

South Africa

Interpretation Act, 1957

Act 33 of 1957

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South Africa

Interpretation Act, 1957

Act 33 of 1957

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ACT

To consolidate the laws relating to the interpretation and the shortening of the language of statutes.

(English text signed by the Governor-General.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Part I – General

1. Application of Act

The provisions of this Act shall apply to the interpretation of every law (as in this Act defined) in force, at or after the commencement of this Act, in the Union or in any portion thereof, and to the interpretation of all by-laws, rules, regulations or orders made under the authority of any such law, unless there is something in the language or context of the law, by-law, rule, regulation or order repugnant to such provisions or unless the contrary intention appears therein.

2. Definitions

The following words and expressions shall, unless the context otherwise requires or unless in the case of any law it is otherwise provided therein, have the meanings hereby assigned to them respectively, namely—

"**Administrator**", in any law passed since the establishment of the Union, means the Administrator of the province for or in respect of which that law was enacted;

"**christian name**" means any name prefixed to the surname, whether received at Christian baptism or not;

"**district**" means the area subject to the jurisdiction of the court of any magistrate;

"**Gazette**"—

- (a) in the case of laws, proclamations, regulations, notices or other documents published prior to the thirty-first day of May, 1910, and required under a law in force prior to that day to be published in the *Gazette*, means the *Government Gazette* of the Colony wherein that law was in force; and
- (b) in the case of laws, proclamations, regulations, notices or other documents published after the thirty-first day of May, 1910, and required under any law to be published in the *Gazette*, means the *Government Gazette* of the Union or, if the matter is one entrusted to a provincial council under the South Africa Act, 1909, means the *Official Gazette* of the province concerned

"**Governor-General**" means the officer for the time being administering the government of the Union, acting by and with the advice of the Executive Council thereof;

"**law**" means any law, proclamation, ordinance, Act of Parliament or other enactment having the force of law;

"**oath**" and "affidavit", in the case of persons allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and "swear", in such case, includes "affirm" and "declare";

"**Parliament**" means the Parliament of the Union;

"**person**" includes—

- (a) any divisional council, municipal council, village management board, or like authority;
- (b) any company incorporated or registered as such under any law;
- (c) any body of persons corporate or unincorporate;

"**province**" means a province of the Union;

"**provincial council**" means the council of a province as constituted under the South Africa Act, 1909, or any amendment thereof;

"**the Union**" means the territorial limits of the Union of South Africa as constituted for the time being in accordance with the South Africa Act, 1909, or any amendment thereof;

3. Interpretation of expressions relating to writing

In every law expressions relating to writing shall, unless the contrary intention appears, be construed as including also references to typewriting, lithography, photography and all other modes of representing or reproducing words in visible form.

4. Reckoning of number of days

When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

5. Measurement of distance

In the measurement of any distance for the purpose of any law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

6. Gender and number

In every law, unless the contrary intention appears—

- (a) words importing the masculine gender include females; and
- (b) words in the singular number include the plural, and words in the plural number include the singular.

7. Meaning of service by post

Where any law authorizes or requires any document to be served by post, whether the expression "serve", or "give", or "send", or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a registered letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

8. Meaning of rules of court

- (1) In every law, unless the contrary intention appears, the expression "rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court.
- (2) The powers of the said authority to make rules of court, as defined in sub-section (1), shall include a power to make rules of court for the purpose of any law directing or authorizing anything to be done by rules of court.

9. References to reigning Sovereign

In every law, references to the Sovereign reigning at the time of the passing of the law shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being.

10. Construction of provisions as to exercise of powers and performance of duties

- (1) When a law confers a power or imposes a duty then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.
- (2) Where a law confers a power, jurisdiction or right, or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power, jurisdiction or right may be exercised and the duty shall be performed from time to time by the holder for the time being of the office or by the person lawfully acting in the capacity of such holder.
- (3) Where a law confers a power to make rules, regulations or by-laws, the power shall, unless the contrary intention appears, be construed as including a power exercisable in like manner and subject to the like consent and conditions (if any) to rescind, revoke, amend or vary the rules, regulations or by-laws.
- (4) Where any provision in any law confers a power or imposes a duty or entrusts a function to any Minister of State, that power may be exercised and that duty shall and that function may be performed by any other Minister of State to whom the administration of that provision may be assigned by the Governor-General, either specifically or by way of a general assignment of the administration of any law or of all laws conferring powers, imposing duties or entrusting functions to such first mentioned Minister, or by any other Minister of State acting on behalf of any such Minister.

11. Repeal and substitution

When a law repeals wholly or partially any former law and substitutes provisions for the law so repealed, the repealed law shall remain in force until the substituted provisions come into operation.

12. Effect of repeal of a law

- (1) Where a law repeals and re-enacts with or without modifications, any provision of a former law, references in any other law to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.
- (2) Where a law repeals any other law, then unless the contrary intention appears, the repeal shall not —
 - (a) revive anything not in force or existing at the time at which the repeal takes effect; or
 - (b) affect the previous operation of any law so repealed or anything duly done or suffered under the law so repealed; or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as is in this sub-section mentioned,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing law had not been passed.

13. Commencement of laws

- (1) The expression "commencement" when used in any law and with reference thereto, means the day on which that law comes or came into operation, and that day shall, subject to the provisions of sub-section (2) and unless some other day is fixed by or under the law for the coming into operation thereof, be the day when the law was first published in the *Gazette* as a law.
- (2) Where any law, or any order, warrant, scheme, letters patent, rules, regulations or by-laws made, granted or issued under the authority of a law, is expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the previous day.

14. Exercise of conferred powers between passing and commencement of a law

Where a law confers a power—

- (a) to make any appointment; or
- (b) to make, grant or issue any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws; or
- (c) to give notices; or
- (d) to prescribe forms ; or
- (e) to do any other act or thing for the purpose of the law,

that power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof: Provided that any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws made, granted or issued under such power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation.

15. Notification in *Gazette* of official acts under authority of law

When any act, matter or thing is by any law directed or authorized to be done by the Governor-General, or by any Minister, or by any public officer, the notification that such act, matter or thing has been done may, unless a specified instrument or method is by that law prescribed for the notification, be by notice in the *Gazette*.

16. Certain enactments to be published in *Gazette*

When any by-law, regulation, rule or order is authorized by any law to be made by the Governor-General, an Administrator or a Minister, or by any local authority, public body or person, with the approval of the Governor-General, an Administrator or a Minister, such by-law, regulation, rule or order shall, subject to the provisions relative to the force and effect thereof in any law, be published in the *Gazette*.

17. Certain statutory rules and regulations to be laid before Parliament

When the Governor-General or a Minister is by any law authorized to make rules or regulations for any purpose in such law stated, copies of such rules and regulations shall be laid upon the Tables of both Houses of Parliament within fourteen days after the publication of the rules or regulations in the *Gazette*, 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.

Part II – Special provisions applicable only to the Province of the Cape of Good Hope

18. Meaning of certain expressions in laws of colony of Cape of Good Hope

In the interpretation of any Act of Parliament, government notice, government advertisement, ordinance, plaacaat, proclamation, regulation or by-law made under the authority of any law, rule of court, or any enactment having the force of law, which came into operation in the colony of the Cape of Good Hope prior to the establishment of the Union, the following expressions shall, unless the context otherwise requires and subject to the provisions of the South Africa Act, 1909, have the meanings hereby assigned to them respectively, namely—

"Charter of Justice" means the Royal Letters Patent of His Majesty King William the Fourth, dated the fourth day of May, 1832, for the better and more effectual administration of justice;

"Constitution Ordinance" means the ordinance enacted on the third day of April, 1852, by His Excellency the Governor of the Cape of Good Hope with the advice and consent of the Legislative Council thereof, for constituting a Parliament for the said colony;

"division" or "fiscal division" means the area under the administration of a civil commissioner within the meaning of the relevant act, notice, advertisement, ordinance, plaacaat, proclamation, regulation, by-law, rule of court or enactment;

"Governor" includes the officer who for the time being administered the Government of the colony of the Cape of Good Hope acting by and with the advice of the Executive Council thereof;

"Order-in-Council" means any order made by the Governor (as in this section defined) with the advice of the Executive Council;

"solemn declaration" means a declaration made under and by virtue of the provisions of the Oaths and Declarations Act, 1891, of the colony of the Cape of Good Hope.

Part III – Special provisions applicable only to the Province of the Transvaal

19. Meaning of certain expressions in laws of the South African Republic

In the interpretation of any law or resolution of the Volksraad of the late South African Republic the following expressions shall, unless otherwise expressly provided and subject to the provisions of the South Africa Act, 1909, or of any other law, have the meanings hereby assigned to them respectively, namely—

"landdrost" means magistrate;

"Publieke Aanklager" means the Attorney-General of the Transvaal or any person appointed to prosecute for or on behalf of the Crown;

"Staats Courant" means the *Gazette*;

"Staats President" or any expression denoting the Head of the late South African Republic means the Governor-General of the Union;

"Staats Procureur" means the Attorney-General of the Transvaal;

"Staats Sekretaris" means the Minister of the Interior;

"Zuid Afrikaansche Republiek", "Republiek", "Staat" or any like expression means the Transvaal,

and when any act is required or authorized to be done by any such law or resolution or whenever any process is required to be taken out in the name and on behalf of the people of the South African Republic it shall be deemed to be required or authorized to be done or taken out in the name and on behalf of the Queen.

20. Meaning of expression Governor or Lieutenant-Governor in laws of the colony of Transvaal

In the interpretation of any law which came into operation in the colony of the Transvaal prior to the establishment of the Union, the expression "Governor" or "Lieutenant-Governor" includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

Part IV – Special provisions applicable only to the Province of the Orange Free State

21. Meaning of certain expressions in laws of the Orange Free State

Where, in any law of the late Orange Free State, the following expressions occur they shall, unless otherwise expressly provided and subject to the provisions of the South Africa Act, 1909, or of any other law, have the meanings hereby assigned to them respectively, namely—

"Goevernements Sekretaris" means the Minister of the Interior;

"landdrost" means magistrate;

"Oranje Vrystaat" or "Staat" means the province of the Orange Free State;

"President" or "Staatspresident" means the Governor-General ;

"Raad" of "Volksraad" means Parliament;

"Staatsprocureur" means the Attorney-General of the Orange Free State; '

"Theasaurier-generaal" means the Minister of Finance;

"Weesheer" means the Master of the Supreme Court (Orange Free State Provincial Division);

"Wet boek" means the Law Book of the Orange Free State of 1891;

"Zuid Afrikaansche Republiek" means the Transvaal.

22. Meaning of expression Governor or Lieutenant-Governor in laws of Orange River Colony

In the interpretation of any law which came into operation in the Orange River Colony prior to the establishment of the Union, the expression "Governor" or "Lieutenant-Governor" includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

Part V – Special provisions applicable only to the Province of Natal

23. Meaning of expression Governor or Lieutenant-Governor in laws of Natal

In the interpretation of any law which came into operation in the Colony of Natal prior to the establishment of the Union, the expression "Governor" or "Lieutenant-Governor" includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

Part VI – Supplementary

24. Application to State

This Act shall bind the State.

25. Repeal of [Act 5 of 1910](#) and [Act 5 of 1944](#)

- (1) Subject to the provisions of sub-section (2), the Interpretation Act, 1910, and the Interpretation Amendment Act, 1944, are hereby repealed.
- (2) Any action taken under any provision of a law repealed by sub-section (1) shall be deemed to have been taken under the corresponding provision of this Act.

26. Short title

This Act shall be called the Interpretation Act, 1957.