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GOVERNMENT GAZETTE

STAATSKOERANT

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No. 14995

KAAPSTAD, 23 JULIE 1993

STATE PRESIDENT'S OFFICE

No. 1296.

23 July 1993

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

No. 129 of 1993: General Law Third Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1296.

23 Julie 1993

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

No. 129 van 1993: Derde Algemene Regswysigingswet, 1993.

GENERAL EXPLANATORY NOTE:

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

(*English text signed by the State President.*)
(Assented to 9 July 1993.)

ACT

To amend the Insolvency Act, 1936, so as to further regulate an appeal against certain orders; to amend the Magistrates' Courts Act, 1944, so as to further regulate the limits of jurisdiction of lower courts; to amend the Radio Act, 1952, so as to delete certain definitions and amend another definition; and to delete obsolete provisions; to amend the Universities Act, 1955, so as to regulate certain offences and penalties anew; to amend the Mines and Works Act, 1956, so as to further regulate work on certain days and insert a penalty clause in connection therewith; to amend the Labour Relations Act, 1956, so as to make further provision for the auditing of account books of trade unions and employers' organizations; to amend the Interpretation Act, 1957, so as to further regulate the dates of commencement of certain laws; to amend the State Attorney Act, 1957, so as to further regulate the employment of correspondents; to amend the Post Office Act, 1958, so as to further regulate the transfer of land and the use of immovable property and land; and to exempt the successor companies from certain laws; to amend the Correctional Services Act, 1959, so as to provide for the manner in which multiple sentences of correctional supervision shall be served; to amend the Stock Theft Act, 1959, so as to repeal an obsolete provision; to amend the Supreme Court Act, 1959, so as to delete obsolete expressions; to regulate appeals against judgments or orders of certain divisions anew; and to make provision that a court of appeal may strike certain appeals off the roll; to amend the Territorial Waters Act, 1963, so as to extend the application of certain laws to certain installations; to amend the Unemployment Insurance Act, 1966, so as to further regulate the determination of the value of remuneration in kind in agriculture; to amend the Mental Health Act, 1973, so as to further regulate the discharge of State patients; to amend the Post Office Service Act, 1974, so as to further regulate the constitution of the Staff Management Board and the term of office of the Postmaster General; to amend the Livestock Improvement Act, 1977, so as to insert certain definitions; to amend the Criminal Procedure Act, 1977, so as to redefine "bank"; to further regulate private prosecutions; to further regulate the powers of a peace officer in respect of an arrest without a warrant; to substitute certain obsolete expressions; to further regulate the proof of entries in accounting records and documentation of banks; to further regulate the sentence of correctional supervision; to extend the discretion of the court to antedate a sentence under certain circumstances; and to further regulate the conditional postponement or suspension of a sentence; to amend the Attorneys Act, 1979, so as to further regulate the admission or readmission and enrolment as an attorney and the removal of an attorney from the roll; to make provision that attorneys may under certain circumstances deviate from the prescribed tariffs for conveyancing; and to empower a council of a law society to assess certain fees *mero motu*; to amend the Manpower Training Act, 1981, so as to give training boards the opportunity to evaluate test results before they issue certificates; to amend the Universities and Technikons Advisory Council Act, 1983, so as to expand the composition of the Universities and Technikons Advisory Council; and to further regulate the consequences of the existence of a vacancy in a committee of the Advisory Council; to amend the Forest Act, 1984, so as to amend a definition; and to provide for the delegation of a certain power by the Minister of

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Julie 1993.)*

WET

Tot wysiging van die Insolvensiewet, 1936, ten einde 'n appèl teen sekere orders verder te reël; tot wysiging van die Wet op Landdroshowe, 1944, ten einde die perke van jurisdiksie van laer howe verder te reël; tot wysiging van die Radiowet, 1952, ten einde sekere omskrywings te skrap en 'n ander omskrywing te wysig; en verouderde bepalings te skrap; tot wysiging van die Wet op Universiteite, 1955, ten einde sekere misdrywe en strawwe opnuut te reël; tot wysiging van die Wet op Myne en Bedrywe, 1956, ten einde werk op sekere dae verder te reël en in verband daar mee 'n strafbepaling in te voeg; tot wysiging van die Wet op Arbeidsverhoudinge, 1956, ten einde verdere voorsiening te maak vir die ouditering van rekeningboeke van vakverenigings en werkgewersorganisasies; tot wysiging van die Interpretasiewet, 1957, ten einde die inwerkingtredingsdatums van sekere wette verder te reël; tot wysiging van die Wet op die Staatsprokureur, 1957, ten einde die aanstelling van korrespondente verder te reël; tot wysiging van die Poswet, 1958, ten einde die oordrag van grond en die gebruik van onroerende goed en grond verder te reël; en die opvolgermaatskappye van sekere wette vry te stel; tot wysiging van die Wet op Korrektiewe Dienste, 1959, ten einde voorsiening te maak vir die wyse waarop meerdere vonnisse van korrektiewe toesig uitgedien word; tot wysiging van die Wet op Veediefstal, 1959, ten einde 'n verouderde bepaling te herroep; tot wysiging van die Wet op die Hooggereghof, 1959, ten einde verouderde uitdrukkings te skrap; appelle teen uitsprake of bevele van sekere afdelings opnuut te reël; en voorsiening te maak dat 'n hof van appèl sekere appelle van die rol kan skrap; tot wysiging van die Wet op Territoriale Waters, 1963, ten einde die toepassing van sekere wette na sekere installasies uit te brei; tot wysiging van die Werkloosheidversekeringswet, 1966, ten einde die bepaling van die waarde van vergoeding *in natura* in die landbou verder te reël; tot wysiging van die Wet op Geestesgesondheid, 1973, ten einde die ontslag van Staatspasiënte verder te reël; tot wysiging van die Poskantoordienswet, 1974, ten einde die samestelling van die Personeelbestuursraad en die ampstermy van die Posmeester-generaal verder te reël; tot wysiging van die Veeverbeteringswet, 1977, ten einde sekere omskrywings in te voeg; tot wysiging van die Strafproseswet, 1977, ten einde "bank" te heromskryf; private vervolgings verder te reël; die bevoegdhede van 'n vredesbeampte ten opsigte van 'n inhegtenisneming sonder 'n lasbrief verder te reël; sekere verouderde uitdrukkings te vervang; bewys van inskrywings in rekeningkundige rekords en dokumentasie van banke verder te reël; die straf van korrektiewe toesig verder te reël; die diskresie van die hof om 'n vonnis terug te dateer onder sekere omstandighede, uit te brei; en die voorwaardelike uitstel of opskorting van 'n vonnis verder te reël; tot wysiging van die Wet op Prokureurs, 1979, ten einde die toelating of hertoelating en inskrywing as prokureur en die verwijdering van 'n prokureur van die rol verder te reël; voorsiening te maak dat prokureurs onder sekere omstandighede van die voorgeskrewe aktestariewe kan awyk; en 'n raad van 'n prokureursorde die bevoegdheid te verleen om *mero motu* sekere gelde te bereken; tot wysiging van die Wet op Mannekragopleiding, 1981, ten einde opleidingsrade die geleentheid te bied om toetsresultate te evalueer voordat hulle sertifikate uitreik; tot wysiging van die Wet op die Adviesraad vir Universiteite en Technikons, 1983, ten einde

Agriculture; to amend the Rules Board for Courts of Law Act, 1985, so as to regulate anew the composition of the Rules Board for Courts of Law; to provide that the said Board can employ a person with special knowledge of any matter on a temporary basis; and to provide for the remuneration, allowances, benefits and privileges of the members of the said Board; to amend the South African Certification Council Act, 1986, so as to further regulate the composition of the South African Certification Council; to amend the Sea Fishery Act, 1988, so as to regulate by permit the transfer of fish from one vessel or fishing boat to another at sea; to further regulate the prohibition on the catching or killing of fish by detonating a substance in the sea; and to create certain presumptions; to amend the Legal Succession to the South African Transport Services Act, 1989, so as to further regulate certain statutory protection; to amend the Road Traffic Act, 1989, so as to further regulate the offence of driving with an excessive amount of alcohol in the blood or breath; to amend the Judges' Remuneration and Conditions of Employment Act, 1989, so as to further regulate the method of transport of judges; to amend the South African Reserve Bank Act, 1989, so as to further regulate the appointment of directors; to amend the Agricultural Product Standards Act, 1990, so as to further regulate export inspection tariffs; to amend the Posts and Telecommunications Acts Amendment Act, 1992, so as to repeal a superfluous provision; to amend the Births and Deaths Registration Act, 1992, so as to provide that a person who has undergone a change of sex may apply for the alteration of the sex description in his birth register; to amend the Abattoir Hygiene Act, 1992, so as to further regulate the delegation of powers; to amend the Audit Arrangements Act, 1992, so as to further regulate the transfer of officials; to amend the Management of State Forests Act, 1992, so as to redefine "Minister"; and to further regulate the management of State forests; to provide for the interpretation of references to the Public Accountants' and Auditors' Act, 1951; to create a certain offence; to repeal certain obsolete laws; and to provide for matters connected therewith.

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

Amendment of section 150 of Act 24 of 1936, as amended by section 35 of Act 16 of 1943

1. Section 150 of the Insolvency Act, 1936, is hereby amended by the substitution for subsection (1) of the following subsection: 5

"(1) Any person aggrieved by a final order of sequestration or by an order setting aside an order of provisional sequestration may, subject to the provisions of section 20(4) and (5) of the Supreme Court Act, 1959 (Act No. 59 of 1959), appeal against such order." 10

Amendment of section 92 of Act 32 of 1944, as substituted by section 30 of Act 94 of 1974 and amended by section 9 of Act 91 of 1977, section 1 of Act 109 of 1984 and section 9 of Act 25 of 1987

2. Section 92 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following paragraph: 15

"(d) by correctional supervision, may impose correctional supervision for a period as contemplated in section 276A(1)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

die samestelling van die Adviesraad vir Universiteite en Technikons uit te brei; en die gevolge van die bestaan van 'n vakature in 'n komitee van die Adviesraad verder te reël; tot wysiging van die Boswet, 1984, ten einde 'n omskrywing te wysig; en voorsiening te maak vir die delegering van 'n sekere bevoegdheid deur die Minister van Landbou; tot wysiging van die Wet op die Reëlsraad vir Geregshewe, 1985, ten einde die samestelling van die Reëlsraad vir Geregshewe opnuut te reël; voorsiening te maak dat vermelde Raad iemand met besondere kennis van 'n aangeleenthed op 'n tydelike grondslag in diens kan neem; en voorsiening te maak vir die besoldiging, toelaes, voordele en voorregte van die lede van vermelde Raad; tot wysiging van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986, ten einde die samestelling van die Suid-Afrikaanse Sertifiseringsraad verder te reël; tot wysiging van die Wet op Seevissery, 1988, ten einde die oorplasing van vis van een vaartuig of vissersboot na 'n ander ter see by permit te reël; die verbod op die vang of doodmaak van vis deur 'n stof in die see te laat ontploff, verder te reël; en sekere vermoedens te skep; tot wysiging van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, ten einde sekere statutêre beskerming verder te reël; tot wysiging van die Padverkeerswet, 1989, ten einde die misdryf van bestuur met 'n oormatige hoeveelheid alkohol in die bloed of asem verder te reël; tot wysiging van die Wet op Besoldiging en Diensvoorraades van Regters, 1989, ten einde die wyse van vervoer van regters verder te reël; tot wysiging van die Wet op die Suid-Afrikaanse Reserwebank, 1989, ten einde die aanstelling van direkteure verder te reël; tot wysiging van die Wet op Landbouprodukstandarde, 1990, ten einde uitvoerinspeksietariewe verder te reël; tot wysiging van die Wysigingswet op Pos- en Telekommunikasiewette, 1992, ten einde 'n oorbodige bepaling te herroep; tot wysiging van die Wet op Registrasie van Geboortes en Sterftes, 1992, ten einde voorsiening te maak dat 'n persoon wat 'n geslagsverandering ondergaan het, aansoek kan doen om die verandering van die geslagsbeskrywing in sy geboorteregister; tot wysiging van die Wet op Abbattoirhygiëne, 1992, ten einde die delegering van bevoegdhede verder te reël; tot wysiging van die Ouditreeëlingswet, 1992, ten einde die oorplasing van beampies verder te reël; tot wysiging van die Wet op die Bestuur van Staatsbosse, 1992, ten einde "Minister" te heromskryf; en die bestuur van Staatsbosse verder te reël; om voorsiening te maak vir die uitleg van verwysings na die Wet op Openbare Rekenmeesters en Ouditeurs, 1951; om 'n sekere misdryf te skep; om sekere uitgediende wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 150 van Wet 24 van 1936, soos gewysig deur artikel 35 van Wet 16 van 1943

- 5 1. Artikel 150 van die Insolvensiewet, 1936, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 "(1) Iemand wat homself verongelyk veronreg ag deur 'n finale sekwestrasie-order of deur 'n order wat 'n order van voorlopige sekwestrasie vernietig, kan, behoudens die bepalings van artikel 20(4) en (5) van die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959), teen daardie order appelleer."

Wysiging van artikel 92 van Wet 32 van 1944, soos vervang deur artikel 30 van Wet 94 van 1974 en gewysig deur artikel 9 van Wet 91 van 1977, artikel 1 van Wet 109 van 1984 en artikel 9 van Wet 25 van 1987

- 15 2. Artikel 92 van die Wet op Landdroshewe, 1944, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:
 "(d) met korrektiewe toesig, korrektiewe toesig vir 'n tydperk soos beoog in artikel 276A(1)(b) van die Strafproseswet, 1977 (Wet No. 51 van 1977), ople.".

Amendment of section 1 of Act 3 of 1952, as amended by section 1 of Act 51 of 1962, section 1 of Act 93 of 1969, section 14 of Act 57 of 1975, section 32 of Act 73 of 1976, section 1 of Act 2 of 1978, section 23 of Act 61 of 1982 and section 1 of Act 24 of 1990

3. Section 1 of the Radio Act, 1952, is hereby amended—

- (a) by the deletion of the definition of “earth station”;
- (b) by the substitution for the definition of “radio apparatus” of the following definition:

“radio apparatus” means any radio receiving or transmitting apparatus which is capable of receiving or transmitting by radio any sound, image, sign or signal, except a sound radio set if it is only used for the reception of what is broadcast in a broadcasting service, and except any article which the Minister from time to time declares by notice in the *Gazette* not to be radio apparatus for the purposes of this Act, and includes [an earth station and] any article which the Minister from time to time declares by notice in the *Gazette* to be radio apparatus for the purposes of this Act;”; and

- (c) by the deletion of the definition of “space station”.

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Amendment of section 5 of Act 3 of 1952, as substituted by section 3 of Act 93 of 1969 and amended by section 15 of Act 57 of 1975, section 32 of Act 73 of 1976, section 2 of Act 2 of 1978, section 23 of Act 61 of 1982, section 2 of Act 24 of 1990 and section 1 of Act 99 of 1991

4. Section 5 of the Radio Act, 1952, is hereby amended by the deletion of subsection (6).

Amendment of section 7 of Act 3 of 1952, as substituted by section 32 of Act 73 of 1976 and amended by section 4 of Act 2 of 1978, section 23 of Act 61 of 1982 and section 1 of Act 101 of 1992

5. Section 7 of the Radio Act, 1952, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- (a) issue to any person approved by him a licence conferring upon such person the right to use, or cause any person in his employ or under his control to use, a station for any purpose prescribed by regulation or to use any [specified] radio frequency or group of radio frequencies for a purpose and in the manner so prescribed.”.

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Amendment of section 8 of Act 3 of 1952, as substituted by section 5 of Act 2 of 1978

6. Section 8 of the Radio Act, 1952, is hereby amended by the deletion of the proviso.

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Substitution of section 28bis of Act 61 of 1955, as substituted by section 9 of Act 43 of 1965

7. The following section is hereby substituted for section 28bis of the Universities Act, 1955:

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“Offences and penalties

28bis. (1) No person except a university, or a person authorized thereto by a university, shall—

- (a) in any manner make it known or pretend to any other person that he or any other person can offer a university course or part of such course which will entitle the person who has successfully completed that course or part of that course to have conferred upon him a degree of *baccalaureus*, *magister* or doctor, or to be awarded a diploma or certificate, of a university or that such

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Wysiging van artikel 1 van Wet 3 van 1952, soos gewysig deur artikel 1 van Wet 51 van 1962, artikel 1 van Wet 93 van 1969, artikel 14 van Wet 57 van 1975, artikel 32 van Wet 73 van 1976, artikel 1 van Wet 2 van 1978, artikel 23 van Wet 61 van 1982 en artikel 1 van Wet 24 van 1990

- 5 3. Artikel 1 van die Radiowet, 1952, word hierby gewysig—
 (a) deur die omskrywing van “aardstasie” te skrap;
 (b) deur die omskrywing van “radio-apparaat” deur die volgende omskrywing te vervang:
 “ ‘radio-apparaat’ enige radio-ontvang of -sendapparaat wat enige geluid, beeld, teken of sein deur middel van radio kan ontvang of oorsend, behalwe ’n klankradiostel indien dit slegs vir die ontvangs van iets wat in ’n uitsaaidiens uitgesaai word, gebruik word, en behalwe enige voorwerp wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* verklaar by die toepassing van hierdie Wet nie radio-apparaat te wees nie, en ook **[’n aardstasie en]** enige voorwerp wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* as radio-apparaat by die toepassing van hierdie Wet verklaar;”; en
 (c) deur die omskrywing van “ruimtestasie” te skrap.
- 10 20 Wysiging van artikel 5 van Wet 3 van 1952, soos vervang deur artikel 3 van Wet 93 van 1969 en gewysig deur artikel 15 van Wet 57 van 1975, artikel 32 van Wet 73 van 1976, artikel 2 van Wet 2 van 1978, artikel 23 van Wet 61 van 1982, artikel 2 van Wet 24 van 1990 en artikel 1 van Wet 99 van 1991
- 15 4. Artikel 5 van die Radiowet, 1952, word hierby gewysig deur subartikel (6) te skrap.

Wysiging van artikel 7 van Wet 3 van 1952, soos vervang deur artikel 32 van Wet 73 van 1976 en gewysig deur artikel 4 van Wet 2 van 1978, artikel 23 van Wet 61 van 1982 en artikel 1 van Wet 101 van 1992

- 30 5. Artikel 7 van die Radiowet, 1952, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
 “(a) ’n lisensie aan iemand deur hom goedgekeur, uitreik wat aan so iemand die reg verleen om ’n stasie vir ’n doel by regulasie voorgeskryf, of ’n **[bepaalde]** radiofrekwensie of groep radiofrekwensies vir ’n doel en op die wyse aldus voorgeskryf, te gebruik of te laat gebruik deur iemand in sy diens of onder sy beheer;”.

Wysiging van artikel 8 van Wet 3 van 1952, soos vervang deur artikel 5 van Wet 2 van 1978

- 35 6. Artikel 8 van die Radiowet, 1952, word hierby gewysig deur die voorbehoudbepaling te skrap.
- 40 40 Vervanging van artikel 28bis van Wet 61 van 1955, soos vervang deur artikel 9 van Wet 43 van 1965
- 45 7. Artikel 28bis van die Wet op Universiteite, 1955, word hierby deur die volgende artikel vervang:

“Misdrywe en strawwe

- 45 28bis. (1) Niemand behalwe ’n universiteit, of ’n persoon deur ’n universiteit daartoe gemagtig, mag —
 (a) op enige wyse bekend maak of aan iemand anders voorgee nie dat hy of iemand anders ’n universiteitskursus of gedeelte van sodanige kursus kan aanbied wat die persoon wat daardie kursus of gedeelte van daardie kursus suksesvol deurloop het daarop geregtig sal maak dat ’n graad van *baccalaureus*, *magister* of doktor, of ’n diploma of sertifikaat, van ’n universiteit aan hom

- course or part will be recognized for the purposes of such degree, diploma or certificate;
- (b) confer a degree of *baccalaureus*, *magister* or doctor, or award a diploma or certificate, purporting to be a degree of *baccalaureus*, *magister* or doctor, or a diploma or certificate, conferred or awarded by a university; 5
- (c) perform any act which purports to have been performed by or on behalf of a university; or
- (d) establish or operate an institution or any other organization that is not a university, under a name which includes the word 'university'. 10
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine, or to imprisonment for a period not exceeding six months.". 15

Amendment of section 9 of Act 27 of 1956, as amended by section 2 of Act 51 of 1959, section 2 of Act 91 of 1965, section 18 of Act 80 of 1971 and section 2 of Act 83 of 1977

8. Section 9 of the Mines and Works Act, 1956, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph 20
 (a) of the following words:
 "No person shall [perform, or] cause or permit any other person to perform, at any mine or works, any work in connection with the operation of a mine or works, on a Sunday, Christmas Day, Day of the Covenant or Good Friday, or cause any other person to perform, at any mine or works, any such work on Republic Day, 25 unless the work is—"; and
- (b) by the addition of the following subsection:
 "(3) Any person who contravenes or fails to comply with the provisions of this section, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six 30 months.". 30

Amendment of section 8 of Act 28 of 1956, as amended by section 3 of Act 41 of 1959, section 6 of Act 94 of 1979 and section 10 of Act 57 of 1981

9. Section 8 of the Labour Relations Act, 1956, is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (5) of the following 35
 paragraph:
 "(b) The public accountant referred to in subparagraph (iv) of paragraph (a) shall—
 (i) conduct an audit in accordance with generally accepted auditing standards;
 (ii) furnish the trade union or employers' organization concerned with an appropriate report;
 (iii) state whether, in his opinion, the provisions of the constitution of the union or organization in so far as they relate to financial affairs, have been complied with."; and 40
- (b) by the addition to subsection (5) of the following paragraph:
 "(c) If the registrar approves the appointment of the other person referred to in subparagraph (iv) of paragraph (a), such other person shall conduct an audit in accordance with the requirements stipulated by the registrar.". 45 50

Amendment of section 13 of Act 33 of 1957

10. Section 13 of the Interpretation Act, 1957, is hereby amended by the addition of the following subsection:

- "(3) If any Act provides that that Act shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, it shall be deemed that different dates may be so fixed in respect of different provisions of that Act.". 55

- toegeken word of dat sodanige kursus of gedeelte vir die doeleindes van so 'n graad, diploma of sertifikaat erken sal word;
- (b) 'n graad van *baccalaureus*, *magister* of doktor, of 'n diploma of sertifikaat, toeken wat voorgee om 'n graad van *baccalaureus*, *magister* of doktor, of 'n diploma of sertifikaat, toegeken deur 'n universiteit te wees nie;
- (c) 'n handeling verrig wat voorgee om deur of namens 'n universiteit verrig te wees nie; of
- (d) 'n instelling of enige ander organisasie wat nie 'n universiteit is nie, instel of bedryf nie onder 'n naam wat die woord 'universiteit' insluit.
- (2) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

Wysiging van artikel 9 van Wet 27 van 1956, soos gewysig deur artikel 2 van Wet 51 van 1959, artikel 2 van Wet 91 van 1965, artikel 18 van Wet 80 van 1971 en artikel 2 van Wet 83 van 1977

8. Artikel 9 van die Wet op Myne en Bedrywe, 1956, word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Niemand mag op 'n Sondag, Kersdag, Geloftedag of Goeie Vrydag enige werk in verband met die werking van 'n myn of bedryf, by 'n myn of bedryf [verrig of] deur iemand anders laat verrig of toelaat dat iemand anders dit aldus verrig nie, of op Republiekdag sodanige werk by 'n myn of bedryf deur iemand anders laat verrig nie, tensy die werk bestaan uit—”; en
- (b) deur die volgende subartikel by te voeg:
- “(3) Iemand wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

Wysiging van artikel 8 van Wet 28 van 1956, soos gewysig deur artikel 3 van Wet 41 van 1959, artikel 6 van Wet 94 van 1979 en artikel 10 van Wet 57 van 1981

9. Artikel 8 van die Wet op Arbeidsverhoudinge, 1956, word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:
- “(b) Die openbare rekenmeester bedoel in subparagraph (iv) van paragraaf (a) moet —
- (i) 'n ouditering doen in ooreenstemming met algemeen aanvaarde ouditstandaarde;
- (ii) die betrokke vakvereniging of werkgewersorganisasie van 'n toepaslike verslag voorsien;
- (iii) meld of die bepalings van die konstitusie van die vereniging of organisasie vir sover hulle op finansiële sake betrekking het, na sy mening nagekom is.”; en
- (b) deur die volgende paragraaf by subartikel (5) te voeg:
- “(c) Indien die registrator die aanstelling van die ander persoon bedoel in subparagraph (iv) van paragraaf (a) goedkeur, doen sodanige ander persoon 'n ouditering in ooreenstemming met die vereistes deur die registrator gestel.”.

Wysiging van artikel 13 van Wet 33 van 1957

10. Artikel 13 van die Interpretasiewet, 1957, word hierby gewysig deur die volgende subartikel by te voeg:
- (3) Indien 'n Wet daarvoor voorsiening maak dat daardie Wet in werking sal tree op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, word daar geag dat verskillende datums aldus ten opsigte van verskillende bepalings van daardie Wet bepaal kan word.”.

Amendment of section 8 of Act 56 of 1957, as amended by section 37 of Act 93 of 1962

11. Section 8 of the State Attorney Act, 1957, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The State Attorney or the person in charge of a branch of the State Attorney’s office shall be entitled in the exercise of his functions aforesaid to instruct and employ as correspondent any attorney or other qualified person to act in any legal proceedings or matters in any place in the same way and, *mutatis mutandis*, subject to the same rules, terms and conditions as govern attorneys in private practice, and shall be entitled to receive and recover from such correspondent the same allowances as he would be entitled to do if he were an attorney in private practice.”; and

(b) by the addition of the following subsection:

“(3) The State Attorney or the person in charge of a branch of the State Attorney’s office may delegate any power conferred upon him under this section to any person employed in the State Attorney’s office or branch thereof, as the case may be.”.

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Amendment of section 4 of Act 44 of 1958, as inserted by section 5 of Act 85 of 1991

12. Section 4 of the Post Office Act, 1958, is hereby amended—

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(a) by the addition to subsection (3) of the following paragraph:

“(c) If a particular piece of State land was used jointly by the postal enterprise and the telecommunications enterprise immediately prior to the date mentioned in subsection (1), and the successor companies after that date agree to divide that piece of land between them without the payment of compensation by one party to the other or without giving anything in exchange therefor, the subdivision of the land concerned shall be exempted from the payment of transfer duty, stamp duty or other fees if, upon the registration of the subdivision, a certificate signed by the secretaries of both successor companies is submitted in which it is certified that an agreement as contemplated in this paragraph has been concluded.”;

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(b) by the insertion after subsection (4) of the following subsection:

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“(4A) (a) Subject to the provisions of paragraph (b), a successor company shall have the right to use its immovable property for the purposes for which the department used the property concerned on the date immediately prior to the date mentioned in subsection (1) or for which it was intended to be used on that date.

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(b) If land of a successor company has not been zoned, or has in terms of an applicable township construction or development scheme, guide plan or statutory provision been zoned or intended for purposes other than those for which it is used on the date immediately prior to the date mentioned in subsection (1), the successor company concerned shall as soon as practicable conclude an agreement with the local authority responsible for the zoning or re-zoning of land in the area concerned with regard to the zoning or re-zoning of the land concerned for a purpose which is in accordance with the use thereof on the date immediately prior to the date mentioned in subsection (1): Provided that—

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(i) if such agreement has been concluded, that agreement shall be reduced to writing and the local authority concerned shall, if necessary, amend its township construction or development scheme or guide plan accordingly;

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Wysiging van artikel 8 van Wet 56 van 1957, soos gewysig deur artikel 37 van Wet 93 van 1962

11. Artikel 8 van die Wet op die Staatsprokureur, 1957, word hierby gewysig—

- 5 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Staatsprokureur of die hoof van ’n tak van die Staatsprokureurskantoor is by die [uitoefening] verrigting van sy voormalde werksamhede geregtig om ’n prokureur of ander gekwalificeerde persoon as korrespondent opdrag te gee en aan te stel om in regsgedinge of sake in enige plek op te tree op dieselfde wyse en *mutatis mutandis* onderworpe aan dieselfde reëls, bedinge en voorwaardes as wat vir ’n prokureur in private praktyk geld, en is geregtig om van so ’n korrespondent die toelaes te ontvang en te verhaal waartoe hy geregtig sou wees indien hy ’n prokureur in private praktyk was.”; en
- 10 (b) deur die volgende subartikel by te voeg:
- “(3) Die Staatsprokureur of die hoof van ’n tak van die Staatsprokureurskantoor kan enige bevoegdheid kragtens hierdie artikel aan hom verleen aan iemand in diens van die Staatsprokureurskantoor of tak daarvan, na gelang van die geval, delegeer.”.

Wysiging van artikel 4 van Wet 44 van 1958, soos ingevoeg deur artikel 5 van Wet 85 van 1991

12. Artikel 4 van die Poswet, 1958, word hierby gewysig—

- 25 (a) deur die volgende paragraaf by subartikel (3) te voeg:
- “(c) Indien ’n bepaalde stuk Staatsgrond onmiddellik voor die datum vermeld in subartikel (1) gesamentlik deur die posonderneming en die telekommunikasie-onderneming gebruik is, en die opvolgermaatskappye kom na daardie datum ooreen om daardie stuk grond tussen hulle te verdeel sonder die betaling van vergoeding deur die een party aan die ander party of sonder dat enigiets daarvoor in ruil gegee word, is die onderverdeling van die betrokke grond vrygestel van die betaling van hereregte, seëlregte of ander gelde indien daar by die registrasie van die onderverdeling ’n sertifikaat, onderteken deur die sekretarisse van beide opvolgermaatskappye, voorgelê word waarin gesertificeer word dat ’n ooreenkoms soos beoog in hierdie paragraaf aangegaan is.”;
- 30 (b) deur die volgende subartikel na subartikel (4) in te voeg:
- “(4A) (a) Behoudens die bepalings van paragraaf (b) het ’n opvolgermaatskappy die reg om sy onroerende goed te gebruik vir die doeleindes waarvoor die departement die betrokke goed op die datum onmiddellik voor die datum vermeld in subartikel (1) gebruik het of waarvoor dit op daardie datum bestem was om gebruik te word.
- 35 (b) Indien grond van ’n opvolgermaatskappy nie gesoneer is nie, of ingevolge ’n toepaslike dorpsaanleg- of dorpsbeplanningskema, gidsplan of statutêre bepaling vir ander doeleindes gesoneer of bestem is as dié waarvoor dit gebruik word op die datum wat die datum vermeld in subartikel (1) onmiddellik voorafgaan, gaan die betrokke opvolgermaatskappy so gou doenlik met die plaaslike owerheid wat vir die sonering of hersonering van grond in die betrokke gebied verantwoordelik is ’n ooreenkoms aan met betrekking tot die sonering of hersonering van die betrokke grond vir ’n doel wat ooreenstem met die gebruik daarvan op die datum wat die datum vermeld in subartikel (1) onmiddellik voorafgaan: Met dien verstande dat—
- 40 (i) indien sodanige ooreenkoms aangegaan is, daardie ooreenkoms op skrif gestel word en die betrokke plaaslike owerheid sy dorpsaanleg- of dorpsbeplanningskema of gidsplan, indien nodig, dienooreenkombig moet wysig;
- 45 (ii) indien sodanige ooreenkoms nie aangegaan is, dan moet die betrokke owerheid die ooreenkoms op skrif gestel word en die betrokke plaaslike owerheid sy dorpsaanleg- of dorpsbeplanningskema of gidsplan, indien nodig, dienooreenkombig moet wysig;
- 50 (iii) indien sodanige ooreenkoms nie aangegaan is, dan moet die betrokke owerheid die ooreenkoms op skrif gestel word en die betrokke plaaslike owerheid sy dorpsaanleg- of dorpsbeplanningskema of gidsplan, indien nodig, dienooreenkombig moet wysig;
- 55 (iv) indien sodanige ooreenkoms nie aangegaan is, dan moet die betrokke owerheid die ooreenkoms op skrif gestel word en die betrokke plaaslike owerheid sy dorpsaanleg- of dorpsbeplanningskema of gidsplan, indien nodig, dienooreenkombig moet wysig;
- 60 (v) indien sodanige ooreenkoms nie aangegaan is, dan moet die betrokke owerheid die ooreenkoms op skrif gestel word en die betrokke plaaslike owerheid sy dorpsaanleg- of dorpsbeplanningskema of gidsplan, indien nodig, dienooreenkombig moet wysig;

- (ii) if such agreement could not be concluded, the matter shall be referred to the Administrator of the province concerned, who may grant permission for or approval of the zoning or re-zoning concerned on such conditions as he may deem necessary.
- (c) The local authority—
- (i) with which any agreement in terms of paragraph (b) has been concluded; or
- (ii) within whose area of jurisdiction that land is situated, in the case of land referred to in paragraph (b)(ii), shall record, in respect of the land concerned, the appropriate zoning, after which such zoning shall for all purposes be regarded as the zoning of such land.”.

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Insertion of section 7A in Act 44 of 1958

13. The following section is hereby inserted in the Post Office Act, 1958, after section 7:

“Exemption of successor companies from certain laws

7A. If the department has performed an act or has commenced with the performance thereof, including any building work, construction work or other work completed or commenced with by the department, prior to the date mentioned in section 4(1) and the provisions of any law did not apply to the department in respect of that act, building work, construction work or other work, the provisions of that law shall likewise not apply to the successor company concerned in respect of that act, building work, construction work or other work.”.

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Amendment of section 90A of Act 44 of 1958, as inserted by section 43 of Act 85 of 1991

14. Section 90A of the Post Office Act, 1958, is hereby amended by the addition of the following subsection:

“(3) (a) The Minister may, in respect of a power which vests in the Postmaster-General, by virtue of the provisions of subsection (2), prescribe conditions that shall apply if a right granted in terms of subsection (2)(a) is exercised.

(b) The conditions referred to in paragraph (a) shall also apply to a successor company provided that the regulations concerned were made after consultation with that successor company.”.

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Amendment of section 32 of Act 8 of 1959, as amended by section 14 of Act 101 of 1969 and section 12 of Act 68 of 1993

15. Section 32 of the Correctional Services Act, 1959, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) When a person receives more than one sentence of correctional supervision referred to in section 276(1)(h) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or receives additional sentences of correctional supervision while serving a sentence of correctional supervision, each such sentence shall be served the one after the expiration, setting aside or remission of the other in such order as the Commissioner may determine, unless the court specifically directs otherwise, or unless the court directs that such sentences shall run concurrently: Provided that if such sentences in the aggregate exceed a period of three years, a period of not more than three years from the date on which the first of the said sentences commenced shall be served, unless the court, when imposing sentence, directs otherwise.”.

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Invoeging van artikel 7A in Wet 44 van 1958

- 15 13. Die volgende artikel word hierby in die Poswet, 1958, na artikel 7 ingevoeg:

“Vrystelling van opvolgermaatskappye van sekere wette

7A. Indien die departement 'n handeling verrig het of met die verrigting daarvan 'n aanvang geneem het, met inbegrip van enige bouwerk, konstruksiewerk of ander werk wat deur die departement voltooい is of waarmee die departement 'n aanvang geneem het, voor die datum vermeld in artikel 4(1) en die bepalings van die een of ander wet nie op die departement ten opsigte van daardie handeling, bouwerk, konstruksiewerk of ander werk van toepassing was nie, is die bepalings van daardie wet ook nie op die betrokke opvolgermaatskappy ten opsigte van daardie handeling, bouwerk, konstruksiewerk of ander werk van toepassing nie.”.

Wysiging van artikel 90A van Wet 44 van 1958, soos ingevoeg deur artikel 43 van Wet 85 van 1991

- 30 14. Artikel 90A van die Poswet, 1958, word hierby gewysig deur die volgende subartikel by te voeg:

"(3) (a) Die Minister kan ten opsigte van 'n bevoegdheid wat uit hoofde van die bepalings van subartikel (2) by die Posmeester-generaal berus, voorwaardes voorskryf wat van toepassing is indien 'n reg wat ingevolge subartikel (2)(a) verleen is, uitgeoefen word.

(b) Die voorwaardes bedoel in paragraaf (a) is ook op 'n opvolgermaatskappy van toepassing mits die betrokke regulasies na oorleg met daardie opvolgermaatskappy uitgevaardig is.”.

Wysiging van artikel 32 van Wet 8 van 1959, soos gewysig deur artikel 14 van Wet 40 101 van 1969 en artikel 12 van Wet 68 van 1993

15. Artikel 32 van die Wet op Korrektiewe Dienste, 1959, word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

(2A) Wanneer iemand meer as een vonnis van korrektiewe toesig bedoel in artikel 276(1)(h) van die Strafproseswet, 1977 (Wet No. 51 van 1977), opgelê word of addisionele vonnisse van korrektiewe toesig opgelê word terwyl hy 'n vonnis van korrektiewe toesig uitdien, word elke sodanige vonnis die een na die verstryking, tersydestelling of kwytskelding van die ander uitgedien in so 'n volgorde as wat die Kommissaris bepaal, tensy die hof uitdruklik anders gelas of tensy die hof gelas dat sodanige vonnisse saam moet loop: Met dien verstande dat indien sodanige vonnisse gesamentlik 'n tydperk van drie jaar te bowe gaan, 'n tydperk van hoogstens drie jaar, vanaf die datum waarop die eerste van bedoelde vonnisse in werking getree het, uitgedien word, tensy die hof by die oplegging van vonnis anders gelas.”.

Repeal of section 5 of Act 57 of 1959

16. Section 5 of the Stock Theft Act, 1959, is hereby repealed.

Amendment of section 1 of Act 59 of 1959, as amended by section 1 of Act 15 of 1969, Proclamation 222 of 6 November 1981 and section 3 of Act 105 of 1982

17. Section 1 of the Supreme Court Act, 1959, is hereby amended by the deletion of the definition of "Republic". 5

Amendment of section 10 of Act 59 of 1959, as amended by section 1 of Act 85 of 1963, section 1 of Act 41 of 1970, section 2 of Act 3 of 1977, section 1 of Act 18 of 1985, section 2 of Act 87 of 1985, section 3 of Act 98 of 1987, section 16 of Act 88 of 1989 and section 4 of Act 4 of 1991 10

18. Section 10 of the Supreme Court Act, 1959, is hereby amended by the deletion in paragraph (a) of subsection (2) of the words "or of the territory of South-West Africa".

Amendment of section 19bis of Act 59 of 1959, as inserted by section 40 of Act 80 of 1964 and amended by section 2 of Act 18 of 1985 15

19. Section 19bis of the Supreme Court Act, 1959, is hereby amended by the deletion in paragraph (a) of subsection (5) of the expression "not exceeding R300".

Amendment of section 20 of Act 59 of 1959, as substituted by section 7 of Act 105 of 1982 20

20. Section 20 of the Supreme Court Act, 1959, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) An appeal from a judgment or order of the court of a provincial or local division in any civil proceedings or against any judgment or order of such a court given on appeal shall [subject to the provisions of subsection (3)] be heard by the appellate division or a full court, as the case may be.”;

(b) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively—

“(a) If leave is granted under subsection (4)(b) to appeal against a judgment or order, in any civil proceedings, of a court constituted before a single judge, the court against whose judgment or order the appeal is to be made or the appellate division, according to whether leave is granted by that court or the appellate division, shall [if] direct that the appeal be heard by a full court, unless it is satisfied that the questions of law and of fact and the other considerations involved in the appeal are of such a nature that the appeal [does not require] requires the attention of the appellate division, [direct] in which case it shall be directed that the appeal be heard by [a full court] the appellate division.

(b) Any [such] direction in terms of paragraph (a), by the court of a provincial or local division, may be set aside by the appellate division on application made to it by any interested party within 21 days, or such longer period as may on good cause be allowed, after the direction was given, and may be replaced by another direction in terms of paragraph (a).”; and

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“An appeal which is to be heard by a full court in terms of a direction under [paragraph (a) of] subsection (2) [which has not been set aside under paragraph (b) of that subsection], shall be heard—”.

Herroeping van artikel 5 van Wet 57 van 1959

16. Artikel 5 van die Wet op Veediefstal, 1959, word hierby herroep.

Wysiging van artikel 1 van Wet 59 van 1959, soos gewysig deur artikel 1 van Wet 15 van 1969, Proklamasie 222 van 6 November 1981 en artikel 3 van Wet 105 van 5 1982

17. Artikel 1 van die Wet op die Hooggereghof, 1959, word hierby gewysig deur die omskrywing van "Republiek" te skrap.

Wysiging van artikel 10 van Wet 59 van 1959, soos gewysig deur artikel 1 van Wet 85 van 1963, artikel 1 van Wet 41 van 1970, artikel 2 van Wet 3 van 1977, artikel

10 **1 van Wet 18 van 1985, artikel 2 van Wet 87 van 1985, artikel 3 van Wet 98 van 1987, artikel 16 van Wet 88 van 1989 en artikel 4 van Wet 4 van 1991.**

18. Artikel 10 van die Wet op die Hooggereghof, 1959, word hierby gewysig deur in paragraaf (a) van subartikel (2) die woorde "of van die gebied Suidwes-Afrika" te skrap.

15 **Wysiging van artikel 19bis van Wet 59 van 1959, soos ingevoeg deur artikel 40 van Wet 80 van 1964 en gewysig deur artikel 2 van Wet 18 van 1985**

19. Artikel 19bis van die Wet op die Hooggereghof, 1959, word hierby gewysig deur in paragraaf (a) van subartikel (5) die uitdrukking "van hoogstens R300" te skrap.

20 **Wysiging van artikel 20 van Wet 59 van 1959, soos vervang deur artikel 7 van Wet 105 van 1982**

20. Artikel 20 van die Wet op die Hooggereghof, 1959, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

25 "(1) 'n Appèl teen 'n uitspraak of bevel van die hof van 'n provinsiale of plaaslike afdeling in 'n siviele geding of teen enige uitspraak of bevel van so 'n hof op appèl gegee, word [**behoudens die bepalings van subartikel (3)**] deur die appèlafdeling of 'n volle hof, na gelang van die geval, verhoor.";

30 (b) deur paragrawe (a) en (b) van subartikel (2) deur onderskeidelik die volgende paragrawe te vervang:

35 "(a) Indien verlof kragtens subartikel (4)(b) verleen word om te appelleer teen 'n uitspraak of bevel, in 'n siviele geding, van 'n hof voor 'n enkele regter saamgestel, moet die hof teen die uitspraak of bevel waarvan die appèl aangeteken staan te word of die appèlafdeling, na gelang verlof deur daardie hof of die appèlafdeling verleen word [**indien**], gelas dat die appèl deur 'n volle hof verhoor word, tensy hy oortuig is dat die regs- en feitevrae en ander oorwegings wat by die appèl betrokke is van so 'n aard is dat die appèl [**nie**] die aandag van die appèlafdeling verg [**nie**], in welke geval hy gelas dat die appèl deur [**'n volle hof**] die appèlafdeling verhoor word.";

40 (b) [**So**] 'n Lasgewing ingevolge paragraaf (a) deur die hof van 'n provinsiale of plaaslike afdeling kan deur die appèlafdeling tersyde gestel word op aansoek deur 'n belanghebbende party aan hom gerig binne 21 dae, of die langer tydperk wat op goeie gronde toegelaat word, nadat die lasgewing gedoen is, en kan deur 'n ander lasgewing ingevolge paragraaf (a) vervang word."; en

45 (c) deur in subartikel (3) die woorde wat paragraaf (a) voorafgegaan deur die volgende woorde te vervang:

50 "'n Appèl wat deur 'n volle hof verhoor moet word ingevolge 'n lasgewing kragtens [paragraaf (a) van] subartikel (2) [**wat nie kragtens paragraaf (b) van daardie subartikel tersyde gestel is nie**], word verhoor—".

Amendment of section 21 of Act 59 of 1959, as amended by section 1 of Act 86 of 1977, Proclamation 222 of 6 November 1981, section 8 of Act 105 of 1982 and section 1 of Act 100 of 1987

21. Section 21 of the Supreme Court Act, 1959, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) The appellate division shall have the same jurisdiction to hear and determine an appeal from any decision [of the Supreme Court of South West Africa or] of a supreme court or a high court of a state to which independence has been granted by law, as it has in respect of any decision of the court of a provincial or local division, and any provision of this Act or any other law or rule of court applicable in connection with any appeal from a decision of any court of any provincial or local division shall *mutatis mutandis* apply with reference to any appeal from a decision [of the Supreme Court of South West Africa or] of a supreme court or a high court of such a state.”.

Insertion of section 21A in Act 59 of 1959

22. The following section is hereby inserted in the Supreme Court Act, 1959, after section 21:

“Powers of court of appeal in certain civil proceedings

21A. (1) If a court of appeal (other than an inferior court) is of the opinion that the questions of fact and the other considerations relevant to the appeal are of such a nature that, even if judgment is given or an order is made which favours the person who appeals, such judgment or order will have no practical effect or result, the court concerned may strike that appeal off the roll.

(2) If an appeal is so struck off the roll such striking off shall be regarded as the judgment or order of that court in the appeal concerned.

(3) An appeal shall only be struck off the roll in terms of subsection (1) after the court of appeal has heard the parties involved in the appeal or considered written representations of such parties at a time and place determined by the court.

(4) Notwithstanding the striking off of an appeal in terms of this section, the court concerned may still consider the questions of law and of fact and the other considerations which are relevant to the appeal in order to make an appropriate order as to costs, including the costs pertaining to the original decision against which an appeal was lodged.

(5) The registrar of the court of appeal shall give notice to the parties involved in the appeal of the time and place referred to in subsection (3).

(6) The provisions of this section shall *mutatis mutandis* apply if a petition referred to in section 21(3) is considered in accordance with the provisions of that section.”.

Amendment of section 26 of Act 59 of 1959, as substituted by section 5 of Act 85 of 1963 and amended by Proclamation 222 of 6 November 1981

23. Section 26 of the Supreme Court Act, 1959, is hereby amended by the deletion in subsection (1) of the words “or of the Supreme Court of South West Africa”.

Amendment of section 30 of Act 59 of 1959, as substituted by section 6 of Act 4 of 1991

24. Section 30 of the Supreme Court Act, 1959, is hereby amended by the deletion in subsection (4) of the expression “not exceeding R1 000”.

Wysiging van artikel 21 van Wet 59 van 1959, soos gewysig deur artikel 1 van Wet 86 van 1977, Proklamasie 222 van 6 November 1981, artikel 8 van Wet 105 van 1982 en artikel 1 van Wet 100 van 1987

21. Artikel 21 van die Wet op die Hooggereghof, 1959, word hierby gewysig deur subartikel (1A) deur die volgende subartikel te vervang:

“(1A) Die appèlafdeling het dieselfderegsbevoegdheid om 'n appèl teen 'n beslissing **[van die Hooggereghof van Suidwes-Afrika of]** van 'n hooggereghof of hoërhof van 'n staat waaraan onafhanklikheid by wet verleen is, te verhoor en daaroor te beslis as wat hy ten opsigte van 'n beslissing van die hof van 'n provinsiale of plaaslike afdeling het, en 'n bepaling van hierdie Wet of 'n ander wet of hofreël wat in verband met 'n appèl teen 'n beslissing van 'n hof van 'n provinsiale of plaaslike afdeling van toepassing is, geld *mutatis mutandis* met betrekking tot 'n appèl teen 'n beslissing **[van die Hooggereghof van Suidwes-Afrika of]** van 'n hooggereghof of hoërhof van so 'n staat.”.

Invoeging van artikel 21A in Wet 59 van 1959

22. Die volgende artikel word hierby in die Wet op die Hooggereghof, 1959, na artikel 21 ingevoeg:

“Bevoegdhede van hof van appèl in sekere siviele gedinge

21A. (1) Indien 'n hof van appèl (wat nie 'n laer hof is nie) van ordeel is dat die feitevrae en ander oorwegings wat by die appèl ter sake is van so 'n aard is dat, selfs al sou 'n uitspraak gelewer of bevel gemaak word wat die persoon wat appelleer begunstig, sodanige uitspraak of bevel geen praktiese uitwerking of gevolg sal hê nie, kan die betrokke hof daardie appèl van die rol skrap.
 (2) Indien 'n appèl aldus van die rol geskrap word, word sodanige skrapping as die uitspraak of bevel van daardie hof in die betrokke appèl beskou.
 (3) 'n Appèl word slegs ingevolge subartikel (1) van die rol geskrap nadat die hof van appèl die partye betrokke by die appèl aangehoor of skriftelike vertoë van sodanige partye oorweeg het op 'n tyd en plek deur die hof bepaal.
 (4) Ondanks die skrapping van 'n appèl ingevolge hierdie artikel kan die betrokke hof steeds die regs- en feitevrae en ander oorwegings wat in die appèl ter sake is, oorweeg ten einde 'n gepaste bevel met betrekking tot koste, met inbegrip van die koste wat betrekking het op die aanvanklike beslissing waarteen appèl aangeteken is, te maak.
 (5) Die griffier van die hof van appèl gee aan die partye betrokke by die appèl kennis van die tyd en plek in subartikel (3) bedoel.
 (6) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing indien 'n petisie bedoel in artikel 21(3) ooreenkomstig die bepalings van daardie artikel oorweeg word.”.

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Wysiging van artikel 26 van Wet 59 van 1959, soos vervang deur artikel 5 van Wet 85 van 1963 en gewysig deur Proklamasie 222 van 6 November 1981

23. Artikel 26 van die Wet op die Hooggereghof, 1959, word hierby gewysig deur in subartikel (1) die woorde “of van die Hooggereghof van Suidwes-Afrika” te skrap.

Wysiging van artikel 30 van Wet 59 van 1959, soos vervang deur artikel 6 van Wet 4 van 1991

24. Artikel 30 van die Wet op die Hooggereghof, 1959, word hierby gewysig deur in subartikel (4) die uitdrukking “van hoogstens R1 000” te skrap.

Amendment of section 32 of Act 59 of 1959, as amended by section 8 of Act 85 of 1963, Proclamation 222 of 6 November 1981 and section 4 of Act 18 of 1985

25. Section 32 of the Supreme Court Act, 1959, is hereby amended—

(a) by the deletion in subsection (2) of the words “or of the Supreme Court of South West Africa”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Upon receipt of the certificate aforesaid [or a like certificate from the registrar of the Supreme Court of South West Africa] and of the interrogatories and amounts aforesaid, the commissioner shall summon the said person to appear before him, and upon his appearance shall take his evidence as if he was a witness in a civil case in the said court, and shall put to him the interrogatories aforesaid with any other questions calculated to obtain full and true answers to the said interrogatories and shall take down or cause to be taken down the evidence so obtained, and shall transmit the same, certified as correct, to the registrar of the court wherein the civil proceedings in question are pending.”; and

(c) by the deletion in subsection (5) of the expression “not exceeding R300”.

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Amendment of section 36 of Act 59 of 1959, as amended by Proclamation 222 of 6 November 1981 and section 64 of Act 90 of 1986

26. Section 36 of the Supreme Court Act, 1959, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The sheriff or a deputy-sheriff shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes of the court directed to the sheriff and shall, subject to the rules made in terms of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), make return of the manner of execution thereof to the court and to the party at whose instance they were issued.”; and

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(b) by the deletion in subsection (3) of the words “(including the Supreme Court of South West Africa)”.

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Amendment of section 39 of Act 59 of 1959, as amended by section 10 of Act 85 of 1963 and section 5 of Act 18 of 1985

27. Section 39 of the Supreme Court Act, 1959, is hereby amended—

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(a) by the substitution for paragraphs (b) and (c) of the following paragraphs, respectively:

“(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the [sum of R1 000] amount determined by the Minister from time to time by notice in the Gazette; 40

“(c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the [sum of R1 000] amount determined by the Minister from time to time by notice in the Gazette;”; and

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(b) by the substitution for paragraphs (e) and (f) of the following paragraphs, respectively:

“(e) tools and implements of trade in so far as they do not exceed in value the [sum of R1 000] amount determined by the Minister from time to time by notice in the Gazette; 50

“(f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the [sum of R1 000] amount determined by the Minister from time to time by notice in the Gazette.”.

Wysiging van artikel 32 van Wet 59 van 1959, soos gewysig deur artikel 8 van Wet 85 van 1963, Proklamasie 222 van 6 November 1981 en artikel 4 van Wet 18 van 1985

25. Artikel 32 van die Wet op die Hooggereghof, 1959, word hierby gewysig—
- (a) deur in subartikel (2) die woorde “of van die Hooggereghof van Suidwes-Afrika” te skrap;
 - (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) By ontvangs van bedoelde sertifikaat [of 'n dergelyke sertifikaat van die griffier van die Hooggereghof van Suidwes-Afrika] en van bedoelde vraagpunte en gelde, dagvaar die kommissaris die betrokke persoon om voor hom te verskyn, en by sy verskyning neem die kommissaris sy getuienis af asof hy 'n getuiie in 'n siviele geding voor die betrokke hof is en stel hy aan hom voormalde vraagpunte asook ander vrae wat bereken is om volledige en juiste antwoorde op bedoelde vraagpunte te verkry, en neem hy die aldus verkreë getuienis af of laat hy dit afneem, en hy moet dit as korrek sertificeer en stuur aan die griffier van die hof waarin die betrokke siviele geding aanhangig is.”; en
 - (c) deur in subartikel (5) die uitdrukking “van hoogstens R300” te skrap.

Wysiging van artikel 36 van Wet 59 van 1959, soos gewysig deur Proklamasie 222 van 6 November 1981 en artikel 64 van Wet 90 van 1986

26. Artikel 36 van die Wet op die Hooggereghof, 1959, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die balju of 'n adjunk-balju moet alle vonnisse, bevele, uitsprake, bevelskrifte, dagvaardings, orders, lasbrieue, lasgewings en prosesstukke van die hof wat aan die balju gerig is, ten uitvoer lê, en, behoudens die reëls wat ingevolge die Wet op die Reëlsraad vir Gereghove, 1985 (Wet No. 107 van 1985), gemaak is, 'n relaas van die wyse waarop dit ten uitvoer gelê is, verstrek aan die hof en aan die party wat dit uitgeneem het.”; en
 - (b) deur in subartikel (3) die woorde “(met inbegrip van die Hooggereghof van Suidwes-Afrika)” te skrap.

35 **Wysiging van artikel 39 van Wet 59 van 1959, soos gewysig deur artikel 10 van Wet 85 van 1963 en artikel 5 van Wet 18 van 1985**

27. Artikel 39 van die Wet op die Hooggereghof, 1959, word hierby gewysig—
- (a) deur paragrawe (b) en (c) deur onderskeidelik die volgende paragrawe te vervang:
 - “(b) die nodige meubels, behalwe beddens, en huisgereedskap vir sover die waarde daarvan die [som van R1 000] bedrag wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, nie te bowe gaan nie;
 - (c) lewende hawe, gereedskap en landbou-uitrusting van 'n boer vir sover die waarde daarvan die [som van R1 000] bedrag wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, nie te bowe gaan nie;”; en
 - (b) deur paragrawe (e) en (f) deur onderskeidelik die volgende paragrawe te vervang:
 - “(e) ambagsgereedskap en uitrusting vir sover die waarde daarvan die [som van R1 000] bedrag wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, nie te bowe gaan nie;
 - (f) professionele boeke, dokumente of instrumente wat vir die skuldenaar in sy beroep noodsaaklik is, vir sover die waarde daarvan [R1 000] die bedrag wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, nie te bowe gaan nie;”.

Amendment of section 40 of Act 59 of 1959, as substituted by section 4 of Act 41 of 1970 and amended by section 6 of Act 18 of 1985 and section 64 of Act 90 of 1986

28. Section 40 of the Supreme Court Act, 1959, is hereby amended by the deletion of the expression "not exceeding R500".

Amendment of section 41 of Act 59 of 1959, as amended by Proclamation 222 of 6 November 1981 5

29. Section 41 of Supreme Court Act, 1959, is hereby amended by the deletion of the words "(including the Supreme Court of South West Africa)", wherever they occur.

Amendment of section 1 of Act 87 of 1963, as amended by section 1 of Act 98 of 1977 10

30. Section 1 of the Territorial Waters Act, 1963, is hereby amended by the insertion before the definition of "low-water mark" of the following definition:

"'installation' means any offshore installation as defined in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981);".

Insertion of section 5A in Act 87 of 1963 15

31. The following section is hereby inserted in the Territorial Waters Act, 1963, after section 5:

"Application of laws to installations

5A. (1) Any law in force in the Republic, including the common law, shall also apply in respect of an installation, or within a distance of 500 metres from an installation measured from any point on the exterior side of such installation. 20

(2) For the purposes of subsection (1) an installation shall be deemed to be situated within the district as defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), nearest to that installation or, if any doubt exists, within the district designated by the Minister of Justice.".

Amendment of section 50 of Act 30 of 1966, as substituted by section 9 of Act 29 of 1977 and amended by section 14 of Act 1 of 1982 and section 14 of Act 130 of 1992

32. Section 50 of the Unemployment Insurance Act, 1966, is hereby amended by the addition of the following provisos to subsection (3): 30

"Provided that a different method of determination may be prescribed in respect of remuneration in kind supplied by an employer in agriculture: Provided further that if an employer and a contributor in agriculture should agree in writing on the value of remuneration in kind to be supplied by the employer, such value agreed upon shall, for the purposes of this section, be deemed to be the value determined in accordance with the prescribed method." 35

Amendment of section 29 of Act 18 of 1973, as amended by section 1 of Act 48 of 1976, section 3 of Act 10 of 1978 and section 9 of Act 51 of 1991 40

33. Section 29 of the Mental Health Act, 1973, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) Where any person is with reference to a charge of murder or culpable homicide or a charge involving serious violence, detained 45

Wysiging van artikel 40 van Wet 59 van 1959, soos vervang deur artikel 4 van Wet 41 van 1970 en gewysig deur artikel 6 van Wet 18 van 1985 en artikel 64 van Wet 90 van 1986

28. Artikel 40 van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur die uitdrukking "van hoogstens R500" te skrap.

Wysiging van artikel 41 van Wet 59 van 1959, soos gewysig deur Proklamasie 222 van 6 November 1981

29. Artikel 41 van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur die woorde "(met inbegrip van die Hooggeregshof van Suidwes-Afrika)", waar dit ook al voorkom, te skrap.

Wysiging van artikel 1 van Wet 87 van 1963, soos gewysig deur artikel 1 van Wet 98 van 1977

30. Artikel 1 van die Wet op Territoriale Waters, 1963, word hierby gewysig deur voor die omskrywing van "laagwatermerk" die volgende omskrywing in te voeg:

"installasie' 'n see-installasie soos omskryf in artikel 1 van die Wet op Seeverkeer, 1981 (Wet No. 2 van 1981);".

Invoeging van artikel 5A in Wet 87 van 1963

31. Die volgende artikel word hierby in die Wet op Territoriale Waters, 1963, na artikel 5 ingevoeg:

"Toepassing van wette op installasies

25 **5A. (1) 'n Wet wat in die Republiek van krag is, met inbegrip van die gemene reg, geld ook ten opsigte van 'n installasie, of binne 'n afstand van 500 meter vanaf 'n installasie gemeet vanaf enige punt aan die buitekant van dié installasie.**

30 **(2) By die toepassing van subartikel (1) word 'n installasie geag binne die distrik soos omskryf in artikel 1 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), naaste aan daardie installasie geleë te wees of, indien daar twyfel bestaan, binne die distrik deur die Minister van Justisie aangewys."**

Wysiging van artikel 50 van Wet 30 van 1966, soos vervang deur artikel 9 van Wet 29 van 1977 en gewysig deur artikel 14 van Wet 1 van 1982 en artikel 14 van Wet 130 van 1992

32. Artikel 50 van die Werkloosheidversekeringswet, 1966, word hierby gewysig deur die volgende voorbeholdsbeplings by subartikel (3) te voeg:

35 **"Met dien verstande dat 'n verskillende metode van bepaling ten opsigte van vergoeding *in natura* wat 'n werkgewer in die landbou verskaf, voorgeskryf kan word: Met dien verstande voorts dat indien 'n werkgewer en 'n bydraer in die landbou skriftelik sou ooreenkomm oor die waarde van vergoeding *in natura* wat sodanige werkgewer verskaf, sodanige ooreengekome waarde vir die doeleindes van hierdie artikel geag word die waarde te wees wat aldus op die voorgeskrewe wyse bepaal is."**

Wysiging van artikel 29 van Wet 18 van 1973, soos gewysig deur artikel 1 van Wet 48 van 1976, artikel 3 van Wet 10 van 1978 en artikel 9 van Wet 51 van 1991

45 33. Artikel 29 van die Wet op Geestesgesondheid, 1973, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

50 **"(a) Waar iemand met betrekking tot 'n aanklag van moord of strafbare manslag of 'n aanklag waarby ernstige geweld betrokke**

- as a State patient under the provisions of section 27, 28 or 29 of the Mental Disorders Act, 1916 (Act No. 38 of 1916), a judge in chambers may at any time after the order of detention, on written application being made to him by the official *curator ad litem* [for a recommendation to the Minister of Justice] that such person be discharged either absolutely or conditionally or that he cease to be treated as a State patient [make such recommendation as he may think fit], order—
- (i) that that State patient be discharged either absolutely or conditionally or that he cease to be treated as such; or
 - (ii) that that State patient be further detained as a patient under Chapter 3, or make such other order under section 19 as he may think fit.”;
- (b) by the deletion of subsections (2), (3) and (4);
- (c) by the substitution for subsection (5) of the following subsection:
- “(5) It shall be the function of the official *curator ad litem* to decide for the purposes of subsections (1)(a)[(4)] and (4A) whether any charge with reference to which a person is detained as a State patient, involves or does not involve serious violence.”; and
- (d) by the substitution for subsection (6) of the following subsection:
- “(6) On receipt of the order [of the Minister under subsection (4) or] of the hospital board under subsection (4A)(a) that a State patient shall cease to be treated as such, the superintendent of the institution or the person in charge of the place in which the patient is being detained shall forthwith transmit a report as to the condition of the patient to the official *curator ad litem*, who shall without delay transmit the report, together with such other documents as may be deemed necessary, to the registrar of the court for submission to a judge in chambers.”.

Amendment of section 4 of Act 66 of 1974, as amended by section 78 of Act 85 of 30 1991 and section 13 of Act 101 of 1992

34. Section 4 of the Post Office Service Act, 1974, is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) The Board shall consist of the Postmaster General, who shall be chairman thereof, and the officers and other persons (if any) who are members of the Board in terms of the provisions of subsection (2).”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) The officers and other persons referred to in subsection (1)(b) shall consist of at least two but not more than four such officers or other persons and, in the case of officers, such officers shall hold office in the second, third or fourth highest post level in the department or, in the case of the other persons, serve in such a post level.”; and
- (c) by the deletion of subsection (5).

Amendment of section 9 of Act 66 of 1974, as amended by section 6 of Act 27 of 1985

35. Section 9 of the Post Office Service Act, 1974, is hereby amended by the substitution for subsection (5) of the following subsection:

- “(5) Notwithstanding the provisions of subsection (1), any power referred to in that subsection shall be performed by the Minister where such power relates to the post of Postmaster General [or any post of which the holder is, by virtue of his occupancy thereof, a member of the Board].”.

- 5 is, as 'n Staatspasiënt aangehou word ingevolge die bepalings van artikel 27, 28 of 29 van die 'Wet op Geestesgebreken, 1916' (Wet No. 38 van 1916), kan 'n regter in kamers te eniger tyd na die aanhoudingsbevel, op skriftelike aansoek aan hom deur die amptelike *curator ad litem* [om 'n aanbeveling aan die Minister van Justisie] dat bedoelde persoon óf onvoorwaardelik óf voorwaardelik ontslaan word óf dat hy nie langer as 'n Staatspasiënt behandel word nie, [**die aanbeveling doen wat hy goedvind**] beveel dat—
- 10 (i) daardie Staatspasiënt óf onvoorwaardelik óf voorwaardelik ontslaan word óf dat hy nie langer as sodanig behandel word nie; of
 (ii) daardie Staatspasiënt verder aangehou word as 'n pasiënt ingevolge Hoofstuk 3 of die ander bevel ingevolge artikel 19 gee wat hy goedvind.
- 15 (b) deur subartikels (2), (3) en (4) te skrap;
 (c) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Dit is die funksie van die amptelike *curator ad litem* om vir die doeleinnes van subartikels (1)(a)[(4)] en (4A) te besluit of 'n aanklag met betrekking waartoe iemand as 'n Staatspasiënt aangehou word, ernstige geweld behels of nie behels nie.”; en
- 20 (d) deur subartikel (6) deur die volgende subartikel te vervang:
 “(6) By ontvangs van die bevel [**van die Minister ingevolge subartikel (4) of**] van die hospitaalraad ingevolge subartikel (4A)(a) dat 'n Staatspasiënt nie langer as sodanig behandel word nie, stuur die superintendent van die inrigting of die persoon in beheer van die plek waarin die pasiënt aangehou word, onverwyld 'n verslag oor die toestand van die pasiënt deur aan die amptelike *curator ad litem*, wat die verslag, tesame met die ander dokumente wat nodig geag word, onverwyld aan die griffier van die hof vir voorlegging aan 'n regter in kamers deurstuur.”.
- 25 (e) deur subartikel (7) deur die volgende subartikel te vervang:
 “(7) Die Raad bestaan uit die Posmeester-generaal, wat voor-
 sitter daarvan is, en die beampies en ander persone (as daar is) wat ingevolge die bepalings van subartikel (2) lede van die Raad is.”;
- 30 (f) deur subartikel (8) deur die volgende subartikel te vervang:
 “(8) Die beampies en ander persone bedoel in subartikel (1)(b)
 bestaan uit minstens twee maar hoogstens vier sodanige beampies en ander persone en, in die geval van beampies, moet sodanige beampies 'n amp gelyk aan die tweede, derde of vierde hoogste posvlak in die departement beklee of, in die geval van die ander persone, in so 'n posvlak diens doen.”; en
- 35 (g) *deur subartikel (9) te skrap.

Wysiging van artikel 4 van Wet 66 van 1974, soos gewysig deur artikel 78 van Wet 85 van 1991 en artikel 13 van Wet 101 van 1992

34. Artikel 4 van die Poskantoordienswet, 1974, word hierby gewysig—
- 35 (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 “(b) Die Raad bestaan uit die Posmeester-generaal, wat voor-
 sitter daarvan is, en die beampies en ander persone (as daar is) wat ingevolge die bepalings van subartikel (2) lede van die Raad is.”;
- 40 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Die beampies en ander persone bedoel in subartikel (1)(b)
 bestaan uit minstens twee maar hoogstens vier sodanige beampies en ander persone en, in die geval van beampies, moet sodanige beampies 'n amp gelyk aan die tweede, derde of vierde hoogste posvlak in die departement beklee of, in die geval van die ander persone, in so 'n posvlak diens doen.”; en
- 45 (c) *deur subartikel (5) te skrap.

Wysiging van artikel 9 van Wet 66 van 1974, soos gewysig deur artikel 6 van Wet 27 van 1985

35. Artikel 9 van die Poskantoordienswet, 1974, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:
- 50 “(5) Ondanks die bepalings van subartikel (1), word 'n bevoegdheid in daardie subartikel bedoel deur die Minister uitgeoefen waar sodanige bevoegdheid betrekking het op die pos van Posmeester-generaal [of 'n pos waarvan die bekleer, uit hoofde van sy bekleding daarvan, 'n lid van die Raad is.”.

Amendment of section 10A of Act 66 of 1974, as inserted by section 8 of Act 27 of 1985 and amended by section 14 of Act 101 of 1992

36. (1) Section 10A of the Post Office Service Act, 1974, is hereby amended—
 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) an officer’s term of office as Postmaster General as prescribed in paragraph (a) may [subject to the provisions of subsection (2)] be extended at the expiry thereof for a period or successive periods [of at least one year at a time but] not exceeding five years at a time, as the Minister may approve.”; and

(b) by the deletion of subsection (2).

(2) Paragraph (b) of subsection (1) shall be deemed to have come into operation on 1 December 1991.

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Amendment of section 1 of Act 25 of 1977, as amended by section 1 of Act 31 of 1984 and section 1 of Act 85 of 1990

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37. Section 1 of the Livestock Improvement Act, 1977, is hereby amended by the insertion of the following definitions after the definition of “embryo transferer”:

“‘export’ means to take out or send any animal, semen, ovum or egg from the Republic to a country or territory outside the Republic or to cause any animal, semen, ovum or egg to be so taken or sent out;
‘import’ means to bring any animal, semen, ovum or egg from outside the Republic into the Republic or to cause any animal, semen, ovum or egg to be so brought into the Republic;”.

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Amendment of section 1 of Act 51 of 1977, as amended by section 1 of Act 107 of 1990, section 1 of Act 5 of 1991 and section 35 of Act 122 of 1991

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38. Section 1 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the definition of “bank” of the following definition:

“‘bank’ means a [banking institution] bank as defined in section 1 of the Banks Act, [1965 (Act 23 of 1965)] 1990 (Act 94 of 1990), and includes the Land and Agricultural Bank of South Africa referred to in section 3 of the Land Bank Act, 1944 (Act 13 of 1944), and a mutual building society as defined in section 1 of the Mutual Building Societies Act, 1965 (Act 24 of 1965) [and a building society as defined in section 1 of the Building Societies Act, 1986 (Act 82 of 1986)];”.

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Amendment of section 9 of Act 51 of 1977

39. Section 9 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

“(a) the [sum of one hundred rand] amount the Minister may from time to time determine by notice in the *Gazette* as security that he will prosecute the charge against the accused to a conclusion without undue delay; and

(b) the amount such court may determine as security for the costs which [the accused] may [incur] be incurred in respect of [his] the accused’s defence to the charge.”.

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Substitution of section 16 of Act 51 of 1977.

40. The following section is hereby substituted for section 16 of the Criminal Procedure Act, 1977:

Wysiging van artikel 10A van Wet 66 van 1974, soos ingevoeg deur artikel 8 van Wet 27 van 1985 en gewysig deur artikel 14 van Wet 101 van 1992

36. (1) Artikel 10A van die Poskantoordienswet, 1974, word hierby gewysig—

5 (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

10 (b) kan 'n beampte se ampstermyn as Posmeester-generaal soos in paragraaf (a) voorgeskryf, by die verstryking daarvan met 'n tydperk of agtereenvolgende tydperke van [minstens een jaar op 'n keer maar] hoogstens vyf jaar op 'n keer, soos die Minister goedkeur, [behoudens die bepalings van subartikel (2)] verleng word.”; en

(b) deur subartikel (2) te skrap.

(2) Paragraaf (b) van subartikel (1) word geag op 1 Desember 1991 in werking te getree het.

15 **Wysiging van artikel 1 van Wet 25 van 1977, soos gewysig deur artikel 1 van Wet 31 van 1984 en artikel 1 van Wet 85 van 1990**

37. Artikel 1 van die Veeverbeteringswet, 1977, word hierby gewysig—

20 (a) deur na die omskrywing van “insemineerde” die volgende omskrywing in te voeg:

“invoer om 'n dier, semen, eisel of eier van buite die Republiek af in te bring of om sodanige inbring van 'n dier, semen, eisel of eier in die Republiek te bewerkstellig”; en

25 (b) deur na die omskrywing van “Stamboekvereniging” die volgende omskrywing in te voeg:

“uitvoer om 'n dier, semen, eisel of eier vanuit die Republiek na 'n land of gebied buite die Republiek te neem of te stuur of om 'n dier, semen, eisel of eier aldus te laat uitneem of uitstuur”;.

Wysiging van artikel 1 van Wet 51 van 1977, soos gewysig deur artikel 1 van Wet 107 van 1990, artikel 1 van Wet 5 van 1991 en artikel 35 van Wet 122 van 1991

30 38. Artikel 1 van die Strafproseswet, 1977, word hierby gewysig deur die omskrywing van “bank” deur die volgende omskrywing te vervang:

“‘bank’ n [bankinstelling] bank soos omskryf in artikel 1 van die Bankwet, [1965 (Wet 23 van 1965)] 1990 (Wet 94 van 1990), en ook die Land- en Landboubank van Suid-Afrika in artikel 3 van die Landbankwet, 1944 (Wet 13 van 1944), bedoel en 'n onderlinge bouvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Bouverenigings, 1965 (Wet 24 van 1965) [en 'n bouvereniging soos omskryf in artikel 1 van die Wet op Bouverenigings, 1986 (Wet 82 van 1986)];”.

Wysiging van artikel 9 van Wet 51 van 1977

40 39. Artikel 9 van die Strafproseswet, 1977, word hierby gewysig deur paragrawe (a) en (b) van subartikel (1) deur die volgende paragrawe te vervang:

45 (a) die bedrag [van honderd rand] wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal, deponeer as sekerheid dat hy die aanklag teen die beskuldigde sonder onbehoorlike vertraging tot 'n einde sal voer; en

(b) die bedrag deponeer wat daardie hof bepaal as sekerheid vir die koste wat ten opsigte van die beskuldigde [ten opsigte van sy] se verdediging op die aanklag [mag aangaan] aangegaan mag word.”.

Vervanging van artikel 16 van Wet 51 van 1977

50 40. Artikel 16 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

"Costs of accused in private prosecution"

16. (1) Where in a private prosecution, other than a prosecution contemplated in section 8, the charge against the accused is dismissed or the accused is acquitted or a decision in favour of the accused is given on appeal, the court dismissing the charge or acquitting the accused or deciding in favour of the accused on appeal, may order the private prosecutor to pay to such accused the whole or any part of the costs and expenses incurred [by him] in connection with the prosecution or, as the case may be, the appeal. 5

(2) Where the court is of the opinion that a private prosecution was unfounded and vexatious, it shall award to the accused at his request such costs and expenses incurred [by him] in connection with the prosecution, as it may deem fit.". 10

Amendment of section 40 of Act 51 of 1977

41. Section 40 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph: 15

"(d) who has in his possession any implement of housebreaking or carbreaking as contemplated in section 82 of the General Law Third Amendment Act, 1993, and who is unable to account for such possession to the satisfaction of the peace officer;". 20

Amendment of section 77 of Act 51 of 1977, as amended by section 10 of Act 33 of 1986 and section 9 of Act 51 of 1991

42. Section 77 of the Criminal Procedure Act, 1977, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (6) of the following paragraph: 25

"(a) If the court finds that the accused is not capable of understanding the proceedings so as to make a proper defence, the court shall direct that the accused be detained in a [mental] psychiatric hospital or a prison pending the signification of the decision of [the Minister] a judge in chambers, and if the court so directs after the accused has pleaded to the charge, the accused shall not be entitled under section 106(4) to be acquitted or to be convicted in respect of the charge in question.";

(b) by the substitution for subsection (7) of the following subsection:

"(7) Where a direction is issued under subsection (6) or (9) that the accused be detained in a [mental] psychiatric hospital or a prison pending the signification of the decision of [the Minister] a judge in chambers, the accused may at any time thereafter, when he is capable of understanding the proceedings so as to make a proper defence, be prosecuted and tried for the offence in question."; and 35

(c) by the substitution for subsection (9) of the following subsection:

"(9) Where an appeal against a finding under subsection (5) is allowed, the court of appeal shall set aside the conviction and sentence and direct that the person concerned be detained in a [mental] psychiatric hospital or a prison pending the signification of the decision of [the Minister] a judge in chambers.". 40 45

Amendment of section 78 of Act 51 of 1977, as amended by section 11 of Act 33 of 1986 and section 9 of Act 51 of 1991

43. Section 78 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (6) for the words following upon paragraph (b) of the following words: 50

"by reason of mental illness or mental defect, as the case may be, and direct that the accused be detained in a [mental] psychiatric hospital or a prison pending the signification of the decision of [the Minister] a judge in chambers.". 55

"Koste van beskuldigde in private vervolging"

16. (1) Waar, in 'n private vervolging, behalwe 'n in artikel 8 beoogde vervolging, die aanklag teen die beskuldigde afgewys word of die beskuldigde vrygespreek word of 'n beslissing ten gunste van die beskuldigde op appèl gegee word, kan die hof wat die aanklag afgewys of die beskuldigde vryspreek of ten gunste van die beskuldigde op appèl beslis, die private aanklaer gelas om aan so 'n beskuldigde die geheel of 'n gedeelte van die koste en uitgawe te vergoed wat **[deur hom]** in verband met die vervolging of, na gelang van die geval, die appèl aangegaan is.

10 (2) Waar die hof van oordeel is dat 'n private vervolging ongegrond en uit kwelsug ingestel was, moet hy aan die beskuldigde op sy versoek die koste en uitgawes **[deur hom aangegaan]** wat in verband met die vervolging aangegaan is, toeken wat die hof goedvind.”.

15 Wysing van artikel 40 van Wet 51 van 1977

41. Artikel 40 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

20 “(d) wat enige huisbraakgereedskap of motorbraakgereedskap soos beoog in artikel 82 van die Derde Algemene Regswysigingswet, 1993, in sy besit het en wat nie in staat is om tot bevrediging van die vredesbeampte van sodanige besit rekenskap te gee nie;”.

Wysing van artikel 77 van Wet 51 van 1977, soos gewysig deur artikel 10 van Wet 33 van 1986 en artikel 9 van Wet 51 van 1991

42. Artikel 77 van die Strafproseswet, 1977, word hierby gewysig—

25 (a) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:

30 “(a) Indien die hof bevind dat die beskuldigde nie oor die vermoë beskik om die verrigtinge dermate te begryp dat hy sy verdediging na behore kan voer nie, gelas die hof dat die beskuldigde in 'n psigiatrisee hospitaal [vir sielsiektes] of 'n gevangeris aangehou word hangende die beskikking van **[die Minister]** 'n regter in kamers, en indien die hof aldus gelas nadat die beskuldigde op die aanklag gepleit het, is die beskuldigde nie ingevolge artikel 106(4) geregtig om ten opsigte van die betrokke aanklag vrygespreek of skuldig bevind te word nie.”;

35 (b) deur subartikel (7) deur die volgende subartikel te vervang:

40 “(7) Waar 'n lasgewing ingevolge subartikel (6) of (9) uitgereik word dat die beskuldigde in 'n psigiatrisee hospitaal [vir sielsiektes] of 'n gevangeris hangende die beskikking van **[die Minister]** 'n regter in kamers aangehou word, kan die beskuldigde te eniger tyd daarna, wanneer hy oor die vermoë beskik om die verrigtinge dermate te begryp dat hy sy verdediging na behore kan voer, weens die betrokke misdryf vervolg en verhoor word.”; en

45 (c) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Waar 'n appèl teen 'n bevinding ingevolge subartikel (5) gehandhaaf word, stel die hof van appèl die skuldigbevinding en vonnis tersyde en gelas hy dat die betrokke persoon in 'n psigiatrisee hospitaal [vir sielsiektes] of 'n gevangeris aangehou word hangende die beskikking van **[die Minister]** 'n regter in kamers.”.

50 Wysing van artikel 78 van Wet 51 van 1977, soos gewysig deur artikel 11 van Wet 33 van 1986 en artikel 9 van Wet 51 van 1991

43. Artikel 78 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (6) die woorde wat op paragraaf (b) volg, deur die volgende woorde te vervang:

55 “vanweë geestesongesteldheid of geestesgebrek, na gelang van die geval, en gelas hy dat die beskuldigde in 'n psigiatrisee hospitaal [vir sielsiektes] of 'n gevangeris aangehou word hangende die beskikking van **[die Minister]** 'n regter in kamers.”.

Amendment of section 79 of Act 51 of 1977

44. Section 79 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsections (1) and (2) for the expression "mental hospital", wherever it occurs, of the expression "psychiatric hospital".

Substitution of section 236 of Act 51 of 1977

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45. The following section is hereby substituted for section 236 of the Criminal Procedure Act, 1977:

"Proof of entries in accounting records and documentation of banks

236. (1) The entries in the **[account books]** accounting records of a bank, **[including any ledger, daybook or cash-book]** and any document which is in the possession of any bank and which refers to the said entries or to any business transaction of the bank, shall, upon the mere production at criminal proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges—

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- (a) that he is in the service of the bank in question;
- (b) that such **[account books]** are or have been **accounting records or document is or has been the ordinary [books] records or document of such bank;**
- (c) that the said entries have been made in the usual and ordinary course of the business of such bank **or the said document has been compiled, printed or obtained in the usual and ordinary course of the business of such bank;** and
- (d) that such **[account books]** are **accounting records or document is in the custody or under the control of such bank,** be *prima facie* proof at such proceedings of the matters, transactions and accounts recorded in such **[account books]** **accounting records or document.**

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(2) Any entry in any **[account book]** **accounting record referred to in subsection (1) or any document referred to in subsection (1)** may be proved at criminal proceedings upon the mere production at such proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges—

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- (a) that he is in the service of the bank in question;
- (b) that he has examined the entry, **[and the account book]** **accounting record or document in question;** and
- (c) that a copy of such entry **or document** set out in the affidavit or in an annexure thereto is a correct copy of such entry **or document.**

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(3) Any party at the proceedings in question against whom evidence is adduced in terms of this section or against whom it is intended to adduce evidence in terms of this section, may, upon the order of the court before which the proceedings are pending, inspect the original of the **document or** entry in question and any **[account book]** **accounting record** in which such entry appears or of which such entry forms part, and such party may make copies of such **document or** entry, and the court shall, upon the application of the party concerned, adjourn the proceedings for the purpose of such inspection or the making of such copies.

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(4) No bank shall be compelled to produce any **[account book]** **accounting record** referred to in subsection (1) at any criminal proceedings, unless the court concerned orders that any such **[book]** **record** be produced.

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(5) In this section—
'document' includes a recording or transcribed computer printout produced by any mechanical or electronic device and any device by means of which information is recorded or stored; and

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Wysiging van artikel 79 van Wet 51 van 1977

44. Artikel 79 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (1) en (2) die uitdrukking "hospitaal vir sielsiekes", oral waar dit voorkom, deur die uitdrukking "psigiatriese hospitaal" te vervang.

5 Vervanging van artikel 236 van Wet 51 van 1977

45. Artikel 236 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

"Bewys van inskrywings in rekeningkundige rekords en dokumentasie van banke"

- 10 **236.** (1) Die inskrywings in die rekeningboek rekeningkundige rekords van 'n bank, [met inbegrip van 'n grootboek, dagboek of kasboek] en enige dokument wat in die besit van 'n bank is en wat op bedoelde inskrywings of enige besigheidstransaksie van die bank betrekking het, is by blote voorlegging by strafregtelike verrigtinge van 'n dokument wat voorgee 'n beëdigde verklaring te wees deur 'n persoon wat in daardie beëdigde verklaring beweer—
 (a) dat hy in diens van die betrokke bank is;
 (b) dat bedoelde rekeningboek rekeningkundige rekords of dokument die gewone [boek] rekords of dokument van bedoelde bank is of was;
 (c) dat bedoelde inskrywings in die gebruiklike en gewone loop van bedoelde bank se besigheid aangebring of bedoelde dokument in die gebruiklike en gewone loop van bedoelde bank se besigheid opgestel, gedruk of verkry is; en
 (d) dat bedoelde rekeningboek rekeningkundige rekords of dokument in die bewaring of onder beheer van bedoelde bank is, *prima facie*-bewys by bedoelde verrigtinge van die aangeleenthede, transaksies en rekenings in bedoelde rekeningboek rekeningkundige rekords of dokument aangeteken.
- 20 (2) 'n Inskrywing in 'n in subartikel (1) bedoelde rekeningboek rekeningkundige rekord of 'n in subartikel (1) bedoelde dokument kan by strafregtelike verrigtinge bewys word deur die blote voorlegging by sodanige verrigtinge van 'n dokument wat voorgee 'n beëdigde verklaring te wees deur 'n persoon wat in daardie beëdigde verklaring beweer—
 (a) dat hy in diens van die betrokke bank is;
 (b) dat hy die betrokke inskrywing, [en rekeningboek] rekeningkundige rekord of dokument ondersoek het; en
 (c) dat 'n afskrif van bedoelde inskrywing of dokument wat in die beëdigde verklaring of in 'n bylae daarby uiteengesit is, 'n juiste afskrif van bedoelde inskrywing of dokument is.
- 25 (3) 'n Party by die betrokke verrigtinge teen wie getuenis ingevolge hierdie artikel voorgelê word of teen wie dit die voorneme is om getuenis ingevolge hierdie artikel voor te lê, kan, op bevel van die hof voor wie die verrigtinge hangende is, die oorspronklike van die betrokke dokument of inskrywing en [n rekeningboek] rekeningkundige rekord waarin daardie inskrywing voorkom of waarvan bedoelde inskrywing deel uitmaak, ondersoek, en so 'n party kan afskrifte van so 'n dokument of inskrywing maak, en die hof moet, op aansoek van die betrokke party, die verrigtinge vir die doeleindes van so 'n ondersoek of die maak van sodanige afskrifte verdaag.
- 30 (4) Geen bank is verplig om 'n in subartikel (1) bedoelde rekeningboek rekeningkundige rekord by strafregtelike verrigtinge voor te lê nie, tensy die betrokke hof gelas dat so 'n [boek] rekord voorgelê word.
- 35 (5) In hierdie artikel beteken—
 'dokument' ook 'n opname of getranskribeerde rekenaardrukstuk voortgebring deur enige mekaniese of elektroniese apparaat en enige apparaat waardeur inligting opgeneem of geberg word; en

'entry' includes any notation in the accounting records of a bank by any means whatsoever.".

Amendment of section 276A of Act 51 of 1977, as inserted by section 42 of Act 122 of 1991

46. Section 276A of the Criminal Procedure Act, 1977, is hereby amended— 5
 (a) by the substitution in subsection (3) for the words following upon subparagraph (ii) of paragraph (a) of the following words:
 "the Commissioner may, if he is of the opinion that such a person is fit to be subjected to correctional supervision, apply to the clerk or registrar of the court, as the case may be, to have that person appear before the court *a quo* in order to reconsider the said sentence."; 10
 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 "(b) On receipt of any application referred to in paragraph (a) the clerk or registrar of the court, as the case may be, shall, after consultation with the prosecutor, set the matter down for a specific date on the roll of the court concerned."; and 15
 (c) by the substitution in subsection (3) for the words preceding subparagraph (i) of paragraph (c) of the following words:
 "The clerk or registrar of the court, as the case may be, shall for purposes of the reconsideration of the sentence in accordance with this subsection—". 20

Amendment of section 280 of Act 51 of 1977

47. Section 280 of the Criminal Procedure Act, 1977, is hereby amended—
 (a) by the substitution for subsection (2) of the following subsection: 25
 "(2) Such punishments, when consisting of imprisonment, shall commence the one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such [punishment] sentences of imprisonment shall run concurrently."; and 30
 (b) by the addition of the following subsection:
 "(3) Such punishments, when consisting of correctional supervision referred to in section 276(1)(h), shall commence the one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such punishments of correctional supervision shall run concurrently: Provided that if such punishments in the aggregate exceed a period of three years, a period of not more than three years from the date on which the first of the said punishments has commenced shall be served, unless the court, when imposing sentence, otherwise directs.". 35
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Amendment of section 282 of Act 51 of 1977, as substituted by section 13 of Act 5 of 1991

48. Section 282 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the words following upon paragraph (b) of the following words: 45
 'imposed on any person on conviction for an offence is set aside on appeal or review and any sentence of imprisonment or other sentence of imprisonment is thereafter imposed on such person in respect of such offence in place of the sentences referred to in paragraph (a) or (b), respectively, or any other offence which is substituted for that offence on appeal or review, the sentence which was later imposed may, if the court imposing it is satisfied that the person concerned has spent a period of time in prison awaiting the execution of the sentence referred to in paragraph (a) or has served any part of the sentence referred to in paragraph (b), be antedated by the court to a specified date, which shall not be earlier than the date on which the sentences referred to in paragraphs (a) and (b) were imposed, and thereupon the sentence which was later imposed shall be deemed to have been imposed on the date so specified.". 50
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'inskrywing' ook enige aantekening in die rekeningkundige rekords | van 'n bank op enige wyse hoegenaamd.".

Wysiging van artikel 276A van Wet 51 van 1977, soos ingevoeg deur artikel 42 van Wet 122 van 1991

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46. Artikel 276A van die Strafproseswet, 1977, word hierby gewysig—

(a) deur in subartikel (3) die woorde wat op subparagraph (ii) van paragraaf (a) volg, deur die volgende woorde te vervang:

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"kan die Kommissaris, indien hy van oordeel is dat so iemand gesik is om aan korrektiewe toesig onderwerp te word, by die klerk of griffier van die hof, na gelang van die geval, aansoek doen dat daardie persoon voor die hof *a quo* verskyn ten einde genoemde vonnis te heroorweeg.";

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(b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

"(b) By ontvangs van 'n aansoek bedoel in paragraaf (a) plaas die klerk of griffier van die hof, na gelang van die geval, na oorlegpleging met die aanklaer, die saak vir 'n bepaalde datum op die betrokke hof se rol.;" en

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(c) deur in subartikel (3) die woorde wat subparagraph (i) van paragraaf (c) voorafgaan, deur die volgende woorde te vervang:

"Die klerk of griffier van die hof, na gelang van die geval, moet vir doeleindes van die heroorweging van die vonnis ooreenkomsdig hierdie subartikel—".

Wysiging van artikel 280 van Wet 51 van 1977

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47. Artikel 280 van die Strafproseswet, 1977, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Bedoelde strawwe, wanneer hulle uit gevangenisstraf bestaan, neem 'n aanvang die een na die verstryking, tersydestelling of kwytskelding van die ander in die volgorde wat die hof gelas, tensy die hof gelas dat [bedoelde strawwe] sodanige gevangenisstrawe saamloop."; en

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(b) deur die volgende subartikel by te voeg:

"(3) Bedoelde strawwe, wanneer hulle uit korrektiewe toesig bedoel in artikel 276(1)(h) bestaan, neem 'n aanvang die een na die verstryking, tersydestelling of kwytskelding van die ander in die volgorde wat die hof gelas, tensy die hof gelas dat sodanige strawwe van korrektiewe toesig saamloop: Met dien verstande dat indien sodanige strawwe gesamentlik 'n tydperk van drie jaar te bowe gaan, 'n tydperk van hoogstens drie jaar vanaf die datum waarop die eerste van bedoelde strawwe in werking getree het, uitgedien word, tensy die hof by die oplegging van vonnis anders gelas."

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Wysiging van artikel 282 van Wet 51 van 1977, soos vervang deur artikel 13 van Wet 5 van 1991

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48. Artikel 282 van die Strafproseswet, 1977, word hierby gewysig deur die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

"wat iemand by skuldigbevinding aan 'n misdryf opgelê is, op appèl of hersiening tersyde gestel word en bedoelde persoon daarna 'n vonnis van gevangenisstraf of 'n ander vonnis van gevangenisstraf in die plek van die vonnisse onderskeidelik in paragraaf (a) of (b) bedoel ten opsigte van daardie misdryf, of enige ander misdryf wat daardie misdryf op appèl of hersiening vervang, opgelê word, kan die vonnis wat later opgelê word, indien die hof wat dit ople oortuig is dat die betrokke persoon 'n tydperk in die gevangeris in afwagting van die voltrekking van die vonnis in paragraaf (a) bedoel, deurgebring het of 'n gedeelte van die vonnis in paragraaf (b) bedoel, uitgedien het, deur die hof teruggedateer word na 'n bepaalde datum, wat nie vroeër is as die datum waarop die vonnisse in paragrawe (a) en (b) bedoel opgelê is nie, en daarop word die vonnis wat later opgelê is, geag op die aldus bepaalde datum opgelê te gewees het."

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Amendment of section 297 of Act 51 of 1977, as amended by section 21 of Act 59 of 1983 and section 20 of Act 33 of 1986

49. Section 297 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (9) for the words preceding paragraph (a) of the following words:

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“If any condition imposed under this section is not complied with, the person concerned may upon the order of any court, or if it appears from information under oath that the person concerned has failed to comply with such condition, upon the order of any magistrate, regional magistrate or judge, as the case may be, be arrested or detained and, where the condition in 10 question—”.

Insertion of section 308A in Act 51 of 1977

50. The Criminal Procedure Act, 1977, is hereby amended by the insertion of the following section after section 308:

“Correctional supervision not suspended unless bail granted

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308A. The execution of a sentence of correctional supervision referred to in section 276(1)(h), shall not be suspended by the transmission of the record for review in terms of section 304(4), unless the court which imposed the sentence releases the person convicted—

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- (a) on bail, in which case the provisions of section 307(2), (3), (4), (5) and (6) shall *mutatis mutandis* apply;
- (b) on warning on a condition as contemplated in section 307(3), in which case the provisions of section 72 shall *mutatis mutandis* apply to the extent to which they can be applied.”.

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Amendment of section 309 of Act 51 of 1977, as amended by section 17 of Act 105 of 1982 and section 8 of Act 107 of 1990

51. Section 309 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) sections 307, [and] 308 and 308A shall *mutatis mutandis* apply with reference to the sentence appealed against, including a sentence of a whipping imposed under section 294.”.

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Amendment of section 16 of Act 53 of 1979

52. Section 16 of the Attorneys Act, 1979, is hereby amended by the addition of the following paragraph:

“(d) if his estate has at any time been sequestered, whether provisionally or finally, that despite such sequestration he is a fit and proper person to be so admitted or readmitted and enrolled.”.

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Amendment of section 22 of Act 53 of 1979, as amended by section 4 of Act 76 of 1980, section 9 of Act 108 of 1984 and section 12 of Act 87 of 1989

53. Section 22 of the Attorneys Act, 1979, is hereby amended by the addition to subsection (1) of the following paragraph:

“(e) if his estate has been finally sequestered and he is unable to satisfy the court that despite his sequestration he is still a fit and proper person to continue to practise as an attorney.”.

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Wysiging van artikel 297 van Wet 51 van 1977, soos gewysig deur artikel 21 van Wet 59 van 1983 en artikel 20 van Wet 33 van 1986

49. Artikel 297 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (9) die woorde wat subparagraph (i) van paragraaf (a) voorafgaan, 5 deur die volgende woorde te vervang:

10 “Indien 'n kragtens hierdie artikel opgelegde voorwaarde nie nagekom word nie, kan die betrokke persoon op bevel van enige hof, of indien dit uit inligting onder eed blyk dat die betrokke persoon versuim het om sodanige voorwaarde na te kom, op bevel van enige landdros, streeklanddros of regter, na gelang van die geval, in hegtenis geneem of aangehou word en, waar die betrokke voorwaarde—”.

Invoeging van artikel 308A in Wet 51 van 1977

50. Die Strafproseswet, 1977, word hierby gewysig deur na artikel 308 die volgende artikel in te voeg:

15 **“Korrektiewe toesig word nie opgeskort nie tensy borgtog toegestaan word”**

20 **308A. Die tenuitvoerlegging van 'n vonnis van korrektiewe toesig bedoel in artikel 276(1)(h) word nie opgeskort deur die deursending van die oorkonde vir hersiening ingevolge artikel 304(4) nie, tensy die hof wat die vonnis opgelê het die veroordeelde persoon—**
 (a) op borgtog vrylaat, in welke geval die bepalings van artikel 307(2), (3), (4), (5) en (6) *mutatis mutandis* van toepassing is;
 (b) op waarskuwing vrylaat op 'n voorwaarde soos beoog in artikel 307(3), in welke geval die bepalings van artikel 72 *mutatis mutandis* van toepassing is in die mate waarin dit toegepas kan word.”.

Wysiging van artikel 309 van Wet 51 van 1977, soos gewysig deur artikel 17 van Wet 105 van 1982 en artikel 8 van Wet 107 van 1990

30 51. Artikel 309 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) artikels 307, [en] 308 en 308A *mutatis mutandis* van toepassing met betrekking tot die vonnis waarteen geappelleer word, met inbegrip van 'n vonnis van lyfstraf ingevolge artikel 294 opgelê.”.

35 Wysiging van artikel 16 van Wet 53 van 1979

52. Artikel 16 van die Wet op Prokureurs, 1979, word hierby gewysig deur die volgende paragraaf by te voeg:

40 “(d) as sy boedel te eniger tyd, het sy voorlopig of finaal, gesekwestreer is, dat hy ten spyte van sodanige sekwestrasie 'n geskikte en gepaste persoon is om aldus toegelaat of hertoegelaat en ingeskryf te word.”.

Wysiging van artikel 22 van Wet 53 van 1979, soos gewysig deur artikel 4 van Wet 76 van 1980, artikel 9 van Wet 108 van 1984 en artikel 12 van Wet 87 van 1989

53. Artikel 22 van die Wet op Prokureurs, 1979, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

45 “(e) indien sy boedel finaal gesekwestreer is en hy nie in staat is nie om die hof te oortuig dat ten spyte van sy sekwestrasie hy steeds 'n geskikte en gepaste persoon is om voort te gaan om as prokureur te praktiseer.”.

Amendment of section 69 of Act 53 of 1979, as amended by section 23 of Act 87 of 1989 and section 5 of Act 102 of 1991

54. Section 69 of the Attorneys Act, 1979, is hereby amended—

(a) by the insertion after paragraph (d) of the following paragraph:

“(dA) authorize any practitioner, after the submission of reasons which are acceptable to the council, to deviate in a particular case from any prescribed tariff for conveyancing services;”; and

(b) by the substitution for paragraph (h) of the following paragraph:

“(h) prescribe the manner of assessment of the fees payable by any person to a practitioner in respect of the performance of any work other than litigious work and in respect of expenses reasonably incurred by such practitioner in connection with the performance of that work and, mero motu or at the request of such person or practitioner, assess such fees in the prescribed manner.”.

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Amendment of section 13 of Act 56 of 1981, as amended by section 10 of Act 39 of 1990

55. Section 13 of the Manpower Training Act, 1981, is hereby amended by the substitution for subsection (12) of the following subsection:

“(12) If an apprentice passes a trade test prescribed under subsection (2)(h), the registrar shall in collaboration with the training board in question, within 14 days after the last day of the test issue to him a certificate to that effect and his contract of apprenticeship shall be deemed to be terminated with effect from the last day of the test.”.

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Amendment of section 2 of Act 99 of 1983

56. Section 2 of the Universities and Technikons Advisory Council Act, 1983, is hereby amended—

(a) by the substitution in subsection (2) for the words preceding subparagraph (i) of paragraph (b), of the following words:

“[twelve] 16 members appointed by the Minister, of whom—”; and

(b) by the substitution in subsection (2) for subparagraph (iii) of paragraph (b), of the following subparagraph:

“(iii) [eight] 12 shall be persons with special knowledge and experience of educational, economic and financial matters and of the functions of universities and technikons; and”.

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Amendment of section 3 of Act 99 of 1983

57. Section 3 of the Universities and Technikons Advisory Council Act, 1983, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) degree, diploma and certificate courses offered at universities and [diploma and certificate courses offered at] technikons or which should be so offered;”.

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Amendment of section 5 of Act 99 of 1983

58. Section 5 of the Universities and Technikons Advisory Council Act, 1983, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The proceedings of the Advisory Council or of a committee referred to in section 4 shall not be invalid by reason only of the fact that a vacancy exists on the Advisory Council or such committee, as the case may be.”.

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Wysiging van artikel 69 van Wet 53 van 1979, soos gewysig deur artikel 23 van Wet 87 van 1989 en artikel 5 van Wet 102 van 1991

54. Artikel 69 van die Wet op Prokureurs, 1979, word hierby gewysig—

(a) deur na paragraaf (d) die volgende paragraaf in te voeg:

- 5 “(DA) 'n praktisyn magtig om na die voorlegging van redes wat vir die raad aanvaarbaar is, in 'n bepaalde geval van enige voorgeskrewe tarief vir transportbesorgingsdienste af te wyk;"; en
- 10 (b) deur paragraaf (h) deur die volgende paragraaf te vervang:
- 10 “(h) die wyse van berekening voorskryf van die geld wat deur 'n persoon aan 'n praktisyn betaalbaar is ten opsigte van die verrigting van ander werk as hofwerk en ten opsigte van uitgawes redelikerwyse deur daardie praktisyn aangegaan in verband met die verrigting van daardie werk en, mero motu of op versoek van daardie persoon of praktisyn, daardie geld op die voorgeskrewe wyse bereken;”.

Wysiging van artikel 13 van Wet 56 van 1981, soos gewysig deur artikel 10 van Wet 39 van 1990

55. Artikel 13 van die Wet op Mannekragopleiding, 1981, word hierby gewysig deur subartikel (12) deur die volgende subartikel te vervang:

- 20 “(12) Indien 'n vakleerling in 'n ambagtoets voorgeskryf ingevolge subartikel (2)(h) slaag, moet die registrator in samewerking met die betrokke opleidingsraad, binne 14 dae na die laaste dag van die toets 'n sertifikaat te dien effekte aan hom uitreik en word sy kontrak van 25 vakleerlingskap geag beëindig te wees vanaf die laaste dag van die toets.”.

Wysiging van artikel 2 van Wet 99 van 1983

56. Artikel 2 van die Wet op die Adviesraad vir Universiteite en Technikons, 1983, word hierby gewysig—

- 30 (a) deur in subartikel (2) die woorde wat subparagraaf (i) van paragraaf (b) voorafgaan, deur die volgende woorde te vervang:
- 30 “[twaalf] 16 lede deur die Minister aangestel, van wie—”; en
- 30 (b) deur in subartikel (2) subparagraaf (iii) van paragraaf (b) deur die volgende subparagraaf te vervang:
- 35 “(iii) [agt] 12 persone is met besondere kennis en ervaring van opvoedkundige, ekonomiese en finansiële aangeleenthede en van die werksaamhede van universiteite en technikons; en”.

Wysiging van artikel 3 van Wet 99 van 1983

57. Artikel 3 van die Wet op die Adviesraad vir Universiteite en Technikons, 1983, word hierby gewysig deur paragraaf (d) van subartikel (1) deur die 40 volgende paragraaf te vervang:

- 40 “(d) graad-, diploma- en sertifikaatkursusse wat aan universiteite en [diploma- en sertifikaatkursusse wat aan] technikons aangebied word of aldus aangebied behoort te word.”.

Wysiging van artikel 5 van Wet 99 van 1983

45 58. Artikel 5 van die Wet op die Adviesraad vir Universiteite en Technikons, 1983, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 45 “(2) Die verrigtinge van die Adviesraad of van 'n komitee bedoel in artikel 4 is nie ongeldig bloot op grond daarvan dat 'n vakature in die 50 Adviesraad of sodanige komitee, na gelang van die geval, bestaan nie.”.

Amendment of section 1 of Act 122 of 1984, as amended by section 1 of Act 52 of 1987 and section 1 of Act 53 of 1991

59. Section 1 of the Forest Act, 1984, is hereby amended by the substitution for the definition of "local authority" of the following definition:

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"'local authority' means any [institution or body contemplated in section 84(1)(f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)] local authority as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);".

Amendment of section 18 of Act 122 of 1984

60. Section 18 of the Forest Act, 1984, is hereby amended by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):

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"(b) The Minister of Agriculture may delegate the power vested in him under paragraph (a) to an officer in the Department of Agriculture."

Substitution of section 3 of Act 107 of 1985, as amended by section 2 of Act 77 of 1989 15

61. The following section is hereby substituted for section 3 of the Rules Board for Courts of Law Act, 1985:

"Constitution of Board and period of office of members

3. (1) The Board shall consist of the following members appointed 20
by the Minister, namely—

- (a) a judge of appeal of the appellate division of the Supreme Court of South Africa, as chairman;
- (b) two judges of the Supreme Court, one of whom the Minister shall designate as the vice-chairman;
- (c) one advocate, after consultation with the General Council of the Bar of South Africa;
- (d) one attorney, after consultation with the Association of Law Societies of the Republic of South Africa;
- (e) two other persons who in the opinion of the Minister have the necessary experience and knowledge to serve as members of the Board.

(2) Not more than three members of the Board designated by the Minister, shall hold their office as members of the Board, and shall perform their functions under this Act, in a full-time capacity.

(3) The Minister may appoint one or more additional members if he deems it necessary for the investigation of any particular matter by the Board.

(4) A member of the Board—

- (a) referred to in subsection (1), shall be appointed for a period of not more than five years;
- (b) referred to in subsections (2) and (3), shall be appointed for a period and on the conditions determined by the Minister, and any such appointment may be revoked at any time by the Minister if in his opinion there are good reasons therefor.

(5) Any person whose period of office as a member of the Board has expired, shall be eligible for reappointment.".

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Amendment of section 6 of Act 107 of 1985, as amended by section 4 of Act 77 of 1989 and section 24 of Act 139 of 1992

62. Section 6 of the Rules Board for Courts of Law Act, 1985, is hereby 50 amended by the insertion after subsection (6) of the following subsection:

Wysiging van artikel 1 van Wet 122 van 1984, soos gewysig deur artikel 1 van Wet 52 van 1987 en artikel 1 van Wet 53 van 1991

59. Artikel 1 van die Boswet, 1984, word hierby gewysig deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang:

5 "plaaslike bestuur" 'n [instelling of liggaam bedoel in artikel 84(1)(f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)] plaaslike owerheid soos omskryf in artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983);".

10 Wysiging van artikel 18 van Wet 122 van 1984

60. Artikel 18 van die Boswet, 1984, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

15 "(b) Die Minister van Landbou kan die bevoegdheid kragtens paragraaf (a) aan hom verleen aan 'n beampete van die Departement van Landbou deleger.".

Vervanging van artikel 3 van Wet 107 van 1985, soos gewysig deur artikel 2 van Wet 77 van 1989

61. Artikel 3 van die Wet op die Reëlsraad vir Geregshewe, 1985, word hierby 20 deur die volgende artikel vervang:

"Samestelling van Raad en ampsduur van lede

3. (1) Die Raad bestaan uit die volgende lede wat deur die Minister aangestel word, naamlik—

- 25 (a) 'n appèlregter van die appèlafdeling van die Hooggereghof van Suid-Afrika, as voorsitter;
- (b) twee regters van die Hooggereghof, van wie die Minister een as die ondervoorsitter aanwys;
- (c) een advokaat, na oorleg met die Algemene Balieraad van Suid-Afrika;
- 30 (d) een prokureur, na oorleg met die Vereniging van Prokureursordes van die Republiek van Suid-Afrika;
- (e) twee ander persone wat na die oordeel van die Minister oor die nodige ervaring en kundigheid beskik om as lede van die Raad te dien.

35 (2) Hoogstens drie lede van die Raad deur die Minister aangewys, beklee hul amp as lede van die Raad, en verrig hul werkzaamhede kragtens hierdie Wet, in 'n heeltydse hoedanigheid.

40 (3) Die Minister kan een of meer addisionele lede aanstel indien hy dit vir die ondersoek van enige bepaalde aangeleentheid deur die Raad nodig ag.

- (4) 'n Lid van die Raad —
- (a) in subartikel (1) bedoel, word vir 'n tydperk van hoogstens vyf jaar aangestel;
- (b) in subartikels (2) en (3) bedoel, word aangestel vir 'n tydperk en op die voorwaardes wat die Minister bepaal, en so 'n aanstelling kan te eniger tyd deur die Minister ingetrek word indien daar na sy oordeel gegronde redes daarvoor bestaan.
- (5) Iemand wie se ampstermyn as lid van die Raad verstryk het, kan heraangestel word."

50 Wysiging van artikel 6 van Wet 107 van 1985, soos gewysig deur artikel 4 van Wet 77 van 1989 en artikel 24 van Wet 139 van 1992

62. Artikel 6 van die Wet op die Reëlsraad vir Geregshewe, 1985, word hierby gewysig deur na subartikel (6) die volgende subartikel in te voeg:

"(6A) The Board may do research with reference to the functioning and structure of the courts, the criminal procedure law and the civil procedure law of the Republic in order to advise the Minister on the development, improvement or reform thereof."

Substitution of section 8 of Act 107 of 1985

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63. The following section is hereby substituted for section 8 of the Rules Board for Courts of Law Act, 1985:

"Remuneration, allowances, benefits and privileges of members

8. (1) A member of the Board who—

- (a) is a judge of the Supreme Court of South Africa shall, notwithstanding anything to the contrary contained in any other law, in addition to his salary and any allowance, including any allowance for reimbursement of travelling and subsistence expenses, which may be payable to him in his capacity as such a judge, be entitled to such allowance (if any) in respect of the performance of his functions as such a member as the Minister with the concurrence of the Minister of State Expenditure may determine; 10
- (b) is not such a judge and is not subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), shall be entitled to such remuneration, allowances (including allowances for reimbursement of travelling and subsistence expenses incurred by him in the performance of his functions under this Act), benefits and privileges as the Minister with the concurrence of the Minister of State Expenditure may determine. 15
- (2) The remuneration, allowances, benefits or privileges of different members of the Board may differ according to— 20
- (a) the different offices held by them in the Board; or
- (b) the different functions performed, whether in a part-time or full-time capacity, by them from time to time. 25
- (3) In the application of subsections (1) and (2), the Minister may determine that any remuneration, allowance, benefit or privilege contemplated in those subsections, shall be the remuneration, allowance, benefit or privilege determined from time to time by or under any law in respect of any person or category of persons.”. 30

Amendment of section 9 of Act 107 of 1985

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64. Section 9 of the Rules Board for Courts of Law Act, 1985, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) The Board may, with the approval of the Minister and the concurrence of the Minister of State Expenditure, on a temporary basis or for a particular matter which is being investigated by it, employ any person with special knowledge of any matter relating to the work of the Board, or obtain the co-operation of any body, to advise or assist the Board in the performance of its functions under this Act, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body." 40

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Amendment of section 4 of Act 85 of 1986

65. Section 4 of the South African Certification Council Act, 1986, is hereby amended—

- (a) by the substitution in subsection (1) for subparagraph (ii) of paragraph 50
 - (b) of the following subparagraph:
 - (ii) **[nine]** **12** members selected by the Minister from the names of persons which at his request by notice in the *Gazette* have been submitted to him within the period specified therein by any body, society or organization that may wish to submit names to him for that purpose; **[and]**”; and 55

“(6A) Die Raad kan navorsing doen met betrekking tot die funksioneering en struktuur van die howe, die strafprosesreg en die siviele prosesreg van die Republiek ten einde die Minister van advies te dien oor die ontwikkeling, verbetering of hervorming daarvan.”.

5 Vervanging van artikel 8 van Wet 107 van 1985

63. Artikel 8 van die Wet op die Reëlsraad vir Geregshowe, 1985, word hierby deur die volgende artikel vervang:

“Besoldiging, toelaes, voordele en voorregte van lede

8. (1) ’n Lid van die Raad wat—
- (a) ’n regter van die Hooggereghof is, is ondanks andersluidende bepalings van die een of ander wet, benewens sy salaris en enige toelae, met inbegrip van enige toelae ter vergoeding van reis- en verblyfkoste, wat in sy hoedanigheid as so ’n regter aan hom betaalbaar is, ten opsigte van die verrigting van sy werksaamhede as so ’n lid geregtig op die toelae (indien daar is) wat die Minister met die instemming van die Minister van Staatsbesteding bepaal;
- (b) nie so ’n regter is nie en nie aan die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), onderworpe is nie, is geregtig op die besoldiging, toelaes (met inbegrip van toelae ter vergoeding van reis- en verblyfkoste aangegaan deur hom by die verrigting van sy werksaamhede kragtens hierdie Wet), voordele en voorregte wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.
- (2) Die besoldiging, toelaes, voordele of voorregte van verskillende lede van die Raad kan verskil na gelang van—
- (a) die verskillende ampte wat hulle in die Raad beklee; of
- (b) die verskillende werksaamhede wat hulle van tyd tot tyd, hetso in ’n heetydse of deeltydse hoedanigheid, verrig.
- (3) By die toepassing van subartikels (1) en (2) kan die Minister bepaal dat enige besoldiging, toelae, voordeel of voorreg in daardie subartikels beoog, die besoldiging, toelae, voordeel of voorreg is wat van tyd tot tyd deur of kragtens die een of ander wet ten opsigte van die een of ander persoon of kategorie persone bepaal word.”.

35 Wysiging van artikel 9 van Wet 107 van 1985

64. Artikel 9 van die Wet op die Reëlsraad vir Geregshowe, 1985, word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

- (2) Die Raad kan, met die goedkeuring van die Minister en met die instemming van die Minister van Staatsbesteding, op ’n tydelike grondslag of vir ’n bepaalde aangeleentheid wat deur die Raad ondersoek word, iemand met besondere kennis van ’n aangeleentheid wat betrekking het op die werk van die Raad, in diens neem, of die samewerking van enige liggaam verkry, om die Raad te adviseer of behulpsaam te wees by die verrigting van sy werksaamhede kragtens hierdie Wet, en die besoldiging, met inbegrip van vergoeding vir reis- en verblyfkoste en ander uitgawes, van so ’n persoon of liggaam bepaal.”.

Wysiging van artikel 4 van Wet 85 van 1986

65. Artikel 4 van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986, word hierby gewysig—

- (a) deur in subartikel (1) subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:
- (ii) [nege] 12 lede deur die Minister gekies uit die name van persone wat op sy versoek by kennisgewing in die Staatskoerant binne die daarin vermelde tydperk aan hom voorgelê is deur enige liggaam, vereniging of organisasie wat name vir dié doel aan hom wil voorlê; [en]; en

(b) by the insertion in subsection (1) after paragraph (b) of the following paragraphs:

- “(bA) one member of the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955), appointed by the Minister upon the recommendation of the said Committee; 5
 (bB) one member of the Committee of Technikon Principals established by section 28 of the Technikons (National Education) Act, 1967 (Act No. 40 of 1967), appointed by the Minister upon the recommendation of the said Committee; 10 and”.

Amendment of section 45 of Act 12 of 1988, as amended by section 9 of Act 98 of 1990 and section 17 of Act 57 of 1992

66. Section 45 of the Sea Fishery Act, 1988, is hereby amended by the insertion in subsection (1) after subparagraph (v) of paragraph (IA), of the following subparagraph: 15

- “(vi) be transferred at sea from one vessel or fishing boat to another vessel or fishing boat,”.

Amendment of section 47 of Act 12 of 1988, as amended by section 10 of Act 98 of 1990 and section 18 of Act 57 of 1992

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67. Section 47 of the Sea Fishery Act, 1988, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- “(b) catches or kills fish by detonating any substance in the sea, except on the authority of a permit issued by the director-general and in accordance with the conditions of such a permit;”.

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Amendment of section 50 of Act 12 of 1988, as amended by section 12 of Act 98 of 1990

68. Section 50 of the Sea Fishery Act, 1988, is hereby amended by the insertion after subsection (4) of the following subsection:

“(4A) (a) If any person is found with more than the prescribed quantity or mass of fish in his possession or custody, he shall be deemed to have caught such fish, unless the contrary is proved. 30

(b) If any diving equipment and west-coast or east-coast rock lobster are found on board a vessel or fishing boat, such rock lobster shall be deemed to have been caught by means of the diving equipment, unless the contrary is proved.”.

Amendment of section 13 of Act 9 of 1989

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69. (1) Section 13 of the Legal Succession to the South African Transport Services Act, 1989, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (2), the Company shall be entitled, up to a date [three] five years after the date referred to in section 3(1), to develop, to cause to be developed, to use and to let its immovable property for any purpose, including the construction and exploitation of buildings and structures for commercial purposes, notwithstanding the fact that the immovable property concerned is either not zoned or is zoned or intended for other purposes in terms of an applicable township construction or development scheme, guide plan or statutory provision.”.

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(2) Subsection (1) shall be deemed to have come into operation on 1 April 1990.

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Amendment of section 122 of Act 29 of 1989, as amended by section 22 of Act 39 of 1993

70. Section 122 of the Road Traffic Act, 1989, is hereby amended by the insertion after subsection (7) of the following subsection:

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“(7A) Until the Minister in consultation with the Minister of Justice orders otherwise by notice in the Gazette, no breath specimen shall be taken unless a specimen of blood referred to in subsection (2) is taken together with the said breath specimen.”.

- (b) deur in subartikel (1) na paragraaf (b) die volgende paragrawe in te voeg:
- “(bA) een lid van die Komitee van Universiteitshoofde ingestel by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), aangestel deur die Minister op aanbeveling van genoemde Komitee;
- (bB) een lid van die Komitee van Technikonhoofde ingestel by artikel 28 van die Wet op Technikons (Nasionale Opvoeding), 1967 (Wet No. 40 van 1967), aangestel deur die Minister op aanbeveling van genoemde Komitee; en”.

Wysiging van artikel 45 van Wet 12 van 1988, soos gewysig deur artikel 9 van Wet 98 van 1990 en artikel 17 van Wet 57 van 1992

66. Artikel 45 van die Wet op Seevissery, 1988, word hierby gewysig deur in subartikel (1) na subparagraaf (v) van paragraaf (IA) die volgende subparagraaf in te voeg:
- “(vi) ter see van een vaartuig of vissersboot na 'n ander vaartuig of visserboot oorgeplaas word.”.

Wysiging van artikel 47 van Wet 12 van 1988, soos gewysig deur artikel 10 van Wet 98 van 1990 en artikel 18 van Wet 57 van 1992

67. Artikel 47 van die Wet op Seevissery, 1988, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- “(b) vis vang of doodmaak deur 'n stof in die see te laat ontploff, behalwe op gesag van 'n permit deur die direkteur-generaal uitgereik en ooreenkomsdig die voorwaardes van so 'n permit;”.

Wysiging van artikel 50 van Wet 12 van 1988, soos gewysig deur artikel 12 van Wet 98 van 1990

68. Artikel 50 van die Wet op Seevissery, 1988, word hierby gewysig deur na subartikel (4) die volgende subartikel in te voeg:
- “(4A) (a) Indien 'n persoon met meer as die voorgeskrewe hoeveelheid massa vis in sy besit of bewaring gevind word, word vermoed dat hy sodanige vis gevang het, tensy die teendeel bewys word.
- (b) Indien enige duiktoerusting en weskus- of ooskuskreef op 'n vaartuig of vissersboot gevind word, word vermoed dat sodanige kreef met behulp van die duiktoerusting gevang is, tensy die teendeel bewys word.”.

Wysiging van artikel 13 van Wet 9 van 1989

69. (1) Artikel 13 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Behoudens die bepalings van subartikel (2), is die Maatskappy geregtig om tot op 'n datum [drie] vyf jaar na die datum bedoel in artikel 3(1), sy onroerende goed vir enige doeleinde te ontwikkel of te laat ontwikkel, te gebruik en te verhuur, met inbegrip van die oprigting en eksplorasie van geboue en strukture vir sakebedrywighede, ondanks die feit dat die betrokke onroerende goed nie gesoneer is nie of ingevolge 'n toepaslike dorpsaanleg- of dorpsbeplanningskema, gidsplan of statutêre bepaling vir ander doeleindes gesoneer of bestem mag wees.”.
- (2) Subartikel (1) word geag op 1 April 1990 in werking te getree het.

Wysiging van artikel 122 van Wet 29 van 1989, soos gewysig deur artikel 22 van Wet 39 van 1993

70. Artikel 122 van die Padverkeerswet, 1989, word hierby gewysig deur na subartikel (7) die volgende subartikel in te voeg:
- “(7A) Totdat die Minister in oorleg met die Minister van Justisie by kennisgewing in die Staatskoerant anders gelas, word geen asemmonster geneem nie, tensy 'n monster van bloed in subartikel (2) bedoel saam met bedoelde asemmonster geneem word.”.

Amendment of section 12 of Act 88 of 1989

71. Section 12 of the Judges' Remuneration and Conditions of Employment Act, 1989, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the method of transport of such judges, and of judges on their discharge from active service or removal from office, and of judges in the performance of service in terms of section 7, and of the members of their families and of the effects of judges or judges who have been discharged from active service or removed from office or judges who perform service in terms of section 7 or deceased judges, the amounts to be paid to judges or acting judges in connection with transport and subsistence, and the circumstances in which any such transport may be provided and any such amounts may be paid;”.

Amendment of section 4 of Act 90 of 1989, as amended by section 9 of Act 51 of 1991 and section 2 of Act 10 of 1993

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72. Section 4 of the South African Reserve Bank Act, 1989, is hereby amended by the insertion in subsection (4) after paragraph (b) of the following paragraph:

“(bA) if he is a Minister or a Deputy Minister in the Government of the Republic; or”.

Amendment of section 4 of Act 119 of 1990

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73. Section 4 of the Agricultural Product Standards Act, 1990, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) An application for an approval referred to in subsection (1) shall—
 (a) in the case where an assignee has been designated under section 2(3)(a), be made at the time and in the manner determined by such assignee, and upon payment of the fees that the said assignee determines; or
 (b) in the case where no assignee has been so designated, be made in the prescribed manner and the prescribed fees shall, in respect of such application, be payable in the prescribed manner and at the prescribed time [in respect of such application]. ”.

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Amendment of section 7 of Act 119 of 1990

74. Section 7 of the Agricultural Product Standards Act, 1990, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) In the case of action in terms of subsection (2)(a) or (f) by a person referred to in subsection (1)(a) or (b), the owner of the product concerned shall pay the prescribed fees or the amount determined by the assignee designated under section 2(3)(a), as the case may be, for such action [Provided that in the case of action by a person referred to in subsection (1)(b) such fees shall be payable in favour of the assignee, if so determined by the Minister with the concurrence of the Minister of Finance]. ”.

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Repeal of section 13 of Act 101 of 1992

75. Section 13 of the Posts and Telecommunications Acts Amendment Act, 1992, is hereby repealed.

Amendment of section 33 of Act 51 of 1992

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76. Section 33 of the Births and Deaths Registration Act, 1992, is hereby amended by the addition of the following subsection:

“(3) A person who was in the process of undergoing a change of sex before the commencement of this Act, may on completion of the said process apply in terms of section 7B of the Births, Marriages and Deaths Registration Act, 1963, for the alteration of the sex description in his birth register.”.

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Wysiging van artikel 12 van Wet 88 van 1989

71. Artikel 12 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

- 5 "(c) die wyse van vervoer van sodanige regters, en van regters by hul ontheffing van aktiewe diens of hul amp, en van regters by hul verrigting van diens ingevolge artikel 7, en van die gesinslede en besittings van regters of regters wat van aktiewe diens of hul amp onthef is of regters wat diens ingevolge artikel 7 verrig of afgestorwe regters, die bedrae wat aan regters of waarnemende regters betaal moet word in verband met vervoer en verblyf, en die omstandighede waaronder sodanige vervoer verskaf en sodanige bedrae betaal kan word;".

Wysiging van artikel 4 van Wet 90 van 1989, soos gewysig deur artikel 9 van Wet 15 van 1991 en artikel 2 van Wet 10 van 1993

72. Artikel 4 van die Wet op die Suid-Afrikaanse Reserwebank, 1989, word hierby gewysig deur in subartikel (4) na paragraaf (b) die volgende paragraaf in te voeg:

- 20 "(BA) indien hy 'n Minister of 'n Adjunk-minister in die Regering van die Republiek is; of".

Wysiging van artikel 4 van Wet 119 van 1990

73. Artikel 4 van die Wet op Landbouprodukstandaarde, 1990, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 25 "(2) 'n Aansoek om 'n goedkeuring in subartikel (1) bedoel, word—
 (a) in die geval waar 'n gemagtigde kragtens artikel 2(3)(a) aangewys is, op die tyd en wyse deur sodanige gemagtigde bepaal, en teen betaling van die gelde wat bedoelde gemagtigde bepaal, gedoen; of
 (b) in die geval waar geen gemagtigde aldus aangewys is nie, op die voorgeskrewe wyse gedoen, en die voorgeskrewe gelde is, op die voorgeskrewe wyse en tyd, ten opsigte van sodanige aansoek betaalbaar.".

Wysiging van artikel 7 van Wet 119 van 1990

74. Artikel 7 van die Wet op Landbouprodukstandaarde, 1990, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- 35 "(5) In die geval van optrede ingevolge subartikel (2)(a) of (f) deur 'n persoon in subartikel (1)(a) of (b) bedoel, betaal die eienaar van die betrokke produk die voorgeskrewe gelde of die bedrag bepaal deur die gemagtigde ingevolge artikel 2(3)(a) aangewys, na gelang van die geval, vir sodanige optrede [Met dien verstande dat in die geval van optrede deur 'n persoon in subartikel (1)(b) bedoel sodanige gelde ten behoeve van die betrokke gemagtigde betaalbaar is, indien deur die Minister met instemming van die Minister van Finansies aldus bepaal].".

Herroeping van artikel 13 van Wet 101 van 1992

75. Artikel 13 van die Wysigingswet op Pos- en Telekommunikasiewette, 45 1992, word hierby herroep.

Wysiging van artikel 33 van Wet 51 van 1992

76. Artikel 33 van die Wet op Registrasie van Geboortes en Sterftes, 1992, word hierby gewysig deur die volgende subartikel by te voeg:

- 50 "(3) 'n Persoon wat voor die inwerkingtreding van hierdie Wet in die proses was om 'n geslagsverandering te ondergaan, kan by afhandeling van die bedoelde proses aansoek ingevolge artikel 7B van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963, doen om die verandering van die geslagsbeskrywing in sy geboorteregister.".

Amendment of section 2 of Act 121 of 1992

77. Section 2 of the Abattoir Hygiene Act, 1992, is hereby amended by the substitution for subsection (4) of the following subsection:

5

“(4) The director may in writing delegate or assign to any officer [under his control] or, with the approval of the Minister, to any person who is not an officer, any power, duty or function conferred or imposed upon or assigned to him in terms of this Act, but the director shall not be divested of any power, duty or function so delegated or assigned, and may amend or withdraw any decision given by the officer or person by virtue of such delegation or assignment unless such decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal will be to the benefit of such person or if such person consents thereto.”.

10

Amendment of section 15 of Act 121 of 1992

78. Section 15 of the Abattoir Hygiene Act, 1992, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

15

“(a) The director or any officer or person acting under a delegation, assignment or direction of the director may, whenever he deems it necessary in the exercise or carrying out by him of any power or duty conferred or imposed upon the director in terms of this Act, at any reasonable time and without prior notice enter upon any place, premises or conveyance.”.

20

Amendment of section 30 of Act 122 of 1992

79. Section 30 of the Audit Arrangements Act, 1992, is hereby amended by the substitution for subsection (1) of the following subsection:

25

“(1) A person holding a pensionable appointment in a post with an institution established by an Act of Parliament [and which obtains its funds directly in whole or in part from the State Revenue Fund] or an act of another legislative authority in the Republic of South Africa may with his consent and that of such institution and on the recommendation of the Board be transferred to and appointed in a post in the Office as contemplated in section 26.”.

30

Amendment of section 1 of Act 128 of 1992

80. Section 1 of the Management of State Forests Act, 1992, is hereby amended by the substitution for the definition of “Minister” of the following definition:

35

“‘Minister’ means the Minister of Water Affairs [and Forestry] except in section 5, where it means the Minister as referred to in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984).”.

Amendment of section 4 of Act 128 of 1992

81. Section 4 of the Management of State Forests Act, 1992, is hereby amended—

40

(a) by the addition to subsection (3) of the following paragraph:
 “(c) the provisions of sections 11(2), 17(4) and 74(a) of the Forest Act shall no longer apply to a State forest the management, control and operation of which are entrusted to the Company in terms of subsection (1).”; and

45

(b) by the deletion of subsection (4).

Failure to give satisfactory account of possession of implement or object

82. Any person who possesses any implement or object in respect of which there is a reasonable suspicion that it was used or is intended to be used to commit

Wysiging van artikel 2 van Wet 121 van 1992

77. Artikel 2 van die Wet op Abattoirhigiëne, 1992, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- 5 “(4) Die direkteur kan 'n bevoegdheid, plig of werksaamheid wat ingevolge hierdie Wet aan hom verleen, opgelê of opgedra is skriftelik aan 'n beampie **[onder sy beheer]** of, met die goedkeuring van die Minister, 'n persoon wat nie 'n beampie is nie deleger **of opdra**, maar die direkteur word nie ontdoen van 'n bevoegdheid, plig of werksaamheid wat aldus gedelegeer **of opgedra** is nie, en kan enige beslissing wat gegee is deur die beampie **of persoon** uit hoofde van so 'n delegasie **of opdrag** wysig of intrek, tensy die beslissing oorgedra is aan die persoon ten opsigte van wie die beslissing van toepassing is, in watter geval die beslissing gewysig of ingetrek kan word slegs indien die wysiging of intrekking tot die voordeel van die persoon sal strek of indien sodanige persoon daartoe toestem.”.

15 Wysiging van artikel 15 van Wet 121 van 1992

78. Artikel 15 van die Wet op Abattoirhigiëne, 1992, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- 20 “(a) Die direkteur, of 'n beampie **of persoon** wat kragtens 'n delegasie, **opdrag** of lasgewing van die direkteur optree, kan, wanneer hy dit nodig ag by die uitvoering of verrigting deur hom van enige bevoegdheid of plig wat aan die direkteur by of kragtens hierdie Wet verleen of opgedra is, te eniger redelike tyd en sonder voorafgaande kennisgewing enige plek, perseel of vervoermiddel betree.”.

Wysiging van artikel 30 van Wet 122 van 1992

- 25 **79.** Artikel 30 van die Ouditreeëlingwet, 1992, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

30 “(1) 'n Persoon wat 'n pensioengewende betrekking beklee in 'n pos by 'n instelling wat by 'n Parlements-wet **of 'n wet van 'n ander wetgewende gesag in die Republiek van Suid-Afrika** ingestel is **[en wat sy fondse regstreeks in die geheel of gedeeltelik uit die Staatsinkomstefonds verkry]**, kan met sy toestemming en dié van dié instelling en op aanbeveling van die Raad oorgeplaas word na en aangestel word in 'n pos in die Kantoor soos bedoel in artikel 26.”.

Wysiging van artikel 1 van Wet 128 van 1992

- 35 **80.** Artikel 1 van die Wet op die Bestuur van Staatsbosse, 1992, word hierby gewysig deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

40 “'Minister' die Minister van Waterwese **[en Bosbou]** behalwe in artikel 5, waar dit beteken die Minister soos bedoel in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984).”.

Wysiging van artikel 4 van Wet 128 van 1992

81. Artikel 4 van die Wet op die Bestuur van Staatsbosse, 1992, word hierby gewysig—

- 45 (a) deur die volgende paragraaf by subartikel (3) te voeg:
 “(c) is die bepalings van artikels 11(2), 17(4) en 74(a) van die Boswet nie meer van toepassing op 'n Staatsbos waarvan die bestuur, beheer en bedryf kragtens subartikel (1) aan die Maatskappy opgedra is nie.”; en
 (b) deur subartikel (4) te skrap.

50 Versium om voldoende rekenskap van besit van gereedskap of voorwerp te gee

82. Iemand wat gereedskap of 'n voorwerp besit ten opsigte waarvan daar 'n redelike verdenking bestaan dat dit gebruik is of gebruik gaan word om

housebreaking, or to break open a motor-vehicle or to gain unlawful entry into a motor-vehicle, and who is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three years.

Interpretation of a law, and savings

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83. (1) Any reference in any law or document to the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), shall be deemed to be a reference to the corresponding provision in the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991).

(2) Notwithstanding the repeal of paragraphs (k) up to and including (u) of subsection (1) and subsection (4) of section 2B of the Post Office Act, 1958 (Act No. 44 of 1958), by section 3 of the Post Office Amendment Act, 1991 (Act No. 85 of 1991), those paragraphs and that subsection shall remain applicable to the Department of Posts and Telecommunications.

(3) If a judge in chambers has, prior to the commencement of section 33 of this Act, made a recommendation to the Minister of Justice in terms of section 29(1) of the Mental Health Act, 1973 (Act No. 18 of 1973), concerning the discharge of a State patient, and an order under section 29(4) has not been issued prior to the date of the commencement of section 33 of this Act, the recommendation concerned shall be deemed to be the order in respect of the discharge of that State patient in terms of section 29(1) of the Mental Health Act, 1973, as amended by this Act.

(4) The provisions of subsection (2) shall be deemed to have come into operation on 19 June 1991.

Repeal of laws

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84. The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

Short title and commencement

85. (1) This Act shall be called the General Law Third Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.

huisbraak te pleeg, of om 'n motorvoertuig oop te breek of onregmatig toegang tot 'n motorvoertuig te verkry, en wat nie in staat is om voldoende rekenskap van sodanige besit te gee nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

Uitleg van 'n wet, en voorbehoud

83. (1) Enige verwysing in 'n wet of stuk na die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), word geag 'n verwysing te wees na die ooreenstemmende bepaling in die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991).

(2) Ondanks die herroeping van paragrawe (k) tot en met (u) van subartikel (1) en subartikel (4) van artikel 2B van die Poswet, 1958 (Wet No. 44 van 1958), by artikel 3 van die Poswysigingswet, 1991 (Wet No. 85 van 1991), is daardie paragrawe en subartikel steeds op die Departement van Pos- en Telekommunikasie van toepassing.

(3) Indien 'n regter in kamers voor die inwerkingtreding van artikel 33 van hierdie Wet ingevolge artikel 29(1) van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), 'n aanbeveling rakende die ontslag van 'n Staatspasiënt aan die Minister van Justisie gedoen het, en 'n bevel kragtens artikel 29(4) nie voor die datum van die inwerkingtreding van artikel 33 van hierdie Wet uitgereik is nie, word die betrokke aanbeveling geag die bevel te wees ten opsigte van die ontslag van daardie Staatspasiënt ingevolge 29(1) van die Wet op Geestesgesondheid, 1973, soos deur hierdie Wet gewysig.

(4) Die bepalings van subartikel (2) word geag op 19 Junie 1991 in werking te getree het.

Herroeping van wette

84. Die wette in die Bylae vermeld, word hierby herroep in die mate in die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

85. (1) Hierdie Wet heet die Derde Algemene Regswysigingswet, 1993, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

SCHEDULE**LAWS REPEALED
(SECTION 84)**

No. and year of law	Short title	Extent of repeal
Act No. 27 of 1882	The Police Offences Act, 1882 (Cape of Good Hope)	So much as is unrepealed.
Act No. 24 of 1886	The Native Territories Penal Code, 1886 (Cape of Good Hope)	So much as is unrepealed.
Act No. 10 of 1910	Criminal Law Amendment Act, 1909, 1910 (Natal)	Section 6(2)(c).
Ordinance No. 21 of 1902	The Police Offences Ordinance, 1902 (Orange Free State)	Section 26(1).
Ordinance No. 26 of 1904	The Crimes Ordinance, 1904 (Transvaal)	Section 7(b).

BYLAE**WETTE HERROEP
(ARTIKEL 84)**

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 27 van 1882	The Police Offences Act, 1882 (Kaap die Goeie Hoop)	Soveel as wat nie herroep is nie.
Wet No. 24 van 1886	The Native Territories Penal Code, 1886 (Kaap die Goeie Hoop)	Soveel as wat nie herroep is nie.
Wet No. 10 van 1910	Criminal Law Amendment Act, 1909, 1910 (Natal)	Artikel 6(2)(c).
Ordonnansie No. 21 van 1902	The Police Offences Ordinance, 1902 (Oranje-Vrystaat)	Artikel 26(1).
Ordonnansie No. 26 van 1904	The Crime Ordinance, 1904 (Transvaal)	Artikel 7(b).