



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT



VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 397

CAPE TOWN, 3 JULY 1998

No. 19022

KAAPSTAD, 3 JULIE 1998

OFFICE OF THE PRESIDENT

No. 893.

3 July 1998

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

No. 34 of 1998: Judicial Matters Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 893.

3 Julie 1998

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

No. 34 van 1998: Wysigingswet op Geregtelike Aangeleenthede, 1998.

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.

ACT

To amend the Insolvency Act, 1936, so as to further regulate the obtaining of legal assistance by the trustee of an insolvent estate; to amend the Prevention of Counterfeiting of Currency Act, 1965, so as to make the possession of counterfeit coins or forged or altered bank notes punishable in law; to amend the Criminal Procedure Act, 1977, so as to effect certain textual improvements; to further regulate the proof of certain facts by means of affidavits or certificates; and to provide that an accused may in certain circumstances be sentenced by a judge other than the judge who convicted him or her; to amend the Criminal Law Second Amendment Act, 1992, so as to prohibit certain acts connected with military, paramilitary or similar operations and weapons, ammunition, explosives or other explosive devices; to amend the Interception and Monitoring Prohibition Act, 1992, so as to make provision in connection with the monitoring of communications; and to make further provision in connection with the issue and execution of directions; to amend the Recognition of Foreign Legal Qualifications and Practice Act, 1993, so as to make other provision in connection with the duration of the said Act; to amend the Promotion of National Unity and Reconciliation Act, 1995, so as to effect a textual adjustment; to amend the Justice Laws Rationalisation Act, 1996, so as to effect certain textual improvements; to amend the Proceeds of Crime Act, 1996, so as to effect a textual improvement; to amend the Criminal Procedure Second Amendment Act, 1997, so as to effect certain textual improvements; and to amend the Criminal Law Amendment Act, 1997, so as to further regulate the setting aside of sentences of death; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 24 June 1998.)*

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

Substitution of section 73 of Act 24 of 1936, as amended by section 20 of Act 16 of 1943, section 24 of Act 99 of 1965 and section 1 of Act 78 of 1980

1. The following section is hereby substituted for section 73 of the Insolvency Act, 1936: 5

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Insolvensiewet, 1936, ten einde die verkryging van regstrystand deur die kurator van 'n insolvente boedel verder te reël; tot wysiging van die Wet op Voorkoming van Vervalsing van Betaalmiddele, 1965, ten einde die besit van vals munte of vervalste of veranderde banknote regtens strafbaar te stel; tot wysiging van die Strafproseswet, 1977, ten einde sekere teksverbeteringe aan te bring; om die bewys van sekere feite deur middel van beëdigde verklarings of sertifikate verder te reël; en om daarvoor voorsiening te maak dat 'n beskuldigde in sekere omstandighede deur 'n ander regter gevonnis kan word as die regter wat hom of haar skuldig bevind het; tot wysiging van die Tweede Strafregwysigingswet, 1992, ten einde sekere handelinge te verbied wat met militêre, paramilitêre of soortgelyke operasies en wapens, ammunisie, ploffstowwe of ander ontplofbare toestelle in verband staan; tot wysiging van die Wet op die Verbod op Onderskeping en Meeluistering, 1992, ten einde voorsiening in verband met die meeluistering van mededelings te maak; en om verdere voorsiening in verband met die uitreiking en uitvoering van lasgewings te maak; tot wysiging van die Wet op Erkenning van Buitelandse Regskwalifikasies en -praktyk, 1993, ten einde ander voorsiening in verband met die duur van genoemde Wet te maak; tot wysiging van die Wet op die Bevordering van Nasionale Eenheid en Versoening, 1995, ten einde 'n tekstuuele aanpassing aan te bring; tot wysiging van die Rasionaliseringswet op Justisiewette, 1996, ten einde sekere teksverbeteringe aan te bring; tot wysiging van die Wet op die Opbrengs van Misdaad, 1996, ten einde 'n teksverbetering aan te bring; tot wysiging van die Tweede Strafproseswysigingswet, 1997, ten einde sekere teksverbeteringe aan te bring; en tot wysiging van die Strafregwysigingswet, 1997, ten einde die tersydestelling van doodvonnisse verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 24 Junie 1998.)*

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

Vervanging van artikel 73 van Wet 24 van 1936, soos gewysig deur artikel 20 van Wet 16 van 1943, artikel 24 van Wet 99 van 1965 en artikel 1 van Wet 78 van 1980

5 1. Artikel 73 van die Insolvensiewet, 1936, word hereby deur die volgende artikel vervang:

"Trustee may obtain legal assistance"

73. (1) Subject to the provisions of this section and section 53(4), the trustee of an insolvent estate may with the prior written authorization of the creditors engage the services of any attorney or counsel to perform the legal work specified in the authorization on behalf of the estate: Provided that the trustee—

- (a) if he or she is unable to obtain the prior written authorization of the creditors due to the urgency of the matter or the number of creditors involved, may with the prior written authorization of the Master engage the services of any attorney or counsel to perform the legal work specified in the authorization on behalf of the estate; or
- (b) if it is not likely that there will be any surplus after the distribution of the estate, may at any time before the submission of his or her accounts obtain written authorization from the creditors for any legal work performed by any attorney or counsel,

and all costs incurred by the trustee, including any costs awarded against the estate in legal proceedings instituted on behalf of or against the estate, in so far as such costs result from any steps taken by the trustee under this subsection, shall be included in the cost of the sequestration of the estate.

(2) Subject to the provisions of subsection (3), costs incurred under this section, except costs awarded against the estate in legal proceedings, shall not be subject to taxation by the taxing master of the court if the trustee has entered into any written agreement in terms of which the fees of any attorney or counsel will be determined in accordance with a specific tariff: Provided that no contingency fees agreement referred to in section 2(1) of the Contingency Fees Act, 1997 (Act No. 66 of 1997), shall be entered into without the express prior written authorization of the creditors.

- (3) If—
- (a) the trustee has not entered into an agreement under subsection (2); or
 - (b) there is any dispute as to the fees payable in terms of such an agreement,

the costs shall be taxed by the taxing master of the High Court having jurisdiction or, where the costs are not subject to taxation by the said taxing master, such costs shall be assessed by the law society or bar council concerned or, where the counsel concerned is not a member of any bar council, by the body or person designated under section 5(1) of the Contingency Fees Act, 1997.

(4) No bill of costs based upon an agreement entered into under subsection (2) shall be accepted as cost of the sequestration of the estate, unless such bill is accompanied by a declaration under oath or affirmation by the trustee stating—

- (a) that he or she had been duly authorized by either the creditors or the Master, as the case may be, to enter into such an agreement;
- (b) that any legal work specified in such bill has been performed to the best of his or her knowledge and belief;
- (c) that any disbursements specified in such bill have been made to the best of his or her knowledge and belief; and
- (d) that, to the best of his or her knowledge and belief, the attorney or counsel concerned has not overreached him or her.

(5) Notwithstanding anything to the contrary contained in this Act, the Master may disallow any costs incurred under this section if the Master is of the opinion that any such costs are incorrect or improper or that the trustee acted in bad faith, negligently or unreasonably in incurring any such costs.”.

"Kurator kan regsbystand verkry"

- 73.** (1) Behoudens die bepalings van hierdie artikel en artikel 53(4) kan die kurator van 'n insolvente boedel met die voorafverkree skriftelike magtiging van die skuldeisers die dienste van 'n prokureur of advokaat verkry om die regswerk in die magtiging vermeld ten behoeve van die boedel te verrig: Met dien verstande dat die kurator—
- (a) indien hy of sy nie in staat is om die voorafverkree skriftelike magtiging van die skuldeisers te verkry nie as gevolg van die dringendheid van die aangeleentheid of die getal skuldeisers betrokke, met die voorafverkree skriftelike magtiging van die Meester die dienste van 'n prokureur of advokaat kan verkry om die regswerk in die magtiging vermeld ten behoeve van die boedel te verrig; of
 - (b) indien dit onwaarskynlik is dat daar 'n oorskot na die verdeling van die boedel sal wees, te eniger tyd voor die indiening van sy of haar rekenings skriftelike magtiging van die skuldeisers kan verkry vir enige regswerk wat deur 'n prokureur of advokaat verrig is en alle koste deur die kurator aangegaan, met inbegrip van enige koste teen die boedel toegestaan in geregtelike verrigtinge wat ten behoeve van of teen die boedel ingestel is, vir sover sodanige koste die gevolg is van stappe wat die kurator kragtens hierdie subartikel gedoen het, word by die koste van die sekwestrasie van die boedel ingesluit.
- (2) Behoudens die bepalings van subartikel (3) is koste kragtens hierdie artikel aangegaan, uitgesonderd koste teen die boedel in geregtelike verrigtinge toegestaan, nie aan taksasie deur die takseermeester van die hof onderworpe nie indien die kurator 'n skriftelike ooreenkoms aangegaan het ingevolge waarvan 'n prokureur of advokaat se geldé ooreenkomstig 'n besondere tarief bepaal sal word: Met dien verstande dat geen gebeurlikheidsgeld ooreenkoms bedoel in artikel 2(1) van die Wet op Gebeurlikheidsgelde, 1997 (Wet No. 66 van 1997), aangegaan mag word nie sonder die uitdruklike voorafverkree skriftelike magtiging van die skuldeisers.
- (3) Indien—
- (a) die kurator nie 'n ooreenkoms kragtens subartikel (2) aangegaan het nie; of
 - (b) daar 'n geskil is oor die gelde wat ingevolge so 'n ooreenkoms betaalbaar is,
- word die koste deur die takseermeester van die bevoegde Hoë Hof gefakseert of, waar die koste nie aan taksasie deur bedoelde takseermeester onderworpe is nie, word sodanige koste deur die betrokke prokureursorde of balieraad of, waar die betrokke advokaat nie 'n lid van 'n balieraad is nie, deur die liggaam of persoon wat kragtens artikel 5(1) van die Wet op Gebeurlikheidsgelde, 1997, aangewys is, bepaal.
- (4) Geen kosterekkening wat gebaseer is op 'n ooreenkoms kragtens subartikel (2) aangegaan, word as koste van die sekwestrasie van die boedel aanvaar nie, tensy sodanige rekening vergesel gaan van 'n verklaring onder eed of bevestiging deur die kurator waarin vermeld word—
- (a) dat hy of sy na behore óf deur die skuldeisers óf deur die Meester, na gelang van die geval, gemagtig is om so 'n ooreenkoms aan te gaan;
 - (b) dat enige regswerk wat in sodanige rekening vermeld word na sy of haar beste kennis en wete verrig is;
 - (c) dat enige uitbetalings wat in sodanige rekening vermeld word na sy of haar beste kennis en wete gedoen is;
 - (d) dat hy of sy, na sy óf haar beste kennis en wete, nie deur die betrokke prokureur of advokaat uitoorlê is nie.
- (5) Ondanks andersluidende bepalings van hierdie Wet kan die Meester enige koste kragtens hierdie artikel aangegaan, afkeur indien die Meester van oordeel is dat sodanige koste onjuis of onbehoorlik is óf dat die kurator te kwader trou, nalatig of onredelik opgetree het deur sodanige koste aan te gaan.”.

Amendment of section 2 of Act 16 of 1965

2. Section 2 of the Prevention of Counterfeiting of Currency Act, 1965, is hereby amended by the substitution for paragraph (d) of the following paragraph:

"(d) without lawful authority or excuse—

- (i) has in his or her possession any counterfeit coin or any forged or altered bank note; 5
 - [(i)][ii] imports or receives into the Republic any counterfeit coin or any forged or altered bank note; or
 - [(ii)][iii] exports from the Republic or puts or takes or causes to be put or taken on board any ship, vessel, boat, aircraft or vehicle for the purpose of being so exported, any counterfeit coin or any forged or altered bank note; 10
- [any counterfeit coin or any forged or altered bank note];".

Amendment of section 50 of Act 51 of 1977, as amended by section 1 of Act 56 of 1979, section 37 of Act 122 of 1991, section 1 of Act 75 of 1995 and section 1 of Act 85 of 1997 15

3. Section 50 of the Criminal Procedure Act, 1977, is hereby amended—

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

"(ii) or will expire at, or if the time at which such period is deemed to expire under subparagraph (i) or (iii) is or will be, a time when the arrested person cannot, because of his or her physical illness or other physical condition, be brought before a lower court [for the purposes of an order for his or her further detention], the court before which he or she would, but for the illness or other condition, have been brought [for the purposes of such an order], may [upon] on the application of the prosecutor, which, if not made before the expiration of the period of 48 hours, may be made at any time before, or on, the next succeeding court day, and in which the circumstances relating to the illness or other condition are set out, supported by a certificate of a medical practitioner, [order] authorise that the arrested person be detained at a place specified by the court and for such period as the court may deem necessary so that he or she may recuperate and be brought before the court [for the purpose of an order for his or her further detention for the purposes of his or her trial or his or her release]: Provided that the court may, on an application as aforesaid, authorise that the arrested person be further detained at a place specified by the court and for such period as the court may deem necessary; or"; 30

(b) by the substitution for subparagraph (aa) of paragraph (a)(i) of subsection (6) of the following subparagraph:

"(aa) be informed by the court of the reason for [the] his or her further detention [to continue]; or"; and

(c) by the substitution in the Afrikaans text for paragraph (b) of the said subsection (6) of the following paragraph:

"(b) 'n [Beskuldigde] Gearresteerde persoon beoog in paragraaf (a)(i) is nie daarop geregtig om buite gewone hofure na die hof gebring te word nie.".

Amendment of section 59A of Act 51 of 1977, as inserted by section 3 of Act 85 of 1997 50

4. Section 59A of the Criminal Procedure Act, 1977, is hereby amended—

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

"(1) 'n Prokureur-generaal, of 'n aanklaer deur die betrokke prokureur-generaal skriftelik daartoe gemagtig, kan, ten opsigte van die misdrywe bedoel in Bylae 7 en in oorleg met die polisiebeampte belas met die ondersoek, die vrylating van 'n beskuldigde op borgtig magtig.>"; and

Wysiging van artikel 2 van Wet 16 van 1965

2. Artikel 2 van die Wet op Voorkoming van Vervalsing van Betaalmiddele, 1965, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:

“(d) sonder wettige magtiging of verskoning—

- 5 (i) enige vals munt of enige vervalste of veranderde banknoot in sy of haar besit het;
- [(i)] (ii) enige vals munt of enige vervalste of veranderde banknoot in die Republiek invoer of in ontvangs neem; of
- 10 [(ii)] (iii) enige vals munt of enige vervalste of veranderde banknoot uit die Republiek uitvoer of op 'n skip, vaartuig, boot, vliegtuig of voertuig plaas of neem of laat plaas of neem met die doel dat dit aldus uitgevoer word;”.

Wysiging van artikel 50 van Wet 51 van 1977, soos gewysig deur artikel 1 van Wet 56 van 1979, artikel 37 van Wet 122 van 1991, artikel 1 van Wet 75 van 1995 en 15 artikel 1 van Wet 85 van 1997

3. Artikel 50 van die Strafproseswet, 1977, word hierby gewysig—

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

- 20 “(ii) of sal verstryk op 'n tydstip, of as die tydstip waarop bedoelde tydperk ingevolge subparagraaf (i) of (iii) geag word te verstryk 'n tydstip is of sal wees, waarop die gearresteerde persoon vanweë sy of haar fisiese ongesteldheid of ander fisiese toestand nie voor 'n laer hof [**vir die doeleinades van 'n bevel vir sy of haar verdere aanhouding**] gebring kan word nie, die hof voor wie hy of sy [**vir die doeleinades van so 'n bevel**] gebring sou gewees het as dit nie vir die ongesteldheid of ander toestand was nie, op [**die**] aansoek van die aanklaer wat, indien dit nie voor die verstryking van die tydperk van 48 uur gedoen word nie, te eniger tyd voor, of op, die eersvolgende hofdag, gedoen kan word, en waarin die omstandighede betreffende die ongesteldheid of ander toestand uiteengesit word, gesteun deur 'n sertifikaat van 'n geneesheer, kan [gelas] magtig dat die gearresteerde persoon aangehou word by 'n plek deur die hof aangedui en vir die tydperk wat die hof nodig ag sodat hy of sy kan herstel en voor die hof gebring kan word [**vir die doeleinades van 'n bevel vir sy of haar verdere aanhouding vir die doeleinades van sy of haar verhoor**]; Met dien verstande dat die hof, op 'n aansoek soos voormeld, kan magtig dat die gearresteerde persoon verder aangehou word by 'n plek deur die hof aangedui en vir die tydperk wat die hof nodig ag; of”;
- 30 (b) deur subparagraaf (aa) van paragraaf (a)(i) van subartikel (6) deur die volgende subparagraaf te vervang:
- 35 “(aa) deur die hof verwittig word van die rede vir [**die**] sy of haar verdere aanhouding; of; en
- 40 (c) deur paragraaf (b) van genoemde subartikel (6) deur die volgende paragraaf te vervang:

“(b) 'n [**Beskuldigde**] Gearresteerde persoon beoog in paragraaf (a)(i) is nie daarop geregtig om buite gewone hofure na die hof gebring te word nie.”.

Wysiging van artikel 59A van Wet 51 van 1977, soos ingevoeg deur artikel 3 van 50 Wet 85 van 1997

4. Artikel 59A van die Strafproseswet, 1977, word hierby gewysig—

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

- 55 “(1) 'n Prokureur-generaal, of 'n aanklaer deur die betrokke prokureur-generaal skriftelik daartoe gemagtig, kan, ten opsigte van die misdrywe bedoel in Bylae 7 en in oorelog met die polisiebeampte belas met die ondersoek, die vrylating van 'n beskuldigde op borgtogg magtig.”; en

- (b) by the substitution in the Afrikaans text of subsection (3) for the words preceding paragraph (a) of the following words:

“Die uitwerking van borgtog wat ooreenkomsdig hierdie artikel verleen is, is dat [’n beskuldigde] die persoon wat in bewaring is, uit bewaring vrygelaat word—”.

5

Amendment of section 60 of Act 51 of 1977, as substituted by section 3 of Act 75 of 1995 and amended by section 4 of Act 85 of 1997

5. Section 60 of the Criminal Procedure Act, 1977, is hereby amended—

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

“(b) Subject to the provisions of section 50(6)[(b)] (c), [if a court refers an accused to another court for trial or sentencing] the court referring [the] an accused to any other court for trial or sentencing retains jurisdiction relating to the powers, functions and duties in respect of bail in terms of this Act until the accused appears in such other court for the first time.”; and

10

- (b) by the substitution in subsection (14) for the words preceding the proviso of the following words:

“Notwithstanding [any law] anything to the contrary contained in any law, no accused shall, for the purposes of bail proceedings, have access to any information, record or document relating to the offence in question, which is contained in, or forms part of, a police docket, including any information, record or document which is held by any police official charged with the investigation in question, unless the prosecutor otherwise directs.”.

15

20

25

Amendment of section 212 of Act 51 of 1977, as amended by section 12 of Act 56 of 1979, sections 46 and 47 of Act 97 of 1986, section 11 of Act 5 of 1991 and section 40 of Act 122 of 1991

6. Section 212 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

- “(a) Whenever any fact established by any examination or process requiring any skill—

30

- (i) in biology, chemistry, physics, astronomy, geography or geology;
- (ii) in mathematics, applied mathematics or mathematical statistics or in the analysis of statistics;
- (iii) in computer science or in any discipline of engineering;
- (iv) in anatomy or in human behavioural sciences;
- (v) in biochemistry, in metallurgy, in microscopy, in any branch of pathology or in toxicology; or
- (vi) in ballistics, in the identification of [finger-prints] finger prints or palm-prints or in the examination of disputed documents,

35

is or may become relevant to the issue at criminal proceedings, a document purporting to be an affidavit made by a person who in that affidavit alleges that he or she is in the service of the State or of a provincial administration or is in the service of or is attached to the South African Institute for Medical Research or any university in the Republic or any other body designated by the Minister for the purposes of this subsection by notice in the *Gazette*, and that he or she has established such fact by means of such an examination or process, shall, upon its mere production at such proceedings be *prima facie* proof of such fact: Provided that the person who may make such affidavit may, in any case in which skill is required in chemistry, anatomy or pathology, issue a certificate in lieu of such affidavit, in which event the provisions of this paragraph shall *mutatis mutandis* apply with reference to such certificate.”.

45

50

(b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die uitwerking van borgtog wat ooreenkomsdig hierdie artikel verleen is, is dat [’n beskuldigde] die persoon wat in bewaring is, uit bewaring vrygelaat word—”.

5

Wysiging van artikel 60 van Wet 51 van 1977, soos vervang deur artikel 3 van Wet 75 van 1995 en gewysig deur artikel 4 van Wet 85 van 1997

5. Artikel 60 van die Strafproseswet, 1977, word hierby gewysig—

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

10

“(b) [Indien ’n hof ’n beskuldigde na ’n ander hof vir verhoor of vonnis verwys] Behoudens die bepalings van artikel 50(6)(c), behou die hof wat [die] ’n beskuldigde na ’n ander hof vir verhoor of vonnis verwys [behoudens die bepalings van artikel 50(6)(b)]regsbevoegdheid met betrekking tot die bevoegdhede, werksaamhede en pligte ten opsigte van borgtog ingevolge hierdie Wet totdat die beskuldigde vir die eerste keer in sodanige ander hof verskyn.”; en

15

(b) deur in subartikel (14) die woorde wat die voorbehoudbepaling voorafgaan deur die volgende woorde te vervang:

20

“Ondanks [enige wet tot die teendeel] andersluidende regsbepalings het geen beskuldigde, vir die doeleinades van borgtogverrigtinge, toegang tot enige inligting, rekord of dokument met betrekking tot die betrokke misdryf wat vervat word in, of deel uitmaak van, ’n polisiedossier, [en, tensy die aanklaer anders gelas, ook] met inbegrip van enige inligting, rekord of dokument wat deur enige polisiebeampte belas met die betrokke ondersoek gehou word nie, tensy die aanklaer anders gelas:”.

25

Wysiging van artikel 212 van Wet 51 van 1977, soos gewysig deur artikel 12 van Wet 56 van 1979, artikels 46 en 47 van Wet 97 van 1986, artikel 11 van Wet 5 van 1991 en artikel 40 van Wet 122 van 1991

30 6. Artikel 212 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Wanneer ’n feit wat bepaal is deur ’n ondersoek of proses wat bedrewenheid—

35

- (i) in biologie, skeikunde, natuurkunde, sterrekunde, aardrykskunde of geologie;
- (ii) in wiskunde, toegepaste wiskunde of wiskundige statistiek of in die ontleding van statistiek;
- (iii) in rekenaarwetenskap of in ’n vakrigting van ingenieurswese;
- (iv) in anatomie of in menslike gedragswetenskappe;
- (v) in fisiologiese skeikunde, in metallurgie, in mikroskopie, in ’n vertakking van patologie of in toksikologie; of
- (vi) in ballistiek, in die identifisering van vinger- of palmafdrukke of in die ondersoek van betwiste dokumente,

40

vereis, by strafregtelike verrigtinge by die geskilpunt relevant is of mag word, is

45

’n dokument wat voorgee ’n beëdigde verklaring te wees deur ’n persoon wat in daardie beëdigde verklaring beweer dat hy of sy in diens is van die Staat of van ’n provinsiale administrasie of in diens is van of verbonde is aan die Suid-Afrikaanse Instituut vir Mediese Navorsing of ’n universiteit in die Republiek of ’n ander liggaam wat vir die doeleinades van hierdie subartikel deur die Minister

50

by kennisgewing in die Staatskoerant aangewys is, en dat hy of sy bedoelde feit deur middel van so ’n ondersoek of proses bepaal het, by blote voorlegging daarvan by sulke verrigtinge, *prima facie*-bewys van daardie feit: Met dien verstande dat die persoon wat bedoelde beëdigde verklaring kan aflê, in ’n geval waarin bedrewenheid in skeikunde, anatomie of patologie vereis word, ’n sertifikaat in plaas van bedoelde beëdigde verklaring kan uitrek, in welke geval die bepalings van hierdie paragraaf *mutatis mutandis* met betrekking tot so ’n sertifikaat van toepassing is.”.

55

Substitution of section 275 of Act 51 of 1977

7. The following section is hereby substituted for section 275 of the Criminal Procedure Act, 1977:

“Sentence by judicial officer or judge other than judicial officer or judge who convicted accused”

275. (1) If sentence is not passed upon an accused forthwith upon conviction in a lower court, or if, by reason of any decision or order of a superior court on appeal, review or otherwise, it is necessary to add to or vary any sentence passed in a lower court or to pass sentence afresh in such court, any judicial officer of that court may, in the absence of the judicial officer who convicted the accused or passed the sentence, as the case may be, and after consideration of the evidence recorded and in the presence of the accused, pass sentence on the accused or take such other steps as the judicial officer who is absent, could lawfully have taken in the proceedings in question if he or she had not been absent. 15

(2) Whenever—

(a) a judge is required to sentence an accused convicted by him or her of any offence; or
 (b) any matter is remitted on appeal or otherwise to the judge who presided at the trial of an accused, and that judge is for any reason not available, any other judge of the provincial or local division concerned may, after consideration of the evidence recorded and in the presence of the accused, sentence the accused or, as the case may be, take such other steps as the former judge could lawfully have taken in the proceedings in question if he or she had been available.”. 25

Amendment of Schedule 5 to Act 51 of 1977, as substituted by section 9 of Act 85 of 1997

8. Schedule 5 to the Criminal Procedure Act, 1977, is hereby amended—

(a) by the deletion, in the Afrikaans text, of the fifth offence; 30

(b) by the substitution in the Afrikaans text of the sixth offence for the words preceding paragraph (a) of the following words:

“n Misdryf bedoel in artikel 13(f) van die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), indien [bewys is] beweer word dat—”; 35

(c) by the substitution in the Afrikaans text for paragraph (b) of the ninth offence of the following paragraph:

“(b) waarby bedrae van meer as R100 000,00 betrokke is, indien [bewys is] beweer word dat die misdryf deur 'n persoon, groep persone, sindikaat of 'n onderneming handelende in die uitvoering of ter bevordering van 'n gemeenskaplike doel of sameswering gepleeg is; of”; and 40

(d) by the substitution in the Afrikaans text of paragraph (c) of the said ninth offence for the words preceding subparagraph (i) of the following words:

“indien [bewys is] beweer word dat die misdryf gepleeg is deur 'n wetstoepassingsbeampte—”. 45

Amendment of Schedule 6 to Act 51 of 1977, as added by section 10 of Act 85 of 1997

9. Schedule 6 to the Criminal Procedure Act, 1977, is hereby amended by the substitution in the Afrikaans text for subparagraph (iii) of paragraph (a) of the second offence of the following subparagraph:

“(iii) deur 'n persoon wat [skuldig bevind is aan] aangekla word van die pleging van twee of meer misdrywe van verkrating; of”. 50

Vervanging van artikel 275 van Wet 51 van 1977

7. Artikel 275 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

5 **"Vonnis deur ander regterlike amptenaar of regter as regterlike amptenaar of regter wat beskuldigde skuldig bevind het"**

10 **275.** (1) Indien 'n beskuldigde nie onmiddellik by skuldigbevinding in 'n laer hof vonnis opgelê word nie, of indien, vanweë 'n beslissing of bevel van 'n hoër hof [by] op appèl, hersiening of andersins, dit nodig is om 'n vonnis wat in 'n laer hof opgelê is, te wysig of iets daarby te voeg of om opnuut vonnis in so 'n hof op te lê, kan enige regterlike amptenaar van daardie hof, by afwesigheid van die regterlike amptenaar wat die beskuldigde skuldig bevind of, na gelang van die geval, die vonnis opgelê het, en na oorweging van die aangetekende getuenis en in die aanwesigheid van die beskuldigde, die beskuldigde 'n vonnis ople of die ander stappe doen wat die afwesige regterlike amptenaar regtens in die betrokke verrigtinge sou kon gedoen het indien hy of sy nie afwesig was nie.

15 (2) Wanneer—
 (a) van 'n regter vereis word om 'n beskuldigde te vonnis wat deur hom of haar aan 'n misdryf skuldig bevind is; of
 20 (b) die een of ander aangeleentheid op hoër beroep terugverwys word na die regter wat by die verhoor van 'n beskuldigde voorgesit het,
 en daardie regter om die een of ander rede nie beskikbaar is nie, kan 'n ander regter van die betrokke provinsiale of plaaslike afdeling, na oorweging van die aangetekende getuenis en in die aanwesigheid van die beskuldigde, die beskuldigde vonnis of, na gelang van die geval, die ander stappe doen wat eersgenoemde regter regtens in die betrokke verrigtinge sou kon gedoen het indien hy of sy beskikbaar was."

Wysiging van Bylae 5 by Wet 51 van 1977, soos vervang deur artikel 9 van Wet 85 van 1997

30 8. Bylae 5 by die Strafproseswet, 1977, word hierby gewysig—

- (a) deur die vyfde misdryf te skrap;
- (b) deur in die sesde misdryf die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 " 'n Misdryf bedoel in artikel 13(f) van die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), indien [bewys is] beweer word dat—";
- (c) deur paragraaf (b) van die negende misdryf deur die volgende paragraaf te vervang:
 "(b) waarby bedrae van meer as R100 000,00 betrokke is, indien [bewys is] beweer word dat die misdryf deur 'n persoon, groep persone, sindikaat of 'n onderneming handelende in die uitvoering of ter bevordering van 'n gemeenskaplike doel óf sameswering gepleeg is; of"; en
- (d) deur in paragraaf (c) van genoemde negende misdryf die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
 "indien [bewys is] beweer word dat die misdryf gepleeg is deur 'n wetstoepassingsbeampte—".

Wysiging van Bylae 6 by Wet 51 van 1977, soos bygevoeg deur artikel 10 van Wet 85 van 1997

50 9. Bylae 6 by die Strafproseswet, 1977, word hierby gewysig deur subparagraaf (iii) van paragraaf (a) van die tweede misdryf deur die volgende subparagraaf te vervang:

- "(iii) deur 'n persoon wat [skuldig bevind is aan] aangekla word van die pleging van twee of meer misdrywe van verkragting; of".

Amendment of Schedule 7 to Act 51 of 1977, as added by section 10 of Act 85 of 1997

- 10.** Schedule 7 to the Criminal Procedure Act, 1977, is hereby amended—
 (a) by the substitution for the heading thereto of the following heading:

“SCHEDEULE 7

5

(Section [60(6)(b)] **59A**);

- (b) by the substitution for the ninth offence of the following offence:
 “Theft and any offence referred to in section 264(1)(a), (b) and (c), if the amount involved in the offence exceeds [R2 000,00] R200,00 but does not exceed R20 000,00.”; and
 (c) by the deletion, in the Afrikaans text, of the tenth offence.

10

Insertion of Chapter 4A and sections 16A, 16B, 16C and 16D in Act 126 of 1992

- 11.** The following chapter is hereby inserted after Chapter 4 of the Criminal Law Second Amendment Act, 1992:

“CHAPTER 4A

15

OFFENCES RELATING TO MILITARY, PARAMILITARY OR SIMILAR OPERATIONS AND WEAPONS, AMMUNITION, EXPLOSIVES OR OTHER EXPLOSIVE DEVICES

Certain acts connected with military, paramilitary or similar operations and weapons, ammunition, explosives or other explosive devices prohibited 20

16A. (1) No person shall—

- (a) in any manner train any other person or undergo any training—
 (i) in the conducting of any military, paramilitary or similar operation; or
 (ii) in any tactical or other procedure applicable to, or required in, the preparation for any such operation or the execution thereof;
 (b) instruct or train any other person or undergo any instruction or training in the construction, manufacture or use of any weapon, ammunition, explosive or other explosive device—
 (i) for the purpose of endangering life or causing serious damage to property;
 (ii) for the purpose of promoting any political objective; or
 (iii) for military, paramilitary or similar purposes;
 (c) assist in any instruction or training contemplated in this subsection, or equip any other person who is so instructed or trained or intended to be so instructed or trained with any such weapon, ammunition, explosive or explosive device or organise or employ two or more such other persons, whether they are so equipped by him or her or not—
 (i) for the purpose of endangering life or causing serious damage to property;
 (ii) for the purpose of promoting any political objective; or
 (iii) for military, paramilitary or similar purposes.
 (2) The provisions of subsection (1) shall not apply in respect of—
 (a) any member of the South African National Defence Force or of any reserve, corps or service established by or under the Defence Act, 1957 (Act No. 44 of 1957), who—
 (i) acts in the course and within the scope of his or her duties as such a member and in accordance with the requirements of the

25

30

35

40

45

Wysiging van Bylae 7 by Wet 51 van 1977, soos bygevoeg deur artikel 10 van Wet 85 van 1997

10. Bylae 7 by die Strafproseswet, 1977, word hierby gewysig—
 (a) deur die opskrif daarby deur die volgende opskrif te vervang:

5

“BYLAE 7

(Artikel [60(6)(b)] **59A**)”;

- (b) deur die negende misdryf deur die volgende misdryf te vervang:
 “Diefstal en 'n misdryf bedoel in artikel 264(1)(a), (b) en (c), indien die bedrag betrokke by die misdryf **[R2 000,00]** R200,00 oorskry maar nie
 R20 000,00 oorskry nie.”; en
 (c) deur die tiende misdryf te skrap.

Invoeging van Hoofstuk 4A en artikels 16A, 16B, 16C en 16D in Wet 126 van 1992

11. Die volgende hoofstuk word hierby na Hoofstuk 4 van die Tweede Strafreg-wysigingswet, 1992, ingevoeg:

15

“HOOFSTUK 4A

**MISDRYWE MET BETREKKING TOT MILITÈRE,
 PARAMILITÈRE OF SOORTGELYKE OPERASIES EN WAPENS,
 AMMUNISIE, PLOFSTOWWE OF ANDER ONTPLOFBARE
 TOESTELLE**

20

Verbod op sekere handelinge wat met militêre, paramilitêre of soortgelyke operasies en wapens, ammunisie, plofstowwe of ander ontplofbare toestelle in verband staan

16A. (1) Niemand mag—

25

- (a) op enige wyse 'n ander persoon oplei of enige opleiding ondergaan nie—
 (i) in die voer van enige militêre, paramilitêre of soortgelyke operasie; of
 (ii) in enige taktiese of ander prosedure wat van toepassing is op, of vereis word by, die voorbereiding vir sodanige operasie of die uitvoering daarvan;

30

- (b) 'n ander persoon onderrig of oplei of enige onderrig of opleiding ondergaan nie in die konstruksie, vervaardiging of gebruik van enige wapen, ammunisie, plofstof of ander ontplofbare toestel—
 (i) met die doel om menselewe in gevaar te stel of om ernstige skade aan eiendom te berokken;

35

- (ii) met die doel om enige politieke oogmerk te bevorder; of
 (iii) vir militêre, paramilitêre of soortgelyke doeleinades;

40

- (c) met onderrig of opleiding beoog in hierdie subartikel behulpsaam wees, of 'n ander persoon wat aldus onderrig of opgelei is of bestem is om aldus onderrig of opgelei te word met sodanige wapen, ammunisie, plofstof of ontplofbare toestel toerus of twee of meer sodanige ander persone, hetsy hulle aldus deur hom of haar toegerus is al dan nie, organiseer of aanwend nie—
 (i) met die doel om menselewe in gevaar te stel of om ernstige skade aan eiendom te berokken;

45

- (ii) met die doel om enige politieke oogmerk te bevorder; of
 (iii) vir militêre, paramilitêre of soortgelyke doeleinades.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte

van—

50

- (a) 'n lid van die Suid-Afrikaanse Nasionale Weermag of van 'n reserwe, korps of diens by of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel, wat—
 (i) in die loop en binne die bestek van sy of haar pligte as so 'n lid en ooreenkomsdig die voorskrifte van die Grondwet van die

	Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), the said Act or any order, command, instruction or regulation issued or made under the said Act; or	
(ii)	undergoes training in terms of the said Act or any order, command, instruction or regulation issued or made under the said Act;	5
(b)	any member of the South African Police Service or of any municipal police service established under the South African Police Service Act, 1995 (Act No. 68 of 1995), who—	10
(i)	acts in the course and within the scope of his or her duties as such a member and in accordance with the requirements of the said Act, any other law or any order, instruction, determination or regulation issued or made under the said Act; or	
(ii)	undergoes training in terms of any determination or regulation issued or made under the said Act;	15
(c)	any correctional official of the Department of Correctional Services or any person authorised under the Correctional Services Act, 1959 (Act No. 8 of 1959), who—	20
(i)	in the case of any such official, acts in the course and within the scope of his or her duties as such an official and in accordance with the requirements of the said Act, any other law or any order, authorization or regulation issued or made under the said Act or, in the case of any person so authorised, acts within the scope of and in accordance with such authorisation; or	
(ii)	undergoes training in terms of any order or authorization issued under the said Act;	25
(d)	in the case of any act relating to weapons, ammunition or explosives, any employee of the Armaments Development and Production Corporation of South Africa, Limited, of Denel (Pty) Ltd, of any factory manufacturing armaments or arms in accordance with a permit issued under the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), or the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), or of any factory licensed under the Explosives Act, 1956 (Act No. 26 of 1956), to manufacture explosives, who—	30
(i)	acts in the course and within the scope of his or her employment as such an employee and with a view to the promotion of the sale of armaments, arms, ammunition or explosives or the instruction or training—	35
(aa)	of co-employees in the manufacture, maintenance or development of armaments, arms, ammunition or explosives; or	40
(bb)	of persons employed by employers who are permitted to purchase armaments, arms, ammunition or explosives, in the construction, manufacture, use or maintenance thereof; or	
(ii)	undergoes instruction or training in the manufacture, maintenance or development of armaments, arms, ammunition or explosives;	45
(e)	in the case of any act relating to weapons or ammunition, any person who is appointed as a traffic officer or traffic warden under the Road Traffic Act, 1989 (Act No. 29 of 1989), and who—	50
(i)	acts in the course and within the scope of his or her duties as such an officer or warden and in furtherance of the objects of the said Act or in accordance with the requirements of any other law or the conditions of any approved training course; or	
(ii)	undergoes training at any recognised or approved training centre in accordance with the conditions of any approved training course;	55

- Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996),
genoemde Wet of 'n bevel, opdrag, instruksie of regulasie
kragtens genoemde Wet uitgereik of uitgevaardig, handel; of
 5 (ii) opleiding ingevolge genoemde Wet of 'n bevel, opdrag, instruksie
of regulasie kragtens genoemde Wet uitgereik of uitgevaardig,
ondergaan;
- (b) 'n lid van die Suid-Afrikaanse Polisiediens of van 'n munisipale
polisiediens kragtens die Wet op die Suid-Afrikaanse Polisiediens,
10 1995 (Wet No. 68 van 1995), ingestel, wat—
 (i) in die loop en binne die bestek van sy of haar pligte as so 'n lid
en ooreenkomsdig die voorskrifte van genoemde Wet, 'n ander
wet of 'n bevel, instruksie, bepaling of regulasie kragtens
genoemde Wet uitgereik of uitgevaardig, handel; of
 15 (ii) opleiding ingevolge 'n bepaling of regulasie kragtens genoemde
Wet uitgereik of uitgevaardig, ondergaan;
- (c) 'n korrektiewe beamppte van die Departement van Korrektiewe
Dienste of 'n persoon kragtens die Wet op Korrektiewe Dienste, 1959
(Wet No. 8 van 1959), gemagtig, wat—
 20 (i) in die geval van so 'n beamppte, in die loop en binne die bestek
van sy of haar pligte as so 'n beamppte en ooreenkomsdig die voor-
skrifte van genoemde Wet, 'n ander wet of 'n order, magtiging of
regulasie kragtens genoemde Wet uitgereik of uitgevaardig,
handel of, in die geval van 'n persoon aldus gemagtig, binne die
bestek van en ooreenkomsdig so 'n magtiging-handel; of
 25 (ii) opleiding ingevolge 'n order of magtiging kragtens genoemde
Wet uitgereik, ondergaan;
- (d) in die geval van 'n handeling met betrekking tot wapens, ammunisie
of plofstowwe, 'n werknemer van die Krygstuigontwikkelings- en
Vervaardigingskorporasie van Suid-Afrika, Beperk, van Denel
30 (Edms) Bpk, van 'n fabriek wat krygstuig of wapens vervaardig
oorenkomsdig 'n permit kragtens die Wet op Krygstuigontwikkeling
en -vervaardiging, 1968 (Wet No. 57 van 1968), of die Wet op
Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), uitgereik of van
 35 'n fabriek wat kragtens die Wet op Ontplofbare Stowwe, 1956 (Wet
No. 26 van 1956), gelisensieer is om ontplofbare stowwe te vervaar-
dig, wat—
 (i) in die loop en binne die bestek van sy of haar diens as so 'n
werknemer en met die oog op die bevordering van die verkoop
van krygstuig, wapens, ammunisie of ontplofbare stowwe of die
onderrig of opleiding—
 40 (aa) van medewerknemers by die vervaardiging, instandhouding,
of ontwikkeling van krygstuig, wapens, ammunisie of ont-
plofbare stowwe; of
 (bb) van persone in diens van werkgewers wat veroorloof is om
krygstuig, wapens, ammunisie of ontplofbare stowwe aan te
koop, by die konstruksie, vervaardiging, gebruik of instand-
houding daarvan,
45 handel; of
 (ii) onderrig of opleiding by die vervaardiging, instandhouding of
ontwikkeling van krygstuig, wapens, ammunisie of ontplofbare
stowwe ondergaan;
- (e) in die geval van 'n handeling met betrekking tot wapens of ammu-
nisie, iemand wat kragtens die Padverkeerswet, 1989 (Wet No. 29 van
50 1989), as 'n verkeersbeamppte of verkeersopsigter aangestel is en
wat—
 (i) in die loop en binne die bestek van sy of haar pligte as so 'n
beamppte of opsigter en ter bevordering van die oogmerke van
genoemde Wet of ooreenkomsdig die voorskrifte van 'n ander wet
of die voorwaardes van 'n goedgekeurde opleidingskursus han-
del; of
 55 (ii) opleiding by 'n erkende of goedgekeurde opleidingsentrum
oorenkomsdig die voorwaardes van 'n goedgekeurde opleidings-
kursus ondergaan;

(f) in the case of any act relating to weapons or ammunition, any person who is registered as a security officer in terms of the Security Officers Act, 1987 (Act No. 92 of 1987), and who—	5
(i) in the case of an employer, acts in good faith in rendering a security service for the protection or safeguarding of persons or property or, in the case of an employee, acts in the course and within the scope of his or her employment as such an officer and with a view to the protection or safeguarding of persons or property; or	10
(ii) undergoes training in terms of the said Act or any regulation made under the said Act;	10
(g) in the case of any act relating to explosives, any member of a service established by or under any law for the protection of persons or property, who—	15
(i) acts in the course and within the scope of his or her duties as such a member and with a view to the protection of persons or property; or	15
(ii) undergoes training at any recognised or approved training centre; or	15
(h) any person who otherwise acts, or undergoes instruction or training, in a lawful manner.	20
(3) For the purposes of subsection (1)—	
(a) ‘explosive device’ means any device which is capable of causing bodily injury, loss of life or damage to, or loss of, property by explosion or ignition and which is so used or intended to be so used;	25
(b) ‘political objective’ includes—	
(i) the bringing about of any constitutional, political, social, economic or industrial change in the Republic; or	
(ii) the inducement of any person, including the national, provincial or local sphere of government, to do or to abstain from doing any act, or to support or to oppose any person, cause, action or failure to take action,	30
whether it is coupled with the use or display of force or not;	
(c) ‘weapon’ includes any cannon, mortar, rocket launcher, grenade, machine gun, firearm or air rifle, or any imitation thereof.	35

Offences and penalties

16B. Any person who contravenes a provision of section 16A(1) shall be guilty of an offence and liable on conviction to such fine as the court may deem fit to impose, or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

40

Temporary exemption

16C. (1) Notwithstanding anything to the contrary contained in section 16A(1), the Minister of Justice may in consultation with the Minister for Safety and Security exempt—

- | | |
|--|----|
| (a) any employer who uses the services of any employee exclusively for the purposes of the protection or safeguarding of the personnel, property or business interests of that employer; and | 45 |
| (b) any employee or group of employees whose services are so used, on application in writing by the employer, from the provisions of the said section 16A(1) for such period and on such conditions as may be determined by the Minister of Justice in consultation with the Minister for Safety and Security. | 50 |

(2) The Minister of Justice may in consultation with the Minister for Safety and Security at any time withdraw an exemption contemplated in subsection (1) or withdraw, amend or supplement any condition on which such exemption was granted.

55

- 5
- (f) in die geval van 'n handeling met betrekking tot wapens of ammunisie, iemand wat ingevolge die Wet op Sekuriteitsbeampies, 1987 (Wet No. 92 van 1987), as 'n sekuriteitsbeampte geregistreer is en wat—
- 10
- (i) in die geval van 'n werkewer, te goeder trou by die lewering van 'n sekuriteitsdiens vir die beskerming of beveiliging van persone of eiendom handel of, in die geval van 'n werknemer, in die loop en binne die bestek van sy of haar diens as so 'n beampte en met die oog op die beskerming of beveiliging van persone of eiendom handel; of
- 15
- (ii) opleiding ingevolge genoemde Wet of 'n regulasie kragtens genoemde Wet uitgevaardig, ondergaan;
- (g) in die geval van 'n handeling met betrekking tot ploffstowwe, 'n lid van 'n diens by of kragtens die een of ander wet ingestel vir die beskerming van persone of eiendom, wat—
- 20
- (i) in die loop en binne die bestek van sy of haar pligte as so 'n lid en met die oog op die beskerming van persone of eiendom handel; of
- (ii) opleiding by 'n erkende of goedgekeurde opleidingsentrum ondergaan; of
- 25
- (h) iemand wat andersins op wettige wyse handel, of onderrig of opleiding ondergaan.
- 30
- (3) By die toepassing van subartikel (1) beteken—
- (a) 'ontplofbare toestel' 'n toestel wat liggaamlike besering, lewensverlies of skade aan, of verlies van, eiendom deur ontploffing of ontvlamming kan veroorsaak en wat aldus gebruik word of bestem is om aldus gebruik te word;
- 35
- (b) 'politieke oogmerk' ook—
- 40
- (i) die teweegbring van 'n grondwetlike, politieke, maatskaplike, ekonomiese of industriële verandering in die Republiek; of
- (ii) die oorreding van 'n persoon, met inbegrip van die nasionale, provinsiale of plaaslike regeringsfeer, om iets te doen of nie te doen nie, of om 'n persoon, saak, optrede of versuiw om op te tree, te ondersteun, of teen te staan, hetby dit met die gebruik of vertoon van geweld gepaard gaan al dan nie;
- 45
- (c) 'wapen' ook 'n kanon, mortjer, vuurpylrigter, granaat, masjiengeweer, vuurwapen of windgeweer, of 'n namaaksel daarvan.

Misdrywe en strawwe

16B. Iemand wat 'n bepaling van artikel 16A(1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die boete wat die hof goedvind om op te lê, of met gevengenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel daardie boete as daardie gevengenisstraf.

Tydelike vrystelling

16C. (1) Ondanks andersluidende bepalings van artikel 16A(1) kan die Minister van Justisie in oorleg met die Minister vir Veiligheid en Sekuriteit—

(a) enige werkewer wat die dienste van 'n werknemer uitsluitlik gebruik vir die doeleindes van die beskerming of beveiliging van die personeel, eiendom of besigheidsbelange van daardie werkewer; en

(b) enige werknemer of groep werknemers wie se dienste aldus gebruik word,

op skriftelike aansoek deur die werkewer, van die bepalings van genoemde artikel 16A(1) vrystel vir die tydperk en op die voorwaardes wat die Minister van Justisie in oorleg met die Minister vir Veiligheid en Sekuriteit bepaal.

(2) Die Minister van Justisie kan in oorleg met die Minister vir Veiligheid en Sekuriteit te eniger tyd 'n vrystelling beoog in subartikel (1) intrek of 'n voorwaarde waarop so 'n vrystelling verleen is, intrek, wysig of aanvul.

(3) The Minister of Justice shall notify in writing any employer affected by a decision under this section of such decision.

Authority of attorney-general

16D. No prosecution in respect of an offence referred to in section 16B shall be instituted without the written authority of the attorney-general concerned.”. 5

Substitution of long title of Act 126 of 1992

12. The following long title is hereby substituted for the long title of the Criminal Law Second Amendment Act, 1992:

“ACT

10

To amend the Criminal Procedure Act, 1977, so as to delete certain obsolescent expressions; and to extend Part III of Schedule 2; to amend the Intimidation Act, 1982, so as to provide that an act or conduct which inspires fear in the observer thereof constitutes the offence of intimidation if proved that fear was inspired; and to create an additional offence; to amend the Internal Security Act, 1982, so as to delete the attorney-general’s power to prohibit release on bail or on warning; to delete the detention of witnesses under warrant issued by the attorney-general; and to further regulate a certain offence; to provide that the organizing, training, equipping or arming of members or supporters of organizations is prohibited in certain cases; to provide that certain acts connected with military, paramilitary or similar operations and weapons, ammunition, explosives or other explosive devices are prohibited; to provide that an attorney-general may issue a certificate in respect of certain offences to the effect that a special criminal procedure be followed in respect of the trial of such offences; to grant special powers to a court of law with regard to the hearing of such offences; to provide for a special plea procedure in respect of such offences; to provide that a person who has been arrested on account of the alleged commission of such an offence, may only on the written authorization of the attorney-general be released on bail or on warning; to provide for the imposition of a prescribed sentence for the unlawful possession of weaponry in specified instances; and to provide for the detention of persons in certain cases for interrogation in respect of certain weaponry; and to provide for matters connected therewith.”. 35

15

20

25

30

35

Amendment of section 1 of Act 127 of 1992, as amended by section 32 of Act 38 of 1994 and section 1 of Act 77 of 1995

13. Section 1 of the Interception and Monitoring Prohibition Act, 1992, is hereby amended—

(a) by the substitution for the definition of “monitor” of the following definition: 40
“‘monitor’ includes the recording of conversations or communications by means of a monitoring device;”; and

(b) by the substitution for the definition of “monitoring device” of the following definition:

“‘monitoring device’ means any instrument, device or equipment which 45 is used or can be used, whether by itself or in combination with any other

(3) Die Minister van Justisie moet 'n werkewer wat deur 'n beslissing kragtens hierdie artikel geraak word skriftelik van so 'n beslissing verwittig.

Magtiging van prokureur-generaal

5 16D. Geen vervolging ten opsigte van 'n misdryf bedoel in artikel 16B word sonder die skriftelike magtiging van die betrokke prokureur-generaal ingestel nie."

Vervanging van lang titel van Wet 126 van 1992

10 12. Die lang titel van die Tweede Strafregwysigingswet, 1992, word hierby deur die volgende lang titel vervang:

"WET

15 Tot wysiging van die Strafproseswet, 1977, ten einde sekere verouderde uitdrukings te skrap; en Deel III van Bylae 2 uit te brei; tot wysiging van die Wet op Intimidasié, 1982, ten einde voorsiening daarvoor te maak dat 'n handeling of optrede wat by 'n waarnemer daarvan vrees inboesem, die misdryf van intimidasié uitmaak indien bewys word dat vrees ingeboesem is; en 'n verdere misdryf te skep; tot wysiging van die Wet op Binnelandse Veiligheid, 1982, ten einde die bevoegdheid van die prokureur-generaal om vrylating op borgtog of op waarskuwing te verbied, te skrap; die aanhouding van getuies kragtens lasbrief deur die prokureur-generaal uitgereik, te skrap; en 'n sekere misdryf verder te reël; om voorsiening daarvoor te maak dat die organisering, opleiding, toerusting of bewapening van lede of ondersteuners van organisasies in sekere gevalle verbied word; voorsiening daarvoor te maak dat sekere handelinge verbied word wat met militêre, paramilitêre of soortgelyke operasies en wapens, ammunisie, ploffstowwe of ander ontplofbare toestelle in verband staan; voorsiening daarvoor te maak dat 'n prokureur-generaal ten opsigte van sekere misdrywe 'n sertifikaat kan uitrek ten effekte dat 'n spesiale strafprocedure ten aansien van die verhoor van genoemde misdrywe gevolg word; aan 'n geregshof spesiale bevoegdhede te verleen met betrekking tot die verhoor van genoemde misdrywe; voorsiening te maak vir 'n spesiale pleitprocedure ten opsigte van genoemde misdrywe; voorsiening daarvoor te maak dat 'n persoon wat op grond van die beweerde pleging van so 'n misdryf gearresteer is, slegs met die skriftelike magtiging van die prokureur-generaal op borgtog of op waarskuwing vrygelaat kan word; voorsiening te maak vir die ople van 'n voorgeskrewe vonnis vir die onwettige besit van wapentuig in bepaalde gevalle; en voorsiening te maak vir die aanhouding van persone in sekere gevalle vir ondervraging ten aansien van sekere wapentuig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

Wysiging van artikel 1 van Wet 127 van 1992, soos gewysig deur artikel 32 van Wet 38 van 1994 en artikel 1 van Wet 77 van 1995

45 13. Artikel 1 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby gewysig—

(a) deur die omskrywing van "meeluister" deur die volgende omskrywing te vervang:

 "meeluister" ook die opneem van gesprekke of mededelings deur middel van 'n meeluisterapparaat"; en

(b) deur die omskrywing van "meeluisterapparaat" deur die volgende omskrywing te vervang:

 "meeluisterapparaat" enige instrument, toestel of toerusting wat gebruik word of gebruik kan word, hetsy alleen of saam met enige ander

instrument, device or equipment, to listen to or record any conversation or communication;”.

Amendment of section 2 of Act 127 of 1992

14. Section 2 of the Interception and Monitoring Prohibition Act, 1992, is hereby amended—

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

“(b) intentionally monitor [a] any conversation or communication by means of a monitoring device so as to gather confidential information concerning any person, body or organization.”; and

(b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) conversations by or with, or communications to or from, a person, body or organization, whether a telecommunications line is being used in conducting those conversations or transmitting those communications or not, be monitored in any manner by means of a monitoring device.”

5

10

15

20

25

30

Amendment of section 3 of Act 127 of 1992, as amended by section 32 of Act 38 of 1994 and section 4 of Act 18 of 1996

15. Section 3 of the Interception and Monitoring Prohibition Act, 1992, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) for the purposes referred to in subsection (1)(b)(i) or (ii) or subsection (4), be made by an officer referred to in section 33 of the South African Police Service Act, 1995 (Act No. 68 of 1995), provided [that] the officer concerned obtained in advance the approval of another officer in the South African Police Service with at least the rank of assistant-commissioner, or a member of the said Police Service occupying a post on at least the same level, and who [shall be] has been authorised in writing by the National Commissioner of the South African Police Service to grant such approval.”.

35

40

Amendment of section 4 of Act 127 of 1992, as amended by section 32 of Act 38 of 1994 and section 4 of Act 18 of 1996

16. Section 4 of the Interception and Monitoring Prohibition Act, 1992, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) take possession of and examine any postal article or telegram to which the direction applies, or, as the case may be, listen in to or make a recording of any conversation or communication to which the direction applies.”; and

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

“(iii) an officer of at least the rank of assistant-commissioner in the South African Police Service or a member of the said Police Service occupying a post on at least the same level.”.

45

50

Amendment of section 5 of Act 127 of 1992, as amended by section 32 of Act 38 of 1994 and section 4 of Act 18 of 1996

17. Section 5 of the Interception and Monitoring Prohibition Act, 1992, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) make available the necessary facilities and devices and enable the member who is authorized in terms of section 4(1) to execute a direction or to assist with the execution of a direction, to effect the necessary connections in order to monitor conversations or communications to which the direction applies.”.

50

instrument, toestel of toerusting, om na 'n gesprek of mededeling te luister of dit op te neem;".

Wysiging van artikel 2 van Wet 127 van 1992

14. Artikel 2 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
“(b) opsetlik meeluister na 'n gesprek of mededeling deur middel van 'n meeluisterapparaat ten einde vertroulike inligting aangaande enige persoon, liggaam of organisasie in te win nie.”; en

10 (b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
“(c) op enige wyse deur middel van 'n meeluisterapparaat na gesprekke van of met, of mededelings aan of vanaf, 'n persoon, liggaam of organisasie meegeluister word, hetsy 'n telekommunikasielyn vir die voer van daardie gesprekke of die versending van daardie mededelings gebruik word al dan nie.”.

15

Wysiging van artikel 3 van Wet 127 van 1992, soos gewysig deur artikel 32 van Wet 38 van 1994 en artikel 4 van Wet 18 van 1996

15. Artikel 3 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

20 “(a) vir doeleinnes van subartikel (1)(b)(i) of (ii) of subartikel (4) gedoen deur 'n offisier bedoel in artikel 33 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), mits die betrokke offisier vooraf die goedkeuring verkry van 'n ander offisier in die Suid-Afrikaanse Polisiediens met minstens die rang van assistent-kommissaris, of 'n lid van genoemde Polisiediens wat 'n pos op minstens dieselfde vlak beklee, en wat skriftelik deur die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens gemagtig is om sodanige goedkeuring te verleen.”.

25

Wysiging van artikel 4 van Wet 127 van 1992, soos gewysig deur artikel 32 van Wet 38 van 1994 en artikel 4 van Wet 18 van 1996

16. Artikel 4 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
“(a) besit neem van enige posstuk of telegram waarop die lasgewing

35 van toepassing is en dit ondersoek, of, na gelang van die geval, inluister na of 'n opname maak van enige gesprek of mededeling waarop die lasgewing van toepassing is.”; en

(b) deur subparagraaf (iii) van paragraaf (b) van genoemde subartikel (2) deur die volgende subparagraaf te vervang:

40 “(iii) 'n offisier met minstens die rang van assistent-kommissaris in die Suid-Afrikaanse Polisiediens of 'n lid van genoemde Polisiediens wat 'n pos op minstens dieselfde vlak beklee,”.

Wysiging van artikel 5 van Wet 127 van 1992, soos gewysig deur artikel 32 van Wet 38 van 1994 en artikel 4 van Wet 18 van 1996

45 17. Artikel 5 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

50 “(b) die nodige fasilitete en apparate beskikbaar stel en die lid wat ingevolge artikel 4(1) daar toe gemagtig is om 'n lasgewing uit te voer of met die uitvoering van 'n lasgewing behulpsaam te wees, in staat stel om die nodige verbindings te bewerkstellig ten einde na gesprekke of mededelings waarop die lasgewing betrekking het, mee te luister.”.

Substitution of long title of Act 127 of 1992

18. The following long title is hereby substituted for the long title of the Interception and Monitoring Prohibition Act, 1992:

"ACT

To prohibit the interception of certain communications and the monitoring of certain conversations or communications; to provide for the interception of postal articles and communications and for the monitoring of conversations or communications in the case of a serious offence or if the security of the Republic is threatened; and to provide for matters connected therewith.".

5

10

Amendment of section 9 of Act 114 of 1993

19. Section 9 of the Recognition of Foreign Legal Qualifications and Practice Act, 1993, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) [Any section of this] This Act shall [subject to the provisions of subsection (3)] cease to have effect [after the expiry of one year from the commencement of that section] on 1 April 1998, but [this] if shall not affect the previous operation of [that section] this Act or any exemption granted [in terms thereof] thereunder."; and

(b) by the deletion of subsection (3).

15

20

Amendment of section 29 of Act 34 of 1995, as amended by section 24 of Act 104 of 1996

20. Section 29 of the Promotion of National Unity and Reconciliation Act, 1995, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) No person other than a commissioner, a member of the staff of the Commission or any person required to produce any article or to give evidence shall be entitled or be permitted to attend any investigation conducted in terms of this section, and the Commission may, having due regard to the principles of openness and transparency, declare that any article produced or information [submitted] furnished at such investigation shall not be made public until the Commission determines otherwise or, in the absence of such a determination, until the article is produced or the information is furnished at a hearing in terms of this Act, or at any proceedings in any court of law.".

25

30

Amendment of Schedule II to Act 18 of 1996

21. Schedule II to the Justice Laws Rationalisation Act, 1996, is hereby amended—

(a) below the heading "LAWS OF THE FORMER REPUBLIC OF CISKEI", by the substitution in the second column thereof for the expression "General Law Second Amendment Act, 1984" of the expression "General Law Amendment Act, 1984"; and

(b) below the heading "LAWS OF THE FORMER SELF-GOVERNING TERRITORY OF LEBOWA", by the substitution in the third column thereof for the expression "Sections 14, 15, 18, 18A and 107" of the expression "The whole, except sections 14, 15, 18, 18A and 107".

35

40

Amendment of section 34 of Act 76 of 1996

22. Section 34 of the Proceeds of Crime Act, 1996, is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) to impose any penalty mentioned in section [31] 33, even though that penalty may exceed the punitive jurisdiction of that court; and".

45

Vervanging van lang titel van Wet 127 van 1992

18. Die lang titel van die Wet op die Verbod op Onderskepping en Meeluistering, 1992, word hierby deur die volgende lang titel vervang:

"WET

5 **Om die onderskepping van sekere mededelings en die meeluistering na sekere gesprekke of mededelings te verbied; voorsiening te maak vir die onderskepping van posstukke en mededelings en vir die meeluistering na gesprekke of mededelings in die geval van 'n ernstige misdryf of indien die veiligheid van die Republiek bedreig word; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan."**

Wysiging van artikel 9 van Wet 114 van 1993

19. Artikel 9 van die Wet op Erkenning van Buitelandse Regskwalifikasies en -praktyk, 1993, word hierby gewysig—

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

20 "(2) [n Artikel van hierdie] Hierdie Wet hou [behoudens die bepalings van subartikel (3)] op om van krag te wees [na die verloop van een jaar vanaf die inwerkingtreding van daardie artikel] op 1 April 1998, maar dit raak nie die vroeëre werking van [daardie artikel] hierdie Wet of enige vrystelling wat daarkragtens verleen is nie.;" en

(b) deur subartikel (3) te skrap.

Wysiging van artikel 29 van Wet 34 van 1995, soos gewysig deur artikel 24 van Wet 104 van 1996

25 20. Artikel 29 van die Wet op die Bevordering van Nasionale Eenheid en Versoening, 1995, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

30 "(5) Niemand behalwe 'n kommissaris, 'n lid van die personeel van die Kommissie of enige persoon van wie dit vereis word om enige voorwerp voor te lê of getuenis af te lê, is geregtig of word toegelaat om enige ondersoek gedoen ingevolge hierdie artikel by te woon nie, en die Kommissie kan, met behoorlike inagneming van die beginsels van oopheid en deursigtigheid, verklaar dat enige voorwerp voorgelê of inligting [ingedien] verstrek by sodanige ondersoek nie openbaar word nie totdat die Kommissie anders bepaal of, in die afwesigheid van sodanige bepaling, totdat die voorwerp voorgelê of inligting verstrek word by 'n verhoor ingevolge hierdie Wet, of by enige verrigtinge in enige gereghof."

Wysiging van Bylae II by Wet 18 van 1996

21. Bylae II by die Rasionaliseringswet op Justisiewette, 1996, word hierby gewysig—

40 (a) onder die opskrif "WETTE VAN DIE VOORMALIGE REPUBLIEK VAN CISKEI", deur in die tweede kolom daarvan die uitdrukking "General Law Second Amendment Act, 1984" deur die uitdrukking "General Law Amendment Act, 1984" te vervang; en

45 (b) onder die opskrif "WETTE VAN DIE VOORMALIGE SELFREGERENDE GEBIED VAN LEBOWA", deur in die derde kolom daarvan die uitdrukking "Artikels 14, 15, 18, 18A en 107" deur die uitdrukking "Die geheel, behalwe artikels 14, 15, 18, 18A en 107" te vervang.

Wysiging van artikel 34 van Wet 76 van 1996

22. Artikel 34 van die Wet op die Opbrengs van Misdaad, 1996, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

50 "(a) om 'n straf vermeld in artikel [31] 33 op te lê, selfs al sou daardie straf die strafbevoegdheid van daardie hof oorskry; en".

Amendment of section 3 of Act 85 of 1997

23. Section 3 of the Criminal Procedure Second Amendment Act, 1997, is hereby amended by the substitution in the said section 3 for the words preceding the marginal note of the following words:

"The following section is hereby inserted in the principal Act after section [58] 59:". 5

Substitution of section 12 of Act 85 of 1997

24. The following section is hereby substituted for section 12 of the Criminal Procedure Second Amendment Act, 1997:

"Short title and commencement"

[12]11. This Act shall be called the Criminal Procedure Second 10
Amendment Act, 1997, and shall come into operation on a date fixed by the
President by proclamation in the *Gazette*".

Amendment of section 1 of Act 105 of 1997

25. Section 1 of the Criminal Law Amendment Act, 1997, is hereby amended—

(a) by the substitution for paragraph (b) of subsection (3) of the following 15
paragraph:

"(b) The court—"

(i) shall consider the written arguments and the evidence led at the trial; and

(ii) may, if necessary, hear oral argument on such written arguments, 20
and shall advise the President, with full reasons therefor, [of the need to set aside the sentence of death, or] on the appropriate sentence to be substituted in [its] the place of the sentence of death and, if applicable, [of] on the date to which the sentence shall be antedated."; and

(b) by the substitution for subsection (10) of the following subsection:

11(10) All other appeals in cases where the sentence of death was imposed and which are [either part heard or pending before] not disposed of by the Supreme Court of Appeal shall be disposed of by that court, which for that purpose shall have the powers set forth in section 322(2) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) [Court: Provided that the said Court shall, if the Court confirms the conviction, set aside the sentence of death and impose such punishment as it considers to be proper.] 25 30

Short title and commencement

26. (1) This Act shall be called the Judicial Matters Amendment Act, 1998. 35

(2) The provisions of—

(a) sections 1, 2, 6, 7, 11 to 18 and 20 shall come into operation on a date fixed by the President by proclamation in the *Gazette*;

(b) sections 3 to 5 and 8 to 10 shall come into operation on the date of commencement of the Criminal Procedure Second Amendment Act, 1997 40 (Act No. 85 of 1997);

(c) section 19 shall be deemed to have come into operation on 1 October 1993;

(d) section 21 shall be deemed to have come into operation on 1 April 1997;

(e) section 22 shall be deemed to have come into operation on 16 May 1997;

(f) sections 23 and 24 shall be deemed to have come into operation on 10 December 1997; and

(g) section 25 shall be deemed to have come into operation on 50 45 50 19 December 1997.

(3) Different dates may be fixed under subsection (2)(a) in respect of different provisions of this Act.

Wysiging van artikel 3 van Wet 85 van 1997

23. Artikel 3 van die Tweede Strafproseswysigingswet, 1997, word hierby gewysig deur in genoemde artikel 3 die woorde wat die kantskrif voorafgaan deur die volgende woorde te vervang:

5 "Die volgende artikel word hierby in die Hoofwet na artikel [58] 59 ingevoeg:".

Vervanging van artikel 12 van Wet 85 van 1997

24. Artikel 12 van die Tweede Strafproseswysigingswet, 1997, word hierby deur die volgende artikel vervang:

"Kort titel en inwerkingtreding"

10 [12]11. Hierdie Wet heet die Tweede Strafproseswysigingswet, 1997, en tree in werking op 'n datum wat die President by proklamasie in die Staatskoerant bepaal.".

Wysiging van artikel 1 van Wet 105 van 1997

25. Artikel 1 van die Strafregwysigingswet, 1997, word hierby gewysig—

15 (a) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
"b) Die hof—

(i) oorweeg die skriftelike argumente en die getuienis wat by die verhoor geleei is; en

(ii) kan, indien nodig, mondelinge argumente oor sodanige skriftelike argumente aanhoor,

20 en adviseer die President, met volledige redes daarvoor, [van die nodigheid om die doodvonnis tersyde te stel, van] oor die gepaste vonnis ter vervanging [daarvan] van die doodvonnis en, indien toepaslik, [van] oor die datum waarna die vonnis teruggedateer moet word.";

25 en

(b) deur subartikel (10) deur die volgende subartikel te vervang:

"(10) Alle ander appelle in sake waar die doodvonnis opgelê is en wat [of deelsverhoor of hangende voor] nie deur die Hoë Hof van Appèl afgehandel is nie, word deur daardie [hof afgehandel wat vir daardie doel die bevoegdhede het wat in artikel 322(2) van die Strafproseswet, 1977 (Wet No. 51 van 1977), uiteengesit word] Hof afgehandel: Met dien verstande dat genoemde Hof, indien die Hof die skuldigbevinding bekratig, die doodvonnis tersyde stel en die straf oplê wat na sy oordeel gepas is.". "

35 Kort titel en inwerkingtreding

26. (1) Hierdie Wet heet die Wysigingswet op Geregtelike Aangeleenthede, 1998.

(2) Die bepalings van—

(a) artikels 1, 2, 6, 7, 11 tot 18 en 20 tree in werking op 'n datum wat die President by proklamasie in die Staatskoerant bepaal;

40 (b) artikels 3 tot 5 en 8 tot 10 tree in werking op die datum van inwerkingtreding van die Tweede Strafproseswysigingswet, 1997 (Wet No. 85 van 1997);

(c) artikel 19 word geag op 1 Oktober 1993 in werking te getree het;

(d) artikel 21 word geag op 1 April 1997 in werking te getree het;

(e) artikel 22 word geag op 16 Mei 1997 in werking te getree het;

45 (f) artikels 23 en 24 word geag op 10 Desember 1997 in werking te getree het; en

(g) artikel 25 word geag op 19 Desember 1997 in werking te getree het.

(3) Verskillende datums kan kragtens subartikel (2)(a) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.