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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 436.

26 Maart 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 17 van 1969: Wysigingswet op Landdroshowe, 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 436.

26th March, 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 17 of 1969: Magistrates' Courts Amendment Act, 1969.

Act No. 17, 1969

MAGISTRATES' COURTS AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Magistrates' Courts Act, 1944, relating to the local limits of jurisdiction of a magistrate's court and sentences which are subject to automatic review; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 13th March, 1969.)

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

Amendment of section 16 of Act 32 of 1944.

1. Section 16 of the Magistrates' Courts Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "gaol" of the words "a prison".

Amendment of section 65 of Act 32 of 1944, as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954, section 20 of Act 50 of 1956, section 10 of Act 19 of 1963 and section 30 of Act 70 of 1968.

2. Section 65 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (9) of the following paragraph:

"(d) If the judgment debtor fails to appear on the said notice or to satisfy the court that he has been unable through circumstances beyond his control to comply with the order made in terms of subsection (7) (d), the court may, upon the application of the judgment creditor, make an order for the committal of the judgment debtor for a period not exceeding thirty days and may authorize the issue of a warrant for his arrest and detention in any prison named in such warrant: Provided that the court may at any time suspend the execution of or altogether discharge any such order or warrant upon such conditions as may appear to the court to be fair and reasonable."

Amendment of section 90 of Act 32 of 1944, as substituted by section 20 of Act 40 of 1952 and amended by section 2 of Act 75 of 1959.

3. Section 90 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- "(2) When any person is charged with any offence—
- (a) committed within the distance of two miles beyond the boundary of the district or of the regional division; or
 - (b) committed in or upon any vehicle on a journey which or part whereof was performed in, or within the distance of two miles of, the district or the regional division; or
 - (c) committed on board any vessel on a journey upon any river within the Republic or forming the boundary of any portion thereof, and such journey or part thereof was performed in, or within the distance of two miles of, the district or the regional division; or
 - (d) committed on board any vessel on a voyage within the territorial waters of the Republic (including the territory of South-West Africa), and the said territorial waters adjoin the district or the regional division; or
 - (e) begun or completed within the district or within the regional division,

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such person may be tried by the court of the district or of the regional division, as the case may be, as if he had been charged with an offence committed within the district or within the regional division respectively.”.

Amendment of section 96 of Act 32 of 1944, as amended by section 25 of Act 40 of 1952, section 25 of Act 62 of 1955, section 4 of Act 16 of 1959 and section 16 of Act 19 of 1963.

4. Section 96 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) All sentences in criminal cases (other than sentences imposed by courts of regional divisions) in which the punishment awarded is imprisonment (including detention in a reformatory, industrial school, inebriate reformatory, farm colony, work colony, refuge, rescue home or other similar institution) for a period exceeding three months or a fine exceeding one hundred rand or whipping (save in a case in which a person has been sentenced under section 345 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)), shall be subject in ordinary course to review by the court of appeal or one of the judges thereof; without prejudice to the right of appeal against such sentence whether before or after confirmation of the sentence by the judge or court reviewing the same.”.

Short title.

5. This Act shall be called the Magistrates' Courts Amendment Act, 1969.