



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 2322.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 441. 26 Maart 1969.

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

No. 22 van 1969: Wet op Regshulp, 1969.

No. 441. 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. 22 of 1969: Legal Aid Act, 1969.

Act No. 22, 1969

LEGAL AID ACT, 1969.

ACT

To provide for legal aid for indigent persons and for that purpose to establish a Legal Aid Board and to define its functions; and to provide for other incidental matters.

*(English text signed by the State President.)
(Assented to 14th March, 1969.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “board” means the Legal Aid Board referred to in subsection 2; (ii)
 - (ii) “Minister” means the Minister of Justice. (i)

Establishment of Legal Aid Board.

2. There is hereby established a board to be known as the Legal Aid Board, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the carrying out of its objects, the exercise of its powers and the performance of its functions.

Objects and general powers of board.

3. The objects of the board shall be to render or make available legal aid to indigent persons, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—

- (a) to obtain the services of legal practitioners;
- (b) to purchase or otherwise acquire or to hold or alienate any movable property or, with the approval of the Minister acting in consultation with the Minister of Finance, any immovable property;
- (c) to hire or let any movable or immovable property;
- (d) to fix conditions subject to which legal aid is to be rendered, including conditions in accordance with which any rights in respect of costs recovered or recoverable in any legal proceedings in respect of which the aid is rendered, shall be ceded to the board, and conditions relating to the payment of contributions to the board by persons to whom legal aid is rendered;
- (e) to do all such things and perform all such functions as may be necessary for or incidental to the attainment of the objects of the board.

Constitution of board.

4. (1) The board shall consist of—
 - (a) a judge of the Supreme Court of South Africa appointed by the Minister;
 - (b) one practising advocate and four practising attorneys, nominated by the General Council of the Bar of South Africa and the Association of Law Societies of the Republic of South Africa, respectively, and appointed by the Minister;
 - (c) the Secretary for Justice;

WET

Om voorsiening te maak vir regshulp vir behoeftige persone en om vir daardie doel 'n Regshulpraad in te stel en sy werksaamhede te bepaal; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Maart 1969.)*

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

1. In hierdie Wet, tensy uit die samehang anders blyk, be- Woord-
omskrywing.
teken—
 - (i) „Minister” die Minister van Justisie; (ii)
 - (ii) „raad” die in artikel 2 bedoelde Regshulpraad. (i)
2. Daar word hierby 'n raad ingestel wat die Regshulpraad Instelling van
Regshulpraad.
heet, met regs persoonlikheid beklee is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om, behoudens die bepalings van hierdie Wet, al die handelinge te verrig wat nodig is vir of in verband staan met die bereiking van sy oogmerke, die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.
3. Die oogmerke van die raad is om regshulp aan behoeftige Oogmerke en
algemene
bevoegdhede van
raad.
persone te verleen of beskikbaar te stel, en vir die bereiking van daardie oogmerke het die raad, benewens ander bevoegdhede by hierdie Wet aan hom verleen, die bevoegdheid om—
 - (a) die dienste van regspraktisyns te verkry;
 - (b) roerende goed of, met goedkeuring van die Minister wat in oorleg met die Minister van Finansies optree, onroerende goed te koop of op 'n ander wyse te verkry, of te besit of vervreem;
 - (c) roerende of onroerende goed te huur of verhuur;
 - (d) voorwaardes te stel waarop regshulp verleen word, met inbegrip van voorwaardes waarvolgens regte ten opsigte van koste wat in 'n regsgeding ten opsigte waarvan die hulp verleen word, verhaal word of kan word, aan die raad gesedeer moet word, en voorwaardes met betrekking tot die betaling van bydraes aan die raad deur persone aan wie regshulp verleen word;
 - (e) alles te doen en alle werksaamhede te verrig wat nodig is vir of in verband staan met die bereiking van die oogmerke van die raad.
4. (1) Die raad bestaan uit— Samestelling
van raad.
 - (a) 'n regter van die Hooggeregshof van Suid-Afrika deur die Minister aangestel;
 - (b) een praktiserende advokaat en vier praktiserende prokureurs, onderskeidelik deur die Algemene Raad van die Balie van Suid-Afrika en die Vereniging van Wetsgenootskappe van die Republiek van Suid-Afrika benoem en deur die Minister aangestel;
 - (c) die Sekretaris van Justisie;

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- (d) the Secretary for Bantu Administration and Development;
- (e) the Secretary for Social Welfare and Pensions;
- (f) the State Attorney;
- (g) an additional member appointed by the Minister.

(2) (a) The Minister may appoint a person to serve as an alternate in the stead of any member referred to in paragraph (b) or (g) of subsection (1), during such member's absence from any meeting of the board, if such person is qualified to be appointed as such member and has been nominated in the same manner as such member.

(b) If any member of the board referred to in paragraph (c), (d), (e) or (f) of subsection (1) is unable for any reason to attend any meeting of the board, he may designate any officer in his department or office to represent him at such meeting.

(3) (a) The appointed members of the board and their alternates shall hold office for such period, not exceeding three years, as the Minister may at the time of the appointment determine.

(b) Any member of the board or his alternate whose term of office has expired, shall be eligible for re-appointment.

(c) The Minister may, if in his opinion there are good reasons for doing so, at any time terminate the period of office of any appointed member or his alternate.

(4) No decision taken by the board or act performed under the authority of the board shall be invalid merely by reason of a vacancy on the board or the fact that any person not entitled to sit as a member sat as a member at the time the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the required majority of members present at the time, who were entitled to sit as members.

(5) The member referred to in subsection (1) (a) or in his absence the member referred to in section (1) (c) or his representative shall preside at any meeting of the board: Provided that if both those members and the said representative are absent from any meeting of the board, a chairman elected by the members present from among themselves, shall preside at such meeting.

(6) The board shall out of its funds pay to a member of the board or his alternate, not being in the full-time service of the State, such remuneration and allowances and afford him such transport facilities in respect of his services as such a member or alternate as the Minister in consultation with the Minister of Finance may determine.

Meetings of board.

5. (1) The meetings of the board shall be held at such times and places as the board may determine.

(2) The chairman of the board may at any time, and shall at the request in writing of not less than six members of the board, convene a special meeting of the board, to be held at such time and place as he may determine.

Quorum and procedure.

6. (1) The quorum at any meeting of the board shall be six members thereof.

(2) Any decision at any meeting of the board shall be by majority of votes of the members present, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting shall have a casting vote in addition to a deliberative vote.

Delegation of powers of board.

7. The board may delegate to any member, officer or agent of the board or to any officer in the public service any of its powers, but shall not thereby be divested of any power which it may so have delegated, and may amend or withdraw any decision by a member, officer or agent.

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- (d) die Sekretaris van Bantoe-administrasie en -ontwikkeling;
 - (e) die Sekretaris van Volkswelsyn en Pensioene;
 - (f) die Staatsprokureur;
 - (g) nog 'n lid deur die Minister aangestel.
- (2) (a) Die Minister kan 'n persoon as plaasvervanger van 'n in paragraaf (b) of (g) van subartikel (1) bedoelde lid aanstel om gedurende dié lid se afwesigheid van 'n vergadering van die raad in sy plek op te tree, indien daardie persoon bevoeg is om as bedoelde lid aangestel te word en op dieselfde wyse as daardie lid benoem is.
- (b) Indien 'n in paragraaf (c), (d), (e) of (f) van subartikel (1) bedoelde lid van die raad om die een of ander rede nie in staat is om 'n vergadering van die raad by te woon nie, kan hy 'n beamppte in sy departement of kantoor aanwys om hom op so 'n vergadering te verteenwoordig.
- (3) (a) Die aangestelde lede van die raad en hul plaasvervangers beklee hul amp vir dié tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal.
- (b) 'n Lid van die raad of sy plaasvervanger wie se ampstermyn verstryk het, kan weer aangestel word.
- (c) Die Minister kan, indien daar na sy oordeel gegronde redes daarvoor bestaan, te eniger tyd die ampstermyn van 'n aangestelde lid of sy plaasvervanger beëindig.
- (4) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as lid sitting te neem nie, as lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van lede wat toe aanwesig was en geregtig was om as lede sitting te neem.
- (5) Die in subartikel (1) (a) bedoelde lid of in sy afwesigheid, die in subartikel (1) (c) bedoelde lid of sy verteenwoordiger sit voor op 'n vergadering van die raad: Met dien verstande dat indien beide daardie lede asook die bedoelde verteenwoordiger van 'n vergadering van die raad afwesig is, 'n voorsitter deur die aanwesige lede uit hul midde verkies, op die vergadering voorsit.
- (6) Die raad betaal uit sy fondse aan 'n lid van die raad of sy plaasvervanger wat nie in die voltydse diens van die Staat is nie dié besoldiging of vergoeding en toelaes en verskaf aan hom dié vervoergeriewe ten opsigte van sy dienste as so 'n lid of plaasvervanger, wat die Minister in oorleg met die Minister van Finansies bepaal.
5. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die raad bepaal. Vergaderings van raad.
- (2) Die voorsitter van die raad kan te eniger tyd, en moet op skriftelike versoek van minstens ses lede van die raad, 'n spesiale vergadering van die raad belê wat gehou moet word op die tyd en plek deur hom bepaal.
6. (1) Die kworum op 'n vergadering van die raad is ses lede daarvan. Kworum en prosedure.
- (2) 'n Besluit by 'n vergadering van die raad geskied by meerderheid van stemme van die aanwesige lede, en by staking van stemme oor enige aangeleentheid kan die persoon wat op die vergadering voorsit, benewens 'n beraadslagende stem, 'n beslissende stem uitbring.
7. Die raad kan van sy bevoegdhede aan 'n lid, beamppte of agent van die raad of aan 'n beamppte in die staatsdiens deleger, maar word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontnem nie, en kan 'n beslissing deur 'n lid, beamppte of agent wysig of intrek. Delegering van bevoegdhede van raad.

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Officers and
agents of
board.

8. The board may, with the consent or in accordance with the general instructions of the Minister acting in consultation with the Minister of Finance, appoint on such conditions and at such remuneration as may be approved by the Minister so acting, officers or agents to assist it in the performance of its functions.

Finances of
board.

9. (1) The funds of the board shall consist of—
(a) moneys appropriated by Parliament in order to enable the board to perform its functions;
(b) moneys received from any other source.
- (2) The board shall, subject to the provisions of subsections (3) and (5), utilize its funds for defraying expenses in connection with the performance of its functions.
- (3) The board may receive donations, bequests or contributions from any person and shall utilize moneys so acquired for such purpose and in accordance with such conditions as the donors, testators or contributors may determine.
- (4) The board shall deposit all moneys received by it in an account opened by it with a banking institution registered under the Banks Act, 1965 (Act No. 23 of 1965).
- (5) The board shall invest any moneys not required for immediate use or as a reasonable operating balance, with the Public Debt Commissioners or in such other manner as the Minister may in consultation with the Minister of Finance determine.
- (6) The board may utilize any balance of its moneys remaining at the end of the financial year of the board concerned, for any expenses in connection with the performance of its functions.
- (7) The financial year of the board shall terminate on the thirty-first day of March in each year.
- (8) The board shall cause proper records of all its financial transactions, assets and liabilities to be kept.
- (9) The accounts of the board shall be audited by the Controller and Auditor-General.
- (10) The board shall furnish the Minister with such information as he may call for from time to time in respect of the activities and financial position of the board, and shall in addition submit to the Minister an annual report, including a balance sheet and statement of income and expenditure certified by the Controller and Auditor-General.
- (11) The Minister shall lay the said report upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of the next ensuing ordinary session.

Short title.

10. This Act shall be called the Legal Aid Act, 1969.

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8. Die raad kan, met goedkeuring of ooreenkomstig die algemene voorskrifte van die Minister wat in oorleg met die Minister van Finansies optree, en op dié voorwaardes en teen dié besoldiging of vergoeding wat deur die Minister wat aldus optree, goedgekeur word, beamptes of agente aanstel om die raad by die verrigting van sy werksaamhede by te staan.

Amptenare en agente van raad.

9. (1) Die fondse van die raad bestaan uit—
- (a) gelde deur die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede te verrig;
- (b) gelde uit enige ander bron ontvang.
- (2) Die raad moet, behoudens die bepalinge van subartikels (3) en (5), sy fondse aanwend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede.
- (3) Die raad kan skenkings, bemakings of bydraes van enige persoon ontvang en moet gelde aldus verkry aanwend vir dié doel en ooreenkomstig dié voorwaardes wat die skenkers, testateurs of bydraers bepaal.
- (4) Die raad moet al die gelde deur hom ontvang in 'n rekening stort wat hy geopen het by 'n bankinstelling wat kragtens die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is.
- (5) Die raad moet gelde wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, belê by die Staatskuld-kommissaris of op 'n ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.
- (6) Die raad kan enige saldo van sy gelde wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede aanwend.
- (7) Die boekjaar van die raad eindig op die een-en-dertigste dag van Maart in elke jaar.
- (8) Die raad moet van al sy geldelike transaksies, bates en laste behoorlik boek laat hou.
- (9) Die rekeninge van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer.
- (10) Die raad moet aan die Minister dié inligting verstrek wat hy van tyd tot tyd ten opsigte van die bedrywighede en geldelike stand van die raad aanvra, en moet daarbenewens aan die Minister 'n jaarlikse verslag verstrek en ook 'n balansstaat en 'n staat van inkomste en uitgawes deur die Kontroleur en Ouditeur-generaal gesertifiseer.
- (11) Die Minister lê bedoelde verslag in die Senaat en in die Volksraad ter tafel binne veertien dae na ontvangs daarvan, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van die eersvolgende gewone sessie.

Finansies van raad.

10. Hierdie Wet heet die Wet op Regshulp, 1969.

Kort titel.

