



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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[No. 6501

KAAPSTAD, 13 JUNIE 1979

#### DEPARTMENT OF THE PRIME MINISTER

No. 1271.

13 June 1979.

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

No. 65 of 1979: Inquests Amendment Act, 1979.

#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1271.

13 Junie 1979.

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

No. 65 van 1979: Wysigingswet op Geregtelike Doods-ondersoeke, 1979.

Act No. 65, 1979

INQUESTS AMENDMENT ACT, 1979.

## GENERAL EXPLANATORY NOTE:

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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## ACT

To amend the Inquests Act, 1959, in order to extend the provisions relating to the appointment, functions and compensation of assessors; and to prohibit persons from prejudicing, influencing or anticipating the proceedings or findings at inquests; and to provide for incidental matters.

(*English text signed by the Acting State President.*)  
(Assented to 6 June 1979.)

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

Substitution of  
section 9 of  
Act 58 of 1959.

1. The following section is hereby substituted for section 9 of the Inquests Act, 1959: 5

“Assessors at 9. (1) A magistrate may with the approval of the inquests. Minister or any person acting under the authority of the Minister, summon to his assistance any person who has, or any two persons who have, in his opinion, experience in the administration of justice or 10 skill in any matter which may have to be considered at an inquest, to sit with him at an inquest as assessor or assessors [for the purpose of advising him on any such matter].

(2) Before the commencement of an inquest, an 15 assessor shall take an oath or make an affirmation, which shall be administered by the magistrate, that he will, on the evidence placed before him, make a true finding in terms of section 16.

(3) Where a magistrate has under subsection (1) 20 summoned an assessor or assessors to his assistance—

(a) the magistrate alone shall decide any question of law, or whether any matter constitutes a question of law or a question of fact, and he may for this purpose sit alone;

(b) the decision of the majority on the facts shall be the decisive finding, except when the magistrate sits with only one assessor, in which case the decision of the magistrate shall, in the event of a difference of opinion, be the decisive finding. 25 30

(4) If any such assessor is not a person in the full-time employment of the State, he shall be entitled to **[a refund of any reasonable expenditure which he may have necessarily incurred]** such compensation in respect of expenses incurred 35 by him in connection with his attendance at the

**ALGEMENE VERDUIDELEIKENDE NOTA:**

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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**WET**

**Tot wysiging van die Wet op Geregtelike Doodsondersoek, 1959, ten einde die bepalings betreffende die aanstelling, werksaamhede en vergoeding van assore uit te brei; en persone te verbied om die verrigtinge of bevindings by geregtelike doodsondersoek te benadeel, te beïnvloed of vooruit te loop; en om vir bykomstige aangeleenthede voorsiening te maak.**

(Engelse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 6 Junie 1979.)

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 9 van die Wet op Geregtelike Doodsondersoek, 1959, word hierby deur die volgende artikel vervang:

Vervanging van artikel 9 van Wet 58 van 1959.

„Assore by geregtelike doodsondersoek.” **9.** (1) 'n Landdros kan met goedkeuring van die Minister of iemand wat op gesag van die Minister handel, een of twee persone wat na sy mening ondervinding van die regspiegeling het of bedreve is in een of ander onderwerp wat moontlik by 'n geregtelike doodsondersoek oorweeg sal moet word, aansê om hom by te staan en om met hom as assessor of assore by die ondersoek sitting te neem [**ten einde hom aangaande sodanige onderwerp van advies te dien.**]

10 **(2)** Voor die aanvang van 'n geregtelike doodsondersoek lê 'n assessor 'n eed af of doen hy 'n bevestiging, wat deur die landdros waargeneem word, dat hy op die getuenis wat voor hom geplaas word 'n ware bevinding ooreenkomsdig artikel 16 sal maak.

20 **(3)** Waar 'n landdros ingevolge subartikel (1) 'n assessor of assore aangesê het om hom by te staan—

25 **(a)** beslis slegs die landdros enige regsvraag en of enige aangeleenthed 'n regsvraag of 'n feitvraag uitmaak, en hy kan vir dié doel alleen sit;

30 **(b)** is die beslissing van die meerderheid op die feite die beslissende bevinding, behalwe wanneer die landdros met slegs een assessor sit, in welke geval die beslissing van die landdros, by 'n verskil van mening, die beslissende bevinding is.

35 **(4)** Indien so 'n assessor nie iemand in [**voltydse**] die heelydse diens van die Staat is nie, is hy geregtig op [**terugbetaling van alle redelike uitgawe wat hy noodwendig**] die vergoeding ten opsigte van uitgawes deur hom aangegaan in verband met sy bywoning van die ondersoek [**aange-**

## Act No. 65, 1979

## INQUESTS AMENDMENT ACT, 1979.

Amendment of  
section 20 of  
Act 58 of 1959.

inquest, and to such remuneration for in respect of his services as assessor, as he would be entitled to receive if he were an assessor acting at a criminal trial in a magistrate's court.”.

**2.** Section 20 of the Inquests Act, 1959, is hereby amended by 5 the addition of the following subsection:

“(3) Any person who prejudices, influences or anticipates the proceedings or findings at an inquest on which a magistrate has decided in terms of section 5 (2), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Short title.

**3.** This Act shall be called the Inquests Amendment Act, 1979.

## WYSIGINGSWET OP GEREGETELIKE DOODSONDERSOEKE, 1979. Wet No. 65, 1979

gaan het en op die besoldiging vir 1 en ten opsigte van sy dienste as assessor waarop hy geregtig sou wees as hy 'n assessor was wat by 'n strafverhoor in 'n landdroshof optree.'".

5 2. Artikel 20 van die Wet op Geregtelike Doodsondersoek, Wysiging van 1959, word hierby gewysig deur die byvoeging van die volgende artikel 20 van subartikel:

10 „(3) Iemand wat die verrigtinge of bevindings by 'n geregtelike doodsondersoek waarop 'n landdros ingevolge artikel 5 (2) besluit het, benadeel, beïnvloed of vooruitloop, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.”.

15 3. Hierdie Wet heet die Wysigingswet op Geregtelike Doodsondersoek, 1979. Kort titel.

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