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## THE PRESIDENCY

No. 96

15 January 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 54 of 2002: Promotion of Access to Information Amendment Act, 2002.**

## DIE PRESIDENSIE

No. 96

15 Januarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 54 van 2002: Wysigingswet op Bevordering van Toegang tot Inligting, 2002.**



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Act No. 54, 2002

PROMOTION OF ACCESS TO INFORMATION  
AMENDMENT ACT, 2002**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.

(English text signed by the President.)  
(Assented to 30 December 2002.)

# ACT

**To amend the Promotion of Access to Information Act, 2000, so as to amend a definition and to provide for the training of presiding officers in the magistrates' courts for purposes of the Act; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 2 of 2000, as amended by section 21 of Act 42 of 2001**

1. Section 1 of the Promotion of Access to Information Act, 2000, is hereby amended by the substitution for the definition of "court" of the following definition: 5

" 'court' means—

(a) the Constitutional Court acting in terms of section 167(6)(a) of the Constitution; or

(b) (i) a High Court or another court of similar status; or

(ii) a Magistrate's Court, either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the *Gazette* and presided over by a magistrate or an additional magistrate designated in **[writing by the Minister after consultation with the Magistrates Commission]** terms of section 91A, 10

within whose area of jurisdiction— 15

(aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;

(bb) the public body or private body concerned has its principal place of administration or business; or

(cc) the requester or third party concerned is domiciled or ordinarily 20 resident;".

**Insertion of section 91A in Act 2 of 2000**

2. The following section is hereby inserted after section 91 of the Promotion of Access to Information Act, 2000:

**"Designation and training of presiding officers**

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**91A.** (1) (a) The head of an administrative region defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), must, subject to subsection (2), designate in writing any magistrate or additional magistrate

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 30 Desember 2002.)

**WET**

Tot wysiging van die Wet op Bevordering van Toegang tot Inligting, 2000, ten einde 'n woordskrywing te wysig en om voorsiening te maak vir die opleiding van voorsittende beamptes in die landdroshowe vir doeleindes van die Wet; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 2 van 2000, soos gewysig deur artikel 21 van Wet 42 van 2001**

1. Artikel 1 van die Wet op Bevordering van Toegang tot Inligting, 2000, word hierby gewysig deur die woordskrywing van “hof” deur die volgende woordskrywing te vervang: 5

“ hof” —

(a) die Konstitusionele Hof handelende ingevolge artikel 167(6)(a) van die Grondwet; of 10

(b) (i) 'n Hoë Hof of ander hof van soortgelyke status; of

(ii) 'n Landdroshof, hetsy in die algemeen of ten opsigte van 'n spesifieke klas van besluite ingevolge hierdie Wet, wat deur die Minister by kennisgewing in die *Staatskoerant* aangewys is, waarin 'n landdros [skriftelik deur die Minister, na oorleg met die Landdrostekommissie,] of 'n addisionele landdros ingevolge artikel 91A aangewys [is], voorsit, 15

in wie se regsgebied—

(aa) die besluit van die inligtingsbeampte of tersaaklike owerheid van 'n openbare liggaam of die hoof van 'n privaatliggaam geneem is; 20

(bb) die betrokke openbare liggaam of privaatliggaam sy hoofplek van administrasie of besigheid het; of

(cc) die betrokke versoeker of derde party gedomisilieerd of gewoonlik woonagtig is;”.

**Invoeging van artikel 91A in Wet 2 van 2000** 25

2. Die volgende artikel word hierby na artikel 91 van die Wet op Bevordering van Toegang tot Inligting, 2000, ingevoeg:

**“Aanwysing en opleiding van voorsittende beamptes**

**91A.** (1) (a) Die hoof van 'n administratiewe streek soos omskryf in artikel 1 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), moet, behoudens subartikel (2), enige landdros of addisionele landdros skriftelik 30

as a presiding officer of a Magistrate's Court designated by the Minister in terms of section 1 of this Act.

(b) A presiding officer must perform the functions and duties and exercise the powers assigned to or conferred on him or her under this Act or any other law.

(2) Only a magistrate or additional magistrate who has completed a training course—

(a) before the date of commencement of this section; or

(b) as contemplated in subsection (5),

and whose name has been included on the list contemplated in subsection (4)(a), may be designated in terms of subsection (1).

(3) The heads of administrative regions must—

(a) take all reasonable steps within available resources to designate at least one presiding officer for each magistrate's court within his or her area of jurisdiction which has been designated by the Minister in terms of section 1; and

(b) without delay, inform the Director-General: Justice and Constitutional Development of any magistrate or additional magistrate who has completed a training course as contemplated in subsections (5) and (6) or who has been designated in terms of subsection (1).

(4) The Director-General: Justice and Constitutional Development must compile and keep a list of every magistrate or additional magistrate who has—

(a) completed a training course as contemplated in subsections (5) and (6); or

(b) been designated as a presiding officer of a magistrate's court contemplated in subsection (1).

(5) The Chief Justice must, in consultation with the Judicial Service Commission and the Magistrates Commission, develop the content of training courses with the view to building a dedicated and experienced pool of trained and specialised presiding officers for purposes of presiding in court proceedings as contemplated in this Act.

(6) The Chief Justice must, in consultation with the Judicial Service Commission, the Magistrates Commission and the Minister, implement the training courses referred to in subsection (5).

(7) The Minister must table a report in Parliament, as prescribed, relating to the content and implementation of the training courses referred to in subsections (5) and (6)."

#### Short title

3. This Act is called the Promotion of Access to Information Amendment Act, 2002.

WYSIGINGSWET OP BEVORDERING VAN TOEGANG TOT INLIGTING, 2002 Wet No. 54, 2002

- aanwys as 'n voorsittende beampte van 'n Landdroshof wat deur die Minister ingevolge artikel 1 van hierdie Wet aangewys is.
- (b) 'n Voorsittende beampte moet die werksaamhede en verpligtinge verrig en die bevoegdhede uitoefen wat kragtens hierdie Wet of enige ander wet aan hom of haar toegewys is of opgedra word. 5
- (2) Slegs 'n landdros of 'n addisionele landdros wat 'n opleidingskursus voltooi het—
- (a) voor die datum van inwerkingtreding van hierdie artikel; of
- (b) soos beoog in subartikel (5),
- en wie se naam op die lys soos beoog in subartikel (4)(a) ingesluit is, kan ingevolge subartikel (1) aangewys word. 10
- (3) Die hoofde van administratiewe streke moet—
- (a) alle redelike stappe binne die beskikbare bronne doen ten einde ten minste een voorsittende beampte aan te wys vir elke landdroshof binne sy of haar regsgebied wat deur die Minister ingevolge artikel 1 aangewys is; en 15
- (b) sonder versuim, die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling in kennis stel van enige landdros of addisionele landdros wat 'n opleidingskursus soos beoog in subartikels (5) en (6) voltooi het of wat ingevolge subartikel (1) aangewys is. 20
- (4) Die Direkteur-generaal: Justisie en Staatkundige Ontwikkeling moet 'n lys opstel en hou van elke landdros of addisionele landdros wat—
- (a) 'n opleidingskursus soos beoog in subartikels (5) en (6) voltooi het; of
- (b) as 'n voorsittende beampte van 'n landdroshof soos beoog in subartikel (1) aangewys is. 25
- (5) Die Hoofregter moet, in oorleg met die Regterlike Dienskommissie en die Landdrostekommissie, die inhoud van opleidingskursusse ontwikkel met die oog daarop om 'n toegewyde en ervare poel van opgeleide en gespesialiseerde voorsittende beamptes op te bou ten einde by hofverrigtinge in hierdie Wet beoog, voor te sit. 30
- (6) Die Hoofregter moet, in oorleg met die Regterlike Dienskommissie, die Landdrostekommissie en die Minister, die opleidingskursusse bedoel in subartikel (5) implementeer.
- (7) Die Minister moet, soos voorgeskryf, 'n verslag in die Parlement ter tafel lê wat verband hou met die inhoud en implementering van die opleidingskursusse bedoel in subartikels (5) en (6).” 35

### Kort titel

3. Hierdie Wet heet die Wysigingswet op Bevordering van Toegang tot Inligting, 2002.

