

Judicial Matters Amendment Act signed into law

President Cyril Ramaphosa has assented to the Judicial Matters Amendment Act of 2023.



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According to the Presidency, the amendment bill aims to “amend numerous Acts which are administered by the Department of Justice and Constitutional Development and are intended to address mostly practical and technical changes in various pieces of legislation”.

Some of the notable amendments to the act include:

- Amendments which provide for the powers, duties and functions of the Chief Master, some of which were not part of the legislation before. These changes will allow the Chief Master to play a greater supervisory role over the Masters of the High Court and will lead to improved service delivery to the public and to legal practitioners.
- A provision that allows the Minister of Justice and Correctional Services, after due consultation, to determine certain categories of offences which, if the accused pays or has paid an admission of guilt fine, would not result in the accused receiving a criminal record.

The Presidency explained that following the Minister’s determination, “persons who already have received a criminal record for the identified categories of offences will have their offences expunged”.



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Other areas that the Amendment Act speak to include:

- A provision for the expungement of the criminal record of a person who paid an admission of guilt fine for violating the

State of Disaster Regulations which were imposed during the Covid pandemic.

- A new mechanism to fight corruption, by creating an additional offence to be included in the Prevention and Combatting of Corrupt Activities Act, 2004 (Act No. 12 of 2004) regarding the failure of members of the private sector or state-owned entities to prevent corrupt activities. This is in line with recommendations made by the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State (Zondo Commission).
- A provision that relates to when a person willfully makes a false declaration in support of an application for a protection order in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998). The new provision penalises the making of such a false declaration and such a person will have committed an offence. The amendment also enables applications for a protection order to be made without an affidavit.
- A repeals of common law relating to the crime of defamation. Various international and local stakeholders and interested parties have expressed concerns about the alarming effect of such offences on journalists and have advocated for their abolition. The crime of *crimen injuria* and civil remedies for defamation however continue to be applicable.

“Whilst the amendments may appear to be minor and technical in nature, they will significantly improve service delivery and the efficiency and responsiveness of the justice system in the related matters,” the Presidency said.

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