

Government Gazette 14995

STATE PRESIDENT'S OFFICE

No. 1296.
23 July 1993

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

NO. 129 OF 1993: GENERAL LAW THIRD AMENDMENT ACT, 1993

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

(English text signed by the State President.)
(Assented to 9 July 1993.)

ACT

To amend the Insolvency Act, 1936, so as to further regulate an appeal against certain orders; to amend the Magistrates' Courts Act, 1944, so as to further regulate the limits of jurisdiction of lower courts; to amend the Radio Act, 1952, so as to delete certain definitions and amend another definition; and to delete obsolete provisions; to amend the Universities Act, 1955, so as to regulate certain offences and penalties anew; to amend the Mines and Works Act, 1956, so as to further regulate work on certain days and insert a penalty clause in connection therewith;

to amend the Labour Relations Act, 1956, so as to make further provision for the auditing of account books of trade unions and employers' organizations; to amend the Interpretation Act, 1957, so as to further regulate the dates of commencement of certain laws; to amend the State Attorney Act, 1957, so as to further regulate the employment of correspondents; to amend the Post Office Act, 1958, so as to further regulate the transfer of land and the use of immovable property and land; and to exempt the successor companies from certain laws; to amend the Correctional Services Act, 1959, so as to provide for the manner in which multiple sentences of correctional supervision shall be served; to amend the Stock Theft Act, 1959, so as to repeal an obsolete provision; to amend the Supreme Court Act, 1959, so as to delete obsolete expressions; to regulate appeals against judgments or orders of certain divisions anew; and to make provision that a court of appeal may strike certain appeals off the roll; to amend the Territorial Waters Act, 1963, so as to extend the application of certain laws to certain installations; to amend the Unemployment Insurance Act, 1966, so as to further regulate the determination of the value of remuneration in kind in agriculture; to amend the Mental Health Act, 1973, so as to further regulate the discharge of State patients; to amend the Post Office Service Act, 1974, so as to further regulate the constitution of the Staff Management Board and the term of office of the Postmaster General; to amend the Livestock Improvement Act, 1977, so as to insert certain definitions; to amend the

Criminal Procedure Act, 1977, so as to redefine "bank"; to further regulate private prosecutions; to further regulate the powers of a peace officer in respect of an arrest without a warrant; to substitute certain obsolete expressions; to further regulate the proof of entries in accounting records and documentation of banks; to further regulate the sentence of correctional supervision; to extend the discretion of the court to antedate a sentence under certain circumstances; and to further regulate the conditional postponement or suspension of a sentence; to amend the Attorneys Act, 1979, so as to further regulate the admission or readmission and enrolment as an attorney and the removal of an attorney from the roll; to make provision that attorneys may under certain circumstances deviate from the prescribed tariffs for conveyancing; and to empower a council of a law society to assess certain fees *mero motu*; to amend the Manpower Training Act, 1981, so as to give training boards the opportunity to evaluate test results before they issue certificates; to amend the Universities and Technikons Advisory Council Act, 1983, so as to expand the composition of the Universities and Technikons Advisory Council; and to further regulate the consequences of the existence of a vacancy in a committee of the Advisory Council; to amend the Forest Act, 1984, so as to amend a definition; and to provide for the delegation of a certain power by the Minister of Agriculture; to amend the Rules Board for Courts of Law Act, 1985, so as to regulate anew the composition of the Rules Board for Courts of Law; to provide that the said Board can employ a person with special knowledge of any matter on a temporary basis; and to provide for the remuneration, allowances, benefits and privileges of the members of the said Board; to amend the South African Certification Council Act, 1986, so as to further regulate the composition of the South African Certification Council; to amend the Sea Fishery Act, 1988, so as to regulate by permit the transfer of fish from one vessel or fishing boat to another at sea; to further regulate the prohibition on the catching or killing of fish by detonating a substance in the sea; and to create certain presumptions; to amend the Legal Succession to the South African Transport Services Act, 1989, so as to further regulate certain statutory protection; to amend the Road Traffic Act, 1989, so as to further regulate the offence of driving with an excessive amount of alcohol in the blood or breath; to amend the Judges' Remuneration and Conditions of Employment Act, 1989, so as to further regulate the method of transport of judges; to amend the South African Reserve Bank Act, 1989, so as to further regulate the appointment of directors; to amend the Agricultural Product Standards Act, 1990, so as to further regulate export inspection tariffs; to amend the Posts and Telecommunications Acts Amendment Act, 1992, so as to repeal a superfluous provision; to amend the Births and Deaths Registration Act, 1992, so as to provide that a person who has undergone a change of sex may apply for the alteration of the sex description in his birth register; to amend the Abattoir Hygiene Act, 1992, so as to further regulate the delegation of powers; to amend the Audit Arrangements Act, 1992, so as to further regulate the transfer of officials; to amend the Management of State Forests Act, 1992, so as to redefine "Minister"; and to further regulate the management of State forests; to provide for the interpretation of references to the Public Accountants' and Auditors' Act, 1951; to create a certain offence; to repeal certain obsolete laws; and to provide for matters connected therewith.

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

Amendment of section 150 of Act 24 of 1936, as amended by section 35 of Act 16 of 1943

1. Section 150 of the Insolvency Act, 1936, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person aggrieved by a final order of sequestration or by an order setting aside an order of provisional sequestration may, *subject to the provisions of section 20(4) and (5) of the Supreme Court Act, 1959 (Act No. 59 of 1959), appeal against such order.*".

Amendment of section 92 of Act 32 of 1944, as substituted by section 30 of Act 94 of 1974 and amended by section 9 of Act 91 of 1977, section 1 of Act 109 of 1984 and section 9 of Act 25 of 1987

2. Section 92 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following paragraph:

"(d) by correctional supervision, may impose correctional supervision for a period as contemplated in section 276A(1)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

Amendment of section 1 of Act 3 of 1952, as amended by section 1 of Act 51 of 1962, section 1 of Act 93 of 1969, section 14 of Act 57 of 1975, section 32 of Act 73 of 1976, section 1 of Act 2 of 1978, section 23 of Act 61 of 1982 and section 1 of Act 24 of 1990

3. Section 1 of the Radio Act, 1952, is hereby amended-

(a) by the deletion of the definition of "earth station";

(b) by the substitution for the definition of "radio apparatus" of the following definition:

"'radio apparatus' means any radio receiving or transmitting apparatus which is capable of receiving or transmitting by radio any sound, image, sign or signal, except a sound radio set if it is only used for the reception of what is broadcast in a broadcasting service, and except any article which the Minister from time to time declares by notice in the Gazette not to be radio apparatus for the purposes of this Act, and includes **an earth station and** any article which the Minister from time to time declares by notice in the Gazette to be radio apparatus for the purposes of this Act;";
and

(c) by the deletion of the definition of "space station".

Amendment of section 5 of Act 3 of 1952, as substituted by section 3 of Act 93 of 1969 and amended by section 15 of Act 57 of 1975, section 32 of Act 73 of 1976, section 2 of Act 2 of 1978, section 23 of Act 61 of 1982, section 2 of Act 24 of 1990 and section 1 of Act 99 of 1991

4. Section 5 of the Radio Act, 1952, is hereby amended by the deletion of subsection (6).

Amendment of section 7 of Act 3 of 1952, as substituted by section 32 of Act 73 of 1976 and amended by section 4 of Act 2 of 1978, section 23 of Act 61 of 1982 and section 1 of Act 101 of 1992

5. Section 7 of the Radio Act, 1952, is hereby amended by the

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

" (a) issue to any person approved by him a licence conferring upon such person the right to use, or cause any person in his employ or under his control to use, a station for any purpose prescribed by regulation or to use any **specified** radio frequency or group of radio frequencies for a purpose and in the manner so prescribed;".

Amendment of section 8 of Act 3 of 1952, as substituted by section 5 of Act 2 of 1978

6. Section 8 of the Radio Act, 1952, is hereby amended by the deletion of the proviso.

Substitution of section 28bis of Act 61 of 1955, as substituted by section 9 of Act 43 of 1965

7. The following section is hereby substituted for section 28bis of the Universities Act, 1955:

"Offences and penalties

28bis. (1) No person except a university, or a person authorized thereto by a university, shall-

- (a) in any manner make it known or pretend to any other person that he or any other person can offer a university course or part of such course which will entitle the person who has successfully completed that course or part of that course to have conferred upon him a degree of baccalaureus, magister or doctor, or to be awarded a diploma or certificate, of a university or that such course or part will be recognized for the purposes of such degree, diploma or certificate;*
- (b) confer a degree of baccalaureus, magister or doctor, or award a diploma or certificate, purporting to be a degree of baccalaureus, magister or doctor, or a diploma or certificate, conferred or awarded by a university;*
- (c) perform any act which purports to have been performed by or on behalf of a university; or*
- (d) establish or operate an institution or any other organization that is not a university, under a name which includes the word 'university'. (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine, or to imprisonment for a period not exceeding six months."*

Amendment of section 9 of Act 27 of 1956, as amended by section 2 of Act 51 of 1959, section 2 of Act 91 of 1965, section 18 of Act 80 of 1971 and section 2 of Act 83 of 1977

8. Section 9 of the Mines and Works Act, 1956, is hereby amended-

- (a) by the substitution in subsection (1) for the words preceding

paragraph (a) of the following words:

"No person shall **perform, or** cause or permit any other person to perform, at any mine or works, any work in connection with the operation of a mine or works, on a Sunday, Christmas Day, Day of the Covenant or Good Friday, or cause any other person to perform, at any mine or works, any such work on Republic Day, unless the work is-"; and

(b) by the addition of the following subsection:

"(3) Any person who contravenes or fails to comply with the provisions of this section, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months."

Amendment of section 8 of Act 28 of 1956, as amended by section 3 of Act 41 of 1959, section 6 of Act 94 of 1979 and section 10 of Act 57 of 1981

9. Section 8 of the Labour Relations Act, 1956, is hereby amended-

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

"(b) The public accountant referred to in subparagraph (iv) of paragraph (a) shall-

- (i) conduct an audit in accordance with generally accepted auditing standards;*
- (ii) furnish the trade union or employers' organization concerned with an appropriate report;*
- (iii) state whether, in his opinion, the provisions of the constitution of the union or organization in so far as they relate to financial affairs, have been complied with.";*
and

(b) by the addition to subsection (5) of the following paragraph:

"(c) If the registrar approves the appointment of the other person referred to in subparagraph (iv) of paragraph (a), such other person shall conduct an audit in accordance with the requirements stipulated by the registrar."

Amendment of section 13 of Act 33 of 1957

10. Section 13 of the Interpretation Act, 1957, is hereby amended by the addition of the following subsection:

"(3) If any Act provides that that Act shall come into operation on a date fixed by the State President by proclamation in the Gazette, it shall be deemed that different dates may be so fixed in respect of different provisions of that Act. "

Amendment of section 8 of Act 56 of 1957, as amended by section 37 of Act 93 of 1962

11. Section 8 of the State Attorney Act, 1957, is hereby amended-

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

"(1) The State Attorney or the person in charge of a branch of the State Attorney's office shall be entitled in the exercise of his functions aforesaid to instruct and employ as correspondent any attorney or other qualified person to act in any legal proceedings or matters in any place in the same way and, mutatis mutandis, subject to the same rules, terms and conditions as govern attorneys in private practice, and shall be entitled to receive and recover from such correspondent the same allowances as he would be entitled to do if he were an attorney in private practice."; and

(b) by the addition of the following subsection:

"(3) The State Attorney or the person in charge of a branch of the State Attorney's office may delegate any power conferred upon him under this section to any person employed in the State Attorney's office or branch thereof, as the case may be.".

Amendment of section 4 of Act 44 of 1958, as inserted by section 50f Act 85 of 1991

12. Section 4 of the Post Office Act, 1958, is hereby amended-

(a) by the addition to subsection (3) of the following paragraph:

"(c) If a particular piece of State land was used jointly by the postal enterprise and the telecommunications enterprise immediately prior to the date mentioned in subsection (1), and the successor companies after that date agree to divide that piece of land between them without the payment of compensation by one party to the other or without giving anything in exchange therefor, the subdivision of the land concerned shall be exempted from the payment of transfer duty, stamp duty or other fees if, upon the registration of the subdivision, a certificate signed by the secretaries of both successor companies is submitted in which it is certified that an agreement as contemplated in this paragraph has been concluded."
";

(b) by the insertion after subsection (4) of the following subsection:

"(4A) (a) Subject to the provisions of paragraph (b), a successor company shall have the right to use its immovable property for the purposes for which the department used the property concerned on the date immediately prior to the date mentioned in subsection (1) or for which it was intended to be used on that date.

(b) If land of a successor company has not been zoned, or has in terms of an applicable township construction or development scheme, guide plan or statutory provision been zoned or intended for purposes other than those for which it is used on the date immediately prior to the date mentioned in subsection (1), the successor company concerned shall as soon as practicable conclude an agreement with the local authority responsible for the zoning or re-zoning of land in the area concerned with regard to the zoning or re-zoning of the land concerned for a purpose which is in accordance with the use

thereof on the date immediately prior to the date mentioned in subsection (1): Provided that-

- (i) if such agreement has been concluded, that agreement shall be reduced to writing and the local authority concerned shall, if necessary, amend its township construction or development scheme or guide plan accordingly;
- (ii) if such agreement could not be concluded, the matter shall be referred to the Administrator of the province concerned, who may grant permission for or approval of the zoning or re-zoning concerned on such conditions as he may deem necessary.

(c) The local authority-

- (i) with which any agreement in terms of paragraph (b) has been concluded; or
- (ii) within whose area of jurisdiction that land is situated, in the case of land referred to in paragraph (b)(ii), shall record, in respect of the land concerned, the appropriate zoning, after which such zoning shall for all purposes be regarded as the zoning of such land."

Insertion of section 7A in Act 44 of 1958

13. The following section is hereby inserted in the Post Office Act, 1958, after section 7:

"Exemption of successor companies from certain laws

7A. If the department has performed an act or has commenced with the performance thereof, including any building work, construction work or other work completed or commenced with by the department, prior to the date mentioned in section 4(1) and the provisions of any law did not apply to the department in respect of that act, building work, construction work or other work, the provisions of that law shall likewise not apply to the successor company concerned in respect of that act, building work, construction work or other work."

Amendment of section 90A of Act 44 of 1958, as inserted by section 43 of Act 85 of 1991

14. Section 90A of the Post Office Act, 1958, is hereby amended by the addition of the following subsection:

"(3) (a) The Minister may, in respect of a power which vests in the Postmaster-General, by virtue of the provisions of subsection (2), prescribe conditions that shall apply if a right granted in terms of subsection (2)(a) is exercised.

(b) The conditions referred to in paragraph (a) shall also apply to a successor company provided that the regulations concerned were made after consultation with that successor company."

Amendment of section 32 of Act 8 of 1959, as amended by section 14 of Act 101 of 1969 and section 12 of Act 68 of 1993

15. Section 32 of the Correctional Services Act, 1959, is hereby amended by the insertion after subsection (2) of the following subsection:

"(2A) When a person receives more than one sentence of correctional supervision referred to in section 276(1)(h) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or receives additional sentences of correctional supervision while serving a sentence of correctional supervision, each such sentence shall be served the one after the expiration, setting aside or remission of the other in such order as the Commissioner may determine, unless the court specifically directs otherwise, or unless the court directs that such sentences shall run concurrently: Provided that if such sentences in the aggregate exceed a period of three years, a period of not more than three years from the date on which the first of the said sentences commenced shall be served, unless the court, when imposing sentence, directs otherwise."

Repeal of section 5 of Act 57 of 1959

16. Section 5 of the Stock Theft Act, 1959, is hereby repealed.

Amendment of section 1 of Act 59 of 1959, as amended by section 1 of Act 15 of 1969, Proclamation 222 of 6 November 1981 and section 3 of Act 105 of 1982

17. Section 1 of the Supreme Court Act, 1959, is hereby amended by the deletion of the definition of "Republic".

Amendment of section 10 of Act 59 of 1959, as amended by section 1 of Act 85 of 1963, section 1 of Act 41 of 1970, section 2 of Act 3 of 1977, section 1 of Act 18 of 1985, section 2 of Act 87 of 1985, section 3 of Act 98 of 1987, section 16 of Act 88 of 1989 and section 4 of Act 4 of 1991

18. Section 10 of the Supreme Court Act, 1959, is hereby amended by the deletion in paragraph (a) of subsection (2) of the words "or of the territory of South-West Africa".

Amendment of section 19bis of Act 59 of 1959, as inserted by section 40 of Act 80 of 1964 and amended by section 2 of Act 18 of 1985

19. Section 19bis of the Supreme Court Act, 1959, is hereby amended by the deletion in paragraph (a) of subsection (5) of the expression "not exceeding R300".

Amendment of section 20 of Act 59 of 1959, as substituted by section 7 of Act 105 of 1982

20. Section 20 of the Supreme Court Act, 1959, is hereby amended-

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

*"(1) An appeal from a judgment or order of the court of a provincial or local division in any civil proceedings or against any judgment or order of such a court given on appeal shall **subject to the provisions of subsection (3)** be heard by the appellate division or a full court, as the case may be."*

(b) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively-

"(a) If leave is granted under subsection (4)(b) to appeal against a judgment or order, in any civil proceedings, of a court constituted before a single judge, the court against whose judgment or order the appeal is to be made or the appellate division, according to whether leave is granted by that court or the appellate division, shall **if direct that the appeal be heard by a full court, unless** it is satisfied that the questions of law and of fact and the other considerations involved in the appeal are of such a nature that the appeal **does not require** requires the attention of the appellate division, **direct** which case it shall be directed that the appeal be heard by **a full court the appellate division.**

(b) Any **such** direction *in terms of paragraph (a)*, by the court of a provincial or local division, may be set aside by the appellate division on application made to it by any interested party within 21 days, or such longer period as may on good cause be allowed, after the direction was given, and may be replaced by another direction *in terms of paragraph (a)*." and

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

"An appeal which is to be heard by a full court in terms of a direction under **paragraph (a) of subsection (2) which has not been set aside under paragraph (b) of that subsection**, shall be heard-".

Amendment of section 21 of Act 59 of 1959, as amended by section 1 of Act 86 of 1977, Proclamation 222 of 6 November 1981, section 8 of Act 105 of 1982 and section 1 of Act 100 of 1987

21. Section 21 of the Supreme Court Act, 1959, is hereby amended by the substitution for subsection (1A) of the following subsection:

"(1A) The appellate division shall have the same jurisdiction to hear and determine an appeal from any decision **of the Supreme Court of South West Africa or** of a supreme court or a high court of a state to which independence has been granted by law, as it has in respect of any decision of the court of a provincial or local division, and any provision of this Act or any other law or rule of court applicable in connection with any appeal from a decision of any court of any provincial or local division shall mutatis mutandis apply with reference to any appeal from a decision **of the Supreme Court of South West Africa or** of a supreme court or a high court of such a state.".

Insertion of section 21A in Act 59 of 1959

22. The following section is hereby inserted in the Supreme Court Act, 1959, after section 21:

"Powers of court of appeal in certain civil proceedings

21A. (1) *If a court of appeal (other than an inferior court) is*

of the opinion that the questions of fact and the other considerations relevant to the appeal are of such a nature that, even if judgment is given or an order is made which favours the person who appeals, such judgment or order will have no practical effect or result, the court concerned may strike that appeal off the roll.

(2) If an appeal is so struck off the roll such striking off shall be regarded as the judgment or order of that court in the appeal concerned.

(3) An appeal shall only be struck off the roll in terms of subsection (1) after the court of appeal has heard the parties involved in the appeal or considered written representations of such parties at a time and place determined by the court.

(4) Notwithstanding the striking off of an appeal in terms of this section, the court concerned may still consider the questions of law and of fact and the other considerations which are relevant to the appeal in order to make an appropriate order as to costs, including the costs pertaining to the original decision against which an appeal was lodged.

(5) The registrar of the court of appeal shall give notice to the parties involved in the appeal of the time and place referred to in subsection (3)

(6) The provisions of this section shall mutatis mutandis apply if a petition referred to in section 21(3) is considered in accordance with the provisions of that section."

Amendment of section 26 of Act 59 of 1959, as substituted by section 5 of Act 85 of 1963 and amended by Proclamation 222 of 6 November 1981

23. Section 26 of the Supreme Court Act, 1959, is hereby amended by the deletion in subsection (1) of the words "or of the Supreme Court of South West Africa".

Amendment of section 30 of Act 59 of 1959, as substituted by section 6 of Act 4 of 1991

24. Section 30 of the Supreme Court Act, 1959, is hereby amended by the deletion in subsection (4) of the expression "not exceeding R1 000".

Amendment of section 32 of Act 59 of 1959, as amended by section 8 of Act 85 of 1963, Proclamation 222 of 6 November 1981 and section 4 of Act 18 of 1985

25. Section 32 of the Supreme Court Act, 1959, is hereby amended-

(a) by the deletion in subsection (2) of the words "or of the Supreme Court of South West Africa";

(b) by the substitution for subsection (3) of the following subsection:

"(3) Upon receipt of the certificate aforesaid or a like certificate from the registrar of the Supreme Court of South West Africa and of the interrogatories and amounts aforesaid, the commissioner shall summon the said person to appear before him, and

upon his appearance shall take his evidence as if he was a witness in a civil case in the said court, and shall put to him the interrogatories aforesaid with any other questions calculated to obtain full and true answers to the said interrogatories and shall take down or cause to be taken down the evidence so obtained, and shall transmit the same, certified as correct, to the registrar of the court wherein the civil proceedings in question are pending."; and

- (c) by the deletion in subsection (5) of the expression "not exceeding R300".

Amendment of section 36 of Act 59 of 1959, as amended by Proclamation 222 of 6 November 1981 and section 64 of Act 90 of 1986

26. Section 36 of the Supreme Court Act, 1959, is hereby amended-

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

"(1) The sheriff or a deputy-sheriff shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes of the court directed to the sheriff and shall, *subject to the rules made in terms of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985)*, make return of the manner of execution thereof to the court and to the party at whose instance they were issued."; and

- (b) by the deletion in subsection (3) of the words "(including the Supreme Court of South West Africa)".

Amendment of section 39 of Act 59 of 1959, as amended by section 10 of Act 85 of 1963 and section 5 of Act 18 of 1985

27. Section 39 of the Supreme Court Act, 1959, is hereby amended-

- (a) by the substitution for paragraphs (b) and (c) of the following paragraphs, respectively:

"(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the **sum of R1 000** amount determined by the Minister from time to time by notice in the Gazette;

(c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the **sum of R1 000** amount determined by the Minister from time to time by notice in the Gazette;"; and

- (b) by the substitution for paragraphs (e) and (f) of the following paragraphs, respectively:

"(e) tools and implements of trade in so far as they do not exceed in value the **sum of R1 000** amount determined by the Minister from time to time by notice in the Gazette;

(f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the **sum of R1 000** amount determined by the Minister

from time to time by notice in the Gazette;".

Amendment of section 40 of Act 59 of 1959, as substituted by section 4 of Act 41 of 1970 and amended by section 6 of Act 18 of 1985 and section 64 of Act 90 of 1986

28. Section 40 of the Supreme Court Act, 1959, is hereby amended by the deletion of the expression "not exceeding R500".

Amendment of section 41 of Act 59 of 1959, as amended by Proclamation 222 of 6 November 1981

29. Section 41 of Supreme Court Act, 1959, is hereby amended by the deletion of the words "(including the Supreme Court of South West Africa)", wherever they occur.

Amendment of section 1 of Act 87 of 1963, as amended by section 1 of Act 98 of 1977

30. Section 1 of the Territorial Waters Act, 1963, is hereby amended by the insertion before the definition of "low-water mark" of the following definition: " 'installation' means any offshore installation as defined in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981);".

Insertion of section 5A in Act 87 of 1963

31. The following section is hereby inserted in the Territorial Waters Act, 1963, after section 5:

"Application of laws to installations

5A. (1) Any law in force in the Republic, including the common law, shall also apply in respect of an installation, or within a distance of 500 metres from an installation measured from any point on the exterior side of such installation.

(2) For the purposes of subsection (1) an installation shall be deemed to be situated within the district as defined in section 1 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), nearest to that installation or, if any doubt exists, within the district designated by the Minister of Justice."

Amendment of section 50 of Act 30 of 1966, as substituted by section 9 of Act 29 of 1977 and amended by section 14 of Act 1 of 1982 and section 14 of Act 130 of 1992

32. Section 50 of the Unemployment Insurance Act, 1966, is hereby amended by the addition of the following provisos to subsection (3):

" : Provided that a different method of determination may be prescribed in respect of remuneration in kind supplied by an employer in agriculture: Provided further that if an employer and a contributor in agriculture should agree in writing on the value of remuneration in kind to be supplied by the employer, such value agreed upon shall, for the purposes of this section, be deemed to be the value determined in accordance with the prescribed method."

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 and section 9 of Act 51 of 1991

33. Section 29 of the Mental Health Act, 1973, is hereby amended-

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

" (a) Where any person is with reference to a charge of murder or culpable homicide or a charge involving serious violence, detained as a State patient under the provisions of section 27, 28 or 29 of the Mental Disorders Act, 1916 (Act No. 38 of 1916), a judge in chambers may at any time after the order of detention, on written application being made to him by the official curator ad litem **for a recommendation to the Minister of Justice** that such person be discharged either absolutely or conditionally or that he cease to be treated as a State patient **make such recommendation as he may think fit, order-**

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

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

(b) by the deletion of subsections (2), (3) and (4);

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

"(5) It shall be the function of the official curator ad litem to decide for the purposes of subsections (1)(a)(**4**) and (4A) whether any charge with reference to which a person is detained as a State patient, involves or does not involve serious violence."; and

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

"(6) On receipt of the order **of the Minister under subsection (4) or** of the hospital board under subsection (4A)(a) that a State patient shall cease to be treated as such, the superintendent of the institution or the person in charge of the place in which the patient is being detained shall forthwith transmit a report as to the condition of the patient to the of finical curator ad litem, who shall without delay transmit the report, together with such other documents as may be deemed necessary, to the registrar of the court for submission to a judge in chambers."

Amendment of section 4 of Act 66 of 1974, as amended by section 78 of Act 85 of 1991 and section 13 of Act 101 of 1992

34. Section 4 of the Post Office Service Act, 1974, is hereby amended-

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

"(b) The Board shall consist of the Postmaster General, who shall be chairman thereof, and the officers *and other persons (if any)* who are members of the Board in terms of the provisions of subsection (2).";

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

"(2) *The officers and other persons referred to in subsection (1)(b) shall consist of at least two but not more than four such officers or other persons and, in the case of officers, such officers shall hold office in the second, third or fourth highest post level in the department or, in the case of the other persons, serve in such a post level.*"; and

(c) by the deletion of subsection (5).

Amendment of section 9 of Act 66 of 1974, as amended by section 6 of Act 27 of 1985

35. Section 9 of the Post Office Service Act, 1974, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) Notwithstanding the provisions of subsection (1), any power referred to in that subsection shall be performed by the Minister where such power relates to the post of Postmaster General **or any post of which the holder is, by virtue of his occupancy thereof, a member of the Board.**".

Amendment of section 10A of Act 66 of 1974, as inserted by section 8 of Act 27 of 1985 and amended by section 14 of Act 101 of 1992

36.(1) Section 10A of the Post Office Service Act, 1974, is hereby amended-

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

"(b) an officer's term of office as Postmaster General as prescribed in paragraph (a) may **subject to the provisions of subsection (2)** be extended at the expiry thereof for a period or successive periods **of at least one year at a time but** not exceeding five years at a time, as the Minister may approve."; and

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

(2) Paragraph (b) of subsection (1) shall be deemed to have come into operation on 1 December 1991.

Amendment of section 1 of Act 25 of 1977, as amended by section 1 of Act 31 of 1984 and section 1 of Act 85 of 1990

37. Section 1 of the Livestock Improvement Act, 1977, is hereby amended by the insertion of the following definitions after the definition of "embryo transferer":

" 'export' means to take out or send any animal, semen, ovum or egg from the Republic to a country or territory outside the Republic or to cause any animal, semen, ovum or egg to be so taken or sent out;

'import' means to bring any animal, semen, ovum or egg from outside the Republic into the Republic or to cause any animal, semen, ovum or egg to be so brought into the Republic;".

Amendment of section 1 of Act 51 of 1977, as amended by section 1 of Act 107 of 1990, section 1 of Act 5 of 1991 and section 35 of Act 122 of 1991

38. Section 1 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the definition of "bank" of the following definition:

" 'bank' means a **banking institution** *bank* as defined in section 1 of the Banks Act, **1965 (Act 23 of 1965)**^{1990 (Act 94 of 1990)}, and includes the Land and Agricultural Bank of South Africa referred to in section 3 of the Land Bank Act, 1944 (Act 13 of 1944), and a mutual building society as defined in section 1 of the Mutual Building Societies Act, 1965 (Act 24 of 1965) **and a building society as defined in section 1 of the Building Societies Act, 1986 (Act 82 of 1986);**''

Amendment of section 9 of Act 51 of 1977

39. Section 9 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

" (a) the **sum of one hundred rand** *amount the Minister may from time to time determine by notice in the Gazette* as security that he will prosecute the charge against the accused to a conclusion without undue delay; and

(b) the amount such court may determine as security for the costs which **the accused** *may incur* **be incurred** in respect of **his** *the accused's* defence to the charge."

Substitution of section 16 of Act 51 of 1977

40. The following section is hereby substituted for section 16 of the Criminal Procedure Act, 1977:

"Costs of accused in private prosecution

16. (1) Where in a private prosecution, other than a prosecution contemplated in section 8, the charge against the accused is dismissed or the accused is acquitted or a decision in favour of the accused is given on appeal, the court dismissing the charge or acquitting the accused or deciding in favour of the accused on appeal, may order the private prosecutor to pay to such accused the whole or any part of the costs and expenses incurred **by him** in connection with the prosecution or, as the case may be, the appeal.

(2) Where the court is of the opinion that a private prosecution was unfounded and vexatious, it shall award to the accused at his request such costs and expenses incurred **by him** *in connection with the prosecution*, as it may deem fit."

Amendment of section 40 of Act 51 of 1977

41. Section 40 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) who has in his possession any implement of housebreaking_ carbreaking as contemplated in section 82 of the General Law Third Amendment Act, 1993, and who is unable to account for such possession to the satisfaction of the peace officer;".

Amendment of section 77 of Act 51 of 1977, as amended by section 10 of Act 33 of 1986 and section 9 of Act 51 of 1991

42. Section 77 of the Criminal Procedure Act, 1977, is hereby amended-

(a) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

"(a) If the court finds that the accused is not capable of understanding the proceedings so as to make a proper defence, the court shall direct that the accused be detained in a **mental psychiatric** hospital or a prison pending the signification of the decision of **the Minister** a judge in chambers, and if the court so directs after the accused has pleaded to the charge, the accused shall not be entitled under section 106(4) to be acquitted or to be convicted in respect of the charge in question.";

(b) by the substitution for subsection (7) of the following subsection:

"(7) Where a direction is issued under subsection (6) or (9) that the accused be detained in a **mental psychiatric** hospital or a prison pending the signification of the decision of **the Minister** a judge in chambers, the accused may at any time thereafter, when he is capable of understanding the proceedings so as to make a proper defence, be prosecuted and tried for the offence in question."; and

(c) by the substitution for subsection (9) of the following subsection:

"(9) Where an appeal against a finding under subsection (S) is allowed, the court of appeal shall set aside the conviction and sentence and direct that the person concerned be detained in a **mental psychiatric** hospital or a prison pending the signification of the decision of **the Minister** a judge in chambers.".

Amendment of section 78 of Act 51 of 1977, as amended by section 11 of Act 33 of 1986 and section 9 of Act 51 of 1991

43. Section 78 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (6) for the words following upon paragraph (b) of the following words:

"by reason of mental illness or mental defect, as the case may be, and direct that the accused be detained in a **mental psychiatric** hospital or a prison pending the signification of the decision of **the Minister** a judge in chambers.' .

Amendment of section 79 of Act 51 of 1977

44. Section 79 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsections (1) and (2) for the expression "mental hospital", wherever it occurs, of the expression "psychiatric hospital".

Substitution of section 236 of Act 51 of 1977

45. The following section is hereby substituted for section 236 of the Criminal Procedure Act, 1977:

"Proof of entries in accounting records and documentation of banks

236. (1) The entries in the **account books** *accounting records of a bank, including any ledger, daybook or cash-book* and any document which is in the possession of any bank and which refers to the said entries or to any business transaction of the bank, shall, upon the mere production at criminal proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges-

- (a) that he is in the service of the bank in question;
- (b) that such **account books** are or have been *accounting records or document is or has been* the ordinary **books** *records or document* of such bank;
- (c) that the said entries have been made in the usual and ordinary course of the business of such bank *or the said document has been compiled, printed or obtained in the usual and ordinary course of the business of such bank;* and
- (d) that such **account books** are *accounting records or document is* in the custody or under the control of such bank, be prima facie proof at such proceedings of the matters, transactions and accounts recorded in such **account books** *counting records or document.*

(2) Any entry in any **account book** accounting record referred to in subsection (1) or any document referred to in subsection (1) may be proved at criminal proceedings upon the mere production at such proceedings of a document purporting to be an affidavit made by any person who in that affidavit alleges-

- (a) that he is in the service of the bank in question;
- (b) that he has examined the entry, **and the account book** *accounting record or document* in question; and
- (c) that a copy of such entry *or document* set out in the affidavit or in an annexure thereto is a correct copy of such entry *or document.*

(3) Any party at the proceedings in question against whom evidence is adduced in terms of this section or against whom it is intended to adduce evidence in terms of this section, may, upon the order of the court before which the proceedings are pending, inspect the original of the document or entry in question and any **account book** *accounting record* in which such entry appears or of which such entry forms part, and such party may make copies of such *document or entry*, and the court shall, upon the application of the party concerned, adjourn the proceedings for the purpose of such inspection or the making of such copies.

(4) No bank shall be compelled to produce any **account book** *accounting record* referred to in subsection (1) at any criminal proceedings, unless the court concerned orders that any such **book record** be produced.

(5) *In this section-*

'document' includes a recording or transcribed computer printout produced by any mechanical or electronic device and any device by means of which information is recorded or stored; and

'entry' includes any notation in the accounting records of a bank by I any means whatsoever."

Amendment of section 276A of Act 51 of 1977, as inserted by section 42 of Act 122 of 1991

46. Section 276A of the Criminal Procedure Act, 1977, is hereby amended-

(a) by the substitution in subsection (3) for the words following upon subparagraph (ii) of paragraph (a) of the following words: "the Commissioner may, if he is of the opinion that such a person is fit to be subjected to correctional supervision, apply to the clerk or registrar of the court, as the case may be, to have that person appear before the court a quo in order to reconsider the said sentence.";

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

" (b) On receipt of any application referred to in paragraph (a) the clerk or registrar of the court as the case may be, shall after consultation with the prosecutor, set the matter down for a specific date on the roll of the court concerned."; and

(c) by the substitution in subsection (3) for the words preceding subparagraph (i) of paragraph (c) of the following words:

"The clerk or registrar of the court, as the case may be, shall for purposes of the reconsideration of the sentence in accordance with this subsection-".

Amendment of section 2X0 of Act 51 of 1977

47. Section 280 of the Criminal Procedure Act, 1977, is hereby amended-

(a) by the substitution for subsection (2) of the following subsection:

"(2) Such punishments, when consisting of imprisonment, shall commence the one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such **punishment sentences of imprisonment** shall run concurrently."; and

(b) by the addition of the following subsection:

"(3) *Such punishments, when consisting of correctional supervision referred to in section 276(1) (h), shall commence the*

one after the expiration, setting aside or remission of the other, in such order as the court may direct, unless the court directs that such punishments of correctional supervision shall run concurrently: Provided that if such punishments in the aggregate exceed a period of three years, a period of not more than three years from the date on which the first of the said punishments has commenced shall be served, unless the court, when imposing sentence, otherwise directs."

Amendment of section 282 of Act 51 of 1977, as substituted by section 13 of Act 5 of 1991

48. Section 282 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for the words following upon paragraph (b) of the following words: *"imposed on any person on conviction for an offence is set aside on appeal or review and any sentence of imprisonment or other sentence of imprisonment is thereafter imposed on such person in respect of such offence in place of the sentences referred to in paragraph (a) or (b), respectively, or any other offence which is substituted for that offence on appeal or review, the sentence which was later imposed may, if the court imposing it is satisfied that the person concerned has spent a period of time in prison awaiting the execution of the sentence referred to in paragraph (a) or has served any part of the sentence referred to in paragraph (b), be antedated by the court to a specified date, which shall not be earlier than the date on which the sentences referred to in paragraphs (a) and (b) were imposed, and thereupon the sentence which was later imposed shall be deemed to have been imposed on the date so specified."*

Amendment of section 297 of Act 51 of 1977, as amended by section 21 of Act 59 of 1983 and section 20 of Act 33 of 1986

49. Section 297 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (9) for the words preceding paragraph (a) of the following words:

"If any condition imposed under this section is not complied with, the person concerned may upon the order of any court, or if it appears from information under oath that the person concerned has failed to comply with such condition, upon the order of any magistrate, regional magistrate or judge, as the case may be, be arrested or detained and, where the condition in question-

Insertion of section 308A in Act 51 of 1977

50. The Criminal Procedure Act, 1977, is hereby amended by the insertion of the following section after section 308:

"Correctional supervision not suspended unless bail granted

308A. The execution of a sentence of correctional supervision referred to in section 276(1)(h), shall not be suspended by the transmission of the record for review in terms of section 304(4), unless the court which imposed the sentence releases the person convicted- (a) on bail, in which case the provisions of section 307(2), (3), (4), (5) and (6) shall mutatis mutandis apply;

(b) on warning on a condition as contemplated in section 307(3), in

which case the provisions of section 72 shall mutatis mutandis apply to the extent to which they can be applied.".

Amendment of section 309 of Act 51 of 1977, as amended by section 17 of Act 105 of 1982 and section 8 of Act 107 of 1990

51. Section 309 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

"(b) sections 307, and 308 and 308A shall mutatis mutandis apply with reference to the sentence appealed against, including a sentence of a whipping imposed under section 294.".

Amendment of section 16 of Act 53 of 1979

52. Section 16 of the Attorneys Act, 1979, is hereby amended by the addition of the following paragraph:

"(d) if his estate has at any time been sequestered, whether provisionally or finally, that despite such sequestration he is a fit and proper person to be so admitted or readmitted and enrolled.".

Amendment of section 22 of Act 53 of 1979, as amended by section 4 of Act 76 of 1980, section 9 of Act 108 of 1984 and section 12 of Act 87 of 1989

53. Section 22 of the Attorneys Act, 1979, is hereby amended by the addition to subsection (1) of the following paragraph

"(e) if his estate has been finally sequestered and he is unable to satisfy the court that despite his sequestration he is still a fit and proper person to continue to practice as an attorney.".

Amendment of section 69 of Act 53 of 1979, as amended by section 23 of Act 87 of 1989 and section 5 of Act 102 of 1991

54. Section 69 of the Attorneys Act, 1979, is hereby amended- (a) by the insertion after paragraph (d) of the following paragraph:

"(dA) authorize any practitioner, after the submission of reasons which are acceptable to the council, to deviate in a particular case from any prescribed tariff for conveyancing services ;"i and

(b) by the substitution for paragraph (h) of the following paragraph:

"(h) prescribe the manner of assessment of the fees payable by any person to a practitioner in respect of the performance of any work other than litigious work and in respect of expenses reasonably incurred by such practitioner in connection with the performance of that work and, mero motu or at the request of such person or practitioner, assess such fees in the prescribed manner;".

Amendment of section 13 of Act 56 of 1981, as amended by section 10 of Act 39 of 1990

55. Section 13 of the Manpower Training Act, 1981, is hereby amended by the substitution for subsection (12) of the following subsection:

"(12) If an apprentice passes a trade test prescribed under subsection (2) (h), the registrar shall in collaboration with the training board in question, *within 14 days after the last day of the test* issue to him a certificate to that effect and his contract of apprenticeship shall be deemed to be terminated with effect from the last day of the test."

Amendment of section 2 of Act 99 of 1983

56. Section 2 of the Universities and Technikons Advisory Council Act, 1983, is hereby amended-

(a) by the substitution in subsection (2) for the words preceding subparagraph (i) of paragraph (b), of the following words:

"**twelve** 16 members appointed by the Minister, of whom-
"; and

(b) by the substitution in subsection (2) for subparagraph (iii) of paragraph (b), of the following subparagraph:

"(iii) **eight** 12 shall be persons with special knowledge and experience of educational, economic and financial matters and of the functions of universities and technikons; and".

Amendment of section 3 of Act 99 of 1983

57. Section 3 of the Universities and Technikons Advisory Council Act, 1983, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) degree, diploma and certificate courses offered at universities and **diploma and certificate courses offered at** technikons or which should be so offered;".

Amendment of section 5 of Act 99 of 1983

58. Section 5 of the Universities and Technikons Advisory Council Act 1983 is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The proceedings of the Advisory Council *or of a committee referred to in section 4* shall not be invalid by reason only of the fact that a vacancy exists on the Advisory Council *or such committee, as the case may be.*"

Amendment of section 1 of Act 122 of 1984, as amended by section 1 of Act 52 of 1987 and section 1 of Act 53 of 1991

59. Section 1 of the Forest Act, 1984, is hereby amended by the substitution for the definition of "local authority" of the following definition:

" 'local authority' means any **institution or body contemplated in section 84(1)(f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)** local authority as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of

1983);".

Amendment of section 18 of Act 122 of 1984

60. Section 18 of the Forest Act, 1984, is hereby amended by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):

"(b) The Minister of Agriculture may delegate the Dower vested in him under paragraph (a) to an officer in the Department of Agriculture."

Substitution of section 3 of Act 107 of 1985, as amended by section 2 of Act 77 of 1989

61. The following section is hereby substituted for section 3 of the Rules Board for Courts of Law Act, 1985:

"Constitution of Board and period of office of members

3. (1) The Board shall consist of the following members appointed by the Minister, namely-

- (a) a judge of appeal of the appellate division of the Supreme Court of South Africa, as chairman*
- (b) two judges of the Supreme Court, one of whom the Minister shall designate as the vice-chairman;*
- (c) one advocate, after consultation with the General Council of the Bar of South Africa;*
- (d) one attorney, after consultation with the Association of Law Societies of the Republic of South Africa;*
- (e) two other persons who in the opinion of the Minister have the necessary experience and knowledge to serve as members of the Board.*

(2) Not more than three members of the Board designated by the Minister, shall hold their office as members of the Board, and shall perform their functions under this Act, in a full-time capacity.

(3) The Minister may appoint one or more additional members if he deems it necessary for the investigation of any particular matter by the Board.

(4) A member of the Board-

- (a) referred to in subsection (1), shall be appointed for a period of not more than five years;*
- (b) referred to in subsections (2) and (3), shall be appointed for a period and on the conditions determined by the Minister and any such appointment may be revoked at any time by the Minister if in his opinion there are good reasons therefor.*

(5) Any person whose period of office as a member of the Board has expired, shall be eligible for reappointment."

Amendment of section 6 of Act 107 of 1985, as amended by section 4 of Act 77 of 1989 and section 24 of Act 139 of 1992

62. Section 6 of the Rules Board for Courts of Law Act, 1985, is hereby amended by the insertion after subsection (6) of the following subsection:

"(6A) The Board may do research with reference to the functioning and structure of the courts, the criminal procedure law and the civil procedure law of the Republic in order to advise the Minister on the development, improvement or reform thereof."

Substitution of section 8 of Act 107 of 1985

63. The following section is hereby substituted for section 8 of the Rules Board for Courts of Law Act, 1985:

"Remuneration, allowances, benefits and privileges of members

8.(1) A member of the Board who-

(a) is a judge of the Supreme Court of South Africa shall, notwithstanding anything to the contrary contained in any other law, in addition to his salary and any allowance, including any allowance for reimbursement of travelling and subsistence expenses, which may be payable to him in his capacity as such a judge, be entitled to such allowance (if any) in respect of the performance of his functions as such a member as the Minister with the concurrence of the Minister of State Expenditure may determine;

(b) is not such a judge and is not subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), shall be entitled to such remuneration, allowances (including allowances for reimbursement of travelling and subsistence expenses incurred by him in the performance of his functions under this Act), benefits and privileges as the Minister with the concurrence of the Minister of State Expenditure may determine.

(2) The remuneration, allowances, benefits or privileges of different members of the Board may differ according to-

(a) the different offices held by them in the Board; or

(b) the different functions performed, whether in a part-time or full-time capacity, by them from time to time.

(3) In the application of subsections (1) and (2), the Minister may determine that any remuneration, allowance, benefit or privilege contemplated in those subsections, shall be the remuneration, allowance, benefit or privilege determined from time to time by or under any law in respect of any person or category of persons."

Amendment of section 9 of Act 107 of 1985

64. Section 9 of the Rules Board for Courts of Law Act, 1985, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

" (2) The Board may, with the approval of the Minister and the concurrence of the Minister of State Expenditure, on a temporary basis or for a particular matter which is being investigated by it, employ any person with special knowledge of any matter relating to the work of the Board, or obtain the co-operation of any body, to advise or assist the Board in the performance of its functions under this Act, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body."

Amendment of section 4 of Act 85 of 1986

65. Section 4 of the South African Certification Council Act, 1986, is hereby amended-

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

"(ii) **nine** 12 members selected by the Minister from the names of persons which at his request by notice in the Gazette have been submitted to him within the period specified therein by any body, society or organization that may wish to submit names to him for that purpose; **and**"; and

(b) by the insertion in subsection (1) after paragraph (b) of the following paragraphs:

"(bA) one member of the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955), appointed by the Minister upon the recommendation of the said Committee;

(bB) one member of the Committee of Technikon Principals established by section 28 of the Technikons (National Education) Act, 1967 (Act No. 40 of 1967), appointed by the Minister upon the recommendation of the said Committee; and".

Amendment of section 45 of Act 12 of 1988, as amended by section 9 of Act 98 of 1990 and section 17 of Act 57 of 1992

66. Section 45 of the Sea Fishery Act, 1988, is hereby amended by the insertion in subsection (1) after subparagraph (v) of paragraph (IA), of the following subparagraph:

"(vi) be transferred at sea from one vessel or fishing boat to another vessel or fishing boat,".

Amendment of section 47 of Act 12 of 1988, as amended by section 10 of Act 98 of 1990 and section 18 of Act 57 of 1992

67. Section 47 of the Sea Fishery Act, 1988, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) catches or kills fish by detonating any substance in the sea, except on the authority of a permit issued by the director-general and in accordance with the conditions of such a permit;".

Amendment of section 50 of Act 12 of 1988, as amended by section 12 of Act

98 of 1990

68. Section 50 of the Sea Fishery Act, 1988, is hereby amended by the insertion after subsection (4) of the following subsection:

"(4A) (a) If any person is found with more than the prescribed quantity or mass of fish in his possession or custody, he shall be deemed to have caught such fish, unless the contrary is proved.

(b) If any diving equipment and west-coast or east-coast rock lobster are found on board a vessel or fishing boat, such rock lobster shall be deemed to have been caught by means of the diving equipment, unless the contrary is proved."

Amendment of section 13 of Act 9 of 1989

69. (1) Section 13 of the Legal Succession to the South African Transport Services Act, 1989, is hereby amended by the substitution for subsection (1) of the following subsection:

*"(1) Subject to the provisions of subsection (2), the Company shall be entitled, up to a date **three** five years after the date referred to in section 3(1), to develop, to cause to be developed, to use and to let its immovable property for any purpose, including the construction and exploitation of buildings and structures for commercial purposes, notwithstanding the fact that the immovable property concerned is either not zoned or is zoned or intended for other purposes in terms of an applicable township construction or development scheme, guide plan or statutory provision."*

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1990.

Amendment of section 122 of Act 29 of 1989, as amended by section 22 of Act 39 of 1993

70. Section 122 of the Road Traffic Act, 1989, is hereby amended by the insertion after subsection (7) of the following subsection:

" (7A) Until the Minister in consultation with the Minister of Justice orders otherwise by notice in the Gazette, no breath specimen shall be taken unless a specimen of blood referred to in subsection (2) is taken together with the said breath specimen."

Amendment of section 12 of Act 88 of 1989

71. Section 12 of the Judges' Remuneration and Conditions of Employment Act, 1989, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) the method of transport of such judges, and of judges on their discharge from active service or removal from office, and of judges in the performance of service in terms of section 7, and of the members of their families and of the effects of judges or judges who have been discharged from active service or removed from office or judges who perform service in terms of section 7 or deceased judges, the amounts to be paid to judges or acting judges in connection with transport and subsistence, and the circumstances in which any such

transport may be provided and any such amounts may be paid;".

Amendment of section 4 of Act 90 of 1989, as amended by section 9 of Act 51 of 1991 and section 2 of Act 10 of 1993

72. Section 4 of the South African Reserve Bank Act, 1989, is hereby amended by the insertion in subsection (4) after paragraph (b) of the following paragraph:

"(bA) if he is a Minister or a Deputy Minister in the Government of the Republic; or".

Amendment of section 4 of Act 119 of 1990

73. Section 4 of the Agricultural Product Standards Act, 1990, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) An application for an approval referred to in subsection (1) shall-

(a) in the case where an assignee has been designated under section 2(3)(a), be made at the time and in the manner determined by such assignee, and upon payment of the fees that the said assignee determines; or

(b) in the case where no assignee has been so designated, be made in the prescribed manner and the prescribed fees shall, in respect of such application, be payable in the prescribed manner and at the prescribed time in respect of such application!..'

Amendment of section 7 of Act 119 of 1990

74. Section 7 of the Agricultural Product Standards Act, 1990, is hereby amended by the substitution for subsection (5) of the following subsection:

*"(5) In the case of action in terms of subsection (2)(a) or (f) by a person referred to in subsection (1)(a) or (b), the owner of the product concerned shall pay the prescribed fees or the amount determined by the assignee designated under section 2(3)(a), as the case may be, for such action **Provided that in the case of action by a person referred to in subsection (1)(b) such fees shall be payable in favour of the assignee, if so determined by the Minister with the concurrence of the Minister of Finance.**"*

Repeal of section 13 of Act 101 of 1992

75. Section 13 of the Posts and Telecommunications Acts Amendment Act 1992 is hereby repealed.

Amendment of section 33 of Act 51 of 1992

76. Section 33 of the Births and Deaths Registration Act, 1992, is hereby amended by the addition of the following subsection:

"(3) A person who was in the process of undergoing a change of sex before the commencement of this Act, may on completion of the said

process apply in terms of section 7B of the Births, Marriages and Deaths Registration Act, 1963, for the alteration of the sex description in his birth register."

Amendment of section 2 of Act 121 of 1992

77. Section 2 of the Abattoir Hygiene Act, 1992, is hereby amended by the substitution for subsection (4) of the following subsection:

" (4) The director may in writing delegate or assign to any officer **under his control** or, with the approval of the Minister, to any person who is not an officer, any power, duty or function conferred or imposed upon or assigned to him in terms of this Act, but the director shall not be divested of any power, duty or function so delegated or assigned, and may amend or withdraw any decision given by the officer or person by virtue of such delegation or assignment unless such decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal will be to the benefit of such person or if such person consents thereto."

Amendment of section 15 of Act 121 of 1992

78. Section 15 of the Abattoir Hygiene Act, 1992, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) The director or any officer or person acting under a delegation, assignment or direction of the director may, whenever he deems it necessary in the exercise or carrying out by him of any power or duty conferred or imposed upon the director in terms of this Act, at any reasonable time and without prior notice enter upon any place, premises or conveyance."

Amendment of section 30 of Act 122 of 1992

79. Section 30 of the Audit Arrangements Act, 1992, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A person holding a pensionable appointment in a post with an institution established by an Act of Parliament **and which obtains its funds directly in whole or in part from the State Revenue Fund** or an act of another legislative authority in the Republic of South Africa may with his consent and that of such institution and on the recommendation of the Board be transferred to and appointed in a post in the Office as contemplated in section 26."

Amendment of section 1 of Act 12X of 1992

80. Section 1 of the Management of State Forests Act, 1992, is hereby amended by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Water Affairs **and Forestry** except in section 5, where it means the Minister as referred to in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984)."

Amendment of section 4 of Act 12X of 1992

81. Section 4 of the Management of State Forests Act, 1992, is hereby amended-

(a) by the addition to subsection (3) of the following paragraph:

"(c) the provisions of sections 11(2), 17(4) and 74(a) of the Forest Act shall no longer apply to a State forest the management, control and operation of which are entrusted to the Company in terms of subsection (1)."- and

(b) by the deletion of subsection (4).

Failure to give satisfactory account of possession of implement or object

82. Any person who possesses any implement or object in respect of which there is a reasonable suspicion that it was used or is intended to be used to commit housebreaking, or to break open a motor-vehicle or to gain unlawful entry into a motor-vehicle, and who is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three years.

Interpretation of a law, and savings

83. (1) Any reference in any law or document to the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), shall be deemed to be a reference to the corresponding provision in the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991).

(2) Notwithstanding the repeal of paragraphs (k) up to and including (u) of subsection (1) and subsection (4) of section 2B of the Post Office Act, 1958 (Act No. 44 of 1958), by section 3 of the Post Office Amendment Act, 1991 (Act No. 85 of 1991), those paragraphs and that subsection shall remain applicable to the Department of Posts and Telecommunications.

(3) If a judge in chambers has, prior to the commencement of section 33 of this Act, made a recommendation to the Minister of Justice in terms of section 29(1) of the Mental Health Act, 1973 (Act No. 18 of 1973), concerning the discharge of a State patient, and an order under section 29(4) has not been issued prior to the date of the commencement of section 33 of this Act, the recommendation concerned shall be deemed to be the order in respect of the discharge of that State patient in terms of section 29(1) of the Mental Health Act, 1973, as amended by this Act.

(4) The provisions of subsection (2) shall be deemed to have come into operation on 19 June 1991.

Repeal of laws

84. The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

Short title and commencement

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

(2) Different dates may be so fixed in respect of different provisions of this Act.

SCHEDULE

LAWS REPEALED

(SECTION 84)

No. and year of law	Short title	Extent of repeal
Act No. 27 of 1882	The Police Offences Act, 1882 (Cape of Good Hope)	So much as is unrepealed.
Act No. 24 of 1886	The Native Territories Penal Code, 1886 (Cape of Good Hope)	So much as is unrepealed.
Act No. 10 of 1910	Criminal Law Amendment Act, 1909, 1910 (Natal)	Section 6(2)(c).
Ordinance No. 21 of 1902	The Police Offences Ordinance, 1902 (Orange Free State)	Section 26(1).
Ordinance No. 26 of 1904	The Crimes Ordinance, 1904 (Transvaal)	Section 7(b).
