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MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION CONCERNING ITS INVESTIGATION INTO PRESCRIPTION PERIODS (PROJECT 125)

The South African Law Reform Commission hereby releases its issue paper on prescription periods for general information and comment. No comprehensive review of all the provisions providing for different prescription periods - whether of a contractual or delictual nature - has been undertaken. When reporting on the Bill which subsequently became the Legal Proceedings Against Certain Organs of State Act 40 of 2002, the Portfolio Committee on Justice and Constitutional Development recommended that the Minister for Justice and Constitutional Development be approached to request the Commission to include in its programme an investigation into the harmonisation of the provisions of existing laws providing for different prescription periods. An investigation into the review of prescription periods was subsequently included in the Commission's programme.

The purpose of this issue paper is to announce the investigation, to clarify the aim and extent of the investigation, and to call for suggestions for solving existing problems. A questionnaire is included in the issue paper. A few of the questions raised are the following:

- Should different prescription periods be retained or should different periods of prescription be avoided as far as possible?
- Are all or some of the different prescription periods in section 11 of the Prescription Act justified?
- Are all or some of the different prescription periods in other legislation justified?
- Should there be special protection for public authorities regarding prescription?
- If it is decided that there should be one uniform prescription period for all or most cases, how long should this period be?
- Should it be allowable to contract out of the legislative prescription regime or to modify it by agreement?

- The scope of this review is limited to prescription periods. Is there a need to review other aspects of prescription or prescription in general?

The issue paper is obtainable free of charge from the Commission upon request. Written comments or suggestions should reach the Commission by **17 October 2003** at the following address:

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The issue paper has been made available on the Internet at the following address:

<http://www.law.wits.ac.za/salc/salc.html>

**ISSUED BY THE SECRETARY: SOUTH AFRICAN LAW REFORM COMMISSION,
PRETORIA**

DATE: 28 AUGUST 2003

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