

South Africa

Interpretation Act, 1957

Act 33 of 1957

Legislation as at 3 September 1984

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[Amendment Act, 1981 \(Act 101 of 1981\)](#) on 6 November 1981]

[Amended by [Republic of South Africa Constitution Act, 1983 \(Act 110 of 1983\)](#) on 3 September 1984]

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 Republic 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.

[section 1 amended by section 1 of [Act 45 of 1961](#)]

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 —

- (i) "**Administrator**", in any law passed since the thirty-first day of May, 1910, means the Administrator of the province for or in respect of which that law was enacted;

[definition of "Administrator" amended by section 2(a) of [Act 45 of 1961](#)]

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

- (iii) "**district**" means the area subject to the jurisdiction of the court of any magistrate;
- (iv) "**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 Republic or, if the matter is one entrusted to a provincial council under the Republic of South Africa [Constitution](#) Act, 1961, means the *Official Gazette* of the province concerned;
- [paragraph (b) amended by section 2(b) of [Act 45 of 1961](#)]*
- (v) "**Governor-General**" means the State President;
- [definition of "Governor-General" amended by section 2(c) of [Act 45 of 1961](#)]*
- (vi) "**law**" means any law, proclamation, ordinance, Act of Parliament or other enactment having the force of law;
- (vii) "**month**" means a calendar month;
- (viii) "**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";
- (ix) "**Parliament**" means the Parliament of the Republic;
- [definition of "Parliament" amended by section 2(d) of [Act 45 of 1961](#)]*
- (x) "**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;
- (xi) "**province**" means a province of the Republic;
- [definition of "province" amended by section 2(e) of [Act 45 of 1961](#)]*
- (xii) "**provincial council**" means the council of a province as constituted under the Republic of South Africa [Constitution](#) Act, 1961, or any amendment thereof;
- [definition of "provincial council" amended by section 2(f) of [Act 45 of 1961](#)]*
- (xiii) "**State President**" means the State President, including any Acting State President, acting by and with the advice of the Executive Council;
- [definition of "State President" inserted by section 2(g) of [Act 45 of 1961](#)]*
- (xiv) "**the Republic**" means the territorial limits of the Republic of South Africa as constituted for the time being in accordance with the Republic of South Africa [Constitution](#) Act, 1961;
- [definition of "the Republic" inserted by section 2(h) of [Act 45 of 1961](#)]*
- (xv) "**the Union**" means the Republic;
- [definition of "the Union" amended by section 2(i) of [Act 45 of 1961](#)]*

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.

5A. Offences in respect of National Flag.

- (1) Any person who—
- (a) maliciously destroys or spoils the National Flag of the Republic as described in [section 5](#); or
 - (b) commits any other act which is calculated to hold the National Flag of the Republic in contempt; or
 - (c) without being authorized thereto (the burden of proof of which shall be upon him) removes the National Flag of the Republic as so described from any place where it is displayed in terms of instructions or directions issued by any State authority, shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or

imprisonment for a period not exceeding five years.

- (2) If in any prosecution for an offence referred to in subsection (1) it is alleged that the flag in respect of which the offence is alleged to have been committed is or was the National Flag of the Republic as described in [section 5](#), it shall be presumed unless the contrary is proved that the flag in question complies or, as the case may be, complied with the description of the National Flag in that section.

[inserted by section 1 of [Act 101 of 1981](#)]

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. ***

[section 9 substituted by section 3 of [Act 45 of 1961](#) and repealed by schedule 4 of [Act 51 of 1977](#)]

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) *[subsection (4) amended by section 4 of [Act 45 of 1961](#) and deleted by section 8(a) of [Act 101 of 1981](#)]*
- (5) Whenever the administration of any law or any provision of any law which confers a power or imposes a duty upon or entrusts a function to any Minister of State, has under section 26 of the Republic of South Africa [Constitution](#) Act, 1983, been assigned by the State President to any other Minister, that power may be exercised by such other Minister and that duty shall and that function may be performed by him, and—

[introductory phrase of subsection (5) substituted by section 8(b) of [Act 101 of 1981](#)]

- (a) any reference in that law or provision to the department of State administered by such firstmentioned Minister shall be construed as a reference to the department of State administered by such lastmentioned Minister;
- (b) any reference in that law or provision to an officer in the public service attached to such firstmentioned department or to any such officer holding a specified office in that department, shall be construed as a reference to an officer in the public service attached to such lastmentioned department or, as the case may be, as a reference to such an officer holding a corresponding office in that department;
- (c) any power, duty or function vested in or imposed upon or entrusted to—
 - (i) an officer of such firstmentioned department who is then an officer of such lastmentioned department; or
 - (ii) the holder of a specified office in that department, by or under that law or provision, shall be deemed to have been duly vested in or imposed upon or entrusted to the officer concerned in his capacity as an officer of such lastmentioned department or, as the case may be, to the holder of a corresponding office in that department;
- (d) any regulation made or any notice, direction or order issued or any appointment made or any action taken under that law or provision prior to the date on which the administration

thereof was so assigned, shall remain in full force and effect as if it had been made, issued or taken by the person who on that date was, by virtue of the assignment of the administration of that law or provision or the provisions of this sub-section, competent to make such regulation or to issue such notice, direction or order or to make such appointment or to take such action.

[subsection (5) added by section 1 of [Act 7 of 1959](#) and amended by section 4 of [Act 45 of 1961](#) and by section 101(1) of [Act 110 of 1983](#)]

- (5A) The provisions of subsection (5) shall apply in so far as the State President does not determine otherwise in the assignment concerned and, if the administration of a provision of any law has been assigned to any other Minister as contemplated in that subsection, but in relation to a category of persons or some other matter specified in the assignment, the provisions of that subsection shall apply accordingly.

[subsection (5A) inserted by section 8(c) of [Act 101 of 1981](#) and substituted by section 101(1) of [Act 110 of 1983](#)]

- (5B) Whenever the administration of a law referred to in subsection (2) of section 98 of the Republic of South Africa Constitution Act, 1983, has been assigned to a Minister of State under subsections (3) (b) and (4) of that section, the provisions of subsections (5) and (5A) of this section shall apply *mutatis mutandis* as if the relevant executive committee or other executive authority referred to in the said subsection (2), the department or division of the relevant provincial administration in which the law was administered, and an officer of that administration, were a Minister of State, the department of State controlled by him, and an officer in the public service, respectively.

[subsection (5B) inserted by section 101(1) of [Act 110 of 1983](#)]

- (6) Where any provision in any law confers a power or imposes a duty or entrusts a function to any Minister of State or other authority and authorizes such Minister of State or authority to delegate the exercise or performance of such power, duty or function to any other person, such Minister of State or authority may delegate the exercise or performance of such power, duty or function to the holder of an office as such or to any particular person, and if the exercise or performance of such power, duty or function is delegated to the holder of any office, that power, duty or function may or shall, unless the contrary intention appears, be exercised or performed by the holder for the time being of the office or by the person lawfully acting in the capacity of such holder.

[subsection (6) added by section 1 of [Act 42 of 1977](#)]

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 State President, 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*.

[section 15 amended by section 5 of [Act 45 of 1961](#)]

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 State President, an Administrator or a Minister, or by any local authority, public body or person, with the approval of the State President, 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*.

[section 16 amended by section 5 of [Act 45 of 1961](#)]

16A. Promulgation and commencement of laws and publication of certain notices when publication of the *Gazette* impracticable

- (1) If the State President is satisfied that the publication of the *Gazette* cannot be effected or is likely to be seriously delayed as a result of circumstances beyond the control of the Government Printer, he may by proclamation published in the manner directed by him, make such rules as he may deem fit for the publication, during any period specified in the proclamation, of laws or notices required or authorized by law to be published in the *Gazette*.
- (2) Any law or notice published in accordance with any rules so made, shall be deemed to have been published in the *Gazette*, and any law so published shall be deemed to have come into operation on the day on which it was first so published as a law, unless some other day is fixed by or under that law for the commencement thereof.
- (3) The State President may at any time vary or withdraw any proclamation referred to in subsection (1) by like proclamation.
- (4) Any law or notice published in accordance with any rule made under subsection (1) shall, if it is then still in force, be published in the *Gazette* for general information as soon as publication of the *Gazette* can be effected.
- (5) The provisions of subsection (4) shall not affect the validity of anything done under any rules made under subsection (1).

[section 16A inserted by section 13 of [Act 102 of 1967](#)]

17. A list of certain proclamations and government notices to be laid before Parliament

When the State President or a Minister is by any law authorized to make rules or regulations for any purpose in such law stated, notwithstanding the provisions of any law to the contrary, a list of the proclamations and government notices under which such rules or regulations were published in the *Gazette* during the period covered in the list, stating in each case the number, date and title of the proclamation or government notice and the number and date of the *Gazette* in which it was published, shall be laid upon the Table in the Senate and in the House of Assembly 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.

[section 17 amended by section 5 of [Act 45 of 1961](#) and substituted by section 13 of [Act 62 of 1973](#)]

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, placat, 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 thirty-first day of May, 1910, the following expressions shall, unless the context otherwise requires and subject to the provisions of the Republic of South Africa [Constitution](#) Act, 1961, 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.

[section 18 amended by section 6 of [Act 45 of 1961](#)]

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 Republic of South Africa [Constitution](#) Act, 1961, 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 State;

[definition of "Publieke Aanklager" amended by section 7(b) of [Act 45 of 1961](#)]

"Staats Courant" means the *Gazette*;

"Staats President" or any expression denoting the Head of the late South African Republic means the State President of the Republic;

[definition of "Staats President" amended by section 7(c) of [Act 45 of 1961](#)]

"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 State.

[section 19 amended by section 7 of [Act 45 of 1961](#)]

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;

Tanddrost" means magistrate;

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

"President" or "Staatspresident" means the State President of the Republic;

[definition of "President" or "Staatspresident" amended by section 8 of [Act 45 of 1961](#)]

"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.