

MAGISTRATES' COURTS AMENDMENT ACT 67 OF 1998

[ASSENTED TO 28 SEPTEMBER 1998] [DATE OF COMMENCEMENT: TO BE PROCLAIMED]
(Unless otherwise indicated)

(English text signed by the President)

ACT

To amend the Magistrates' Courts Act, 1944, so as to further regulate the summoning of assessors in civil and criminal proceedings; to further regulate the procedure in the event of death, incapacity, absence or recusal of an assessor; to empower the Minister of Justice to make regulations in connection with matters pertaining to assessors; and to provide for matters connected therewith.

- 1** Substitutes section 34 of the Magistrates' Courts [Act 32 of 1944](#).
- 2** Substitutes section 93 *ter* of the Magistrates' Courts [Act 32 of 1944](#).
[Date of commencement of s. 2 in so far as it substitutes sub-s. (5) and inserts sub-ss. (10) and (11): 20 April 2000.]
- 3** Inserts section 93 *quat* in the Magistrates' Courts [Act 32 of 1944](#).
- 4** Inserts Schedule 2 while the existing schedule becomes Schedule 1 in the Magistrates' Courts [Act 32 of 1944](#).

5 Transitional provision

Proceedings in which an assessor or assessors were summoned in terms of section 93 *ter* of the Principal Act, and which are pending at the commencement of section 2 of this Act, shall be continued and concluded as if this Act had not been passed: Provided that the provisions of section 93 *ter* (8) to (12) of the principal Act, as amended by this Act, shall at all relevant times be applicable in respect of such pending proceedings.

6 Short title

(1) This Act is called the Magistrates' Courts Amendment Act, 1998, and shall take effect on a date fixed by the President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of-

- (a) different items contained in Schedule 2 to the principal Act; and
- (b) different areas in the Republic.