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STAATSKOERANT VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PROCLAMATIONS

*by the State President of the Republic of
South Africa*

No. R. 93, 1979

VENDA.—ESTABLISHMENT OF A HIGH COURT FOR VENDA, REGULATIONS FOR THAT COURT, THE VALIDITY OF PROCESS OF THE SUPREME COURT OF SOUTH AFRICA, AN APPEAL COURT FOR COMMISSIONERS' COURTS AND A DIVORCE COURT IN THE AREA OF JURISDICTION OF THE HIGH COURT OF VENDA AND THE ADAPTATION OF STATUTORY PROVISIONS IN REGARD TO MASTERS, DEPUTY MASTERS AND ASSISTANT MASTERS OF THE SUPREME COURT OF SOUTH AFRICA

1. By virtue of the powers vested in me—

(1) by section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), I hereby—

(a) with effect from 1 July 1979, establish a High Court to be known as the High Court of Venda (hereinafter referred to as the High Court) for the area referred to in section 2 of the Venda Constitution Proclamation, 1973 (Proclamation R. 12 of 1973), as defined on the said date, to replace any provincial division of the Supreme Court of South Africa, any Appeal Court for Commissioners' Courts and any Divorce Court which has jurisdiction in the said area: Provided that for the purposes of the provisions of this Proclamation in relation to the appointment of a Chief Justice for the High Court, the remuneration and allowances payable to him and the making of regulations in terms of subsection (2B) of the said section 34 regulating any matter mentioned in subsection (1) (g) of that section, the High Court shall be deemed to be established with effect from 1 June 1979; and

(b) make the regulations contained in the Schedule hereto for the said High Court;

(2) by section 25 of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act

PROKLAMASIES

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 93, 1979

VENDA.—INSTELLING VAN 'N HOËRHOF VIR VENDA, REGULASIES VIR DAARDIE HOF, DIE GELDIGHEID VAN PROSESSTUKKE VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 'N APPELHOF VIR KOMMISSARISHOWE EN 'N EGSKEIDINGSHOF IN DIE REGSGEBIED VAN DIE HOËRHOF VAN VENDA EN DIE AANPASSING VAN WETSBEPALINGS MET BETREKKING TOT MEESTERS, ADJUNK-MEESTERS EN ASSISTENT-MEESTERS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

1. Kragtens die bevoegdheid my verleen—

(1) by artikel 34 van die Grondwet van die Swart State, 1971 (Wet 21 van 1971)—

(a) stel ek hierby, met ingang van 1 Julie 1979, 'n hoërhof in wat bekend staan as die hoërhof van Venda (hieronder die Hoërhof genoem) vir die gebied bedoel in artikel 2 van die Vendagrondwet-proklamasie, 1973 (Proklamasie R. 12 van 1973), soos op genoemde datum omskryf, ter vervanging van enige provinsiale afdeling van die Hooggeregshof van Suid-Afrika, enige Appèlhof vir Kommissarishowe en enige Egskeidingshof, wat in gemelde gebied regsbevoegdheid besit: Met dien verstande dat by die toepassing van die bepalinge van hierdie Proklamasie met betrekking tot die aanstelling van 'n Hoofregter vir die Hoërhof, die besoldiging en toelaes aan hom betaalbaar en die uitvaardiging kragtens subartikel (2B) van genoemde artikel 34 van regulasies vir die reëling van die een of ander aangeleentheid vermeld in subartikel (1) (g) van daardie artikel, die Hoërhof geag ingestel te wees met ingang van 1 Junie 1979; en

(b) vaardig ek hierby die regulasies in die Bylae hiervan vervat, uit vir genoemde Hoërhof;

(2) by artikel 25 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936

18 of 1936), I hereby determine, in relation to the area for which the said High Court is established, the following:

(a) Any reference in any law to a Master, Deputy Master or Assistant Master of or for a provincial division of the Supreme Court of South Africa shall be construed as a reference to a Master, Deputy Master or Assistant Master, as the case may be, of or for the High Court;

(b) any reference to the Minister in relation to the appointment of a Master, Deputy Master or Assistant Master for the High Court shall be construed as a reference to the Minister of Plural Relations and Development and he may, in his discretion, delegate any power, function or duty in connection with the High Court or its officials to the Secretary for Plural Relations and Development; and

(c) the process of a division of the Supreme Court of South Africa, an Appeal Court for Commissioners' Courts and a Divorce Court shall be of force in the area of jurisdiction of the High Court and any judgment or order of such division or court shall have the force of law in the area of jurisdiction of the High Court and may be served and executed in the area of jurisdiction thereof as if it were a process, a judgment or an order of the High Court.

2. This Proclamation shall be called the High Court of Venda Proclamation, 1979.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventh day of May, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

HIGH COURT OF VENDA

REGULATIONS

Definitions

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Black States Constitution Act, 1971 (Act 21 of 1971) (hereinafter referred to as the Act), bears the meaning so assigned thereto, and—

“advocate” means any person whose name appears in the register referred to in section 8 of the Admission of Advocates Act, 1964 (Act 74 of 1964), and who has not been suspended or whose name has not been struck off the roll of advocates;

“Appellate Division” means the Appellate Division of the Supreme Court;

“area” means the area over which the Court has jurisdiction;

“attorney” means any person who is duly permitted to practise as an attorney in any part of the Republic and who has not been suspended or whose name has not been struck off the roll of attorneys;

“Chief Justice” means, except where it is a reference to the Chief Justice of the Republic, the Chief Justice of the Court appointed in terms of regulation 2 (1);

(Wet 18 van 1936), bepaal ek hierby, met betrekking tot die gebied waarvoor genoemde Hoërhof ingestel is, soos volg:

(a) Enige verwysing in enige wet na 'n Meester, Adjunk-meester of Assistent-meester van of vir 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika word uitgelê as 'n verwysing na 'n Meester, Adjunk-meester of Assistent-meester, na gelang van die geval, van of vir die Hoërhof;

(b) enige verwysing na die Minister met betrekking tot die aanstelling van 'n Meester, Adjunk-meester of Assistent-meester vir die Hoërhof word uitgelê as 'n verwysing na die Minister van Plurale Betrekkinge en Ontwikkeling en hy kan, na goeddunke, enige bevoegdheid, funksie of plig in verband met die Hoërhof of sy ampsdraers deleger aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling; en

(c) die prosesstukke van 'n afdeling van die Hooggeregshof van Suid-Afrika, 'n Appèlhof vir Kommissarishowe en 'n Egskeidingshof geld in die regsgebied van die Hoërhof en enige vonnis of bevel van sodanige afdeling of hof het regskrag in die regsgebied van die Hoërhof en kan in die regsgebied daarvan beteken en ten uitvoer gelê word asof dit 'n prosesstuk, vonnis of bevel van die Hoërhof is.

2. Hierdie Proklamasie heet die Proklamasie op die Hoërhof van Venda, 1979.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Mei Eenduisend Negehoenderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

HOËRHOF VAN VENDA

REGULASIES

Woordomskrywings

1. In hierdie regulasies, tensy uit die samehang ander blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Swart State, 1971 (Wet 21 van 1971) (hieronder die Wet genoem), geheg is, daardie betekenis en beteken—

“advokaat” 'n persoon wie se naam in die register bedoel in artikel 8 van die Wet op die Toelating van Advokate, 1964 (Wet 74 van 1964), verskyn en wat nie geskors of wie se naam nie van die rol van advokate geskrap is nie;

“Appèlafdeling” die Appèlafdeling van die Hooggeregshof;

“eiser” ook 'n applikant of ander party wat in 'n siviele geding om regshulp aansoek doen;

“gebied” die gebied waaroor die Hof regsbevoegdheid uitoefen;

“griffier” 'n griffier of 'n assistent-griffier aangestel kragtens die bepalings van regulasie 26;

“Hof” die Hoërhof van Venda ingestel kragtens die bepalings van artikel 34 van die Wet;

"civil summons" means any summons whereby civil proceedings are commenced, and includes any rule nisi, notice of motion or petition the object of which is to require the appearance before the Court of any person against whom relief is sought in such proceedings or of any person who is interested in resisting the grant of such relief;

"Court" means the High Court of Venda established in terms of the provisions of section 34 of the Act;

"court day" means any day other than a Saturday, a Sunday or a public holiday in Venda and only court days shall be included in the computation of any time expressed in days prescribed by the rules of court;

"defendant" includes any respondent or other party against whom relief is sought in civil proceedings;

"full court" means a court consisting of two or more judges;

"Government" means the Government of the Republic;

"indigenous law and custom" means the law and customs of the Black nations of the Republic;

"lower court" means any court (other than the Court or a division of the Supreme Court) or administrative tribunal which is required to keep records of its proceedings, and includes a magistrate or other officer holding a preparatory examination into an alleged offence;

"Minister" means the Minister of Plural Relations and Development;

"plaintiff" includes any applicant or other party who seeks relief in civil proceedings;

"Public Service" means the Public Service of the Republic;

"Public Service Commission" means the Public Service Commission referred to in the Public Service Act, 1957 (Act 54 of 1957);

"registrar" means a registrar or assistant registrar appointed in terms of the provisions of regulation 26;

"rules of court" means the regulations referred to in section 34 (2B) of the Act and "rules" or "court rules" shall bear a corresponding meaning;

"Secretary" means the Secretary for Plural Relations and Development;

"Supreme Court" means the Supreme Court of the Republic of South Africa.

Appointment, remuneration, tenure of office and pensions of judges

2. (1) The State President shall appoint, under his Hand and the Seal of the Republic, a Chief Justice and as many judges for the Court as he may from time to time determine.

(2) (a) The Chief Justice and all other judges of the Court shall be fit and proper persons and shall receive such remuneration and other benefits, allowances and privileges as are prescribed by or under the Judges' Remuneration Act, 1978 (Act 91 of 1978), for judges of the Supreme Court, and which shall not be reduced during their continuance in office: Provided that the remuneration of the Chief Justice shall equal that of a judge president of a provincial division of the Supreme Court.

(b) An appointment under subregulation (1) may, in the case of a person holding office in an acting capacity by virtue of any appointment under subregulation (4), be made with retrospective effect from the commencement of the period during which he so held office or, where he has so held office for two or more periods which together constitute a single uninterrupted period, from the commencement of the first of such periods.

"hofdag" enige dag wat nie 'n Saterdag, 'n Sondag of openbare vakansiedag in Venda is nie, en by die berekening van 'n tydperk van dae by die hofreëls voorgeskryf, word slegs hofdae ingesluit;

"hofreëls" die regulasies bedoel in artikel 34 (2B) van die Wet, en het "reëls" of "reëls van die hof" 'n ooreenstemmende betekenis;

"Hoofregter", behalwe waar daar verwys word na die Hoofregter van die Republiek, die Hoofregter van die Hof aangestel kragtens regulasie 2 (1);

"Hooggeregshof" die Hooggeregshof van die Republiek van Suid-Afrika;

"inheemse reg en gebruik" die reg en gebruike van die Swart volke van die Republiek;

"laerhof" 'n hof (wat nie die Hof of 'n afdeling van die Hooggeregshof is nie) of 'n administratiewe tribunaal, wat notule van sy verrigtings moet hou, en ook 'n magistraat of ander beampte wat 'n voorlopige ondersoek in verband met 'n beweerde misdryf hou;

"Minister" die Minister van Plurale Betrekkinge en Ontwikkeling;

"prokureur" 'n persoon behoorlik toegelaat om binne enige deel van die Republiek as prokureur te praktiseer en wat nie geskors of wie se naam nie van die rol van prokureurs geskrap is nie;

"Regering" die Regering van die Republiek;

"Sekretaris" die Sekretaris van Plurale Betrekkinge en Ontwikkeling;

"siviele dagvaarding" 'n dagvaarding waarmee 'n siviele geding begin word, en ook 'n bevel nisi, kennisgewing van mosie of petisie, wat ten doel het om die verskyning voor die Hof te vereis van iemand teen wie regshulp in so 'n geding versoek word, of van iemand wat daarby belang het om die verlening van bedoelde regshulp teen te staan;

"Staatsdiens" die Staatsdiens van die Republiek;

"Staatsdienskommissie" die Staatsdienskommissie bedoel in die Staatsdienswet, 1957 (Wet 54 van 1957);

"verweerder" ook 'n respondent of ander party teen wie in 'n siviele geding om regshulp aansoek gedoen word;

"volle hof" 'n hof wat uit twee of meer regters bestaan.

Aanstelling, besoldiging, ampsduur en pensioene van regters

2. (1) Die Staatspresident stel onder sy Hand en die Seël van die Republiek 'n Hoofregter en soveel ander regters as wat hy van tyd tot tyd bepaal, aan vir die Hof.

(2) (a) Die Hoofregter en alle ander regters van die Hof moet geskikte persone wees en ontvang die besoldiging en ander voordele, toelaes en voorregte wat by of kragtens die Wet op Besoldiging van Regters, 1978 (Wet 91 van 1978), vir regters van die Hooggeregshof voorgeskryf word en wat nie, solank hulle die amp beklee, verminder mag word nie: Met dien verstande dat die besoldiging van die Hoofregter gelyk is aan dié van 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof.

(b) 'n Aanstelling kragtens subregulasie (1) kan, in die geval van iemand wat dan uit hoofde van 'n aanstelling kragtens subregulasie (4) in waarnemende hoedanigheid dien, terugwerkend gemaak word vanaf die begin van die tydperk wat hy aldus gedien het of, waar hy vir twee of meer tydperke wat tesame 'n enkele ononderbroke tydperk uitmaak, aldus gedien het, vanaf die begin van die eerste van daardie tydperke.

(3) (a) Any person appointed under subregulation (1) or (4), including a judge who has been seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as a judge of the Court, shall, before commencing to exercise the functions of his office, take an oath or make an affirmation, which shall be subscribed by him, in the form set out below, namely:

"I,, do hereby swear/solemnly
(full name)

and sincerely affirm and declare that I will, in my capacity as a judge of the High Court of Venda, administer justice to all persons alike without fear, favour or prejudice and, as the circumstances of any particular case require, in accordance with the law and customs of the area over which the said Court exercises jurisdiction."

(b) Any such oath or affirmation shall be taken or made before the senior available judge of the Court, who shall at the foot thereof endorse a statement to the effect that such oath or affirmation was taken or made before him, which statement shall mention the date on which such oath or affirmation was so taken or made, and append his signature thereto: Provided that such oath or affirmation, which is to be taken or made by the first or only judge appointed for the Court, shall be taken or made before the Chief Justice of the Republic or any other person designated for that purpose by the State President.

(4) Whenever it is for any reason expedient that a person be appointed to act as a judge in the place of any judge of the Court or in addition to the judges of the Court or in any vacancy in the Court, the State President may appoint some fit and proper person so to act for such period as the State President may determine.

(5) Any appointment made under this regulation shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he has taken part as a judge and which have not been disposed of at the termination of the period for which he was appointed or, having been disposed of before or after such termination, are re-opened.

(6) (a) A judge of the Court shall not be removed from office except by the State President on the grounds of misbehaviour or incapacity.

(b) Any judge of the Court who holds office in a permanent capacity—

(i) shall retire from office on attaining the age of 70 years;

(ii) may retire from office if he has attained the age of 65 years and has completed at least eight years' pensionable service; and

(iii) may at any time, with the approval of the State President, retire from office if he becomes afflicted with a permanent infirmity of mind or body which disables him for the proper discharge of his duties of office, or if any other reason exists which is deemed sufficient by the State President.

(c) Any judge of the Court shall, on retirement, be paid the pension prescribed for judges of the Supreme Court by or under the Judges' Pensions Act, 1978 (Act 90 of 1978).

(7) The provisions of subregulations (3) and (6) (a) shall apply also in respect of a person appointed under subregulation (4), and the provisions of subregulation (2) (a) relating to the remuneration of any judge referred to in that paragraph shall apply also in respect of a person so appointed.

(3) (a) Iemand wat kragtens subregulasie (1) of (4) aangestel word, met inbegrip van 'n regter wat kragtens die bepalings van artikel 34 (2) (b) van die Wet afge staan is om as regter van die Hof te dien, moet, voordat hy sy ampswerkzaamhede begin uitvoer, 'n eed of plegtige verklaring aflê, wat deur hom onderteken moet word, in onderstaande vorm, te wete:

"Ek,, verklaar hierby onder eed/
(volle naam)

plegtig en opreg dat ek in my hoedanigheid van 'n regter van die Hoërhof van Venda aan alle persone op gelyke voet reg sal laat geskied sonder vrees, begunstiging of vooroordeel en soos die omstandighede van 'n bepaalde saak vereis, ooreenkomstig die reg en gebruike van die gebied waaroor bedoelde Hof jurisdiksie uitoefen."

(b) Sodanige eed of plegtige verklaring moet afgelê word voor die senior beskikbare regter van die Hof, wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is, en die datum van aflegging daarvan moet vermeld en dit moet onderteken: Met dien verstande dat sodanige eed of plegtige verklaring wat afgelê moet word deur die eerste of enigste regter wat vir die Hof aangestel word, afgelê word voor die Hoofregter van die Republiek of 'n ander persoon deur die Staatspresident vir daardie doel aangewys.

(4) Wanneer dit om die een of ander rede raadsaam is dat iemand aangestel word om as 'n regter op te tree in die plek van 'n regter van die hof of bo en behalwe die regters van die Hof of in 'n vakature in die Hof, kan die Staatspresident 'n geskikte persoon aanstel om aldus op te tree vir die tydperk wat die Staatspresident bepaal.

(5) 'n Aanstelling kragtens hierdie regulasie gedoen, word geag ook gedoen te wees ten opsigte van enige tydperk waartydens die aangestelde persoon hom noodsaaklikerwys besig hou in verband met die afhandeling van verrigtings waaraan hy as regter deelgeneem het en wat, by beëindiging van die tydperk waarvoor hy aangestel is, nog nie afgehandel is nie of wat, nadat dit voor of na sodanige beëindiging afgehandel is, heropen word.

(6) (a) 'n Regter van die Hof word nie van sy amp onthef nie behalwe deur die Staatspresident op grond van wangedrag of onbekwaamheid.

(b) 'n Regter van die Hof van sy amp in 'n permanente hoedanigheid bekleë—

(i) moet aftree by bereiking van die ouderdom van 70 jaar;

(ii) kan aftree indien hy die ouderdom van 65 jaar bereik het en minstens agt jaar pensioengewende diens voltooi het; en

(iii) kan te eniger tyd met die toestemming van die Staatspresident aftree indien hy aangetas raak deur 'n permanente geeste- of liggaamswaakheid wat hom ongeskik maak om sy ampspligte behoorlik te vervul of indien daar 'n ander rede bestaan wat die Staatspresident voldoende ag.

(c) 'n Regter van die Hof word by aftrede die pensioen betaal wat by of kragtens die Wet op Pensioene van Regters, 1978 (Wet 90 van 1978), vir regters van die Hooggeregshof voorgeskryf word.

(7) Die bepalings van subregulasies (3) en (6) (a) is ook van toepassing ten opsigte van iemand kragtens subregulasie (4) aangestel, en die bepalings van subregulasie (2) (a) met betrekking tot die besoldiging van 'n regter bedoel in daardie paragraaf, is ook van toepassing ten opsigte van 'n persoon aldus aangestel.

(8) A judge of the Supreme Court seconded in terms of the provisions of section 34 (2) (b) of the Act to serve as Chief Justice shall be paid, apart from his salary as judge of the Supreme Court, an additional allowance in order that his salary, calculated together with the said allowance, shall equal that payable to a judge president of a provincial division of the Supreme Court.

Judge not to hold any other office of profit

3. (1) No judge of the Court shall, without the consent of the State President, accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as judge of the Court.

(2) Subject to the provisions of regulation 2 (8), no fees, emoluments or other remuneration, apart from his salary and any allowances which are payable to him in his capacity as judge of the Supreme Court, shall be paid to a judge of the Supreme Court seconded to act or serve as judge of the Court, merely by reason of the fact that such a judge acts or serves as a judge of the Court.

Constitution of the Court

4. (1) (a) Save as provided in these regulations or any other law, the Court shall, when sitting as a court of first instance for the hearing of any civil matter, be constituted before a single judge of the Court: Provided that the Chief Justice or, in his absence, the senior available judge of the Court, may at any time direct that any matter be heard by a full court consisting of as many judges as he may determine.

(b) A single judge may at any time discontinue the hearing of any matter which is being heard before him and refer it for hearing to the full court.

(2) The Court shall, subject to the provisions of subregulation (4) and except where it is in terms of any law required or permitted to be otherwise constituted, for the hearing of any appeal be constituted before not less than two judges: Provided that in the case of an appeal which could have been heard by an Appeal Court for Commissioners' Courts had these regulations not come into force, the Court shall be constituted before a single judge and two assessors who, in the opinion of the Court, have a good knowledge of indigenous law and custom.

(3) For the hearing of any criminal case as a court of first instance, the Court shall be constituted in the manner prescribed in the applicable law relating to procedure in criminal matters.

(4) During any period which may by rule of court be fixed as vacation or during any period for which only one judge has been appointed for the Court in terms of these regulations or is available, one judge thereof shall, notwithstanding anything contained in these regulations or any other law, be competent to exercise all the powers, jurisdiction and authority of the Court, including the hearing of appeals.

More than one court may sit at the same time

5. The Court may at any time sit in as many courts constituted in the manner provided for in these regulations as the available judges may allow.

(8) 'n Regter van die Hooggeregshof wat kragtens die bepalings van artikel 34 (2) (b) van die Wet afgegaan is om as Hoofregter te dien, word benewens sy salaris as regter van die Hooggeregshof, 'n bykomende toelae betaal ten einde sy salaris, bereken tesame met genoemde toelae, gelyk te maak aan die salaris betaalbaar aan 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof.

Regter beklee geen ander winsbetrekking nie

3. (1) Geen regter van die Hof mag, sonder toestemming van die Staatspresident, 'n ander winsbetrekking aanvaar of beklee of daarin dien, of ten opsigte van enige diens enige gelde, emolumente of ander besoldiging benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hof aan hom betaalbaar is, ontvang nie.

(2) Behoudens die bepalings van regulasie 2 (8) word geen gelde, emolumente of ander besoldiging, benewens sy salaris en enige toelaes wat in sy hoedanigheid van regter van die Hooggeregshof aan hom betaalbaar is, aan 'n regter van die Hooggeregshof wat afgegaan is om as regter van die Hof waar te neem of te dien, betaal nie bloot uit hoofde daarvan dat so 'n regter as regter van die Hof waarneem of dien nie.

Samestelling van Hof

4. (1) (a) Behoudens die bepalings van hierdie regulasies of ander wetsbepalings word die Hof, wanneer hy as 'n hof van eerste instansie vir die verhoor van 'n siviele aangeleentheid sit, voor 'n enkele regter van die Hof saamgestel: Met dien verstande dat die Hoofregter, of in sy afwesigheid die senior beskikbare regter van die Hof, te eniger tyd kan gelas dat 'n aangeleentheid verhoor word deur 'n volle hof wat bestaan uit soveel regters as wat hy bepaal.

(b) 'n Enkele regter kan te eniger tyd die verhoor van 'n aangeleentheid wat voor hom verhoor word, staak en dit vir verhoor na die volle hof verwys.

(2) Die Hof word, behoudens die bepalings van subregulasie (4) en behalwe waar hy ingevolge die een of ander wetsbepaling anders saamgestel moet of kan word, vir die verhoor van 'n appèl voor minstens twee regters saamgestel: Met dien verstande dat in die geval van 'n appèl wat deur 'n Appèlhof vir Kommis-sarishowe verhoor sou kon word indien hierdie regulasies nie van krag geword het nie, die Hof voor 'n enkele regter en twee assessore wat, na die mening van die Hof, 'n goeie kennis van die inheemse reg en gebruik het, saamgestel word.

(3) Vir die verhoor van 'n strafsak as 'n hof van eerste instansie word die Hof saamgestel op die wyse in die toepaslike wetsbepalings op prosedure in straf-regtelike aangeleenthede voorgeskryf.

(4) Gedurende enige tydperk wat by hofreëls as 'n vakansietydperk bepaal is, of gedurende enige tydperk waarvoor slegs een regter kragtens hierdie regulasies vir die Hof aangestel is of waartydens hy beskikbaar is, is een regter daarvan, ondanks enigiets in hierdie regulasies of ander wetsbepalings vervat, bevoeg om al die bevoegdhede, jurisdiksie en gesag van die Hof uit te oefen, insluitende die verhoor van appèlle.

Meer as een hof kan terselfdertyd sit

5. Die Hof kan te eniger tyd in soveel howe, wat volgens voorskrif van hierdie regulasies saamgestel is, sittings hou as wat die beskikbare regters toelaat.

Persons over whom and matters in relation to which the Court has jurisdiction

6. (1) The Court shall have the same jurisdiction in the area as that which could have been exercised by a provincial division of the Supreme Court, an Appeal Court for Commissioners' Courts and a Divorce Court in terms of the common law or other applicable laws had these regulations not come into force and shall, in addition to any powers or jurisdiction conferred on it by law, have the power—

(a) to hear and determine appeals from all lower courts within its area of jurisdiction;

(b) to review the proceedings of all such courts; and

(c) in its discretion, and at the instance of any interested person, to inquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination.

(2) The Court shall also have jurisdiction over any person residing or being outside the area who is joined as a party to any cause in relation to which the Court has jurisdiction or who, in terms of a third party notice, becomes a party to such cause.

(3) The provisions of this regulation shall not be construed as in any way limiting the powers of the Transvaal Provincial Division of the Supreme Court, the North-Eastern Appeal Court for Commissioners' Courts and the North-Eastern Divorce Court, as existing at the time of the coming into operation of these regulations, or as depriving such courts of any jurisdiction they could legally exercise at the time of such coming into operation, in order to enable such courts to finalise any unfinished work, including legal matters already instituted at the time of such coming into operation.

Seat and circuit courts

7. (1) The seat of the Court shall be in Thohoyandou: Provided that the Chief Justice may, by notice in the *Government Gazette* and the *Official Gazette* of Venda, from time to time divide the area into one or more circuit districts and may, from time to time, by like notice alter the boundaries of any such district for purposes of specific circuits of the Court.

(2) In each circuit district referred to in subregulation (1) there shall be held at such times and places as may be determined by the Chief Justice a court presided over by a judge of the Court.

(3) Such court shall, for all purposes, be deemed to be the Court and shall not constitute a separate division of the Court and all records in connection with the proceedings of the Court on circuit and its judgments, decrees, orders, and sentences shall be those of the Court.

Nature of Court and seal

8. (1) The Court is a court of record and shall have for use as the occasion may require a seal of the design described in the Annexure to these regulations.

(2) The seal shall be kept in the custody of the registrar of the Court.

Proceedings to be carried on in open court

9. Save as is otherwise provided in any law, all proceedings in the Court shall be carried on in open court.

Persone oor wie en aangeleenthede met betrekking waartoe die Hof regsbevoegd is

6. (1) Die Hof besit dieselfde regsbevoegdheid in die gebied as wat 'n provinsiale afdeling van die Hoogeregshof, 'n Appèlhof vir Kommissarishowe en 'n Egskeidingshof ingevolge die gemene reg of ander toepaslike wette sou kon uitoefen indien hierdie regulasies nie van krag geword het nie en is, afgesien van enige bevoegdheid of jurisdiksie regtens aan hom verleen, bevoeg—

(a) om appèlle van alle laerhowe binne sy regsgebied te verhoor en daaroor te beslis;

(b) om die verrigtinge van alle sodanige howe te hersien; en

(c) om na goëddunke, en op versoek van 'n belanghebbende persoon, enige bestaande, toekomstige of voorwaardelike reg of verpligting te ondersoek en te bepaal, al het so iemand nie regtens enige aanspraak op verligting uit hoofde van die bepaling nie.

(2) Die Hof besit ook regsbevoegdheid oor 'n persoon wat buite die gebied woon of is en wat gevoeg word as 'n party by 'n geding met betrekking waartoe die Hof regsbevoegdheid besit of wat ingevolge 'n derdepartykennisgewing 'n party by so 'n geding word.

(3) Die bepalings van hierdie regulasie word nie so uitgelê dat dit op enigerlei wyse die bevoegdhede van die Transvaalse Provinsiale Afdeling van die Hoogeregshof en die Noordoostelike Appèlhof vir Kommissarishowe en die Noordoostelike Egskeidingshof, soos dit by die inwerkingtreding van hierdie regulasies bestaan, beperk, of sodanige howe enige regsbevoegdheid wat hulle wettiglik by bedoelde inwerkingtreding kon uitoefen, ontnem nie, ten einde bedoelde howe in staat te stel om enige onafgehandelde werksaamhede, insluitende regsangeleenthede wat reeds ahangig gemaak is by bedoelde inwerkingtreding, af te handel.

Setel of Rondgange

7. (1) Die setel van die Hof is op Thohoyandou: Met dien verstande dat die Hoofregter by kennisgewing in die *Staatskoerant* en die *Amtelike Koerant* van Venda van tyd tot tyd die gebied in een of meer rondgangdistrikte kan indeel en van tyd tot tyd by dergelike kennisgewing die grense van sodanige distrikte kan verander vir doeleindes van bepaalde rondgange van die Hof.

(2) Daar moet in elk van die rondgangdistrikte bedoel in subregulasie (1), op die tye en plekke wat die Hoofregter bepaal, 'n hof voor 'n regter van die Hof gehou word.

(3) So 'n hof word vir alle doeleindes geag die Hof te wees, vorm nie 'n afsonderlike afdeling van die Hof nie, en alle stukke in verband met die verrigtinge van die Hof op rondgang en sy uitsprake, bevels, orders en vonnisse is dié van die Hof.

Aard van die Hof en seël

8. (1) Die Hof is 'n notulerende hof en moet 'n seël vir gebruik na vereiste van omstandighede hê, waarvan die ontwerp is soos in die Aanhangsel van hierdie regulasies beskryf.

(2) Die seël word in bewaring van die griffier van die Hof gehou.

Verrigtinge vind in ope hof plaas

9. Behoudens andersluidende wetsbepalings word alle verrigtinge in die Hof in ope hof gevoer.

Manner of arriving at decisions

10. (1) Save as otherwise provided in these regulations or any other law, the judgment of the majority of the judges of the full court shall be the judgment of the Court and where the judgments of a majority of the judges of the Court are not in agreement, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the Chief Justice or, in his absence, the senior available judge, may determine.

(2) If at any stage during the hearing of any matter by a full court, any judge of such court dies or retires or otherwise becomes incapable of acting or is absent, the hearing shall, if the remaining judges constitute a majority of the judges before whom it was commenced, proceed before such remaining judges, and if such remaining judges do not constitute such a majority, or if only one judge remains, the hearing shall be commenced *de novo*, unless all the parties to the proceedings agree unconditionally in writing to accept the decision of the majority of such remaining judges or of such one remaining judge as the decision of the court.

(3) The provisions of subregulation (1) shall *mutatis mutandis* apply whenever in the circumstances set out in subregulation (2) a hearing proceeds before two or more judges.

Certified copies of court records admissible as evidence

11. Whenever a judgment, decree, order or other record of the Court is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the registrar under the seal of the Court shall be prima facie evidence thereof without proof of the authenticity of the registrar's signature.

Reference of particular matters for investigation by referee

12. (1) In any civil proceedings the Court may, with the consent of the parties, refer—

(a) any matter which requires extensive examination of documents or scientific, technical or local investigation which, in the opinion of the Court, cannot be conveniently conducted by it; or

(b) any matter which relates wholly or in part to accounts; or

(c) any other matter arising in such proceedings;

for inquiry and report to a referee to be appointed by the Court, and the Court may adopt the report of any such referee, either wholly or in part, and either with or without modifications, or may remit such report for further inquiry or for a further report or for consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the Court, whether with or without modifications, shall have effect as if it were a finding by the Court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such inquiry have such powers and shall conduct the inquiry in such manner as may be prescribed by a special order of the Court or by the rules of court.

Wyse waarop tot beslissings geraak word

10. (1) Behoudens andersluidende bepalings van hierdie regulasies of ander wetsbepalings is die uitspraak van die meerderheid van die regters van die volle hof die uitspraak van die Hof, en waar die uitsprake van 'n meerderheid van die regters van die Hof nie met mekaar ooreenstem nie, word die verhoor verdaag en *de novo* begin voor 'n nuwe hof saamgestel op die wyse wat die Hoofregter of, in sy afwesigheid, die senior beskikbare regter bepaal.

(2) Indien in enige stadium gedurende die verhoor van 'n aangeleentheid deur 'n volle hof, 'n regter van sodanige hof te sterwe kom of aftree of andersins onbekwaam word om op te tree of afwesig is, word die verhoor, indien die oorblywende regters 'n meerderheid uitmaak van die regters voor wie dit begin het, voor daardie oorblywende regters voortgesit, en indien daardie oorblywende regters nie so 'n meerderheid uitmaak nie of indien slegs een regter oorbly, word die verhoor *de novo* begin, tensy al die partye by die verrigtinge skriftelik en onvoorwaardelik ooreenkom om die beslissing van die meerderheid van bedoelde oorblywende regters of van bedoelde enkele oorblywende regter as die beslissing van die Hof te aanvaar.

(3) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing wanneer 'n verhoor onder die omstandighede in subregulasie (2) uiteengesit, voor twee of meer regters voortgesit word.

Gesertifiseerde afskrifte van hofstukke as getuienis toelaatbaar

11. Wanneer 'n uitspraak, bevel, order of ander stukke van die Hof bewys of geïnspekteer moet word of daar op enige wyse daarna verwys moet word, is 'n afskrif van sodanige uitspraak, bevel, order of ander stuk, wat behoorlik deur die griffier onder die seël van die Hof as sodanig gesertifiseer is, prima facie-bewys daarvan sonder bewys van die egtheid van die handtekening van die griffier.

Verwysing van bepaalde aangeleenthede vir ondersoek deur skeidsregter

12. (1) Die Hof kan, in 'n siviele geding, met die toestemming van die partye—

(a) enige aangeleentheid wat 'n uitgebreide ondersoek van dokumente, of 'n wetenskaplike, tegniese of plaaslike ondersoek verg, wat na die oordeel van die Hof nie geredelik deur die Hof ingestel kan word nie; of

(b) enige aangeleentheid wat geheel en al of gedeeltelik op rekeninge betrekking het; of

(c) enige ander aangeleentheid wat uit bedoelde geding voortspruit;

vir ondersoek en verslag na 'n skeidsregter, wat deur die Hof aangewys moet word, verwys, en die Hof kan die verslag van so 'n skeidsregter in sy geheel of gedeeltelik aanvaar, met of sonder wysigings, of kan sodanige verslag vir verdere ondersoek of verslag of ooreweging deur bedoelde skeidsregter terugverwys, of 'n ander bevel ten opsigte daarvan uitvaardig wat nodig of wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die Hof aanvaar word, hetsy met of sonder wysigings, het die uitwerking van 'n bevinding van die Hof in die betrokke siviele geding.

(3) So 'n skeidsregter het, vir die doeleindes van bedoelde ondersoek, die bevoegdheid en behartig die ondersoek op die wyse wat by 'n spesiale hofbevel of by die hofreëls voorgeskryf word.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an inquiry under this regulation shall be deemed to be a civil proceeding.

(5) (a) Any person who is summoned to appear and give evidence or produce any document or thing before a referee and who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the inquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control which he was summoned to produce shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(b) Any person who, after having been sworn or having made affirmation, gives false evidence before a referee at an inquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the Court may determine, and to any reasonable expenditure incurred by him for the purposes of the inquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the Court and shall be costs in the cause.

Appeals to the Court

13. (1) Subject to the provisions of these regulations and any other law, the Court shall have the power to hear and determine appeals from lower courts in the area, and the provisions of any law relating to the powers of the Transvaal Provincial Division of the Supreme Court in connection with appeals from any such lower courts to the Supreme Court shall, subject to the provisions of these regulations and the rules of court, *mutatis mutandis* apply to any appeals to the Court.

(2) The provisions of this regulation shall not affect any other law relating to appeals against decisions of lower courts in civil matters and any reference to the Supreme Court or an Appeal Court for Commissioners' Courts in relation to such appeals shall be construed as a reference to the Court.

(3) Appeals in criminal cases heard by the Court shall *mutatis mutandis* be subject to the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977), and any reference in that Act to the Supreme Court or a division thereof shall be deemed to be a reference to the Court.

Appeals to the Appellate Division

14. (1) In addition to any jurisdiction conferred upon it by any other law, the Appellate Division shall, subject to the provisions of these regulations and any other law, have jurisdiction to hear and determine any appeal against a decision of the Court and the provisions relating to appeals against a judgment or order

(4) Vir die doeleindes van die verkryging van die aanwesigheid van 'n getuie (met inbegrip van 'n getuie wat kragtens 'n wetsbepaling in hegtenis gehou word) en die oorlegging van 'n dokument of saak voor 'n skeidsregter, word 'n ondersoek kragtens hierdie regulasie 'n siviele geding geag.

(5) (a) Iemand wat gedagvaar is om voor 'n skeidsregter te verskyn en getuienis af te lê of 'n dokument of saak oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die skeidsregter hom verlof gee om nie meer aanwesig te wees nie, of wat weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eed-aflëgging of die aflê van 'n plegtige verklaring in gebreke bly om 'n vraag aan hom gestel volledig en op bevredigende wyse te beantwoord, of wat in gebreke bly om 'n dokument of saak in sy besit of bewaring of onder sy beheer, en waarvan hy tot oorlegging gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(b) Iemand wat na eedaflegging of die aflê van 'n plegtige verklaring valse getuienis voor 'n skeidsregter by 'n ondersoek aflê, met die wete dat die getuienis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die regtens voorgeskrewe strawwe vir meened.

(6) 'n Skeidsregter is geregtig op die besoldiging wat by die hofreëls voorgeskryf word of, indien geen sodanige besoldiging aldus voorgeskryf is nie, wat die Hof bepaal, en op enige redelike uitgawes deur hom vir die doeleindes van die ondersoek aangeaan, en sodanige besoldiging en uitgawes word deur die takseermeester van die Hof getakseer en is koste in die geding.

Appèlle na die Hof

13. (1) Behoudens die bepalings van hierdie regulasies en enige ander wetsbepaling, besit die Hof die bevoegdheid om appèlle vanaf laerhowe in die gebied te verhoor en daaroor te beslis en is die wetsbepalings wat betrekking het op die bevoegdhede van die Transvaalse Provinsiale Afdeling van die Hooggeregshof in verband met appèlle vanaf sodanige laerhowe na die Hooggeregshof, behoudens die bepalings van hierdie regulasies en die hofreëls, *mutatis mutandis* van toepassing op alle appèlle na die Hof.

(2) Die bepalings van hierdie regulasie maak nie inbreuk op ander wetsbepalings betreffende appèlle teen beslissings van laerhowe in siviele aangeleenthede nie en enige verwysing na die Hooggeregshof of 'n Appèlhof vir Kommissarishowe met betrekking tot sodanige appèlle word uitgelê as 'n verwysing na die Hof.

(3) Appèlle in strafsake deur die Hof verhoor, is *mutatis mutandis* onderworpe aan die bepalings van die Strafproseswet, 1977 (Wet 51 van 1977), en enige verwysing in daardie Wet na die Hooggeregshof of 'n afdeling daarvan word geag 'n verwysing na die Hof te wees.

Appèlle na die Appèlafdeling

14. (1) Benewens enige regsbevoegdheid by enige wetsbepaling aan hom verleen, is die Appèlafdeling regsbevoeg om, behoudens die bepalings van hierdie regulasies en ander wetsbepalings, 'n appèl teen 'n beslissing van die Hof te verhoor en te beslis en is die bepalings met betrekking tot appèlle teen 'n uitspraak

of a provincial division of the Supreme Court shall, subject to the provisions of these regulations, apply as if the Court were a provincial division of the Supreme Court.

(2) Save with the leave of the Court there shall be no appeal to the Appellate Division against an interlocutory order or against a judgment or order on application by way of motion or petition or summons for provisional judgment or in a trial where the defendant is in default, or in connection with costs only, which by law vests in the discretion of the Court or against a judgment or order given by consent, or against a judgment or order given by the Court in an appeal to it or upon review by it: Provided that, where such leave has been refused, the Appellate Division may, on application being made to it, grant such leave, and may vary any order as to costs made by the Court in refusing leave.

Grounds for review of proceedings of lower courts

15. (1) The grounds upon which the proceedings of any lower court may be brought under review before the Court area—

- (a) absence of jurisdiction on the part of the court;
- (b) interest in the cause, bias, malice or corruption on the part of the presiding judicial officer;
- (c) gross irregularity in the proceedings; and
- (d) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.

(2) Nothing in this regulation shall affect the provisions of any other law relating to the review of proceedings in lower courts and any reference in any law to the Supreme Court or an Appeal Court for Commissioners' Courts in relation to reviews shall be construed as a reference to the Court.

No process to be issued against judge except with consent of the Court

16. (1) Notwithstanding anything to the contrary in any law contained, no summons or subpoena against any judge of the Court or the Supreme Court shall in any civil action be issued out of any court in the area, except with the consent of the Court.

(2) Where the issuing of a summons or subpoena against a judge to appear in a civil action has been consented to, the date upon which such judge must attend court shall be determined in consultation with the Chief Justice or, in his absence, the next senior available judge of the Court.

Scope and execution of process

17. (1) The provisions of section 26 (1) of the Supreme Court Act, 1959 (Act 59 of 1959), shall apply to process of the Court.

(2) Any warrant or other process for the execution of a judgment given or order issued against any association of persons corporate or unincorporate, partnership or firm may be executed by attachment of the property or assets of such association, partnership or firm.

Time allowed to enter appearance

18. The time allowed for entering appearance with regard to a civil summons served shall be not less than—

- (a) 21 court days if the summons is to be served in the area; and

of bevel van 'n provinsiale afdeling van die Hooggeregshof, onderworpe aan die bepalinge van hierdie regulasies, van toepassing asof die Hof 'n provinsiale afdeling van die Hooggeregshof is.

(2) Behalwe met verloop van die Hof, is daar geen appél na die Appèlafdeling nie teen 'n interlokutore bevel of teen 'n uitspraak of bevel op aansoek by wyse van mosie of petisie of dagvaarding vir provisionele vonnis of in 'n verhoorsaak waar die verweerder in verstek is, of slegs in verband met koste wat regtens by die diskresie van die Hof berus of teen 'n uitspraak of bevel by toestemming gegee, of teen 'n uitspraak of bevel wat deur die Hof in appél na hom of na hersiening deur hom gegee is: Met dien verstande dat waar sodanige verloop geweier is, die Appèlafdeling, op aansoek aan hom gerig, sodanige verloop kan verleen en enige bevel met betrekking tot koste, uitgevaardig deur die Hof by die weiering van verloop, kan wysig.

Gronde vir hersiening van verrigtinge van laerhowe

15. (1) Die gronde waarop die verrigtinge van 'n laerhof voor die Hof in hersiening gebring kan word, is—

- (a) gebrek aan regsbevoegdheid van die hof;
- (b) belang by die geding, vooroordeel, kwaadwilligheid of korrupsie by die voorsittende regterlike beampte;
- (c) growwe onreëlmatigheid in verband met die verrigtinge; en
- (d) die toelating van ontoelaatbare of onbevoegde getuienis of die verwerping van toelaatbare of bevoegde getuienis.

(2) Die bepalinge van hierdie regulasie het geen uitwerking op ander wetsbepalinge met betrekking tot die hersiening van verrigtinge van laerhowe nie en enige verwysing in enige wetsbepaling na die Hooggeregshof of 'n Appèlhof vir Kommissarishowe met betrekking tot hersienings word uitgelê as 'n verwysing na die Hof.

Prosesstukke word nie sonder toestemming van die Hof teen regter uitgereik nie

16. (1) Ondanks andersluidende wetsbepalinge, word geen dagvaarding of getuiedagvaarding in 'n siviele geding teen 'n regter van die Hof of die Hooggeregshof uit enige hof in die gebied uitgereik nie, behalwe met die toestemming van die Hof.

(2) Waar toestemming tot die uitreiking van 'n dagvaarding of getuiedagvaarding teen 'n regter om in 'n siviele saak te verskyn, verleen is, word die datum waarop sodanige regter die hof moet bywoon, in ooreenstemming met die Hoofregter of, in sy afwesigheid, die eersvolgende senior beskikbare regter van die Hof, bepaal.

Strekking en tenuitvoerlegging van prosesstukke

17. (1) Die bepalinge van artikel 26 (1) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), is van toepassing op prosesstukke van die Hof.

(2) 'n Lasbrief of ander prosesstuk vir die tenuitvoerlegging van 'n uitspraak gegee of bevel uitgevaardig teen 'n vereniging van persone met of sonder regs persoonlikheid, vennootskap of firma kan deur beslaglegging op die eiendom of bates van sodanige vereniging, vennootskap of firma ten uitvoer gelê word.

Tyd toegelaat om verskyning aan te teken

18. Die tydperk toegelaat om, in verband met 'n siviele dagvaarding wat bestel is, verskyning aan te teken, moet minstens—

- (a) 21 hofdae wees indien die dagvaarding binne die gebied bestel moet word; en

(b) 28 court days in any other case.

Prohibition on arrest or attachment to found jurisdiction where defendant resides within the Republic

19. (1) No arrest of a person or attachment of property to found jurisdiction shall be ordered by the Court against a person who is resident in the Republic.

(2) No writ shall be issued out of the Court in or in connection with civil proceedings instituted or to be instituted for the arrest of a person residing within the area to secure his appearance as a defendant in those proceedings, by reason only that such person has departed or is about to depart to a place outside the area of jurisdiction of the Court but within the Republic.

Circumstances in which security for costs shall not be required

20. When a person residing within the Republic but outside the area is a plaintiff in civil proceedings in the Court, he shall not, by reason only of the fact that he resides outside the area, be required to give security for costs in those proceedings.

Manner of securing attendance of witnesses in civil proceedings and penalties for non-attendance

21. (1) A party to civil proceedings before the Court in which the attendance of witnesses is required may procure the attendance of any witness in the manner provided for in the rules of court.

(2) Whenever any person subpoenaed to attend any civil proceedings as a witness fails, without reasonable excuse, to obey the subpoena and it appears from the return of the competent officer or from evidence given under oath that the subpoena was served upon the person to whom it was directed and that his reasonable expenses, calculated in accordance with the tariff framed under regulation 34 (1) were paid or offered to him, or that he is evading service of the subpoena, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the Court may issue a warrant directing that he be arrested and brought before the Court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder before the Court or in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his attendance as a witness at the said proceedings: Provided that the Court may release him on a recognizance with or without sureties for his appearance to give evidence as required and for his appearance at the inquiry referred to in subregulation (4).

(4) The Court may summarily inquire into such person's evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance and may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(5) Any sentence imposed by the Court under subregulation (4) shall be enforced and shall be subject to appeal as if it were a sentence imposed in a criminal case.

(b) 28 hofdae wees in enige ander geval.

Verbod op arres of beslaglegging om jurisdiksie te vestig waar verweerder in Republiek woon

19. (1) Geen inhegtenisname van die persoon of beslaglegging op eiendom om jurisdiksie te vestig, word teen iemand wat in die Republiek woon, deur die Hof beveel nie.

(2) Geen lasbrief word in of in verband met 'n siviele geding wat ingestel is of staan te word, uit die Hof uitgereik vir die inhegtenisname van iemand wat in die gebied woon, ten einde sy verskyning as 'n verweerder by daardie verrigtinge te verseker nie, bloot op grond daarvan dat so iemand na 'n plek buite die regsgebied van die Hof maar binne die Republiek vertrek het of op die punt staan om daarheen te vertrek.

Omstandighede waarin sekerheidstelling vir koste nie vereis word nie

20. Wanneer iemand wat in die Republiek, maar buite die gebied, woon, 'n eiser is in 'n siviele geding voor die Hof, word nie bloot uit hoofde daarvan dat daardie eiser buite die gebied woon, sekerheid vir koste in daardie geding van hom vereis nie.

Wyse om verskyning van getuies in siviele gedinge te verseker en strawwe vir versuim om te verskyn

21. (1) 'n Party by 'n siviele geding voor die Hof in verband waarmee die aanwesigheid van getuies vereis word, kan die aanwesigheid van 'n getuie verkry op die wyse in die hofreëls bepaal.

(2) Wanneer iemand wat gedagvaar is om as 'n getuie by 'n siviele geding aanwesig te wees, sonder redelike verskoning versuim om die dagvaarding te gehoorsaam, en dit uit die relaas van die bevoegde beampte of uit getuienis onder eed afgelê, blyk dat die dagvaarding bestel is aan die persoon aan wie dit gerig is en dat sy redelike uitgawes, bereken ooreenkomstig die tarief kragtens regulasie 34 (1) voorgeskryf, aan hom betaal of aangebied is, of dat hy bestelling van die dagvaarding ontwyk, of indien iemand wat ter voldoening aan 'n dagvaarding opgedaag het, versuim om aanwesig te bly, kan die Hof 'n lasbrief uitreik waarby gelas word dat hy in hegtenis geneem en op 'n tyd en plek in die lasbrief vermeld of so spoedig moontlik daarna voor die Hof gebring word.

(3) Iemand wat ingevolge so 'n lasbrief in hegtenis geneem word, kan daarkragtens aangehou word voor die Hof of in 'n gevangenis of opsluitplek of ander aanhoudingsplek of in die bewaring van die persoon wat hom in bewaring het, ten einde sy aanwesigheid as 'n getuie by die betrokke geding te verseker: Met dien verstande dat die Hof hom onder borgakke met of sonder borge vir sy verskyning om getuienis af te lê soos vereis en vir sy verskyning by die ondersoek bedoel in subregulasie (4), kan vrylaat.

(4) Die Hof kan summier ondersoek instel na so iemand se ontwyking van bestelling van die dagvaarding of versuim om die dagvaarding te gehoorsaam of om aanwesig te bly, en kan, tensy bewys word dat so iemand 'n redelike verskoning vir die ontwyking of versuim het, hom vonnis tot 'n boete van hoogstens R50 of tot gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(5) 'n Vonnis ingevolge subregulasie (4) deur die Hof opgelê, word ten uitvoer gelê en is onderworpe aan appel asof dit 'n vonnis is wat in 'n strafsak opgelê is.

(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings or for his appearance at an inquiry referred to in subregulation (4) fails so to appear, he may, apart from the forfeiture or his recognizance, be dealt with as if he had failed to obey a subpoena to attend such proceedings or appear at such inquiry.

Manner in which witness may be dealt with on refusal to give evidence or to produce documents

22. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under regulation 21 or is present and is orally required by the Court to give evidence in any civil proceedings refuses to be sworn or to make an affirmation or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him, or refuses or fails to produce any document or thing which he is required to produce, without any just excuse for such refusal or failure, the Court may adjourn the proceedings for any period not exceeding eight days and may, in the mean time, by warrant commit the person so refusing or failing to prison unless he sooner consents to do what is required of him.

(2) If any person referred to in subregulation (1) again refuses at the resumed hearing of the proceedings to do what is so required of him, the Court may again adjourn the proceedings and commit him for a like period and do so again from time to time until such person consents to do what is required of him.

(3) Nothing in this regulation contained shall prevent the Court from giving judgment in any case or otherwise disposing of the proceedings on the ground of any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in Court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any civil proceedings, and it appears—

(a) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(b) that such book, paper or document could properly be produced by some other person; or

(c) that compelling him to attend would be an abuse of the process of the court;

the Court may, notwithstanding anything in this regulation contained, after reasonable notice by the registrar to the party who sued out the subpoena and after hearing that party in chambers if he appears, make an order cancelling such subpoena.

Examination by interrogatories of persons whose evidence is required in civil proceedings

23. (1) The Court may in connection with any civil proceedings pending before it order that the evidence of a person who resides or is, for the time being, outside the area of jurisdiction of the Court be taken by means of interrogatories by a commissioner appointed for that purpose.

(6) Indien iemand wat 'n borgakte aangegaan het om te verskyn ten einde in so 'n geding getuienis af te lê, of om by die ondersoek bedoel in subregulasie (4), te verskyn, versuim om aldus te verskyn, kan daar, afgesien van die verbeurdverklaring van sy borggeld, met hom gehandel word asof hy versuim het om 'n dagvaarding om by bedoelde geding aanwesig te wees, te gehoorsaam of om by bedoelde ondersoek te verskyn.

Wyse waarop met getuie gehandel kan word by weiering om getuienis af te lê of stukke oor te lê

22. (1) Wanneer iemand wat of ter voldoening aan 'n dagvaarding of ingevolge 'n lasbrief kragtens regulasie 21 uitgereik, verskyn of aanwesig is en deur die Hof mondeling van hom verlang word om in 'n siviele geding getuienis af te lê, weier om 'n eed of plegtige verklaring af te lê, of, nadat hy 'n eed of plegtige verklaring afgelê het, weier om die vrae te beantwoord wat aan hom gestel word, of weier of versuim om 'n stuk of saak oor te lê waarvan die oorlegging van hom vereis word, sonder dat daar grondige rede vir die weiering of versuim bestaan, kan die Hof die verrigtinge vir 'n tydperk van hoogstens agt dae verdaag en die persoon wat aldus weier of versuim, intussen by lasbrief gevange sit, tensy hy eerder instem om te doen wat van hom verlang word.

(2) Indien 'n persoon bedoel in subregulasie (1) by die hervatting van die verhoor van die geding weer weier om te doen wat aldus van hom verlang word, kan die Hof weer eens die verrigtinge verdaag en hom vir 'n dergelyke tydperk gevange sit en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom verlang word.

(3) Die bepalings van hierdie regulasie belet nie die Hof om in enige saak uitspraak te gee of die verrigtinge andersins af te handel op grond van ander voldoende getuienis wat afgeneem is nie.

(4) Niemand is verplig om 'n stuk of saak oor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tensy hy dit werklik in die Hof het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwesigheid van 'n regterlike beampte te verkry om in 'n siviele geding getuienis af te lê of 'n boek, stuk of dokument oor te lê, en dit blyk—

(a) dat hy nie in staat is om getuienis te lewer of 'n boek, stuk of dokument oor te lê wat by 'n geskilpunt in die geding ter sake sou wees nie; of

(b) dat sodanige boek, stuk of dokument gevolglik deur iemand anders oorgelê sou kon word; of

(c) dat om hom te verplig om aanwesig te wees op misbruik van geregtelike proses sou neerkom;

kan die Hof, ondanks enigiets in hierdie regulasie vervat, na redelike kennisgewing deur die griffier aan die party wat die dagvaarding uitgeneem het en nadat daardie party in kamers aangehoor is indien hy verskyn, 'n bevel uitvaardig waarby die dagvaarding gekanselleer word.

Ondervraging op vraagpunte van persone van wie getuienis in siviele gedinge verlang word

23. (1) Die Hof kan in verband met 'n siviele geding wat voor hom aanhangig is, beveel dat die getuienis van iemand wat buite die regsgebied van die Hof woon of hom dan daarbuite bevind, by wyse van vraagpunte afgeneem word deur 'n kommissaris vir daardie doel aangestel.

(2) Whenever an order is made under subregulation (1), the registrar shall certify that fact and transmit a copy of his certificate to the commissioner of the Court, together with any duly and lawfully framed interrogatories on which questioning of the said person is desired and the fees and the amount of the expenses payable to the said person for his appearance as herein-after provided.

(3) Upon receipt of the aforesaid certificate, interrogatories and fees, the commissioner shall summon the said person to appear before him and, upon his appearance, shall take his evidence as if he were a witness in civil proceedings before the Court, and shall put to him the aforesaid interrogatories and 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.

(4) The commissioner shall further transmit to the registrar a certificate showing the amount paid to the person concerned in respect of the expenses of his appearance, and the cost of the issue and service of the process for summoning such person before him.

(5) Any person summoned to appear as provided in this regulation who, without reasonable excuse, fails to appear at the time and place mentioned in the summons shall be guilty of an offence and liable on conviction by any competent court to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

(6) Any evidence on interrogatories taken and certified under the provisions of this regulation shall, subject to all lawful exceptions, be received as evidence in the aforesaid civil proceedings.

Manner of dealing with commissions rogatoire, letters of request, and documents for service originating from foreign countries

24. (1) Whenever a commission rogatoire or letter of request received from any state or territory or court outside the Republic is transmitted to the registrar by the Secretary, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto without requiring an application to be made to the Court by the agents (if any) of the parties to the action or matter, the registrar shall submit the same to a judge in chambers in order to give effect to such commission rogatoire or letter of request.

(2) Whenever a request for the service on a person in the area of any civil process or citation received from a state, territory or court outside the Republic is transmitted to the registrar by the Secretary, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto, the registrar shall cause service of the said process or citation to be effected in accordance with the rules of court by the sheriff or a deputy sheriff or any person specially appointed for that purpose by a judge of the Court.

(3) The registrar shall, after effect has been given to any such commission rogatoire, letter of request, process or citation, return all relevant documents, duly verified in accordance with the rules of court, to the Secretary for transmission.

(2) Wanneer 'n bevel kragtens subregulasie (1) uitgevaardig word, moet die griffier daardie feit sertifiseer en 'n afskrif van sy sertifikaat aan die kommissaris van die Hof stuur, tesame met behoorlik en wettiglik opgestelde vraagpunte waarvoor ondervraging van die betrokke persoon verlang word, asook die gelde en bedrag van die onkoste aan daardie persoon betaalbaar ten opsigte van sy verskyning soos hieronder bepaal.

(3) By ontvangs van bedoelde sertifikaat, vraagpunte en gelde dagvaar die kommissaris die betrokke persoon om voor hom te verskyn, en by sy verskyning neem die kommissaris sy getuienis af asof hy 'n getuie in 'n siviele geding voor die Hof is en stel hy aan hom voormelde vraagpunte asook ander vrae wat daarop bereken is om volledige en juiste antwoorde op bedoelde vraagpunte te verkry, en neem hy die aldus verkreeë getuienis af of laat hy dit afneem, en hy moet dit as korrek sertifiseer en aan die griffier stuur.

(4) Die kommissaris moet verder aan die griffier 'n sertifikaat stuur wat die bedrag toon wat aan die betrokke persoon ten opsigte van die onkoste verbonde aan sy verskyning betaal is, asook die koste van uitreiking en bestelling van die prosesstukke waarby daardie persoon gedagvaar is om voor hom te verskyn.

(5) Iemand wat gedagvaar word om volgens voorskrif van hierdie regulasie te verskyn, en wat sonder redelike verskoning versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn, is aan 'n misdryf skuldig en by skuldigbevinding deur enige bevoegde hof strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(6) Getuienis op vraagpunte ingevolge hierdie regulasie afgeneem en gesertifiseer, word, onderworpe aan alle wetlike eksepsies, as getuienis in voormelde siviele geding aangeneem.

Wyse waarop met rogatore kommissies, versoekbriewe en stukke vir bestelling afkomstig uit vreemde lande gehandel moet word

24. (1) Wanneer 'n rogatore kommissie of versoekbrief wat van 'n staat of gebied of hof buite die Republiek ontvang is, deur die Sekretaris aan die griffier gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorspronklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word sonder om te vereis dat 'n aansoek deur die agente (as daar is) van die partye by die geding of saak by die Hof gedoen word, lê die griffier bedoelde rogatore kommissie of versoekbrief voor aan 'n regter in kamers om daaraan gevolg te gee.

(2) Wanneer 'n versoek om die bestelling aan iemand in die gebied van 'n siviele prosesstuk of sitasie wat van 'n staat, gebied of hof buite die Republiek ontvang is, deur die Sekretaris aan die griffier gestuur word, tesame met 'n vertaling in Afrikaans of Engels, indien die oorspronklike in 'n ander taal is, en 'n mededeling dat die Minister dit wenslik ag dat daaraan gevolg gegee word, laat die griffier bedoelde prosesstuk of sitasie ooreenkomstig die hofreëls bestel deur die balju of adjunk-balju of iemand wat 'n regter van die Hof spesiaal vir daardie doel aangestel het.

(3) Die griffier moet, nadat aan so 'n rogatore kommissie, versoekbrief, prosesstuk of sitasie gevolg gegee is, alle tersaaklike stukke, wat behoorlik ooreenkomstig die hofreëls geverifieer is, aan die Sekretaris vir versending deurstuur.

(4) Except where the Minister otherwise directs, no fees other than disbursements shall be recovered from any state, territory or court on whose behalf any service such as is referred to in this regulation has been effected.

Appointment and powers of attorney-general

25. (1) The State President shall, subject to the laws governing the Public Service, appoint, in respect of the area of jurisdiction of the Court, an attorney-general who shall have the power to prosecute in the name of the Republic, in any court in the area, any person charged with any offence in regard to which any court in the said area has jurisdiction, and he may perform all functions relating to the exercise of that power.

(2) The attorney-general shall exercise his authority and carry out his functions under these regulations or under any other law, subject to the control and directions of the Minister, who may reverse any decision arrived at by the attorney-general and may himself in general or in any specific matter exercise any part of such authority and carry out any such function.

(3) Whenever for any reason the attorney-general is absent or unable to carry out the functions of his office or whenever the office of the attorney-general becomes vacant, the Minister may appoint any fit and proper officer of the Public Service to act in the place of the attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.

(4) The Minister may, subject to the laws governing the Public Service, appoint one or more deputy attorneys-general in respect of the area who may, subject to the control and directions of the attorney-general, do anything which may be lawfully done by the attorney-general.

Appointment and powers of other officers of the Court

26. (1) (a) The Minister may, subject to the laws governing the Public Service, appoint registrars, assistant registrars, sheriffs, additional sheriffs, deputy sheriffs and other officers for the Court whenever they may be required for the administration of justice or the exercise of the powers and authority of the Court: Provided that if the duties to be performed by any deputy sheriff are, in the opinion of the Public Service Commission, insufficient to keep at least one person fully occupied throughout the year, and no officer in the Public Service is, in the opinion of the said Commission, able to perform the duties of such deputy sheriff in addition to his other duties, or if, in the opinion of the Minister, the duties of such deputy sheriff can be performed satisfactorily and at less cost to the Government by a person who is not an officer in the Public Service, the Minister may appoint any person as such deputy sheriff at such remuneration and on such conditions as the Minister may determine.

(b) Whenever by reason of absence or incapacity a registrar, assistant registrar or sheriff is unable to carry out the functions of his office, or his office becomes vacant, the Minister may authorise any other competent officer in the Public Service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any

(4) Behalwe waar die Minister anders gelas, word geen ander gelde as uitgawes op 'n staat, gebied of hof, ten behoeve waarvan bestelling geskied het soos in hierdie regulasie bedoel, verhaal nie.

Aanstelling en bevoegdhede van prokureur-generaal

25. (1) Behoudens die wetsbepalings op die Staatsdiens, stel die Staatspresident ten opsigte van die regsgebied van die Hof 'n prokureur-generaal aan, wat die bevoegdheid besit om in die naam van die Republiek in enige hof in die gebied iemand te vervolg wat aangekla word weens 'n misdryf met betrekking waartoe 'n hof in bedoelde gebied regsbevoegdheid besit, en hy kan alle werksaamhede verrig wat met die uitoefening van daardie bevoegdheid in verband staan.

(2) Die prokureur-generaal oefen sy gesag uit en verrig sy werksaamhede ingevolge hierdie regulasies of enige ander wetsbepaling, onderworpe aan die beheer en voorskrifte van die Minister, wat 'n beslissing waartoe die prokureur-generaal geraak het, kan omverwerp en self in die algemeen of met betrekking tot 'n besondere aangeleentheid enige deel van daardie gesag kan uitoefen en enige sodanige werksaamheid kan verrig.

(3) Wanneer die prokureur-generaal om die een of ander rede afwesig is of nie in staat is om sy ampswerksaamhede te verrig nie of wanneer die amp van die prokureur-generaal vakant raak, kan die Minister 'n geskikte beamppte van die Staatsdiens aanstel om gedurende die afwesigheid of onvermoë van die prokureur-generaal in sy plek op te tree of om in die vakante amp waar te neem totdat die vakature gevul word, na gelang van die geval.

(4) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens, ten opsigte van die gebied een of meer adjunk-prokureurs-generaal aanstel wat, onderworpe aan die beheer en voorskrifte van die prokureur-generaal, enigiets kan doen wat die prokureur-generaal wettiglik kan doen.

Aanstelling en bevoegdhede van ander beamptes van die Hof

26. (1) (a) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, vir die Hof griffiers, assistent-griffiers, balju's, addisionele balju's, adjunk-balju's en ander beamptes aanstel wanneer hulle vir die regspleging of die uitoefening van die bevoegdhede en gesag van die Hof nodig is: Met dien verstande dat, indien die pligte wat deur 'n adjunk-balju verrig moet word, volgens die oordeel van die Staatsdienskommissie nie voldoende is om minstens een persoon die hele jaar deur ten volle besig te hou nie, en geen beamppte in die Staatsdiens volgens die oordeel van bedoelde Kommissie in staat is om die pligte van daardie adjunk-balju benewens sy ander pligte uit te voer nie, of indien, volgens die Minister se oordeel, die pligte van bedoelde adjunk-balju op bevredigende wyse en teen laer koste vir die Regering verrig kan word deur iemand wat nie 'n beamppte in die Staatsdiens is nie, die Minister enigiemand as so 'n adjunk-balju kan aanstel teen die besoldiging en op die voorwaardes wat die Minister bepaal.

(b) Wanneer 'n griffier, assistent-griffier of balju weens afwesigheid of onbekwaamheid nie sy ampspligte kan uitvoer nie of sy amp vakant word, kan die Minister 'n ander bevoegde beamppte in die Staatsdiens magtig om in die plek van die afwesige of onbekwame beamppte op te tree solank hy aldus afwesig of onbekwaam is, of om in die vakante betrekking waar te neem totdat die vakature gevul word: Met dien verstande dat wanneer so 'n vakature vir 'n ononderbroke

such vacancy has remained unfilled for a continuous period exceeding six months the matter shall be reported to the Public Service Commission.

(c) An additional sheriff may, subject to the directions of the sheriff, exercise all the powers and carry out and perform all the functions and duties of the sheriff.

(2) Any officer in the Public Service appointed under subregulation (1) may hold simultaneously more than one of the offices mentioned in that subregulation.

(3) A deputy sheriff who is not an officer in the Public Service may, with the approval of the Minister, appoint one or more assistants for whom he shall be responsible and any such assistant may, subject to the directions of the deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of such deputy sheriff.

(4) Any person appointed as an assistant to a deputy sheriff who is an officer in the Public Service may, subject to the directions of such deputy sheriff, exercise any of the powers and carry out or perform any of the functions or duties of the deputy sheriff.

(5) A deputy sheriff who is not an officer in the Public Service shall, as soon as possible after his appointment, furnish security to the satisfaction of the sheriff for the due and faithful performance of his functions, and if he fails or neglects to furnish such security within a period fixed by the sheriff, his appointment shall lapse at the expiration of the said period.

(6) Whenever in any matter objection is made to the service or execution of process by the sheriff or a deputy sheriff by reason of the interest of such sheriff or deputy sheriff in such matter or of the relationship of such sheriff or deputy sheriff to a party to such matter or of any other good cause of challenge, or whenever by reason of illness or absence or for any other reason it is necessary to appoint any person to perform temporarily any of the duties of a deputy sheriff, the Minister may appoint an acting deputy sheriff.

(7) Any person who has already been appointed in the area as deputy sheriff in terms of the Supreme Court Act, 1959 (Act 59 of 1959), shall, subject to the provisions of subregulation (5), be deemed to have been appointed in terms of the provisions of these regulations.

(8) The Minister may delegate to an officer in the Department of Plural Relations and Development any of the powers vested in him in terms of this regulation.

Suspension of deputy sheriff

27. (1) A deputy sheriff who is alleged to have been negligent or dilatory in the service or execution of process or wilfully to have demanded payment of more than the prescribed fees or expenses or to have made a false return or in any other manner to have misconducted himself in connection with his duties may, pending investigation, be suspended from office and profit by the sheriff who may appoint a person to act in his place during the period of suspension.

(2) The sheriff shall forthwith report to the Secretary for the information of the Minister any action which he has taken under this regulation, and the Minister may, after investigation, set aside the suspension or may confirm it and may, if he deems fit, dismiss from his office the deputy sheriff who has been so suspended.

tydperk van meer as ses maande nie gevul is nie, die geval aan die Staatsdienskommissie gerapporteer moet word.

(c) 'n Addisionele balju kan, onderworpe aan die opdragte van die balju, al die bevoegdhede van die balju uitoefen en al sy werksaamhede en pligte uitvoer.

(2) 'n Beampte in die Staatsdiens wat kragtens subregulasie (1) aangestel is, kan gelyktydig meer as een van die ampte in daardie subregulasie bedoel, beklee.

(3) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie, kan, met goedkeuring van die Minister, een of meer assistente aanstel vir wie hy verantwoordelik is en so 'n assistent kan, onderworpe aan die opdragte van die adjunk-balju, enige van die bevoegdhede van daardie adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(4) Iemand wat aangestel is as assistent van 'n adjunk-balju wat 'n beampte in die Staatsdiens is, kan, onderworpe aan die opdragte van daardie adjunk-balju, enige bevoegdheid van bedoelde adjunk-balju uitoefen en enige van sy werksaamhede of pligte uitvoer.

(5) 'n Adjunk-balju wat nie 'n beampte in die Staatsdiens is nie, moet, so gou doenlik na sy aanstelling, tot tevredenheid van die balju sekuriteit vir die behoorlike en pligsgetroue verrigting van sy werksaamhede verstrek, en indien hy versuim of nalaat om binne 'n tydperk deur die balju bepaal sodanige sekuriteit te verstrek, vervel sy aanstelling by verstryking van daardie tydperk.

(6) Wanneer in enige saak teen die bestelling of tenuitvoerlegging van 'n proses deur die balju of 'n adjunk-balju beswaar gemaak word op grond daarvan dat bedoelde balju of adjunk-balju by daardie saak belang het of aan 'n party by daardie saak verwant is of op 'n ander goeie wrakingsgrond, of wanneer dit weens siekte of afwesigheid of om 'n ander rede nodig is om iemand aan te stel om tydelik enige pligte van 'n adjunk-balju te verrig, kan die Minister 'n waarnemende adjunk-balju aanstel.

(7) Enige persoon wat reeds ingevolge die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), in die gebied as adjunk-balju aangestel is, word, behoudens die bepalinge van subregulasie (5), geag ingevolge die bepalinge van hierdie regulasies aangestel te gewees het.

(8) Die Minister kan aan 'n beampte in die Departement van Plurale Betrekkinge en Ontwikkeling enige bevoegdheid deleger wat ingevolge hierdie regulasie by hom berus.

Skorsing van adjunk-balju

27. (1) 'n Adjunk-balju wat na bewering nalatig of traag by die bestelling of tenuitvoerlegging van prosesstukke was of opsetlik betaling van meer as die voorgeskrewe gelde of onkoste geëis het of 'n valse relaas gemaak of hom andersins in verband met sy pligte aan wangedrag skuldig gemaak het, kan, in afwagting van 'n ondersoek, in sy amp geskors en van die voordele daarvan onthef word deur die balju, wat iemand kan aanstel om gedurende die tydperk van die skorsing in sy plek op te tree.

(2) Die balju moet onverwyld enige stappe wat hy ingevolge hierdie regulasie gedoen het aan die Sekretaris vir die inligting van die Minister rapporteer, en die Minister kan na ondersoek die skorsing tersyde stel of dit bekrachtig en kan na goedgekeurde die adjunk-balju wat aldus geskors is, uit sy amp ontslaan.

Execution of process

28. (1) The sheriff or the deputy sheriff concerned or his assistant shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes of the Court or the Supreme Court directed to the sheriff and make return of the manner of execution thereof to the Court or the Supreme Court, as the case may be, and to the party at whose instance they were issued.

(2) The return of the sheriff or a deputy sheriff or his assistant of the steps taken upon any process of the Court shall be prima facie evidence of the matters therein stated.

(3) The sheriff shall receive and cause to be detained all persons arrested by order of the Court or committed to his custody by competent authority.

(4) A refusal by the sheriff or any deputy sheriff to do any act which he is by law empowered to do, shall be subject to review by the Court on application *ex parte* or on notice, as the circumstances may require.

Liability for acts of sheriff

29. (1) The Government shall be liable for any loss or damage resulting from any wrongful act performed by a sheriff or deputy sheriff who is an officer in the Public Service, or an assistant of such deputy sheriff, within the scope of his employment as such sheriff or deputy sheriff or assistant or from any neglect of duty by such sheriff or deputy sheriff or assistant.

(2) The sheriff or a deputy sheriff or his assistant shall not be liable for damage arising from the rescue or escape of any person arrested by him or committed to his custody, unless such rescue or escape was effected through his negligence or connivance, but shall, in the event of the rescue or escape of any such person, use all lawful means for his pursuit, apprehension and safe custody.

(3) No proceedings shall be brought against the Minister or the sheriff or any deputy sheriff or his assistant for any act or omission in the execution of the duties of his office unless commenced within six months after the act was committed or the omission occurred.

Service of process on sheriffs or deputy sheriffs

30. (1) Whenever any process is required to be served on the sheriff, such process may be served by the other party by delivering a copy thereof to him at his office during ordinary office hours against his signature.

(2) Whenever any process is required to be served on a deputy sheriff, the said process may, if the deputy sheriff resides in the same district as the sheriff, be served by the sheriff and in every other case by the messenger of the magistrate's court: Provided that if the messenger is himself the deputy sheriff to be so served, the said process may be served by any person specially appointed by the sheriff for that purpose.

Property not liable to be seized in execution

31. The sheriff or a deputy sheriff or his assistant shall not seize in execution of any process—

(a) the necessary beds and bedding and wearing apparel of the person against whom execution is levied or any member of his family;

Tenuitvoerlegging van prosesstukke

28. (1) Die balju of die betrokke adjunk-balju of sy assistent moet alle vonnisse, bevele, uitsprake, bevelskrifte, dagvaardings, reëls, orders, lasbriewe, lasgewings en prosesstukke van die Hof of die Hooggeregs-hof wat aan die balju gerig is, ten uitvoer lê en 'n relaas van die wyse waarop dit ten uitvoer gelê is, verstrek aan die Hof of die Hooggereghof, na gelang van die geval, en aan die party wat dit uitgeneem het.

(2) Die relaas van die balju of 'n adjunk-balju of sy assistent van die stappe wat in verband met 'n prosesstuk van die Hof gedoen is, is prima facie-getuigenis van die aangeleentheid daarin vermeld.

(3) Die balju moet alle persone wat op las van die Hof in hegtenis geneem of deur bevoegde gesag in sy bewaring gestel is, ontvang en laat aanhou.

(4) 'n Weiering deur die balju of 'n adjunk-balju om 'n handeling te verrig wat hy regtens gemagtig is om te verrig, is onderworpe aan hersiening deur die Hof by aansoek *ex parte* of na kennisgewing, al na die omstandighede vereis.

Aanspreeklikheid vir handelinge van balju

29. (1) Die Regering is aanspreeklik vir verlies of skade wat ontstaan uit 'n wederregtelike handeling deur 'n balju of adjunk-balju wat 'n beamppte in die Staatsdiens is, of 'n assistent van so 'n adjunk-balju, binne die bestek van sy diens as so 'n balju of adjunk-balju of assistent verrig, of uit pligsversuim deur so 'n balju of adjunk-balju of assistent.

(2) Die balju of 'n adjunk-balju of sy assistent is nie vir skade wat ontstaan uit die bevryding of ontsnapping van iemand wat hy in hegtenis geneem het of wat in sy bewaring gestel is, aanspreeklik nie, tensy die bevryding of ontsnapping weens sy nalatigheid of oogluikende toelating geskied het, maar moet in die geval van die bevryding of ontsnapping van so iemand alle wettige middels vir die agtervolging, inhegtenisname en veilige bewaring van so iemand aanwend.

(3) Geen geding word weens 'n handeling of versuim by die vervulling van sy ampspligte teen die Minister of die balju of 'n adjunk-balju of sy assistent ingestel nie, tensy dit aanhangig gemaak word binne ses maande nadat die handeling of versuim plaasgevind het.

Bestelling van prosesstukke aan balju's of adjunk-balju's

30. (1) Wanneer 'n prosesstuk aan die balju bestel moet word, kan daardie prosesstuk deur die ander party bestel word deur 'n afskrif daarvan gedurende gewone kantoorure by sy kantoor teen sy handtekening aan hom te lewer.

(2) Wanneer 'n prosesstuk aan 'n adjunk-balju bestel moet word, kan daardie prosesstuk, indien die adjunk-balju in dieselfde distrik as die balju woon, deur die balju en in enige ander geval deur die geregsbode van die magistratshof bestel word: Met dien verstande dat, indien die geregsbode self die adjunk-balju is aan wie bestelling aldus moet geskied, bedoelde prosesstuk bestel kan word deur iemand wat die balju spesiaal vir dié doel aanstel.

Eiendom wat nie vir beslaglegging vatbaar is nie

31. Die balju of 'n adjunk-balju of sy assistent lê nie by die tenuitvoerlegging van 'n prosesstuk beslag op—

(a) die nodige beddens, beddegoed en klere van die persoon teen wie beslaglegging geskied of 'n lid van sy gesin nie;

(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of R400;

(c) livestock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of R400;

(d) any food and drink sufficient to meet the needs of such person and the members of his family for one month;

(e) tools and implements of trade in so far as they do not exceed in value the sum of R400;

(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 R400; or

(g) such arms and ammunition as the debtor is in terms of any law, regulation or disciplinary order required to have in his possession as part of his equipment:

Provided that the Court may, in exceptional circumstances and on such conditions as it may determine, increase the amount specified in paragraph (b), (c), (e) or (f) to not more than double the amount therein mentioned.

Offences relating to execution

32. Any person who—

(a) obstructs a sheriff or deputy sheriff or his assistant in the execution of his duty;

(b) being aware that goods are under arrest, interdict or attachment by the Court, makes away with or disposes of those goods in a manner not authorised by law, or knowingly permits those goods, if in his possession or under his control, to be made away with or disposed of in such a manner;

(c) being a judgment debtor and being required by a sheriff or deputy sheriff or his assistant to point out property to satisfy a warrant issued in execution of a judgment against such person—

(i) falsely declares to that sheriff or deputy sheriff or his assistant that he possesses no property or insufficient property to satisfy the warrant; or

(ii) although knowing of such property, neglects or refuses to point out such property or to deliver it to the sheriff or deputy sheriff or his assistant when requested to do so; or

(d) being a judgment debtor, refuses or neglects to comply with any requirement of a sheriff or deputy sheriff or his assistant in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution;

shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or in default of payment to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Transmission of summonses, writs and other process and of notice of issue thereof by telegraph

33. In any civil proceedings—

(a) any summons, writ, warrant, rule, order, notice, documents or other process of the Court or communication which by any law, rule of court or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be

(b) die nodige meubels, behalwe beddens, en huisgereedskap vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(c) lewende hawe, gereedskap en landbou-uitrusting van 'n landbouer vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(d) voedsel en drank voldoende om in die behoeftes van bedoelde persoon en die lede van sy gesin vir een maand te voorsien nie;

(e) ambagsgereedskap en -uitrusting vir sover die waarde daarvan die som van R400 nie te bowe gaan nie;

(f) professionele boeke, dokumente of instrumente wat vir die skuldenaar in sy beroep noodsaaklik is, vir sover die waarde daarvan R400 nie te bowe gaan nie; of

(g) wapens en ammunisie wat die skuldenaar volgens die een of ander wet, regulasie of tugreglement as deel van sy uitrusting in sy besit moet hê:

Met dien verstande dat die Hof in buitengewone gevalle en op die voorwaardes wat hy bepaal, die bedrag in paragraaf (b), (c), (e) of (f) vermeld, tot hoogstens dubbel daardie bedrag kan verhoog.

Oortredings met betrekking tot eksekusie

32. Iemand wat—

(a) 'n balju of adjunk-balju of sy assistent in die uitvoering van sy pligte dwarsboom;

(b) in die wete dat 'n beslagleggingsbevel of interdik in verband met goed deur die Hof verleen is, daardie goed wegmaak of daarvoor beskik op 'n wyse wat nie volgens wet gemagtig is nie, of wetens toelaat dat daardie goed, indien in sy besit of onder sy beheer, op so 'n wyse weggemaak of daarvoor beskik word;

(c) in die geval van 'n vonnisskuldenaar, op versoek van 'n balju of adjunk-balju of sy assistent om eiendom ter voldoening aan 'n lasbrief tot eksekusie van 'n vonnis teen so iemand uitgereik, aan te wys—

(i) valslik aan daardie balju of adjunk-balju of sy assistent verklaar dat hy geen eiendom of nie voldoende eiendom om aan die lasbrief te voldoen, besit nie; of

(ii) hoewel hy van sodanige eiendom weet, versuim of weier om daardie eiendom aan te wys of dit aan die balju of adjunk-balju of sy assistent te lewer wanneer hy daartoe versoek word; of

(d) in die geval van 'n vonnisskuldenaar, weier of versuim om te voldoen aan 'n vereiste van 'n balju of adjunk-balju of sy assistent in verband met die lewering van dokumente in sy besit of onder sy beheer met betrekking tot die eiendomsreg op die onroerende goed onder eksekusie;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of by wanbetaling tot gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete.

Oorsending van dagvaardings, bevelskrifte en ander prosesstukke en van kennisgewing van uitreiking daarvan per telegraaf

33. In 'n siviele geding—

(a) kan 'n dagvaarding, bevelskrif, lasbrief, bevel, order, kennisgewing, dokument of ander prosesstuk van die Hof of mededeling wat volgens wet, hofreël of ooreenkoms van partye aan iemand bestel of teen hom ten uitvoer gelê of by die huis, woon- of besigheidsplek van iemand gelaat moet word sodat so iemand daardeur geraak kan word, per telegraaf

transmitted by telegraph, and a telegraphic copy served or executed upon such person, or left at his house or place of abode or business, shall be of the same force and effect as if the original had been shown to or a copy thereof served or executed upon such person, or left as aforesaid, as the case may be; and

(b) a telegram from any judicial or police officer, registrar, assistant registrar, sheriff, deputy sheriff or clerk of the court stating that a warrant or writ has been issued for the apprehension or arrest of any person required to appear in or to answer any civil suit, action or proceeding shall be a sufficient authority to any officer authorised by law to execute any such warrant or writ for the arrest and detention of such person until a sufficient time, not exceeding 14 days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person be previously ordered by a judge of the Court: Provided that any such judge may upon good cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding 28 days from the date of the arrest of such person.

Witness fees

34. (1) The tariff of allowances which shall be paid to a witness in civil proceedings or to any person who is to accompany any such witness on account of the youth or infirmity due to old age or any other infirmity of such witness shall, subject to the provisions of these regulations, be as prescribed from time to time for the Supreme Court in terms of section 42 of the Supreme Court Act, 1959 (Act 59 of 1959).

(2) Notwithstanding anything to the contrary in any law contained, the Court may order that no allowances or only a portion of the prescribed allowances shall be paid to any witness.

Rules of court

35. The Chief Justice is, subject to the provisions of these regulations, authorised to make rules regulating the matters mentioned in section 34 (1) (g) of the Act.

Interpretation of laws

36. (1) Any reference to the Supreme Court or a division of that court or an Appeal Court for Commissioners' Courts contained in any law in force in the area shall, subject to the provisions of these regulations, be construed as a reference to the Court.

(2) Any reference to a judge president or judge of the Supreme Court contained in any law in force in the area in connection with any power, action, duty or function shall be construed as a reference to the Chief Justice or a judge of the Court, as the case may be.

(3) Any reference in any law to an attorney-general or deputy attorney-general of the area of jurisdiction of a division of the Supreme Court shall, in the area of jurisdiction of the Court, be construed as a reference to the attorney-general or a deputy attorney-general, as the case may be, of the area of jurisdiction of the Court.

Appearance in Court

37. An advocate of any division of the Supreme Court may appear in any action in the Court: Provided that an attorney may also, with the permission of the

versend word, en 'n telegrafiese afskrif wat aan so iemand bestel of teen hom ten uitvoer gelê of by sy huis of woon- of besigheidsplek gelaat word, het dieselfde krag en uitwerking asof die oorspronklike aan so iemand getoon of 'n afskrif daarvan aan hom bestel of teen hom ten uitvoer gelê of gelaat was soos voorheen vermeld, na gelang van die geval; en

(b) dien 'n telegram van 'n regterlike of polisie-beampte, griffier, assistent-griffier, balju, adjunk-balju of klerk van die hof, waarin vermeld word dat 'n lasbrief of bevelskrif uitgereik is vir die aanhouding of inhegtenisneming van iemand wat in 'n siviele saak of geding of by siviele verrigtinge moet verskyn of hom moet verweer, as voldoende magtigting aan 'n beampte wat regtens bevoeg is om so 'n lasbrief of bevelskrif vir die inhegtenisneming en aanhouding ten uitvoer te lê, totdat 'n voldoende tydperk, maar hoogstens 14 dae, vir die versending van die lasbrief of bevelskrif na die plek waar bedoelde persoon in hegtenis geneem of aangehou is, verstrik het, tensy 'n regter van die Hof eerder die vrylating van daardie persoon gelas: Met dien verstande dat, waar goeie redes daarvoor aangevoer word, so 'n regter kan beveel dat bedoelde persoon vir 'n verdere tydperk in die bevel vermeld, maar hoogstens 28 dae vanaf die datum van inhegtenisneming van daardie persoon, aangehou word.

Getuiegelde

34. (1) Die tarief van toelaes wat betaal moet word aan 'n getuie in 'n siviele geding of aan iemand wat so 'n getuie weens die jeug of 'n ouderdoms- of ander gebrek van daardie getuie moet begelei, is, behoudens die bepalings van hierdie regulasies, soos van tyd tot tyd voorgeskryf vir die Hooggeregshof kragtens die bepalings van artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959).

(2) Ondanks andersluidende bepalings van die een of ander wet, kan die Hof gelas dat geen toelaes of slegs 'n deel van die voorgeskrewe toelaes aan 'n getuie betaal word.

Hofreëls

35. Die Hoofregter is, behoudens die bepalings van hierdie regulasies, gemagtig om reëls uit te vaardig vir die reëling van die aangeleenthede vermeld in artikel 34 (1) (g) van die Wet.

Uitleg van wetsbepalings

36. (1) 'n Verwysing na die Hooggeregshof of 'n afdeling van daardie hof of 'n Appèlhof vir Kommissarishowe in enige wet wat in die gebied van krag is, word, behoudens die bepalings van hierdie regulasies, uitgelê as 'n verwysing na die Hof.

(2) 'n Verwysing na 'n regter-president of 'n regter van die Hooggeregshof in enige wet wat in die gebied van krag is in verband met enige bevoegdheid, optrede, plig of werkzaamheid, word uitgelê as 'n verwysing na die Hoofregter of 'n regter van die Hof, na gelang van die geval.

(3) 'n Verwysing in enige wet na 'n prokureur-generaal of adjunk-prokureur-generaal van die regsgebied van 'n afdeling van die Hooggeregshof word, in die regsgebied van die Hof, uitgelê as 'n verwysing na die prokureur-generaal of adjunk-prokureur-generaal, na gelang van die geval, van die regsgebied van die Hof.

Verskyning in die Hof

37. 'n Advokaat van enige afdeling van die Hooggeregshof kan in enige geding in die Hof verskyn: Met dien verstande dat 'n prokureur ook, met die verlof

Chief Justice, appear in the Court in any action in which the Chief Justice considers it to be in the interest of the administration of justice.

Power of the Court in relation to the application of indigenous law and customs

38. In all actions or proceedings before the Court in which both the plaintiff and the defendant are Blacks and in which questions of customs followed by Blacks are involved, the Court may, as far as possible, apply the indigenous law applicable to that custom, except in the case where such custom is contrary to the principles of public policy or natural justice: Provided that the Court shall not declare the custom of thakha, lobola or bogadi or other similar custom to be repugnant to such principles.

ANNEXURE

DESCRIPTION OF THE SEAL OF THE COURT

The Coat of Arms of the Republic enclosed within a circle and the whole encompassed by a wider circle within which appear the following words:

**"VENDA-HOERHOF—HIGH COURT—
KHOTHE KHULWANE"**

and the whole encompassed by a wider circle within which appear the following words:

**"REPUBLIEK VAN SUID-AFRIKA—REPUBLIC
OF SOUTH AFRICA—RIPHABULIKI YA AFU-
RIKA TSHIPEMBE"**

No. R. 101, 1979

**BLACK AREAS LAND REGULATIONS.—
AMENDMENT OF PROCLAMATION R. 188 OF
1969**

By virtue of the powers vested in me by section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with sections 21 (1) and 48 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby further amend the regulations promulgated by Proclamation R. 188 of 1969 as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twentieth day of April, One thousand Nine hundred and Seventy-nine.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

P. G. J. KOORNHOF.

SCHEDULE

1. Section 49 (1) is hereby amended by the deletion in paragraph (b) of the word "widowed".

2. Section 56 (1) is hereby amended by the addition to paragraph (a) (i) of the following proviso:

"Provided that nothing in this subparagraph contained shall be construed as prohibiting a development corporation or corporation established under the Promotion of the Economic Development of Black States Act, 1968 (Act 46 of 1968), from taking, subject to the approval of the Commissioner, cession of occupational rights as security for a housing loan granted to the holder, and for the purpose of this subparagraph such development corporation or corporation shall be deemed to be a Black."

van die Hoofregter, in die Hof kan verskyn in 'n geding waarin die Hoofregter dit in die belang van die regspleging beskou.

Bevoegdheid van die Hof met betrekking tot die toepassing van inheemse reg en gebruike

38. In alle gedinge of verrigtinge voor die Hof waarin die eiser sowel as die verweerder Swartes is en waarin kwessies van gebruike wat Swartes navolg betrokke is, kan die Hof, sover doenlik, die toepaslike inheemse reg toepas wat in verband met daardie gebruik geld, behalwe in die geval waar daardie gebruik met beginsels van openbare beleid of natuurlike reg strydig is: Met dien verstande dat die Hof nie die gebruik van thakha, lobola of bogadi of dergelike gebruik met bedoelde beginsels in stryd verklaar nie.

AANHANGSEL

BESKRYWING VAN DIE SEËL VAN DIE HOF

Die Republiekwapen omgewe deur 'n sirkel en daaromheen binne 'n wyer sirkel die woorde:

**"VENDA-HOERHOF—HIGH COURT—
KHOTHE KHULWANE"**

en daaromheen binne 'n wyer sirkel die woorde:

**"REPUBLIEK VAN SUID-AFRIKA—REPUBLIC
OF SOUTH AFRICA—RIPHABULIKI YA AFU-
RIKA TSHIPEMBE"**

No. R. 101, 1979

**REGULASIES BETREFFENDE GROND IN
SWART GEBIEDE.—WYSIGING VAN PROKLA-
MASIE R. 188 VAN 1969**

Kragtens die bevoegdheid my verleen by artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikels 21 (1) en 48 (1) van die Ontwikkelingstrust en Grondwet, 1936 (Wet 18 van 1936), wysig ek hierby die regulasies afgekondig by Proklamasie R. 188 van 1969 verder soos in die Bylae hiervan uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Twintigste dag van April Eenduisend Negehoonderd Nege-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

P. G. J. KOORNHOF.

BYLAE

1. Artikel 49 (1) word hierby gewysig deur in paragraaf (b) die woord "weduwee-hoof" te vervang deur die woorde "vroulike hoof".

2. Artikel 56 (1) word hierby gewysig deur in paragraaf (a) (i) die volgende voorbehoudsbepaling by te voeg:

"Met dien verstande dat niks in hierdie subparagraaf vervat, uitgelê word nie as sou dit 'n ontwikkelingskorporasie of korporasie ingestel kragtens die wet op die Bevordering van die Ekonomiese Ontwikkeling van Swart State, 1968 (Wet 46 van 1968), verbied om, behoudens die goedkeuring van die Kommissaris, sessie van okkupasierereg te neem as sekuriteit vir 'n behuising-lening wat aan die besitter toegestaan is nie, en sodanige ontwikkelingskorporasie of korporasie word by die toepassing van hierdie subparagraaf geag 'n Swarte te wees."

3. Section 60 is hereby amended by the addition after subsection (6) of the following new subsection:

"(7) The provisions of subsections (2), (3) and (4) shall not apply to the cancellation of any permission to occupy in respect of which the Minister has in terms of section 47 (2) (b) imposed an additional condition to that effect."

4. Annexure 29 is hereby amended by the substitution in paragraph 9 for the words "Minister of Plural Relations and Development" of the word "Commissioner".

5. The Afrikaans text of Annexure 31 is hereby amended by the addition to paragraph 15 of the following:

"Die Suid-Afrikaanse Ontwikkelingstrust behou die reg voor om genoemde huurgelde na elke kringloop van drie jaar te hersien."

3. Artikel 60 word hierby gewysig deur na subartikel (6) die volgende nuwe subartikel in te voeg:

"(7) Die bepalings van subartikels (2), (3) en (4) is nie van toepassing nie op die kansellering van enige vergunning tot okkupasie ten opsigte waarvan die Minister ingevolge artikel 47 (2) (b) 'n bykomende voorwaarde tot dien effekte gestel het."

4. Aanhangsel 29 word hierby gewysig deur in paragraaf 9 die woorde "Minister van Plurale Betrekkinge" te vervang deur die woord "Kommissaris".

5. Aanhangsel 31 word hierby gewysig deur in paragraaf 15 die volgende by te voeg:

"Die Suid-Afrikaanse Ontwikkelingstrust behou hom die reg voor om genoemde huurgelde na elke kringloop van drie jaar te hersien."

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 1036

18 May 1979

DAIRY CONTROL SCHEME

TIME AND MANNER OF PAYMENT OF LEVIES AND SPECIAL LEVIES ON FRESH MILK

The Minister of Agriculture has, under the powers vested in him by section 89 of the Marketing Act, 1968 (Act 59 of 1968), made the regulations set out in the Schedule hereto.

SCHEDULE

1. In this notice, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Dairy Control Scheme, published by Proclamation R. 290 of 1978, shall have a corresponding meaning and—

"month" means the period extending from the first to the last day, both days inclusive, of any of the 12 months of a year.

2. A levy and special levy imposed under section 21 or 22 of the said Scheme on fresh milk produced for sale in the Bloemfontein, Cape Peninsula, Pretoria, Western Transvaal and Witwatersrand areas as defined in section 1 of the said Scheme shall be paid to the Dairy Control Board at the times and in the manner as set out in regulation 3.

3. (1) In the case of a producer, producer-distributor or producer to whom a permit has been issued in terms of section 36 of the said Scheme, who delivers fresh milk to distributors, producer-distributors or the surplus pool mentioned in section 37 of the said Scheme, payment of such levy and special levy shall be made by means of a set-off by the Dairy Control Board against any amount of money that may be due by that Board to the person concerned.

(2) In the case of a producer-distributor or a producer to whom a permit has been issued in terms of section 36 of the said Scheme, who delivers fresh milk to persons other than distributors, producer-distributors or the surplus Pool mentioned in section 37 of the said Scheme, payment of such levy and special levy shall be made direct to the Dairy Control Board on or before the seventh day of each month following the month in which such fresh milk was sold, and which payment

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN LANDBOU- EKONOMIE EN -BEMARKING

No. R. 1036

18 Mei 1979

SUIWELBEHEERSKEMA

TYD EN WYSE VAN BETALING VAN HEFFINGS EN SPESIALE HEFFINGS OP VARSMELK

Die Minister van Landbou het, kragtens die bevoegdheid hom verleen by artikel 89 van die Bemarkingswet, 1968 (Wet 59 van 1968), die regulasies in die Bylae hiervan uiteengesit gemaak.

BYLAE

1. In hierdie kennisgewing, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Suiwelbeheerskema, afgekondig by Proklamasie R. 290 van 1978, 'n betekenis geheg is, 'n ooreenstemmende betekenis en beteken—

"maand" die tydperk wat strek van die eerste tot die laaste dag van enigeen van die 12 maande van 'n jaar.

2. 'n Heffing en spesiale heffing opgelê ingevolge artikel 21 of 22 van genoemde Skema op varsmelk wat geproduseer is vir verkoop in die Bloemfontein-, Kaapse Skiereiland-, Pretoria-, Wes-Transvaal- en Witwatersrandgebied, soos omskryf in artikel 1 van genoemde Skema, moet aan die Suiwelbeheerraad betaal word op die tye en wyse soos uiteengesit in regulasie 3.

3. (1) In die geval van 'n produsent, produsent-distribueerder of produsent aan wie 'n permit kragtens artikel 36 van die genoemde Skema uitgereik is, wat varsmelk aan distribueerders, produsent-distribueerders of die surpluspoel genoem in artikel 37 van die genoemde Skema lewer, geskied die betaling van sodanige heffing en spesiale heffing by wyse van 'n verrekking deur die Suiwelbeheerraad teen enige bedrag geld wat deur daardie Raad aan die betrokke persoon verskuldig mag wees;

(2) In die geval van 'n produsent-distribueerder of 'n produsent aan wie 'n permit kragtens artikel 36 van die genoemde Skema uitgereik is wat varsmelk aan persone anders as distribueerders, produsent-distribueerders of die surpluspoel genoem in artikel 37 van die genoemde Skema lewer, geskied die betaling van genoemde heffing en spesiale heffing regstreeks aan die Suiwelbeheerraad voor of op die sewende dag van die maand wat volg op die maand waarin sodanige varsmelk verkoop is, en welke betaling vergesel moet gaan

shall be accompanied by a return which shall be furnished as prescribed by the Dairy Control Board in terms of the provisions of section 29 of the Dairy Control Scheme.

4. These regulations shall come into operation on the date of publication thereof and Government Notices R. 1654 of 23 October 1964 and R. 1033 of 1 July 1966 are repealed with effect from the same date.

No. R. 1057

18 May 1979

MAXIMUM PRICES FOR OIL CAKE AND OIL CAKE MEAL

Under the powers vested in me by section 84E of the Marketing Act, 1968 (Act 59 of 1968), I, Hendrik Stephanus Johan Schoeman, Minister of Agriculture, hereby make known that I have imposed the prohibitions set out in the Schedule hereto in substitution of the prohibitions published by Government Notice R. 2081 of 5 November 1976 as amended.

H. S. J. SCHOEMAN, Minister of Agriculture.

SCHEDULE

1. In this notice, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Marketing Act, 1968, shall have a corresponding meaning, and—

“farm feeds manufacturer” means a person who manufactures any farm feeds registered under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947);

“oil cake” means the residue of ground nuts, sunflower seed, soya beans and cotton seed (whether decorticated or not), after the oil has been extracted;

“oil cake meal” means milled oil cake;

“producer”, in relation to oil cake, means any person concerned in the manufacture of oil cake;

“Republic” excludes the Territory;

“written proof”, in relation to clause 4, means a certified copy of the consignment note or conveyor's invoice if the oil cake or oil cake meal has been conveyed by a third party, or an affidavit by the seller if he has conveyed the oil cake or oil cake meal by own means.

2. No person shall, subject to the provision of clauses 3, 4 and 5, sell oil cake or oil cake meal to the classes of persons specified below at a price above the maximum price indicated hereunder for the particular class of persons:

Class of persons to whom oil cake or oil cake meal is sold	Type of oil cake or oil cake meal sold	Maximum price per metric ton f.o.r. seller's railway station
(a) Farm feeds manufacturers...	(i) Groundnut oil cake and meal.....	R 143
	(ii) Sunflower seed oil cake and meal.....	134
	(iii) Cotton seed oil cake and meal.....	151
	(iv) Soya bean oil cake and meal.....	193
(b) Persons other than farm feeds manufacturers and bona fide farmers	(i) Groundnut oil cake and meal.....	155
	(ii) Sunflower seed oil cake and meal.....	145
	(iii) Cotton seed oil cake and meal.....	163
	(iv) Soya bean oil cake and meal.....	208
(c) Bona fide farmers.....	(i) Groundnut oil cake and meal.....	165
	(ii) Sunflower seed oil cake and meal.....	154
	(iii) Cotton seed oil cake and meal.....	174
	(iv) Soya bean oil cake and meal.....	223

van 'n opgaaf wat verstrek moet word soos voorgeskryf deur die Suiwelbeheerraad kragtens die bepalings van artikel 29 van die Suiwelbeheerskema.

3. Hierdie regulasies tree in werking op die datum van publikasie daarvan en Goewermentskennisgewings R. 1654 van 23 Oktober 1964 en R. 1033 van 1 Julie 1966 word herroep met ingang van dieselfde datum.

No. R. 1057

18 Mei 1979

MAKSIMUM PRYSE VIR OLIEKOEK EN OLIEKOEKMEEL

Kragtens die bevoegdheid my verleen by artikel 84E van die Bemerkingswet, 1968 (Wet 59 van 1968), maak ek, Hendrik Stephanus Johan Schoeman, Minister van Landbou, hierby bekend dat ek die verbodsbepalings in die Bylae hiervan uiteengesit, opgelê het ter vervanging van die verbodsbepalings afgekondig by Goewermentskennisgewing R. 2081 van 5 November 1976 soos gewysig.

H. S. J. SCHOEMAN, Minister van Landbou.

BYLAE

1. In hierdie kennisgewing, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Bemerkingswet, 1968, 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

“oliekoek” die residu van grondbone, sonneblomsaad, sojabone en katoensaad (hetsy gepel of nie) nadat die olie daaruit verwyder is;

“oliekoekmeel” gemaalde oliekoek;

“produsent”, met betrekking tot oliekoek, iemand wat betrokke is by die vervaardiging van oliekoek;

“Republiek” nie ook die Gebied nie;

“skriftelike bewys”, met betrekking tot klousule 4, 'n gesertifiseerde afskrif van die vragbrief of karweiers-faktuur indien die oliekoek of oliekoekmeel deur 'n derde persoon vervoer is, of 'n beëdigde verklaring deur die verkoper indien hy die oliekoek of oliekoekmeel met eie middele vervoer het;

“veevoedselvervaardiger” iemand wat veevoedsel, geregistreer kragtens die Wet op Misstawwe, Veevoedsel, Landboumiddels en Veemiddels, 1947 (Wet 36 van 1947), vervaardig.

2. Niemand mag, behoudens die bepalings van klousules 3, 4 en 5, oliekoek of oliekoekmeel aan die ondergemelde klasse persone verkoop teen 'n hoër prys hieronder vir die bepaalde klas persone aangedui nie:

Klas persone aan wie oliekoek of oliekoekmeel verkoop word	Soort oliekoek of oliekoekmeel verkoop	Maksimum prys per metrieke ton v.o.s. verkoper se spoorwegstasie
		R
(a) Veevoedselvervaardigers....	(i) Grondbone-oliekoek en -meel.....	143
	(ii) Sonneblomsaad-oliekoek en -meel.....	134
	(iii) Katoensaad-oliekoek en -meel.....	151
	(iv) Sojabone-oliekoek en -meel.....	193
(b) Persone ander as veevoedselvervaardigers en bona fide-boere	(i) Grondbone-oliekoek en -meel.....	155
	(ii) Sonneblomsaad-oliekoek en -meel.....	145
	(iii) Katoensaad-oliekoek en -meel.....	163
	(iv) Sojabone-oliekoek en -meel.....	208
(c) Bona fide-boere.....	(i) Grondbone-oliekoek en -meel.....	165
	(ii) Sonneblomsaad-oliekoek en -meel.....	154
	(iii) Katoensaad-oliekoek en -meel.....	174
	(iv) Sojabone-oliekoek en -meel.....	223

3. (1) The maximum prices specified in clause 2 shall include the price of the containers in which oil cake or oil cake meal is delivered in pursuance of a sale.

(2) The said maximum prices shall be reduced by an amount of R4,50 per metric ton if oil cake or oil cake meal is—

(a) sold in bulk;

(b) delivered in pursuance of a sale in containers supplied by the purchaser;

(c) sold subject to a term of sale that ownership of the containers in which the oil cake or oil cake meal is delivered in pursuance of the sale shall not be transferred to the purchaser.

4. The amount of the transport costs actually incurred by a seller, other than a producer of oil cake, to obtain delivery of oil cake and oil cake meal at his premises, may, notwithstanding the provisions of clause 2, be added to the purchase price of the oil cake or oil cake meal concerned, provided the seller furnishes written proof of such costs to the purchaser within a period of 30 days from the date of sale.

5. The provisions of this notice shall not apply to the sale of oil cake and oil cake meal if the total quantity sold by a seller to a particular purchaser during a period of any seven consecutive days does not exceed 100 kg.

6. This Notice shall come into operation on the date of publication thereof and repeals Government Notice R. 2081 of 5 November 1976, as amended by Government Notices R. 863 of 20 May 1977, R. 1440 of 22 July 1977 and R. 1062 of 26 May 1978, with effect from the same date.

No. R. 1058

18 May 1979

LEVY ON OIL CAKE

In terms of section 84A of the Marketing Act, 1968 (Act 59 of 1968), I, Hendrik Stephanus Johan Schoeman, Minister of Agriculture, hereby make known that I have, under the powers vested in me by the said section, imposed the levy set out in the Schedule hereto in substitution of the levy published by Government Notice R. 1060 of 26 May 1978.

H. S. J. SCHOEMAN, Minister of Agriculture.

3. (1) Die maksimum pryse in klousule 2 vermeld, sluit die prys van die houers waarin oliekoek of oliekoekmeel uit hoofde van 'n verkoop gelewer word, in.

(2) Bedoelde maksimum pryse moet met 'n bedrag van R4,50 per metrieke ton verminder word indien oliekoek of oliekoekmeel—

(a) in losmaat verkoop word;

(b) uit hoofde van 'n verkoop gelewer word in houers wat deur die koper voorsien is;

(c) verkoop word onderworpe aan 'n verkoopbeding dat eiendomsreg van die houers waarin die oliekoek of oliekoekmeel uit hoofde van die verkoop gelewer word nie op die koper oorgaan nie.

4. Die bedrag van die transportkoste werklik deur die verkoper, anders as 'n produsent van oliekoek, aangegaan om die oliekoek of oliekoekmeel by sy perseel gelewer te kry, kan, ongeag die bepalings van klousule 2, by die verkoopprijs van die betrokke oliekoek of oliekoekmeel gevoeg word, mits die verkoper die koper binne 30 dae na die datum van verkoop van skriftelike bewys van sodanige koste voorsien.

5. Die bepalings van hierdie kennisgewing is nie van toepassing nie op die verkoop van oliekoek of oliekoekmeel indien die totale hoeveelheid deur 'n verkoper aan 'n bepaalde koper gedurende 'n tydperk van sewe agtereenvolgende dae verkoop nie 100 kg oorskry nie.

6. Hierdie Kennisgewing tree in werking op die datum van publikasie daarvan en herroep Goewermentskennisgewing R. 2081 van 5 November 1976, soos gewysig deur Goewermentskennisgewings R. 863 van 20 Mei 1977, R. 1440 van 22 Julie 1977 en R. 1062 van 26 Mei 1978, met ingang vanaf dieselfde datum.

No. R. 1058

18 Mei 1979

HEFFING OP OLIEKOEK

Ingevolge artikel 84A van die Bemerkingswet, 1968 (Wet 59 van 1968), maak ek, Hendrik Stephanus Johan Schoeman, Minister van Landbou, hierby bekend dat ek kragtens die bevoegdheid my verleen by genoemde artikel die heffing in die Bylae hiervan uiteengesit opgelê het ter vervanging van die heffing opgelê by Goewermentskennisgewing R. 1060 van 26 Mei 1978.

H. S. J. SCHOEMAN, Minister van Landbou.

SCHEDULE

1. In this notice, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the Marketing Act, 1968 (Act 59 of 1968), shall have a corresponding meaning, and—

“oil cake” means the residue of ground-nuts, sunflower seed, soya beans and cotton seed (whether decorticated or not), after the oil has been extracted;

“producer”, in relation to oil cake, means any person concerned in the manufacture of oil cake;

“Republic” excludes the Territory.

2. A levy of R4 per metric ton is hereby imposed on oil cake produced in the Republic.

3. The levy referred to in clause 2 shall be payable at such times and in such manner as may be prescribed by regulation under section 89 of the Marketing Act, 1968, and shall be so payable by the producer of the oil cake.

4. This notice shall come into operation on the date of publication thereof and repeals Government Notice R. 1060 of 26 May 1978 with effect from the same date.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

No. R. 1055

18 May 1979

PRICE CONTROL

MAXIMUM PRICES OF YELLOW MARGARINE

I, Elias George de Beer, Price Controller, do hereby prescribe in terms of section 4 of the Price Control Act, 1964 (Act 25 of 1964), with effect from date of publication hereof, as follows:

1. When yellow margarine is contained in a plastic tub, or any tub of any other material, the maximum price at which any manufacturer may sell such yellow margarine to any dealer shall be R19,66 per 12,50 kg.

2. The maximum price at which any manufacturer may sell yellow margarine in any container other than that referred to in regulation 1, to any dealer shall be R17,58 per 12,50 kg.

3. The maximum price at which any dealer may sell the yellow margarine referred to in regulation 1, shall be 42,5c per 250 g.

4. The maximum price at which any dealer may sell yellow margarine in any container other than that referred to in regulation 1, shall be 38,5c per 250 g.

5. In this notice “yellow margarine” shall mean yellow margarine as defined by section 1 of the Dairy Industry Act, 1961 (Act 30 of 1961).

6. This notice applies in the Republic of South Africa with the exception of the Port and Settlement of Walvis Bay.

7. Government Notice R. 1198 of 2 June 1978 is hereby withdrawn.

E. G. DE BEER, Price Controller.

BYLAE

1. In hierdie kennisgewing, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Bemerkingswet, 1968 (Wet 59 van 1968), 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

“oliekoek” die residu van grondbone, sonneblomsaad, sojabone en katoensaad (hetsy gepel of nie), nadat die olie daaruit verwyder is;

“produsent”, met betrekking tot oliekoek, iemand wat betrokke is by die vervaardiging van oliekoek;

“Republiek” nie ook die Gebied nie.

2. Hierby word 'n heffing van R4 per metrieke ton op oliekoek wat in die Republiek geproduseer word, opgelê.

3. Die in klousule 2 bedoelde heffing is betaalbaar op die tye en wyse wat by regulasie kragtens artikel 89 van die Bemerkingswet, 1968, voorgeskryf mag word en is aldus betaalbaar deur die produsent van die oliekoek.

4. Hierdie kennisgewing tree in werking op die datum van publikasie daarvan en herroep Goewermementskennisgewing R. 1060 van 26 Mei 1978 met ingang vanaf dieselfde datum.

DEPARTEMENT VAN HANDEL EN VERBRUIKERSAKE

No. R. 1055

18 Mei 1979

PRYSBEHEER

MAKSIMUM PRYSE VAN GEEL MARGARIEN

Ek, Elias George de Beer, Pryscontroleur, bepaal hierby, ingevolge artikel 4 van die Wet op Prysbeheer, 1964 (Wet 25 van 1964), met ingang van die datum van publikasie hiervan, soos volg:

1. Wanneer geel margarien in 'n bakkie van plastiek, of 'n bakkie van 'n ander materiaal, verpak is, is die maksimum prys waarteen 'n vervaardiger sodanige geel margarien aan 'n handelaar mag verkoop R19,66 per 12,50 kg.

2. Die maksimum prys waarteen 'n vervaardiger geel margarien in 'n ander houer as dié in regulasie 1 bedoel, aan 'n handelaar mag verkoop, is R17,58 per 12,50 kg.

3. Die maksimum prys waarteen 'n handelaar die geel margarien in regulasie 1 bedoel, mag verkoop, is 42,5c per 250 g.

4. Die maksimum prys waarteen 'n handelaar geel margarien in 'n ander houer as dié in regulasie 1 bedoel, mag verkoop, is 38,5c per 250 g.

5. In hierdie kennisgewing het “geel margarien” die betekenis soos in artikel 1 van die Wet op die Suiwelnywerheid, 1961 (Wet 30 van 1961), omskryf.

6. Hierdie kennisgewing is in die Republiek van Suid-Afrika, met uitsondering van die hawe en nedersetting Walvisbaai, van toepassing.

7. Goewermementskennisgewing R. 1198 van 2 Junie 1978, word hierby ingetrek.

E. G. DE BEER, Pryscontroleur.

DEPARTMENT OF CUSTOMS AND EXCISE

No. R. 1033 18 May 1979
CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/2/17)

Under section 48 of the Customs and Excise Act, 1964, Part 2 of Schedule 1 to the said Act is hereby amended, with retrospective effect to 3 July 1978, to the extent set out in the Schedule hereto

O. P. F. HORWOOD, Minister of Finance.

DEPARTEMENT VAN DOEANE EN AKSYNS

No. R. 1033 18 Mei 1979
DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/2/17)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae 1 by genoemde Wet hierby gewysig, met terugwerkende krag tot 3 Julie 1978, in die mate in die Bylae hiervan aangetoon.

O. P. F. HORWOOD, Minister van Finansies.

SCHEDULE

I Tariff Item	II Tariff Heading and Description	III IV Rate of Duty	
		Excise	Customs
128.40	By the substitution for tariff heading No. 90.09 of the following: "90.09 Image projectors (excluding cinematographic projectors, overhead projectors and microfilm readers)"	20%	20%"

Note.—The effect of this amendment is that microfilm readers are no longer liable to *ad valorem* excise and customs duties. This amendment has retrospective effect to 3 July 1978.

BYLAE

I Tarief-item	II Tariefpos en Beskrywing	III IV Skaal van Reg	
		Aksyns	Doeane
128.40	Deur tariefpos No. 90.09 deur die volgende te vervang: „90.09 Beeldprojektors (uitgesonderd kinematografiese projektors, oorhoofse projektors en mikrofilmlesers)"	20%	20%"

Opmerking.—Die uitwerking van hierdie kennisgewing is dat mikrofilmlesers nie meer aan *ad valorem* aksyns- en doeane-regte onderhewig is nie. Hierdie wysiging het terugwerkende krag tot 3 Julie 1978.

No. R. 1034 18 May 1979
CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 5 (No. 5/90)

Under section 75 of the Customs and Excise Act, 1964, Schedule 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

O. P. F. HORWOOD, Minister of Finance.

No. R. 1034 18 Mei 1979
DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 5 (No. 5/90)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 5 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

O. P. F. HORWOOD, Minister van Finansies.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Drawback
510.01	By the deletion of tariff heading No. 58.05.	

Note.—The provision for a drawback of duty on narrow fabrics of cellulosic fibres, used for strapping sheets of cellulose pulp, is withdrawn.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Teruggawe
510.01	Deur tariefpos No. 58.05 te skrap.	

Opmerking.—Die voorsiening vir 'n teruggawe van reg op smalstowwe van sellulosiese vesels, gebruik vir die vasmaak van sellulose-pulpvelle, word ingetrek.

DEPARTMENT OF HEALTH

No. R. 1044

18 May 1979

PROMULGATION OF SMOKE CONTROL REGULATIONS IN TERMS OF SECTION 18 (5) OF THE ATMOSPHERIC POLLUTION PREVENTION ACT, 1965 (ACT 45 OF 1965)

In terms of section 18 (5) of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), and after consultation with the National Air Pollution Advisory Committee, I, Schalk Willem van der Merwe, Minister of Health, hereby promulgate the following regulations which shall apply to the area of jurisdiction of the Municipality of Bedfordview from the date of publication hereof:

MUNICIPALITY OF BEDFORDVIEW.—SMOKE CONTROL REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“Council” means the Village Council of Bedfordview;

“Act” means the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965);

and any other word or expression to which a meaning has been assigned in the Act shall bear that meaning.

2. (1) Save as provided in subregulation (2), no owner or occupier of any premises shall, except for an aggregate period not exceeding three minutes during any continuous period of 30 minutes, permit the emission or emanation from such premises of smoke of such a density or content as will obscure light to an extent greater than 40 per cent.

(2) The provisions of subregulation (1) shall not apply to smoke emanating or emitted in contravention of that subregulation from a fuel burning appliance during the start-up period or, if such emanation or emission could not reasonably have been prevented, while such appliance is being overhauled or during the period of any breakdown or disturbance of such appliance.

3. No person shall install or cause or permit to be installed or alter or extend or cause or permit to be altered or extended any fuel burning appliance designed to burn solid or liquid fuel in or on any premises, unless the plans and specifications in respect of such installation, extension or alteration have been approved by the Council.

4. If any fuel burning appliance has been installed, extended or altered in contravention of subregulation 3, the Council may by notice in writing require the owner or occupier of the premises in question to remove, within a period specified in the notice and at his own expense, such fuel burning appliance from such premises.

5. The owner or occupier of any premises in or on which any fuel burning appliance is used shall, if so requested by the Council in writing, install, maintain and use at his own expense such apparatus as may be determined by the Council, for the purpose of indicating or recording or both indicating and recording the density or colour of the smoke emitted by such appliance or for the purpose of facilitating the observance of such smoke with a view to determining its density or colour and shall make available to the Council at all reasonable times any information recorded or ascertain by means of such apparatus.

6. The provisions of these regulations shall not apply to smoke emitted from any dwelling-house or to the installation, alteration or extension of any fuel burning appliance in any dwelling-house.

DEPARTEMENT VAN GESONDHEID

No. R. 1044

18 Mei 1979

AFKONDIGING VAN ROOKBEHEERREGULASIES INGEVOLGE ARTIKEL 18 (5) VAN DIE WET OP VOORKOMING VAN LUGBESOEDELING, 1965 (WET 45 VAN 1965)

Ingevolge artikel 18 (5) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965), en na oorlegpleging met die Nasionale Adviserende Komitee op Lugbesoedeling, kondig ek, Schalk Willem van der Merwe, Minister van Gesondheid, hierby onderstaande regulasies af wat met ingang van die datum van publikasie hiervan op die regsgebied van die Munisipaliteit van Bedfordview van toepassing is:

MUNISIPALITEIT VAN BEDFORDVIEW.—REGULASIES VIR ROOKBEHEER

1. In hierdie regulasies, tensy die samehang anders aandui, beteken “Raad” die Dorpsraad van Bedfordview; “Wet” die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965); en het enige ander woord of uitdrukking waaraan ’n betekenis in die Wet geheg is, daardie betekenis.

2. (1) Behoudens die bepalings van subregulasie (2) mag geen eienaar of okkupeerder van enige perseel toelaat dat rook wat so ’n digtheid of inhoud het dat dit lig in groter mate as 40 persent verdonker, uit so ’n perseel uitgelaat of afgegee word nie, behalwe vir ’n totale tydperk van hoogstens drie minute gedurende elke aaneenlopende tydperk van 30 minute.

(2) Die bepalings van subregulasie (1) is nie van toepassing nie op rook wat strydig met daardie subregulasie uit ’n brandstof-verbruikende toestel afgegee of uitgelaat word terwyl dit aan die gang gesit word of, indien sodanige afgee of uitlating nie redelikerwys verhoed kon geword het nie, terwyl sodanige toestel nagegaan word of gedurende die tydperk wanneer bedoelde toestel tot stilstand kom of onklaar raak.

3. Geen persoon mag ’n brandstof verbruikende toestel wat ontwerp is om vaste of vloeibare brandstof in of op enige perseel te verbruik, inrig of laat inrig of toelaat dat dit ingerig word of dit verander of uitbrei of laat verander of uitbrei of toelaat dat dit verander of uitgebrei word nie, tensy die planne en spesifikasies ten opsigte van sodanige inrig, uitbreiding of verandering deur die Raad goedgekeur is.

4. Indien enige brandstof verbruikende toestel strydig met regulasie 3 ingerig, uitgebrei of verander is, kan die Raad by skriftelike kennisgewing vereis dat die eienaar of okkupeerder van die betrokke perseel sodanige brandstofverbruikende toestel van sodanige perseel verwyder binne ’n tydperk in die kennisgewing bepaal en wel op eie koste.

5. Die eienaar of okkupeerder van enige perseel waarin of waarop enige brandstof verbruikende toestel gebruik word, moet op skriftelike versoek van die Raad sodanige apparaat as wat die Raad bepaal, op eie koste inrig, in stand hou en gebruik ten einde die digtheid of kleur aan te dui of aan te teken of beide aan te dui en aan te teken van die rook deur sodanige toestel uitgelaat, of ten einde die waarneming van sodanige rook vir die bepaling van die digtheid of kleur daarvan te vergemaklik, en moet te alle redelike tye enige inligting wat deur middel van sodanige apparaat aangeteken of vasgestel is, aan die Raad beskikbaar stel.

6. Die bepalings van hierdie regulasies is nie op rook wat uit ’n woning uitgelaat word of op die inrig, verandering of uitbreiding van enige brandstof-verbruikende toestel in enige woning van toepassing nie.

7. (1) No person shall cause, and no owner, occupier or person in control of any premises or part thereof, shall permit any waste material, rubbish, garden refuse, grass, prunings or any similar material to be burnt in or on any premises, or part thereof.

(2) In any proceedings under this regulation it shall not be a defence to prove that the accused did not know of, was not aware of, did not permit or prohibited any of the acts mentioned herein.

8. Any person may apply in writing to the Council for temporary exemption in respect of any fuel burning appliance or any premises from the provisions of regulation 2. If the Council is satisfied that there are adequate reasons for such exemption it may, by notice in writing to the applicant, grant such exemption for a specific period.

9. Any person who contravenes any provision of these regulations shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding R200 or, in default of payment, to imprisonment for a period not exceeding six months, and on a second or subsequent conviction, to a fine not exceeding R1 000 or, in default of payment, to imprisonment for a period not exceeding 12 months.

No. R. 1045

18 May 1979

PROMULGATION OF SMOKE CONTROL REGULATIONS IN TERMS OF SECTION 18 (5) OF THE ATMOSPHERIC POLLUTION PREVENTION ACT, 1965 (ACT 45 OF 1965)

In terms of section 18 (5) of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), and after consultation with the National Air Pollution Advisory Committee, I, Schalk Willem van der Merwe, Minister of Health, hereby promulgate the following regulations which shall apply to the area of jurisdiction of the Municipality of Upington from the date of publication hereof:

MUNICIPALITY OF UPINGTON.—SMOKE CONTROL REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“Council” means the Town Council of Upington;

“Act” means the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965);

and any other word or expression to which a meaning has been assigned in the Act shall bear that meaning.

2. (1) Save as provided in subregulation (2), no owner or occupier of any premises shall, except for an aggregate period not exceeding three minutes during any continuous period of 30 minutes, permit the emission or emanation from such premises of smoke of such a density or content as will obscure light to an extent greater than 40 per cent.

(2) The provisions of subregulation (1) shall not apply to smoke emanating or emitted in contravention of that subregulation from a fuel burning appliance during the start-up period or, if such emanation or emission could not reasonably have been prevented, while such appliance is being overhauled or during the period of any breakdown or disturbance of such appliance.

7. (1) Geen persoon mag, en geen eienaar, okkupeerder of persoon in beheer van enige perseel of deel daarvan mag toelaat dat enige afvalmateriaal, vuilgoed, tuinafval, gras, snoeisels of enige soortgelyke materiaal in of op enige perseel of gedeelte daarvan verbrand word nie.

(2) In enige geding ingevolge hierdie regulasie is dit nie 'n verweer om te bewys dat die beskuldigde nie van enige handelinge hierin vermeld, gewet het of nie daarvan bewus was of dit nie toegelaat het nie of dit verbied het.

8. Enige persoon kan skriftelik by die Raad aansoek doen om tydelike vrystelling ten opsigte van enige brandstof-verbruikende toestel of enige perseel van die bepalings van regulasie 2. Indien die Raad oortuig is dat daar afdoende redes vir sodanige vrystelling bestaan, kan hy by skriftelike kennisgewing aan die aansoeker sodanige vrystelling vir 'n bepaalde tydperk verleen.

9. Enige persoon wat enige van die bepalings van hierdie regulasies oortree, begaan 'n misdryf en is by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande en, by 'n tweede of latere skuldigbevinding, 'n boete van hoogstens R1 000 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

No. R. 1045

18 Mei 1979

AFKONDIGING VAN ROOKBEHEERREGULASIES INGEVOLGE ARTIKEL 18 (5) VAN DIE WET OP VOORKOMING VAN LUGBESOEDELING, 1965 (Wet 45 VAN 1965)

Ingevolge artikel 18 (5) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965), en na oorlegpleging met die Nasionale Adviserende Komitee op Lugbesoedeling, kondig ek, Schalk Willem van der Merwe, Minister van Gesondheid, hierby onderstaande regulasies af, wat met ingang van die datum van publikasie hiervan op die regsgebied van die munisipaliteit Upington van toepassing is:

MUNISIPALITEIT VAN UPINGTON.—REGULASIES VIR ROOKBEHEER

1. In hierdie regulasies, tensy die samehang anders aandui, beteken—

“Raad” die Stadsraad van Upington;

“Wet” die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965);

en het enige ander woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis.

2. (1) Behoudens die bepalings van subregulasie (2) mag geen eienaar of okkupeerder van enige perseel toelaat dat rook wat so 'n digtheid of inhoud het dat dit lig in groter mate as 40 persent verdonker, uit so 'n perseel uitgelaat of afgegee word nie, behalwe vir 'n totale tydperk van hoogstens drie minute gedurende elke aaneenlopende tydperk van 30 minute.

(2) Die bepalings van subregulasie (1) is nie van toepassing nie op rook wat strydig met daardie subregulasie uit 'n brandstof-verbruikende toestel afgegee of uitgelaat word terwyl dit aan die gang gesit word of, indien sodanige afgee of uitlating nie redelikerwys verhoed kon geword het nie, terwyl sodanige toestel nagegaan word of gedurende die tydperk wanneer bedoelde toestel tot stilstand kom of onklaar raak.

3. No person shall install or cause or permit to be installed or alter or extend or cause or permit to be altered or extended any fuel burning appliance designed to burn solid or liquid fuel in or on any premises, unless the plans and specifications in respect of such installation, extension or alteration have been approved by the Council.

4. If any fuel burning appliance has been installed, extended or altered in contravention of regulation 3, the Council may by notice in writing require the owner or occupier of the premises in question to remove, within a period specified in the notice and at his own expense, such fuel burning appliance from such premises.

5. The owner or occupier of any premises in or on which any fuel burning appliance is used shall, if so requested by the Council in writing, install, maintain and use at his own expense such apparatus as may be determined by the Council, for the purpose of indicating or recording or both indicating and recording the density or colour of the smoke emitted by such appliance or for the purpose of facilitating the observance of such smoke with a view to determining its density or colour and make available to the Council at all reasonable times any information recorded or ascertained by means of such apparatus.

6. The provisions of these regulations shall not apply to smoke emitted from any dwelling-house or to the installation, alteration or extension of any fuel burning appliance in any dwelling-house.

7. (1) No person shall, and no owner, occupier or person in control of any premises or part thereof, shall allow any waste material, rubbish, garden refuse including grass cuttings, prunings or any similar material to be burnt in or on any premises, or part thereof, except in an incinerator which has been duly approved for this purpose in terms of these regulations.

(2) In any proceedings under this regulation it shall not be a defence to prove that the accused did not know of, was not aware of, did not permit or prohibited any of the acts mentioned herein.

8. Any person may apply in writing to the Council for temporary exemption in respect of any fuel burning appliance or any premises from the provisions of regulation 2. If the Council is satisfied that there are adequate reasons for such exemption it may, by notice in writing to the applicant, grant such exemption for a specific period.

9. Any person who contravenes any provision of these regulations shall be guilty of an offence and liable on a first conviction to a fine not exceeding R200 or, in default of payment, to imprisonment for a period not exceeding six months, and on a second or subsequent conviction, to a fine not exceeding R1 000 or, in default of payment, to imprisonment for a period not exceeding 12 months.

3. Geen persoon mag 'n brandstof-verbruikende toestel wat ontwerp is om vaste of vloeibare brandstof in of op enige perseel te verbruik, inrig of laat inrig of toelaat dat dit ingerig word of dit verander of uitbrei of laat verander of uitbrei of toelaat dat dit verander of uitgebrei word nie, tensy die planne en spesifikasies ten opsigte van sodanige inrig, uitbreiding of verandering deur die Raad goedgekeur is.

4. Indien enige brandstof-verbruikende toestel strydig met regulasie 3 ingerig, uitgebrei of verander is, kan die Raad by skriftelike kennisgewing vereis dat die eienaar of okkupeerder van die betrokke perseel sodanige brandstof-verbruikende toestel van sodanige perseel verwyder binne 'n tydperk in die kennisgewing bepaal en wel op eie koste.

5. Die eienaar of okkupeerder van enige perseel waarin of waarop enige brandstof-verbruikende toestel gebruik word, moet op skriftelike versoek van die Raad sodanige apparaat as wat die Raad bepaal op eie koste inrig, in stand hou en gebruik ten einde die digtheid of kleur aan te dui of aan te teken of beide aan te dui en aan te teken van die rook deur sodanige toestel uitgelaat of ten einde die waarneming van sodanige rook vir die bepaling van die digtheid of kleur daarvan te vergemaklik en moet te alle redelike tye enige inligting wat deur middel van sodanige apparaat aangeteken of vasgestel is, aan die Raad beskikbaar stel.

6. Die bepalings van hierdie regulasies is nie op rook wat uit 'n woning uitgelaat word of op die inrig, verandering of uitbreiding van enige brandstof-verbruikende toestel in enige woning van toepassing nie.

7. (1) Geen persoon mag, en geen eienaar, okkupeerder of persoon in beheer van enige perseel of deel daarvan mag toelaat dat enige afvalmateriaal, vuilgoed, tuinafval insluitende afgesnyde gras, snoeisels of enige soortgelyke materiaal in of op enige perseel of gedeelte daarvan verbrand word nie, behalwe in 'n verbrandingstoestel wat vir dié doel by hierdie regulasies behoorlik goedgekeur is.

(2) In enige geding ingevolge hierdie regulasie is dit nie 'n verweer om te bewys dat die beskuldigde nie van enige handelinge hierin vermeld, geweet het of nie daarvan bewus was of dit nie toegelaat het nie of dit verbied het.

8. Enige persoon kan skriftelik by die Raad aansoek doen om tydelike vrystelling ten opsigte van enige brandstof-verbruikende toestel of enige perseel van die bepalings van regulasie 2. Indien die Raad oortuig is dat daar afdoende redes vir sodanige vrystelling bestaan, kan hy by skriftelike kennisgewing aan die aansoeker sodanige vrystelling vir 'n bepaalde tydperk verleen.

9. Enige persoon wat enige van die bepalings van hierdie regulasies oortree, begaan 'n misdryf en is by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande en, by 'n tweede of latere skuldigbevinding, 'n boete van hoogstens R1 000 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

No. R. 1046

18 May 1979

APPLICATION OF PART III OF ACT 45 OF 1965 TO CERTAIN LOCAL AUTHORITY AREAS

In terms of section 14 (1) of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), and after consultation with the Minister of Economic Affairs, I, Schalk Willem van der Merwe, Minister of Health,

No. R. 1046

18 Mei 1979

TOEPASSING VAN DEEL III VAN WET 45 VAN 1965 OP GEBIEDE VAN SEKERE PLAASLIKE BESTURE

Kragtens artikel 14 (1) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965), en na oorlegpleging met die Minister van Ekonomiese Sake, verklaar ek, Schalk Willem van der Merwe, Minister

hereby declare the provisions of Part III of the said Act to be applicable to the area of jurisdiction of the local authority mentioned in the Schedule hereto with effect from the date of publication hereof.

SCHEDULE

Municipality of Delmas.

No. R. 1047

18 May 1979

PROMULGATION OF SMOKE CONTROL ZONE ORDER IN TERMS OF SECTION 20 (1) OF ACT 45 OF 1965

In terms of section 20 (1) of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), and after consultation with the National Air Pollution Advisory Committee, I, Schalk Willem van der Merwe, Minister of Health, hereby promulgate the following Order which was confirmed by me on 6 April 1979 and which shall apply to the area of jurisdiction of the Municipality of Pietermaritzburg with effect from 6 January 1980:

MUNICIPALITY OF PIETERMARITZBURG.— SECOND SMOKE CONTROL ZONE ORDER

The Municipality of Pietermaritzburg hereby, under and by virtue of the powers vested in it by section 20 of the Atmospheric Pollution Prevention Act, 1965, makes the following Order:

1. The area defined in the Schedule hereto is hereby declared to be a Smoke Control Zone.

2. In this Smoke Control Zone no owner or occupier of any premises referred to in clause 3 shall cause or permit the emanation or emission from such premises of smoke of such a density or content as will obscure light to an extent greater than 20 per cent.

3. This Order shall apply to—

(a) all premises or buildings in use zones classified as special residential, restricted general residential, general residential, general business and special business zones and zones for special, undertermined, agricultural, institutional, educational and municipal purposes: Provided that, where industrial buildings are situated in this use zone, any person may apply in writing to the City Council of Pietermaritzburg for exemption from the provisions of this Order, and if the Council is satisfied that there are adequate reasons for such exemption it may, by notice in writing to the applicant, grant such exemption;

(b) dwelling-houses, residential buildings, shops, business premises, warehouses, social halls, places of amusement, places of public worship, places of instruction, parking garages, public garages, institutions, sports grounds and special buildings in use zones classified as special industrial zones.

4. The City Council of Pietermaritzburg may from time to time exempt from the provisions of clause 2 hereof any make, type, class or model of household fuel burning appliance designed to burn any solid or liquid fuel, on condition that—

(a) such appliance is installed, maintained and operated in accordance with the manufacturer's instructions supplied with the appliance;

(b) such appliance is operated so as to minimise the emission of smoke; and

van Gesondheid, hierby dat die bepalings van Deel III van genoemde Wet met ingang van die datum van publikasie hiervan op die regsgebied van die plaaslike bestuur in die Bylae hiervan genoem, van toepassing is.

BYLAE

Munisipaliteit van Delmas.

No. R. 1047

18 Mei 1979

AFKONDIGING VAN ROOKBEHEERSTREEK-BEVEL INGEVOLGE ARTIKEL 20 (1) VAN WET 45 VAN 1965

Kragtens artikel 20 (1) van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet 45 van 1965), en na oorlegpleging met die Nasionale Adviserende Komitee op Lugbesoedeling, kondig ek, Schalk Willem van der Merwe, Minister van Gesondheid, hierby die volgende bevel af wat op 6 April 1979 deur my bekragtig is en wat met ingang van 6 Januarie 1980 op die regsgebied van die Munisipaliteit van Pietermaritzburg van toepassing is:

MUNISIPALITEIT VAN PIETERMARITZBURG.— TWEDE ROOKBEHEERSTREEKBEVEL

Die Munisipaliteit van Pietermaritzburg vaardig kragtens die bevoegdheid hom verleen by artikel 20 van die Wet op Voorkoming van Lugbesoedeling, 1965, hierby die volgende Bevel uit:

1. Die gebied soos in die Bylae hiervan omskryf, word hierby tot 'n Rookbeheerstreek verklaar.

2. Geen eienaar of okkupeerder van 'n perseel in klousule 3 genoem, mag in hierdie Rookbeheerstreek die voortkoming of uitlating van rook van so 'n digtheid of inhoud dat dit lig in groter mate as 20 per sent verdonker, uit sodanige perseel veroorsaak of toelaat nie.

3. Hierdie Bevel is van toepassing op—

(a) alle persele of geboue in gebruikstreke geklassifiseer as spesiale woon-, beperkte algemene woon-, algemene woon-, algemene besigheid- en spesiale besigheidstreke en streke vir spesiale, onbepaalde, landbou-, inrigtings-, onderrig- en munisipale doeleindes: Met dien verstande dat waar industriële geboue geleë is in hierdie gebruikstreek, enige persoon skriftelik by die Stadsraad van Pietermaritzburg aansoek kan doen om vrystelling van die bepalings van hierdie Bevel, en dat, indien die Raad oortuig is dat daar voldoende redes bestaan vir sodanige vrystelling, hy by skriftelike kennisgewing aan die aansoeker sodanige vrystelling kan verleen;

(b) woonhuise, woongeboue, winkels, besigheidsgeboue, pakhuse, geselligheidsale, vermaaklikheidsplekke, plekke vir openbare godsdiensoefening, onderrigplekke, parkeergarages, openbare garages, inrigtings, sportterreine en spesiale geboue in gebruikstreke geklassifiseer as spesiale nywerheidstreke.

4. Die Stadsraad van Pietermaritzburg kan van tyd tot tyd enige fabrikaat, tipe, klas of model huishoudelike brandstofverbruikende toestel wat ontwerp is om enige vaste of vloeibare brandstof te verband, vrystel van die bepalings van klousule 2 hiervan, op voorwaarde dat—

(a) sodanige toestel ingerig en in stand gehou word en aan die gang bly ooreenkomstig die vervaardiger se voorskrifte wat saam met die toestel verskaf is;

(b) sodanige toestel op so 'n wyse aan die gang bly dat die uitlating van rook tot 'n minimum beperk word; en

(c) the exemption may be withdrawn at any time at the sole discretion of the City Council of Pietermaritzburg.

5. This Order shall come into effect on 6 January 1980.

6. This Order shall be called the Second Smoke Control Zone Order.

SCHEDULE

The area bounded by Boshoff Street, Church Street, Pine Street and Victoria Road.

No. R. 1048

18 May 1979

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT 54 OF 1972)

REGULATION GOVERNING THE MAXIMUM PERMISSIBLE LIMITS FOR MINERAL HYDROCARBONS IN FOODSTUFFS

I, Schalk Willem van der Merwe, Minister of Health, hereby make known for general information in terms of section 15 (6) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), that I intend, in the exercise of the powers vested in me by section 15 (1) of the said Act, to amend Annex I and Annex II to the regulation published by Government Notice R. 230 of 18 February 1977 as indicated.

Interested persons are invited to submit to the Secretary for Health, Private Bag X88, Pretoria, 0001, any substantiated comments on or representations they wish to make in regard to the said regulation within three months of the date of this notice.

"ANNEX I

FOODSTUFFS PERMITTED TO CONTAIN MINERAL HYDROCARBONS

I	II
Foodstuff	Maximum permissible limit mg/kg
Bread which has inevitably come into contact with the lubricant used on the dough divider.....	500
Chewing compound.....	150 000
Dried fruit.....	2 500
Gelatine based sugar confectionery.....	2 000
Jelly preparations.....	2 000
Rind of whole pressed cheese.....	GMP
Shells of eggs.....	GMP
Table jellies.....	2 000
Wine gums.....	2 000
All other foodstuffs which have inevitably come into contact with lubricants during production, processing or manufacture.....	1 000
All other foodstuffs.....	ZERO

ANNEX II

SPECIFICATIONS FOR MINERAL HYDROCARBONS

1. Liquid mineral hydrocarbons—

(a) shall be transparent, almost colourless and tasteless at a temperature of 20 °C;

(b) shall comply with the criteria for acidity or alkalinity, carbonisable substances and solid paraffins given in the monograph on liquid paraffin in the latest edition of the *British Pharmacopoeia*; and

(c) die vrystelling te eniger tyd na die uitsluitlike goedgekeurde van die Stadsraad van Pietermaritzburg, ingetrek kan word.

5. Hierdie bevel tree in werking op 6 Januarie 1980.

6. Hierdie Bevel heet die Tweede Rookbeheerstreek-bevel.

BYLAE

Die gebied begrens deur Boshoffstraat, Kerkstraat, Pinestraat en Victoriaweg.

No. R. 1048

18 Mei 1979

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET 54 VAN 1972)

REGULASIE BETREFFENDE DIE MAKSIMUM TOELAATBARE PERKE VIR MINERAALKOOLWATERSTOFVERBINDINGS IN VOEDINGSMIDDELS

Ek, Schalk Willem van der Merwe, Minister van Gesondheid, maak hierby kragtens artikel 15 (6) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet 54 van 1972), bekend dat ek, in die uitoefening van die bevoegdheid my verleen by artikel 15 (1) van genoemde Wet, van voorneme is om Bylae I en Bylae II van die regulasie gepubliseer by Goewernementskennisgewing R. 230 van 18 Februarie 1977 te wysig soos aangedui.

Belanghebbende persone word versoek om binne drie maande na die datum van publikasie van hierdie kennisgewing enige gemotiveerde kommentaar oor genoemde regulasie, of verhoë wat hulle in verband daarmee wil rig, aan die Sekretaris van Gesondheid, Privaatsak X88, Pretoria, 0001, voor te lê.

"BYLAE I

VOEDINGSMIDDELS WAT MINERAALKOOLWATERSTOFVERBINDINGS MAG BEVAT

I	II
Voedingsmiddel	Maksimum toelaatbare perk mg/kg
Brood wat onvermydelik in aanraking kom met masjienolie wat op die deegverdelers gebruik word	500
Droëvrugte.....	2 500
Eierdoppe.....	GVP
Jelliepreparate.....	2 000
Kors van heel geperste kaas.....	GVP
Kousamestellings.....	150 000
Suikergoed met 'n gelatienbasis.....	2 000
Tafeljellies.....	2 000
Wyngommetjies.....	2 000
Alle ander voedingsmiddels wat onvermydelik met masjienolie in aanraking kom gedurende produksie, prosessering of vervaardiging.....	1 000
Alle ander voedingsmiddels.....	NUL

BYLAE II

SPESIFIKASIES VIR MINERAALKOOLWATERSTOFVERBINDINGS

1. Vloeibare mineraalkoolwaterstofverbindinge—

(a) moet deursigtig, byna kleurloos en smaakloos by 'n temperatuur van 20 °C wees;

(b) moet voldoen aan die kriteria vir suurgehalte of alkali-gehalte, verkoolbare bestanddele en parafienwasse aangegee in die monografie vir aptekersparaffien in die jongste uitgawe van die *British Pharmacopoeia*; en

(c) shall conform to the criteria for polycyclic aromatic hydrocarbons of Haenni, Edward O., Joe, Frank L. Jr., Howard, John W. and Leibel, Rudolph L. (*Journal of the Association of Official Agricultural Chemists*, 1962, Vol. 45, page 66).

2. Mineral hydrocarbons other than liquid mineral hydrocarbons—

(a) shall be either a white translucent unctuous mixture, barely fluorescent in daylight, of low melting mineral hydrocarbons, or an almost colourless and tasteless mixture of solid mineral hydrocarbons;

(b) shall contain not more than 0,1 per cent by mass of sulphated ash;

(c) shall conform to the criteria for acidity or alkalinity given in the monograph on liquid paraffin in the latest edition of the *British Pharmacopoeia*; and

(d) shall conform to criteria for polycyclic aromatic hydrocarbons equivalent in both scope and sensitivity to the criteria of Howard, John W., Haenni, Edward O. and Joe, Frank L. Jr. (*Journal of the Association of Official Agricultural Chemists*, 1965, Vol. 48, page 304)."

DEPARTMENT OF RAILWAYS AND HARBOURS

No. R. 1041

18 May 1979

Under the powers vested in me by section 4 (3) of the Railways and Harbours Pensions Act, 1971 (Act 35 of 1971), I, Stefanus Louwrens Muller, Minister of Transport, do hereby, after consultation with the Railways and Harbours Board, approve of the Pension Regulations, published in Government Notice R. 859 of 28 May 1971, as amended, being further amended as follows with effect from 1 April 1979:

REGULATION 24

Substitute the following for paragraph 2 (i) (ii) (10):

(10) From 1 April 1978 to 31 March 1979—298 per cent on (3).

Insert the following paragraph 2 (i) (ii) (11):

(11) From 1 April 1979—315 per cent on (3).

REGULATION 48

Renumber paragraphs (12) and (13) to read (13) and (14) and insert the following new paragraph (12):

(12) The annuities which became payable before or on 1 April 1979, of all annuitants, including widow annuitants, of all funds, shall with effect from 1 April 1979, be enhanced by a further 8 per cent: Provided that—

(a) in the case of a member who retires after 1 April 1979, the annuitant shall not receive a lesser annuity than would have been payable had the member retired on 1 April 1979 and received the benefit of the 8 per cent enhancement on annuity;

(b) in the case of a member who dies on or after 1 April 1979, the widow annuitant shall not receive a lesser annuity than would have been payable had the member died on 31 March 1979 and the widow received the benefit of the 8 per cent enhancement on annuity.

(c) moet voldoen aan die kriteria vir polisikliese aromatiese koolwaterstofverbindinge van Haenni, Edward O., Joe, Frank L. Jr., Howard, John W. en Leibel, Rudolph L. (*Journal of the Association of Official Agricultural Chemists*, 1962, vol. 45, bladsy 66).

2. Mineraalkoolwaterstofverbindinge met uitsondering van vloeibare mineraalkoolwaterstofverbindinge—

(a) moet of 'n wit deurskynende sagte mengsel, nouliks flouesserend in daglig, van mineraalkoolwaterstofverbindinge met 'n lae smeltpunt, of 'n bykans reuklose en smaaklose mengsel van vaste mineraalkoolwaterstofverbindinge wees;

(b) moet hoogstens 0,1 persent volgens massa gesulfateerde as bevat;

(c) moet voldoen aan die kriteria vir suurgehalte of alkalie-gehalte aangegee in die monografie vir aptekersparaffien in die jongste uitgawe van die *British Pharmacopoeia*; en

(d) moet voldoen aan die kriteria vir polisikliese aromatiese koolwaterstofverbindinge wat gelykwaardig is in omvang en sensitiwiteit met die kriteria van Howard, John W., Haenni, Edward, O. and Joe, Frank, L., Jr. (*Journal of the Association of Official Agricultural Chemists*, 1965, vol. 48 bladsy 304)."

DEPARTEMENT VAN SPOORWEE EN HAWENS

No. R. 1041

18 Mei 1979

Ingevolge die bevoegdheid wat aan my verleen is by artikel 4 (3) van die Spoorweg- en Hawepensioenwet, 1971 (Wet 35 van 1971), verleen ek, Stefanus Louwrens Muller, Minister van Vervoer, na raadpleging met die Spoorweg- en Haweraad, goedkeuring daaraan dat die Pensioenregulasies, gepubliseer in Goewermentskennisgewing R. 859 van 28 Mei 1971, soos gewysig, soos volg verder gewysig word met ingang van 1 April 1979:

REGULASIE 24

Vervang paragraaf (2) (i) (ii) (10) deur die volgende:

(10) Vanaf 1 April 1978 tot 31 Maart 1979—298 persent op (3).

Voeg die volgende paragraaf 2 (i) (ii) (11) by:

(11) Vanaf 1 April 1979—315 persent op (3).

REGULASIE 48

Hernommer paragrawe (12) en (13) om te lui (13) en (14) en voeg die volgende nuwe paragraaf (12) in:

(12) Die jaargelde van alle jaargeldtrekkers, met inbegrip van weduweejaargeldtrekkers, van alle fondse wat voor of op 1 April 1979 betaalbaar geword het, word vanaf 1 April 1979 met 'n verder 8 persent verhoog: Met dien verstande dat—

(a) in die geval van 'n lid wat na 1 April 1979 uittree, die jaargeldtrekker nie minder by wyse van 'n jaargeld sal ontvang nie as die bedrag wat betaalbaar sou gewees het indien die lid op 1 April 1979 uitgetree het en die voordeel van die toevoeging van die 8 persent tot jaargeld ontvang het;

(b) in die geval van 'n lid wat op of na 1 April 1979 te sterwe kom, die weduweejaargeldtrekker nie minder by wyse van 'n jaargeld sal ontvang nie as die bedrag wat betaalbaar sou gewees het indien die lid op 31 Maart 1979 te sterwe gekom het en die weduwee die voordeel van die toevoeging van die 8 persent tot jaargeld ontvang het.

No. R. 1042

18 May 1979

Under the powers vested in me by section 3 of the Railways and Harbours Pensions for Non-Whites Act, 1974 (Act 43 of 1974), I, Stefanus Louwrens Muller, Minister of Transport of the Republic of South Africa, do hereby, after consultation with the Railways and Harbours Board, approve of the Pension Regulations for Non-Whites published in Government Notice R. 303 of 14 February 1975, as amended, being further amended as follows with effect from 1 April 1979:

REGULATION 32A

Renumber paragraphs (3) and (4) to read (4) and (5) and insert the following new paragraph (3):

(3) The annuities of all annuitants which became payable before or on 1 April 1979, shall, with effect from 1 April 1979, be enhanced by a further 10 per cent: Provided that a member who retires after 1 April 1979 shall not receive a lesser annuity than would have been payable had the member retired before or on 1 April 1979, and received the benefit of the 10 per cent enhancement on annuity.

No. R. 1043

18 May 1979

The State President has, in terms of section 32 of the Railways and Harbours Service Act, 1960 (Act 22 of 1960), been pleased to approve of the South African Railways Staff Regulations, published in Government Notice R. 1045 of 15 July 1960, as amended, being further amended as follows:

SOUTH AFRICAN RAILWAYS

STAFF REGULATIONS.—SCHEDULE OF AMENDMENT

(Operative from 1 January 1979)

REGULATION 1

In paragraph (2), under the heading "sub-head of department", add "the Personnel Director", "a Deputy Personnel Director", "an Assistant Personnel Director", "the Director (Manpower)", "a Deputy Director in the Manpower Section" and "an Assistant Director in the Manpower Section".

REGULATION 2

In paragraph (2) (c), add "the Personnel Director", "the Director (Manpower)", "a Deputy Director in the Manpower Section" and "an Assistant Director in the Manpower Section" and substitute "a Deputy Personnel Director" and "an Assistant Personnel Director" for "the Deputy Chief Superintendent (Staff)" and "an Assistant Chief Superintendent (Staff)" respectively.

REGULATION 3

In paragraph (2), add "the Personnel Director", "the Director (Manpower)", "a Deputy Director in the Manpower Section" and "an Assistant Director in the Manpower Section" and substitute "a Deputy Personnel Director" and "an Assistant Personnel Director" for "the Deputy Chief Superintendent (Staff)" and "an Assistant Chief Superintendent (Staff)" respectively.

No. R. 1042

18 Mei 1979

Ingevolge die bevoegdheid wat aan my verleen is by artikel 3 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974 (Wet 43 van 1974), verleen ek, Stefanus Louwrens Muller, Minister van Vervoer van die Republiek van Suid-Afrika, na raadpleging met die Spoorweg- en Haweraad, goedkeuring daaraan dat die Pensioenregulasies vir Nie-Blankes gepubliseer in Goewermentskennisgewing R. 303 van 14 Februarie 1975, soos gewysig, soos volg verder gewysig word met ingang van 1 April 1979:

REGULASIE 32A

Hernommer paragrawe (3) en (4) om te lui (4) en (5) en voeg die volgende nuwe paragraaf (3) in:

(3) Die jaargelde van alle jaargeldtrekkers wat voor of op 1 April 1979 betaalbaar geword het, word vanaf 1 April 1979 met 'n verder 10 persent verhoog: Met dien verstande dat 'n lid wat na 1 April 1979 uittree nie minder by wyse van jaargeld sal ontvang nie as die bedrag wat betaalbaar sou gewees het indien die lid voor of op 1 April 1979 uitgetree het en die voordeel van die toevoeging van die 10 persent tot jaargeld ontvang het.

No. R. 1043

18 Mei 1979

Dit het die Staatspresident behaag om kragtens artikel 32 van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), goedkeuring daaraan te verleen dat die Personeelregulasies van die Suid-Afrikaanse Spoorweë, gepubliseer in Goewermentskennisgewing R. 1045 van 15 Julie 1960, soos gewysig, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEE

PERSONEELREGULASIES.—WYSIGINGSLYS

(Van krag van 1 Januarie 1979)

REGULASIE 1

In paragraaf (2), onder die opskrif "departements-onderhoof", voeg by "die Personeeldirekteur", "n adjunk-personeeldirekteur", "n assistent-personeeldirekteur", "die Direkteur (mannekrag)", "n adjunk-direkteur in die afdeling mannekrag" en "n assistent-direkteur in die afdeling mannekrag".

REGULASIE 2

In paragraaf (2) (c), voeg by "die Personeeldirekteur", "die Direkteur (mannekrag)", "n adjunk-direkteur in die afdeling mannekrag" en "n assistent-direkteur in die afdeling mannekrag" en vervang "die Adjunk-hoofsuperintendent (personeel)" en "n assistent-hoofsuperintendent (personeel)" onderskeidelik deur "n adjunk-personeeldirekteur" en "n assistent-personeeldirekteur".

REGULASIE 3

In paragraaf (2), voeg by "die Personeeldirekteur", "die Direkteur (mannekrag)", "n adjunk-direkteur in die afdeling mannekrag" en "n assistent-direkteur in die afdeling mannekrag" en vervang "die Adjunk-hoofsuperintendent (personeel)" en "n assistent-hoofsuperintendent (personeel)" onderskeidelik deur "n adjunk-personeeldirekteur" en "n assistent-personeeldirekteur".

REGULATION 155

In paragraph (1), under the heading "General Manager's Department", add "the Personnel Director", "the Director (Manpower)", "a Deputy Director in the Manpower Section" and "an Assistant Director in the Manpower Section" and substitute "a Deputy Personnel Director" and "an Assistant Personnel Director" for "the Deputy Chief Superintendent (Staff)" and "an Assistant Chief Superintendent (Staff)" respectively.

REGULATION 179

In paragraph (1), under the heading "*Officer whose decision appealed against*" within the bracket opposite "the General Manager" add "the Personnel Director", "the Director (Manpower)", "a Deputy Director in the Manpower Section" and "an Assistant Director in the Manpower Section" and substitute "a Deputy Personnel Director" and "an Assistant Personnel Director" for "the Deputy Chief Superintendent (Staff)" and "an Assistant Chief Superintendent (Staff)" respectively.

REGULASIE 155

In paragraaf (1), onder die opskrif "die Hoofbestuurder se Departement", voeg by "die Personeeldirekteur", "die Direkteur (mannekrag)", "n adjunkdirekteur in die afdeling mannekrag" en "n assistentdirekteur in die afdeling mannekrag" en vervang "die Adjunk-hoofsuperintendent (personeel)" en "n assistent-hoofsuperintendent (personeel)" onderskeidelik deur "n adjunk-personeeldirekteur" en "n assistent-personeeldirekteur".

REGULASIE 179

In paragraaf (1), onder die opskrif "*Amptenaar teen wie se beslissing daar geappelleer word*", binne die hakie teenoor "die Hoofbestuurder", voeg by "die Personeeldirekteur", "die Direkteur (mannekrag)", "n adjunkdirekteur in die afdeling mannekrag" en "n assistentdirekteur in die afdeling mannekrag" en vervang "die Adjunk-hoofsuperintendent (personeel)" en "n assistent-hoofsuperintendent (personeel)" onderskeidelik deur "n adjunk-personeeldirekteur" en "n assistent-personeeldirekteur".

PHYTOPHYLACTICA

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