Directors of Public Prosecutions in accordance with a judgment of the Constitutional Court. The Constitutional Court also declared section 12(6) constitutionally invalid to the extent that it permits the President to suspend the NDPP or a Deputy National Director for an indefinite period and without pay. The Constitutional Court held that the provisions in question undermine and compromise the independence of the office of the NDPP.

The proposed provisions in the Bill therefore seek to remove the powers of the President to extend the term of office of the NDPP or a Deputy National Director, and provide that the period of suspension of the NDPP or a Deputy National Director may not exceed 12 months and that these functionaries are entitled to their full salary during the suspension period.

The purpose of the Recognition of Customary Marriages Amendment Bill is to amend the Recognition of Customary Marriages Act, 1998, so as to further regulate the proprietary consequences of customary marriages entered into before the commencement of the said Act and to provide for matters connected therewith.

The Bill empowers a court granting a decree of divorce in respect of a marriage out of community of property to order a just redistribution of assets in certain circumstances. The provisions of section 7(3), however, apply only in respect of marriages entered into before the commencement of the Matrimonial Property Act, 1984, and in respect of civil marriages between Africans entered into in terms of section 22(6) of the Black Administration Act, 1927, before the commencement of the Marriage and Matrimonial Property Law Amendment Act, 1988.

Submissions must be received by no later than 21 November 2019 on both Bills. Please indicate your interest in making a verbal presentation. Public hearings will be held in Parliament. Submissions and enquiries must be directed to Mr V Ramaano, Portfolio Committee on Justice and Correctional Services, 3rd Floor, 90 Plein Street, Cape Town, 8000 or emailed to vramaano@parliament.gov.za.

Please find links for the Bills:
The Recognition of Customary Marriages Amendment Bill [B12 – 2019]:
https://tinyurl.com/yxpel47e

The Judicial Matters Amendment Bill [B13 – 2019]:
https://tinyurl.com/y46ey67f

ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES, MR BULELANI MAGWANISHE.