



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 45.]

KAAPSTAD, 26 MAART 1969.

[No. 2315.]

CAPE TOWN, 26TH MARCH, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 434.

26 Maart 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 15 van 1969: Wet op die Instelling van die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika, 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 434.

26th March, 1969.

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

No. 15 of 1969: Establishment of the Northern Cape Division of the Supreme Court of South Africa Act, 1969.

Act No. 15, 1969

ESTABLISHMENT OF THE NORTHERN CAPE DIVISION OF
THE SUPREME COURT OF SOUTH AFRICA ACT, 1969.

ACT

To establish the Northern Cape Division of the Supreme Court of South Africa; to abolish the Griqualand West Local Division of the said Supreme Court; and to make provision for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 13th March, 1969.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

PART I.

Amendment of
section 1 of
Act 59 of 1959.

1. Section 1 of the Supreme Court Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the definition of "provincial division" of the following definition:

"'provincial division' includes the Eastern Cape division, the Northern Cape division and the South-West Africa division;".

Amendment of
section 3 of
Act 59 of 1959.

2. Section 3 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of
section 6 of
Act 59 of 1959.

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provincial divisions of the Transvaal and Natal shall exercise concurrent jurisdiction in the areas of jurisdiction of the Witwatersrand and the Durban and Coast local divisions respectively."

Amendment of
section 7 of
Act 59 of 1959.

4. Section 7 of the principal Act is hereby amended—

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

"(1) The judge president of a provincial division may by notice in the *Gazette* divide the area under the jurisdiction of that division into circuit districts, and may from time to time by like notice alter the boundaries of any such district."; and

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

Substitution of
section 8 of
Act 59 of 1959.

5. The following section is hereby substituted for section 8 of the principal Act:

"Disposal
of records
and execu-
tion of
judgments
of circuit
courts.

8. (1) Within thirty days after the termination of the sittings of any circuit local division, the registrar thereof shall, subject to any directions of the presiding judge, transmit all records in connection with the proceedings in that division to the registrar of the provincial division concerned to be filed of record as records of that division.

WET OP DIE INSTELLING VAN DIE NOORD-KAAPSE AFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 1969. Wet No. 15, 1969

WET

Om die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika in te stel; om die Plaaslike Afdeling Griekwaland-Wes van bedoelde Hooggeregshof af te skaf; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Maart 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

DEEL I.

1. Artikel 1 van die Wet op die Hooggeregshof, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die omskrywing van „provinsiale afdeling” deur die volgende omskrywing te vervang:

„„provinsiale afdeling” ook die Oos-Kaapse afdeling, die Noord-Kaapse afdeling, en die Suidwes-Afrika-afdeling;”.

Wysiging van artikel 1 van Wet 59 van 1959.

2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Wysiging van artikel 3 van Wet 59 van 1959.

3. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die provinsiale afdelings van Transvaal en Natal oefen onderskeidelik konkurrente jurisdiksie uit in die regsgebiede van die plaaslike afdelings van die Witwatersrand en Durban en Kus.”.

Wysiging van artikel 6 van Wet 59 van 1959.

4. Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die regter-president van ’n provinsiale afdeling kan by kennisgewing in die *Staatskoerant* die regsgebied van daardie afdeling in rondgangdistrikte indeel, en kan van tyd tot tyd by dergelike kennisgewing die grense van so ’n distrik verander.”; en

(b) deur subartikel (4) te skrap.

Wysiging van artikel 7 van Wet 59 van 1959.

5. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beskikking oor stukke en tenuitvoerlegging van vonnisse van rondgaande howe. 8. (1) Binne dertig dae na die beëindiging van die sittings van ’n rondgaande plaaslike afdeling moet die griffier daarvan, onderworpe aan die opdrag van die voorsittende regter, alle stukke in verband met die verrigtings in daardie afdeling aan die griffier van die betrokke provinsiale afdeling stuur om as stukke van daardie afdeling opgeberg te word.

Vervanging van artikel 8 van Wet 59 van 1959.

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(2) Any judgment, order, decree or sentence of a circuit local division, may, subject to any applicable rules for the time being in force, be carried into execution by means of process of that division or of the provincial division concerned."

Amendment of section 19 of Act 59 of 1959.

6. Section 19 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) No appeal jurisdiction or review jurisdiction under subsection (1) shall be exercised by a local division."

Amendment of section 20 of Act 59 of 1959, as amended by section 2 of Act 85 of 1963 and section 41 of Act 80 of 1964.

7. Section 20 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Whenever the parties to any civil proceedings in connection with which an appeal may be made as provided in paragraph (a) of subsection (1), lodge with the registrar of the division from whose judgment or order the appeal is to be made, notice in writing of their consent to the appeal being heard and determined by the appellate division, the said division shall have jurisdiction, provided any leave required under paragraph (b) of subsection (2) has been granted, to hear and determine the appeal without an intermediate appeal having first been heard and determined by the appropriate provincial division."

Amendment of section 22 of Act 59 of 1959.

8. Section 22 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a) of the following words:

"The appellate division or a provincial division shall have power—"

Amendment of section 24 of Act 59 of 1959.

9. Section 24 of the principal Act is hereby amended by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

"The grounds upon which the proceedings of any inferior court may be brought under review before a provincial division are—"

Amendment of section 43 of Act 59 of 1959, as amended by section 39 of Act 93 of 1962, section 11 of Act 85 of 1963 and section 42 of Act 80 of 1964.

10. Section 43 of the principal Act is hereby amended by the deletion of paragraph (c) of subsection (2).

Substitution of First Schedule to Act 59 of 1959, as amended by section 15 of Act 102 of 1967.

11. The following Schedule is hereby substituted for the First Schedule to the principal Act:

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(2) 'n Uitspraak, order, bevel of vonnis van 'n rondgaande plaaslike afdeling kan, behoudens enige toepaslike reëls wat van tyd tot tyd van krag is, deur middel van die proses van daardie afdeling of van die betrokke provinsiale afdeling ten uitvoer gelê word."

6. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 19 van Wet 59 van 1959.

„(2) Geen appèlbevoegdheid of hersieningsbevoegdheid ingevolge subartikel (1) word deur 'n plaaslike afdeling uitgeoefen nie."

7. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: Wysiging van artikel 20 van Wet 59 van 1959, soos gewysig deur artikel 2 van Wet 85 van 1963 en artikel 41 van Wet 80 van 1964.

„(3) Wanneer die partye by 'n siviele geding in verband waarmee ooreenkomstig paragraaf (a) van subartikel (1) appèl aangeteken kan word, by die griffier van die afdeling teen die uitspraak of bevel waarvan appèl aangeteken staan te word, 'n skriftelike kennisgewing indien waarby hulle toestem dat die appèl deur die appèlafdeling verhoor en beslis word, is daardie afdeling regsbevoeg, mits enige ingevolge paragraaf (b) van subartikel (2) vereiste verlof toegestaan is, om die appèl te verhoor en te beslis sonder dat vooraf eers 'n appèl deur die gepaste provinsiale afdeling verhoor en beslis is."

8. Artikel 22 van die Hoofwet word hierby gewysig deur al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: Wysiging van artikel 22 van Wet 59 van 1959.

„Die appèlafdeling of 'n provinsiale afdeling is bevoeg—"

9. Artikel 24 van die Hoofwet word hierby gewysig deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: Wysiging van artikel 24 van Wet 59 van 1959.

„Die gronde waarop die verrigtings van 'n laerhof voor 'n provinsiale afdeling in hersiening gebring kan word, is—"

10. Artikel 43 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) te skrap. Wysiging van artikel 43 van Wet 59 van 1959, soos gewysig deur artikel 39 van Wet 93 van 1962, artikel 11 van Wet 85 van 1963 en artikel 42 van Wet 80 van 1964.

11. Die Eerste Bylae van die Hoofwet word hierby deur die volgende Bylae vervang: Vervanging van Eerste Bylae van Wet 59 van 1959, soos gewysig deur artikel 15 van Wet 102 van 1967.

Act No. 15, 1969 ESTABLISHMENT OF THE NORTHERN CAPE DIVISION OF
THE SUPREME COURT OF SOUTH AFRICA ACT, 1969.

"First Schedule.

PROVINCIAL AND LOCAL DIVISIONS OF THE SUPREME COURT OF SOUTH
AFRICA AND THEIR AREAS OF JURISDICTION.

Name of Division.	Seat of Court.	Area of Jurisdiction.
Appellate Division of the Supreme Court of South Africa	Bloemfontein .	The Republic.
Cape of Good Hope Pro- vincial Division of the Supreme Court of South Africa	Cape Town . .	The province of the Cape of Good Hope excluding those por- tions over which the Eastern Cape and Northern Cape divi- sions exercise juris- diction.
Eastern Cape Division of the Supreme Court of South Africa	Grahamstown .	That portion of the pro- vince of the Cape of Good Hope eastward of and including the magisterial districts of Humansdorp, Steyt- lerville, Jansenville, Aberdeen, Murrays- burg, Graaff-Reinet, Middelburg, Hanover and Colesberg.
Northern Cape Division of the Supreme Court of South Africa	Kimberley . .	The magisterial districts of Barkly West, Brits- town, Carnarvon, De Aar, Gordonia, Harts- water, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philips- town, Postmasburg, Prieska, Richmond, Taung, Victoria-West Vryburg and Warren- ton.
Natal Provincial Division of the Supreme Court of South Africa	Pietermaritzburg .	The province of Natal.
Orange Free State Pro- vincial Division of the Supreme Court of South Africa	Bloemfontein .	The province of the Orange Free State.
Transvaal Provincial Di- vision of the Supreme Court of South Africa	Pretoria . . .	The province of the Transvaal.
South-West Africa Divi- sion of the Supreme Court of South Africa	Windhoek. . .	The territory of South- West Africa and the port and settlement of Walvis Bay, but ex- cluding the area re- ferred to in section 38 (5) of the South- West Africa Consti- tution Act, 1968 (Act No. 39 of 1968).

WET OP DIE INSTELLING VAN DIE NOORD-KAAPSE AFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 1969. Wet No. 15, 1969

„Eerste Bylae.

PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA EN HUL REGSGEBIEDE.

Naam van Afdeling.	Setel van Hof.	Regsg gebied.
Appèlafdeling van die Hooggeregshof van Suid-Afrika	Bloemfontein . . .	Die Republiek.
Provinsiale Afdeling Kaap die Goeie Hoop van die Hooggeregshof van Suid-Afrika	Kaapstad . . .	Die provinsie Kaap die Goeie Hoop, uitgesonderd daardie gedeeltes waarin die Oos-Kaapse en Noord-Kaapse afdelings jurisdiksie het.
Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika	Grahamstad . . .	Daardie gedeelte van die provinsie die Kaap die Goeie Hoop ooswaarts en met inbegrip van die landdrosdistrikte van Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover en Colesberg.
Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika	Kimberley . . .	Die landdrosdistrikte Barkly-Wes, Britstown, Carnarvon, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Richmond, Taung, Victoria-Wes, Vryburg en Warrenton.
Natalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika	Pietermaritzburg .	Die provinsie Natal.
Oranje-Vrystaatse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika	Bloemfontein . .	Die provinsie Oranje-Vrystaat.
Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika	Pretoria . . .	Die provinsie Transvaal.
Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika	Windhoek . . .	Die gebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai, maar met uitsondering van die gebied bedoel in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968).

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Name of Division.	Seat of Court.	Area of Jurisdiction.
Durban and Coast Local Division of the Supreme Court of South Africa	Durban . . .	The magisterial districts of Alfred, Port Shepstone, Umzinto, Umhlanga, Durban, Pinetown, Inanda, Ndwendwe, Mapumulo, Lower Tugela, Mtunzini, Eshowe, Nkandhla, Entonjaneni, Lower Umfolozi, Mahlabatini, Hlabisa, Nongoma, Ubombo and Ingwavuma.
Witwatersrand Local Division of the Supreme Court of South Africa	Johannesburg.	In civil matters: The magisterial districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs. In criminal matters: The magisterial districts of Alberton, Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort."

Transitional provisions.

12. As from the date of commencement of this Act—

- (a) any reference in any law or document to the Griqualand West Local Division of the Supreme Court of South Africa shall be construed as a reference to the Northern Cape Division of the said Supreme Court;
- (b) anything done by, in or in relation to the said Local Division shall be deemed to have been done by, in or in relation to the said Northern Cape Division;
- (c) any person appointed as judge of the said Local Division shall be deemed to have been appointed as a judge of the said Northern Cape Division.

Pending matters emanating from Northern Cape Division.

13. The amendments effected by this Act shall not affect any matter arising under the Administration of Estates Act, 1965 (Act No. 66 of 1965), the Insolvency Act, 1936 (Act No. 24 of 1936), or any other law and which emanated from the area of jurisdiction of the Northern Cape Division of the Supreme Court of South Africa and which was brought up for consideration in the office of the Master of the Cape of Good Hope Provincial Division of the Supreme Court of South Africa before the date of commencement of this Act, and such matter shall be proceeded with and disposed of as if this Act had not been passed.

WET OP DIE INSTELLING VAN DIE NOORD-KAAPSE AFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 1969. Wet No. 15, 1969.

Naam van Afdeling.	Setel van Hof.	Regsgebied.
Plaaslike Afdeling Durban en Kus van die Hooggeregshof van Suid-Afrika	Durban . . .	Die landdrosdistrikte van Alfred, Port Shepstone, Umzinto, Umlazi, Durban, Pinetown, Inanda, Ndwedwe, Mapumulo, Laer Tugela, Mtunzini, Eshowe, Nkandhla, Entonjaneni, Laer Umfolozi, Mahlabatini, Hlabisa, Nongoma, Ubombo en Ingwavuma.
Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika	Johannesburg .	In siviele aangeleenthede: Die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort en Springs. In strafregtelike aangeleenthede: Die landdrosdistrikte Alberton, Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein en Roodepoort."

12. Vanaf die datum van inwerkingtreding van hierdie Wet— Oorgangsbepalings

- (a) word enige verwysing in enige wet of dokument na die Plaaslike Afdeling Griekwaland-Wes van die Hooggeregshof van Suid-Afrika uitgelê as 'n verwysing na die Noord-Kaapse Afdeling van bedoelde Hooggeregshof;
- (b) word enigiets gedoen deur, in of met betrekking tot bedoelde Plaaslike Afdeling geag gedoen te wees deur, in of met betrekking tot bedoelde Noord-Kaapse Afdeling;
- (c) word enige persoon as regter van bedoelde Plaaslike Afdeling aangestel, geag as regter aangestel te wees van bedoelde Noord-Kaapse Afdeling.

13. Die wysigings deur hierdie Wet aangebring, raak geen aangeleentheid wat ontstaan ingevolge die Boedelwet, 1965 (Wet No. 66 van 1965), die Insolvensiewet, 1936 (Wet No. 24 van 1936), of enige ander wet en wat uit die regsgebied van die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika afkomstig is en voor die datum van inwerkingtreding van hierdie Wet by die kantoor van die Meester van die Provinsiale Afdeling Kaap die Goeie Hoop van die Hooggeregshof van Suid-Afrika aanhangig gemaak is nie, en so 'n aangeleentheid word voortgesit en afgehandel asof hierdie Wet nie aangeleentheid afkomstig van Noord-Kaapse Afdeling.

Act No. 15, 1969 **ESTABLISHMENT OF THE NORTHERN CAPE DIVISION OF THE SUPREME COURT OF SOUTH AFRICA ACT, 1969.**

PART II.

Substitution of section 28ter of Act 23 of 1934, as inserted by section 14 of Act 26 of 1965.

14. The following section is hereby substituted for section 28ter of the Attorneys, Notaries and Conveyancers Act, 1934: "Jurisdiction 28ter. Notwithstanding anything to the contrary of certain in any law contained, the Eastern Cape Division of the Supreme Court and the Northern Cape Division of the Supreme Court of South Africa shall, in addition to any jurisdiction which the said divisions might otherwise have, have jurisdiction respectively, in any application for the removal from the roll or the suspension of an attorney, notary or conveyancer practising within the respective areas of jurisdiction of such divisions and admitted or enrolled at any time after the commencement of this Act by the Cape of Good Hope Provincial Division of the Supreme Court of South Africa."

Amendment of section 1 of Act 32 of 1944, as amended by section 2 of Act 40 of 1952.

15. Section 1 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the definition of "court of appeal" of the following definition:

"'court of appeal' means the provincial division of the Supreme Court to which an appeal lies from the magistrate's court;"

Substitution of section 83 of Act 32 of 1944.

16. The following section is hereby substituted for section 83 of the Magistrates' Courts Act, 1944:

"Appeal from magistrate's court. **83.** Subject to the provisions of section 82, a party to any civil suit or proceeding in a court may appeal to the provincial division of the Supreme Court having local jurisdiction against—

- (a) any judgment of the nature described in section 48;
- (b) any rule or order made in such suit or proceeding and having the effect of a final judgment, including any order under Chapter IX and any order as to costs;
- (c) any decision overruling an exception, when the parties concerned consent to such an appeal before proceeding further in an action or when it is appealed from in conjunction with the principal case, or when it includes an order as to costs."

Amendment of section 103 of Act 32 of 1944, as amended by section 8 of Act 16 of 1959 and section 29 of Act 93 of 1962.

17. Section 103 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person convicted of any offence by the judgment of any magistrate's court (including a person discharged after conviction under any provision of the Criminal Procedure Act, 1955), may appeal against such conviction and against any sentence or order of the court following thereupon to the provincial division of the Supreme Court having jurisdiction."

Amendment of section 105 of Act 32 of 1944.

18. Section 105 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

- "(a) if the matter was brought before the provincial division of the Supreme Court in terms of section 103 (1), re-instate the conviction, sentence or order of the magistrate's court appealed from, either in its original form or in such a modified form as the Appellate Division may think desirable; or
- (b) if the matter was brought before the provincial division in terms of section 104 (2), give such decision or take such action as the provincial division ought, in the opinion of the Appellate Division, to have given or

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DEEL II.

14. Artikel 28^{ter} van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby deur die volgende artikel vervang:

„Jurisdiksie 28^{ter}. Ondanks andersluidende wetsbepalings, het van sekere afdelings van die Hooggeregshof om in sekere gevalle prokureurs, notarisse of transportbesorgers van die rol te skrap of te skors. die Oos-Kaapse Afdeling en die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika, benewens enige jurisdiksie wat bedoelde afdelings andersins het, onderskeidelik jurisdiksie in enige aansoek om die skraping van die rol of die skorsing van 'n prokureur, notaris of transportbesorger, wat binne die onderskeie regsgebiede van sodanige afdelings praktiseer en wat te eniger tyd na die inwerktrading van hierdie Wet deur die Provinsiale Afdeling die Kaap die Goeie Hoop van die Hooggeregshof van Suid-Afrika toegelaat of ingeskryf is.”.

Vervanging van artikel 28^{ter} van Wet 23 van 1934, soos ingevoeg deur artikel 14 van Wet 26 van 1965.

15. Artikel 1 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die omskrywing van „die hof van appèl” deur die volgende omskrywing te vervang:

„die hof van appèl” die provinsiale afdeling van die Hooggeregshof waarna 'n appèl van die magistraatshof aangeteken kan word;”.

Wysiging van artikel 1 van Wet 32 van 1944, soos gewysig deur artikel 2 van Wet 40 van 1952.

16. Artikel 83 van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Appèl teen beslissing van magistraatshof. 83. Behoudens die bepalinge van artikel 82, kan 'n party in enige siviele geding of verrigting in 'n hof na die provinsiale afdeling van die Hooggeregshof wat plaaslike jurisdiksie het, appelleer teen—

- (a) 'n vonnis van die in artikel 48 bedoelde aard;
- (b) elke beskikking of bevel gemaak of gegee in so 'n geding of proses, wat die uitwerking van 'n finale vonnis het, met inbegrip van enige order kragtens Hoofstuk IX en 'n bevel ten aansien van koste;
- (c) elke beslissing waarby 'n eksepsie afgewys word, wanneer die betrokke partye tot sodanige appèl toestem alvorens 'n aksie verder te voer, of wanneer daarteen geappelleer word in verband met die hoofsaak, of wanneer dit 'n bevel ten aansien van koste insluit.”.

Vervanging van artikel 83 van Wet 32 van 1944.

17. Artikel 103 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iedereen wat by uitspraak van 'n magistraatshof aan 'n misdryf skuldig bevind is (met inbegrip van iemand wat ingevolge 'n bepaling van die Strafproseswet, 1955, ná skuldigbevinding ontslaan is), kan teen so 'n skuldigbevinding en teen 'n daaropvolgende vonnis of bevel van die hof, na die bevoegde provinsiale afdeling van die Hooggeregshof appelleer.”.

Wysiging van artikel 103 van Wet 32 van 1944, soos gewysig deur artikel 8 van Wet 16 van 1959 en artikel 29 van Wet 93 van 1962.

18. Artikel 105 van die Wet op Landdroshowe, 1944, word hierby gewysig deur paragrafe (a) en (b) van subartikel (1) deur die volgende paragrafe te vervang:

- „(a) indien die saak ingevolge artikel 103 (1) voor die provinsiale afdeling van die Hooggeregshof gebring is, die veroordeling, vonnis of bevel van die magistraatshof, waarteen geappelleer is, herstel, en wel in die oorspronklike vorm of in so 'n gewysigde vorm as die Afdeling van Appèl wenslik ag; of
- (b) indien die saak ingevolge artikel 104 (2) voor die provinsiale afdeling gebring is, so 'n beslissing gee of so handel as wat die provinsiale afdeling volgens oordeel van die Afdeling van Appèl moes gegee of moes gehandel het (met inbegrip van 'n handeling

Wysiging van artikel 105 van Wet 32 van 1944.

Act No. 15, 1969 ESTABLISHMENT OF THE NORTHERN CAPE DIVISION OF
THE SUPREME COURT OF SOUTH AFRICA ACT, 1969.

taken (including any action under section 104 (5)) and thereupon the provisions of subsection (4) of that section shall *mutatis mutandis* apply.”.

Amendment of
section 34 of
Act 54 of 1956.

19. Section 34 of the Water Act, 1956, is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) a water court to be known as the Northern Cape Water Court, which shall have jurisdiction in that portion of the said province in which the Northern Cape Division of the Supreme Court of South Africa exercises jurisdiction; and”.

Amendment of
section 3 of
Act 66 of 1965.

20. Section 3 of the Administration of Estates Act, 1965, is hereby amended by the deletion of subsection (3).

Short title and
commencement.

21. This Act shall be called the Establishment of the Northern Cape Division of the Supreme Court of South Africa Act, 1969, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

WET OP DIE INSTELLING VAN DIE NOORD-KAAPSE AFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, 1969. Wet No. 15, 1969

ingevolge artikel 104 (5)) en daarop is die bepalings van subartikel (4) van daardie artikel *mutatis mutandis* van toepassing.”.

19. Artikel 34 van die Waterwet, 1956, word hierby gewysig deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 34 van Wet 54 van 1956.

„(f) ’n waterhof wat die Noord-Kaapse Waterhof heet, met regsbevoegdheid in daardie gedeelte van bedoelde provinsie waarin die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika regsbevoegdheid uitoefen; en”.

20. Artikel 3 van die Boedelwet, 1965, word hierby gewysig deur subartikel (3) te skrap. Wysiging van artikel 3 van Wet 66 van 1965.

21. Hierdie Wet heet die Wet op die Instelling van die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika, 1969, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

