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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

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

No. R. 1593

31 October 2003

MAGISTRATES ACT, 1993
REGULATIONS FOR JUDICIAL OFFICERS IN THE LOWER COURTS, 1994:
AMENDMENT

The Minister for Justice and Constitutional Development has under section 16 of the Magistrates Act, 1993 (Act No. 90 of 1993), on the recommendation of the Magistrates Commission, made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 361 of 11 March 1994, as amended by Government Notices Nos. R. 644 of 1 April 1994, R. 1407 of 11 August 1994, R. 1808 of 17 October 1994, R. 1707 of 27 October 1994, R. 1791 of 17 November 1995, R. 72 of 26 January 1996, R. 331 of 1 March 1996, R. 957 of 7 June 1996, R. 1178 of 19 July 1996, R. 1242 of 2 August 1996, R. 1340 of 12 August 1996, R. 1567 of 27 September 1996, R. 1627 of 1 October 1996, R. 178 of 7 February 1997, R. 421 of 20 March 1997, R. 1081 of 8 August 1997, R. 274 of 20 February 1998, R. 997 of 7 August 1998, R. 56 of 15 January 1999, R. 1498 of 17 December 1999 and R. 1339 of 26 September 2003.

Amendment of Classification of Regulations

2. The Classification of the Regulations is hereby amended by -
- (a) the insertion of the following expression after the expression:
"54A. Code of conduct for Magistrates":
"PART XXII: PARTNER
54B. Registration of partner
54C. Deregistration of partner"; and
- (b) the insertion of the following expression after the expression:
"SCHEDULE E
Code of Conduct for Magistrates"
"SCHEDULE F
Form
No.
1. Registration of Partner
2. Deregistration of Partner".

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended by -
- (a) the insertion of the following definition after the definition of "candidate":
"court manager' the court manager at the court where a magistrate is performing his or her duties;"; and
- (b) the insertion of the expression "or partner" after the expression "spouse" wherever it appears in the regulations.

insertion of regulations 54B and 54C in the Regulations

4. The following regulations are hereby inserted after regulation 54A of the Regulations:

"PART XXII: PARTNER**Registration of partner**

54B.(1) A magistrate who wishes to register a person as his or her partner must complete Form 1 of Schedule F.

- (2) A completed Form 1 of Schedule F must -
- (a) be accompanied by -
 - (i) certified copies of the identity documents of the magistrate and the person to be registered as partner; and
 - (ii) an affidavit by a person confirming the existence of a relationship between the magistrate and the person to be registered as partner; and
 - (b) together with the documents contemplated in paragraph (a) be submitted in duplicate to the court manager.
- (3) The court manager must -
- (a) on receipt of the documents contemplated in subregulation (2) affix the official stamp of the Department with the date of receipt on all pages of both copies of Form 1 of Schedule F and the attachments thereto;
 - (b) return one copy of Form 1 of Schedule F and the attachments thereto to the magistrate; and
 - (c) enter the following in a register kept for this purpose:
 - (i) the date of receipt of Form 1 of Schedule F;
 - (ii) the particulars of the magistrate and the person to be registered as partner; and
 - (d) forthwith forward the retained copy of Form 1 of Schedule F and the attachments thereto to the Director-General.

Deregistration of partner

54C.(1) A magistrate who wishes to deregister a person who was registered as his or her partner in terms of regulation 54B(1) must complete Form 2 of Schedule F.

(2) A completed Form 2 of Schedule F must be submitted in triplicate to the court manager.

(3) The court manager must -

- (a) on receipt of the documents contemplated in subregulation (2) affix the official stamp of the Department with the date of receipt on all pages of all the copies of Form 2 of Schedule F;
- (b) return two copies of Form 2 of Schedule F to the magistrate;
- (c) enter the following in a register kept for this purpose:
 - (i) the date of receipt of Form 2 of Schedule F;
 - (ii) the particulars of the magistrate and the person to be deregistered as partner; and
- (d) forthwith forward the retained copy of Form 2 of Schedule F to the Director-General.

(4) The magistrate contemplated in subregulation (1) must -

- (a) by registered post send one of the copies of Form 2 of Schedule F contemplated in subregulation (3)(b) to the last known address of the person who is to be deregistered as his or her partner; and
- (b) keep proof of having posted the copy to the relevant person.”.

Insertion of Schedule F to the Regulations

5. The following Schedule is hereby inserted after Schedule E:

**“SCHEDULE F
FORM 1
[Regulation 54B]**

Note: Please attach-

- (i) Certified copies of identity documents of magistrate and person to be registered as partner; and*
- (ii) the affidavit referred to in regulation 54B(2)(a)(ii).*

[To be submitted in duplicate]

**REGISTRATION OF PARTNER IN TERMS OF THE MAGISTRATES ACT, 1993 (ACT
NO. 90 OF 1993)**

PART A: DECLARATION BY MAGISTRATE

I,.....(full names), identity number
.....hereby declare under *oath/affirmation as follows:

(a) I am in a permanent life partnership with (full
names of person to be registered as partner) with identity number
.....

(b) The reasons I regard the life partnership as permanent are the following:
.....
.....
.....
.....
.....

(c) We have undertaken the following reciprocal duties of support:
.....
.....
.....

.....
.....

(d) I hereby wish to register said as my partner for purposes of the above-mentioned Act.

DEPONENT

DATE

CERTIFICATION

I hereby certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

- (a) Do you know and understand the contents of the above declaration?
Answer _____.
- (b) Do you have any objection to taking the prescribed oath?
Answer _____.
- (c) Do you consider the prescribed oath to be binding on your conscience?
Answer _____.

I hereby certify that the Deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Dated at _____ this _____ day of _____ 20__.

*Justice of the Peace/Commissioner of Oaths

Full names: _____

Designation: _____

Area for which appointed: _____

Business address: _____

PART B: DECLARATION BY PARTNER

I, (full names) with identity number
.....hereby declare under *oath/affirmation as follows:

(a) I am in a permanent life partnership with
(full names of magistrate) with identity number

(b) The reasons I regard the relationship as permanent are the following:

.....
.....
.....
.....
.....

(c) We have undertaken the following reciprocal duties of support:

.....
.....
.....
.....
.....

- (d) I hereby agree to be registered as the said magistrate's partner for purposes of the above-mentioned Act.

DEPONENT

DATE

CERTIFICATION

I hereby certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

- (a) Do you know and understand the contents of the above declaration?

Answer _____.

- (b) Do you have any objection to taking the prescribed oath?

Answer _____.

- (c) Do you consider the prescribed oath to be binding on your conscience?

Answer _____.

I hereby certify that the Deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Dated at _____ this ____ day of _____ 20__.

*Justice of the Peace/Commissioner of Oaths

Full names: _____

Designation: _____

Area for which appointed: _____

Business address: _____

** Delete whichever is not applicable.*

FORM 2
[Regulation 54C]

[To be submitted in triplicate]

DEREGISTRATION OF PARTNER IN TERMS OF THE MAGISTRATES ACT, 1993
(ACT NO. 90 OF 1993)

I, (full names of magistrate) with identity number
..... hereby declare under *oath/affirmation that the
permanent life partnership between myself and
(full names) with identity number who was
registered as my partner at on, has
been terminated.

I herewith wish to deregister *him/her as my partner for purposes of the above-
mentioned Act.

DEPONENT

DATE

CERTIFICATION

I hereby certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

(a) Do you know and understand the contents of the above declaration?

Answer _____.

(b) Do you have any objection to taking the prescribed oath?

Answer _____.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer _____.

I hereby certify that the Deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Dated at _____ this _____ day of _____ 20__.

*Justice of the Peace/Commissioner of Oaths

Full names: _____

Designation: _____

Area for which appointed: _____

Business address: _____

*** Delete whichever is not applicable.***

Commencement

6. These regulations will come into operation on 1 November 2003.