

ANNEXURE A
REPUBLIC OF SOUTH AFRICA

JUDICIAL MATTERS AMENDMENT BILL

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill published in Government Gazette No. of 2019) (The English text is the official text of the Bill)

(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

[B —2019]

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
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BILL

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; and**
 - * **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 and the Deputy National Directors of Public Prosecutions in accordance with a judgment of the Constitutional Court;**
- and to provide for matters connected therewith.**

PARLIAMENT of the Republic of South Africa enacts as follows:—

Amendment of section 7 of Act 70 of 1979, as amended by section 36 of Act 88 of 1984, section 2 of Act 3 of 1988, section 2 of Act 7 of 1989, section 1 of Act 44 of 1992 and section 11 of Act 55 of 2003

1. Section 7 of the Divorce Act, 1979, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A court granting a decree of divorce in respect of a marriage out of community of property—

(a) entered into before the commencement of the Matrimonial Property Act, 1984, in terms of an antenuptial contract by which community of property, community of profit and loss and accrual sharing in any form are excluded;

[or]

(b) entered into before the commencement of the Marriage and Matrimonial Property Law Amendment Act, 1988, in terms of section 22(6) of the Black Administration Act, 1927(Act No. 38 of 1927), as it existed immediately prior to its repeal by the said Marriage and Matrimonial Property Law Amendment Act, 1988[,];

(c) entered into in terms of any law applicable in the Republic, the impact of which excludes the benefits accruing to spouses in terms of this section,

may, subject to the provisions of subsections (4), (5) and (6), on application by one of the parties to that marriage, in the absence of any agreement between them regarding the division of their assets, order that such assets, or such part of the assets, of the other party as the court may deem just be transferred to the

first-mentioned party.”

Amendment of section 12 of Act 32 of 1998

2. Section 12 of the National Prosecuting Authority Act, 1998, is hereby amended –

(a) by the deletion of subsection (4);

(b) by the insertion in subsection (6) after paragraph (a) of the following paragraph:

“(aA) The period from the time the President suspends the National Director or a Deputy National Director to the time he or she decides whether or not to remove the National Director or Deputy National Director may not exceed twelve months.”; and

(c) by the substitution in subsection (6) for paragraph (e) of the following paragraph:

“(e) The National Director or a Deputy National Director provisionally suspended from office shall receive, for the duration of such suspension, **[no salary or such salary as may be determined by the President]** his or her full salary.”

Short title

3. This Act is called the Judicial Matters Amendment Act, 2019.