

**GENERAL LAW AMENDMENT ACT 62 OF 1955**

[ASSENTED TO 23 JUNE 1955]

[DATE OF COMMENCEMENT: 6 JULY 1955]

*(Afrikaans text signed by the Governor-General)***as amended by**

Immorality Act 23 of 1957  
 Supreme Court Act 59 of 1959  
 Licenses Act 44 of 1962  
 Admission of Advocates Act 74 of 1964  
 General Law Amendment Act 80 of 1964  
 Gambling Act 51 of 1965  
 Administration of Estates Act 66 of 1965  
 Prescription Act 68 of 1969  
 Criminal Procedure Act 51 of 1977  
 Liquor Act 87 of 1977  
 State of Emergency Act 86 of 1995  
 Justice Laws Rationalisation Act 18 of 1996  
 Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998  
 Judicial Matters Amendment Act 62 of 2000

**ACT**

**To amend the Better Administration of Justice Act, 1896 of the Cape of Good Hope, the Better Administration of Justice and Remission of Treason Penalties Act, 1906 of the Cape of Good Hope, the South Africa Act, 1909, the Appellate Division Further Jurisdiction Act, 1911, the Administration of Justice Act, 1912, the Administration of Estates Act, 1913, the South-West Africa Affairs Act, 1922, the Licenses Consolidation Act, 1925, the Immorality Act, 1927, the Liquor Act, 1928, the Performing Animals Protection Act, 1935, the Insolvency Act, 1936, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the General Law Amendment Act, 1949, the Prevention of Illegal Squatting Act, 1951, the Public Safety Act, 1953, and the law relating to the admission of advocates, to the alienation or mortgage of property, to procedure in civil cases, to the possession and acquisition of stolen property, and to gambling houses.**

**1 to 7 inclusive .....**

[Ss. 1 to 7 inclusive repealed by s. 46 (1) of Act 59 of 1959 .]

**8 to 12 inclusive .....**

[Ss. 8 to 12 inclusive repealed by s. 105 (1) of Act 66 of 1965 .]

**13 .....**

[S. 13 repealed by s. 344 (1) of Act 51 of 1977 .]

**14 .....**

[S. 14 repealed by s. 15 (1) of Act 44 of 1962.]

**15 .....**

[S. 15 repealed by s. 23 of Act 23 of 1957 .]

**16 and 17 .....**

[Ss. 16 and 17 repealed by s. 212 (1) of Act 87 of 1977.]

**18**

Amends section 2 of the Performing Animals Protection Act 24 of 1935 .

### **19 to 21 inclusive**

Amend respectively the following sections of the Insolvency Act 24 of 1936 : 4, 108, 153.

### **22**

Substitutes the Third Schedule to the Insolvency Act 24 of 1936 .

### **23 .....**

[S. 23 repealed by s. 22 of Act 68 of 1969 .]

### **24 to 26 inclusive .....**

[Ss. 24 to 26 inclusive repealed by s. 344 (1) of Act 51 of 1977 .]

### **27 .....**

[S. 27 repealed by s. 46 (1) of Act 59 of 1959 .]

### **28**

Amends section 10 of the General Law Amendment Act 54 of 1949 .

### **29**

Inserts section 10*bis* in the General Law Amendment Act 54 of 1949 .

### **30 .....**

[S. 30 repealed by s. 11 (1) of Act 19 of 1998 .]

### **31 .....**

[S. 31 repealed by s. 4 of Act 86 of 1995.]

### **32 .....**

[S. 32 repealed by s. 13 (1) of Act 74 of 1964 .]

### **33 Court may grant its consent to alienation or mortgage of property subject to certain restrictions**

(1) Whenever under a will or other instrument any unborn person will be entitled to any interest in immovable property which is subject to any restriction imposed by such will or other instrument, any provincial or local division of the Supreme Court may grant its consent on behalf of any such unborn person (whether already conceived or not) to the alienation or mortgage of such property as if such unborn person were a minor *in esse*.

(2) Proceedings in connection with the granting of such consent shall be deemed to be civil proceedings within the meaning of paragraph (c) of section *three* of the Appellate Division Further Jurisdiction Act, 1911 (Act 1 of 1911).

### **34 Ministers and officials to be cited by official titles**

Whenever any Minister of State or public official is cited in his official capacity in any legal proceedings in any court, he shall be cited by his official title and not by name.

### **35 Interim interdicts against the State**

Notwithstanding anything to the contrary contained in any law, no court shall issue any rule *nisi* operating as an interim interdict against the Government of the Union including the South African Railways and Harbours Administration or the Administration of any Province, or any Minister, Premier or other officer of the said Government or Administration in his capacity as such, unless notice of the intention to apply for such a rule, accompanied by copies of the petition and of the affidavits which are intended to be

used in support of the application, was served upon the said Government, Administration, Minister, Premier or officer at least seventy-two hours, or such lesser period as the court may in all the circumstances of the case consider reasonable, before the time mentioned in the notice for the hearing of the application.

[S. 35 amended by s. 4 of Act 18 of 1996 .]

### 36 Failure to give a satisfactory account of possession of goods

Any person who is found in possession of any goods, other than stock or produce as defined in section *one* of the Stock Theft Act, 1959 (Act 57 of 1959 ), in regard to which there is reasonable suspicion that they have been stolen and is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of theft.

[S. 36 amended by s. 4 of Act 18 of 1996 .]

### 37 Absence of reasonable cause for believing goods properly acquired

(1) (a) Any person who in any manner, otherwise than at a public sale, acquires or receives into his or her possession from any other person stolen goods, other than stock or produce as defined in section one of the Stock Theft Act, 1959, without having reasonable cause for believing at the time of such acquisition or receipt that such goods are the property of the person from whom he or she receives them or that such person has been duly authorized by the owner thereof to deal with or to dispose of them, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of receiving stolen property knowing it to have been stolen except in so far as the imposition of any such penalty may be compulsory.

(b) In the absence of evidence to the contrary which raises a reasonable doubt, proof of such possession shall be sufficient evidence of the absence of reasonable cause.

[Sub-s. (1) amended by s. 31 of Act 80 of 1964 and by s. 4 of Act 18 of 1996 , and substituted by s. 2 of Act 62 of 2000 .]

(2) For the purposes of subsection (1) '**public sale**' means a sale effected-

- (a) at any public market; or
- (b) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or
- (c) by a duly licensed auctioneer at a public auction; or
- (d) in pursuance of an order of a competent court.

### 38 .....

[S. 38 repealed by s. 11 of Act 51 of 1965.]

### 39 Short title

(1) This Act shall be called the General Law Amendment Act, 1955.

(2) Sections *one*, *two* and *three* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

#### First Schedule

[First Schedule repealed by s. 105 (1) of Act 66 of 1965 .]

#### Second Schedule

(Section 22)

[Substitutes the Third Schedule to Act 24 of 1936 .]