



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 13 APRIL 1977

[No. 5507

DEPARTMENT OF THE PRIME MINISTER

No. 595.

13 April 1977.

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

No. 43 of 1977: Pre-Union Statute Law Revision Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 595.

13 April 1977.

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

No. 43 van 1977: Hersieningswet op die Voor-Unie-Wette, 1977.

Act No. 43, 1977

PRE-UNION STATUTE LAW REVISION ACT, 1977.

ACT

To repeal certain laws in force in the various provinces of, and in, the Republic; to amend the Pre-Union Statute Law Revision Act, 1968, so as to further regulate the reservation of rights in favour of the State; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 25 March 1977.)

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

Repeal of laws.

1. The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Savings.

2. (1) Notwithstanding the repeal of "The Native Registered Voters Relief Act, 1887", of the province of the Cape of Good Hope by section 1, any person whose name is at the commencement of this Act included in the Cape Bantu voters' roll framed in terms of section 7 of the Representation of Bantu Act, 1936, shall retain all the rights and privileges to which he would, but for the repeal of the said repealed Act and any other laws have been entitled as a registered parliamentary voter in the province of the Cape of Good Hope.

(2) Notwithstanding the repeal of the "Harbour Lands Act, 1904", of the province of Natal by section 1, the agreement contained in the Schedule to the said Act, shall remain in force as if that Act had not been repealed.

Substitution of section 25 of Act 32 of 1952.

3. The following section is hereby substituted for section 25 of the General Law Amendment Act, 1952:

"Doctrines of *laesio enormis* abolished in Republic. 25. No contract shall be void or voidable by reason merely of *laesio enormis* sustained by either of the parties to such contract."

Amendment of Section 2 of Act 44 of 1968.

4. Section 2 of the Pre-Union Statute Law Revision Act, 1968, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) Notwithstanding the provisions of subsection (1), the repeal by section 1 of the Proclamation dated August 6, 1813, by Sir John Cradock, shall have, from the commencement of the Pre-Union Statute Law Revision Act, 1977, the effect of terminating any right reserved by that Proclamation of making and repairing public roads, and raising materials for that purpose, and any such right embodied in any title deed by virtue of such Proclamation only, shall from the said commencement be of no force and effect."

Short title.

5. This Act shall be called the Pre-Union Statute Law Revision Act, 1977.

WET

Om sekere wette wat in die onderskeie provinsies van, en in, die Republiek van krag is, te herroep; om die Hersieningswet op Voor-Uniewette, 1968, te wysig ten einde die voorbehoud van regte ten gunste van die Staat verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Maart 1977.)

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

1. Die wette in die Bylae vermeld, word hierby herroep in die mate in die derde kolom van die Bylae uiteengesit. Herroeping van wette.

2. (1) Ondanks die herroeping van „The Native Registered Voters Relief Act, 1887”, van die provinsie die Kaap die Goeie Hoop deur artikel 1, behou iemand wie se naam by die inwerkingtreding van hierdie Wet ingesluit is in die Kaapse Bantoe kieserslys opgestel ingevolge artikel 7 van die Bantoe-Verteenwoordigings-Wet, 1936, alle regte en voorregte waarop hy ingevolge die genoemde herroepe Wet en enige ander wetsbepalings as geregistreerde parlementêre kieser in die provinsie die Kaap die Goeie Hoop geregtig sou gewees het indien daardie Wet nie herroep was nie. Voorbehoude.

(2) Ondanks die herroeping van die „Harbour Lands Act, 1904”, van die provinsie Natal deur artikel 1, bly die ooreenkoms in die Bylae tot die genoemde Wet vervat, van krag asof daardie Wet nie herroep was nie.

3. Artikel 25 van die Algemene Regswysigingswet, 1952, word hierby deur die volgende artikel vervang: Vervanging van artikel 25 van Wet 32 van 1952.

„Leerstuk van **25.** Geen kontrak is nietig of vernietigbaar om rede *laesio enormis* in Republiek afgeskaf. slegs dat daar *laesio enormis* deur een of ander van die partye by so 'n kontrak verduur is nie.”

4. Artikel 2 van die Hersieningswet op Voor-Uniewette, 1968, word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: Wysiging van artikel 2 van Wet 44 van 1968.

„(2) Ondanks die bepalings van subartikel (1), het die herroeping deur artikel 1 van die Proklamasie van 6 Augustus 1813 deur Sir John Cradock, vanaf die inwerkingtreding van die Hersieningswet op Voor-Unie-Wette, 1977, die uitwerking dat enige reg wat deur daardie Proklamasie voorbehou is op die maak en instandhouding van openbare paaie en die gebruik van materiaal vir daardie doel, beëindig word, en enige sodanige reg beliggaam in enige titelakte uit hoofde van sodanige Proklamasie alleen, is vanaf bedoelde inwerkingtreding van nul en gener waarde.”

5. Hierdie Wet heet die Hersieningswet op die Voor-Unie-Wette, 1977. Kort titel.

Act No. 43, 1977

PRE-UNION STATUTE LAW REVISION ACT, 1977.

Schedule

GRIQUALAND WEST

Number and year of law	Title or subject of law	Extent of repeal
Ordinance 6 of 1876 . . .	The Ferry Ordinance, 1876	The whole
Proclamation 6 of 1877	Tariff of fares at ferries	The whole

CAPE OF GOOD HOPE

Number and year of law	Title or subject of law	Extent of repeal
Ordinance 4 (Local) of 1829	Cape Town English Church Ordinance	The whole
Ordinance 5 (Local) of 1832	Bathurst English Church Ordinance	The whole
Ordinance 5 of 1845 . . .	Rondebosch English Church Ordinance	The whole
Ordinance 7 of 1845 . . .	Fort Beaufort English Church Ordinance	The whole
Act 30 of 1860	Alienation of diocesan properties	The whole
Act 9 of 1865	The Malmesbury Board of Executors and Trust and Fire Assurance Company Act	So much as is unrepealed
Act 3 of 1873	The Companies' and Associations' Trustees Act, 1873	The whole
Act 38 of 1877	The Transkeian Annexation Act, 1877	The whole
Act 8 of 1879	The General Law Amendment Act, 1879	So much as is unrepealed
Proclamation 110 of 1879	Annexation, and determination of the boundaries, of the Transkei, and regulations for that territory	So much as is unrepealed
Proclamation 112 of 1879	Annexation, and determination of the boundaries, of Griqualand East, and regulations for that territory	So much as is unrepealed
Act 27 of 1882	The Police Offences Act, 1882	So much as is unrepealed, except sections 8 (1) and 8 (3)
Act 46 of 1882	The Libel Act, 1882	So much as is unrepealed
Act 34 of 1884	The Malmesbury Board of Executors and Trust Company Incorporation Amendment Act, 1884	The whole
Act 3 of 1885	The Tembuland Annexation Act, 1885	So much as is unrepealed
Proclamation 140 of 1885	Annexation, and determination of the boundaries, of Tembuland, Emigrant Tembuland, Gcalekaland and Bomvanaland, and regulations for those territories	So much as is unrepealed
Act 37 of 1886	The Xesibe Country Annexation Act, 1886	The whole
Act 39 of 1887	The Native Registered Voters Relief Act, 1887	The whole
Act 45 of 1887	The Rode Valley Annexation Act, 1887	The whole
Act 10 of 1889	The Malmesbury Board of Executors and Trust and Fire Assurance Company Act, 1889	The whole
Act 10 of 1891	The English Church Ordinance Repeal Act, 1891	The whole
Act 5 of 1894	The Pondoland Annexation Act, 1894	The whole
Act 21 of 1894	Act to amend "The Police Offences Act, 1882"	So much as is unrepealed

HERSIENINGSWET OP DIE VOOR-UNIE-WETTE, 1977.

Wet No. 43, 1977

Bylae

GRIKWALAND-WES

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Ordonnansie 6 van 1876	„The Ferry Ordinance, 1876”	Die geheel
Proklamasie 6 van 1877	Tarief van vraggeld op ponte	Die geheel

KAAP DIE GOEIE HOOP

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Ordonnansie 4 (Privaat) van 1829	Ordonnansie op die Engelse kerk, Kaapstad	Die geheel
Ordonnansie 5 (Privaat) van 1832	Ordonnansie op die Engelse kerk, Bathurst	Die geheel
Ordonnansie 5 van 1845	Ordonnansie op die Engelse kerk, Rondebosch .	Die geheel
Ordonnansie 7 van 1845	Ordonnansie op die Engelse kerk, Fort Beaufort	Die geheel
Wet 30 van 1860	Vervreemding van bisdoms-eiendomme	Die geheel
Wet 9 van 1865	Die Wet op die „Malmesbury Board of Executors and Trust and Fire Assurance Company”	Soveel as wat nie herroep is nie
Wet 3 van 1873	„The Companies' and Associations' Trustees Act, 1873”	Die geheel
Wet 38 van 1877	Die „Transkeian Annexation Act, 1877”	Die geheel
Wet 8 van 1879	Die „General Law Amendment Act, 1879”	Soveel as wat nie herroep is nie
Proklamasie 110 van 1879	Anneksasie, en vasstelling van die grense, van die Transkei, en regulasies vir daardie gebied	Soveel as wat nie herroep is nie
Proklamasie 112 van 1879	Anneksasie, en vasstelling van die grense, van Grikwaland-Oos, en regulasies vir daardie gebied	Soveel as wat nie herroep is nie
Wet 27 van 1882	„The Police Offences Act, 1882”	Soveel as wat nie herroep is nie, behalwe artikels 8 (1) en 8 (3)
Wet 46 van 1882	Die „Libel Act, 1882”	Soveel as wat nie herroep is nie
Wet 34 van 1884	„The Malmesbury Board of Executors and Trust Company Incorporation Amendment Act”, 1884	Die geheel
Wet 3 van 1885	Die „Tembuland Annexation Act, 1885”	Soveel as wat nie herroep is nie
Proklamasie 140 van 1885	Anneksasie, en vasstelling van die grense, van Tembuland, Emigrant Tembuland, Gcalekaland en Bomvanaland, en regulasies vir daardie gebiede	Soveel as wat nie herroep is nie
Wet 37 van 1886	Die „Xesibe Country Annexation Act, 1886” ..	Die geheel
Wet 39 van 1887	„The Native Registered Voters Relief Act, 1887”	Die geheel
Wet 45 van 1887	Die „Rode Valley Annexation Act, 1887”	Die geheel
Wet 10 van 1889	„The Malmesbury Board of Executors and Trust and Fire Assurance Company Act, 1889”	Die geheel
Wet 10 van 1891	Die „English Church Ordinance Repeal Act, 1891”	Die geheel
Wet 5 van 1894	Die „Pondoland Annexation Act, 1894”	Die geheel
Wet 21 van 1894	Wet tot wysiging van „The Police Offences Act, 1882”	Soveel as wat nie herroep is nie

Act No. 43, 1977

PRE-UNION STATUTE LAW REVISION ACT, 1977.

Number and year of law	Title or subject of law	Extent of repeal
Act 29 of 1897	The Transkeian Territories, Tembuland and Pondoland Laws Act, 1897	The whole
Act 44 of 1898	The Police Offences Act Amendment Act, 1898	So much as is unrepealed
Act 3 of 1900	The Mealey Will Act, 1900	The whole
Act 36 of 1902	The Betting Houses, Gaming Houses and Brothels Suppression Act, 1902	So much as is unrepealed
Act 10 of 1909	The Labour Colonies Act, 1909	The whole
Act 37 of 1909	The Fencing Loans Act, 1909	So much as is unrepealed

NATAL

Number and year of law	Title or subject of law	Extent of repeal
Law 22 of 1863	Law to prevent community of goods attaching to certain marriages, and to enable the spouses of such marriages to devise their properties	So much as is unrepealed
Law 11 of 1868	The Escheat Law, 1868	The whole
Law 6 of 1869	The Escheat Law, 1869	The whole
Law 15 of 1869	Law for the punishment of idle and disorderly persons and vagrants within the Colony of Natal	So much as is unrepealed
Law 11 of 1871	The Incorporation of the Natal Permanent Building, Loan, and Investment Association Law	So much as is unrepealed
Law 17 of 1871	Law to amend section 3 of Law 22 of 1863	The whole
Law 26 of 1875	The Native Administration Law, 1875	So much as is unrepealed
Law 25 of 1878	Law to provide for the discouragement of gambling	So much as is unrepealed
Law 14 of 1882	Law to amend Law 22 of 1863	So much as is unrepealed
Act 1 of 1899	The Cattle Stealing Act, 1898	So much as is unrepealed
Ordinance 63 of 1903 (Transvaal) as applied to Natal by Act 1 of 1928 and Proclamation 81 of 1928	Ordinance to regulate the trading in diamonds ..	So much as is unrepealed
Act 36 of 1904	The Harbour Lands Act, 1904	The whole
Act 6 of 1907	The East Coast Fever Fencing Act, 1907	So much as is unrepealed
Act 32 of 1908	Act to amend the East Coast Fever Acts	So much as is unrepealed
Act 10 of 1910	The Criminal Law Amendment Act, 1909	So much as is unrepealed, except sections 6 (2) (b), 6 (2) (c) and 6 (2) (d)
Act 20 of 1910	Act to authorize loans for the construction of dipping tanks and the erection of fences and to extend the provisions of the East Coast Fever Acts	So much as is unrepealed

HERSIENINGSWET OP DIE VOOR-UNIE-WETTE, 1977.

Wet No. 43, 1977

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Wet 29 van 1897	„The Transkeian Territories, Tembuland and Pondoland Laws Act, 1897”	Die geheel
Wet 44 van 1898	„The Police Offences Act Amendment Act, 1898”	Soveel as wat nie herroep is nie
Wet 3 van 1900	„The Mealey Will Act, 1900”	Die geheel
Wet 36 van 1902	Die „Betting Houses, Gaming Houses and Brothels Suppression Act, 1902”	Soveel as wat nie herroep is nie
Wet 10 van 1909	„The Labour Colonies Act, 1909”	Die geheel
Wet 37 van 1909	„The Fencing Loans Act, 1909”	Soveel as wat nie herroep is nie

NATAL

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Wet 22 van 1863	Wet om gemeenskap van goedere by sekere huwelike te verhinder en om die partye by sodanige huwelike te magtig om hul goed te bemaak	Soveel as wat nie herroep is nie
Wet 11 van 1868	„The Escheat Law, 1868”	Die geheel
Wet 6 van 1869	„The Escheat Law, 1869”	Die geheel
Wet 15 van 1869	Wet op die bestraffing van ledige en wanordelike persone en rondlopers in die Kolonie van Natal	Soveel as wat nie herroep is nie
Wet 11 van 1871	Wet op die inlywing van die „Natal Permanent Building, Loan, and Investment Association”	Soveel as wat nie herroep is nie
Wet 17 van 1871	Wet tot wysiging van artikel 3 van Wet 22 van 1863	Die geheel
Wet 26 van 1875	„The Native Administration Law, 1875”	Soveel as wat nie herroep is nie
Wet 25 van 1878	Wet om voorsiening te maak vir die ontmoe-diging van dobbelary	Soveel as wat nie herroep is nie
Wet 14 van 1882	Wet tot wysiging van Wet 22 van 1863	Soveel as wat nie herroep is nie
Wet 1 van 1899	Die „Cattle Stealing Act, 1898”	Soveel as wat nie herroep is nie
Ordonnansie 63 van 1903 (Transvaal) soos op Natal van toepas-sing verklaar deur Wet 1 van 1928 en Proklamasie 81 van 1928	Ordonnansie, tot reëling van die diamanthan-del	Soveel as wat nie herroep is nie
Wet 36 van 1904	Die „Harbour Lands Act, 1904”	Die geheel
Wet 6 van 1907	Die „East Coast Fever Fencing Act, 1907”	Soveel as wat nie herroep is nie
Wet 32 van 1908	Wet tot wysiging van die Ooskuskoorswette ...	Soveel as wat nie herroep is nie
Wet 10 van 1910	Die „Criminal Law Amendment Act, 1909” ...	Soveel as wat nie herroep is nie, behalwe artikels 6 (2) (b), 6 (2) (c) en 6 (2) (d)
Wet 20 van 1910	Wet om lenings vir die bou van dipbakke en die oprigting van heinings te magtig en om die bepalings van die Ooskuskoorswette uit te brei	Soveel as wat nie herroep is nie

Act No. 43, 1977

PRE-UNION STATUTE LAW REVISION ACT, 1977.

ORANGE FREE STATE

Number and year of law	Title or subject of law	Extent of repeal
Act 4 of 1892	"Eigendomsverkrijging, Naamløoze Vennootschappen Wet, 1892"	So much as is unrepealed
Ordinance 5 of 1902...	The General Law Amendment Ordinance, 1902	So much as is unrepealed
Ordinance 21 of 1902..	The Police Offences Ordinance, 1902	The whole, except sections 2, 3, 4, 5, 21, 26 (1) and 26 (3)
Ordinance 13 of 1907..	The Further Revision of Laws Ordinance, 1907	So much as is unrepealed
Act 8 of 1908	Extortion Act, 1908	The whole
Act 10 of 1908	Gambling (Fraudulent Practices) Act, 1908	The whole
Act 29 of 1909	The Prevention of Crimes Act, 1909	The whole

TRANSVAAL

Number and year of law	Title or subject of law	Extent of repeal
Law 6 of 1889	Law Against Games of Chance, 1889	So much as is unrepealed
Ordinance 26 of 1904..	The Crimes Ordinance, 1904	So much as is unrepealed, except sections 4, 6, 7 (b), 8, 10 and 11
Ordinance 20 of 1905..	The Prevention of Crimes Ordinance, 1905	So much as is unrepealed
Act 17 of 1907	The Cattle Disease (East Coast Fever) Amendment Act, 1907	So much as is unrepealed
Act 12 of 1908	The Fencing Act, 1908	So much as is unrepealed
Act 26 of 1909	The Fencing Laws Amendment Act, 1909	So much as is unrepealed
Act 38 of 1909	Criminal Law Amendment Act, 1909	So much as is unrepealed

REPUBLIC OF SOUTH AFRICA

Number and year of law	Title or subject of law	Extent of repeal
—	South Africa Act, 1909	So much as is unrepealed, except section 115 (3)
Act 1 of 1956	Labour Colonies Amendment Act, 1956	The whole
Act 32 of 1958	Labour Colonies (Cape) Amendment Act, 1958	The whole

HERSIENINGSWET OP DIE VOOR-UNIE-WETTE, 1977.

Wet No. 43, 1977

ORANJE-VRYSTAAT

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Wet 4 van 1892	„Eigendomsverkrijging, Naamlouze Vennootschappen Wet, 1892”	Soveel as wat nie herroep is nie
Ordonnansie 5 van 1902	Die „General Law Amendment Ordinance, 1902”	Soveel as wat nie herroep is nie
Ordonnansie 21 van 1902	„The Police Offences Ordinance, 1902”	Die geheel, behalwe artikels 2, 3, 4, 5, 21, 26 (1) en 26 (3)
Ordonnansie 13 van 1907	Die „Further Revision of Laws Ordinance, 1907”	Soveel as wat nie herroep is nie
Wet 8 van 1908	Afpersingswet, 1908	Die geheel
Wet 10 van 1908	Dobbelarij (Bedriegelike Praktijken) Wet, 1908	Die geheel
Wet 29 van 1909	Voorkoming van Misdaden Wet, 1909	Die geheel

TRANSVAAL

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
Wet 6 van 1889	Wet Tegen Hazardspelen, 1889	Soveel as wat nie herroep is nie
Ordonnansie 26 van 1904	„The Crimes Ordinance, 1904”	Soveel as wat nie herroep is nie, behalwe artikels 4, 6, 7 (b), 8, 10 en 11
Ordonnansie 20 van 1905	Die „Prevention of Crimes Ordinance, 1905” ..	Soveel as wat nie herroep is nie
Wet 17 van 1907	Die „Cattle Disease (East Coast Fever) Amendment Act, 1907”	Soveel as wat nie herroep is nie
Wet 12 van 1908	Die „Fencing Act, 1908”	Soveel as wat nie herroep is nie
Wet 26 van 1909	Die „Fencing Laws Amendment Act, 1909” ...	Soveel as wat nie herroep is nie
Wet 38 van 1909	Strafreg Wysigingswet, 1909	Soveel as wat nie herroep is nie

REPUBLIEK VAN SUID-AFRIKA

Nommer en jaar van wet	Titel of onderwerp van wet	In hoeverre herroep
—	Zuid-Afrika Wet, 1909	Soveel as wat nie herroep is nie, behalwe artikel 115 (3)
Wet 1 van 1956	Wysigingswet op Arbeidskolonies, 1956	Die geheel
Wet 32 van 1958	Wysigingswet op Arbeidskolonies (Kaap), 1958	Die geheel

