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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 664.

3 April 1985

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

No. 19 of 1985: Magistrates' Courts Amendment Act, 1985.

No. 664.

3 April 1985

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

No. 19 van 1985: Wysigingswet op Landdroshowe, 1985.

Act No. 19, 1985

MAGISTRATES' COURTS AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

[]

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Magistrates' Courts Act, 1944, so as to provide that the rules made by the Rules Board shall be tabled in the respective Houses of Parliament; to increase the maximum amounts of certain fines which may be imposed in terms of that Act; to replace references to the Criminal Procedure Act, 1955, by references to the Criminal Procedure Act, 1977, and to replace references to sections of the former Act by references to the corresponding sections of the latter Act; to increase the amount of a judgment debtor's total debts with reference to which a power is conferred upon the court to grant an administration order in respect of the judgment debtor's estate; and to increase the extent of the exemption in relation to those classes of property which are to a limited extent exempt from execution; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 18 March 1985.)

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

Amendment of section 25 of Act 32 of 1944, as amended by section 19 of Act 50 of 1956, section 2 of Act 93 of 1963, section 2 of Act 101 of 1969 and section 8 of Act 53 of 1970.

1. Section 25 of the Magistrates' Courts Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (6) of the following subsection: 5

"(6) Every **[new]** rule and every alteration or rescission of a rule shall, within 14 days after it has taken effect, be laid upon the Tables of **[both]** the respective Houses of Parliament, if Parliament be then in session, or if it be not then in session, within 14 days after the commencement of its next 10 ensuing session."

Amendment of section 51 of Act 32 of 1944, as amended by section 7 of Act 19 of 1963, section 9 of Act 80 of 1964 and section 5 of Act 91 of 1977.

2. Section 51 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) If any person, being duly subpoenaed to give evidence 15 or to produce any books, papers or documents in his possession or under his control which the party requiring his attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents accord- 20 ing to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied upon oath or by the return of the messenger that such person has been duly subpoenaed and that his reasonable expenses, calculated in accord- 25 ance with the tariff prescribed under section 51bis,

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op Landdroshowe, 1944, ten einde te bepaal dat reëls wat deur die Reglementsraad uitgevaardig is in die onderskeie Huise van die Parlement ter Tafel gelê moet word; die maksimum bedrae van sekere boetes wat ingevolge daardie Wet opgelê kan word, te verhoog; verwysings na die Strafproseswet, 1955, deur verwysings na die Strafproseswet, 1977, te vervang en verwysings na artikels van eersgenoemde Wet deur verwysings na die ooreenstemmende artikels van laasgenoemde Wet te vervang; die bedrag van 'n vonnisskuldenaar se totale skuld met verwysing waarna 'n bevoegdheid aan die hof verleen word om 'n administrasiebevel ten opsigte van die vonnisskuldenaar se boedel te verleen, te verhoog; en die omvang van die vrystelling met betrekking tot daardie klasse goedere wat in 'n beperkte mate van eksekusie vrygestel is, te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Maart 1985.)

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

1. Artikel 25 van die Wet op Landdroshowe, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (6) 5 deur die volgende subartikel te vervang:

“(6) Elke reël, en elke wysiging of herroeping daarvan, moet binne 14 dae nadat dit in werking getree het, in **[beide]** die onderskeie Huise van die Parlement ter Tafel 10 gelê word as die Parlement dan in sitting is of, as die Parlement nie dan in sitting is nie, binne 14 dae na die aanvang van sy eersvolgende sitting.”.

Wysiging van artikel 25 van Wet 32 van 1944, soos gewysig deur artikel 19 van Wet 50 van 1956, artikel 2 van Wet 93 van 1963, artikel 2 van Wet 101 van 1969 en artikel 8 van Wet 53 van 1970.
2. Artikel 51 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te 15 vang:

“(a) Wanneer iemand wat behoorlik gedagvaar is om getuienis af te lê of om boeke, geskrifte of dokumente in sy besit of onder sy beheer oor te lê wat die party wat sy aanwesigheid verlang, as bewysstukke wil toon, sonder wettige verontskuldiging versuim om sy opwagting 20 te maak of om getuienis af te lê of om daardie boeke, geskrifte of dokumente ooreenkomstig die getuiedagvaarding oor te lê of, sonder behoorlik verskoon te wees, versuim om gedurende die hele verhoor aanwesig te bly, dan kan die hof, indien hy op grond van 'n verklaring onder eed of van die relaas van die geregsbode oortuig is dat so iemand behoorlik gedagvaar is en dat 25 sy redelike koste, bereken ooreenkomstig die tarief

Wysiging van artikel 51 van Wet 32 van 1944, soos gewysig deur artikel 7 van Wet 19 van 1963, artikel 9 van Wet 80 van 1964 en artikel 5 van Wet 91 van 1977.

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have been paid or offered to him, impose upon the said person a fine not exceeding **[one hundred rand] R300**, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court."

Amendment of section 65F of Act 32 of 1944, as inserted by section 2 of Act 63 of 1976.

3. Section 65F of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:

"(4) A director or officer summoned as the representative of a juristic person in such representative capacity may on conviction of contempt of court in terms of this section be sentenced to a fine not exceeding **[R100] R500**, which fine shall be payable by the juristic person and be recoverable by the attachment and sale of property belonging to the juristic person by warrant in terms of section **[337 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)]** 288 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and the court may on good cause shown at any time suspend such sentence or warrant on such conditions, including conditions relating to the payment of the judgment debt and costs in specified instalments or otherwise from present means or from any future income of the judgment debtor, as the court may deem just and reasonable, or set aside the sentence or warrant on payment of the full amount of the said judgment debt and costs."

- (b) by the substitution for subsection (5) of the following subsection:

"(5) The provisions of the Criminal Procedure Act, **[1955] 1977**, relating to periodical imprisonment shall *mutatis mutandis* apply to any periodical imprisonment imposed under this section."

Amendment of section 65I of Act 32 of 1944, as inserted by section 2 of Act 63 of 1976.

4. Section 65I of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) If upon receipt of the statement referred to in subsection (2) it appears that the judgment debtor's total debts do not exceed **[R4 000] R10 000**, the court may grant an administration order under section 74 in respect of the judgment debtor's estate."

Amendment of section 67 of Act 32 of 1944, as amended by section 25 of Act 93 of 1962.

5. Section 67 of the principal Act is hereby amended—

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

"(b) the necessary furniture (other than beds) and household utensils in so far as they do not exceed in value the sum of **[four hundred rand] R1 000**;"

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

"(c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of **[four hundred rand] R1 000**;"

- (c) by the substitution for paragraph (e) of the following paragraph:

"(e) tools and implements of trade, in so far as they do not exceed in value the sum of **[four hundred rand] R1 000**;"

- (d) by the substitution for paragraph (f) of the following paragraph:

"(f) professional books, documents or instruments necessarily used by such debtor in his profession, in so far as they do not exceed in value the sum of **[four hundred rand] R1 000**;"

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kragtens artikel 51*bis* voorgeskryf, aan hom betaal of aangebied is, so iemand veroordeel tot 'n boete van hoogstens **[honderd rand] R300**, en, by wanbetaling, tot gevangenisstraf vir 'n tydperk van hoogstens drie maande, ongeag of so iemand origens aan die jurisdiksie van die hof onderworpe is al dan nie.”.

3. Artikel 65F van die Hoofwet word hierby gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) 'n Direkteur of beampte gedaag as verteenwoordiger van 'n regspersoon in sodanige verteenwoordigende hoedanigheid kan by skuldigbevinding aan minagting van die hof ingevolge hierdie artikel gevonniss word tot 'n boete van hoogstens **[R100] R500**, welke boete betaalbaar is deur die regspersoon en deur beslaglegging op en verkoping van goed van die regspersoon by lasbrief ingevolge artikel **[337 van die Strafproseswet, 1955 (Wet No. 56 van 1955)] 288** van die Strafproseswet, 1977 (Wet No. 51 van 1977), verhaal kan word, en die hof kan te eniger tyd sodanige vonnis of lasbrief om 'n gegronde rede aangevoer, opskort op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van die vonnisskuld en koste in bepaalde paaielemente of andersins uit middele wat tans bestaan of toekomstige inkomste van die vonnisskuldenaar, wat die hof billik en redelik ag, of die vonnis of lasbrief tersyde stel by betaling van die volle bedrag van genoemde vonnisskuld en koste.”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die bepalinge van die Strafproseswet, **[1955] 1977**, met betrekking tot periodieke gevangenisstraf is *mutatis mutandis* van toepassing op periodieke gevangenisstraf kragtens hierdie artikel opgelê.”.

Wysiging van artikel 65F van Wet 32 van 1944, soos ingevoeg deur artikel 2 van Wet 63 van 1976.

4. Artikel 65I van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien dit by ontvangs van die in subartikel (2) genoemde staat blyk dat die vonnisskuldenaar se totale skuld nie meer as **[R4 000] R10 000** bedra nie, kan die hof 'n administrasiebevel kragtens artikel 74 verleen ten opsigte van die vonnisskuldenaar se boedel.”.

Wysiging van artikel 65I van Wet 32 van 1944, soos ingevoeg deur artikel 2 van Wet 63 van 1976.

5. Artikel 67 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die nodige meubels (behalwe beddens) en huisgereedskap ter waarde van hoogstens **[vierhonderd rand] R1 000**;”;

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) lewende hawe, gereedskap en landbougereedskap van 'n boer, ter waarde van hoogstens **[vierhonderd rand] R1 000**;”;

(c) deur paragraaf (e) deur die volgende paragraaf te vervang:

“(e) ambagsgereedskap en -werktuie ter waarde van hoogstens **[vierhonderd rand] R1 000**;”;

(d) deur paragraaf (f) deur die volgende paragraaf te vervang:

“(f) professionele boeke, dokumente of instrumente deur die betrokke skuldenaar noodsaaklikerwys in sy beroep gebruik, ter waarde van hoogstens **[vierhonderd rand] R1 000**;”;

Wysiging van artikel 67 van Wet 32 van 1944, soos gewysig deur artikel 25 van Wet 93 van 1962.

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- (e) by the substitution for the proviso of the following proviso:

"Provided that the court shall have a discretion in exceptional circumstances and on such conditions as it may determine to increase the sums referred to in paragraphs (b), (c), [(d),] (e) and (f) [to the extent of not more than twice such sums]."

Amendment of section 74 of Act 32 of 1944, as substituted by section 6 of Act 63 of 1976.

6. Section 74 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 10

"(b) states that the total amount of all his debts due does not exceed **[R4 000] R10 000**;"

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

"(2) An administration order shall not be invalid 15 merely because at some time or other the total amount of the debtor's debts are found to exceed **[R4 000] R10 000**, but in such a case the court may, if it deems fit, rescind the order."

Substitution of section 74W of Act 32 of 1944, as inserted by section 6 of Act 63 of 1976.

7. The following section is hereby substituted for section 74W 20 of the principal Act:

"Failure of administrator to carry out certain duty.

74W. Any administrator who fails to carry out the duty assigned to him by section 74J (7) shall be guilty of an offence and on conviction liable to a fine not exceeding **[R200] R500** or in default of payment 25 to imprisonment for a period not exceeding six months."

Substitution of section 79 of Act 32 of 1944, as amended by section 13 of Act 19 of 1963 and section 6 of Act 91 of 1977.

8. The following section is hereby substituted for section 79 of the principal Act:

"Person who has made a *nulla bona* return not to incur debts.

79. Any person shall be guilty of an offence and liable to a fine not exceeding **[one hundred rand] R300** if after a return of *nulla bona* has been made in respect of a judgment against him and before satisfaction of the said judgment, he obtains credit to an amount or amounts exceeding one hundred rand in 35 the aggregate without previously informing all persons from whom he so obtains credit that there is an unsatisfied judgment against him and that a return of *nulla bona* has been made in respect thereof."

Substitution of section 106 of Act 32 of 1944, as substituted by section 8 of Act 63 of 1976.

9. The following section is hereby substituted for section 106 40 of the principal Act:

"Penalty for disobedience of order of court.

106. Any person wilfully disobeying or neglecting to comply with any order of a court or with a notice lawfully endorsed on a summons for rent prohibiting the removal of any furniture or effects, shall be 45 guilty of contempt of court and shall, upon conviction, be liable to a fine not exceeding **[R200] R500** or, in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine: Provided 50 that for the purposes of this section the word 'order' shall not include an order referred to in section 65, 65E, 65G, 65I, 65J, 65K, 72, 74 or 74J."

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- (e) deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

5 "Met dien verstande dat die hof volgens goeddunke en op sulke voorwaardes as wat hy mag bepaal die in paragrafe (b), (c), **[(d),]** (e) en (f) vermelde bedrae in buitengewone omstandighede **[tot hoogstens tweemaal daardie bedrae]** kan verhoog."

6. Artikel 74 van die Hoofwet word hierby gewysig—

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

"(b) beweer dat die totale bedrag van sy skulde wat verskuldig is, nie **[R4 000] R10 000** te bowe gaan nie,";

- 15 (b) deur subartikel (2) deur die volgende subartikel te vervang:

20 "(2) 'n Administrasiebevel is nie ongeldig nie slegs omdat daar te eniger tyd gevind word dat die totale bedrag van die skuldenaar se skulde wat verskuldig is **[R4 000] R10 000** te bowe gaan, maar in daardie geval kan die hof, as hy dit goedvind, die bevel intrek."

Wysiging van artikel 74 van Wet 32 van 1944, soos vervang deur artikel 6 van Wet 63 van 1976.

7. Artikel 74W van die Hoofwet word hierby deur die volgende artikel vervang:

- 25 "Versuim van administrateur om sekere plig uit te voer. **74W.** 'n Administrateur wat versuim om die plig by artikel 74J (7) aan hom opgedra, uit te voer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R200] R500** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande."

Vervanging van artikel 74W van Wet 32 van 1944, soos ingevoeg deur artikel 6 van Wet 63 van 1976.

30 8. Artikel 79 van die Hoofwet word hierby deur die volgende artikel vervang:

- 35 "Iemand wat opgaaf van geen goedere gemaak het, mag nie skulde aangaan nie. **79.** Iedereen is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens **[honderd rand] R300** indien hy, nadat 'n relaas *nulla bona* ten opsigte van 'n vonnis teen hom gemaak is, en voordat aan bedoelde vonnis voldoen is, krediet verkry vir 'n bedrag of bedrae wat altesaam honderd rand te bowe gaan sonder dat hy vooraf iedereen van wie hy aldus krediet verkry, daarvan verwittig het dat daar 'n onvoldane vonnis teen hom is en dat 'n relaas *nulla bona* ten opsigte daarvan gemaak is."

Vervanging van artikel 79 van Wet 32 van 1944, soos gewysig deur artikel 13 van Wet 19 van 1963 en artikel 6 van Wet 91 van 1977.

9. Artikel 106 van die Hoofwet word hierby deur die volgende artikel vervang:

- 45 "Straf op verontagsaming van bevel van die hof. **106.** Iedereen wat hom skuldig maak aan opsetlike verontagsaming van, of versuim om te voldoen aan, 'n bevel van 'n hof of 'n kennisgewing wat wettig op 'n dagvaarding vir huurgeld geëndosseer is waarby die verwydering van meubels of besittings verbied word, is aan minagting van die hof skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R200] R500** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete: Met dien verstande dat by die toepassing van hierdie artikel die woord 'bevel' nie 'n in artikel 65, 65E, 65G, 65J, 65K, 72, 74 of 74J bedoelde bevel insluit nie."

Vervanging van artikel 106 van Wet 32 van 1944, soos vervang deur artikel 8 van Wet 63 van 1976.

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Substitution of section 106A of Act 32 of 1944, as inserted by section 8 of Act 63 of 1976.

10. The following section is hereby substituted for section 106A of the principal Act:

"Offence by garnishee.

106A. Any garnishee who, by reason of an emoluments attachment order having been served on him in respect of the emoluments of a judgment debtor not occupying a position of trust in which he handles or has at his disposal moneys, securities or other articles of value, dismisses or otherwise terminates the service of such judgment debtor, shall be guilty of an offence and on conviction liable to a fine not exceeding **[R100] R300** or, in default of payment, to imprisonment for a period not exceeding three months."

Substitution of section 106B of Act 32 of 1944, as inserted by section 8 of Act 63 of 1976.

11. The following section is hereby substituted for section 106B of the principal Act:

"Offence by employer.

106B. Any employer who, having been requested by an employee to furnish a written statement containing full particulars of such employee's emoluments, fails or neglects to do so within a reasonable time, or who wilfully or negligently furnishes incorrect relevant particulars, shall be guilty of an offence and on conviction liable to a fine not exceeding **[R100] R300** or, in default of payment, to imprisonment for a period not exceeding three months."

Substitution of section 107 of Act 32 of 1944, as substituted by section 19 of Act 53 of 1970.

12. The following section is hereby substituted for section 107 of the principal Act:

"Offences relating to execution.

107. Any person who—

(1) obstructs a messenger or deputy-messenger in the execution of his duties;

(2) being aware that goods have been placed under arrest, interdict or attachment by the court, makes away with or disposes of those goods in any manner not authorized by law, or knowingly permits those goods, if in his possession or under his control, to be made away with or disposed of in any such manner;

(3) being a judgment debtor and being required by a messenger or deputy-messenger to point out property to satisfy a warrant issued in execution of judgment against such person, either—

(a) falsely declares to that messenger or deputy-messenger that he possesses no property or not sufficient property to satisfy the warrant; or

(b) although owning such property neglects or refuses to point out the same; or

(4) being a judgment debtor refuses or neglects to comply with any requirement of a messenger or deputy-messenger in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution,

shall be guilty of an offence and liable upon conviction to a fine not exceeding **[two hundred rand] R500** or, in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine."

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10. Artikel 106A van die Hoofwet word hierby deur die volgende artikel vervang:

5 "Misdryf deur beslagskuldenaar.

106A. 'n Beslagskuldenaar wat 'n vonnisskuldenaar wat nie 'n vertrouenspos beklee waarin hy geld, sekuriteite of ander artikels van waarde hanteer of daarvoor beskik nie, ontslaan of die diens van so 'n vonnisskuldenaar andersins beëindig, omdat aan hom 'n besoldigingbeslagbevel beteken is ten opsigte van sodanige vonnisskuldenaar se besoldiging, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R100] R300** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande."

Vervanging van artikel 106A van Wet 32 van 1944, soos ingevoeg deur artikel 8 van Wet 63 van 1976.

11. Artikel 106B van die Hoofwet word hierby deur die volgende artikel vervang:

20 "Misdryf deur werknemer.

106B. 'n Werkgewer wat, nadat hy deur 'n werknemer versoek is om 'n skriftelike verklaring bevatende volledige besonderhede aangaande sodanige werknemer se besoldiging te verstrek, versuim of na laat om dit binne 'n redelike tydperk te doen of wat opsetlik of nalatiglik onjuiste betrokke besonderhede verstrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R100] R300** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande."

Vervanging van artikel 106B van Wet 32 van 1944, soos ingevoeg deur artikel 8 van Wet 63 van 1976.

12. Artikel 107 van die Hoofwet word hierby deur die volgende artikel vervang:

30 "Misdrywe met betrekking tot tenuitvoerlegging.

107. Iedereen wat—

(1) 'n geregsbode of adjunk-geregsbode by die uitvoering van sy pligte belemmer;

(2) wetende dat goedere deur die hof onder arres, interdik of beslaglegging geplaas is, daardie goedere wegmaak of daarvoor beskik op 'n wyse wat nie by wet gemagtig is nie, of wetens toelaat dat daardie goedere, indien hulle in sy besit of onder sy beheer is, op so 'n wyse wegge-
35 maak word of dat op so 'n wyse daarvoor beskik word;

(3) 'n vonnisskuldenaar synde, wanneer deur 'n geregsbode of adjunk-geregsbode van hom verlang word om goedere aan te wys ter voldoening aan 'n lasbrief uitgereik ter tenuitvoer-
40 legging van 'n vonnis teen so iemand, of—

(a) valselik aan daardie geregsbode of adjunk-geregsbode verklaar dat hy geen goedere of geen voldoende goedere besit om aan die lasbrief te voldoen nie; of

(b) hoewel hy sodanige goedere besit, versuim of weier om die goedere aan te wys; of

(4) 'n vonnisskuldenaar synde, weier of versuim om te voldoen aan 'n vereiste van 'n geregsbode of adjunk-geregsbode met betrek-
50 king tot die aflewering van dokumente in sy besit of onder sy beheer, betreffende die titel van die onroerende goed onder eksekusie,

55 is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweehonderd rand] R500** of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete."

Vervanging van artikel 107 van Wet 32 van 1944, soos vervang deur artikel 19 van Wet 53 van 1970.

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Amendment of
section 108 of
Act 32 of 1944,
as amended by
section 23 of
Act 19 of 1963.

13. Section 108 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If any person, whether in custody or not, wilfully insults a judicial officer during his sitting or a clerk or messenger or other officer during his attendance at such sitting, or wilfully interrupts the proceedings of the court or otherwise misbehaves himself in the place where such court is held, he shall (in addition to his liability to being removed and detained as in subsection (3) of section 5 provided) be liable to be sentenced summarily or upon summons to a fine not exceeding **[one hundred rand]** R500 or in default of payment to imprisonment for a period not exceeding **[three]** six months or to such imprisonment without the option of a fine. In this subsection the word ‘court’ includes a preparatory examination held under the law relating to criminal procedure.”.

Short title.

14. This Act shall be called the Magistrates' Courts Amendment Act, 1985.

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13. Artikel 108 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 108 van Wet 32 van 1944, soos gewysig deur artikel 23 van Wet 19 van 1963.

- 5 “(1) Iemand wat, hetsy hy in versekerde bewaring is al dan nie, 'n regterlike amptenaar gedurende sy hofsitting, of
10 'n klerk of geregsbode of ander beampte wat by die sitting aanwesig is, opsetlik beledig of die verrigtings van die hof opsetlik onderbreek of hom op ander wyse aan wangedrag skuldig maak in die plek waar die hofsitting gehou word, is (bo en behalwe dat hy volgens voorskrif van subartikel (3) van artikel 5 verwyder en aangehou kan word) summierlik of na dagvaarding strafbaar met 'n boete van hoogstens **[honderd rand] R500** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens **[drie maande] ses maande**, of met sodanige gevangenisstraf sonder die keuse van 'n boete.
15 In hierdie subartikel omvat die woord 'hof' of 'hofsitting' ook 'n voorlopige ondersoek gehou ingevolge die wetsbepalings op die strafregtelike prosedure.”.

14. Hierdie Wet heet die Wysigingswet op Landdroshowe, 1985. Kort titel.

