

South Africa

South African Law Commission Act, 1973

Act 19 of 1973

Legislation as at 15 March 1974

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South African Law Commission Act, 1973

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South African Law Commission Act, 1973

Act 19 of 1973

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Commenced on 1 September 1973 by [South African Law Commission Act, 1973: Commencement](#)

[This is the version of this document as it was from 15 March 1974 to 30 September 1984.]

[Amended by [General Law Amendment Act, 1974 \(Act 29 of 1974\)](#) on 15 March 1974]

(Afrikaans text signed by the State President.)

ACT

To establish a South African Law Commission and to provide for matters incidental thereto.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Definitions

In this Act, unless the context otherwise indicates—

"**Commission**" means the South African Law Commission established by [section 2](#);

"**Minister**" means the Minister of Justice;

"**Republic**" includes the territory of South West Africa.

2. Establishment of Commission

There is hereby established a body to be known as the South African Law Commission.

3. Constitution of Commission and period of office of members

(1) The Commission shall consist of the following members, appointed by the State President:

- (a) A judge of the Supreme Court of South Africa, as chairman;
- (b) a judge of the Supreme Court of South Africa, as vice-chairman;
- (c) not less than two but not more than four persons who appear to the State President to be suitably qualified by the tenure of a judicial office or by experience as an advocate or attorney or as a professor of law at any university;
- (d) an officer in the service of the Department of Justice.

(2) The State President may appoint one or more additional members if he deems it necessary for the consideration of any particular project.

(3) A member of the Commission shall be appointed for a period of not more than five years or, in the case of a member referred to in subsection (2), for the period of the duration of the particular project, and any such appointment may be revoked at any time by the State President if in his opinion good reasons exist therefor.

- (4) Any person whose period of office as a member of the Commission has expired, shall be eligible for reappointment.

4. Objects of Commission

The objects of the Commission shall be to do research with reference to all branches of the law of the Republic and to study and to investigate all such branches of the law in order to make recommendations for the development, improvement, modernization or reform thereof, including—

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

5. Powers and duties of Commission

- (1) In order to achieve its objects the Commission shall from time to time draw up programmes in which the various matters which in its opinion require consideration are included in order of preference, and shall submit such programmes to the Minister for approval.
- (2) The Commission may include in any programme any suggestion relating to its objects received from any person or body.
- (3) The Commission shall, as far as possible in order of preference, investigate the matters appearing on any programme approved or amended by the Minister and may for that purpose consult any person or body, whether by the submission of study documents prepared by the Commission or in any other manner.
- (4) The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 ([Act No. 8 of 1947](#)), shall apply *mutatis mutandis* to the Commission.
- (5) If after investigating any matter the Commission is of the opinion that legislation ought to be enacted with regard to that matter, the Commission shall prepare draft legislation for that purpose.

6. Meetings of Commission

- (1) Meetings of the Commission shall be held at the times and places appointed by the chairman or, if he is not available, by the vice-chairman of the Commission.
- (2) One half of the members of the Commission plus one shall constitute a quorum for a meeting.
- (3) If the chairman is absent from a meeting, the vice-chairman shall act as chairman and if both the chairman and the vice-chairman are absent, the members present shall choose one of their number to preside at that meeting.
- (4) The Commission may regulate the proceedings at meetings as it may think fit and shall keep minutes of the proceedings.

7. Reports of Commission

- (1) The Commission shall prepare a full report in regard to any matter investigated by it and shall submit such report together with draft legislation, if any, prepared by it, to the Minister for consideration.
- (2) The Commission shall annually not later than the first day of March submit to the Minister a report on all its activities during the previous year.

- (3) The report referred to in subsection (2) shall be laid upon the Table in the Senate and the House of Assembly within fourteen days after it was submitted to the Minister, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

8. Secretary and staff

- (1) The secretary of the Commission and such other officers and employees as are required for the proper performance of the Commission's functions, shall be appointed in terms of the Public Service Act, 1957 ([Act No. 54 of 1957](#)).
- (2) The Commission may, with the approval of the Minister in consultation with the Minister of Finance, on a temporary basis or for a particular project, employ any person with special knowledge of any matter relating to the work of the Commission, or obtain the co-operation of any body, to advise and assist the Commission in the performance of its duties under this Act, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body.

9. Remuneration and expenses of members

- (1) A member of the Commission who is a judge of the Supreme Court of South Africa shall be entitled to such allowance for subsistence expenses incurred by him in the performance of his duties under this Act as the Minister in consultation with the Minister of Finance may determine.

[subsection (1) substituted by section 20 of [Act 29 of 1974](#)]

- (2) A member of the Commission who is not a judge or who is not subject to the provisions of the Public Service Act, 1957 ([Act No. 54 of 1957](#)), shall be entitled to such remuneration, including reimbursement for travelling and subsistence expenses incurred by him in the performance of his duties under this Act, as the Minister in consultation with the Minister of Finance may fix.

10. Short title and commencement

This Act shall be called the South African Law Commission Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.