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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 45, 1997

ASSIGNMENT OF THE ADMINISTRATION OF THE PERFORMING ANIMALS PROTECTION ACT, 1935 (ACT No. 24 OF 1935), AND THE ANIMALS PROTECTION ACT, 1962 (ACT No. 71 OF 1962), TO THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS

Under section 97 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), I hereby assign the administration of the Performing Animals Protection Act, 1935 (Act No. 24 of 1935), and the Animals Protection Act, 1962 (Act No. 71 of 1962), which is entrusted to the Minister of Justice and which entrust powers and functions to the said Minister, to the Minister for Agriculture and Land Affairs.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of July, One thousand Nine hundred and Ninety-seven.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 45, 1997****OORDRAG VAN DIE ADMINISTRASIE VAN DIE BESKERMING VAN GEDRESSEERDE DIERE WET, 1935 (WET No. 24 VAN 1935), EN DIE DIEREBESKERMINGSWET, 1962 (WET No. 71 VAN 1962) AAN DIE MINISTER VIR LANDBOU EN GRONDSAKE**

Kragtens artikel 97 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), dra ek hiermee die administrasie van die Beskerming van Gedresseerde Diere Wet, 1935 (Wet No. 24 van 1935), en die Dierebeskermingswet, 1962 (Wet No. 71 van 1962), wat aan die Minister van Justisie toevertrou is en wat bevoegdhede en werksaamhede aan gemelde Minister toevertrou, oor aan die Minister vir Landbou en Grondsake.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-entwintigste dag van Julie, Eenduisend Negehoenderd Sewe-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

A. M. OMAR**Minister van die Kabinet**

**GOVERNMENT NOTICE
GOEWERMENSKENNISGEWING**

**DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE****No. R. 1081****8 August 1997****MAGISTRATES ACT, 1993 (ACT No. 90 OF 1993)****AMENDMENT OF REGULATIONS**

The Minister of Justice has, under section 16 of the Magistrates Act, 1993 (Act No. 90 of 1993), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 361 of 11 March 1994, as amended by Government Notices Nos. R. 644 of 1 April 1994, R. 1407 of 11 August 1994, R. 1808 of 17 October 1994, R. 1707 of 27 October 1994, R. 1791 of 17 November 1995, R. 72 of 26 January 1996, R. 331 of 1 March 1996, R. 957 of 7 June 1996, R. 1178 of 19 July 1996, R. 1242 of 2 August 1996, R. 1340 of 12 August 1996, R. 1567 of 27 September 1996, R. 1627 of 1 October 1996, R. 178 of 7 February 1997 and R. 421 of 20 March 1997.

Amendment of regulation 26 of the Regulations

2. Regulation 26 of the Regulations is hereby amended—

(a) by the addition of the following proviso to subregulation (6):

"; Provided that the Commission may dispense with the appointment of a presiding officer and establish a committee to conduct the investigation, in which case a reference in this regulation to 'presiding officer' shall be deemed to be a reference to such a committee.";

(b) by the substitution for subregulation (12) of the following subregulation:

“(12) (a) The recommendation of the presiding officer will be to the effect that the magistrate charged be found guilty or not guilty by the Commission of the misconduct as charged.

(b) If the presiding officer recommends that the magistrate charged be found guilty of the misconduct as charged, or if the magistrate charged admits that he is guilty of the charge, the presiding officer or the magistrate charged, as the case may be, shall state or furnish to the Commission any aggravating or mitigating circumstances, as well as any written comment by the magistrate charged.”;

(c) by the substitution for paragraph (b) of subregulation (17) of the following paragraph:

“(b) withhold his translation to a higher salary scale or promotion to a higher post for a period not exceeding five years”;

(d) by the substitution for paragraph (d) of subregulation (17) of the following paragraph:

“(d) impose a fine not exceeding R10 000 on him”; and

(e) by the addition of the following paragraph to subregulation (17):

“(e) postpone his decision under paragraphs (a) to (d), with or without conditions, for a period of 12 calendar months.”.

No. R. 1081

8 Augustus 1997

WET OP LANDDROSTE, 1993 (WET No. 90 VAN 1993)

WYSIGING VAN REGULASIES

Die Minister van Justisie het kragtens artikel 16 van die Wet op Landdroste, 1993 (Wet No. 90 van 1993), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskying

1. In hierdie Bylae beteken “die Regulasies” die regulasies afgekondig by Goewermentskennisgewing No. R. 361 van 11 Maart 1994, soos gewysig deur Goewermentskennisgewings Nos. R. 644 van 1 April 1994, R. 1407 van 11 Augustus 1994, R. 1808 van 17 Oktober 1994, R. 1707 van 27 Oktober 1994, R. 1791 van 17 November 1995, R. 72 van 26 Januarie 1996, R. 331 van 1 Maart 1996, R. 957 van 7 Junie 1996, R. 1178 van 19 Julie 1996, R. 1242 van 2 Augustus 1996, R. 1340 van 12 Augustus 1996, R. 1567 van 27 September 1996, R. 1627 van 1 Oktober 1996, R. 178 van 7 Februarie 1997 en R. 421 van 20 Maart 1997.

Wysiging van regulasie 26 van die Regulasies

2. Regulasie 26 van die Regulasies word hierby gewysig—

(a) deur die volgende voorbehoudsbepaling by subregulasie (6) te voeg:

“: Met dien verstande dat die Kommissie kan afsien van die aanstelling van 'n voorsittende beampte en 'n komitee instel om die ondersoek te doen, in welke geval 'n verwysing in hierdie regulasie na 'voorsittende beampte' geag word 'n verwysing na so 'n komitee te wees.”;

(b) deur subregulasie (12) deur die volgende subregulasie te vervang:

“(12) (a) Die aanbeveling van die voorsittende beampte moet wees dat die aangeklaagde landdros deur die Kommissie skuldig of onskuldig bevind word aan die wangedrag soos aangekla.

(b) Indien die voorsittende beampte aanbeveel dat die aangeklaagde landdros aan die wangedrag, soos aangekla, skuldig bevind word, of indien die aangeklaagde landdros skuld op die aanklag erken, moet die voorsittende beampte of die aangeklaagde landdros, na gelang van die geval, enige verswarende en versagtende omstandighede asook enige skriftelike kommentaar deur die aangeklaagde landdros aan die Kommissie vermeld of verskaf.”;

- (c) deur paragraaf (b) van subregulasie (17) deur die volgende paragraaf te vervang:
 "(b) sy oorskakeling na 'n hoër salarisskaal of bevordering na 'n hoër pos vir 'n tydperk van hoogstens vyf jaar terughou;"
- (d) deur paragraaf (d) van subregulasie (17) deur die volgende paragraaf te vervang:
 "(d) hom 'n boete van hoogstens R10 000 oplê;" en
- (e) deur die volgende paragraaf by subregulasie (17) in te voeg:
 "(e) sy besluit kragtens paragrawe (a) tot (d), met of sonder voorwaardes vir 'n tydperk van 12 kalendermaande uitstel."

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