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GOEWERMENTSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene inligting gepubliseer:

DEPARTEMENT VAN JUSTISIE.

No. 1350.] [17 Junie 1952.

REËLS VAN DIE HOË HOF VAN DIE PARLEMENT.

Dit word hierby vir algemene inligting bekendgemaak dat Sy Eksellensie die Goewerneur-generaal van die Unie van Suid-Afrika die volgende reëls uit hoofde van die bevoegdheid aan hom verleen deur artikel nege van die Wet op die Hoë Hof van die Parlement, 1952, uitgevaardig het:

Woordbepaling.

1. In hierdie reëls, tensy uit die samehang anders blyk, beteken—
 „die Wet” die Wet op die Hoë Hof van die Parlement, 1952;
 „die Hof” die Hoë Hof van die Parlement;
 „Griffier” die Griffier van die Hof;
 „President” die President van die Hof;
 „Sekretaris” die Sekretaris van 'n Judisiële Komitee;
 „Voorsitter” die Voorsitter van 'n Judisiële Komitee.

Afskrifte van tersaaklike stukke word aan lede van die Hof gestuur.

2. So gou doenlik nadat 'n aansoek om die hersiening van 'n uitspraak of bevel wat deur die Afdeling van Appel van die Hooggereghof gegee of uitgereik is, by die President ingedien is, laat die Griffier 'n afskrif van die aansoek en van die in sub-artikel (2) van artikel vyf van die Wet bedoelde stukke aan elke lid van die Hof stuur.

Sekretaris moet partye in kennis stel van datum en plek van vergadering van Judisiële Komitee.

3. So gou die President 'n aansoek om die hersiening van 'n uitspraak of bevel na 'n Judisiële Komitee ingevolge artikel ses van die Wet verwys het, stel die Sekretaris alle persone wat partye was by die geding waarin die uitspraak of bevel gegee of uitgereik was of hul prokureurs in bedoelde geding, in kennis van die tyd en plek waarop die Judisiële Komitee sy eerste vergadering vir die oorweging van die aansoek, gaan hou.

Tyd waarop Judisiële Komitee sy vergaderings hou.

4. Die eerste vergadering van 'n Judisiële Komitee word gehou op die tyd en dag wat die President bepaal en iedere daaropvolgende vergadering van 'n Judisiële Komitee word gehou op die tyd en dag wat die Voorsitter van die Komitee bepaal.

Verdaging van vergadering van Judisiële Komitee.

5. Die Voorsitter van 'n Judisiële Komitee kan te eniger tyd enige vergadering van die Komitee tot die tyd en dag wat hy bepaal, verdaag.

GOVERNMENT NOTICE.

The following Government Notice is published for general information:

DEPARTMENT OF JUSTICE.

No. 1350.]

[17th June, 1951.

RULES OF THE HIGH COURT OF PARLIAMENT.

It is hereby notified for general information that His Excellency the Governor-General of the Union of South Africa has made the following rules under the powers conferred upon him by section nine of the High Court of Parliament Act, 1952:

Definitions.

1. In these rules, unless the context otherwise indicates—
 “Chairman” means the Chairman of a Judicial Committee;
 “President” means the President of the Court;
 “Registrar” means the Registrar of the Court;
 “Secretary” means the Secretary of a Judicial Committee;
 “the Act” means the High Court of Parliament Act, 1952;
 “the Court” means the High Court of Parliament.

Copies of relevant documents to be transmitted to members of the Court.

2. As soon as practicable after an application for the review of a judgment or order given or made by the Appellate Division of the Supreme Court has been lodged with the President, the Registrar shall cause to be transmitted to every member of the Court a copy of the application and of the documents referred to in subsection (2) of section five of the Act.

Secretary to notify parties of date and place of meeting of Judicial Committee.

3. As soon as the President has referred an application for the review of a judgment or order to a Judicial Committee in terms of section six of the Act, the Secretary shall notify all persons who were parties to the proceeding in which the judgment or order was given or made or their attorneys in the said proceedings of the time and place at which the Judicial Committee shall hold its first meeting for the consideration of the application.

Times at which Judicial Committee shall hold its meetings.

4. The first meeting of a Judicial Committee shall be held at the time and on the date determined by the President and every subsequent meeting of a Judicial Committee shall be held at the time and on the date determined by the Chairman of the Committee.

Adjournment of meetings of Judicial Committee.

5. The Chairman of a Judicial Committee may at any time adjourn any meeting of the Committee to such time and date as he may determine.

Skrifelike vertoë deur partye.

6. 'n Party wat verlang om skrifelike vertoë ingevolge sub-artikel (7) van artikel *six* van die Wet vir die oorweging van 'n Judisiële Komitee en die Hof in te dien, moet vyftien afskrifte van sodanige vertoë nie later dan drie dae voor die eerste vergadering van die Judisiële Komitee by die Sekretaris indien nie.

Toesprake deur partye of hul advokaat.

7. 'n Party teen wie die uitspraak of bevel onder hersiening gegee of uitgereik is of sy advokaat, moet, indien hy ingevolge sub-artikel (7) van artikel *six* geregtig is om die Komitee toe te spreek, die Komitee eerste toespraak en daarna het 'n party in wie se guns die uitpraak of bevel gegee of uitgereik is, of sy advokaat, die reg om die Komitee toe te spreek, en eersbedoelde party of sy advokaat het die reg om repliek te lewer op 'n toespraak deur laasbedoelde party of sy advokaat.

Advokaat moet in ampsgewaad wees.

8. Advokate wat voor 'n Judisiële Komitee verskyn, moet in ampsgewaad wees.

Vergaderings van Judisiële Komitee word in die openbaar gehou.

9. 'n Judisiële Komitee hou sy vergaderings in die openbaar: Met dien verstande dat nadat die persone wat ingevolge sub-artikel (7) van artikel *six* van die Wet geregtig is om voor 'n Komitee te verskyn, hul pleidooie aan die Komitee voltooi het, mag niemand, behalwe 'n lid van die Komitee en die Sekretaris, behalwe met verlof van die Voorsitter, by die verdere verrigtinge van die Komitee aanwesig wees nie.

Handhawing van orde en reëeling van verrigtinge van Judisiële Komitee.

10. Die Voorsitter handhaaf die orde by alle vergaderings van 'n Judisiële Komitee en reël in die algemeen die interne verrigtinge van 'n Judisiële Komitee en 'n beampete deur die Voorsitter aangewys handel en het die mag om te handel ooreenkomsdig die bevele wat hy van die Voorsitter kragtens hierdie reël mag ontvang.

Kworum van Judisiële Komitee.

11. Indien op enige tyd gedurende die sitting van 'n Judisiële Komitee 'n kworum van lede nie aanwesig is nie, skors die Voorsitter die werkzaamhede totdat 'n kworum aanwesig is of anders verdaag hy die vergadering na 'n toekomstige datum.

Vakature op Judisiële Komitee.

12. (1) 'n Vakature op 'n Judisiële Komitee kan deur die President aangevul word deur die aanstelling van 'n ander lid van die Hof.

(2) Dit is nie vir 'n Judisiële Komitee nodig om sy verrigtinge *de novo* te begin slegs omdat 'n vakature op die Komitee ontstaan het of aldus aangevul is nie.

(3) 'n Judisiële Komitee kan, behoudens die bepalings van reël 11, met sy verrigtinge voortgaan ondanks 'n vakature op die Komitee.

Notule van verrigtinge van Judisiële Komitee.

13. (1) Notule word gehou van die verrigtinge van 'n Judisiële Komitee en word aan die Hof gerapporteer wanneer die verslag van die Komitee ingelewer word.

(2) Iedere voorstel en iedere amendement wat in 'n Judisiële Komitee voorgestel word, word skriftelik aan die Voorsitter voorgelê.

Verrigtinge en verslag word onderteken.

14. Die notule van die verrigtinge van 'n Judisiële Komitee en die verslag van die Komitee word deur die Voorsitter onderteken.

Afsluiting van verrigtinge van 'n Judisiële Komitee.

15. So gou 'n Judisiële Komitee sy verrigtinge afgesluit het, stel die Voorsitter die President daarvan in kennis en 'n afskrif van die verslag en aanbevelings (indien

Written representations by parties.

6. Any party who desires to lodge written representations for the consideration of a Judicial Committee and the Court in terms of sub-section (7) of section *six* of the Act, shall lodge fifteen copies of such representations with the Secretary not later than three days before the first meeting of the Judicial Committee.

Addresses by parties or their counsel.

7. A party against whom the judgment or order under review was given or made or his counsel shall, if he is entitled under sub-section (7) of section *six* of the Act to address the Judicial Committee, address the Committee first and thereafter a party in whose favour the judgment or order was given or made or his counsel shall have the right to address the Committee, and the first mentioned party or his counsel shall have the right to reply to an address by the lastmentioned party or his counsel.

Counsel to be robed

8. Counsel when appearing before a Judicial Committee shall be robed.

Meetings of Judicial Committee to be held in public.

9. A Judicial Committee shall hold its sittings in public: Provided that after the persons who are entitled to appear before a Committee in terms of sub-section (7) of section *six* of the Act have concluded their addresses to the Committee, no person other than a member of the Committee and the Secretary shall, except with the leave of the Chairman, be present at the further proceedings of the Committee.

Maintenance of order and regulation of proceedings of Judicial Committee.

10. The Chairman shall maintain order at all meetings of a Judicial Committee and shall regulate generally the internal proceedings of a Judicial Committee, and an officer designated by the Chairman shall act and shall have power to act on such orders as he may receive from the Chairman in pursuance of this rule.

Quorum of Judicial Committee.

11. If at any time during the sitting of a Judicial Committee a quorum of members be not present, the Chairman shall either suspend the proceedings until a quorum be present or adjourn the meeting to some future day.

Vacancies on Judicial Committee.

12. (1) Any vacancy on a Judicial Committee may be filled by the President by the appointment of any other member of the Court.

(2) It shall not be necessary for a Judicial Committee to commence its proceedings *de novo* merely by reason of the fact that a vacancy has occurred on the Committee or has been so filled.

(3) A Judicial Committee may, subject to the provisions of rule 11, continue its proceedings notwithstanding a vacancy on the Committee.

Minutes of proceedings of Judicial Committee.

13. (1) Minutes shall be kept of the proceedings of a Judicial Committee and shall be reported to the Court when the report of the Committee is brought up.

(2) Every motion and every amendment moved in a Judicial Committee shall be submitted to the Chairman in writing.

Proceedings and report to be signed.

14. The minutes of the proceedings of a Judicial Committee and the report of the Committee shall be signed by the Chairman.

Conclusion of its proceedings by a Judicial Committee.

15. As soon as a Judicial Committee has concluded its proceedings, the Chairman shall inform the President thereof and a copy of the report and recommendations

daar is) van die Komitee, saam met 'n afskrif van die skriftelike vertoe (indien daar is) wat ingevolge sub-artikel (7) van artikel ses van die Wet by die Komitee ingedien is, word deur die Sekretaris aan die Griffier deurgestuur wat afskrifte daarvan aan elke lid van die Hof aanwesig by die sitting van die Hof wat belê is vir die oorweging van bedoelde verslag en aanbevelings, laat uitdeel.

Aansoek deur party om 'n bevel wat verklaar dat 'n lid onbevoeg is om as lid van die Hof sitting te neem.

16. (1) Indien iemand wat 'n party was by die geding waarin die uitspraak of bevel onder hersiening gegee of uitgereik is, rede het om te vermoed dat 'n lid van die Hof onbevoeg is om as lid van die Hof sitting te neem gedurende die hersiening deur die Hof van bedoelde uitspraak of bevel, kan hy of sy advokaat skriftelik aansoek doen by die President om 'n bevel wat daardie lid onbevoeg verklaar om as lid van die Hof sitting te neem gedurende die hersiening deur die Hof van bedoelde uitspraak of bevel.

(2) 'n Aansoek kragtens sub-reël (1) sit die gronde waarop dit beweer word dat die betrokke lid onbevoeg is om as lid van die Hof sitting te neem, volledig uiteen.

(3) Die President moet by die eerste sitting van die Hof wat gehou word na ontvangs van 'n aansoek kragtens sub-reël (1), die betrokke lid versoek om te meld of hy die bewerings in die aansoek erken of ontken, en indien die President oortuig is dat die lid onbevoeg is om as lid van die Hof sitting te neem, kan hy hom gelas om hom aan die Hof te onttrek en nie deel te neem nie aan die hersiening deur die Hof van die betrokke uitspraak of bevel.

Verslag ingelewer.

17. (1) Die verslag en aanbevelings (indien daar is) van 'n Judisiële Komitee word deur die Voorsitter of 'n lid van die Komitee ingelewer by die sitting van die Hof wat belê is vir die oorweging van bedoelde verslag en aanbevelings.

(2) Wanneer die verslag en aanbevelings (indien daar is) van die Judisiële Komitee ingevolge sub-reël (1) ingelewer word, kan die Voorsitter of die lid wat die verslag en aanbevelings ingelewer het, voorstel dat, na oorweging deur die Hof van die verslag van die Komitee, die uitspraak of bevel onder hersiening op die in die verslag vermelde gronde bekragtig, ter syde gestel of gewysig word of dat 'n ander bevel deur die Hof uitgereik word met inbegrip van 'n kostbevel.

(3) Iedere voorstel ingevolge hierdie reël voorgestel en iedere amendement daarop word skriftelik aan die President voorgele.

Amendemente op voorstel van Voorsitter.

18. Enige lid van die Hof kan 'n amendemente voorstel op enige voorstel wat ingevolge reël 17 voorgestel is.

Tye waarop die Hof sy sittings hou.

19. Die Hof hou sy sittings op die tye wat die President bepaal, en die President kan enige sitting van die Hof na die tyd en dag wat hy bepaal, verdaag.

Aanwesigheid van vreemdelinge by sittings van Hof.

20. Niemand behalwe 'n lid van die Hof en die Griffier mag sonder verlof van die President by 'n sitting van die Hof aanwesig wees nie behalwe wanneer die beslissing van die Hof deur die President bekendgemaak word.

Kworum van Hof.

21. Indien op enige tyd gedurende die sitting van die Hof 'n kworum van lede nie aanwesig is nie, skors die President die werksaamhede totdat 'n kworum aanwesig is, of anders verdaag hy die Hof na 'n toekomstige datum.

(if any) of the Committee, together with a copy of the written representations (if any) lodged with the Committee in terms of sub-section (7) of section six of the Act, shall be transmitted by the Secretary to the Registrar who shall cause copies thereof to be distributed to every member of the Court present at the sitting of the Court convened for the consideration of such report and recommendations.

Application by party for an order declaring a member disqualified from sitting as a member of the court.

16. (1) If a person who was a party to the proceedings in which the judgment or order under review was given or made has reason to believe that a member of the court is disqualified from sitting as a member of the court during the review by the court of that judgment or order, he or his counsel may apply in writing to the President for an order declaring that member to be disqualified from sitting as a member of the court during the review by the court of that judgment or order.

(2) An application under sub-rule (1) shall set out fully the grounds upon which it is alleged that the member concerned is disqualified from sitting as a member of the court.

(3) The President shall at the first sitting of the court held after receipt of an application under sub-rule (1) request the member concerned to state whether he admits or denies the allegations contained in the application, and if the President is satisfied that the member is disqualified from sitting as a member of the Court, he may require him to withdraw from the Court and not to take part in the review by the Court of the judgment or order concerned.

Report brought up.

17. (1) The report and recommendations (if any) of a Judicial Committee shall be brought up by the Chairman or any member of the Committee at the sitting of the Court convened for the consideration of such report and recommendations.

(2) When the report and recommendations (if any) of the Judicial Committee is brought up in terms of sub-rule (1), the Chairman or the member who brought up the report and recommendations may move that, the report of the Committee having been considered by the Court, the judgment or order under review be confirmed, set aside or varied on the grounds stated in the report or that some other order be made by the Court, including an order as to costs.

(3) Every motion moved under this rule and every amendment thereto shall be submitted to the President in writing.

Amendments to motion of Chairman.

18. Any member of the Court may move an amendment to any motion moved under rule 17.

Times at which Court shall hold its sittings.

19. The Court shall hold its sittings at such times as the President may determine, and the President may at any time adjourn any sitting of the Court to such time and date as he may determine.

Presence of strangers at sittings of Court.

20. No person other than a member of the Court and the Registrar shall without the leave of the President be present at any sitting of the Court except when the decision of the Court is announced by the President.

Quorum of Court.

21. If at any time during the sitting of the Court a quorum of members be not present the President shall either suspend the proceedings until a quorum be present or adjourn the Court to some future day.

Vrae word deur meerderheid van stemme beslis.

22. Alle vrae voor die Hof word belis deur 'n meerderheid van stemme van die aanwesige lede by wyse van 'n hoofdelike stemming wat op die deur die President bepaalde wyse, geneem word.

Handhawing van orde en reëeling van verrigtinge van Hof.

23. Die President handhaaf die orde by alle sittings van die Hof en reël in die algemeen die interne verrigtinge van die Hof en 'n beampete deur die President aangewys handel en het die mag om te handel ooreenkomsdig die bevele wat hy van die President kragtens hierdie reël mag ontvang.

Afsluiting van bespreking.

24. Wanneer dit aan die President blyk dat die vraag voor die Hof voldoende bespreek is, kan hy die bespreking as afgesluit verklaar.

Vraag word gestel wanneer bespreking afgeloop is.

25. Sodra die bespreking oor 'n ingevolge reël 17 voorgestelde voorstel en enige amendemente daarop afgeloop is, of sodra die President die bespreking ingevolge reël 24 as afgesluit verklaar het, word die oorspronklike ingevolge reël 17 voorgestelde voorstel saam met die amendemente wat daarop voorgestel is, gestel en sonder verdere amendemente of bespreking beslis.

Deursending van afskrifte van beslissing van Hof.

26. Die Griffier stuur so gou doenlik nadat die Hof sy werkzaamhede afgesluit het, 'n afskrif van die beslissing van die Hof, deur hom as huis gesertifiseer, aan die Griffier van die Appèl Afdeling van die Hooggereghof en aan die Griffier van die Provinciale of Plaaslike Afdeling van die Hooggereghof waarin die saak-aanvanklik verhoor was, en aan elk van die partye wat partye was by die geding waarin die hersiene uitspraak of bevel gegee was.

Questions to be determined by majority of votes.

22. All questions before the Court shall be determined by a majority of votes of the members present by means of a division taken in the manner determined by the President.

Maintenance of order and regulation of proceedings of Court.

23. The President shall maintain order at all sittings of the Court and shall regulate generally the internal proceedings of the Court, and an officer designated by the President shall act and shall have power to act on such orders as he may receive from the President in pursuance of this rule.

Closure of discussion.

24. Whenever it appears to the President that the question before the Court has been adequately discussed, he may declare the discussion closed.

Questions put when discussion closed.

25. As soon as the discussion on the motion moved under rule 17 and any amendments proposed thereto is concluded, or as soon as the President has declared the discussion closed under rule 24, the original motion moved under rule 17 together with the amendments proposed thereto shall be put and decided without further amendment or debate.

Transmission of copies of decision of Court.

26. The Registrar shall as soon as possible after the Court has concluded its proceedings transmit a copy of the decision of the Court, certified by him as correct, to the Registrar of the Appellate Division of the Supreme Court and to the Registrar of the Provincial or Local Division of the Supreme Court in which the matter was originally heard, and to each of the parties who were the parties to the proceedings in which the judgment or order reviewed was given.