

ACT

To amend the Magistrates' Courts Act, 1944 and the Criminal Procedure Act, 1955.

(English text signed by the Governor-General.)

(Assented to 3rd July, 1959.)

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:—

Substitution of section 89 of Act 32 of 1944.

1. The following section is hereby substituted for section *eighty-nine* of the Magistrates' Courts Act, 1944:

"Jurisdiction 89. (1) The court, other than the court of a regional division, shall have jurisdiction over all offences except treason, murder and rape.

(2) The court of a regional division shall have jurisdiction over all offences except treason and murder: Provided that such court shall not have jurisdiction in the case of rape where the accused has demanded before plea that he be tried before a superior court."

Amendment of section 90 of Act 32 of 1944, as substituted by section 20 of Act 40 of 1952.

2. Section *ninety* of the Magistrates' Courts Act, 1944, is hereby amended by the addition at the end thereof of the following sub-section:

"(9) Notwithstanding anything contained in this section, the provisions of sub-section (5)*bis* of section *fifty-nine* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of the trial of any person by any court."

Amendment of section 1 of Act 56 of 1955, as amended by section 22 of Act 50 of 1956 and section 1 of Act 9 of 1958.

3. Section *one* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the addition at the end of paragraph (a) of the definition of "aggravating circumstances" of the words "on the occasion when the offence is committed, whether before, during or after the commission thereof";

(b) by the addition at the end of paragraph (b) of the said definition of the words "by the offender or an accomplice, on the occasion when the offence is committed, whether before, during or after the commission thereof".

Amendment of section 59 of Act 56 of 1955.

4. Section *fifty-nine* of the principal Act is hereby amended by the insertion after sub-section (5) of the following sub-section:

"(5)*bis* (a) The Attorney-General may, whenever he deems it expedient owing to the number of accused involved in any criminal proceedings or with a view to avoiding excessive inconvenience or the disturbance of public order, direct in writing that the preparatory examination be held at a specified place in any district of the province or area for which he holds office and at a specified time.

(b) A copy (including a telegraphic copy) of any direction by the attorney-general under paragraph (a) shall serve as a warrant for the removal of the accused from any place where he may be in custody to any prison or gaol in the district in which the preparatory examination is to be held.

(c) Upon service of any such copy on an accused who has been released on bail, the recognizances of the bail shall be deemed to be extended to the time and place specified in the direction: Provided that the recognizances of persons bound thereby shall not be liable to forfeiture unless notice of such time and place has been given to them."

Amendment of section 109 of Act 56 of 1955, as amended by section 2 of Act 9 of 1958.

5. Section *one hundred and nine* of the principal Act is hereby amended by the deletion of the proviso to sub-section (2).

Insertion of section 280bis in Act 56 of 1955.

6. The following section is hereby inserted after section *two hundred and eighty* of the principal Act:

“Evidence on charges of which a false representation is an element. 280bis. Whenever upon the trial of any person charged with an offence of which a false representation is an element, it is proved that the false representation was made by such person, he shall, unless the contrary is proved, be deemed to have made such representation knowing it to be false.”.

Short title.

7. This Act shall be called the Criminal Law Further Amendment Act, 1959.