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STATE PRESIDENT'S OFFICE

No. 131. 26 January 1994

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

No. 204 of 1993: General Law Sixth Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 131. 26 Januarie 1994

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

No. 204 van 1993: Sesde Algemene Regswysigingswet, 1993.

GENERAL EXPLANATORY NOTE:

- I** 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 Magistrates' Courts Act, 1944, so as to further regulate property exempt from execution; to amend the Aviation Act, 1962, so as to make provision for a prohibition of the conveyance of certain drugs and animal products in aircraft; to amend the Maintenance Act, 1963, so as to further regulate witness expenses payable to certain persons; to amend the Gambling Act, 1965, so as to define the expression "opportunity to play a further game"; to amend the Mental Health Act, 1973, so as to redefine "Minister"; to further regulate the discharge of State patients and the termination of their detention; and to amend or repeal certain outdated provisions; to amend the Criminal Procedure Act, 1977, so as to further regulate the taking of evidence by a judge, regional magistrate or magistrate; to amend the Attorneys Act, 1979, so as to raise certain fines; to amend the Legal Succession to the South African Transport Services Act, 1989, so as to rectify an incorrect reference; to amend the Judges' Remuneration and Conditions of Employment Act, 1989, so as to further regulate the gratuity payable to judges after discharge from active service; to amend the Air Services Licensing Act, 1990, so as to further regulate the making of regulations; to amend the Abolition of Racially Based Land Measures Act, 1991, so as to provide that a proclamation may be made with retrospective effect; to provide for the appointment and powers of committees; and to make other provision in respect of the removal of certain racially based restrictions in the laws of self-governing territories; to amend the Magistrates Act, 1993, so as to further regulate the pension benefits of magistrates; to amend the Security Forces Board of Inquiry Act, 1993, so as to provide for the appointment of acting members on the Security Forces Board of Inquiry; to amend the Technikons Act, 1993, so as to rectify an incorrect reference; to provide for the grant of vacation leave and the resignation of civil servants for the purposes of an election in terms of the Electoral Act, 1993; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 14 January 1994.)*

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

Amendment of section 67 of Act 32 of 1944, as amended by section 25 of Act 93 of 1962 and section 5 of Act 19 of 1985

1. Section 67 of the Magistrates' Courts Act, 1944, is hereby amended—

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings 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 goedere wat nie vir eksekusie vatbaar is nie, verder te reël; tot wysiging van die Lugvaartwet, 1962, ten einde voorsiening te maak vir 'n verbod op die vervoer van sekere dwelms en diereprodukte in lugvaartuie; tot wysiging van die Wet op Onderhoud, 1963, ten einde getuiekoste betaalbaar aan sekere persone verder te reël; tot wysiging van die Wet op Dobbelaar, 1965, ten einde die uitdrukking "geleentheid om 'n verdere spel te speel" te omskryf; tot wysiging van die Wet op Geestesgesondheid, 1973, ten einde "Minister" te heromskryf; die ontslag van Staatspasiënte en die beëindiging van hul aanhouding verder te reël; en sekere verouderde bepalings te wysig of te herroep; tot wysiging van die Strafproseswet, 1977, ten einde die afneem van getuienis deur 'n regter, streeklanddroos of landdroos verder te reël; tot wysiging van die Wet op Prokureurs, 1979, ten einde sekere boetes te verhoog; tot wysiging van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, ten einde 'n foutiewe verwysing reg te stel; tot wysiging van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, ten einde die betaling van die gratifikasie aan regters na ontheffing van aktiewe diens verder te reël; tot wysiging van die Wet op die Lisensiering van Lugdienste, 1990, ten einde die uitvaardiging van regulasies verder te reël; tot wysiging van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, ten einde voorsiening te maak dat 'n proklamasie met terugwerkende krag uitgevaardig kan word; voorsiening te maak vir die aanstelling en bevoegdhede van komitees; en ander voorsiening ten opsigte van die verwydering van sekere rasgebaseerde beperkings in die wette van selfregerende gebiede te maak; tot wysiging van die Wet op Landdroste, 1993, ten einde die pensioenvoordele van landdroste verder te reël; tot wysiging van die Wet op die Veiligheidsmagte-onderzoekraad, 1993, ten einde voorsiening te maak vir die aanstel van waarnemende lede in die Veiligheidsmagte-onderzoekraad; tot wysiging van die Wet op Teknikons, 1993, ten einde 'n foutiewe verwysing reg te stel; om voorsiening te maak vir die toestaan van vakansieverlof en die bedanking van 'n staatsamptenaar vir die doeleindes van 'n verkiesing ingevolge die Kieswet, 1993; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Januarie 1994.)

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

Wysiging van artikel 67 van Wet 32 van 1944, soos gewysig deur artikel 25 van Wet 93 van 1962 en artikel 5 van Wet 19 van 1985.

- 5 1. Artikel 67 van die Wet op Landdroshowe, 1944, word hierby gewysig—

- (a) by the substitution for paragraphs (b) and (c) of the following paragraphs, respectively:
- “(b) the necessary furniture (other than beds) and household utensils in so far as they do not exceed in value the **[sum of R1 000]** amount determined by the Minister from time to time by notice in the *Gazette*;
- (c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the **[sum of R1 000]** amount determined by the Minister from time to time by notice in the *Gazette*.”;
- (b) by the substitution for paragraphs (e) and (f) of the following paragraphs, respectively:
- “(e) tools and implements of trade, in so far as they do not exceed in value the **[sum of R1 000]** amount determined by the Minister from time to time by notice in the *Gazette*;
- (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 R1 000]** amount determined by the Minister from time to time by notice in the *Gazette*.”; and
- (c) 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]** amounts determined by the Minister in respect of paragraphs (b), (c), (e) and (f).”.

Substitution of section 15A of Act 74 of 1962, as inserted by section 6 of Act 63 of 1981

2. The following section is hereby substituted for section 15A of the Aviation Act, 1962:

“Prohibition of conveyance of armaments, drugs or animal products in aircraft

15A. (1) Except with the written permission of the Minister or a person in the service of the State authorized thereto by the Minister and subject to such conditions as the Minister or such a person may determine, no person shall convey any armaments, drugs or animal product in an aircraft.

(2) An aircraft which is upon reasonable grounds believed to be engaged in conveying any armaments, drugs or animal product contrary to the provisions of subsection (1), shall be subject to the provisions of the regulations with regard to the identification and interception of aircraft: Provided that any identification and interception of an aircraft shall take place with due regard to the provisions of the Convention on Offences and certain other Acts committed on board Aircraft, 1963, entered into on 14 September 1963 at Tokyo.

(3) A person who is an authorized person for the purposes of the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972), may, without derogating from any power which he may have under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), at any aerodrome or place in the Republic, without a warrant—

- (a) search any aircraft which he reasonably believes to be used or to have been used to convey any armaments, drugs or animal product contrary to the provisions of subsection (1) of this section, and any cargo or goods on board such an aircraft;
- (b) seize—

- (a) deur paragrawe (b) en (c) deur onderskeidelik die volgende paragrawe te vervang:

5 “(b) die nodige meubels (behalwe beddens) en huisgereedskap ter waarde van hoogstens **[R1 000]** die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal;

10 (c) lewende hawe, gereedskap en landbougereedskap van 'n boer, ter waarde van hoogstens **[R1 000]** die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal;”;

- (b) deur paragrawe (e) en (f) deur onderskeidelik die volgende paragrawe te vervang:

15 “(e) ambagsgereedskap en -werktuie ter waarde van hoogstens **[R1 000]** die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal;

20 (f) professionele boeke, dokumente of instrumente deur die betrokke skuldenaar noodsaaklikerwys in sy beroep gebruik, ter waarde van hoogstens **[R1 000]** die bedrag wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal;” en

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

25 “Met dien verstande dat die hof volgens goeë dunde en op sulke voorwaardes as wat hy mag bepaal die **[in]** bedrae deur die Minister bepaal ten opsigte van paragrawe (b), (c), (e) en (f) **[vermelde bedrae]** in buitengewone omstandighede kan verhoog.”.

Vervanging van artikel 15A van Wet 74 van 1962, soos ingevoeg deur artikel 6 van Wet 63 van 1981

- 30 2. Artikel 15A van die Lugvaartwet, 1962, word hierby deur die volgende artikel vervang:

“Verbod op vervoer van krygstuig, dwelms of diereprodukte in lugvaartuie

35 15A. (1) Behalwe met die skriftelike toestemming van die Minister of 'n persoon in diens van die Staat deur die Minister daartoe gemagtig en behoudens die voorwaardes wat die Minister of so 'n persoon bepaal, mag niemand enige krygstuig, dwelms of diereproduk in 'n lugvaartuig vervoer nie.

40 (2) 'n Lugvaartuig wat op redelike gronde vermoed word besig te wees om enige krygstuig, dwelms of diereproduk in stryd met die bepalings van subartikel (1) te vervoer, is onderworpe aan die bepalings van die regulasies met betrekking tot die identifisering en onderskepping van lugvaartuie: Met dien verstande dat enige identifisering en onderskepping van 'n lugvaartuig plaasvind met inagneming van die bepalings van die Konvensie op Misdrywe en sekere ander Dade wat op Lugvaartuie gepleeg word, 1963, wat op 14 September 1963 te Tokio aangegaan is.

45 (3) 'n Persoon wat 'n gemagtigde persoon is vir die doeleindes van die Wet op Misdrywe teen Burgerlike Lugvaart, 1972 (Wet No. 10 van 1972), kan, sonder om afbreuk te doen aan enige bevoegdheid wat hy kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), mag hê, op enige vliegveld of plek in die Republiek, sonder 'n lasbrief—

50 (a) enige lugvaartuig wat hy redelikerwys vermoed gebruik word of gebruik is om enige krygstuig, dwelms of diereproduk in stryd met die bepalings van subartikel (1) van hierdie artikel te vervoer, en enige vrag of goed aan boord van so 'n lugvaartuig, deursoek;

55 (b) beslag lê op—

- (i) any armaments, drugs or animal product found during a search carried out under paragraph (a) of this subsection;
 - (ii) any aircraft on which such armaments **[are]**, drugs or animal product is found; and
 - (iii) any other thing which in his opinion was used or is intended to be used for the commission, or in connection with the commission, of an offence under this section; and
- (c) arrest any person who is found on board an aircraft contemplated in paragraph (a) of this subsection and whom he reasonably suspects of having committed an offence under this section or of attempting to commit such an offence, and the provisions of section 2H(2) of the Civil Aviation Offences Act, 1972, shall *mutatis mutandis* apply for the purpose of his effecting the arrest.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to imprisonment without the option of a fine for a period not exceeding ten years.
- (5) (a) Any armaments, drugs, animal product, aircraft or other thing seized under subsection (3)(b) shall be forfeited to the State unless the court at the trial of any person accused of the contravention concerned of subsection (1), finds—
- (i) in the case of such armaments, drugs or animal product, that they were not conveyed contrary to the provisions of the last-named subsection and were not intended to be used for any unlawful purpose; or
 - (ii) in the case of such an aircraft or other thing, that it was not used or intended to be used for the commission, or in connection with the commission, of any offence.
- (b) Anything forfeited in terms of paragraph (a) shall be disposed of as the Minister may either generally or in a particular case order.
- (c) The provisions of paragraph (a), in so far as they relate to an aircraft, shall not affect the rights which any person other than a person accused of the contravention concerned of subsection (1) may have to such an aircraft, if he, within thirty days of the seizure thereof, satisfies the Minister, by means of proof in writing submitted through the Director-General: Transport, that he did not know that the aircraft was used or intended to be used for the commission, or in connection with the commission, of any offence, or that he could not prevent such use.
- (6) (a) For the purposes of this section—
- (i) 'animal product' means a rhinoceros horn, an elephant tusk or a part thereof which is possessed contrary to the provisions of any other law;
 - (ii) 'drugs' means a drug as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), that has not been acquired, bought or possessed lawfully as contemplated in section 4 of the said Act.
- (b) For the purposes of this section the expression 'armaments' bears the meaning assigned thereto in section 1 of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), but with the exception of any such armaments while being conveyed in an aircraft—
- [(a)]** (i) on behalf of the State;
 - [(b)]** (ii) by or on behalf of—
 - [(i)]** (aa) the Armaments Corporation of South Africa, Limited, established by section 2 of the Armaments Development and Production Act, 1968, or any undertaking or

- (i) enige krygstuig, dwelms of diereprodukt wat gevind word tydens 'n deursoeking kragtens paragraaf (a) van hierdie subartikel uitgevoer;
- (ii) enige lugvaartuig waarin sodanige krygstuig, dwelms of diereprodukt gevind word; en
- (iii) enigiets anders wat na sy oordeel gebruik is of bestem is om gebruik te word vir die pleging, of in verband met die pleging, van 'n misdryf kragtens hierdie artikel; en
- (c) enige persoon in hegtenis neem wat aan boord van 'n lugvaartuig beoog in paragraaf (a) van hierdie subartikel gevind word en wat hy redelikerwys daarvan verdink dat hy 'n misdryf kragtens hierdie artikel gepleeg het of poog om so 'n misdryf te pleeg, en die bepalings van artikel 2H(2) van die Wet op Misdrywe teen Burgerlike Lugvaart, 1972, is *mutatis mutandis* van toepassing vir die doel van die uitvoering deur hom van die inhegtenisneming.
- (4) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar.
- (5) (a) Enige krygstuig, dwelms, diereprodukt, lugvaartuig of iets anders waarop kragtens subartikel (3)(b) beslag gelê is, word aan die Staat verbeur tensy die hof by die verhoor van enige persoon wat van die betrokke oortreding van subartikel (1) beskuldig word, bevind—
- (i) in die geval van sodanige krygstuig, dwelms of diereprodukt, dat dit nie in stryd met die bepalings van laasgenoemde subartikel vervoer is nie en nie bestem was om vir enige onwettige oogmerk gebruik te word nie; of
- (ii) in die geval van so 'n lugvaartuig of so iets anders, dat dit nie gebruik is of bestem was om gebruik te word vir die pleging, of in verband met die pleging, van enige misdryf nie.
- (b) Daar word oor enigiets wat ingevolge paragraaf (a) verbeur is, beskik soos die Minister in die algemeen of in 'n bepaalde geval beveel.
- (c) Die bepalings van paragraaf (a) raak, vir sover dit op 'n lugvaartuig betrekking het, nie die regte wat iemand anders as 'n persoon wat van die betrokke oortreding van subartikel (1) beskuldig word op so 'n lugvaartuig het nie, indien hy binne dertig dae na die beslaglegging daarop die Minister, by wyse van skriftelike bewys voorgelê deur bemiddeling van die Direkteur-generaal: Vervoer, oortuig dat hy nie geweet het dat die lugvaartuig gebruik is of bestem was om gebruik te word vir die pleging, of in verband met die pleging, van enige misdryf nie, of dat hy sodanige gebruik nie kon verhinder nie.
- (6) (a) By die toepassing van hierdie artikel beteken—
- (i) 'diereprodukt' 'n renosterhoring, 'n olifantstand of 'n gedeelte daarvan wat strydig met die bepalings van die een of ander wet besit word;
- (ii) 'dwelms' 'n dwelmmiddel soos omskryf in artikel 1 van die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), wat nie wettig verkry, gekoop of besit word soos beoog in artikel 4 van gemelde Wet nie.
- (b) By die toepassing van hierdie artikel het die uitdrukking 'krygstuig' die betekenis wat daaraan toegeskryf word in artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), maar met uitsondering van enige sodanige krygstuig terwyl dit in 'n lugvaartuig vervoer word—
- [(a)] (i) ten behoeve van die Staat;
- [(b)] (ii) deur of ten behoeve van—
- [(i)] (aa) die Krygstuigkorporasie van Suid-Afrika, Beperk, ingestel by artikel 2 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968, of enige onderneming of maatskappy deur genoemde korporasie opgerig of ge-

company established or promoted by the said corporation, or any member, director, employee or agent of that corporation or any such undertaking or company;

[(ii)] (bb) any person in his capacity as an officer or employee of the State;

[(iii)] (cc) any person for the purposes of the Defence Act, 1957 (Act No. 44 of 1957); or

[(iv)] (dd) any person who is entitled by virtue of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), to possess the armaments concerned or to have the armaments concerned in his custody.”.

Amendment of section 4 of Act 23 of 1963

3. Section 4 of the Maintenance Act, 1963, is hereby amended by the addition of the following subsection:

“(3) The provisions of section 181 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), are, subject to the provisions of section 8(2), not applicable to a person legally liable to maintain any other person and in respect of whom an inquiry referred to in subsection (1) is instituted.”.

Amendment of section 8 of Act 23 of 1963

4. Section 8 of the Maintenance Act, 1963, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The officer presiding at such an enquiry may direct that any person [against whom a maintenance order is made] legally liable to maintain any other person and in respect of whom an enquiry referred to in section 4(1) is instituted, shall be paid the necessary expenses to travel to and from the court and of sojourn at the court in question and shall be paid such allowance as may be paid to a witness for the accused in criminal proceedings.”.

Amendment of section 1 of Act 51 of 1965, as amended by section 1 of Act 144 of 1992

5. Section 1 of the Gambling Act, 1965, is hereby amended by the insertion of the following definition after the definition of “Minister”:

“ ‘opportunity to play a further game’ means an opportunity which cannot be distributed or transferred to the person who has won such opportunity or to any other person, for any purpose other than to use such opportunity without any interruption to continue playing the type of game in respect of which the opportunity was won, and includes an opportunity which cannot in any manner, whether directly or indirectly, be converted into money, property, cheques, credit or anything of value.”.

Amendment of section 1 of Act 18 of 1973, as amended by section 1 of Act 10 of 1978, section 1 of Act 38 of 1981, section 1 of Act 3 of 1984, section 2 of Act 34 of 1986, section 1 of Act 55 of 1987, section 6 of Act 51 of 1991, section 1 of Act 19 of 1992 and section 8 of Act 116 of 1993

6. Section 1 of the Mental Health Act, 1973, is hereby amended—

(a) by the substitution in subsection (1) for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister for National Health and Welfare;”;

and

(b) by the substitution in subsection (1) for the definition of “State patient” of the following definition:

“ ‘State patient’ means a person detained by order of any court of law or other competent authority at any place pending the signification of the decision of [the Minister of Justice] a judge in chambers;”.

- stig, of enige lid, direkteur, werknemer of agent van daardie korporasie of so 'n onderneming of maatskappy;
- 5 **[(ii)] (bb)** enige persoon in sy hoedanigheid van 'n beampte of werknemer van die Staat;
- [(iii)] (cc)** enige persoon vir die doeleindes van die Verdedigingswet, 1957 (Wet No. 44 van 1957); of
- 10 **[(iv)] (dd)** enige persoon wat uit hoofde van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), daarop geregtig is om die betrokke krygstuig te besit of in sy bewaring te hê.”.

Wysiging van artikel 4 van Wet 23 van 1963

3. Artikel 4 van die Wet op Onderhoud, 1963, word hierby gewysig deur die volgende subartikel by te voeg:

- 15 “(3) Die bepalings van artikel 181 van die Strafproseswet, 1977 (Wet No. 51 van 1977), is, behoudens die bepalings van artikel 8(2), nie van toepassing nie op 'n persoon wat regtens verplig is om 'n ander persoon te onderhou en ten opsigte van wie 'n ondersoek bedoel in subartikel (1) ingestel word.”.

20 Wysiging van artikel 8 van Wet 23 van 1963

4. Artikel 8 van die Wet op Onderhoud, 1963, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 25 “(2) Die beampte wat by so 'n ondersoek voorsit, kan gelas dat aan 'n persoon **[teen wie 'n onderhoudsbevel uitgevaardig word]** wat regtens verplig is om 'n ander persoon te onderhou en ten opsigte van wie 'n ondersoek bedoel in artikel 4(1) ingestel word, die nodige onkoste om na en van die hof te reis en van verblyf by die betrokke hof betaal word, en die toelae betaal word wat aan 'n getuie vir 'n beskuldigde in 'n strafsak betaal kan word.”.

30 Wysiging van artikel 1 van Wet 51 van 1965, soos gewysig deur artikel 1 van Wet 144 van 1992

5. Artikel 1 van die Wet op Dobbelaar, 1965, word hierby gewysig deur na die omskrywing van “dobbelttoestel” die volgende omskrywing in te voeg:

- 35 “‘geleentheid om 'n verdere spel te speel’ 'n geleentheid wat nie aan die persoon wat sodanige geleentheid gewen het of enige ander persoon uitgekeer of oorgedra kan word nie vir enige ander doel as om sodanige geleentheid te gebruik om sonder onderbreking die tipe spel ten opsigte waarvan die geleentheid gewen is, verder te speel, en ook 'n geleentheid wat nie op enige wyse, hetsy regstreeks of onregstreeks, in geld, eiendom, tjeks, krediet of enigiets van waarde, omgesit kan word nie.”.
- 40

Wysiging van artikel 1 van Wet 18 van 1973, soos gewysig deur artikel 1 van Wet 10 van 1978, artikel 1 van Wet 38 van 1981, artikel 1 van Wet 3 van 1984, artikel 2 van Wet 34 van 1986, artikel 1 van Wet 55 van 1987, artikel 6 van Wet 51 van 1991, artikel 1 van Wet 19 van 1992 en artikel 8 van Wet 116 van 1993

- 45 6. Artikel 1 van die Wet op Geestesgesondheid, 1973, word hierby gewysig—
(a) deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang:

 “‘Minister’ die Minister vir Nasionale Gesondheid en Welsyn;”;
 en

- 50 (b) deur in subartikel (1) die omskrywing van “Staatspasiënt” deur die volgende omskrywing te vervang:

 “‘Staatspasiënt’ iemand wat by bevel van 'n geregshof of ander bevoegde gesag by 'n plek aangehou word in afwagting van die beskikking van [die Minister van Justisie] 'n regter in kamers;”.

Amendment of section 29 of Act 18 of 1973, as amended by section 1 of Act 48 of 1976, section 3 of Act 10 of 1978, section 9 of Act 51 of 1991 and section 33 of Act 129 of 1993

7. Section 29 of the Mental Health Act, 1973, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 5

“(a) Where any person is with reference to a charge of murder or culpable homicide or a charge involving serious violence, detained as a State patient under the provisions of section 27, 28 or 29 of the Mental Disorders Act, 1916 (Act No. 38 of 1916), or of section 77 or 78 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as the case may be, a judge in chambers may at any time after the order of detention, on written application being made to him by the official *curator ad litem* that such person be discharged either absolutely or conditionally or that he cease to be treated as a State patient, order— 10

(i) that that State patient be discharged either absolutely or conditionally or that he cease to be treated as such; or 15

(ii) that that State patient be further detained as a patient under Chapter 3, or make such other order under section 19 as he may think fit.”

Amendment of section 30 of Act 18 of 1973, as amended by section 2 of Act 38 of 1981 and section 10 of Act 116 of 1993 20

8. Section 30 of the Mental Health Act, 1973, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever it appears to the Minister of Correctional Services that a convicted prisoner in a prison is mentally ill to such a degree that he should be detained in an institution and the prisoner is not under the sentence of death, he may order the magistrate of the district in which the prison is situated to cause the mental condition of the prisoner to be enquired into.” 25

Amendment of section 74 of Act 18 of 1973, as amended by section 3 of Act 55 of 1987

9. Section 74 of the Mental Health Act, 1973, is hereby amended by the substitution for subsection (1) of the following subsection: 30

“(1) Any order, warrant or document which may be issued by the Minister or the Minister of **[Justice]** Correctional Services, as the case may be, under this Act shall be valid and of force if signed by an officer in the public service designated thereto by the Minister concerned by notice in the *Gazette*, and shall, if so signed, be proof in any court of law and in any public office and for any other relevant purpose that it was issued under the provisions of this Act.” 35

Amendment of section 74B of Act 18 of 1973, as inserted by section 7 of Act 10 of 1978 and amended by section 6 of Act 38 of 1981 and section 4 of Act 55 of 1987 40

10. Section 74B of the Mental Health Act, 1973, is hereby amended—

(a) by the deletion of paragraph (b) of subsection (1); and

(b) by the deletion of paragraph (b) of subsection (2).

Substitution of section 205 of Act 51 of 1977

11. The following section is hereby substituted for section 205 of the Criminal Procedure Act, 1977: 45

“Judge, regional court magistrate or magistrate may take evidence as to alleged offence

205. (1) A judge of the supreme court, a regional court magistrate

Wysiging van artikel 29 van Wet 18 van 1973, soos gewysig deur artikel 1 van Wet 48 van 1976, artikel 3 van Wet 10 van 1978, artikel 9 van Wet 51 van 1991 en artikel 33 van Wet 129 van 1993

7. Artikel 29 van die Wet op Geestesgesondheid, 1973, word hierby gewysig
5 deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Waar iemand met betrekking tot ’n aanklag van moord of strafbare manslag of ’n aanklag waarby ernstige geweld betrokke is, as ’n Staatspasiënt aangehou word ingevolge die bepalings van artikel 27, 28 of 29 van die ‘Wet op Geestesgebreken, 1916’ (Wet No. 38 van 1916), of van artikel
10 77 of 78 van die Strafproseswet, 1977 (Wet No. 51 van 1977), na gelang van die geval, kan ’n regter in kamers te eniger tyd na die aanhoudingsbevel, op skriftelike aansoek aan hom deur die amptelike *curator ad litem* dat bedoelde persoon of onvoorwaardelik of voorwaardelik ontslaan word of dat hy nie langer as ’n Staatspasiënt behandel word nie, beveel dat—
15 (i) daardie Staatspasiënt of onvoorwaardelik of voorwaardelik ontslaan word of dat hy nie langer as sodanig behandel word nie; of
(ii) daardie Staatspasiënt verder aangehou word as ’n pasiënt ingevolge Hoofstuk 3 of die ander bevel ingevolge artikel 19 gee wat hy goedvind.”.

Wysiging van artikel 30 van Wet 18 van 1973, soos gewysig deur artikel 2 van Wet
20 38 van 1981 en artikel 10 van Wet 116 van 1993

8. Artikel 30 van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer dit vir die Minister van Korrektiewe Dienste blyk dat ’n veroordeelde gevangene in ’n gevangenis in so ’n mate geestesongesteld is
25 dat hy in ’n inrigting aangehou behoort te word en die gevangene nie ter dood veroordeel is nie, kan hy die landdros van die distrik waarin die gevangenis geleë is, beveel om die geestestoestand van die gevangene te laat ondersoek.”.

Wysiging van artikel 74 van Wet 18 van 1973, soos gewysig deur artikel 3 van Wet
30 55 van 1987

9. Artikel 74 van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Bevel, lasbrief of dokument wat ingevolge hierdie Wet deur die Minister of die Minister van [Justisie] Korrektiewe Dienste, na gelang van die
35 geval, uitgereik kan word, is geldig en van krag indien dit onderteken is deur ’n beampte in die staatsdiens wat deur die betrokke Minister by kennisgewing in die *Staatskoerant* daartoe aangewys is, en is, indien aldus onderteken, bewys in ’n geregshof en in ’n openbare kantoor en vir enige ander relevante doel dat dit ingevolge die bepalings van hierdie Wet uitgereik is.”.

40 Wysiging van artikel 74B van Wet 18 van 1973, soos ingevoeg deur artikel 7 van Wet 10 van 1978 en gewysig deur artikel 6 van Wet 38 van 1981 en artikel 4 van Wet 55 van 1987

10. Artikel 74B van die Wet op Geestesgesondheid, 1973, word hierby gewysig—

45 (a) deur paragraaf (b) van subartikel (1) te skrap; en
(b) deur paragraaf (b) van subartikel (2) te skrap.

Vervanging van artikel 205 van Wet 51 van 1977

11. Artikel 205 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

50 “Regter, streeklanddros of landdros kan getuienis betreffende be-
weerde misdryf afneem

205. (1) ’n Regter van die hooggeregshof, ’n streeklanddros of ’n

or a magistrate may, subject to the provisions of subsection 4, upon the request of an attorney-general or a public prosecutor authorized thereto in writing by the attorney-general, require the attendance before him or any other judge, regional court magistrate or magistrate, for examination by the attorney-general or the public prosecutor authorized thereto in writing by the attorney-general, of any person who is likely to give material or relevant information as to any alleged offence, whether or not it is known by whom the offence was committed: Provided that if such person furnishes that information to the satisfaction of the attorney-general or public prosecutor concerned prior to the date on which he is required to appear before a judge, regional court magistrate or magistrate, he shall be under no further obligation to appear before a judge, regional court magistrate or magistrate.

(2) The provisions of sections 162 to 165 inclusive, 179 to 181 inclusive, 187 to 189 inclusive, 191 and 204 shall *mutatis mutandis* apply with reference to the proceedings under subsection (1).

(3) The examination of any person under subsection (1) may be conducted in private at any place designated by the judge, regional court magistrate or magistrate.

(4) A person required in terms of subsection (1) to appear before a judge, a regional court magistrate or a magistrate for examination, and who refuses or fails to give the information contemplated in subsection (1), shall not be sentenced to imprisonment as contemplated in section 189 unless the judge, regional court magistrate or magistrate concerned, as the case may be, is also of the opinion that the furnishing of such information is necessary for the administration of justice or the maintenance of law and order.”.

Amendment of section 236 of Act 51 of 1977, as substituted by section 45 of Act 129 of 1993

12. Section 236 of the Criminal Procedure Act, 1977, is hereby amended—

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

“(b) that such **[are or have been]** accounting records or document is or has been the ordinary records or document of such bank;”;

and

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

“(d) that such **[are]** accounting records or document is in the custody or under the control of such bank,”.

Amendment of section 72 of Act 53 of 1979, as amended by section 5 of Act 80 of 1985, section 25 of Act 87 of 1989 and section 17 of Act 115 of 1993

13. Section 72 of the Attorneys Act, 1979, is hereby amended—

(a) by the substitution in subsection (1) for subparagraph (i) of paragraph (a) of the following subparagraph:

“(i) impose upon him a fine not exceeding **[R5 000]** R10 000; or”;

(b) by the substitution in subsection (1) for subparagraph (ii) of paragraph (b) of the following subparagraph:

“(ii) impose upon him a fine not exceeding **[R1 000]** R2 000; or”;

and

(c) by the substitution in subsection (1) for subparagraph (ii) of paragraph (c) of the following subparagraph:

“(ii) impose upon him a fine not exceeding **[R1 000]** R2 000; or”.

landdros kan, behoudens die bepalings van subartikel (4), op versoek van 'n prokureur-generaal of 'n staatsaanklaer skriftelik deur die prokureur-generaal daartoe gemagtig, iemand wat waarskynlik wesenlike of tersaaklike inligting betreffende 'n beweerde misdryf kan verstrek, hetsy dit bekend is deur wie die misdryf gepleeg is of nie, aansê om voor hom of enige ander regter, streeklanddros of landdros te verskyn vir ondervraging deur die prokureur-generaal of die staatsaanklaer skriftelik deur die prokureur-generaal daartoe gemagtig: Met dien verstande dat indien so iemand daardie inligting voor die datum waarop hy aangesê is om voor 'n regter, streeklanddros of landdros te verskyn, tot bevrediging van die betrokke prokureur-generaal of staatsaanklaer verskaf, hy onder geen verdere verpligting is om voor 'n regter, streeklanddros of landdros te verskyn nie.

(2) Die bepalings van artikels 162 tot en met 165, 179 tot en met 181, 187 tot en met 189, 191 en 204 is *mutatis mutandis* van toepassing met betrekking tot die verrigtinge ingevolge subartikel (1).

(3) Die ondervraging van iemand ingevolge subartikel (1) kan privaat geskied op 'n plek deur die regter, streeklanddros of landdros aangewys.

(4) 'n Persoon wat ingevolge subartikel (1) aangesê is om voor 'n regter, streeklanddros of landdros vir ondervraging te verskyn, en wat weier of versuim om die inligting in subartikel (1) beoog, te verstrek, word nie tot gevangenisstraf soos beoog in artikel 189 gevonnissen nie tensy die betrokke regter, streeklanddros of landdros, na gelang van die geval, ook van oordeel is dat die verskaffing van sodanige inligting noodsaaklik is vir die regspleging of vir die handhawing van wet en orde."

30 Wysiging van artikel 236 van Wet 51 van 1977, soos vervang deur artikel 45 van Wet 129 van 1993

12. Artikel 236 van die Strafproseswet, 1977, word hierby gewysig—

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

35 "(b) that such **[are or have been]** accounting records or document is or has been the ordinary records or document of such bank;" en

(b) deur in die Engelse teks paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

40 "(d) that such **[are]** accounting records or document is in the custody or under the control of such bank,".

Wysiging van artikel 72 van Wet 53 van 1979, soos gewysig deur artikel 5 van Wet 80 van 1985, artikel 25 van Wet 87 van 1989 en artikel 17 van Wet 115 van 1993

45 13. Artikel 72 van die Wet op Prokureurs, 1979, word hierby gewysig—

(a) deur in subartikel (1) subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:

"(i) hom 'n boete van hoogstens **[R5 000]** R10 000 oplê; of";

50 (b) deur in subartikel (1) subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

"(ii) hom 'n boete van hoogstens **[R1 000]** R2 000 oplê; of"; en

(c) deur in subartikel (1) subparagraaf (ii) van paragraaf (c) deur die volgende subparagraaf te vervang:

"(ii) hom 'n boete van hoogstens **[R1 000]** R2 000 oplê; of".

Amendment of section 4 of Act 9 of 1989

14. Section 4 of the Legal Succession to the South African Transport Services Act, 1989, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The total loan debt of the Company to the State, the permanent capital referred to in sections 27A to **[27F of the Exchequer and Audit] 27G of the Exchequer Act, 1975**, and all permanent capital established in terms of any other law applicable to the South African Transport Services, shall be capitalised by the issue to the State of additional fully paid-up shares in the Company and any obligations in respect of interest associated with such loans and permanent capital shall lapse.”

Amendment of section 6 of Act 88 of 1989, as amended by section 28 of Act 139 of 1992

15. (1) Section 6 of the Judges' Remuneration and Conditions of Employment Act, 1989, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) For the purposes of this section the period of active service shall be calculated by the year and the month, and fractions of a month shall be **[disregarded] taken into account.**”

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1989.

Amendment of section 29 of Act 115 of 1990

16. Section 29 of the Air Services Licensing Act, 1990, is hereby amended by the deletion in subsection (1) of the word “and” at the end of paragraph (a) and the insertion of the following paragraph:

“(aA) the information to be furnished by an applicant for the purposes of section 16(4)(a), and the standards and requirements to be complied with by an applicant for the purposes of that section in relation to the class of licence, type of air service and category of aircraft mentioned in his application; and”

Repeal of section 10 of Act 5 of 1991

17. Section 10 of the Criminal Procedure Amendment Act, 1991, is hereby repealed.

Amendment of section 27B of Act 108 of 1991, as inserted by section 19 of Act 89 of 1993

18. Section 27B of the Abolition of Racially Based Land Measures Act, 1991, is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) A proclamation contemplated in subsection (1) may be made with retrospective effect.”

Insertion of section 93A in Act 108 of 1991

19. The following section is hereby inserted in the Abolition of Racially Based Land Measures Act, 1991, after section 93:

“Appointment and powers of committee

93A. (1) The Minister may appoint a committee, which shall consist of the chairman or vice-chairman of the Commission and such number of members of the Commission as the Minister may determine.

Wysiging van artikel 4 van Wet 9 van 1989

14. Artikel 4 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- 5 “(4) Die maatskappy se totale leningskuld wat aan die Staat verskuldig is, die permanente kapitaal bedoel in artikels 27A tot **[27F van die Skatkis- en Ouditwet]** 27G van die Skatkiswet, 1975, en alle permanente kapitaal wat deur enige ander wet tot stand gebring is en wat op die Suid-Afrikaanse Vervoerdienste betrekking gehad het, word deur die uitreiking van verdere
10 volopbetaalde aandele in die Maatskappy aan die Staat gekapitaliseer en enige renteverplichting wat met sodanige lenings en permanente kapitaal gepaard gegaan het, verval.”.

Wysiging van artikel 6 van Wet 88 van 1989, soos gewysig deur artikel 28 van Wet 139 van 1992

- 15 15. (1) Artikel 6 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

 “(6) By die toepassing van hierdie artikel word die tydperk van aktiewe diens by die jaar en die maand bereken en word breukdele van 'n maand
20 **[buite rekening gelaat]** in berekening gebring.”.

(2) Subartikel (1) word geag op 1 April 1989 in werking te getree het.

Wysiging van artikel 29 van Wet 115 van 1990

16. Artikel 29 van die Wet op die Lisensiëring van Lugdienste, 1990, word hierby gewysig deur in subartikel (1) die woord “en” aan die einde van paragraaf
25 (a) te skrap en die volgende paragraaf in te voeg:

 “(aA) die inligting wat deur 'n aansoeker vir die doeleindes van artikel
 16(4)(a) verskaf moet word, en die maatstawwe en vereistes waaraan
 'n aansoeker by die toepassing van daardie artikel moet voldoen met
 betrekking tot die klas lisensie, tipe lugdiens en kategorie lugvaar-
30 tuig in sy aansoek vermeld; en”.

Herroeping van artikel 10 van Wet 5 van 1991

17. Artikel 10 van die Strafproseswysigingswet, 1991, word hierby herroep.

Wysiging van artikel 27B van Wet 108 van 1991, soos ingevoeg deur artikel 19 van Wet 89 van 1993

- 35 18. Artikel 27B van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

 “(1A) 'n Proklamasie beoog in subartikel (1) kan met terugwerkende krag uitgevaardig word.”.

40 Invoeging van artikel 93A in Wet 108 van 1991

19. Die volgende artikel word hierby in die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, na artikel 93 ingevoeg:

“Aanstelling en bevoegdhede van komitee

- 45 **93A.** (1) Die Minister kan 'n komitee aanstel, wat bestaan uit die voorsitter of die ondervoorsitter van die Kommissie en die getal lede van die Kommissie wat die Minister bepaal.

(2) The chairman or vice-chairman of the Commission shall be the chairman of a committee.

(3) If the chairman or vice-chairman of the Commission is absent or unable to perform any of the functions as chairman of a committee, the Minister may appoint another member of the Commission to act as chairman of the committee concerned during his absence or inability.

(4) Two members of a committee shall form a quorum.

(5) The committee may, between meetings of the Commission, exercise all the powers of the Commission and perform all the functions of the Commission, but shall not be able to take a decision regarding an investigation the committee has instituted, and any decision which may be taken with regard to a specific investigation shall be taken at a meeting of the Commission.

(6) A committee shall meet at the time and place which the chairman of the Commission may determine.”.

Substitution of section 105 of Act 108 of 1991

20. (1) The following section is hereby substituted for section 105 of the Abolition of Racially Based Land Measures Act, 1991:

“Construction of laws of self-governing territories

105. No provision in any law in force in a self-governing territory or any portion thereof immediately before the commencement of this Act shall be so construed as imposing any prohibition or placing any restriction in respect of the alienation, grant or transfer of land or any right to land to, or the possession, occupation or use of land or any right to land by, any person of a particular population or ethnic group or who is not of a particular population or ethnic group.”.

(2) Subsection (1) shall be deemed to have come into operation on 30 June 1991.

Amendment of section 18 of Act 90 of 1993

21. Section 18 of the Magistrates Act, 1993, is hereby amended by the addition of the following subsection:

“(5) Notwithstanding the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973)—

(a) any person contemplated in subsection (1), shall remain a member of the Government Service Pension Fund referred to in section 3 of the Government Service Pension Act, 1973;

(b) any person appointed as a magistrate after the commencement of section 10 who is a member of the fund referred to in paragraph (a), shall remain a member; and

(c) any person appointed as a magistrate after the commencement of section 10 who is not a member of the fund referred to in paragraph (a), shall become a member of the fund and contribute thereto,

until other provision is made by regulation under section 16(1)(b).”.

Amendment of section 3 of Act 95 of 1993

22. Section 3 of the Security Forces Board of Inquiry Act, 1993, is hereby amended by the insertion after subsection (7) of the following subsection:

“(7A) Notwithstanding the provisions of subsection (7), the State President may appoint any eligible person to act—

(a) in any member’s stead; or

(b) in a temporary capacity in any vacancy on the Board, for such period as the State President may determine.”.

(2) Die voorsitter of ondervoorsitter van die Kommissie is die voorsitter van 'n komitee.

(3) Indien die voorsitter of ondervoorsitter van die Kommissie afwesig is of nie in staat is om enige van die werksaamhede as voorsitter van 'n komitee te verrig nie, kan die Minister 'n ander lid van die Kommissie aanwys om gedurende sy afwesigheid of onvermoë as voorsitter van die betrokke komitee op te tree.

(4) Twee lede van 'n komitee maak 'n kworum uit.

(5) Die komitee kan tussen vergaderings van die Kommissie al die bevoegdhede van die Kommissie uitoefen en al die werksaamhede van die Kommissie verrig, maar is nie bevoeg nie om 'n besluit te neem oor 'n ondersoek wat die komitee ingestel het, en enige besluit wat oor 'n bepaalde ondersoek geneem kan word, word op 'n vergadering van die Kommissie geneem.

(6) 'n Komitee vergader op die tyd en plek wat die voorsitter van die Kommissie bepaal."

Vervanging van artikel 105 van Wet 108 van 1991

20. (1) Artikel 105 van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, word hierby deur die volgende artikel vervang:

20 "Uitleg van wette van selfregerende gebiede

105. Geen bepaling in 'n wet wat onmiddellik voor die inwerking-treding van hierdie Wet in 'n selfregerende gebied of 'n gedeelte daarvan gegeld het, word so uitgelê nie dat dit 'n verbod instel of 'n beperking oplê ten opsigte van die vervreemding, toekenning of oordrag van grond of 'n reg ten opsigte van grond aan, of die besit, okkupasie of gebruik van grond of 'n reg ten opsigte van grond deur, 'n persoon van 'n bepaalde bevolkings- of etniese groep of wat nie van 'n bepaalde bevolkings- of etniese groep is nie."

(2) Subartikel (1) word geag op 30 Junie 1991 in werking te getree het.

30 Wysiging van artikel 18 van Wet 90 van 1993

21. Artikel 18 van die Wet op Landdroste, 1993, word hierby gewysig deur die volgende subartikel by te voeg:

"(5) Ondanks die bepalings van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973)—

35 (a) bly 'n persoon beoog in subartikel (1) 'n lid van die Regeringsdienspensioenfonds bedoel in artikel 3 van die Regeringsdienspensioenwet, 1973;

(b) bly 'n persoon wat na die inwerkingtreding van artikel 10 as 'n landdros aangestel word en wat 'n lid van die fonds bedoel in paragraaf (a) is, 'n lid; en

40 (c) word 'n persoon wat na die inwerkingtreding van artikel 10 as 'n landdros aangestel word en wat nie 'n lid van die fonds bedoel in paragraaf (a) is nie, 'n lid van die fonds en dra hy daartoe by, totdat ander voorsiening by regulasie kragtens artikel 16(1)(b) gemaak word."

45

Wysiging van artikel 3 van Wet 95 van 1993

22. Artikel 3 van die Wet op die Veiligheidsmagte-ondersoekraad, 1993, word hierby gewysig deur na subartikel (7) die volgende subartikel in te voeg:

"(7A) Ondanks die bepalings van subartikel (7) kan die Staatspresident enige geskikte persoon aanstel om—

(a) in die plek van 'n lid waar te neem; of

(b) waar te neem in 'n vakature in die Raad, vir die tydperk wat die Staatspresident bepaal."

Amendment of section 16 of Act 125 of 1993

23. Section 16 of the Technikons Act, 1993, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Except in the case of members contemplated in subsection [(1)] (2) (a), (b) and (d), no person in receipt of a salary or wages from the technikon shall be eligible for appointment or election as a member of the council.”. 5

Granting of vacation leave and resignation of civil servant for purposes of election in terms of Electoral Act, 1993

24. (1) Notwithstanding anything to the contrary in any law contained, any person contemplated in section 22(10) of the Electoral Act, 1993, may participate in an election in terms of that Act and shall be granted vacation leave for the period contemplated in that section, if he is nominated by a registered party on a list of candidates. 10

(2) If such person has no or insufficient vacation leave to his credit, he shall be granted unpaid vacation leave for the period in question. 15

(3) If such person is elected as a representative in the National Assembly or any provincial legislature in an election in terms of the Electoral Act, 1993, he shall be deemed to have resigned from his post with effect from the day on which the lists of names of representatives in all legislatures are published in the *Gazette* in terms of section 51(2) of that Act. 20

(4) This section shall cease to have effect on the day following the day on which the lists of names of representatives in all legislatures are published in the *Gazette* in terms of section 51(2) of the Electoral Act, 1993.

Short title and commencement

25. (1) This Act shall be called the General Law Sixth Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 25

(2) Section 5 shall only come into operation in consultation with the Lotteries and Gambling Board referred to in section 2 of the Lotteries and Gambling Board Act, 1993. 30

Wysiging van artikel 16 van Wet 125 van 1993

23. Artikel 16 van die Wet op Technikon, 1993, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- “(3) Behalwe in die geval van lede beoog in subartikel [(1)] (2) (a), (b) en
5 (d), mag niemand wat 'n salaris of loon van die teknikon ontvang, in die raad aangestel of as lid van die raad verkies word nie.”.

Toestaan van vakansieverlof en bedanking van staatsamptenaar vir doeleindes van verkiesing ingevolge Kieswet, 1993

24. (1) Ondanks enige andersluidende wetsbepaling, kan 'n persoon beoog in
10 artikel 22(10) van die Kieswet, 1993, aan 'n verkiesing ingevolge daardie Wet deelneem en word vakansieverlof aan sodanige persoon toegestaan vir die tydperk beoog in daardie artikel indien hy deur 'n geregistreerde party op 'n kandidaatlys benoem word.

- (2) Indien sodanige persoon geen of nie genoegsame vakansieverlof tot sy
15 krediet het nie word onbetaalde vakansieverlof vir die betrokke tydperk aan hom toegestaan.

- (3) Indien sodanige persoon in 'n verkiesing ingevolge die Kieswet, 1993, verkies word as 'n verteenwoordiger in die Nasionale Vergadering of 'n provinsiale wetgewende liggaam, word daar geag dat hy uit sy pos bedank het
20 met ingang van die dag waarop die lyste van name van verteenwoordigers in alle wetgewende liggames ingevolge artikel 51(2) van daardie Wet in die *Staatskoerant* gepubliseer word.

- (4) Hierdie artikel hou op die dag wat volg op die dag waarop die lyste van name van verteenwoordigers in alle wetgewende liggames ingevolge artikel 51(2)
25 van die Kieswet, 1993, in die *Staatskoerant* gepubliseer word, op om van krag te wees.

Kort titel en inwerkingtreding

25. (1) Hierdie Wet heet die Sesde Algemene Regswysigingswet, 1993, en tree
in werking op 'n datum wat die Staatspresident by proklamasie in die *Staats-*
30 *koerant* bepaal.

- (2) Artikel 5 tree slegs in werking in oorleg met die Raad op Loterye en Dobbelaar bedoel in artikel 2 van die Wet op die Raad op Loterye en Dobbelaar, 1993.

