

RESEARCHERS & CURRENT INVESTIGATIONS

Statutory Law Revision (Project 25)

Pierre van Wyk; Fanyana Mdumbe; Linda Mngoma; Ronel van Zyl; Maureen Moloi; Tshepang Monare; Lowesa Stuurman; Willie van Vuuren; Nerisha Singh & Tania Prinsloo

Arbitration: Community dispute resolution structures (Project 94)

Maureen Moloi

Family Law and the Law of Persons (Project 100)

- **Custody of and access to minor children**
Ananda Louw
- **Review of aspects of matrimonial property law**
Anna-Marie Havenga
- **Hindu marriages**
Maureen Moloi

Sexual Offences: Adult prostitution (Project 107)

Dellene Clark & Carien Pienaar

Assisted decision-making (Project 122)

Anna-Marie Havenga

Prescription periods (Project 125)

Tshepang Monare

Review of the Law of Evidence (Project 126)

Willie van Vuuren & Nerisha Singh

Review of Administration Orders (Project 127)

Tienie Cronje & Lowesa Stuurman

Administration of Estates (Project 134)

Tienie Cronje

Multidisciplinary Legal Practices (Project 136)

Tienie Cronje

Expungement of Certain Criminal Records (Project 137)

Willie van Vuuren

The practice of *Ukuthwala* (Project 138)

Fanyana Mdumbe



REVIEW THE PAST

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REFORM THE PRESENT

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ANTICIPATE THE FUTURE

THE SA LAW REFORM COMMISSION

ESTABLISHMENT OF THE COMMISSION

The South African Law Reform Commission was established by the South African Law Reform Commission Act 19 of 1973 (the Act). The members of the current Commission are Madam Justice Y Mokgoro (Chairperson); Mr Justice WL Seriti (Vice-Chairperson); Professor C Albertyn; Mr Justice DM Davis; Mr T Ngcukaitobi; Advocate DB Ntsebeza SC; Professor PJ Schwikkard and Advocate M Sello.

THE OBJECTS OF THE COMMISSION

The objects of the Commission are set out as follows in section 4 of the Act: to do research with reference to all branches of the law of the Republic and to study and investigate all such branches in order to make recommendations for the development, improvement, modernisation or reform thereof, including -

- the repeal of obsolete or unnecessary provisions
- the removal of anomalies;
- the bringing about of uniformity in the law in force in the various parts of the Republic;
- the consolidation or codification of any branch of the law; and
- steps aimed at making the common law more readily available.

WHAT MATTERS ARE INVESTIGATED BY THE COMMISSION?

The investigations undertaken by the Commission cover many different areas. For example, the current law of divorce and property accrual stems from an investigation by the Commission. So do most aspects of our law of succession. The Commission also contributed to the establishment of the Bill of Human Rights that is now entrenched in the Constitution.

A substantial number of investigations appear on the Commission's programme, and new investigations, approved by the Commission, are added from time to time. Details of the investigations may be found in the Commission's annual report, obtainable from the Government Printer in Pretoria and Cape Town, and also appearing on the Commission's Website. You are also welcome to write to, or e-mail, the Commission if you have any enquiries about its investigations or would like to know whether a particular subject is being investigated by the Commission.

THE WORKING METHOD FOLLOWED BY THE COMMISSION IS TO -

- gather information through research to identify defects in the law;
- consult with the general public to identify their needs; and
- present workable and cost-effective proposals for reform

HOW CAN YOU TAKE PART IN THE LAW REFORM PROCESS?

Any person or body is free to submit substantiated proposals for the reform of any particular aspect of South African law to the Commission for inclusion in its programme. If the proposal warrants law reform, the Commission's research staff will prepare either an issue paper to clarify the

aim of the investigation or a discussion paper. Discussion papers contain background information, reflect the present law and give the Commission's tentative proposals. These documents are distributed free of charge and the public is invited to comment on the proposals they contain. This is done through media releases and media conferences. Members of the Commission and the research staff undertake as many public speaking engagements as time and resources permit. After extensive consultation and debate a final report is submitted to the Minister for Justice and Constitutional Development for consideration.

THE COMMISSION'S APPROACH

The Commission has adopted a policy of making itself more accessible, transparent and community-oriented. It has undertaken to recommend laws that will improve the general welfare of all South Africans. To this end the Commission has committed itself to consulting and informing the public as widely as possible by public briefings and in other ways, not only on the need for new laws, but also on the laws that are proposed to satisfy that need.

The South African Law Reform Commission therefore invites you to take part in this very necessary and important task and to become involved in its endeavors to meet the legal needs of our new democratic society.

Write to the Secretary:

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