

OFFICIAL GAZETTE



AMPTELIKE KOERANT

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DEPARTMENT OF  
JUSTICE

DEPARTEMENT VAN  
JUSTISIE

ISAZISO SIKAHULUMENI WAKWAZULU UNOMBOLO 14 KA 1994

UMKHANDLU WAKWAZULU OSHAYA UMTHETHO

UMTHETHO 25 KA 1993

UMTHETHOSICHIBIYELO WAKWAZULU OJWAYELEKILE, 1993.

UMongameli weZwe uyathokoza ngaphansi nangegunya lamandla anikezwe wona yisigaba 31 (2) soMthethosisekelo wemiBuso eziBusayo, 1971 (uMthetho 21 ka 1971) ukuba avume loMthetho olandelayo. (Umbhalo wesiNgisi usayinwe nguMongameli weZwe. Kuvunywe mhlaka 24/01/1994)

## UMTHETHO

Ochibiyela uMthetho weziNkantolo zeziMantshi, 1944, ukuze kuhlale futhi amandla okugcina ezinkantolo ezincane; ukuchibiyela uMthetho nokuHumusha, 1957, ukuze kuhlale amalanga okuqalisa kwemithetho ethize; ukuchibiyela uMthetho weNqubo emaCaleni eGazi, 1977, ukuze kubuyele kuzwe "ibhange"; ukuhlela futhi ukushushiswa kwangasese; ukuhlela futhi kwamandla ephoyisa mayelana nokubopha ngaphandle kwewaranti, ukufaka endaweni yezisho ezingasasebenzi; ukuhlela futhi kwesiqiniseko sokulotshiwe emabhukwini ezimali kanye namabhuku asebhange; ukuhlela futhi kokulungiswa kwesimilo ngokweluleka; ukwelula umbono wenkantolo wokuhlelisa isigwebo ngaphansi kwezimeko ezithize; ukuhlela imibandela yokuhlelisa noma ukulungiswa kwesigwebo; ukwenza icala elithize; kanye nokuhlinzekela izindaba eziphathelele nalokho.

MAKUMISWE UMTHETHO nguMkhandlu waKwaZulu oShaya uMthetho, kanje:

Ukuchitshiyelwa kwesigaba 92 soMthetho 32 ka 1944, njengoba sifakwe isigaba 30 soMthetho 94 ka 1974 futhi sachitshiyelwa isigaba 9 soMthetho 91 ka 1977; kwesigaba 1 soMthetho 109 ka 1984 kanye nesigaba 9 soMthetho 25 ka 1987

1. Isigaba 92 soMthetho weziNkantolo zeziMantshi, 1944, ngalokhu siyachitshiyelwa ngokungezwa esigatshaneni (1) kwalendima elandelayo:

"(d) ukulungiswa kwesimilo ngokweluleka, kunganikezwa ngokwenkathi ecatshangwe esigabeni 276A (1) (b) soMthetho weNqubo emaCaleni eGazi, 1977 (uMthetho No. 51 ka 1977)."

Ukuchitshiyelwa kwesigaba 13 soMthetho 33 ka 1957

2. Isigaba 13 soMthetho wokuHumusha, 1957, ngalokhu siyachitshiyelwa ngokungezwa kwesigatshana esilandelayo:

"(3) Uma noma yimuphi uMthetho uhlinzekela ukuthi lowoMthetho uyoqala ukusebenza osukwini oluyomiswa nguNdunankulu ngesaziso eGazethini kaHulumeni, kuyothathwa ngokuthi amalanga ahlukeni angamiswa mayelana nezimiso ezehlukene zoMthetho lowo."

Ukuchitshiyelwa kwesigaba 1 soMthetho 51 ka 1977, njengoba uchitshiyelwe isigaba 1 soMthetho 107 ka 1990, isigaba 1 soMthetho 5 ka 1991 kanye noMthetho 122 ka 1991; kanye nesigaba 1 soMthethosichibiyelo waKwaZulu weNqubo emaCaleni eGazi 10 ka 1992

3. Isigaba 1 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka esikhundleni sencazelo ye "bhange" incazelo elandelayo:

"ibhange" kusho [isikhungo sebhange] ibhange njengoba lichazwe esigabeni 1 soMthetho wamaBhange, [1965 (uMthetho

23 ka 1965]] 1990 (uMthetho 94 ka 1990), futhi kumbandakanya iBhange Lezwe kanye nezoLimo laseNingizimu Afrika okubhekiswe kulo esigabeni 3 soMthetho weBhange Lezwe, 1944 (uMthetho 13 ka 1944), kanye nesikhungo sokuzwana kwezokwakha njengoba sichazwe esigabeni 1 soMthetho weziKhungo zokuZwana kwezoKwakha, 1965 [uMthetho 24 ka 1965] [kanye nesikhungo kwezokwakha njengoba sichazwe esigabeni 1 soMthetho weziKhungo zoKwakha, 1986 (uMthetho 82 ka 1986)];".

**Ukuchitshiyelwa kwesigaba 9 soMthetho 51 ka 1977**

4. Isigaba 9 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufakwa esikhundleni zezindima (a) kanye no (b) zesigatshana (1) izindima ezilandelayo:
  - "(a) inani [inani lamarandi alikhulu] uNgqongqoshe angathi ngezikhathi ngezikhathi alinqume ngesaziso eGazethini kaHulumeni njengesibambiso sokuthi uyolishushisa icala elibekwe umboshwa lizeliphele ngaphandle kokuchitha isikhathi okungafanele; futhi
  - (b) inani leyonkantolo engase ilinqume njengesibambiso sezindleko angase [umboshwa] angene kuzo mayelana (necala) nokuzivikela kukumboshwa ecaleni."

**Ukufakwa esikhundleni kwesigaba 16 soMthetho 51 ka 1977**

5. Isigaba esilandelayo ngalokhu sifakwa esikhundleni sesigaba 16 soMthetho weNqubo emaCaleni eGazi, 1977:
 

"Izindleko zomboshwa ekushushiseni kwangasese

  16. (1) Ekushushiseni kwangasese, kodwa kungasho ukushushiswa okucatshangwe esigabeni 8, icala elibekwe umboshwa lichithwa noma umboshwa etholwa engenacala noma isinqubo esivuna umboshwa sinikwa ekwedluliseni kwecala, inkantolo echithe icala noma ethole umboshwa enganacala noma evuna umboshwa ekwedluliseni icala, ingayala umshushisi wangasese ukuba akhokhele umboshwa lowo zonke noma ingxeny yezindleko kanye nezimali ezichithiwe [nguye] mayelana nokushushisa noma, njengoba kungenzeka,
  - (2) Lapho inkantolo inombono wokuthi ukushushisa kwangasese kwakungenasisekelo futhi ngokulwa okungasholutho futhi kunokuzondeka okusalunya iyonikeza umboshwa uma ecela izindleko lezo kanye nezimali ezichithiwe [nguye] mayelana nokushushisa, njengoba ingabona kufanele."

**Ukuchitshiyelwa kwesigaba 40 soMthetho 51 ka 1977**

6. Isigaba 40 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka esikhundleni sendima (d) yesigatshana (1) indima elandelayo:
 

"(d) otholakala enanoma yiliphi ithuluzi lokugqokeza indlu noma lokugqokeza imoto njengoba kucatshangwe esigabeni 17 soMthethosichibiyelo oJwayelekile waKwaZulu, 1993, futhi ehluleka ukuchaza ukutholakala kwakhe nalethuluzi ukuze kweneliseke iphoyisa;"

**Ukuchitshiyelwa kwesigaba 77 soMthetho 51 ka 1977, njengoba sichitshiyelwe isigaba 10 soMthetho 33 ka 1986 kanye nesigaba 9 soMthetho 51 ka 1991**

7. Isigaba 77 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa—
  - (a) ngokufakwa esikhundleni sendima (a) yesigatshana (6) indima elandelayo:
 

"(a) Uma inkantolo ithola ukuthi umboshwa akakwazi ukulandela inqubo yecala ukuze akwazi ukuzivikela, inkantolo iyoyala ukuthi umboshwa agcinwe esibhedlela sezifo [sezinhlanga] zengqondo noma esitokisini kusalindelwe ukuyala kwesinqumo [sika Ngqongqoshe] sejaji egumbini lalo, futhi uma inkantolo iyala kanjalo emva kokuba umboshwa eseziphendulele ecaleni, umboshwa ngeke abenegunya ngaphansi kwesigaba 106 (4) ukuba atholwe engenacala noma ukuba atholwe enecala mayelana necala abekwelona;"
  - (b) ngokufakwa esikhundleni sesigatshana (7) isigatshana esilandelayo:
 

"(7) Lapho isiyalo sikhishwe ngaphansi kwesigatshana (6) noma (9) ukuthi umboshwa akagcinwe esibhedlela [sezinhlanga] sezifo zengqondo noma esitokisini kusalindelwe ukuyala kwesinqumo [sika Ngqongqoshe] sejaji egumbini lalo, umboshwa kungathi noma yisiphi isikhathi emva kwalokho, lapho esekwazi ukulandela inqubo yecala ukuze azivikele, abekwe icala futhi lithethwe mayelana necala okukhulunywa ngalo;"
  - (c) ngokufakwa esikhundleni sesigatshana (9) isigatshana esilandelayo:
 

"(9) Lapho ukudluliswa kwesinqumo ngaphansi kwesigatshana (5) sivunywa inkantolo yokwedlulisa kwamacala iyochitha ukulahlwa icala kanye nesigwebo futhi iyale ukuthi umuntu othintekile agcinwe esibhedlela [sezinhlanga] sezifo zengqondo noma ejele kusalindelwe ukuyala kwesinqumo [sika Ngqongqoshe] sejaji egumbini lalo."

**Ukuchitshiyelwa kwesigaba 78 soMthetho 51 ka 1977, njengoba sichitshiyelwe isigaba 11 soMthetho 33 ka 1986 kanye nesigaba 9 soMthetho 51 ka 1991**

8. Isigaba 78 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka esikhundleni kwisigatshana (6) samagama andulela indima (b) amagama alandelayo:
 

"ngesizathu sokugula ngengqondo noma ukungaphili kahle engqondweni, njengoba kungase kwenzeke, futhi ayale ukuthi umboshwa akagcinwe esibhedlela [sezinhlanga] sezifo zengqondo noma esitokisini kusalindelwe isiyalo sesinqumo [sika Ngqongqoshe] sejaji egumbini lalo."

**Ukuchitshiyelwa kwesigaba 79 soMthetho 51 ka 1977**

9. Isigaba 79 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka esikhundleni zesigatshana (1) kanye no (2) isisho "isibhedlela sezinhlanga", lapho sivele khona, isisho "isibhedlela sezifo zengqondo."

**Ukufakwa esikhundleni sesigaba 236 soMthetho 51 ka 1977**

10. Isigaba esilandelayo ngalokhu sifakwa esikhundleni sesigaba 236 soMthetho weNqubo emaCaleni eGazi, 1977:

"Isiqiniseko sokubhaliwe emabhukwini ezimali kanye nasemibhalweni wamabhange

236. (1) Okubhaliwe [ezincwadini zezimali] ezincwadini zezimali zebhange, [kumbandakanya noma iyiphi ileja (ledger), ibhuku losuku noma ibhuku-lezimali] kanye noma namuphi umbhalo okunoma yiliphi ibhange futhi obhekise kulokho okubhaliwe osekuhiwo noma yikuphi okubhalwe yibhange emsebenzini walo, kuyothi, noma kuvezwa emacaleni egazi njengencwadi eyisititimende esifungelwe esenziwe yinoma yimuphi umuntu othe kulesosititimende esifungelwe wathi—
- usebenzela ibhange okukhulunywa ngalo;
  - ukuthi lezo [zincwadi zemali] ziyi noma zabe ziyizincwadi zemali noma umbhalo uyi noma kade [uyincwadi] uyincwadi eyejwayelekile yamarekhodi noma umbhalo webhange lelo;
  - ukuthi lokho okubhaliwe kwenziwe ngokwejwayelekile futhi emsebenzini ojwayelekile walelobhange noma umbhalo lowo osushiwo wenziwe, wabhalwa noma watholakala ngokwejwayelekile futhi emsebenzini ojwayelekile webhange lelo; futhi
  - lawo [mabhuku ezimali] marekhodi ezimali noma umqingo usesandleni noma ungaphansi kokulawulwa yibhange lelo.
- kuyoba ubufakazi obuqanda ikhanda emacaleni alezozindaba, okwenziwe kanye nezimali ezibhaliwe kuleyo [mabhuku ezimali] mibhalo yezimali noma imiqingo.
- (2) Noma yikuphi okubhaliwe kunoma iliphi [ibhuku lezimali] irekhodi lezimali okubhekiswe kulo esigatshaneni (1) noma kuyiphi incwadi okubhekiswe kuyo esigatshaneni (1) kungase kuthathwe njengobufakazi obuyibo ecaleni legazi ngokuvezwa ecaleni incwadi eyisititimende esifungelwe esenziwe yinoma yimuphi umuntu kulesosititimende esifungelwe ukuthi—
- usebenzela lelobhange okuqondiswe kulo;
  - uhlolile okubhaliwe, [kanye nebhuku lezimali] irekhodi lezimali noma incwadi okuqondiswe kuyo; futhi
  - ikhophi (copy) lalokho okubhaliwe noma incwadi echazwe esitatimendeni esifungelwe noma esijobelelweni salokho esiyikhophi eliyiqiniso lalokho okubhaliwe noma incwadi (document).
- (3) Noma yimuphi walabo abamangelelene kulelocala okuqondiswe kulo ukwethulwa ubufakazi buqondiswa kuye njengokusho kwalesisigaba noma okuhloswe ukuba ubufakazi bethulwe buqondiswe kuye njengokusho kwalesisigaba, angathi, ngokuyalwa inkantolo equla lelocala elingakapheli, ahlole incwadi eyabhalwayo uqobo lwayo noma okubhaliwe okuqondiswe kukho kanye nanoma iliphi [ibhuku lezimali] irekhodi lezimali lapho okubhaliwe kuvela khona futhi lowo wabamangelelene engenza ikhophi lalencwadi noma okubhaliwe, futhi inkantolo iyokuthi, uma icelwa omunye wabamangelelene, ihlehlise icala ngenjongo yokuhlola kwalokho noma kokwenziwa kwalawo makhophi.
- (4) Akukhobhange eliyophoqakala ukuveza noma yiliphi [incwadi yezimali] irekhodi lezimali okubhekiswe kulo esigatshaneni (1) kunoma yiliphi icala legazi, ngaphandle uma inkantolo ethintekile iyala ukuthi lelo [bhuku] rekhodi livezwe.
- (5) Kulesisigaba—
- 'incwadi' ibandakanya okulotshiwe noma ipheshana elibhalwe ikhompuyutha noma ngayiphi indlela noma njengento esebenza ngogesi noma ngayiphi into ekwazi ukulondoloza ulwazi noma ilugcine; futhi 'okubhaliwe' kumbandakanya noma yikuphi ukuqoshwa emarekhodini ezimali zebhange noma ngayiphi indlela."

**Ukuchitshiyelwa kwesigaba 276A soMthetho 51 ka 1977, njengoba sifakwe isigaba 42 soMthetho 122 ka 1991**

11. Isigaba 276A soMthetho weNqubo emacaleni eGazi, 1977, ngalokhu siyachitshiyelwa—
- ngokufaka endaweni kusigatshana (3) kwamagama alandelayo kundinyana (ii) yendima (a) amagama alandelayo: "uKhomishani angathi, uma enombono wokuthi lowomuntu ulungele ukuba ahlolwe ngokulungisa izimilo ngokweluleka, acele kumabhalane noma kumbhalisi wenkantolo, njengoba kungase kwenzeke, ukuba lowomuntu avele phambi kwenkantolo yokuqala (aquo) ukuze kucatshangwe kabusha isigwebo lesi esesishiwo.";
  - ngokufaka endaweni yendima (b) yesigatshana (3) indima elandelayo: "(b) Ekutholeni kwanoma isiphi isicelo okubhekiswe kuso endimeni (a) umabhalane noma umbhalisi wenkantolo, njengoba kungase kwenzeke, uyothi, emva kokuthintana nomshushisi, afake udaba ngelanga elithize emacaleni enkantolo ethintekile."; futhi
  - ngokufaka endaweni kwisigatshana (3) yamagama andulela indinyana (i) yendima (c) lamagama alandelayo: "umabhalane noma umbhalisi wenkantolo, njengoba kungase kwenzeke, uyothi ngokucubungulisa isigwebo njengokusho kwalesisigatshana."

**Ukuchitshiyelwa kwesigaba 280 soMthetho 51 ka 1977**

12. Isigaba 280 soMthetho weNqubo emacaleni eGazi, 1977, ngalokhu siyachitshiyelwa—
- ngokufaka endaweni yesigatshana (2) isigatshana esilandelayo: "(2) Lezozijeziso, uma kuwukuboshwa ejele, ziyiqala ukusebenza esisodwa silandele ekupheleni kwesinye, ukuchithwa noma isephulelo sokunye, ngokulandelana njengoba inkantolo ingase iyale, ngaphandle inkantolo iyala ukuthi lezo [sijeziso] zigwebo zokuboshwa ziyosebenza kanyekanye."; futhi
  - ngokungeza isigatshana esilandelayo: "(3) Lezozijeziso, uma ziwukulungiswa kwezimilo ngokululeka okubhekiswe kulo esigabeni 276 (1) (h), ziyiqala ukusebenza emva kokuphela kwesisodwa, ukuchithwa noma isephulelo sokunye, ngokulandelana njengoba inkantolo ingase iyale, ngaphandle uma iyala ukuthi lezozijeziso zokulungisa isimilo ngokweluleka ziyosebenza kanye-kanye: Kuqikelelwe ukuthi uma izijeziso ziqoqwe ndawonye zedlule inkathi eyimi-nyaka emithathu, inkathi engengaphansi kweminayaka emithathu kusukele osukwini okuyilona lokuqala lwalezozijeziso esezishiwo eseqalile ukusebenza ziyodonswa, ngaphandle inkantolo, lapho inikeza isigwebo, iyala ngokwehlukile."

**Ukuchitshiyelwa kwesigaba 282 soMthetho 51 ka 1977, njengoba sifakwe yisigaba 13 soMthetho 5 ka 1991**

13. Isigaba 282 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka endaweni amagama alandelayo endimeni (b) alamagama alandelayo:

"esasinezwe yinoma yimuphi umuntu ekulahlweni icala sichithwa ekwedlulisweni icala noma ekuhlolweni futhi noma yisiphi isigwebo sokuboshwa noma esinye isigwebo sokuboshwa sibuye sinikezwe kamuva kulowomuntu lowo mayelana nalelocala endaweni yezigwebo okubhekiswe kuzo endimeni (a) noma (b), ngokulandelayo, noma yiliphi icala elifakwe esikhundleni salelocala ekudlulisweni noma ekuhlolweni, isigwebo okuthi emva kwalokho sanikezwa singathi, uma inkantolo esinikezayo yenelisiwe ukuthi umuntu othintekile uchithe isikhathi eside ejele elindele ukuvezwa kwesigwebo okuqondiswe kuzo endimeni (a) noma usedonse noma iyiphi ingxenye (b), siqaliswe emuva yinkantolo osukwini olushiwo, olungeke lubeseduze njengosuku izigwebo azinikezwe ngalo okuqondiswe kuzo ezindimeni (a) kanye no (b), futhi emva kwalokho isigwebo esinikezwe kamuva siyothathwa ngokuthi sanikezwa osukwini olushiwo."

**Ukuchitshiyelwa kwesigaba 297 soMthetho 51 ka 1977, njengoba sichitshiyelwa isigaba 21 soMthetho 59 ka 1983 kanye nesigaba 20 soMthetho 33 ka 1986**

14. Isigaba 297 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufakwa endaweni yesigatshana (9) amagama andulela indima (a) amagama alandelayo:

"Uma noma yimuphi umbandela onikezwe ngaphansi kwalesigaba ungagcinwanga, umuntu othintekile kungathi ngesiyalo sanoma iyiphi inkantolo, noma kuvela enkulumeni efungelwe ukuthi umuntu othintekile wehlulekile ukugcina lowombandela, ngesiyalo sanoma iyiphi imantshi, imantshi yamajaji amancane noma ijaji, njengoba kungase kwenzeke, akaboshwe noma agcinwe futhi, lapho imeko enjalo."

**Ukufakwa kwesigaba 308A kuMthetho 51 ka 1977**

15. uMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu uyachitshiyelwa ngokufaka lesigaba esilandelayo emva kwesigaba 308:

**"Ukulungisa kwesimilo ngokweluleka ngeke kwayekelelwa ngaphandle uma ibheyili inikeziwe**

308A. Ukufezwa kwesigwebo sokulungisa kwesimilo ngokweluleka okubhekiswe kuso esigabeni 276 (1) (h), ngeke kuyekelelwe ngokuthunyelwa kwecala ukuba liyohlolwa njengokusho kwesigaba 304 (4), ngaphandle uma inkantolo eyanikeza isigwebo ikhulula umuntu olahlwe yicala—

(a) ngebheyili, okuyokuthi izimiso zesigaba 307 (2), (3), (4), (5) kanye no (6) zisebenza ngokuquko oludingekile (*mutatis mutandis*);

(b) ngokuxwayiswa kanye nombandela njengoba ucatshangwe esigabeni 307 (3), okuyokuthi izimiso zesigaba 72 ziyosebenza ngokuguquka okudingekile kuye ngokuthi zingasetshenziswa kanjani."

**Ukuchitshiyelwa kwesigaba 309 soMthetho 51 ka 1977, njengoba sichitshiyelwa yisigaba 17 soMthetho 105 ka 1982 kanye nesigaba 8 soMthetho 107 ka 1990**

16. Isigaba 309 soMthetho weNqubo emaCaleni eGazi, 1977, ngalokhu siyachitshiyelwa ngokufaka endaweni yendima (b) yesigatshana (4) lendima elandelayo:

"(b) Izigaba 307, [kanye] 308 kanye no 308A ziyosebenza ngokuguquka okudingekile (*mutatis mutandis*) uma kubhekiswe kusigwebo okwedluliswe icala ngaso, kumbandakanya isigwebo sokushaya esinikezwe ngaphansi kwesigaba 294."

**Ukuhluleka ukunika incazelo egculisayo yokutholakala nethuluzi noma into**

17. Noma yimuphi umuntu ogcine noma yiliphi ithuluzi noma into okungase kube nokusola okwanele kokuthi kwasebenzisa noma kuhloswe ukusebenziswa ekugqekizeni indlu, noma ekugqekizeni imoto noma ukungena ngokungekho emthethweni emotweni, futhi engakwazi ukunikeza incazelo egculisayo yalokho kutholakala, uyobanecala futhi uma limlahla ahlawuliswe, noma ukuboswa inkathi engeqile iminyaka emithathu.

**Isihloko esifingqiwe**

18. LoMthetho uyobizwa ngokuthi uMthethosichibiyelo waKwaZulu oJwayelekile, 1993.

**KWAZULU GOVERNMENT NOTICE NO. 14 OF 1994**

**KWAZULU LEGISLATIVE ASSEMBLY**

**ACT 25 OF 1993**

**KWAZULU GENERAL LAW AMENDMENT ACT, 1993**

The State President has been pleased under and by virtue of the powers vested in him by section 31 (2) of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971) to approve the following Act. (English text signed by the State President. Assented to on 24/01/1994).

**ACT**

To amend the Magistrates' Courts Act, 1944, so as to further regulate the limits of jurisdiction of lower courts; to amend the Interpretation Act, 1957, so as to further regulate the dates of commencement of certain laws; to amend the Criminal Procedure Act, 1977, so as to redefine "bank"; to further regulate private prosecutions; to regulate powers of peace officer in respect of an arrest without a warrant; to substitute certain obsolete expressions; to regulate the proof of entries in accounting records and documentation of banks; to regulate the sentence of correctional supervision; to extend the discretion of the court to antedate a sentence under certain circumstance; to regulate the conditional postponement or sus

pension of a sentence; to create a certain offence; and to provide for matters incidental thereto.

BE IT ENACTED by the KwaZulu Legislative Assembly, as follows:

**Amendment of section 92 of Act 32 of 1944, as substituted by section 30 of Act 94 of 1974 and amended by section 9 of Act 91 of 1977, section 1 of Act 109 of 1984 and section 9 of Act 25 of 1987**

1. Section 92 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following paragraph:

"(d) by correctional supervision, may impose correctional supervision for a period as contemplated in section 276A (1) (b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

**Amendment of section 13 of Act 33 of 1957**

2. Section 13 of the Interpretation Act, 1957, is hereby amended by the addition of the following subsection:

"(3) If any Act provides that that Act shall come into operation on a date fixed by the Chief Minister by notice in the Official Gazette, it shall be deemed that different dates may be so fixed in respect of different provisions of that Act."

**Amendment of section 1 of Act 51 of 1977, as amended by section 1 of Act 107 of 1990, section 1 of Act 5 of 1991 and of Act 122 of 1991 and section 1 of the KwaZulu Criminal Procedure Amendment Act 10 of 1992**

3. Section 1 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the definition of "bank" of the following definition:

"bank" means a [banking institution] bank as defined in section 1 of the Banks Act, [1965 (Act 23 of 1965)] 1990 (Act No. 94 of 1990), and includes the Land and Agricultural Bank of South Africa referred to in section 3 of the Land Bank Act, 1944 (Act No. 13 of 1944), and a mutual building society as defined in section 1 of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965) [and a building society as defined in section 1 of the Building Societies Act, 1986 (Act 82 of 1986)];".

**Amendment of section 9 of Act 51 of 1977**

4. Section 9 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

"(a) the [sum of one hundred rand] amount the Minister may from time to time determine by notice in the Official Gazette as security that he will prosecute the charge against the accused to a conclusion without undue delay; and

(b) the amount such court may determine as security for the costs which [the accused] may [incur] be incurred in respect of [his] the accused's defence to the charge."

**Substitution of section 16 of Act 51 of 1977**

5. The following section is hereby substituted for section 16 of the Criminal Procedure Act, 1977:

**"Costs of accused in private prosecution**

16. (1) Where in a private prosecution, other than a prosecution contemplated in section 8, the charge against the accused is dismissed or the accused is acquitted or a decision in favour of the accused is given on appeal, the court dismissing the charge or acquitting the accused or deciding in favour of the accused on appeal, may order the private prosecutor to pay to such accused the whole or any part of the costs and expenses incurred [by him] in connection with the prosecution or, as the case may be, the appeal.

(2) Where the court is of the opinion that a private prosecution was unfounded and vexatious, it shall award to the accused at his request such costs and expenses incurred [by him] in connection with the prosecution, as it may deem fit."

**Amendment of section 40 of Act 51 of 1977**

6. Section 40 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) who has in his possession any implement of housebreaking or carbreaking as contemplated in section 17 of the KwaZulu General Law Amendment Act, 1993, and who is unable to account for such possession to the satisfaction of the peace officer;"

**Amendment of section 77 of Act 51 of 1977, as amended by section 10 of Act 33 of 1986 and section 9 of Act 51 of 1991**

7. Section 77 of the Criminal Procedure Act, 1977, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

"(a) If the court finds that the accused is not capable of understanding the proceedings so as to make a proper defence, the court shall direct that the accused be detained in a [mental] psychiatric hospital or prison pending the signification of the decision of [the Minister] a judge in chambers, and if the court so directs after the accused has pleaded to the charge, the accused shall not be entitled under section 106 (4) to be acquitted or to be convicted in respect of the charge in question."

(b) by the substitution for subsection (7) of the following subsection:

"(7) Where a direction is issued under subsection (6) or (9) that the accused be detained in a [mental] psychiatric hospital or a prison pending the signification of the decision of [the Minister] a judge in chambers, the accused may at any time thereafter, when he is capable of understanding the proceedings so as to make a proper defence, be prosecuted and tried for the offence in question;" and

(c) by the substitution for subsection (9) of the following subsection:

- "(9) Where an appeal against a finding under subsection (5) is allowed the court of appeal shall set aside the conviction and sentence and direct that the person concerned be detained in a **[mental] psychiatric hospital** or a prison pending the signification of the decision of **[the Minister] a judge in chambers.**"

**Amendment of section 78 of Act 51 of 1977, as amended by section 11 of Act 33 of 1986 and section 9 of Act 51 of 1991**

8. Section 78 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (6) for the words following upon paragraph (b) of the following words:

"by reason of mental illness or mental defect, as the case may be, and direct that the accused be detained in a **[mental] psychiatric hospital** or a prison pending the signification of the decision of **[the Minister] a judge in chambers.**"

**Amendment of section 79 of Act 51 of 1977**

9. Section 79 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsections (1) and (2) for the expression "mental hospital", wherever it occurs, of the expression "psychiatric hospital".

**Substitution of section 236 of Act 51 of 1977**

10. The following section is hereby substituted for section 236 of the Criminal Procedure Act, 1977:

**"Proof of entries in accounting records and documentation of banks**

236. (1) The entries in the **[account books] accounting records of a bank, [including any ledger, day book or cash-book] and any document which is in possession of any bank and which refers to the said entries or to any business transaction of the bank,** shall, upon the mere production at criminal proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges—

- (a) that he is in the service of the bank in question;
- (b) that such **[account books]** are or have been **accounting records or document** is or has been the ordinary **[books] records or document** of such bank;
- (c) that the said entries have been made in the usual and ordinary course of the business of such bank **or the said document has been compiled, printed or obtained in the usual and ordinary course of the business of such bank;** and
- (d) that such **[account books are] accounting records or document** is in the custody or under the control of such bank,

be *prima facie* proof at such proceedings of the matters, transactions and accounts recorded in such **[account books] accounting records or documents.**

(2) Any entry in any **[account book] accounting record** referred to in subsection (1) **or any document referred to in subsection (1)** may be proved at criminal proceedings upon the mere production at such proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges—

- (a) that he is in the service of the bank in question;
- (b) that he has examined the entry, **[and the account book] accounting record or document** in question; and
- (c) that a copy of such entry **or document** set out in the affidavit or in an annexure thereto is a correct copy of such entry **or document.**

(3) Any party at the proceedings in question against whom evidence is adduced in terms of this section or against whom it is intended to adduce evidence in terms of this section, may, upon the order of the court before which the proceedings are pending, inspect the original of the **document or entry** in question and any **[account book] accounting record** in which such entry appears or of which such entry forms part, and such party may make copies of such **document or entry**, and the court shall, upon the application of the party concerned, adjourn the proceedings for the purpose of such inspection or the making of such copies.

(4) No bank shall be compelled to produce any **[account book] accounting record** referred to in subsection (1) at any criminal proceedings, unless the court concerned orders that any such **[book] record** be produced.

(5) **In this section—**

**'document' includes a recording or transcribed computer printout produced by any mechanical or electronic device and any device by means of which information is recorded or stored; and 'entry' includes any notation in the accounting records of a bank by any means whatsoever.**

**Amendment of section 276A of Act 51 of 1977, as inserted by section 42 of Act 122 of 1991**

11. Section 276A of the Criminal Procedure Act, 1977, is hereby amended —

(a) by the substitution in subsection (3) for the words following upon subparagraph (ii) of paragraph (a) of the following words:

"the Commissioner may, if he is of the opinion that such a person is fit to be subjected to correctional supervision, apply to the clerk or registrar of the court, **as the case may be,** to have that person appear before the court a quo in order to reconsider the said sentence.";

(b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

"(b) On receipt of any application referred to in paragraph (a) the clerk **or registrar** of the court, **as the case may be,** shall, after consultation with the prosecutor, set the matter down for a specific date on the roll of the court concerned."; and

(c) by the substitution in subsection (3) for the words preceding subparagraph (i) of paragraph (c) of the following words:

"The clerk or registrar of the court, as the case may be, shall for the purposes of the reconsideration of the sentence in accordance with this subsection-".

#### Amendment of section 280 of Act 51 of 1977

12. Section 280 of the Criminal Procedure Act, 1977, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"Such punishments, when consisting of imprisonment, shall commence the one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such **[punishment]** sentences of imprisonment shall run concurrent."; and

(b) by the addition of the following subsection:

"(3) Such punishments, when consisting of correctional supervision referred to in section 276 (1) (h), shall commence the one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such punishments of correctional supervision shall run concurrent: Provided that if such punishments in the aggregate exceed a period of three years, a period of not more than three years from the date on which the first of the said punishments has commenced shall be served, unless the court, when imposing sentence, otherwise directs."

#### Amendment of section 282 of Act 51 of 1977, as substituted by section 13 of Act 5 of 1991

13. Section 282 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the words following upon paragraph (b) of the following words:

"imposed on any person on conviction for an offence is set aside on appeal or review and any sentence of imprisonment or other sentence of imprisonment is thereafter imposed on such person in respect of such offence in place of the sentences referred to in paragraph (a) or (b), respectively, or any other offence which is substituted for that offence on appeal or review, the sentence which was later imposed may, if the court imposing it is satisfied that the person concerned has spent a period of time in prison awaiting the execution of the sentence referred to in paragraph (a) or has served any part of the sentence referred to in paragraph (b), be antedated by the court to a specified date, which shall not be earlier than the date on which the sentences referred to in paragraphs (a) and (b) were imposed, and thereupon the sentence which was later imposed shall be deemed to have been imposed on the date so specified."

#### Amendment of section 297 of Act 51 of 1977, as amended by section 21 of Act 59 of 1983 and section 20 of Act 33 of 1986

14. Section 297 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (9) for the words preceding paragraph (a) of the following words:

"If any condition imposed under this section is not complied with, the person concerned may upon the order of any court, or if it appears from information under oath that the person concerned has failed to comply with such condition, upon the order of any magistrate, regional magistrate or judge, as the case may be, be arrested or detained and, where the condition in question—

#### Insertion of section 308A in Act 51 of 1977

15. The Criminal Procedure Act, 1977, is hereby amended by the insertion of the following section after section 308:

##### **"Correctional supervision not suspended unless bail granted**

308A. The execution of a sentence of correctional supervision referred to in section 276 (1) (h), shall not be suspended by the transmission of the record for review in terms of section 304 (4), unless the court which imposed the sentence releases the person convicted—

(a) on bail, in which case the provision of section 307 (2), (3), (4), (5) and (6) shall *mutatis mutandis* apply;

(b) on warning on a condition as contemplated in section 307 (3), in which case the provisions of section 72 shall *mutatis mutandis* apply to the extent to which they can be applied."

#### Amendment of section 309 of Act 51 of 1977, as amended by section 17 of Act 105 of 1982 and section 8 of Act 107 of 1990

16. Section 309 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

"(b) sections 307, **[and]** 308 and 308A shall *mutatis mutandis* apply with reference to the sentence appealed against, including a sentence of a whipping imposed under section 294."

#### Failure to give satisfactory account of possession of implement or object

17. Any person who possesses any implement or object in respect of which there is a reasonable suspicion that it was used or is intended to be used to commit housebreaking, or to break open a motor-vehicle or to gain unlawful entry into a motor-vehicle, and who is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three years.

#### Short title

18. This Act shall be called the KwaZulu General Law Amendment Act, 1993.

Dit het die Staatspresident behaag kragtens die bevoegheid hom verleen by artikel 31 (2) van die Grondwet van die Self Regerende Gebiede, 1971 (Wet 21 van 1971), om sy goedkeuring aan onderstaande Wet te heg. (Engelse teks deur die Staatspresident geteken. Goedgekeur op 24/01/1994).

WET

Tot wysiging van die Wet op Landdroshowe, 1944, ten einde die perke van jurisdiksie van laer howe verder te reël; tot wysiging van die Interpretasiewet, 1957, ten einde die inwerkingtreedingsdatums van sekere wette verder te reël; tot wysiging van die Strafproseswet, 1977, ten einde "bank" te heromskryf; private vervolgings verder te reël; die bevoegdhede van 'n vredesbeampte ten opsigte van 'n inhegtenisneming sonder 'n lasbrief verder te reël; sekere verouderde uitdrukkings te vervang; bewys van inskrywings in rekeningkundige rekords en dokumentasie van banke verder te reël; die straf van korrektiewe toesis verder te reël; die diskresie van 'n hof om 'n vonnis terug te dateer onder sekere omstandighede, uit te brei; die voorwaardelike uitstel of opskorting van 'n vonnis verder te reël; ten einde 'n bepaalde misdryf te skep; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die KwaZulu-Wetgewende Vergadering, soos volg:—

**Wysiging van artikel 92 van Wet 32 van 1944, soos vervang deur artikel 30 van Wet 94 van 1974 en gewysig deur artikel 9 van Wet 91 van 1977, artikel 1 van Wet 109 van 1984 en artikel 9 van Wet 25 van 1987**

1. Artikel 92 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

"(d) met korrektiewe toesis, korrektiewe toesis vir 'n tydperk soos beoog in artikel 276A (1) (b) van die Strafproseswet, 1977 (Wet No. 51 van 1977), opleë."

**Wysiging van artikel 13 van Wet 33 van 1957**

2. Artikel 13 van die Interpretasiewet, 1957, word hierby gewysig deur die volgende subartikel by te voeg:

"(3) Indien 'n Wet daarvoor voorsiening maak dat daardie Wet in werking sal tree op 'n datum deur die Hoofminister by proklamasie in die Amptelike Koerant bepaal, word daar geag dat verskillende datums aldus ten opsigte van verskillende bepalings van daardie Wet bepaal kan word."

**Wysiging van artikel 1 van Wet 51 van 1977, soos gewysig deur artikel 1 van Wet 107 van 1990, artikel 1 van Wet 5 van 1991 en van Wet 122 van 1991 en artikel 1 van die KwaZulu-Strafproseswysigingswet 10 van 1992**

3. Artikel 1 van die Strafproseswet, 1977, word hierby gewysig deur die omskrywing van "bank" deur die volgende omskrywing te vervang:

"'bank' 'n [bankinstelling] bank soos omskryf in artikel 1 van die Bankwet, [1965 (Wet 23 van 1965)] 1990 (Wet No. 94 van 1990), en ook die Land- en Landboubank van Suid-Afrika in artikel 3 van die Landbankwet, 1944 (Wet No. 13 van 1944), bedoel en 'n onderlinge bouvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965) [en 'n bouvereniging soos omskryf in artikel 1 van die Wet op Bouverenigings, 1986 (Wet 82 van 1986)]:"

**Wysiging van artikel 9 van Wet 51 van 1977**

4. Artikel 9 van die Strafproseswet, 1977, word hierby gewysig deur paragraawe (a) en (b) van subartikel (1) deur die volgende paragraawe te vervang:

- (a) die bedrag [van honderd rand] wat die Minister van tyd tot tyd by kennisgewing in die Amptelike Koerant bepaal, deponeer as sekerheid dat hy die aanklag teen die beskuldigde sonder onbehoorlike vertraging tot 'n einde sal voer; en
- (b) die bedrag deponeer wat daardie hof bepaal as sekerheid vir koste wat ten opsigte van die beskuldigde [ten opsigte van sy] se verdediging op die aanklag [mag aangaan] aangegaan mag word."

**Vervanging van artikel 16 van Wet 51 van 1977**

5. Artikel 16 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

**"Koste van beskuldigde in private vervolging**

16. (1) Waar, in 'n private vervolging, behalwe 'n in artikel 8 beoogde vervolging, die aanklag teen die beskuldigde afgewys word of die beskuldigde vrygespreek word of 'n beslissing ten gunste van die beskuldigde op appèl gegee word, kan die hof wat die aanklag afwys of die beskuldigde vryspreek of ten gunste van die beskuldigde op appèl beslis, die private aanklaer gelas om so 'n beskuldigde die geheel of 'n gedeelte van die koste en uitgawe te vergoed wat [deur hom] in verband met die vervolging of, na gelang van die geval, die appèl aangegaan is.

- (2) Waar die hof van oordeel is dat 'n private vervolging ongegrond en uit kwelsug ingestel was, moet hy aan die beskuldigde op sy versoek die koste en uitgawes [deur hom aangegaan] wat in verband met die vervolging aangegaan is, toeken wat die hof goedvind."

**Wysiging van artikel 40 van Wet 51 van 1977**

6. Artikel 40 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

"(d) wat enige huisbraakgereedskap of motorbraakgereedskap soos beoog in artikel 17 van die KwaZulu Algemene Regswysigingswet, 1993, in sy besit het en wat nie staat is om tot bevrediging van die vredesbeampte van sodanige besit rekenskap te gee nie:"

Wysiging van artikel 77 van Wet 51 van 1977, soos gewysig deur artikel 10 van Wet 33 van 1986 en artikel 9 van Wet 51 van 1991

7. Artikel 77 van die Strafproseswet, 1977, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:

"(a) Indien die hof bevind dat die beskuldigde nie oor die vermoë beskik om die verrigtinge dermate te begryp dat hy sy verdediging na behore kan voer nie, gelas die hof dat die beskuldigde in 'n psigiatriese hospitaal [vir sielsiekies] of 'n gevangenis aangehou word hangende die beskikking van [die Minister] 'n regter in kamers, en indien die hof aldus gelas nadat die beskuldigde op die aanklag gepleit het, is die beskuldigde nie ingevolge artikel 106 (4) geregtig om ten opsigte van die betrokke aanklag vrygespreek of skuldig bevind te word nie."

(b) deur subartikel (7) deur die volgende subartikel te vervang:

"(7) Waar 'n lasgewing ingevolge subartikel (6) of (9) uitgereik word dat die beskuldigde in 'n psigiatriese hospitaal [vir sielsiekies] of 'n gevangenis hangende die beskikking van [die Minister] 'n regter in kamers aangehou word, kan die beskuldigde te eniger tyd daarna, wanneer hy oor die vermoë beskik om die verrigtinge dermate te begryp dat hy sy verdediging na behore kan voer, weens die betrokke misdryf vervolgd en verhoor word;" en

(c) deur subartikel (9) deur die volgende subartikel te vervang:

"(9) Waar 'n appèl teen 'n bevinding ingevolge subartikel (5) gehandhaaf word, stel die hof van appèl die skuldigbevinding en vonnis tersyde en gelas hy dat die betrokke persoon in 'n psigiatriese hospitaal [vir sielsiekies] of 'n gevangenis aangehou word hangende die beskikking van [die Minister] 'n regter in kamers."

Wysiging van artikel 78 van Wet 51 van 1977, soos gewysig deur artikel 11 van Wet 33 van 1986 en artikel 9 van Wet 51 van 1991

8. Artikel 78 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (6) die woorde wat op paragraaf (b) volg, deur die volgende woorde te vervang:

"vanweë geestesongesteldheid of geestes- gebrek, na gelang van die geval, en gelas hy dat die beskuldigde in 'n psigiatriese hospitaal [vir sielsiekies] of 'n gevangenis aangehou word hangende die beskikking van [die Minister] 'n regter in kamers."

Wysiging van artikel 79 van Wet 51 van 1977

9. Artikel 79 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (1) en (2) die uitdrukking "hospitaal vir sielsiekies", oral waar dit voorkom, deur die uitdrukking "psigiatriese hospitaal" te vervang.

Vervanging van artikel 236 van Wet 51 van 1977

10. Artikel 236 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

"**Bewys van inskrywings in rekeningkundige rekords en dokumentasie van banke**

236. (1) Die inskrywings in die [rekeningboeke] rekeningkundige rekords van 'n bank, [met inbegrip van 'n grootboek, dagboek of kasboek] en enige dokument wat in die besit van 'n bank is en wat op bedoelde inskrywings of enige besigheidstransaksie van die bank betrekking het, is by blote voorlegging by strafregtelike verrigtinge van 'n dokument wat voorgee 'n beëdigde verklaring te wees deur 'n persoon wat in daardie beëdigde verklaring beweer—

(a) dat hy in diens van die betrokke bank is;

(b) dat bedoelde [rekeningboeke] rekeningkundige rekords of dokument die gewone [boeke] rekords of dokument van bedoelde bank is of was;

(c) dat bedoelde inskrywings in die gebruiklike en gewone loop van bedoelde bank se besigheid aangebring of bedoelde dokument in die gebruiklike en gewone loop van bedoelde bank se besigheid opgestel, gedruk of verkry is; en

(d) dat bedoelde [rekeningboeke] rekeningkundige rekords of dokument in die bewaring of onder beheer van bedoelde bank is,

prima facie-bewys by bedoelde verrigtinge van die aangeleenthede, transaksies en rekeninge in bedoelde [rekening-boeke] rekeningkundige rekords of dokument aangeteken.

(2) 'n Inskrywing in 'n in subartikel (1) bedoelde [rekeningboek] rekeningkundige rekord of 'n in subartikel (1) bedoelde dokument kan by strafregtelike verrigtinge bewys deur die blote voorlegging by sodanige verrigtinge van 'n dokument wat voorgee 'n beëdigde verklaring te wees deur 'n persoon wat in daardie beëdigde verklaring beweer—

(a) dat hy in diens van die betrokke bank is;

(b) dat hy die betrokke inskrywing, [en rekeningboek] rekeningkundige rekord of dokument ondersoek het; en

(c) dat 'n afskrif van bedoelde inskrywing of dokument wat in die beëdigde verklaring of in 'n bylae daarby uiteengesit is, 'n juiste afskrif van bedoelde inskrywing of dokument is.

(3) 'n Party by die betrokke verrigtinge teen wie getuienis ingevolge hierdie artikel voorgelê word of teen wie dit die voorneme is om getuienis ingevolge hierdie artikel voor te lê, kan, op bevel van die hof voor wie die verrigtinge hangende is, die oorspronklike van die betrokke dokument of inskrywing en [n rekeningboek] rekeningkundige rekord waarin daardie inskrywing voorkom of waarvan bedoelde inskrywing deel uitmaak, ondersoek, en so 'n party kan afskrifte van so 'n dokument of inskrywing maak, en die hof moet, op aansoek van die betrokke party, die verrigtinge vir die doeleindes van so 'n ondersoek of die maak van sodanige afskrifte verdaag.

(4) Geen bank is verplig om 'n in subartikel (1) bedoelde [rekeningboek] rekeningkundige rekord by strafregtelike verrigtinge voor te lê nie, tensy die betrokke hof gelas dat so 'n [boek] rekord voorgelê word.

(5) In hierdie artikel beteken—

'dokument' ook 'n opname of getranskriebeerde rekenaardrukstuk voortgebring deur enige meganiese of elektroniese apparaat en enige apparaat waardeur inligting opgeneem of geberg word; en  
'inskrywing' ook enige aantekening in die rekeningkundige rekords van 'n bank op enige wyse hoegenaamd."

**Wysiging van artikel 276A van Wet 51 van 1977, soos ingevoeg deur artikel 42 van Wet 122 van 1991**

11. Artikel 276A van die Strafproseswet, 1977, word hierby gewysig—

- (a) deur subartikel (3) die woorde wat op subparagraaf (ii) van paragraaf (a) volg, deur die volgende woorde te vervang:  
"kan die Kommissaris, indien hy van oordeel is dat so iemand geskik is om aan korrektiewe toesig onderwerp te word, by die klerk of griffier van die hof, na gelang van die geval, aansoek doen dat daardie persoon voor die hof a quo verskyn ten einde genoemde vonnis te heroorweeg.";
- (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:  
"(b) By ontvangs van 'n aansoek bedoel in paragraaf (a) plaas die klerk of griffier van die hof, na gelang van die geval, na oorlegpleging met die aanklaer, die saak vir 'n bepaalde datum op die betrokke hof se rol;" en
- (c) deur in subartikel (3) die woorde wat subparagraaf (i) van paragraaf (c) voorafgaan, deur die volgende woorde te vervang:  
"Die klerk of griffier van die hof, na gelang van die geval, moet vir doeleindes van die heroorweging van die vonnis ooreenkomstig hierdie subartikel-".

**Wysiging van artikel 280 van Wet 51 van 1977**

12. Artikel 280 van die Strafproseswet, 1977, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:  
"(2) Bedoelde strawwe, wanneer hulle uit gevangenisstraf bestaan, neem 'n aanvang die een na die verstryking, tersydestelling of kwytskelding van die ander in die volgorde wat die hof gelas, tensy die hof gelas dat bedoelde [strawwe] vonnisse van gevangenisstraf saamloop;" en
- (b) deur die volgende subartikel by te voeg:  
"(3) Bedoelde strawwe, wanneer hulle uit korrektiewe toesig in artikel 276 (1) (h) na verwys bestaan, neem 'n aanvang die een na die verstryking, tersydestelling of kwytskelding, van die ander in die volgorde wat die hof gelas, tensy die hof gelas dat bedoelde vonnisse van korrektiewe toesig saamloop. Met dien verstande dat indien sodanige strawwe gesamentlik 'n tydperk van drie jaar te bowe gaan, 'n tydperk van hoogstens drie jaar vanaf die datum waarop die eerste van bedoelde strawwe in werking getree het, uitgedien word, tensy die hof by die oplegging van vonnis anders gelas."

**Wysiging van artikel 282 van Wet 51 van 1977, soos vervang deur artikel 13 van Wet 5 van 1991**

13. Artikel 282 van die Strafproseswet, 1977, word hierby gewysig deur die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

"wat iemand by skuldigbevinding aan 'n misdryf opgelê is, op appêl of hersiening tersyde gestel word en bedoelde persoon daarna 'n vonnis van gevangenisstraf of 'n ander vonnis van gevangenisstraf in die plek van die vonnis onderskeidelik in paragraaf (a) of (b) bedoel ten opsigte van daardie misdryf, of enige ander misdryf wat daardie misdryf op appêl of hersiening vervang, opgelê word, kan die vonnis wat later opgelê word, indien die hof wat dit oplê oortuig is dat die betrokke persoon 'n tydperk in die gevangenis in afwagting van die voltrekking van die vonnis in paragraaf (a) bedoel, deurbring het of 'n gedeelte van die vonnis in paragraaf (b) bedoel, uitgedien het, deur die hof teruggedateer word na 'n bepaalde datum, wat nie vroeër is as die datum waarop die vonnis in paragraaf (a) en (b) bedoel opgelê is nie, en daarop word die vonnis wat later opgelê is, geag op die aldus bepaalde datum opgelê te gewees het."

**Wysiging van artikel 297 van Wet 51 van 1977, soos gewysig deur artikel 21 van Wet 59 van 1983 en artikel 20 van Wet 33 van 1986**

14. Artikel 297 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (9) die woorde wat subparagraaf (i) van paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Indien 'n kragtens hierdie artikel opgelegde voorwaarde nie nagekom word nie, kan die betrokke persoon op bevel van enige hof, of indien dit uit inligting onder eed blyk dat die betrokke persoon versuim het om sodanige voorwaarde na te kom, op bevel van enige landdros, streeklanddros of regter, na gelang van die geval, in hegtenis geneem of aangehou word en, waar die betrokke voorwaarde—"

**Invoeging van artikel 308A in Wet 51 van 1977**

15. Die Strafproseswet, 1977, word hierby gewysig deur na artikel 308 die volgende artikel in te voeg:

"Korrektiewe toesig word nie opgeskort nie tensy borgtog toegestaan word

308A. Die tenuitvoerlegging van 'n vonnis van korrektiewe toesig bedoel in artikel 276 (1) (h) word nie opgeskort deur die deursending van die oorkonde vir hersiening ingevolge artikel 304 (4) nie, tensy die hof wat die vonnis opgelê het die veroordeelde persoon—

- (a) op borgtog vrylaat, in welke geval die bepalinge van artikel 307 (2), (3), (4), (5) en (6) *mutatis mutandis* van toepassing is;
- (b) op waarskuwing vrylaat op 'n voorwaarde soos beoog in artikel 307 (3), in welke geval die bepalinge van artikel 72 *mutatis mutandis* van toepassing is in die mate waarin dit toegepas kan word."

**Wysiging van artikel 309 van Wet 51 van 1977, soos gewysig deur artikel 17 van Wet 105 van 1982 en artikel 8 van Wet 107 van 1990**

16. Artikel 309 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

"(b) artikels 307, [en] 308 en 308A *mutatis mutandis* van toepassing met betrekking tot die vonnis waarteen geappelleer word, met inbegrip van 'n vonnis van lyfstraf ingevolge artikel 294 opglê."

**Versuim om bevredigende rekenskap te gee van besit van gereedskap of voorwerp**

17. 'n Persoon wat gereedskap of 'n voorwerp in sy besit het ten opsigte waarvan die redelike verdenking bestaan dat dit gebruik is of bedoel is om gebruik te word om huisbraak te pleeg, of 'n motorvoertuig oop te breek of om wederregtelik toegang tot 'n motorvoertuig te verkry, en wat nie in staat is om bevredigende rekenskap van sodanige besit te gee nie, is skuldig aan 'n misdryf en by skuldbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens drie jaar.

**Kort titel**

18. Hierdie Wet heet die KwaZulu-Algemene Regswysigingswet, 1993.

## IZIMEMEZELO

### ISAZISO KWABAMEMEZELEYO NABAKHOKHAYO IMALI

IZIMEMEZELO: Ngesentimitha noma ingxenye (Kuhlanganisa 13 milimitha ngenhla nangezansi kwesihloko nesiginesha.)

(a) Izicelo zamalayisense okuhweba: ngolwimi: inkokhelo elinga nayo engu R5.

(b) Ezinye izimemezelelo: ngolwimi:-

Uhlu olulodwa - R0,60/isentimitha - ukuphinda - R0,30/

isentimitha.

Izinhla ezimbili - R1,20/isentimitha - ukuphinda - R0,60/

isentimitha.

Izinhla ezintathu - R1,80/isentimitha - ukuphinda - R0,90/

isentimitha.

Ukulinganisa ubungako bohlu, linganisa amagama awu 6 ngomugqa ohiwini olulodwa; 14 izinhla ezimbili, 21 izinhla ezintathuezinemigqa emithathu kwisentimitha.

Umbhalo (olotshwe ngesandla) ubhalwe ecaleni elilodwa kuphela. Amabizo oqobo NGAMAGAMA AMAKHULU.

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeke kwamagama athile noma amaphutha okushicilela.

### ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI EZIKHISHWAYO ZIKHOKHWA KUQALA

#### IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalayisense amabhizinisi/emisebenzi mabaqaphele uhlelo 4 lwengxenye I yemithetho ephathelene namabhizinisi nokuhweba KwaZulu njengokusho koMthetho wakwaZulu wamaBhizinisi

#### IZICELO ZAMALAYISENSE OPHUZO

Abenza izicelo zamalayisense ophuzo mabaqaphele isijobelelo emithethweni ephathelene nophuzo njengokusho koMthetho wophuzo wakwaZulu ka 1980 okuyiyona-yona fomu yesaziso sesicelo selayisense yoPhuzo okufanele sikhishwe ngayo kule Gazethi kaHulumeni.

Izincwadi mazithunyelwe ku Nobhala weZangaphakathi,  
Isikhwama sePosi X02, Ulundi 3838.

## ADVERTISEMENTS

### NOTICE TO ADVERTISERS AND SUBSCRIBERS

ADVERTISEMENTS: Per cm, or part (including 13 mm at top and bottom of heading and signature):-

(a) Applications for trading licences per language - A flat rate of R5,00

(b) Other advertisements per language:-

Single column - - - - R0,60/cm Repeat - - - R0,30/cm

Double Column - - - - R1,20/cm Repeat - - - R0,60/cm

Triple Column - - - - R1,80/cm Repeat - - - R0,90/cm

To Calculate approximate space, allow 6 words per line

single Column, 14 Double Column, 21 Triple Column, with 3

lines to a cm. Manuscript to be written on one side only; proper

names in BLOCK LETTERS. NO responsibility is accepted for losses arising from omissions or typographical errors.

### ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

#### BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

The attention of applicants for Business/Occupational licences is drawn to Schedule 4 of Part I of the regulations relating to Business and Trading Undertakings in KwaZulu in terms of the KwaZulu Business and Trading Undertakings Act 1974, which is the correct form of a Notice of Application for a Business Licence for publication in this Official Gazette.

#### LIQUOR LICENCE APPLICATIONS

The attention of applicants for Liquor Licences is drawn to the Annexure of the Regulations relating to Liquor Licences in terms of the KwaZulu Liquor Act 1980, which is the correct form of a Notice of Application for a Liquor Licence for publication in this Official Gazette.

Communications to be addressed to:-

The Secretary for Interior, Private Bag X02, Ulundi 3838

## ADVERTENSIES

### KENNISGEWING AAN ADVERTEERDERS EN INTEKENAARS

ADVERTENSIES: Per cm. of deel (insl. 13 mm bo en onder vir opskrif en handtekening):-

(a) Aansoeke om Handellisensie per taal - 'n Vaste tarief van R5,00

(b) Ander advertensies per taal:

Enkel kolom ..... R0,60/cm Herhaling ... R0,30/cm

Dubbele kolom ..... R1,20/cm Herhaling ... R0,60/cm

Driedubbele kolom... R1,80/cm Herhaling ... R0,90/cm

Vir berekening van benaderde ruimte moet 6 woorde per reël enkele kolom, 14 per reël dubbele kolom, 21 per reël driedubbele kolom, en 3 reël per cm toegelaat word. Manuskripte moet duidelik op een kant en eienaam met BLOKLETTERS geskryf word. Geen aanspreeklikheid word vir verliese as gevolg van weglatings of drukfoute aanvaar nie.

### ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

#### AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

Die aandaag van applikante om Besigheids/beroepslisensies word gevestig op bylae 4 van Deel 1 van die Regulasies betreffende Besigheids/Beroepslisensies in KwaZulu ingevolge die KwaZulu-wet op Sake - en Beroepsondernemings, 1974, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Besigheidslisensie in hierdie Amptelike Koerant gepubliseer moet word.

#### AANSOEK OM DRANKLISENSIES

Die aandaag van applikante om Dranklisensies word gevestig op die aanhangse van die Regulasies betreffende Dranklisensies kragtens die KwaZulu Drankwet 1980, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Dranklisensie in hierdie Amptelike Koerant gepubliseer moet word.

Mededelings moet gerig word aan:-

Die Sekretaris van Binnelandse Sake,  
Privaatsaak X02 Ulundi 3838