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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

1176.

2 June 1978.

No. 1176.

2 Junie 1978.

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

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

79 of 1978: Criminal Procedure Matters Amendment Act, 1978.

No. 79 van 1978: Wysigingswet op Strafprosesaangeleenthede, 1978.

Wet No. 79, 1978

WYSIGINGSWET OP STRAFPROSESAANGELEENTHEDE, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Binnelandse Veiligheid, 1950, en die Strafproseswet, 1977, met betrekking tot die aanhouding van getuies; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1978.)*

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

Wysiging van
artikel 12B van
Wet 44 van 1950,
soos ingevoeg deur
artikel 6 van
Wet 79 van 1976.

1. (1) Artikel 12B van die Wet op Binnelandse Veiligheid, 1950, word hierby gewysig deur subartikei (3) deur die volgende subartikei te vervang: 5

„(3) Iemand wat kragtens 'n lasbrief bedoel in subartikei

(1) in hegtenis geneem en in aanhouding is, word aangehou vir die tydperk wat verstryk op die dag waarop die verhoor van die betrokke strafsak afgehandel word, tensy— 10

(a) die prokureur-generaal gelas dat hy eerder vrygelaat word; of

(b) daardie verhoor nie binne ses maande vanaf die datum waarop hy aldus in hegtenis geneem is, 'n aanvang geneem het nie, in welke geval hy na verstryking van dié tydperk vrygelaat word.” 15

(2) Die bepalinge van subartikei (1) is ook van toepassing op iemand wat by die inwerkingtreding van hierdie Wet, kragtens artikel 12B van die Wet op Binnelandse Veiligheid, 1950, aangehou word. 20

Wysiging van
artikel 185 van
Wet 51 van 1977.

2. (1) Artikel 185 van die Strafproseswet, 1977, word hierby gewysig deur subartikei (4) deur die volgende subartikei te vervang:

„(4) Iemand wat kragtens 'n lasbrief bedoel in subartikei

(2) aangehou word, word aangehou vir die tydperk wat verstryk op die dag waarop die betrokke strafregtelike verrigtinge afgehandel word, tensy— 25

(a) die prokureur-generaal gelas dat hy eerder vrygelaat word; of

(b) daardie verrigtinge nie binne ses maande vanaf die datum waarop hy aldus aangehou word, 'n aanvang geneem het nie, in welke geval hy na verstryking van dié tydperk vrygelaat word.” 30

(2) Die bepalinge van subartikei (1) is ook van toepassing op iemand wat by die inwerkingtreding van hierdie Wet, kragtens artikel 185 van die Strafproseswet, 1977, aangehou word. 35

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Strafprosesaangeleenthede, 1978.

CRIMINAL PROCEDURE MATTERS AMENDMENT ACT, 1978.

Act No. 79, 1978

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Internal Security Act, 1950, and the Criminal Procedure Act, 1977, with regard to the detention of witnesses; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 29 May 1978.)

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

1. (1) Section 12B of the Internal Security Act, 1950, is hereby
5 amended by the substitution for subsection (3) of the following
subsection:

Amendment of
section 12B of
Act 44 of 1950,
as inserted by
section 6 of
Act 79 of 1976.

10 “(3) Any person arrested and detained under a warrant in
terms of subsection (1) shall be detained for the period
terminating on the day on which the criminal proceedings
concerned are concluded, unless—
(a) the attorney-general orders that he be released earlier; or
(b) such proceedings have not commenced within six
months from the date on which he was so arrested, in
15 which case he shall be released after the expiration of
such period.”

(2) The provisions of subsection (1) shall also apply to any
person detained at the commencement of this Act in terms of
section 12B of the Internal Security Act, 1950.

20 2. (1) Section 185 of the Criminal Procedure Act, 1977, is
hereby amended by the substitution for subsection (4) of the
following subsection:

Amendment of
section 185 of
Act 51 of 1977.

25 “(4) Any person detained under a warrant in terms of
subsection (2) shall be detained for the period terminating on
the day on which the criminal proceedings concerned are
concluded, unless—
(a) the attorney-general orders that he be released earlier; or
(b) such proceedings have not commenced within six
months from the date on which he is so detained, in
30 which case he shall be released after the expiration of
such period.”

(2) The provisions of subsection (1) shall also apply to any
person detained at the commencement of this Act in terms of
section 185 of the Criminal Procedure Act, 1977.

35 3. This Act shall be called the Criminal Procedure Matters
Amendment Act, 1978.

ACT

To amend the Criminal Procedure Act, 1950, and the Criminal Procedure Act, 1957, with regard to the detention of persons and to provide for incidental matters.

(Enacted by the State President
(Assented to 29 May 1977))

Enacted by the State President in the Senate and the
House of Assembly of the Republic of South Africa in
the following manner:

1. (1) Section 125 of the Criminal Procedure Act, 1950, is hereby amended by the substitution for subsection (2) of the following:
- (2) Any person detained under a warrant in terms of subsection (1) shall be detained for the period terminating on the day on which the criminal proceedings are commenced or continued, unless—
- (a) the magistrates' court in which the proceedings are commenced or continued has not commenced within six months from the date on which he was so detained, in which case he shall be released after the expiration of such period;
- (3) The provisions of subsection (1) shall also apply to any person detained at the commencement of this Act in terms of section 125 of the Criminal Procedure Act, 1950.
2. (1) Section 125 of the Criminal Procedure Act, 1957, is amended by the substitution for subsection (2) of the following:
- (2) Any person detained under a warrant in terms of subsection (1) shall be detained for the period terminating on the day on which the criminal proceedings are commenced or continued, unless—
- (a) the magistrates' court in which the proceedings are commenced or continued has not commenced within six months from the date on which he was so detained, in which case he shall be released after the expiration of such period;
- (3) The provisions of subsection (1) shall also apply to any person detained at the commencement of this Act in terms of section 125 of the Criminal Procedure Act, 1957.
3. This Act shall be called the Criminal Procedure (Amendment) Act, 1977.