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22 November 1996

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

No. 88 of 1996: Abolition of Restrictions on the Jurisdiction of Courts Act, 1996.

PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1888.

22 November 1996

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

No. 88 van 1996: Wet op Afskaffing van Beperkings op Howe se Jurisdiksie, 1996.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend and repeal provisions which restrict the jurisdiction of the courts; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 12 November 1996.)*

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

Repeal of section 4 of Act 38 of 1927

1. Section 4 of the Black Administration Act, 1927, is hereby repealed.

Amendment of section 74J of Act 32 of 1944, as inserted by section 6 of Act 63 of 1976 5

2. Section 74J of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) A distribution account referred to in subsection (5) shall at the request of any interested party be subject to review free of charge by any judicial officer [whose decision shall be final].”.

Amendment of section 3B of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976 and amended by section 1 of Act 72 of 1977, section 1 of Act 33 of 1980, section 6 of Act 68 of 1986 and section 5 of Act 104 of 1988

3. Section 3B of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the deletion of paragraph (a) of subsection (4).

Amendment of section 6F of Act 52 of 1951, as inserted by section 11 of Act 104 of 1988

4. Section 6F of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The committee may, after consideration of an objection referred to in subsection (3), confirm, set aside or amend the notice referred to in subsection (2),

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging en herroeping van wetsbepalings wat die jurisdiksie van die howe beperk; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 12 November 1996.)*

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

Herroeping van artikel 4 van Wet 38 van 1927

1. Artikel 4 van die Swart Administrasie Wet, 1927, word hierby herroep.
- 5 **Wysiging van artikel 74J van Wet 32 van 1944, soos ingevoeg deur artikel 6 van Wet 63 van 1976**

2. Artikel 74J van die Wet op Landdroshewe, 1944, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:
“(6) 'n In subartikel (5) genoemde distribusierekening is op aansoek van 'n belanghebbende onderhewig aan kosteloze hersiening deur 'n regterlike amptenaar [en sy beslissing is afdoende].”

- 10 **Wysiging van artikel 3B van Wet 52 van 1951, soos ingevoeg deur artikel 2 van Wet 92 van 1976 en gewysig deur artikel 1 van Wet 72 van 1977, artikel 1 van Wet 33 van 1980, artikel 6 van Wet 68 van 1986 en artikel 5 van Wet 104 van 1988**
- 15 3. Artikel 3B van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig deur paragraaf (a) van subartikel (4) te skrap.

Wysiging van artikel 6F van Wet 52 van 1951, soos ingevoeg deur artikel 11 van Wet 104 van 1988

- 20 4. Artikel 6F van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
“(4) Die komitee kan na oorweging van 'n beswaar bedoel in subartikel (3) die skriftelike kennisgewing bedoel in subartikel (2) bevestig, tersyde stel of verander,

and shall notify the owner or legal occupier concerned in writing of its decision[, which shall be final].”.

Amendment of section 119 of Act 57 of 1951

5. Section 119 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5) If the master or owner of the ship is not satisfied with any decision of the proper officer under subsection (4), he or she may appeal therefrom to the Director-General[, whose decision shall be final].”; and

(b) by the substitution for subsection (6) of the following subsection:

“(6) The seaman or apprentice-officer concerned may within 30 days of his or her first becoming aware of any such decision of the proper officer under subsection (4) appeal therefrom to the Director-General[, whose decision in the matter shall be final]. The Director-General may on such appeal direct that any money paid to the master in accordance with the decision of the proper officer shall be paid over by the master or the owner of the ship to the seaman or apprentice-officer, who may recover the amount as wages.”.

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Amendment of section 324 of Act 57 of 1951, as substituted by section 6 of Act 16 of 1995

6. Section 324 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) From a determination or order of the Director-General under subsection (1), when the penalty imposed by him or her exceeds R500, an appeal shall lie to the Minister[, whose decision shall be final].”.

Amendment of section 4 of Act 23 of 1955, as substituted by section 3 of Act 18 of 1978

7. Section 4 of the Second-Hand Goods Act, 1955, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) An applicant for a certificate under this section may appeal against any decision of the Commissioner or the commissioned officer concerned, as the case may be, on his or her application, to the Minister, who may after consideration of any such appeal confirm, amend or set aside the decision in question or make such order thereon as he or she may deem fit[, and whose decision shall be final].”.

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Amendment of section 1 of Act 45 of 1955, as amended by section 1 of Act 59 of 1957, section 1 of Act 65 of 1960, section 7 of Act 77 of 1964, section 3 of Act 92 of 1971, section 9 of Act 106 of 1980, section 5 of Act 86 of 1987, section 7 of Act 87 of 1988, section 6 of Act 97 of 1993 and section 2 of Act 140 of 1993

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8. Section 1 of the Estate Duty Act, 1955, is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:

“(g) There shall be no appearance by or on behalf of either party before the Board, whose decision [shall be final and] shall be communicated in duplicate to the Commissioner, who shall forward one copy thereof to the executor.”.

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Amendment of section 37 of Act 24 of 1956, as amended by section 14 of Act 65 of 1968, section 19 of Act 86 of 1984, section 13 of Act 50 of 1986 and section 3 of Act 7 of 1993

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9. Section 37 of the Pension Funds Act, 1956, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purpose of subsection (2) [the decision of] the registrar shall make a decision as to the time within which a return, scheme, report, account, statement or other document referred to in that subsection was required to be furnished, transmitted or deposited[, shall be final].”.

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en moet die betrokke eienaar of wettige okkupererder skriftelik verwittig van sy beslissing[**, wat finaal is.**]”.

Wysiging van artikel 119 van Wet 57 van 1951

- 5.** Artikel 119 van die Handelskeepvaartwet, 1951, word hierby gewysig—
- 5 (a) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Indien die gesagvoerder of eienaar van die skip met 'n beslissing van die bevoegde beampte kragtens subartikel (4) ontevrede is, kan hy of sy daarteen na die Direkteur-generaal appelleer[**, wie se beslissing afdoende is.**]”; en
- 10 (b) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Die betrokke seeman of leerling-offisier kan binne 30 dae nadat hy of sy eers kennis dra van so 'n beslissing van die bevoegde beampte kragtens subartikel (4), daarteen na die Direkteur-generaal appelleer[**, wie se beslissing afdoende is.**]. By so 'n appèl kan die Direkteur-generaal beveel dat geld wat ooreenkomsdig die beslissing van die bevoegde beampte aan die gesagvoerder betaal is, aan die seeman of leerling-offisier deur die gesagvoerder of eienaar van die skip oorbetaal word, wat die bedrag as loon kan verhaal.”.

Wysiging van artikel 324 van Wet 57 van 1951, soos vervang deur artikel 6 van Wet 16 van 1995

- 6.** Artikel 324 van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Daar is 'n reg van appèl na die Minister[**, wie se beslissing afdoende is.**], teen 'n beslissing of bevel van die Direkteur-generaal kragtens subartikel (1), as die boete deur hom of haar opgelê, R500 oorskry.”.

Wysiging van artikel 4 van Wet 23 van 1955, soos vervang deur artikel 3 van Wet 18 van 1978

- 7.** Artikel 4 van die Wet op Tweedehandse Goed, 1955, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
- 30 “(4) 'n Applicant om 'n sertifikaat ingevolge hierdie artikel kan teen enige beslissing van die Kommissaris of die betrokke offisier, na gelang van die geval, oor sy of haar aansoek appèl aanteken by die Minister, wat na oorweging van so 'n appèl die betrokke beslissing kan bekragtig, wysig of tersyde stel of die opdrag in verband daarvan kan gee wat hy of sy goedvind[**, en wie se beslissing afdoende is.**]”.

Wysiging van artikel 1 van Wet 45 van 1955, soos gewysig deur artikel 1 van Wet 59 van 1957, artikel 1 van Wet 65 van 1960, artikel 7 van Wet 77 van 1964, artikel 3 van Wet 92 van 1971, artikel 9 van Wet 106 van 1980, artikel 5 van Wet 86 van 1987, artikel 7 van Wet 87 van 1988, artikel 6 van Wet 97 van 1993 en artikel 2 van Wet 140 van 1993

- 8.** Artikel 1 van die Boedelbelastingwet, 1955, word hierby gewysig deur paragraaf (g) van subartikel (2) deur die volgende paragraaf te vervang:
- “(g) Die partye of iemand namens hulle verskyn nie voor die Raad nie, en sy beslissing [**is afdoende en**] moet in duplo verstrek word aan die Kommissaris, wat een afskrif daarvan aan die eksekuteur aanstuur.”.

Wysiging van artikel 37 van Wet 24 van 1956, soos gewysig deur artikel 14 van Wet 65 van 1968, artikel 19 van Wet 86 van 1984, artikel 13 van Wet 50 van 1986 en artikel 3 van Wet 7 van 1993

- 9.** Artikel 37 van die Wet op Pensioenfondse, 1956, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
- 50 “(4) By die toepassing van subartikel (2) [**is die beslissing van die registerateur afdoende aangaande**] beslis die registerateur die tydperk waarbinne 'n in daardie subartikel gemelde opgawe, skema, verslag, rekening, staat of ander dokument verstrek of ingedien moes geword het.”.

Amendment of section 48 of Act 25 of 1956, as amended by section 31 of Act 101 of 1976, section 6 of Act 44 of 1988 and section 5 of Act 7 of 1993

10. Section 48 of the Friendly Societies Act, 1956, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purpose of subsection (2) [**the decision of**] the registrar shall make 5
a decision as to the time within which a return, scheme, report, account, statement or other document referred to in that subsection was required to be furnished, transmitted or deposited[, **shall be final**].”.

Amendment of section 76 of Act 54 of 1956, as amended by section 28 of Act 96 of 1984 and section 15 of Act 97 of 1986

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11. Section 76 of the Water Act, 1956, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Whenever any portion of the area included within an irrigation district is combined with another such district or any portion of the area included in such other district, or any portion of the area included in any such district has, either alone or together with any other area, been constituted as an irrigation district, the Minister shall appoint a committee consisting of three officers of the department, one of whom he or she shall designate as [**chairman**] chairperson of the committee, to apportion the assets, rights, liabilities and obligations of all the irrigation boards affected amongst those boards in such manner as the committee 15
20 may consider equitable, and any apportionment made by such committee shall be [**final and**] binding upon all such boards.”.

Amendment of section 78 of Act 54 of 1956, as amended by section 16 of Act 42 of 1975 and section 16 of Act 97 of 1986

12. Section 78 of the Water Act, 1956, is hereby amended by the substitution for 25 paragraph (b) of subsection (2) of the following paragraph:

“(b) appoint a committee consisting of three officers of the department, one of whom he or she shall designate as [**chairman**] chairperson of the committee, to advise him or her as to the liquidation of the affairs of the board, and may after consideration of the report of any such committee make such order in the 30 matter as he or she deems fit and such order shall be [**final and**] binding on all persons affected.”.

Amendment of section 111A of Act 54 of 1956, as inserted by section 12 of Act 51 of 1979

13. Section 111A of the Water Act, 1956, is hereby amended by the deletion of 35 paragraph (b) of subsection (6).

Amendment of section 116 of Act 54 of 1956, as amended by section 45 of Act 96 of 1984

14. Section 116 of the Water Act, 1956, is hereby amended by the substitution for 40 paragraph (b) of subsection (1) of the following paragraph:

“(b) If any dispute arises between the water board and any consumer or association of consumers as to any variation of prices for water supplied, the matter shall be referred to the Minister [whose] for a decision [**thereon shall be final**], which shall be binding on the parties concerned.”.

Amendment of section 68 of Act 44 of 1957, as substituted by section 25 of Act 103 of 1982 and amended by section 35 of Act 87 of 1984

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15. Section 68 of the Defence Act, 1957, is hereby amended by the deletion of subsection (4).

Wysiging van artikel 48 van Wet 25 van 1956, soos gewysig deur artikel 31 van Wet 101 van 1976, artikel 6 van Wet 44 van 1988 en artikel 5 van Wet 7 van 1993

10. Artikel 48 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

5 “(4) By die toepassing van subartikel (2) [is die beslissing van die registrateur afdoende aangaande] beslis die registrateur die tydperk waarbinne 'n in daardie subartikel gemelde opgawe, skema, verslag, rekening, staat of ander dokument verstrek of ingedien moes gewees het.”.

Wysiging van artikel 76 van Wet 54 van 1956, soos gewysig deur artikel 28 van Wet 96 van 1984 en artikel 15 van Wet 97 van 1986

11. Artikel 76 van die Waterwet, 1956, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

15 “(5) Wanneer 'n gedeelte van die gebied wat binne 'n besproeiingsdistrik val met 'n ander sodanige distrik of enige gedeelte van die in so 'n ander distrik inbegrepe gebied saamgesmelt word, of enige gedeelte van die onder so 'n distrik inbegrepe gebied tot 'n besproeiingsdistrik omgeskep is, hetsy alleen of tesame met enige ander gebied, stel die Minister 'n komitee aan bestaande uit drie amptenare van die departement, van wie hy of sy een as voorsteller van die komitee aanwys, om die bates, regte, laste en verpligtings van al die besproeiingsrade wat 20 geraak word tussen daardie rade te verdeel op die wyse wat die komitee billik ag, en 'n verdeling deur so 'n komitee gemaak, is [afdoende en] vir al daardie rade bindend.”.

Wysiging van artikel 78 van Wet 54 van 1956, soos gewysig deur artikel 16 van Wet 42 van 1975 en artikel 16 van Wet 97 van 1986

25 **12.** Artikel 78 van die Waterwet, 1956, word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) 'n komitee aanstel bestaande uit drie amptenare van die departement, van wie 30 hy of sy een as voorsteller van die komitee aanwys, om hom of haar met advies te bedien in verband met die likwidasie van die sake van die raad, en kan, na oorweging van die verslag van bedoelde komitee, so 'n bevel in verband met die aangeleentheid uitvaardig as wat hy of sy goedvind, en so 'n bevel is [afdoende en] bindend vir alle persone wat daardeur geraak word.”.

Wysiging van artikel 111A van Wet 54 van 1956, soos ingevoeg deur artikel 12 van Wet 51 van 1979

35 **13.** Artikel 111A van die Waterwet, 1956, word hierby gewysig deur paragraaf (b) van subartikel (6) te skrap.

Wysiging van artikel 116 van Wet 54 van 1956, soos gewysig deur artikel 45 van Wet 96 van 1984

14. Artikel 116 van die Waterwet, 1956, word hierby gewysig deur paragraaf (b) van 40 subartikel (1) deur die volgende paragraaf te vervang:

“(b) Indien 'n geskil tussen die waterraad en 'n verbruiker of verbruikersvereniging ontstaan betreffende enige wisseling van die prys vir water wat voorsien word, moet die saak vir 'n beslissing verwys word na die Minister [wie 45 se beslissing daaroor afdoende is] wie se beslissing vir die betrokke partye bindend is.”.

Wysiging van artikel 68 van Wet 44 van 1957, soos vervang deur artikel 25 van Wet 103 van 1982 en gewysig deur artikel 35 van Wet 87 van 1984

15. Artikel 68 van die Verdedigingswet, 1957, word hierby gewysig deur subartikel (4) te skrap.

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

Amendment of section 72D of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983 and substituted by section 17 of Act 132 of 1992

16. Section 72D of the Defence Act, 1957, is hereby amended by the deletion of subsection (5).

Amendment of section 98 of Act 44 of 1957, as amended by section 11 of Act 42 of 1961, section 20 of Act 77 of 1963 and section 36 of Act 132 of 1992 5

17. Section 98 of the Defence Act, 1957, is hereby amended by the deletion of subsection (4).

Repeal of section 103ter of Act 44 of 1957, as inserted by section 8 of Act 1 of 1976 and section 1 of Act 77 of 1980 and amended by section 10 of Act 35 of 1977 and 10 section 36 of Act 132 of 1992

18. Section 103ter of the Defence Act, 1957, is hereby repealed.

Amendment of section 134 of the First Schedule to Act 44 of 1957

19. Section 134 of the First Schedule to the Defence Act, 1957, is hereby amended by the substitution for subsection (3) of the following subsection: 15

“(3) If the General Officer Commanding, South African National Defence Force, is unable to redress the wrong or otherwise to satisfy the complainant, he or she shall, if requested by the complainant to do so, transmit the complaint to the [State] President, [whose decision shall be final] for a decision.”

Amendment of section 8 of Act 44 of 1958, as inserted by section 7 of Act 85 of 1991 20 and section 1 of Act 176 of 1993 and amended by section 7 of Act 101 of 1992

20. Section 8 of the Post Office Act, 1958, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If, for the purposes of subsection (1), the question arises whether any person performs functions pertaining to the postal service or the telecommunications service, such question shall be decided by the Postmaster-General[, and his decision shall be final].” 25

Amendment of section 27 of Act 44 of 1958, as amended by section 75 of Act 85 of 1991

21. Section 27 of the Post Office Act, 1958, is hereby amended by the substitution for 30 subsection (2) of the following subsection:

“(2) The [decision of the] postal company shall decide as to whether any postal article is a letter or any other description of postal article within the meaning of this Act [shall be final]. 35”

Substitution of section 115 of Act 44 of 1958, as substituted by section 8 of Act 80 of 1965 and by section 65 of Act 85 of 1991

22. The following section is hereby substituted for section 115 of the Post Office Act, 1958:

“Non-liability of postal company and telecommunications company

115. Save as is otherwise provided in this Act, [no legal proceedings shall be capable of being instituted against] the postal company or telecommunications company, as the case may be, or any officer or [against] any person conveying postal articles in pursuance of any contract entered into or arrangements made in terms of this Act or conveying mail which he or she is obliged to convey in terms of this Act (in this section and 40 in section 115bis referred to as a mail carrier) or [against] any employee of a mail carrier shall not be liable by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, 45

Wysiging van artikel 72D van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 en vervang deur artikel 17 van Wet 132 van 1992

16. Artikel 72D van die Verdedigingswet, 1957, word hierby gewysig deur subartikel (5) te skrap.

5 **Wysiging van artikel 98 van Wet 44 van 1957, soos gewysig deur artikel 11 van Wet 42 van 1961, artikel 20 van Wet 77 van 1963 en artikel 36 van Wet 132 van 1992**

17. Artikel 98 van die Verdedigingswet, 1957, word hierby gewysig deur subartikel (4) te skrap.

10 **Herroeping van artikel 103ter van Wet 44 van 1957, soos ingevoeg deur artikel 8 van Wet 1 van 1976 en artikel 1 van Wet 77 van 1980 en gewysig deur artikel 10 van Wet 35 van 1977 en artikel 36 van Wet 132 van 1992**

18. Artikel 103ter van die Verdedigingswet, 1957, word hierby herroep.

Wysiging van artikel 134 van die Eerste Bylae by Wet 44 van 1957

15 **19. Artikel 134 van die Eerste Bylae by die Verdedigingswet, 1957, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:**

“(3) Indien die Bevelvoerende Generaal, Suid-Afrikaanse Nasionale Weermag, nie in staat is om die onreg te herstel of die klaer andersins tevrede te stel nie, stuur hy of sy, indien die klaer hom of haar daartoe versoek, die klakte aan die **[Staatspresident] President [wie se beslissing afdoende is]** vir ‘n beslissing.”.

Wysiging van artikel 8 van Wet 44 van 1958, soos ingevoeg deur artikel 7 van Wet 85 van 1991 en artikel 1 van Wet 176 van 1993 en gewysig deur artikel 7 van Wet 101 van 1992

20. Artikel 8 van die Poswet, 1958, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die vraag by die toepassing van subartikel (1) ontstaan of iemand werk verrig wat betrekking het op die posdiens of die telekommunikasiediens, word daardie vraag deur die Posmeester-generaal beslis[, **en sy beslissing is afdoende]**.].”.

30 **Wysiging van artikel 27 van Wet 44 van 1958, soos gewysig deur artikel 75 van Wet 85 van 1991**

21. Artikel 27 van die Poswet, 1958, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die [**beslissing van die**] posmaatskappy [**oor**] beslis die vraag of ‘n posstuk, ‘n brief of ander posstuk binne die bedoeling van hierdie Wet is[, **is afdoende]**.].”.

Vervanging van artikel 115 van Wet 44 van 1958, soos vervang deur artikel 8 van Wet 80 van 1965 en deur artikel 65 van Wet 85 van 1991

22. Artikel 115 van die Poswet, 1958, word hierby deur die volgende artikel vervang:

40 **“Posmaatskappy en telekommunikasiemaatskappy nie aanspreeklik nie**

45 **115. Behoudens andersluidende bepalings van hierdie Wet, [kan geen regsgeding teen] is die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, of ‘n beampie of [teen] enigiemand wat posstukke vervoer ooreenkoms aangegaan of reëlings getref kragtens hierdie Wet of wat pos vervoer wat hy of sy ingevolge hierdie Wet verplig is om te vervoer (in hierdie artikel en in artikel 115bis ‘n posdraer genoem) of [teen] enige werknemer van ‘n posdraer [**ingestel word**] nie**

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

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whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act or any other law, and *bona fide* payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the postal company or telecommunications company, as the case may be, and the officer by whom any such payment was made, from all liability whatsoever, in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the postal company or telecommunications company, as the case may be, from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his or her official duties or as exempting any mail carrier from liability for damage or loss caused to any person by reason of fraud on the part of such carrier or of any employee of such carrier in relation to his or her duties.”.

Amendment of section 9 of Act 6 of 1962, as amended by section 5 of Act 12 of 1964, section 5 of Act 63 of 1969 and section 6 of Act 32 of 1979

23. Section 9 of the Archives Act, 1962, is hereby amended by the substitution for subsection (3) of the following subsection:

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“(3) There shall be a right to appeal to the Minister against any decision of the director under subsection (2) whereby access to any archives or accessions is refused[, and the Minister’s decision on any such appeal shall be final].”.

Amendment of section 12 of Act 6 of 1962

24. Section 12 of the Archives Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) The director may refuse to allow any person convicted of an offence under subsection (1) access to any archives and accessions in an archives depot or an intermediate depot for such period as he or she may deem fit, subject to a right of appeal to the Minister[, whose decision on any such appeal shall be final].”.

Amendment of section 7 of Act 18 of 1962, as substituted by section 14 of Act 54 of 1969 and section 5 of Act 63 of 1980

25. Section 7 of the Heraldry Act, 1962, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

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“[Provided that the council’s decision shall be final:] Provided [further] that the provisions of section 19 shall not apply in respect of the exercise of the council’s power under this subsection.”.

Amendment of section 36 of Act 95 of 1963

26. Section 36 of the Pension Laws Amendment Act, 1963, is hereby amended by the substitution for subsection (4) of the following subsection:

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“(4) For the purposes of this section any question arising out of the determination—

(a) whether any member of the Permanent Force was at any particular time performing service in defence of the Republic, or of the date from which he or she performed such service or on which he or she ceased to perform such service, shall be referred to the Minister of Defence [whose decision shall be final] for a decision;

(b) whether any member of the South African Police Service was at any particular time employed in terms of section 7 of the Police Act, 1958, or any other law on service in defence of the Republic, or of the date from which he or she was

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aanspreeklik op grond van 'n fout, versuum, vertraging, nalating, skade, vernietiging, nie-aflewering, nie-versending of verlies, hetsy aan nalatigheid te wye of andersins, ten opsigte van 'n posstuk of telegram of op grond van iets wat wettig ingevolge hierdie Wet of 'n ander wetsbepaling gedoen is nie, en die *bona fide*-betaling van 'n som geld ingevolge die bepalings van hierdie Wet of 'n ander wetsbepaling, aan wie ook al gedoen, onthef die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, en die beampte deur wie so 'n betaling gedoen is, van alle aanspreeklikheid hoegenaamd ten opsigte van so 'n betaling, ondanks enige vervalsing, bedrog, fout, nalatigheid, verlies of vertraging wat in verband daarmee gepleeg is of plaasgevind het: Met dien verstande dat die bepalings van hierdie artikel nie so uitgelê word dat dit die posmaatskappy of telekommunikasiemaatskappy, na gelang van die geval, vrywaar teen aanspreeklikheid weens skade of verlies as gevolg van bedrog deur 'n beampte met betrekking tot sy of haar offisiële pligte aan iemand veroorsaak nie of dat dit enige posdraer vrywaar teen aanspreeklikheid weens skade of verlies as gevolg van bedrog deur sodanige draer of deur enige werknemer van sodanige draer met betrekking tot sy of haar pligte, aan iemand veroorsaak nie.”.

20 Wysiging van artikel 9 van Wet 6 van 1962, soos gewysig deur artikel 5 van Wet 12 van 1964, artikel 5 van Wet 63 van 1969 en artikel 6 van Wet 32 van 1979

23. Artikel 9 van die Argiewet, 1962, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Daar is 'n reg van appèl na die Minister teen 'n beslissing van die direkteur kragtens subartikel (2) waarby toegang tot enige argiewe of aanwinste geweier word [, en die Minister se beslissing oor so 'n appèl is afdoende].”.

Wysiging van artikel 12 van Wet 6 van 1962

24. Artikel 12 van die Argiewet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die direkteur kan vir die tydperk wat hy of sy goedvind, weier om aan iemand wat aan 'n misdryf kragtens subartikel (1) skuldig bevind is, toegang tot argiewe en aanwinste in 'n argiebewaarplek of 'n tussenbewaarplek te verleen, onderworpe aan 'n reg van appèl na die Minister [**wie se beslissing oor so 'n appèl afdoende is**].”.

35 Wysiging van artikel 7 van Wet 18 van 1962, soos vervang deur artikel 14 van Wet 54 van 1969 en artikel 5 van Wet 63 van 1980

25. Artikel 7 van die Heraldiekwet, 1962, word hierby gewysig deur die voorbehoedsbepalings by subartikel (2) deur die volgende voorbehoedsbepaling te vervang:

“[Met dien verstande dat die raad se beslissing afdoende is:] Met dien verstande [voorts] dat die bepalings van artikel 19 nie ten opsigte van die uitoefening van die raad se bevoegdheid kragtens hierdie subartikel van toepassing is nie.”.

Wysiging van artikel 36 van Wet 95 van 1963

26. Artikel 36 van die Wysigingswet op die Pensioenwette, 1963, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- “(4) By die toepassing van hierdie artikel word enige vraag wat ontstaan uit die bepaling—
- (a) of 'n lid van die Staande Mag op 'n besondere tydstip diens ter verdediging van die Republiek verrig het, of van die datum met ingang waarvan hy of sy aldus diens verrig het of waarop hy of sy opgehou het om aldus diens te verrig, vir 'n beslissing verwys na die Minister van Verdediging [, **wie se beslissing afdoende is**];
 - (b) of 'n lid van die Suid-Afrikaanse **[Polisie]** Polisiediens op 'n besondere tydstip ingevolge artikel 7 van die Polisiewet, 1958, of enige ander wet in diens ter verdediging van die Republiek gebruik is, of van die datum met

so employed or on which he or she ceased to be so employed, shall be referred to the Minister of [Justice whose decision shall be final] Safety and Security for a decision.”.

Amendment of section 13 of Act 45 of 1965, as amended by section 5 of Act 17 of 1973

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27. Section 13 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Any person who is aggrieved by a decision of the chief officer refusing an application for a registration certificate or a provisional registration certificate or cancelling or suspending a registration certificate or provisional registration certificate or imposing any requirement under subsection (2) or (3) of section 12, may within one month appeal against such decision to the board, which shall have power to make such order on the appeal as it may consider equitable [**and whose decision shall be final**].”.

Amendment of section 25 of Act 45 of 1965

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28. Section 25 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person upon whom a notice has been served under section 17 or 19 by a local authority or who is aggrieved by the decision of a local authority on appeal to it under subsection (3) of section 22, may within 30 days after the date on which such notice was served or such decision was given, appeal against that notice or decision to the regional appeal board established under subsection (1) of section 5 for the area in question, which may confirm or set aside such notice or decision [**and whose decision shall be final**], but subject to a right of appeal to the board, provided notice of intention so to appeal is given to the board and the regional appeal board concerned within 14 days after the decision of such regional appeal board was received.”.

Amendment of section 35 of Act 45 of 1965

29. Section 35 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) Any person who is aggrieved by any notice served upon him or her under this Part may within 30 days after the date on which such notice was served or within such extended period as the board may for good and sufficient reason allow, lodge an appeal with the board against the notice, and the board may thereupon confirm, modify or set aside such notice [**and its decision shall be final**].”.

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Amendment of section 38 of Act 45 of 1965, as substituted by section 15 of Act 17 of 1973

30. Section 38 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who is aggrieved by any notice served upon him or her under section 37(2) may, within 14 days after the date on which such notice was served or within such further extended period as the board may for good and sufficient reason allow, lodge an appeal with the board against the notice, and the board may thereupon confirm, modify or set aside such notice[, **and its decision shall be final**].”.

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Repeal of section 18 of Act 59 of 1965

31. Section 18 of the Correspondence Colleges Act, 1965, is hereby repealed.

ingang waarvan hy of sy aldus gebruik is of waarop hy of sy opgehou het om aldus gebruik te word, vir 'n beslissing verwys na die Minister van [Justisie, wie se beslissing afdoende is] Veiligheid en Sekuriteit.”.

Wysiging van artikel 13 van Wet 45 van 1965, soos gewysig deur artikel 5 van Wet 5 17 van 1973

27. Artikel 13 van die Wet op Voorkoming van Lugbesoedeling, 1965, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Iemand wat hom of haar veronreg ag deur 'n besluit van die hoofbeampte waarby 'n aansoek om 'n registrasiesertifikaat of 'n voorlopige registrasiesertifikaat geweier of 'n registrasiesertifikaat of voorlopige registrasiesertifikaat ingetrek of opgeskort of 'n vereiste kragtens subartikel (2) of (3) van artikel 12 opgelê word, kan binne een maand teen daardie besluit appèl aanteken by die raad, wat bevoeg is om die bevel in verband met die appèl te gee wat hy billik ag [en wie se beslissing afdoende is].”.

15 Wysiging van artikel 25 van Wet 45 van 1965

28. Artikel 25 van die Wet op Voorkoming van Lugbesoedeling, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Iemand aan wie 'n kennisgewing ingevolge artikel 17 of 19 deur 'n plaaslike bestuur bestel is, of wat hom of haar veronreg ag deur 'n beslissing van 'n plaaslike bestuur by appèl na hom ingevolge subartikel (3) van artikel 22, kan binne dertig dae na die datum waarop die kennisgewing bestel of die beslissing gegee is, teen daardie kennisgewing of beslissing appèl aanteken by die streeksappèlraad wat ingevolge subartikel (1) van artikel 5 vir die betrokke gebied aangestel is en wat die kennisgewing of beslissing kan bekratig of tersyde stel [en wie se beslissing afdoende is], maar onderworpe aan 'n reg van appèl na die raad, mits kennis van die voorneme om appèl aan te teken aan die raad en die betrokke streeksappèlraad gegee word binne 14 dae nadat die beslissing van sodanige streeksappèlraad ontvang is.”.

Wysiging van artikel 35 van Wet 45 van 1965

30 29. Artikel 35 van die Wet op Voorkoming van Lugbesoedeling, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Iemand wat hom of haar deur 'n kragtens hierdie Deel van hom of haar bestelde kennisgewing veronreg ag, kan binne dertig dae na die datum waarop die kennisgewing bestel is, of binne die verdere tydperk wat die raad op goeie en voldoende gronde toelaat, teen daardie kennisgewing by die raad appèl aanteken, en die raad kan daarop die kennisgewing bekratig, wysig of tersyde stel [en sy beslissing is afdoende].”.

Wysiging van artikel 38 van Wet 45 van 1965, soos vervang deur artikel 15 van Wet 17 van 1973

40 30. Artikel 38 van die Wet op Voorkoming van Lugbesoedeling, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Iemand wat hom of haar deur 'n kragtens artikel 37(2) aan hom of haar bestelde kennisgewing veronreg ag, kan binne 14 dae na die datum waarop die kennisgewing bestel is, of binne die verdere tydperk wat die raad op goeie en voldoende gronde toelaat, teen die kennisgewing by die raad appèl aanteken, en die raad kan daarop die kennisgewing bekratig, wysig of tersyde stel [en sy beslissing is afdoende].”.

Herroeping van artikel 18 van Wet 59 van 1965

31. Artikel 18 van die Wet op Korrespondensiekolleges, 1965, word hierby herroep.

Substitution of section 25 of Act 101 of 1965

32. The following section is hereby substituted for section 25 of the Medicines and Related Substances Control Act, 1965:

“Privileges of council and committees

25. The council or a committee appointed under subsection (1) of section 9 or any member of the council or of any such committee shall not be liable in respect of anything done in good faith under this Act.”.

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Amendment of section 18D of Act 3 of 1966, as inserted by section 2 of Act 26 of 1982 and amended by section 1 of Act 64 of 1983

33. Section 18D of the Community Development Act, 1966, is hereby amended by the 10 substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or, if no agreement can be reached by them as to the referee, by a referee appointed by the Minister[, **and the decision of any such referee shall be final]**. ”.

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Amendment of section 21 of Act 4 of 1966, as amended by section 3 of Act 63 of 1983

34. Section 21 of the Housing Act, 1966, is hereby amended—

(a) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister[, **and the decision of any such referee shall be final]**. ”; and

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

“(c) if the determination is made by a referee in terms of subsection (3)(c), as directed by him[, **and his decision shall be final]** or her.”.

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Amendment of section 56 of Act 4 of 1966, as amended by section 4 of Act 63 of 1983

35. Section 56 of the Housing Act, 1966, is hereby amended—

(a) by the substitution for subparagraph (iii) of paragraph (b) of subsection (3) for 30 the following subparagraph:

“(iii) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister[, **and the decision of any such referee shall be final]**. ”; and

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

“(c) if the determination is made by a referee in terms of subsection (3)(iii), as directed by him[, **and his decision shall be final]** or her.”.

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Amendment of section 85 of Act 4 of 1966, as amended by section 9 of Act 80 of 1968, section 13 of Act 73 of 1970 and section 1 of Act 21 of 1978

36. Section 85 of the Housing Act, 1966, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) An appeal shall lie against the refusal of any local authority to grant its 45 permission under subsection (4), to the Administrator concerned, who may in upholding such appeal grant the permission which in his or her opinion such local

Vervanging van artikel 25 van Wet 101 van 1965

32. Artikel 25 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, word hierby deur die volgende artikel vervang:

“Privilegie van raad en komitees

5 **25. Die raad of 'n kragtens subartikel (1) van artikel 9 aangestelde komitee of 'n lid van die raad of van enige sodanige komitee is nie aanspreeklik ten opsigte van enigets te goeder trou kragtens hierdie Wet gedoen nie.”.**

Wysiging van artikel 18D van Wet 3 van 1966, soos ingevoeg deur artikel 2 van 10 Wet 26 van 1982 en gewysig deur artikel 1 van Wet 64 van 1983

33. Artikel 18D van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

15 “(c) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of, indien hulle nie omtrent die skeidsregter kan ooreenkom nie, deur 'n skeidsregter deur die Minister benoem[, en die beslissing van so 'n skeidsregter is afdoende].”.

Wysiging van artikel 21 van Wet 4 van 1966, soos gewysig deur artikel 3 van Wet 63 van 1983

20 **34.** Artikel 21 van die Behuisingswet, 1996, word hierby gewysig—

(a) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

25 “(c) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of (indien hulle nie omtrent die skeidsregter kan ooreenkom nie) deur 'n skeidsregter deur die Minister benoem[, en die beslissing van so 'n skeidsregter is afdoende].”; en

(b) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

“(c) indien die bepaling, ingevolge subartikel (3)(c), deur 'n skeidsregter gemaak word, soos deur hom of haar beveel word[, en sy beslissing is afdoende].”.

30 Wysiging van artikel 56 van Wet 4 van 1966, soos gewysig deur artikel 4 van Wet 63 van 1983

35. Artikel 56 van die Behuisingswet, 1966, word hierby gewysig—

(a) deur subparagraph (iii) van paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

35 “(iii) indien bedoelde arbiters nie kan ooreenkom nie, deur 'n skeidsregter deur die arbiters benoem of (indien hulle nie omtrent die skeidsregter kan ooreenkom nie) deur 'n skeidsregter deur die Minister benoem[, en die beslissing van so 'n skeidsregter is afdoende].”; en

40 (b) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

“(c) indien die bepaling ingevolge subartikel (3)(iii), deur 'n skeidsregter gemaak word, soos deur hom of haar beveel word[, en sy beslissing is afdoende].”.

45 Wysiging van artikel 85 van Wet 4 van 1966, soos gewysig deur artikel 9 van Wet 80 van 1968, artikel 13 van Wet 73 van 1970 en artikel 1 van Wet 21 van 1978

36. Artikel 85 van die Behuisingswet, 1966, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

50 “(5) Daar is 'n reg van appèl, teen die weiering van 'n plaaslike bestuur om sy toestemming kragtens subartikel (4) te verleen, na die betrokke Administrateur, wat, wanneer hy of sy sodanige appèl handhaaf, die toestemming wat sodanige plaaslike bestuur volgens sy of haar oordeel moes verleen het, op die voorwaardes

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authority should have granted, subject to such conditions (if any) as he or she may deem fit[, and the Administrator's decision shall be final].”.

Amendment of section 85A of Act 4 of 1966, as inserted by section 10 of Act 80 of 1968

37. Section 85A of the Housing Act, 1966, is hereby amended by the deletion of 5 paragraph (b) of subsection (4).

Substitution of section 89 of Act 4 of 1966

38. The following section is hereby substituted for section 89 of the Housing Act, 1966:

“Cessions and assignments	10
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89. No cession or assignment by any person of any right he or she may have or acquire in respect of any housing loan or any portion thereof, or in respect of any contract entered into by the Commission under this Act, shall be valid or operative unless such cession or assignment is made with the written consent of the Commission[, which shall have absolute discretion 15 in giving or withholding such consent].”.

Amendment of section 13 of Act 81 of 1967

39. Section 13 of the Aged Persons Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may at any time reconsider and vary or reverse any decision 20 made by him or her under subsection (1).”.

Amendment of section 9D of Act 28 of 1969, as inserted by section 10 of Act 13 of 1981

40. Section 9D of the National Monuments Act, 1969, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The decision of the Minister on any appeal lodged with him or her under this section [shall be final and] shall be deemed to be a decision of the council.”.

Amendment of section 3 of Act 96 of 1969, as amended by section 85 of Act 63 of 1975 and section 8 of Act 89 of 1993

41. Section 3 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby 30 amended by the deletion of subsection (2).

Substitution of section 30 of Act 35 of 1970

42. The following section is hereby substituted for section 30 of the Architects' Act, 1970:

“Liability of council	35
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30. [No legal proceedings, whether civil or criminal, shall lie against]

The council or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 24, 25 or 26.”.

Amendment of section 7 of Act 47 of 1970

43. Section 7 of the Wine and Spirit Control Act, 1970, is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) The decision of the board, including any decision as to the costs of any

(as daar is) wat hy of sy goedvind, kan verleen[, **en die Administrateur se beslissing is afdoende]**.”.

Wysiging van artikel 85A van Wet 4 van 1966, soos ingevoeg deur artikel 10 van Wet 80 van 1968

5 **37.** Artikel 85A van die Behuisingswet, 1966, word hierby gewysig deur paragraaf (b) van subartikel (4) te skrap.

Vervanging van artikel 89 van Wet 4 van 1966

38. Artikel 89 van die Behuisingswet, 1966, word hierby deur die volgende artikel vervang:

10 **“Sessies en oordrage**

15 **89.** Geen sessie of oordrag deur 'n persoon van 'n reg wat hy of sy mag hê of verkry ten opsigte van 'n behuisingslening of 'n gedeelte daarvan of ten opsigte van 'n kontrak wat kragtens hierdie Wet deur die Kommissie aangegaan is, is geldig of van krag nie tensy sodanige sessie of oordrag geskied met die skriftelike toestemming van die Kommissie[, **wat 'n absolute diskresie het om sodanige toestemming te verleen of te weerhou]**.”.

Wysiging van artikel 13 van Wet 81 van 1967

39. Artikel 13 van die Wet op Bejaarde Persone, 1967, word hierby gewysig deur 20 subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Minister kan 'n beslissing deur hom of haar kragtens subartikel (1) gegee, te eniger tyd heroorweeg en wysig of tersyde stel.”.

Wysiging van artikel 9D van Wet 28 van 1969, soos ingevoeg deur artikel 10 van Wet 13 van 1981

25 **40.** Artikel 9D van die Wet op Nasionale Gedenkwaardighede, 1969, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die beslissing van die Minister oor 'n appèl ingevalle hierdie artikel by hom of haar ingedien, [is afdoende en] word geag 'n beslissing van die raad te wees.”.

30 **Wysiging van artikel 3 van Wet 96 van 1969 , soos gewysig deur artikel 85 van Wet 63 van 1975 en artikel 8 van Wet 89 van 1993**

41. Artikel 3 van die Wet op Onteining van Mineraalregte (Dorp), 1969, word hierby gewysig deur subartikel (2) te skrap.

Vervanging van artikel 30 van Wet 35 van 1970

35 **42.** Artikel 30 van die Wet op Argitekte, 1970, word hierby deur die volgende artikel vervang:

“**Aanspreeklikheid van raad**

40 **30. [Geen regsgeding, hetsy straf- of sivielregtelik, kan teen]** Die raad of 'n lid of 'n amptenaar daarvan is nie aanspreeklik ten opsigte van 'n handeling of plig te goeder trou ooreenkomsdig die bepalings van artikel 24, 25 of 26 verrig[, **ingestel word**] nie.”.

Wysiging van artikel 7 van Wet 47 van 1970

43. Artikel 7 van die Wet op Beheer oor Wyn en Spiritus, 1970, word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

45 “(8) Die beslissing van die raad, met inbegrip van 'n beslissing aangaande die

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appeal, together with the grounds for such decision, shall be reduced to writing, and copies thereof shall be lodged with the Minister, the appellant and the vereniging, and such decision shall be [final and] binding on the appellant and the vereniging.”.

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, section 33 of Act 129 of 1993 and section 7 of Act 204 of 1993 5

44. Section 29 of the Mental Health Act, 1973, is hereby amended by the substitution for subparagraph (ii) of paragraph (c) of subsection (4A) of the following subparagraph:
“(ii) it has been confirmed by the Minister[, whose decision in this regard shall be final].”.

Amendment of section 53 of Act 18 of 1973, as amended by section 5 of Act 10 of 1978, and section 7 of Act 51 of 1991

45. Section 53 of the Mental Health Act, 1973, is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:
“(b) it has been confirmed by the Minister[, whose decision in this regard shall be final].”.

Amendment of section 8 of Act 61 of 1973

46. Section 8 of the Companies Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:
“(2) [No action shall be instituted against] An auditor, liquidator, judicial manager or provisional judicial manager shall not be liable in respect of any opinion expressed or certificate given or report or statement made or statement, account or document certified by him or her in good faith in the ordinary course of his or her duties under this Act, unless it is proved that such opinion was expressed or such certificate was given or such report or statement was made or such statement, account or document was certified maliciously or negligently.”.

Amendment of section 178 of Act 61 of 1973, as amended by section 15 of Act 64 of 1977 and section 7 of Act 84 of 1980 and substituted by section 10 of Act 29 of 1982, section 9 of Act 31 of 1986 and section 3 of Act 78 of 1989 30

47. Section 178 of the Companies Act, 1973, is hereby amended by the deletion of subsection (2).

Amendment of section 179 of Act 61 of 1973, as amended by section 16 of Act 64 of 1977, section 11 of Act 29 of 1982 and section 9 of Act 70 of 1984

48. Section 179 of the Companies Act, 1973, is hereby amended by the substitution for subsection (6) of the following subsection:
“(6) A company which has failed to hold its annual general meeting within the time or extended time prescribed by subsection (1) or (3), or as directed by the Registrar under subsection (4), shall further be liable to pay to the Registrar additional fees of one rand for every day during which the default continues but not exceeding a maximum of twenty rand[, and the decision of the Registrar as to the number of days during which the company is in default shall be final].”.

Amendment of section 371 of Act 61 of 1973

49. Section 371 of the Companies Act, 1973, is hereby amended by the deletion of subsection (4). 45

koste van 'n appèl, tesame met die gronde vir so 'n beslissing, moet op skrif gestel word, en afskrifte daarvan moet aan die Minister, die appellant en die vereniging besorg word, en so 'n beslissing is **[afdoende en]** bindend vir die appellant en die vereniging.”.

5 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, artikel 33 van Wet 129 van 1993 en artikel 7 van Wet 204 van 1993

44. Artikel 29 van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur subparagraaf (ii) van paragraaf (c) van subartikel (4A) deur die volgende subparagraaf 10 te vervang:
 “(ii) dit bekragtig is deur die Minister[, wie se beslissing in hierdie verband afdoende is].”.

Wysiging van artikel 53 van Wet 18 van 1973, soos gewysig deur artikel 5 van Wet 10 van 1978 en artikel 7 van Wet 51 van 1991

15 45. Artikel 53 van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
 “(b) dit bekragtig is deur die Minister [, wie se beslissing in hierdie verband afdoende is].”.

Wysiging van artikel 8 van Wet 61 van 1973

20 46. Artikel 8 van die Maatskappywet, 1973, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) **[Geen regsgeding word teen]** 'n Ouditeur, likwidateur, geregtelike bestuurder of voorlopige geregtelike bestuurder **[ingestel]** is nie aanspreeklik nie, ten opsigte van 'n mening deur hom of haar uitgespreek of sertifikaat deur hom of haar gegee of verslag of verklaring deur hom of haar gedoen, of 'n staat, rekening of dokument deur hom of haar gesertifiseer, te goeder trou en in die gewone loop van sy of haar pligte kragtens hierdie Wet tensy bewys word dat hy of sy in verband met bedoelde mening deur hom of haar uitgespreek of bedoelde sertifikaat deur hom of haar gegee of bedoelde verslag of verklaring deur hom of haar gedoen of bedoelde staat, rekening of dokument deur hom of haar gesertifiseer, kwaadwillig of nalatig gehandel het.”.

Wysiging van artikel 178 van Wet 61 van 1973, soos gewysig deur artikel 15 van Wet 64 van 1977, artikel 7 van Wet 84 van 1980 en vervang deur artikel 10 van Wet 29 van 1982, artikel 9 van Wet 31 van 1986 en artikel 3 van Wet 78 van 1989

35 47. Artikel 178 van die Maatskappywet, 1973, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 179 van Wet 61 van 1973, soos gewysig deur artikel 16 van Wet 64 van 1977, artikel 11 van Wet 29 van 1982 en artikel 9 van Wet 70 van 1984

48. Artikel 179 van die Maatskappywet, 1973, word hierby gewysig deur subartikel 40 (6) deur die volgende subartikel te vervang:
 “(6) 'n Maatskappy wat versuim het om sy algemene jaarvergadering te hou binne die tydperk of verlengde tydperk deur subartikel (1) of (3) voorgeskryf of soos die Registrateur kragtens subartikel (4) gelas, is verder aanspreeklik om aan die Registrateur bykomende geldte van een rand vir elke dag waartydens die versuim voortduur maar wat 'n maksimum van twintig rand nie te bove gaan nie, te betaal [, en die beslissing van die Registrateur aangaande die aantal dæ waartydens die maatskappy in versuim is, is afdoende].”.

Wysiging van artikel 371 van Wet 61 van 1973

49. Artikel 371 van die Maatskappywet 1973, word hierby gewysig deur subartikel 50 (4) te skrap.

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

Amendment of section 1 of Act 78 of 1973, as amended by section 1 of Act 27 of 1974, section 2 of Act 45 of 1975, section 1 of Act 30 of 1978, section 7 of Act 89 of 1988 and section 1 of Act 208 of 1993

50. Section 1 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for the definition of "owner" of the following definition:

"‘owner’ in relation to a mine or works, includes the lessee of the mine or works and any person who has the right, or has, by virtue of any law or any agreement with the owner of the mine or works, acquired the right, to exploit a mine for his or her own benefit or to operate a works for his or her own benefit; and if the question arises whether a person is, for the purposes of this Act, the owner of a mine or a works, [the Minister’s decision regarding such question shall be final] the Minister shall make a decision on such question;".

Amendment of section 17 of Act 78 of 1973

51. Section 17 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) For the purposes of subsection (2), [the decision of] the Minister, acting on the advice of the Government Mining Engineer shall make a decision, on any question as to whether an asset which is or was held by an owner of a controlled mine or a controlled works was acquired or created for use in connection with the operation of that mine or works[, shall be final].".

Substitution of section 48 of Act 53 of 1974

52. The following section is hereby substituted for section 48 of the Pharmacy Act, 1974:

“Limitation of liability”

48. Save as is provided in this Act, [no legal proceedings, civil or criminal, shall lie against] the council or any member or officer of the council shall not be liable in respect of any act done in good faith or duty performed in accordance with this Chapter or section 38.”.

Amendment of section 16 of Act 56 of 1974, as amended by section 7 of Act 58 of 1992

53. Section 16 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the deletion of subsection (4).

Substitution of section 47 of Act 56 of 1974

54. The following section is hereby substituted for section 47 of the Medical, Dental and Supplementary Health Service Professions Act, 1974:

“Limitation of liability”

47. Save as is provided in this Act, [no legal proceedings, civil or criminal, shall lie against] the council or any member or officer thereof shall not be liable in respect of any act done in good faith or duty performed in accordance with this Chapter.”.

Amendment of section 53 of Act 56 of 1974, as amended by section 9 of Act 52 of 1978, section 3 of Act 38 of 1982 and section 43 of Act 23 of 1993

55. Section 53 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the deletion of paragraph (b) of subsection (3).

Wysiging van artikel 1 van Wet 78 van 1973 soos gewysig deur artikel 1 van Wet 27 van 1974, artikel 2 van Wet 45 van 1975, artikel 1 van Wet 30 van 1978, artikel 7 van Wet 89 van 1988 en artikel 1 van Wet 208 van 1993

50. Artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby 5 gewysig deur die omskrywing van “eienaar” deur die volgende omskrywing te vervang:

10 “ ‘eienaar’, met betrekking tot ’n myn of bedryf, ook die huurder van die myn of bedryf en iemand wat die reg het, of uit hoofde van ’n wet of ’n ooreenkoms met die eienaar van die myn of bedryf die reg verkry het, om ’n myn vir eie gewin te ontgin of ’n bedryf vir eie gewin te werk; en as die vraag ontstaan of iemand vir die doeleindes van hierdie Wet die eienaar van ’n myn of ’n bedryf is, [is die Minister se beslissing oor die vraag afdoende] beslis die Minister daardie vraag;”.

Wysiging van artikel 17 van Wet 78 van 1973

15 51. Artikel 17 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

20 “(4) By die toepassing van subartikel (2) [is die beslissing van] beslis die Minister handelende op advies van die Staatsmyningeneur [afdoende oor] die vraag of ’n bate wat deur die eienaar van ’n beheerde myn of ’n beheerde bedryf besit word of is, vir verbruik in verband met die werking van daardie myn of bedryf gekry of tot stand gebring is.”.

Vervanging van artikel 48 van Wet 53 van 1974

52. Artikel 48 van die Wet op Aptekers, 1974, word hierby deur die volgende artikel vervang:

25 **“Beperking van aanspreeklikheid**

48. Behoudens die bepalings van hierdie Wet, [kan geen regsgeding, hetsy siviel of strafregtelik, teen] is die raad of ’n lid of beamppte van die raad nie aanspreeklik ten opsigte van ’n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Hoofstuk of artikel 38[, ingestel word] nie.”.

Wysiging van artikel 16 van Wet 56 van 1974, soos gewysig deur artikel 7 van Wet 58 van 1992

53. Artikel 16 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdienstberoepe, 1974, word hierby gewysig deur subartikel (4) te skrap.

35 **Vervanging van artikel 47 van Wet 56 van 1974**

54. Artikel 47 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdienstberoepe, 1974, word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

47. Behoudens die bepalings van hierdie Wet, [kan geen regsgeding, hetsy siviel of strafregtelik, teen] is die raad of ’n lid of beamppte daarvan nie aanspreeklik ten opsigte van ’n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Hoofstuk[, ingestel word] nie.”.

Wysiging van artikel 53 van Wet 56 van 1974, soos gewysig deur artikel 9 van Wet 52 van 1978, artikel 3 van Wet 38 van 1982 en artikel 43 van Wet 23 van 1993

45 55. Artikel 53 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdienstberoepe, 1974, word hierby gewysig deur paragraaf (b) van subartikel (3) te skrap.

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

Amendment of section 41 of Act 66 of 1974

56. Section 41 of the Post Office Service Act, 1974, is hereby amended by the deletion of subsection (2).

Amendment of section 42 of Act 66 of 1974

57. Section 42 of the Post Office Service Act, 1974, is hereby amended by the deletion of subsection (2). 5

Amendment of section 5 of Act 2 of 1975

58. Section 5 of the Abortion and Sterilization Act, 1975, is hereby amended by the deletion of subsection (3).

Amendment of section 42 of Act 15 of 1976

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59. Section 42 of the Plant Breeders' Rights Act, 1976, is hereby amended by the deletion of paragraph (b) of subsection (7).

Amendment of section 32 of Act 53 of 1976

60. Section 32 of the Plant Improvement Act, 1976, is hereby amended by the deletion of paragraph (b) of subsection (10). 15

Amendment of section 28 of Act 57 of 1976

61. Section 28 of the National Parks Act, 1976, is hereby amended—

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

“(1) [No action shall lie against] The board shall not be liable for the recovery of any damage caused [to any person] by any animal in or from a park, unless such damage is caused by the negligent or intentional act or omission of the board or an employee of the board.”. 20

(b) by adding the following subsection after subsection (2):

“(3) Notwithstanding the provisions of subsection (2) a division of the Supreme Court may, on good reasons, grant leave for the institution of an action contrary to the directives of those provisions.”. 25

Amendment of section 26 of Act 80 of 1976

62. Section 26 of the Rent Control Act, 1976, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) [No appeal shall lie against any decision of the control board, but] The control board may at any time, after consideration of any proceedings submitted to it by a rent board in terms of the proviso to section 20(4), vary or set aside the decision to which such proceedings relate.”. 30

Amendment of section 37 of Act 80 of 1976, as amended by section 1 of Act 23 of 1989

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63. Section 37 of the Rent Control Act, 1976, is hereby amended by the substitution for subparagraph (i) of paragraph (c) of subsection (3) of the following subparagraph:

“(i) if the lessor and the lessee fail to agree on the amount of the damage to the dwelling in question or the cost of replacing any lost keys for which such lessee is liable, the lessor shall forthwith lodge an application with the rent board in question for the determination of the lessee's liability in respect of such damage or replacing[, and any determination so made by such rent board, shall be final];”. 40

Wysiging van artikel 41 van Wet 66 van 1974

56. Artikel 41 van die Poskantoordienswet, 1974, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 42 van Wet 66 van 1974

5 **57.** Artikel 42 van die Poskantoordienswet, 1974, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 5 van Wet 2 van 1975

58. Artikel 5 van die Wet op Vrugafdrywing en Sterilisasie, 1975, word hierby gewysig deur subartikel (3) te skrap.

10 Wysiging van artikel 42 van Wet 15 van 1976

59. Artikel 42 van die Wet op Planttelersregte, 1976, word hierby gewysig deur paragraaf (b) van subartikel (7) te skrap.

Wysiging van artikel 32 van Wet 53 van 1976

60. Artikel 32 van die Plantverbeteringswet, 1976, word hierby gewysig deur 15 paragraaf (b) van subartikel (10) te skrap.

Wysiging van artikel 28 van Wet 57 van 1976

61. Artikel 28 van die Wet op Nasionale Parke, 1976, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) [Geen geding kan teen die Raad ingestel word nie] Die raad is nie aanspreeklik vir die verhaal van enige skade [aan enige persoon] veroorsaak deur enige dier in of van 'n park nie, tensy sodanige skade die gevolg van 'n nalatige of opsetlike handeling of versuum van die raad of 'n werknemer van die raad is.”; en

(b) deur die volgende subartikel na subartikel (2) by te voeg:

“(3) Ondanks die bepalings van subartikel (2) kan 'n afdeling van die Hooggeregshof op gegronde redes verlof verleen vir die instelling van 'n geding instryd met die voorskrifte van daardie bepalings.”.

Wysiging van artikel 26 van Wet 80 van 1976

62. Artikel 26 van die Wet op Huurbeheer, 1976, word hierby gewysig deur 30 subartikel (3) deur die volgende subartikel te vervang:

“(3) [Geen appèl kan teen 'n beslissing van die beheerraad aangeteken word nie, maar] Die beheerraad kan te eniger tyd, na oorweging van enige verrigtinge wat ingevolge die voorbehoudsbepaling by artikel 20(4) deur 'n huurraad aan hom voorgelê is, die beslissing waarop daardie verrigtinge betrekking het, wysig of tersyde stel.”.

Wysiging van artikel 37 van Wet 80 van 1976, soos gewysig deur artikel 1 van Wet 23 van 1989

63. Artikel 37 van die Wet op Huurbeheer, 1976, word hierby gewysig deur 40 subparagraaf (i) van paragraaf (c) van subartikel (3) deur die volgende subparagraaf te vervang:

“(i) indien die verhuurder en die huurder nie ooreen kan kom nie oor die bedrag van die skade aan die betrokke woning of oor die koste van die vervanging van sleutels wat verloor is waarvoor daardie huurder aanspreeklik is, die verhuurder onverwyld 'n aansoek by die betrokke huurraad moet indien vir die vasstelling van die huurder se aanspreeklikheid ten opsigte van bedoelde skade of vervanging[, en 'n vasstelling wat aldus deur daardie huurraad gemaak word, is afdoende];”.

Amendment of Section 15 of Act 84 of 1976

64. Section 15 of the Military Pensions Act, 1976, is hereby amended by the substitution for subsection (4) of the following subsection:

5

“(4) A medical appeal board considering an appeal in terms of this section may confirm, increase or reduce the degree of the pensionable disability or previous pensionable disability under appeal[, **and the decision of the board shall be final in any particular case**].”.

Amendment of section 16 of Act 84 of 1976

65. Section 16 of the Military Pensions Act, 1976, is hereby amended—

- (a) by the deletion of paragraph (a) of subsection (5); and 10
- (b) by the deletion of paragraph (b) of subsection (6).

Substitution of section 20 of Act 84 of 1976

66. The following section is hereby substituted for section 20 of the Military Pensions Act, 1976:

15

“**Substitution of benefits under this Act for other legal remedy**

20

20. [No action of law shall lie against the State to recover damages in respect of the disablement or death of a member where provision is made in this Act for compensation in respect of such death or disablement, and] No liability for compensation [as aforesaid] for damages in respect of the disablement or death of a member shall arise on the part of the State save under the provisions of this Act.”.

Amendment of section 27 of Act 25 of 1977

67. Section 27 of the Livestock Improvement Act, 1977, is hereby amended by the deletion of paragraph (b) of subsection (10).

25

Amendment of section 111 of Act 51 of 1977, as amended by section 6 of Act 26 of 1987

68. Section 111 of the Criminal Procedure Act, 1977, is hereby amended by the deletion of subsection (5).

30

Amendment of section 185 of Act 51 of 1977, as amended by section 2 of Act 79 of 1978

69. Section 185 of the Criminal Procedure Act, 1977, is hereby amended by the deletion of subsection (8).

35

Amendment of section 15 of Act 63 of 1977, as amended by Proclamation No. R. 152 of 1994

70. Section 15 of the Health Act, 1977, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Where any amount due by a local authority under this section is recovered under subsection (3)(b), the local authority may appeal against such recovery to the Minister[, **and the Minister’s decision shall be final**].”.

40

Amendment of section 18 of Act 63 of 1977, as amended by Proclamation No. R. 152 of 1994

71. Section 18 of the Health Act, 1977, is hereby amended by the substitution for subsection (5) of the following subsection:

Wysiging van artikel 15 van Wet 84 van 1976

64. Artikel 15 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Mediese appèlraad wat ’n appèl ingevolge hierdie artikel oorweeg, kan 5 die mate van die pensioengewende ongeskiktheid of vorige pensioengewende ongeskiktheid waarteen geappelleer is, bekragtig, verhoog of verminder [**en die beslissing van die raad is afdoende in enige besondere gevval**].”.

Wysiging van artikel 16 van Wet 84 van 1976

65. Artikel 16 van die Wet op Militêre Pensioene, 1976, word hierby gewysig—

- 10 (a) deur paragraaf (a) van subartikel (5) te skrap; en
(b) deur paragraaf (b) van subartikel (6) te skrap.

Vervanging van artikel 20 van Wet 84 van 1976

66. Artikel 20 van die Wet op Militêre Pensioene, 1976, word hierby deur die volgende artikel vervang:

15 **“Vervanging van ander regsmiddel deur voordele kragtens hierdie Wet”**

20 **20. [Geen regsgeding tot verhaal van skadevergoeding ten opsigte van die ongeskiktheid of dood van ’n lid kan teen die Staat ingestel word nie, waar daar ingevolge hierdie Wet voorsiening vir vergoeding ten opsigte van sodanige ongeskiktheid of dood gemaak word, en] Geen aanspreeklikheid vir vergoeding [**soos vermeld**] van skade ten opsigte van die ongeskiktheid of dood van ’n lid ontstaan van Staatswee nie behalwe ingevolge die bepalings van hierdie Wet.”.**

Wysiging van artikel 27 van Wet 25 van 1977

25 **67.** Artikel 27 van die Veeverbeteringswet, 1977, word hierby gewysig deur paragraaf (b) van subartikel (10) te skrap.

Wysiging van artikel 111 van Wet 51 van 1977, soos gewysig deur artikel 6 van Wet 26 van 1987

30 **68.** Artikel 111 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (5) te skrap.

Wysiging van artikel 185 van Wet 51 van 1977, soos gewysig deur artikel 2 van Wet 79 van 1978

69. Artikel 185 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (8) te skrap.

35 **Wysiging van artikel 15 van Wet 63 van 1977, soos gewysig deur Proklamasie No. R. 152 van 1994**

70. Artikel 15 van die Wet op Gesondheid, 1977, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

40 “(4) Waar ’n bedrag wat kragtens hierdie artikel deur ’n plaaslike bestuur verskuldig is, kragtens subartikel (3)(b) gevorder word, kan die plaaslike bestuur teen die vordering na die Minister appelleer [, **en die Minister se beslissing is afdoende**].”.

Wysiging van artikel 18 van Wet 63 van 1977, soos gewysig deur Proklamasie No. R. 152 van 1994

45 **71.** Artikel 18 van die Wet op Gesondheid, 1977, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

“(5) Where any amount due by a local authority under this section is recovered under subsection (3)(b), the local authority may appeal against such recovery to the Minister[, **and the Minister's decision shall be final**].”.

Amendment of section 20 of Act 63 of 1977, as amended by section 2 of Act 118 of 1993 and Proclamation No. R. 152 of 1994 5

72. Section 20 of the Health Act, 1977, is hereby amended by the substitution for paragraph (c) of subsection (6) of the following paragraph:

“(c) Where any dispute arises between local authorities with regard to the exercise of their powers or the performance of their duties in terms of the provisions of paragraph (a) or (b), the matter shall be referred to the Minister [**and the decision of the Minister with regard to the matter shall be final**].”.

Amendment of section 22 of Act 63 of 1977

73. Section 22 of the Health Act, 1977, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) If any dispute arises between local authorities in connection with the appointment, duties or remuneration of a regional medical officer of health or in connection with any other matter concerning him or her, the matter shall be referred to the Minister [**and the Minister's decision shall be final**].”.

Substitution of section 58 of Act 63 of 1977

74. The following section is hereby substituted for section 58 of the Health Act, 1977: 20

“Restriction upon legal proceedings

58. [No legal proceedings shall lie against] The State, the Minister, a person in the service of the State, a provincial administration, a person in the service of a provincial administration, a local authority, a person in the service of a local authority or any person generally or specially authorized by the State, a provincial administration or a local authority to perform any function in terms of this Act, shall not be liable for anything done in good faith under this Act.”.

Amendment of section 63 of Act 63 of 1977, as amended by section 1 of Act 18 of 1979 30

75. Section 63 of the Health Act, 1977, is hereby amended by the substitution for paragraph (f) of subsection (4) of the following paragraph:

“(f) If an agreement contemplated in paragraph (d) cannot be reached, the matter shall be referred to the Minister [**and the decision of the Minister with regard to the matter shall be final**].”.

Substitution of section 40 of Act 74 of 1977

76. The following section is hereby substituted for section 40 of the Road Transportation Act, 1977:

“Limitation of liability

40. [No civil or criminal proceedings shall be instituted or continued 40 in any court of law against—

(a)] (1) Any authorized officer or the employer of any authorized officer shall not be liable by reason of any act done in good faith by any authorized officer or the employer of any authorized officer in terms of this Act.

[(b)] (2) The holder of a public permit or any employee of such holder who 45 is in charge of the motor vehicle to which such permit relates, shall not be

“(5) Waar 'n bedrag wat kragtens hierdie artikel deur 'n plaaslike bestuur verskuldig is, kragtens subartikel (3) (b) gevorder word, kan die plaaslike bestuur teen die vordering na die Minister appelleer[, **en die Minister se beslissing is afdoende]**.”.

5 Wysiging van artikel 20 van Wet 63 van 1977, soos gewysig deur artikel 2 van Wet 118 van 1993 en Proklamasie No. R. 152 van 1994

72. Artikel 20 van die Wet op Gesondheid, 1977, word hierby gewysig deur paragraaf (c) van subartikel (6) deur die volgende paragraaf te vervang:

10 “(c) Waar 'n geskil ontstaan tussen plaaslike besture met betrekking tot die uitoefening van hul bevoegdhede of die verrigting van hul pligte ingevolge die bepalings van paragraaf (a) of (b), moet die saak na die Minister verwys word [**en die besluit van die Minister met betrekking tot die saak is afdoende]**.”.

Wysiging van artikel 22 van Wet 63 van 1977

73. Artikel 22 van die Wet op Gesondheid, 1977, word hierby gewysig deur 15 subartikel (6) deur die volgende subartikel te vervang:

“(6) Indien 'n geskil ontstaan tussen plaaslike besture met betrekking tot die aanstelling, pligte of vergoeding van 'n streeks- mediese gesondheidsbeampte of met betrekking tot enige ander aangeleentheid betreffende hom of haar, moet die saak na die Minister verwys word [**en die Minister se beslissing is afdoende]**.”.

20 Vervanging van artikel 58 van Wet 63 van 1977

74. Artikel 58 van die Wet op Gesondheid, 1977, word hierby deur die volgende artikel vervang:

“Beperking op regsgedinge

25 **58. [Geen regsgeding kan ingestel word nie teen]** Die Staat, die Minister, iemand in die diens van die Staat, 'n provinsiale administrasie, iemand in die diens van 'n provinsiale administrasie, 'n plaaslike bestuur, iemand in die diens van 'n plaaslike bestuur of enigiemand wat oor die algemeen of spesiaal deur die Staat, 'n provinsiale administrasie of 'n plaaslike bestuur gemagtig is om 'n werksaamheid ingevolge hierdie Wet 30 te verrig, is nie aanspreeklik nie weens enigets wat te goeder trou kragtens hierdie Wet gedoen is.”.

Wysiging van artikel 63 van Wet 63 van 1977, soos gewysig deur artikel 1 van Wet 18 van 1979

75. Artikel 63 van die Wet op Gesondheid, 1977, word hierby gewysig deur 35 paragraaf (f) van subartikel (4) deur die volgende paragraaf te vervang:

“(f) Indien 'n ooreenkoms beoog in paragraaf (d) nie bereik kan word nie, moet die saak na die Minister verwys word [**en die besluit van die Minister met betrekking tot die saak is afdoende]**.”.

Vervanging van artikel 40 van Wet 74 van 1977

40 76. Artikel 40 van die Wet op Padvervoer, 1977, word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

45 **40. (1) [Geen siviele of strafregtelike geding word in enige gereghof teen (a)]** 'n Gemagtigde amptenaar of die werkewer van 'n gemagtigde amptenaar **[ingestel of voortgesit]** is nie aanspreeklik nie op grond van 'n handeling wat te goeder trou deur 'n gemagtigde amptenaar of die werkewer van 'n gemagtigde amptenaar ingevolge hierdie Wet verrig is.

[(b)] (2) Die houer van 'n openbare permit of 'n werknemer van daardie houer belas met die toesig oor die motorvoertuig waarop daardie permit

liable by reason of any act done in good faith by such holder or employee [in order to give effect to] in accordance with any condition or requirement, contained in that permit, relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.”.

Amendment of section 15 of Act 50 of 1978, as amended by section 9 of Act 21 of 1992 5

77. Section 15 of the Nursing Act, 1978, is hereby amended by the deletion of subsection (4).

Substitution of section 34 of Act 50 of 1978

78. The following section is hereby substituted for section 34 of the Nursing Act, 10 1978:

“Limitation of liability

34. Save as provided in this Act, [no legal proceedings, civil or criminal, shall lie against] the council or a committee of the council or any member or officer thereof shall not be liable in respect of any act done in 15 good faith or duty performed in accordance with this Chapter.”.

Amendment of section 39 of Act 50 of 1978, as amended by section 44 of Act 23 of 1993

79. Section 39 of the Nursing Act, 1978, is hereby amended by the deletion of paragraph (b) of subsection (3). 20

Amendment of section 25 of Act 110 of 1978

80. Section 25 of the Social Work Act, 1978, is hereby amended by the deletion of subsection (6).

Substitution of section 26 of Act 110 of 1978

81. The following section is hereby substituted for section 26 of the Social Work Act, 25 1978:

“Limitation of liability

26. Subject to the provisions of this Act, [no legal proceedings, whether civil or criminal, shall lie against] the council or a committee or any member or officer thereof shall not be liable in respect of anything done in 30 good faith in terms of this Act.”.

Amendment of section 16 of Act 19 of 1979

82. Section 16 of the Dental Technicians Act, 1979, is hereby amended by the deletion of subsection (4).

Amendment of section 6 of Act 76 of 1979

83. Section 6 of the Slums Act, 1979, is hereby amended by the deletion of paragraph (b) of subsection (9).

Amendment of section 20 of Act 76 of 1979

84. Section 20 of the Slums Act, 1979, is hereby amended by the substitution for subsection (3) of the following subsection: 40

“(3) If the slum clearance court refuses the application, the owner may within a

5 betrekking het, [ingestel of voortgesit] is nie aanspreeklik nie op grond van 'n handeling wat te goeder trou deur daardie houer of werknemer verrig is [ten einde te voldoen aan] ooreenkomstig 'n voorwaarde of vereiste, in daardie permit vervat, met betrekking tot die vervoer in daardie voertuig of 'n gedeelte daarvan van persone van 'n bepaalde klas.”.

Wysiging van artikel 15 van Wet 50 van 1978, soos gewysig deur artikel 9 van Wet 21 van 1992

77. Artikel 15 van die Wet op Verpleging, 1978, word hierby gewysig deur subartikel (4) te skrap.

10 Vervanging van artikel 34 van Wet 50 van 1978

78. Artikel 34 van die Wet op Verpleging, 1978, word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

15 34. Behoudens die bepalings van hierdie Wet [kan geen regsgeding, hetsy siviell of strafregtelik, ingestel word teen] is die raad of 'n komitee van die raad of 'n lid of beampete daarvan nie aanspreeklik ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Hoofstuk nie.”.

Wysiging van artikel 39 van Wet 50 van 1978, soos gewysig deur artikel 44 van 20 Wet 23 van 1993

79. Artikel 39 van die Wet op Verpleging, 1978, word hierby gewysig deur paragraaf (b) van subartikel (3) te skrap.

Wysiging van artikel 25 van Wet 110 van 1978

80. Artikel 25 van die Wet op Maatskaplike Werk, 1978, word hierby gewysig deur 25 subartikel (6) te skrap.

Vervanging van artikel 26 van Wet 110 van 1978

81. Artikel 26 van die Wet op Maatskaplike Werk, 1978, word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

30 26. Behoudens die bepalings van hierdie Wet [word geen regsgeding, hetsy siviell of strafregtelik, teen] is die raad of 'n komitee of 'n lid of beampete daarvan [ingestel] nie aanspreeklik nie ten opsigte van enigiets te goeder trou ingevolge die bepalings van hierdie Wet gedoen.”.

Wysiging van artikel 16 van Wet 19 van 1979

35 82. Artikel 16 van die Wet op Tandtegnici, 1979, word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 6 van Wet 76 van 1979

83. Artikel 6 van die Slumswet, 1979, word hierby gewysig deur paragraaf (b) van subartikel (9) te skrap.

40 Wysiging van artikel 20 van Wet 76 van 1979

84. Artikel 20 van die Slumswet, 1979, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die slumopruimingshof die aansoek afwys, kan die eienaar binne 'n

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period of 10 days after such refusal appeal to the Minister[, **and the decision of the Minister on such appeal shall be final**]: Provided that the Minister shall not direct that any such declaration be rescinded unless he or she is satisfied that the nuisance has been removed and that adequate steps to prevent a recurrence of the nuisance have been taken and that all expenses and costs referred to in subsection (2)(b) have been reimbursed to the local authority or that satisfactory provision for the reimbursement has been made.”.

5

Amendment of section 25 of Act 76 of 1979

85. Section 25 of the Slums Act, 1979, is hereby amended by the deletion of subsection (7).

10

Amendment of section 10 of Act 96 of 1979, as amended by section 3 of Act 5 of 1986 and substituted by section 5 of Act 88 of 1990

86. Section 10 of the Maintenance and Promotion of Competition Act, 1979, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Any notice under subsection (5) may upon the recommendation of the board be amended or withdrawn by the Minister at any time[, **and shall not be subject to review by or appeal to any court of law**].”.

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Amendment of section 15 of Act 96 of 1979

87. Section 15 of the Maintenance and Promotion of Competition Act, 1979, is hereby amended by the deletion of subsection (13).

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Amendment of section 30 of Act 6 of 1981, as amended by section 2 of Act 63 of 1987 and section 5 of Act 9 of 1990

88. Section 30 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution for subsection (4) of the following subsection:

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“(4) There shall be a right of appeal to the Minister[, **whose decision shall be final**], from a determination or order of the Director-General under subsection (3) whereby a penalty exceeding R500 is imposed, provided such right is exercised within a period of 3 months from the date of such determination or order.”.

Amendment of section 7 of Act 54 of 1981

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89. Section 7 of the Unit Trusts Control Act, 1981, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If such management company does not agree with the price determined by any such stock-broker, it shall refer the matter to the committee of the stock exchange concerned, which shall thereupon determine the fair market price for such securities [**and whose decision shall be final**].”.

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Amendment of section 22 of Act 68 of 1981 as amended by section 10 of Act 51 of 1983

90. Section 22 of the Alienation of Land Act, 1981, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

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“(b) If a trustee, executor or liquidator refuses or fails to accept any offer by the person concerned in respect of arrangements contemplated in subsection (1), that person may appeal to the Master of the Supreme Court under whose supervision the owner is being liquidated or his or her estate is being sequestrated[, **and the decision of the Master in respect of the matter shall be final**].”.

45

Amendment of section 231 of Act 91 of 1981

91. Section 231 of the Co-operatives Act, 1981, is hereby amended by the deletion of subsection (2).

5 tydperk van 10 dae na die afwysing na die Minister appelleer [, en die beslissing van die Minister oor so 'n appèl is afdoende]: Met dien verstande dat die Minister nie die opheffing van so 'n verklaring gelas nie tensy hy of sy oortuig is dat die oorlas beëindig is en dat toereikende maatreëls getref is om te verhoed dat die oorlas herhaal word en dat alles in subartikel (2)(b) bedoelde koste terugbetaal is aan die plaaslike bestuur of dat bevredigende voorsiening vir die terugbetaling gemaak is.”.

Wysiging van artikel 25 van Wet 76 van 1979

85. Artikel 25 van die Slumswet, 1979, word hierby gewysig deur subartikel (7) te skrap.

Wysiging van artikel 10 van Wet 96 van 1979, soos gewysig deur artikel 3 van Wet 5 van 1986 en vervang deur artikel 5 van Wet 88 van 1990

86. Artikel 10 van die Wet op die Handhawing en Bevordering van Mededinging, 1979, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

15 “(6) 'n Kennisgewing kragtens subartikel (5) kan op aanbeveling van die raad te eniger tyd deur die Minister gewysig of ingetrek word[, en is nie aan hersiening deur of appèl na 'n gereghof onderworpe nie].”.

Wysiging van artikel 15 van Wet 96 van 1979

87. Artikel 15 van die Wet op die Handhawing en Bevordering van Mededinging, 20 1979, word hierby gewysig deur subartikel (13) te skrap.

Wysiging van artikel 30 van Wet 6 van 1981, soos gewysig deur artikel 2 van Wet 63 van 1987 en artikel 5 van Wet 9 van 1990

88. Artikel 30 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Daar is 'n reg van appèl na die Minister [, wie se beslissing afdoende is,] teen 'n beslissing of bevel van die Direkteur-generaal kragtens subartikel (3) waarby 'n boete van hoër as R500 opgelê word, mits sodanige reg binne 'n tydperk van drie maande vanaf die datum van die beslissing of bevel uitgeoefen word.”.

30 Wysiging van artikel 7 van Wet 54 van 1981

89. Artikel 7 van die Wet op Beheer van Effekte-trustskemas, 1981, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

35 “(2) Indien die betrokke bestuursmaatskappy nie met die prys deur so 'n effektemakelaar bepaal, instem nie, verwys die maatskappy die saak na die komitee van die betrokke effektebeurs, wat dan die billike markprys vir bedoelde effekte bepaal [, en sy beslissing is afdoende].”.

Wysiging van artikel 22 van Wet 68 van 1981, soos gewysig deur artikel 10 van Wet 51 van 1983

90. Artikel 22 van die Wet op Vervreemding van Grond, 1981, word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

45 “(b) Indien 'n kurator, eksekuteur of likwidateur weier of in gebreke bly om 'n aanbod deur die betrokke persoon ten opsigte van reëlings beoog in subartikel (1) te aanvaar, kan daardie persoon hom of haar op die Meester van die Hooggeregs-hof beroep onder wie se toesig die insolvent gelikwideer word of sy of haar boedel gesekwestreer word[, en die beslissing van die Meester ten opsigte van die aangeleentheid is afdoende].”.

Wysiging van artikel 231 van Wet 91 van 1981

91. Artikel 231 van die Koöperasiewet, 1981, word hierby gewysig deur subartikel (2) te skrap.

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Amendment of section 14 of Act 104 of 1981, as amended by section 9 of Act 6 of 1984 and section 12 of Act 44 of 1989

92. Section 14 of the Technical Colleges Act, 1981, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“Provided that any such refusal or withdrawal shall be subject to appeal to the Head of Education[**, whose decision shall be final**].” 5

Amendment of section 16A of Act 63 of 1982, as inserted by section 6 of Act 108 of 1985

93. Section 16A of the Chiropractors, Homeopaths and Allied Health Service Professions Act ,1982, is hereby amended by the deletion of subsection (4). 10

Amendment of section 38A of Act 63 of 1982, as inserted by section 23 of Act 108 of 1985

94. Section 38A of the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982, is hereby amended by the deletion of paragraph (b) of subsection (3). 15

Amendment of section 21 of Act 43 of 1983

95. Section 21 of the Conservation of Agricultural Resources Act, 1983, is hereby amended by the deletion of paragraph (d) of subsection (5).

Amendment of section 42 of Act 74 of 1983, as substituted by section 15 of Act 86 of 1991 20

96. Section 42 of the Child Care Act, 1983, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) [**No legal proceedings shall lie against**] Any dentist, medical practitioner, nurse or social worker shall not be liable in respect of any notification given in good faith in accordance with this section.” 25

Substitution of section 32 of Act 19 of 1984

97. The following section is hereby substituted for section 32 of the Town and Regional Planners Act, 1984:

“Liability of council

32. [No legal proceedings, whether civil or criminal, shall lie against] 30
The council or any member or officer thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 25, 26 or 27.”.

Amendment of section 23 of Act 35 of 1984

98. Section 23 of the Animal Diseases Act, 1984, is hereby amended by the deletion 35 of paragraph (d) of subsection (4).

Substitution of section 37 of Act 40 of 1984

99. The following section is hereby substituted for section 37 of the Professional and Technical Surveyors’ Act, 1984:

“Liability of council

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37. [No legal proceedings, whether civil or criminal, shall lie against]
The council or any member thereof or any person in its employment shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of this Act.”.

Wysiging van Artikel 14 van Wet 104 van 1981, soos gewysig deur artikel 9 van Wet 6 van 1984 en artikel 12 van Wet 44 van 1989

92. Artikel 14 van die Wet op Tegniese Kolleges, 1981, word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat so ’n weiering of intrekking onderhewig is aan appèl na die Onderwyshoof [, wie se beslissing afdoende is].”.

Wysiging van artikel 16A van Wet 63 van 1982, soos ingevoeg deur artikel 6 van Wet 108 van 1985

10 93. Artikel 16A van die Wet op Chiropraktisyne, Homeopate en Verwante Gesondheidsdiensberoep, 1982, word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 38A van Wet 63 van 1982, soos ingevoeg deur artikel 23 van Wet 108 van 1985

15 94. Artikel 38A van die Wet op Chiropraktisyne, Homeopate en Verwante Gesondheidsdiensberoep, 1982, word hierby gewysig deur paragraaf (b) van subartikel (3) te skrap.

Wysiging van artikel 21 van Wet 43 van 1983

95. Artikel 21 van die Wet op die Bewaring van Landbouhulpbronne, 1983, word hierby gewysig deur paragraaf (d) van subartikel (5) te skrap.

20 **Wysiging van artikel 42 van Wet 74 van 1983, soos vervang deur artikel 15 van Wet 86 van 1991**

96. Artikel 42 van die Wet op Kindersorg, 1983, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

25 “(6) [Geen regsgeding kan teen] ’n Tandarts, geneesheer, verpleegkundige of maatskaplike werker [ingestel word nie] is nie aanspreeklik nie ten opsigte van ’n kennisgewing te goeder trou ooreenkomsdig hierdie artikel.”.

Vervanging van artikel 32 van Wet 19 van 1984

97. Artikel 32 van die Wet op Stads- en Streekbeplanners, 1984, word hierby deur die volgende artikel vervang:

30 **“Aanspreeklikheid van raad**

32. [Geen regsgeding, hetsy straf- of sivielregtelik, kan teen] Die raad of ’n lid of ’n amptenaar van die raad is nie aanspreeklik nie ten opsigte van ’n handeling of plig te goeder trou ooreenkomsdig die bepalings van artikel 25, 26 of 27 verrig[, ingestel word nie] .”.

35 **Wysiging van artikel 23 van Wet 35 van 1984**

98. Artikel 23 van die Wet op Dieresiektes, 1984, word hierby gewysig deur paragraaf (d) van subartikel (4) te skrap.

Vervanging van artikel 37 van Wet 40 van 1984

99. Artikel 37 van die Wet op Professionele Landmeters en Tegniese Opmeters, 40 1984, word hierby deur die volgende artikel vervang:

“Aanspreeklikheid van raad

37. [Geen regsgeding, hetsy straf- of sivielregtelik, kan teen] Die raad of ’n lid of persoon in diens daarvan is nie aanspreeklik nie ten opsigte van ’n handeling of plig te goeder trou ooreenkomsdig die bepalings van hierdie Wet verrig[, ingestel word nie] .”.

Amendment of section 6A of Act 115 of 1984, as inserted by section 7 of Act 106 of 1987

100. Section 6A of the Remuneration of Town Clerks Act, 1984, is hereby amended by the deletion of subsection (12).

Substitution of section 75 of Act 56 of 1986

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101. The following section is hereby substituted for section 75 of the Diamonds Act, 1986:

“Board’s decision on unpolished or polished diamonds

75. If in connection with the export of diamonds the question arises whether any diamond is an unpolished or a polished diamond the [Board’s 10 decision thereon shall be final] Board shall decide such question.”.

Amendment of section 21 of Act 41 of 1987

102. Section 21 of the Electricity Act, 1987, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any undertaker, local authority or consumer or any number of consumers 15 purchasing 100 megawatt-hours of electricity per annum or more, or any number of consumers exceeding 10, or a party to a dispute settled by the regulator in terms of section 4(1)(c), shall have a right of appeal from a decision of the regulator to the Minister[, whose decision shall be final].”.

Amendment of section 22 of Act 12 of 1988

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103. Section 22 of the Sea Fishery Act, 1988, is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) If any person is aggrieved by a decision of the board with regard to the allocation or non-allocation of a quota, the board shall, at the written request of such person to the board within 30 days after the publication of such decision, 25 reconsider such decision[, and the decision of the board after such reconsideration shall be final].”.

Amendment of section 36 of Act 12 of 1988, as amended by section 7 of Act 98 of 1990 and section 13 of Act 57 of 1992

104. Section 36 of the Sea Fishery Act, 1988, is hereby amended by the deletion of 30 paragraph (b) of subsection (7).

Amendment of section 26 of Act 97 of 1990, as amended by section 8 of Act 41 of 1992

105. Section 26 of the Financial Services Board Act, 1990, is hereby amended by the deletion of subsection (13). 35

Substitution of section 24 of Act 114 of 1990

106. The following section is hereby substituted for section 24 of the Engineering Profession of South Africa Act, 1990:

“Liability of council

24. [No legal proceedings, whether civil or criminal, shall lie against] 40

The council or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 18, 19 or 20.”.

Wysiging van artikel 6A van Wet 115 van 1984, soos ingevoeg deur artikel 7 van Wet 106 van 1987

100. Artikel 6A van die Wet op die Besoldiging van Stadsklerke, 1984, word hierby gewysig deur subartikel (10) te skrap.

5 Vervanging van artikel 75 van Wet 56 van 1986

101. Artikel 75 van die Wet op Diamante, 1986, word hierby deur die volgende artikel vervang:

“Raad se beslissing oor ongeslypte of geslypte diamante

10 **75.** Indien daar in verband met die uitvoer van diamante die vraag ontstaan of 'n diamant 'n ongeslypte of 'n geslypte diamant is, **[is die Raad se beslissing daaroor afdoende]** word daardie vraag deur die Raad beslis.".

Wysiging van artikel 21 van Wet 41 van 1987

102. Artikel 21 van die Elektrisiteitswet, 1987, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

20 “(1) 'n Ondernemer, plaaslike owerheid of verbruiker of 'n aantal verbruikers wat 100 megawatt-uur elektrisiteit per jaar of meer koop, of enige aantal verbruikers meer as 10 of 'n party in 'n geskil wat ingevalle die bepalings van artikel 4(1)(c) deur die reguleerde besleg is, het 'n reg van appèl teen 'n beslissing van die reguleerde na die Minister[, wie se beslissing afdoende is].”.

Wysiging van artikel 22 van Wet 12 van 1988

103. Artikel 22 van die Wet op Seevissery, 1988, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

25 “(a) Indien enige persoon hom of haar veronreg ag deur 'n besluit van die raad met betrekking tot die toekenning of nie-toekenning van 'n kwota, moet die raad, op skriftelike versoek van sodanige persoon aan die raad binne 30 dae na die bekendmaking van sodanige besluit, sodanige besluit heroorweeg [, en die besluit van die raad na sodanige heroorweging is finaal].”.

Wysiging van artikel 36 van Wet 12 van 1988, soos gewysig deur artikel 7 van Wet 30 98 van 1990 en artikel 13 van Wet 57 van 1992

104. Artikel 36 van die Wet op Seevissery, 1988, word hierby gewysig deur paragraaf (b) van subartikel (7) te skrap.

Wysiging van artikel 26 van Wet 97 van 1990, soos gewysig deur artikel 8 van Wet 41 van 1992

35 **105.** Artikel 26 van die Wet op die Raad op Finansiële Dienste, 1990, word hierby gewysig deur subartikel (13) te skrap.

Vervanging van artikel 24 van Wet 114 van 1990

106. Artikel 24 van die Wet op die Ingenieursweseprofessie, 1990, word hierby deur die volgende artikel vervang:

40 **“Aanspreeklikheid van raad**

24. **[Geen regsgeding, hetsy straf- of sivielpregtelik, kan teen]** Die raad of 'n lid of amptenaar daarvan **[ingestel word]** is nie aanspreeklik ten opsigte van 'n handeling of plig te goeder trou ooreenkomsdig die bepalings van artikel 18, 19 of 20 verrig nie.”.

Substitution of section 26 of Act 80 of 1991

107. The following section is hereby substituted for section 26 of the Public Accountants' and Auditors' Act, 1991:

"Privileges of board

26. [No legal proceedings, whether criminal or civil, shall lie against] 5
The board or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 13(1)(o), 20, 22, 23 or 24.”.

Amendment of section 52 of Act 122 of 1992

108. Section 52 of the Audit Arrangements Act, 1992, is hereby amended by the 10 addition of the following subsection:

“(3) Notwithstanding the provisions of subsections (1) and (2), a division of the Supreme Court may, on good reasons, grant leave for the institution of an action, contrary to the directives of those provisions.”.

Short title

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109. This Act shall be called the Abolition of Restrictions on the Jurisdiction of Courts Act, 1996.

Vervanging van artikel 26 van Wet 80 van 1991

107. Artikel 26 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1991, word hierby deur die volgende artikel vervang:

“Privilegies van raad

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26. [Geen regsgeding, hetsy straf- of sivielregtelik, kan teen] Die raad of 'n lid of amptenaar daarvan is nie aanspreeklik ten opsigte van 'n handeling of plig te goeder trou ooreenkomstig die bepalings van artikel 13(1)(o), 20, 22, 23 of 24 verrig[, ingestel word] nie.”.

Wysiging van artikel 52 van Wet 122 van 1992

10 **108.** Artikel 52 van die Ouditreëlingswet, 1992, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Ondanks die bepalings van subartikels (1) en (2) kan 'n afdeling van die Hooggereghof op gegronde redes verlof verleen vir die instelling van 'n regsgeding in stryd met die voorskrifte van daardie bepalings.”.

15 Kort titel

109. Hierdie Wet heet die Wet op Afskaffing van Beperkings op Howe se Jurisdiksie, 1996.

