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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 315.

9 Maart 1977.

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

No. 3 van 1977: Wysigingswet op die Hooggeregshof, 1977.

No. 315.

9 March 1977.

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

No. 3 of 1977: Supreme Court Amendment Act, 1977.

Act No. 3, 1977

SUPREME COURT AMENDMENT ACT, 1977.

ACT

To amend the Supreme Court Act, 1959, so as to provide for the appointment of deputy judges president of provincial divisions of the Supreme Court of South Africa and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 24 February 1977.)*

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

Amendment of section 3 of Act 59 of 1959, as amended by section 2 of Act 15 of 1969 and section 18 of Act 62 of 1973.

1. Section 3 of the Supreme Court Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A provincial division shall consist of a judge president and, if the State President so determines, a deputy judge president, and so many judges as the State President may from time to time determine.”.

Amendment of section 10 of Act 59 of 1959, as amended by section 1 of Act 85 of 1963 and section 1 of Act 41 of 1970.

2. Section 10 of the principal Act is hereby amended—

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

“(a) The Chief Justice, the judges of appeal, the judges president, the deputy judges president and all other judges of the Supreme Court shall be fit and proper persons appointed by the State President under his hand and the Seal of the Republic of South Africa, and shall receive such remuneration as may be prescribed by Parliament, and their remuneration shall not be reduced during their continuance in office.”; and

(b) by the addition of the following paragraph to subsection (1):

“(c) (i) A deputy judge president of a provincial division may be appointed by the State President indefinitely or for such period as he may determine.

(ii) A deputy judge president of a provincial division shall act as the judge president of that division during the latter's absence, and shall perform such other functions of that judge president as the judge president may assign to him.”.

Amendment of section 13 of Act 59 of 1959.

3. Section 13 of the principal Act is hereby amended by the substitution for the proviso to paragraph (a) of subsection (1) of the following proviso:

“Provided that the judge president or, in the absence of both the judge president and the deputy judge president, the senior available judge of any division may at any time direct that any matter be heard by a full court consisting of so many judges as he may determine.”.

Act No. 3, 1977**SUPREME COURT AMENDMENT ACT, 1977.**

Amendment of
section 17 of
Act 59 of 1959.

4. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Save as otherwise provided in this Act or any other law, the judgment of the majority of the judges of the full court of a provincial or local division shall be the judgment of the court, and where the judgments of a majority of the judges of any such court are not in agreement, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the judge president or, in the absence of both the judge president and the deputy judge president, the senior available judge of the division concerned may determine.”.

Short title.

5. This Act shall be called the Supreme Court Amendment Act, 1977.

WYSIGINGSWET OP DIE HOOGGEREGSHOF, 1977.

Wet No. 3, 1977

4. Artikel 17 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (1) deur die volgende subartikel te vervang: artikel 17 van

„(1) Behoudens andersluidende bepalings van hierdie Wet Wet 59 van 1959.
of 'n ander wet, is die uitspraak van die meerderheid van die regters van die volle hof van 'n provinsiale of plaaslike afdeling, die uitspraak van die hof, en waar die uitsprake van 'n meerderheid van die regters van so 'n hof nie met mekaar ooreenstem nie, word die verhoor verdaag en *de novo* begin voor 'n nuwe hof saamgestel op die wyse wat die regter-president of, in die afwesigheid van sowel die regter-president as die adjunk-regter-president, die senior beskikbare regter van die betrokke afdeling bepaal.”.

5. Hierdie Wet heet die Wysigingswet op die Hooggeregshof, Kort titel. 1977.

