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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 722.

23 April 1986

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

No. 34 van 1986: Wet op die Afskaffing van Spesiale Howe vir Swartes, 1986.

STATE PRESIDENT'S OFFICE

No. 722.

23 April 1986

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

No. 34 of 1986: Special Courts for Blacks Abolition Act, 1986.

Wet No. 34, 1986

WET OP DIE AFSCAFFING VAN SPESIALE HOWE VIR SWARTES,
1986**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir die afskaffing van spesiale howe vir Swartes en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 April 1986.)*

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

Afskaffing van
sekere howe.

1. (1) Met ingang van die datum van inwerkingtreding van hierdie Wet word die Kommissarishowe ingestel kragtens artikel 10 van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), en die Appèlhowe vir Kommissarishowe ingestel kragtens artikel 13 van daardie Wet, afgeskaf, en verval die bevoegdhede wat ingevolge artikel 9 van daardie Wet aan 'n Kommissaris verleen word.

(2) Met 'n geding wat op die datum bedoel in subartikel (1) in 'n Kommissarishof of 'n Appèlhof vir Kommissarishowe hangende is, word gehandel asof daardie subartikel nie ingevoer is nie.

Herroeping en wysig-
ing van sekere
wetsbepalings.

2. Die wetsbepalings in die Bylae genoem, word hierby herroep of gewysig soos in die Bylae aangedui.

15

Kort titel en
inwerkingtreding.

3. Hierdie Wet heet die Wet op die Afskaffing van Spesiale Howe vir Swartes, 1986, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for the abolition of special courts for Blacks and for matters connected therewith.

(English text signed by the State President.)
(Assented to 9 April 1986.)

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

1. (1) With effect from the date of commencement of this Act the Commissioners' Courts constituted under section 10 of the Black Administration Act, 1927, (Act No. 38 of 1927), and the Appeal Courts for Commissioners' Courts constituted under section 13 of that Act, are abolished, and the powers conferred on a Commissioner in terms of section 9 of that Act shall lapse. Abolition of certain courts.
- (2) An action pending in a Commissioner's Court or an Appeal Court for Commissioners' Courts on the date referred to in subsection (1) shall be dealt with as if that subsection had not been introduced.
2. The provisions of law referred to in the Schedule are hereby repealed or amended as set out in the Schedule. Repeal and amendment of certain provisions of law.
3. This Act shall be called the Special Courts for Blacks Abolition Act, 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Wet No. 34, 1986 WET OP DIE AFSCAFFING VAN SPESIALE HOWE VIR SWARTES, 1986

Bylae

A. Herroeping of wysiging van bepalings van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), soos volg:—

1. Herroeping van artikels 9, 10, 13, 14, 15, 16, 17, 18, 19 en 21.

2. Wysiging van artikel 11 deur subartikels (1) en (2) te skrap.

3. Wysiging van artikel 12—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Party by ’n geding waarin ’n Swart kaptein, hoofman of gevolmagtigde van ’n kaptein vonnis uitgespreek het, kan daarteen appelleer na enige **[Kommissarishof]** landdroshof wat regsmag sou gehad het as die geding in die eerste instansie in ’n **[Kommissarishof]** landdroshof ingestel was, en indien die appellant sy appèl aangeteken het op die wyse en binne die tydperk by regulasie kragtens subartikel (6) voorgeskryf, dan word die tenuitvoerlegging van die vonnis opgeskort tot tyd en wyl die appèl beslis is (as dit op die aldus voorgeskrewe tyd en wyse voortgesit is) of tot na verstryking van laasgenoemde tydperk as die appèl nie binne daardie tydperk voortgesit is nie, of totdat die appèl teruggetrek is of verval het: Met dien verstande dat **[’n Assistent-kommissaris nie ’n appèl kragtens hierdie subartikel mag verhoor nie tensy geen Kommissaris (in teenstelling met ’n Assistent-kommissaris) enige regterlike regsmag in bedoelde gebied het nie; en met dien verstande voorts dat]** daar geen sodanige reg van appèl bestaan in enige geval waar die eis of die waarde van die onderwerp in geskil minder as **[vyf pond]** R10 is nie, tensy die **[Kommissaris van die]** hof waarna die appellant ’n appèl in die vooruitsig stel, na ondersoek summier ingestel, **[skriftelik]** gesertifiseer het dat daar ’n belangrike regsbeginsel by die geskil betrokke is.”; en

(b) deur subartikel (5) te skrap.

4. Wysiging van artikel 20—

(a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) (a) Indien ’n Swart kaptein, hoofman of gevolmagtigde van ’n kaptein nie daarin slaag om van ’n persoon ’n boete wat kragtens subartikel (2) **[aan]** hom opgelê is, of ’n gedeelte van so ’n boete, in te vorder nie, kan hy daardie persoon arresteer of deur sy bodes laat arresteer, en moet hy, binne 48 uur na sy arrestasie, hom voor die **[Kommissaris, in wie se regsgebied]** landdroshof wat jurisdiksie het in die distrik waarin die betrokke verhoor plaasgevind het, bring of laat bring.

(b) ’n **[Kommissaris]** Landdros voor wie ’n persoon kragtens paragraaf (a) gebring word, kan, indien hy daarvan oortuig is dat die boete behoorlik en wettig opgelê is, en nog ôf in sy geheel ôf gedeeltelik onbetaald is, daardie persoon beveel om die boete of die onbetaalde gedeelte daarvan onmiddellik te betaal en, indien daardie persoon versuim om onmiddellik daardie bevel na te kom, hom tot gevangenisstraf **[met of sonder dwangarbeid]** vonnis vir ’n tydperk van hoogstens drie maande.

(c) Die **[Kommissaris, hetsy al dan nie kriminele regsmag aan hom kragtens artikel nege verleen is,]** landdros reik ten opsigte van enige persoon wat kragtens hierdie subartikel tot gevangenisstraf gevonnis is, ’n lasbrief uit vir sy aanhouding in ’n gevangenis **[of tronk]**.”;

(b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Iemand wat kragtens hierdie artikel deur ’n Swart kaptein, hoofman of gevolmagtigde van ’n kaptein skuldig bevind is, kan op die wyse en binne die tydperk voorgeskryf by regulasie kragtens subartikel (9) uitgevaardig, teen sy skuldigbevinding en teen ’n vonnis wat **[aan]** hom opgelê is, na die **[Kommissaris binne wie se regsgebied]** landdroshof wat jurisdiksie het in die distrik waarin die betrokke verhoor plaasgevind het, appelleer.”; en

(c) deur subartikels (7) en (8) te skrap.

5. Wysiging van artikel 23—

(a) deur subartikel (4) te skrap;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Enige eis of geskil in verband met die bereddering of verdeling van ’n boedel van ’n oorlede Swarte **[moet]** word in ’n **[gewone]** bevoegde hof beslis **[word, indien enige van die partye in daardie geding nie ’n Swarte is nie.]**”; en

(c) deur paragraaf (d) van subartikel (10) te skrap.

B. Wysiging van artikel 10 van die Swart Administrasiewet, 1927, Wysigingswet, 1929 (Wet No. 9 van 1929)—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die regsgebied van enige hof kragtens subartikel (1) ingestel, **[val saam met dié van ’n Appèlhof vir Kommissarishowe ingestel kragtens artikel dertien van die Hoofwet]** word deur die Minister van Justisie by kennisgewing in die *Staatskoerant* vasgestel.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) (a) Elke sodanige hof is ’n gereghof en bestaan uit soveel afdelings as wat die **[Goewerneur-generaal]** Minister van Justisie van tyd tot tyd vasstel.

SPECIAL COURTS FOR BLACKS ABOLITION ACT, 1986

Act No. 34, 1986

Schedule

A. Repeal or amendment of provisions of the Black Administration Act, 1927 (Act No. 38 of 1927), as follows:—

1. Repeal of sections 9, 10, 13, 14, 15, 16, 17, 18, 19 and 21.

2. Amendment of section 11 by the deletion of subsections (1) and (2).

3. Amendment of section 12—

(a) by the substitution for subsection (4) of the following subsection:

“(4) Any party to a suit in which a Black chief, headman or chief's deputy has given judgment may appeal therefrom to any **[Commissioner's] magistrate's court** which would have had jurisdiction had the proceedings in the first instance been instituted in a **[Commissioner's] magistrate's court**, and if the appellant has noted his appeal in the manner and within the period prescribed by regulation under subsection (6), the execution of the judgment shall be suspended until the appeal has been decided (if it was prosecuted at the time and in the manner so prescribed) or until the expiration of the last-mentioned period if the appeal was not prosecuted within that period, or until the appeal has been withdrawn or has lapsed: Provided that no **[Assistant Commissioner shall hear an appeal under this subsection unless no Commissioner (as distinct from an Assistant Commissioner) has any judicial jurisdiction in the said area, and provided further that no]** such appeal shall lie in any case where the claim or the value of the matter in dispute is less than **[five pounds] R10**, unless the **[Commissioner of the]** court to which the appellant proposes to appeal, has certified after summary enquiry that the issue involves an important principle of law.”; and

(b) by the deletion of subsection (5).

4. Amendment of section 20—

(a) by the substitution for subsection (5) of the following subsection:

“(5) (a) If a Black chief, headman or chief's deputy fails to recover from a person any fine imposed upon him in terms of subsection (2), or any portion of such fine, he may arrest such person or cause him to be arrested by his messengers, and shall within 48 hours after his arrest bring or cause him to be brought before the **[Commissioner in whose area of jurisdiction] magistrate's court** which has jurisdiction in the district in which the trial took place.

(b) A **[Commissioner] magistrate** before whom any person is brought **[in terms of]** under paragraph (a) may, upon being satisfied that the fine was duly and lawfully imposed and is still unpaid either wholly or in part, order such person to pay the fine or the unpaid portion thereof forthwith and, if such person fails to comply forthwith with such order, sentence him to imprisonment **[with or without compulsory labour]** for a period not exceeding three months.

(c) The **[Commissioner shall, whether or not criminal jurisdiction has been conferred upon him under section nine,] magistrate shall** issue in respect of any person sentenced to imprisonment in terms of this subsection a warrant for his detention in a prison **[or gaol]**.”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) Any person who has been convicted by a Black chief, headman or chief's deputy under this section may in the manner and within the period prescribed by regulation made under subsection (9), appeal against his conviction and against any sentence which may have been imposed upon him, to the **[Commissioner in whose area of jurisdiction] magistrate's court** which has jurisdiction in the district in which the trial in question took place.”; and

(c) by the deletion of subsections (7) and (8).

5. Amendment of section 23—

(a) by the deletion of subsection (4);

(b) by the substitution for subsection (5) of the following subsection:

“(5) Any claim or dispute in regard to the administration or distribution of any estate of a deceased Black shall **[, if any of the parties concerned is not a Black,]** be decided in **[an ordinary] a** court of competent jurisdiction.”; and

(c) by the deletion of paragraph (d) of subsection (10).

B. Amendment of section 10 of the Black Administration Act, 1927, Amendment Act, 1929 (Act No. 9 of 1929)—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The area of jurisdiction of any court established under subsection (1) shall **[coincide with that of an Appeal Court for Commissioners' Courts established under section thirteen of the principal Act]** be determined by the Minister of Justice by notice in the *Gazette*.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) (a) Every such court shall be a court of law and shall consist of so many divisions as the **[Governor-General] Minister of Justice** may from time to time determine.

Wet No. 34, 1986 WET OP DIE AFSKAFFING VAN SPESIALE HOWE VIR SWARTES, 1986

- (b) 'n Afdeling van die hof bestaan uit 'n voorsitter wat **[die persoon is wat op daardie tyd die betrekking van voorsitter van die Appèlhof vir Kommissarishowe wat regsmag in die gebied uitoefen, beklee, of sodanige ander amptenaar van die Staatsdiens as wat die Goewerneur-generaal aanstel]** deur die Minister van Justisie aangestel word, by welke aanstelling die bepalings van Hoofstuk II van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), vir sover daardie bepalings betrekking het op 'n landdros van 'n streekafdeling, *mutatis mutandis* van toepassing is, en sittings van twee of meer afdelings kan gelyktydig gehou word.
- (c) Die voorsitter van 'n afdeling van die hof kan na goeddunke twee persone **[wat die betrekking van Kommissaris beklee,]** tot sy hulp roep om met hom as assessors in 'n adviserende hoedanigheid oor feitelike sake te sit en op te tree.";
- (c) deur subartikel (4) deur die volgende subartikel te vervang:
- "(4) (a) Die Staatspresident kan van tyd tot tyd reëls uitvaardig vir die howe kragtens hierdie artikel deur hom ingestel, tot reëling van—
- (i) die aanstelling en werksaamhede van die amptenare van die howe;
 - (ii) die aantekeninge wat gehou moet word;
 - (iii) die praktyk en prosedure in die howe;
 - (iv) die verskyning van getuies en die toelaes wat aan hulle betaal moet word;
 - (v) die aanstelling van assessors en die toelaes wat aan hulle betaal moet word;
 - (vi) die gelde wat advokate en prokureurs mag vorder, die koste tussen party en party en tussen prokureur en kliënt, en die taksasie van koste;
 - (vii) die tarief van gelde wat amptenare van die howe moet op lê en invorder;
 - (viii) die aantekening en voortsetting van appèlle;
 - (ix) die verskyning van partye of persone namens hulle in die howe;
 - (x) die bepaling van sittingstye en -plekke van die howe;
 - (xi) oor die algemeen alle sodanige ander sake in verband met die howe as wat die Staatspresident vir die doeleindes van hierdie artikel nodig ag.
- (b) Die reëls wat die Staatspresident kragtens die herroepe artikel 13 (5) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), en die vervangde artikel 10 (4) van die Swart Administrasiewet, 1927, Wysigingswet, 1929 (Wet No. 9 van 1929), vir Egskeidingshowe uitgevaardig het, bly van krag totdat dit kragtens hierdie subartikel herroep of gewysig word."

C. Wysiging van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944)—

- (a) deur in artikel 1 die omskrywing van "Minister" deur die volgende omskrywing te vervang:
- "Minister", in artikel 15 (2) en (4) en in artikel 113, die Minister van Justisie; in elke ander bepaling van hierdie Wet beteken "Minister", met betrekking tot 'n aangeleentheid waarmee gehandel moet word in 'n streekafdeling, distrik of subdistrik wat onder beheer van die Minister van Justisie geadministreer word, en met betrekking tot die instelling of afskaffing van so 'n streekafdeling, distrik of subdistrik, daardie Minister of enige ander Staatsminister wat namens hom optree **[, en met betrekking tot 'n aangeleentheid waarmee gehandel moet word in 'n streekafdeling, distrik of subdistrik wat onder beheer van die Minister van Plurale Betrekkinge en Ontwikkeling geadministreer word, en met betrekking tot die instelling of afskaffing van so 'n laasbedoelde streekafdeling, distrik of subdistrik, beteken dit laasgenoemde Minister of enige ander Staatsminister wat namens hom optree]**;"
- (b) deur subartikel (2) van artikel 2 te skrap;
- (c) deur subartikels (1A) en (5) van artikel 9 te skrap;
- (d) deur na artikel 29 die volgende artikel in te voeg:

29A. (1) Indien 'n party ingevolge die bepalings van artikel 12 (4) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), na 'n landdroshof appelleer, kan bedoelde hof, nadat hy die getuienis wat die partye by die geskil mag voordra, of wat die hof wenslik ag, gehoor het, die vonnis bekragtig, wysig of vernietig.

(2) 'n Bekragtiging, wysiging of vernietiging ingevolge subartikel (1) word geag 'n beslissing van 'n landdroshof te wees vir die doeleindes van die bepalings van Hoofstuk XI.";

- (e) deur na artikel 54 die volgende artikel in te voeg:

54A. (1) Ondanks die bepalings van hierdie Wet of enige ander wet kan 'n hof in alle gedinge of prosesse tussen Swartes, met inbegrip van die verhoor van 'n appèl ingevolge die bepalings van artikel 29A van hierdie Wet of artikel 309A van die Strafproseswet, 1977 (Wet No. 51 van 1977), waarby kwessies van Swart gebruike betrokke is, daarvan geregtelik kennis neem en daaroor beslissings ooreenkomstig die Swart reg wat op sulke gebruike van toepassing is behalwe vir sover dit herroep of gewysig is; Met dien verstande dat sodanige Swart reg nie in stryd mag wees nie met die beginsels van staatsgedragslyn of natuurlike geregtigheid; Met dien verstande voorts dat 'n hof nie bevoeg is nie om te verklaar dat die lobola-, bogadi- of ander dergelike gebruik met daardie beginsels in stryd is.

(2) In 'n geding of proses tussen Swartes wat nie tot dieselfde stam behoort nie mag die hof nie by onstentenis van 'n ooreenkoms tussen hulle met betrekking tot die besondere Swart regsstelsel wat in daardie geding of proses toegepas moet word, 'n ander Swart regsstelsel toepas nie as dié wat heers in die plek waar die verweerder of respondent woon of besigheid dryf of in diens is, of, ingeval twee of meer verskillende sisteme in daardie plek heers (as dit nie in 'n stamgebied geleë is nie), mag die hof nie so 'n stelsel toepas nie tensy dit die reg is van die stam (indien daar een is) waartoe die verweerder of respondent behoort."

D. Wysiging van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), deur artikel 6C deur die volgende artikel te vervang:

6C. 'n Oortreding deur 'n Swarte van 'n bepaling van 'n regulasie betreffende 'n aangeleentheid in artikel 6A of 6B beoog, word deur 'n **[Kommissaris]** landdros verhoor, en enige siviele geding wat gefundeer is op 'n handeling of versuim wat uit so 'n bepaling ontstaan, kan ook in **[die hof van 'n Kommissaris of]** 'n landdroshof verhoor word ongeag wie die partye is en ongeag of die

SPECIAL COURTS FOR BLACKS ABOLITION ACT, 1986

Act No. 34, 1986

- (b) A division of the court shall consist of a president who shall be **[the person for the time being holding the appointment of president of the Appeal Court for Commissioners' Courts exercising jurisdiction in the same area or any such other officer of the public service as the Governor-General may appoint,]** appointed by the Minister of Justice, at which appointment the provisions of Chapter II of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), are *mutatis mutandis* applicable in so far as those provisions relate to a magistrate of a regional division, and sittings of two or more divisions may be held simultaneously.
- (c) The president of a division of the court may in his discretion summon to his assistance two persons **[holding the office of Commissioner]** to sit and act with him as assessors in an advisory capacity on questions of fact; and
- (c) by the substitution for subsection (4) of the following subsection:
- "(4) (a) The State President may from time to time make rules for the courts established by him under this section, regulating—**
- (i) the appointment and functions of the officers of the courts;
 - (ii) the records to be kept;
 - (iii) the practice and procedure in the courts;
 - (iv) the attendance of witnesses and the allowances to be paid to them;
 - (v) the appointment of assessors and the allowances to be paid to them;
 - (vi) the fees which may be charged by advocates and attorneys, costs as between party and party and as between attorney and client, and the taxation of costs;
 - (vii) the tariff of fees to be imposed and collected by officers of the courts;
 - (viii) the noting and continuation of appeals;
 - (ix) the appearance in the courts of parties or persons on their behalf;
 - (x) the appointment of the times and places for the holding of the courts;
 - (xi) generally, all such other matters relating to the courts as the State President may deem necessary for the purposes of this section.
- (b) The rules which the State President has made under the repealed section 13 (5) of the Black Administration Act, 1927 (Act No. 38 of 1927), and the substituted section 10 (4) of the Black Administration Act, 1927, Amendment Act, 1929 (Act No. 9 of 1929), for Divorce Courts, shall remain in force until they are repealed or amended under this subsection."**

C. Amendment of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)—

- (a) by the substitution in section 1 for the definition of "Minister" of the following definition:
- "Minister", in section 15 (2) and (4) and in section 113, means the Minister of Justice; in any other provision of this Act, 'Minister' in relation to any matter to be dealt with in a regional division, district or subdistrict administered under the control of the Minister of Justice, and in relation to the creation or abolition of any such regional division, district or subdistrict, means that Minister or any other Minister of State acting on his behalf, and in relation to any matter to be dealt with in a regional division, district or subdistrict administered under the control of the Minister of Plural Relations and Development, and in relation to the creation or abolition of any such last-mentioned regional division, district or subdistrict, means the latter Minister or any other Minister of State acting on his behalf;"**
- (b) by the deletion of subsection (2) of section 2;
- (c) by the deletion of subsections (1A) and (5) of section 9;
- (d) by the insertion after section 29 of the following section:
- 29A. (1) If a party appeals to a magistrate's court in terms of the provisions of section 12 (4) of the Black Administration Act, 1927 (Act No. 38 of 1927), the said court may confirm, alter or set aside the judgment after hearing such evidence as may be tendered by the parties to the dispute, or as may be deemed desirable by the court.**
- (2) A confirmation, alteration or setting aside in terms of subsection (1), shall be deemed to be a decision of a magistrate's court for the purposes of the provisions of Chapter XI;"** and
- "Jurisdiction in respect of appeals against decisions of Black chiefs, headmen and chiefs' deputies."

- (e) by the insertion after section 54 of the following section:

"Application of Black law."

54A. (1) Notwithstanding the provisions of this Act or any other law a court may in all suits or proceedings between Blacks, including the hearing of an appeal in terms of the provisions of section 29A of this Act or section 309A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), involving questions of customs followed by Blacks, take judicial notice thereof and decide such questions according to the Black law applying to such customs except in so far as it has been repealed or modified: Provided that such Black law shall not be opposed to the principles of public policy or natural justice: Provided further that it shall not be lawful for any court to declare that the custom of lobola or bogadi or other similar custom is repugnant to such principles.

(2) In any suit or proceedings between Blacks who do not belong to the same tribe, the court shall not, in the absence of any agreement between them with regard to the particular system of Black law to be applied in such suit or proceedings, apply any system of Black law other than that which is in operation at the place where the defendant or respondent resides or carries on business or is employed, or if two or more different systems are in operation at that place, not being within a tribal area, the court shall not apply any such system unless it is the law of the tribe (if any) to which the defendant or respondent belongs."

D. Amendment of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), by the substitution for section 6C of the following section:

"Competent judicial authority concerning hearing of"

6C. Any contravention by a Black of a provision of a regulation relating to a matter contemplated in section 6A or 6B shall be heard by a [Commissioner] magistrate, and any civil action founded on an act or omission arising from such a provision may be heard also in [the court of a Commissioner or] a magistrate's court, irrespective of who the parties may be and irrespective of

Wet No. 34, 1986 WET OP DIE AFSCAFFING VAN SPESIALE HOWE VIR SWARTES, 1986

verhoor aangeleentheid gewoonlik buite die jurisdiksie van so 'n hof val of nie; Met dien verstande dat 'n party wat so 'n siviele geding in 'n ander hof as [die hof van 'n Kommissaris] 'n landdroshof ahangig maak, koste slegs volgens die tarief wat in [die hof van 'n Kommissaris] 'n landdroshof van toepassing is, kan verhaal."

E. Herroeping of wysiging van belyings van die Kinderwet, 1960 (Wet No. 33 van 1960), soos volg:—

1. Wysiging van artikel 1—

- (a) deur die omskrywing van "kinderhof" deur die volgende omskrywing te vervang:
"kinderhof" 'n kindershof bedoel in artikel 4 [en ook 'n Swart kindershof bedoel in artikel vyf];"
- (b) deur die omskrywing van "Kommissaris", "Addisionele Kommissaris" en "Assistent-kommissaris" te skrap;
- (c) deur die omskrywing van "Kommissarishof" te skrap;
- (d) deur die omskrywing van "landdroshof" te skrap; en
- (e) deur die omskrywing van "Swart kindershof" te skrap.

2. Wysiging van artikel 4 deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister van Justisie [, of die Minister van Plurale Betrekkinge en Ontwikkeling, indien die betrokke distrikte onder die administratiewe beheer van laasgenoemde val,] kan 'n kindershof instel vir 'n distrik of vir 'n gebied wat bestaan uit twee of meer distrikte of gedeeltes van distrikte."

3. Herroeping van artikels 5 en 6.

4. Wysiging van artikel 7 deur subartikel (6) deur die volgende subartikel te vervang:

- "(6) Met inagneming van die wetsbelyings op die staatsdiens kan [—
 - (a) die Minister van Plurale Betrekkinge en Ontwikkeling vir elke Swart kindershof of vir elke kindershof wat geleë is binne 'n gebied wat onder sy administratiewe beheer val; en
 - (b) die Minister van Justisie vir elke [ander] kindershof
- 'n amptenaar (of twee of meer sulke amptenare) aanstel wat die benaming sal dra van assistent van die kindershof, wat by die verhoor van 'n saak deur die kindershof waaraan hy verbonde is, enige beskikbare getuie wat op die saak betrekking het, moet voordra, en wat in die loop van die saak enige getuie wat getuie afleë en wat nie deur hom opgeroep is nie, aan kruisverhoor kan onderwerp en wat in alle ander opsigte bedoelde hof by die verrigting van sy werksaamhede behulpsaam moet wees."

5. Vervanging van artikel 9 deur die volgende artikel:

- "Seker belyings van Wet 32 van 1944 van toepassing op kindershowe:
- 9. (1)** Behalwe vir sover hierdie Wet of 'n ander wet uitdruklik anders bepaal, is die belyings van [—
- (a) die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en van die reëls daarkragtens uitgevaardig [; en
 - (b) die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), of die Naturelleadministrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied, na gelang van die geval, en van die regulasies daarkragtens uitgevaardig met betrekking tot Kommissarishowe,]
- mutatis mutandis* op kindershowe [en Swart kindershowe, onderskeidelik,] van toepassing vir sover bedoelde belyings betrekking het op—
- (i) die aanstelling en werksaamhede van amptenare;
 - (ii) die uitreiking en bestelling van prosesstukke;
 - (iii) die verskyning in die hof van advokate, prokureurs en wetsagente;
 - (iv) die prosedure by die verrigtings van 'n hof;
 - (v) die tenuitvoerlegging van 'n vonnis; en
 - (vi) die oplegging van straf weens nie-nakoming van bevel of orders van die hof, weens belemmering van die tenuitvoerlegging van vonnisse, en weens minagting van die hof,
- en vir sover kragtens artikel 92 (1) (i) geen ander voorsiening gemaak is nie aangaande enige aangeleentheid in hierdie subartikel vermeld, behalwe in subparagraaf (iii).
- (2) Van die verrigtings in 'n kindershof moet die voorgeskrewe notule gehou word, wat beskikbaar is aan sodanige persone en op sodanige voorwaardes, wat betref betaling van gelde en andersins, as wat voorgeskryf word.
- (3) Die inhoud van 'n verklaring of 'n verslag van 'n proefbeampte of van 'n beampte van 'n goedgekeurde vereniging wat by 'n kindershof ingedien is, mag nie vir die doeleindes van 'n siviele geding openbaar gemaak word nie, behalwe op las van 'n hof, aan 'n hof, as sodanige bekendmaking in belang van een of ander bepaalde persoon sal wees."

F. Wysiging van belyings van die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), soos volg:—

1. Wysiging van artikel 1—

- (a) deur die omskrywings van "Kommissarishof" en "landdroshof" te skrap; en
- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister [met betrekking tot 'n aangeleentheid wat in verband staan met 'n onderhoudshof wat ooreenstem met 'n ander landdroshof as 'n Kommissarishof,] die Minister van Justisie [, en met betrekking tot 'n aangeleentheid wat in verband staan met 'n onderhoudshof wat ooreenstem met 'n Kommissarishof, die Minister van Plurale Betrekkinge en Ontwikkeling];"

2. Wysiging van artikel 7 deur subartikel (1) deur die volgende subartikel te vervang:

- "(1) 'n Persoon wat hom veronreg voel deur 'n bevel wat kragtens artikel 5 (4) uitgevaardig is, kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse teen die bevel appelleer [—
- (a) in die geval van 'n bevel uitgevaardig deur 'n onderhoudshof wat ooreenstem met 'n ander landdroshof as 'n Kommissarishof,] na die provinsiale of plaaslike afdeling van die Hooggeregshof wat met regsbevoegdheid in die saak bekleë is [;
- (b) in die geval van 'n bevel uitgevaardig deur 'n onderhoudshof wat met 'n Kommissarishof ooreenstem, na die Appèlhof vir Kommissarishowe wat met regsbevoegdheid in die saak bekleë is of, in die geval van so 'n bevel in die gebied uitgevaardig, na die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika]."

SPECIAL COURTS FOR BLACKS ABOLITION ACT, 1986

Act No. 34, 1986

certain cases.

whether or not the matter is ordinarily beyond the jurisdiction of such a court: Provided that a party who institutes such a civil action in a court other than **[the court of a Commissioner]** a magistrate's court, may recover costs only in accordance with the scale which is applicable in **[the court of a Commissioner]** a magistrate's court."

E. Repeal or amendment of provisions of the Children's Act, 1960 (Act No. 33 of 1960), as follows:—

1. Amendment of section 1—

- (a) by the deletion of the definition of "Black children's court";
- (b) by the substitution for the definition of "children's court" of the following definition:
"children's court" means a children's court mentioned in section 4 **[and also a Black children's court mentioned in section five]**;
- (c) by the deletion of the definition of "Commissioner", "Additional Commissioner" and "Assistant Commissioner";
- (d) by the deletion of the definition of "Commissioner's court"; and
- (e) by the deletion of the definition of "magistrate's court".

2. Amendment of section 4 by the substitution for subsection (1) of the following subsection:

"(1) The Minister of Justice **[, or, if the districts affected are under the administrative control of the Minister of Plural Relations and Development, the Minister of Plural Relations and Development]** may establish a children's court for any district or for any area comprising two or more districts or portions of districts."

3. Repeal of sections 5 and 6.

4. Amendment of section 7 by the substitution for subsection (6) of the following subsection:

- "(6) Subject to the laws governing the public service [—
- (a) the Minister of Plural Relations and Development may, for every Black children's court or for every children's court situated within any area under his administrative control; and
 - (b) the Minister of Justice may for every **[other]** children's court
- appoint an officer to be styled a children's court assistant (or two or more such officers), who shall at any proceedings of the children's court to which he is attached adduce any available evidence relevant to those proceedings and who may at such proceedings cross-examine any witness giving evidence thereat whom he did not call, and who shall generally assist the said court in performing its functions."

5. Substitution for section 9 of the following section:

"Certain provisions of Act 32 of 1944 to apply to children's courts."

9. (1) Save as is expressly provided in this Act or in any other law, the provisions of [—
- (a) the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and of the rules made thereunder **[; and**
 - (b) the Black Administration Act, 1927 (Act No. 38 of 1927), or the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory, as the case may be, and of the regulations made thereunder with reference to Commissioners' courts,
- shall apply *mutatis mutandis* to children's courts **[and Black children's courts, respectively,]** in so far as such provisions relate to—
- (i) the appointment and functions of officers;
 - (ii) the issue and service of process;
 - (iii) the appearance in court of advocates, attorneys and law agents;
 - (iv) the conduct of proceedings;
 - (v) the execution of judgments; and
 - (vi) the imposition of penalties for non-compliance with orders of court, for obstruction of execution of judgments, and for contempt of court,
- and in so far as no other provision has been made under section 92 (1) (i) for any matter mentioned in this subsection other than in subparagraph (iii).
- (2) Such records of the proceedings of a children's court shall be kept and shall be accessible to such persons upon such conditions as to payment of fees and otherwise as may be prescribed.
- (3) The contents of a statement or a report of a probation officer or of an officer of an approved agency which has been lodged with a children's court, shall not be disclosed for the purposes of any civil action except by order of any court to a court where such disclosure would be in the interest of any particular person."

F. Amendment of provisions of the Maintenance Act, 1963 (Act No. 23 of 1963), as follows:—

1. Amendment of section 1—

- (a) by the deletion of the definitions of "Commissioner's Court" and "magistrate's court"; and
- (b) by the substitution for the definition of "Minister" of the following definition:
"Minister" **[in relation to any matter connected with a maintenance court corresponding to a magistrate's court other than a Commissioner's Court,]** means the Minister of Justice **[, and in relation to any matter connected with a maintenance court corresponding to a Commissioner's Court, the Minister of Plural Relations and Development]**;

2. Amendment of section 7 by the substitution for subsection (1) of the following subsection:

- "(1) Any person aggrieved by an order made under section 5 (4) may, within such period and in such manner as may be prescribed, appeal against such order [—
- (a) in the case of an order made by a maintenance court corresponding to a magistrate's court other than a Commissioner's Court, to the provincial or local division of the Supreme Court having jurisdiction;
 - (b) in the case of an order made by a maintenance court corresponding to a Commissioner's Court, to the Appeal Court for Commissioners' Courts having jurisdiction or, in the case of any such order made in the territory, to the South West Africa Division of the Supreme Court of South Africa]

Wet No. 34, 1986 WET OP DIE AFSKAFFING VAN SPESIALE HOWE VIR SWARTES, 1986

G. Wysiging van die Wet op Swart Arbeid, 1964 (Wet No. 67 van 1964)—

- (a) deur in artikel 12 paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
 “(c) Vir die doeleindes van so 'n ondersoek kan die Kommissaris dieselfde bevoeghede met betrekking tot die dagvaarding van getuies en die afneem van getuienis uitoefen as wat regtens in strafsake by [hom] 'n hof berus.”;
- (b) deur subartikel (2) van artikel 25 te skrap; en
- (c) deur subartikel (2) van artikel 31 deur die volgende subartikel te vervang:
 “(2) 'n Oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet kan verhoor word en die maksimum strawwe [uitgesonderd dié in artikel dertig vermeld,] kan opgelê word deur [die hof van 'n Kommissaris of landdros] 'n landdroshof.”

H. Wysiging van artikel 14 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* bepaal dat 'n landdroshof ingestel ingevolge die bepalings van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), [of 'n Kommissaris-hof ingestel ingevolge die bepalings van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927),] in 'n gedeelte van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, met ingang van 'n datum in die proklamasie vermeld aan die Regering van die betrokke gebied oorgedra word.”

I. Wysiging van artikel 1 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), deur die omskrywing van “landdros” deur die volgende omskrywing te vervang:

“‘landdros’ ook ‘n addisionele landdros en ‘n assistent-landdros [en met betrekking tot enige bepaling van hierdie Wet waarvan die uitvoering by proklamasie uitgevaardig kragtens artikel 53 aan die Minister van Plurale Betrekkinge en Ontwikkeling opgedra is, ‘n Kommissaris, ‘n Addisionele Kommissaris en ‘n Assistent-Kommissaris; en word enige verwysing na ‘n landdroshof dienoreenkomstig uitgelê];”

J. Wysiging van artikel 8 van die Wet op Bydraes ten opsigte van Swart Arbeid, 1972 (Wet No. 29 van 1972), deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Landdroshof [en, ten opsigte van 'n Swarte 'n Kommissarishof,] is bevoeg om 'n straf op te lê of 'n bevel te gee waarvoor daar in hierdie artikel voorsiening gemaak word.”

K. Wysiging van artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), deur die omskrywing van “landdros” deur die volgende omskrywing te vervang:

“‘landdros’ ook ‘n addisionele landdros en ‘n assistent-landdros [en ‘n Kommissaris];”

L. Wysiging van die Strafproseswet, 1977 (Wet No. 51 van 1977), deur na artikel 309 die volgende artikel in te voeg:

“Appel teen skuldigbevinding en vonnis van kapteins, hoofmanne en gevollmagtigdes van kapteins.

309A. (1) By die verhoor van 'n appél na hom kragtens die bepalings van artikel 20 van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), notuleer die landdros sodanige beskikbare getuienis as wat by enige bestrede vraag ter sake is en moet hy daarna óf—

(a) die skuldigbevinding bekragtig of wysig en—

(i) die vonnis wat deur die kaptein, hoofman of gevollmagtigde van 'n kaptein opgelê is, bekragtig en bevel dat bedoelde vonnis onmiddellik nagekom moet word; of

(ii) die vonnis wat deur die kaptein, hoofman of gevollmagtigde van 'n kaptein opgelê is, tersyde stel en in plaas daarvan so 'n ander vonnis oplê as wat volgens sy oordeel behoort opgelê te gewees het; en

(iii) 'n vonnis van gevangenisstraf vir 'n tydperk van hoogstens drie maande oplê by versuim om die bevel of vonnis gemaak of opgelê kragtens subparagraaf (i) of (ii) onmiddellik na te kom; of

(iii) 'n vonnis van gevangenisstraf vir 'n tydperk van hoogstens drie maande oplê by versuim tersyde stel en in plaas daarvan 'n vonnis oplê van gevangenisstraf vir 'n tydperk van hoogstens drie maande sonder die keuse van 'n boete;

óf—

(b) die appél handhaaf en die skuldigbevinding en vonnis tersyde stel.

(2) Die landdros reik ten opsigte van enige persoon wat kragtens subartikel (1) 'n vonnis van gevangenisstraf opgelê is, 'n lasbrief uit vir sy aanhouding in 'n gevangenis.”

M. Herroeping van artikel 12 van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977).

N. Herroeping of wysiging van bepalings van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), soos volg:—

1. Wysiging van artikel 1 deur die omskrywing van “kommissaris” te skrap.
2. Herroeping van artikel 53.

O. Wysiging van bepalings van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), soos volg:—

1. Wysiging van artikel 1—

- (a) deur die omskrywing van “distrik” deur die volgende omskrywing te vervang:
 “‘distrik’ die gebied waarvoor 'n [landdros of Kommissarishof] landdroshof regsbevoegdheid besit;”;
- (b) deur die omskrywing van “kinderhof” deur die volgende omskrywing te vervang:
 “‘kinderhof’ 'n kinderhof in artikel 5[(1) of (2)] vermeld;”;
- (c) deur die omskrywing van “Kommissarishof” te skrap;
- (d) deur die omskrywing van “landdros” deur die volgende omskrywing te vervang:
 “‘landdros’ ook ‘n addisionele landdros en ‘n assistent-landdros [en enige Kommissaris, Addisionele Kommissaris, en Assistent-Kommissaris];”;
- (e) deur die omskrywing van “landdroshof” te skrap.

SPECIAL COURTS FOR BLACKS ABOLITION ACT, 1986

Act No. 34, 1986

G. Amendment of the Black Labour Act, 1964 (Act No. 67 of 1964)—

- (a) by the substitution in section 12 for paragraph (c) of the following paragraph:
“(c) For the purposes of any such enquiry the Commissioner may exercise the same powers with regard to the summoning of witnesses and the taking of evidence as are conferred upon **[him] a court by law in criminal cases.**”;
- (b) by the deletion of subsection (2) of section 25; and
- (c) by the substitution for subsection (2) of section 31 of the following subsection:
“(2) Every contravention of or failure to comply with the provisions of this Act may be tried and the maximum penalties, **except those mentioned in section thirty,** may be imposed by **[any Commissioner's court or] a magistrate's court.**”.

H. Amendment of section 14 of the National States Constitution Act, 1971 (Act No. 21 of 1971), by the substitution for subsection (2) of the following subsection:

“(2) The State President may by proclamation in the *Gazette* provide that any magistrate's court established in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), **for any Commissioner's Court established in terms of the Black Administration Act, 1927 (Act No. 38 of 1927),** in any portion of an area for which a legislative assembly has been established, shall with effect from the date mentioned in such proclamation be transferred to the Government of the area concerned.”.

I. Amendment of section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), by the substitution for the definition of “magistrate” of the following definition:

“‘magistrate’ includes an additional magistrate and assistant magistrate, **and in relation to any provision of this Act the administration of which has, by proclamation issued under section 53, been assigned to the Minister of Plural Relations and Development, a Commissioner, an Additional Commissioner and Assistant Commissioner; and any reference to a magistrate's court shall be construed accordingly;**”.

J. Amendment of section 8 of the Contributions in respect of Black Labour Act, 1972 (Act No. 29 of 1972), by the substitution for subsection (3) of the following subsection:

“(3) A magistrate's court **[and, in respect of a Black, a Commissioner's Court,]** shall have jurisdiction to impose any penalty or make any order provided for by this section.”.

K. Amendment of section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), by the substitution for the definition of “magistrate” of the following definition:

“‘magistrate’ includes an additional magistrate and an assistant magistrate **[and a Commissioner];**”.

L. Amendment of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), by the insertion after section 309 of the following section:

“Appeal against conviction and sentence of chiefs, headmen and chiefs' deputies. **309A. (1) In hearing any appeal to him under the provisions of section 20 of the Black Administration Act, 1927 (Act No. 38 of 1927), the magistrate shall hear and record such available evidence as may be relevant to any question in issue and shall thereupon either—**

- (a) confirm or vary the conviction and—**
 - (i) confirm the sentence imposed by the chief, headman or chief's deputy and order that the said sentence be satisfied forthwith; or**
 - (ii) set aside the sentence imposed by the chief, headman or chief's deputy and in lieu thereof impose such other sentence as in his opinion ought to have been imposed; and**
 - (iii) impose a sentence of imprisonment for a period not exceeding three months on default of compliance forthwith with the order or sentence made or imposed under subparagraph (i) or (ii); or**
 - (iv) set aside the sentence imposed by the chief, headman or chief's deputy and in lieu thereof impose a sentence of imprisonment for a period not exceeding three months without the option of a fine;**
- or—**
- (b) uphold the appeal and set aside the conviction and sentence.**

(2) The magistrate shall issue in respect of any person who has been sentenced to imprisonment under subsection (1), a warrant for his detention in a prison.”.

M. Repeal of section 12 of the Community Councils Act, 1977 (Act No. 125 of 1977).

N. Repeal or amendment of provisions of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), as follows:—

1. Amendment of section 1 by the deletion of the definition of “commissioner”.

2. Repeal of section 53.

O. Amendment of provisions of the Child Care Act, 1983 (Act No. 74 of 1983), as follows:—

1. Amendment of section 1—

- (a) by the substitution for the definition of “children's court” of the following definition:
“‘children's court’ means a children's court mentioned in section 5**[(1) or (2)]**”;
- (b) by the deletion of the definition of “Commissioner's court”;
- (c) by the substitution for the definition of “district” of the following definition:
“‘district’ means the area subject to the jurisdiction of **[the court of any magistrate or commissioner] any magistrate's court;**”;
- (d) by the substitution for the definition of “magistrate” of the following definition:
“‘magistrate’ includes an additional magistrate and an assistant magistrate **[and any Commissioner, Additional Commissioner and Assistant Commissioner];**”;
- (e) by the deletion of the definition of “magistrate's court”.

Wet No. 34, 1986

WET OP DIE AFSCAFFING VAN SPESIALE HOWE VIR SWARTES,
1986

2. Wysiging van artikel 5 deur subartikels (2), (3) en (4) te skrap.

3. Wysiging van artikel 6 deur subartikels (5) en (6) te skrap.

4. Vervanging van artikel 9 deur die volgende artikel:

“Toepas-
sing van
sekere be-
palings
van Wet
32 van
1944.

9. (1) Behalwe vir sover hierdie Wet of 'n ander wet anders bepaal, is die bepaling van [—
(a)] die Wet op Landdroshof, 1944 (Wet No. 32 van 1944), en van die reëls daarkragtens uitge-
vaardig [; en

(b) die Swart Administrasiewet, 1927 (Wet No. 38 van 1927), en van die regulasies daarkragtens
uitgevaardig met betrekking tot Kommissarishof,] *mutatis mutandis* op kinderhofe van
toepassing vir sover daardie bepalinge betrekking het op—

(i) die aanstelling en werksaamhede van beamptes;

(ii) die uitreiking en betekening van prosesstukke;

(iii) die verskyning in die hof van advokate en prokureurs;

(iv) die prosedure by die verrigtings van 'n hof;

(v) die tenuitvoerlegging van vonnisse; en

(vi) die oplegging van straf weens nie-nakoming van bevel van die hof, weens belemmering
van tenuitvoerlegging van vonnisse en weens minagting van die hof,

en vir sover kragtens artikel 60 (1) (g) van hierdie Wet geen ander voorsiening gemaak is nie aan-
gaande enige aangeleenthede in hierdie subartikel vermeld, behalwe in paragraaf (iii).

(2) Van die verrigtings in 'n kinderhof moet die voorgeskrewe notule gehou word wat toegank-
lik moet wees vir die persone en op die voorwaardes, wat betref betaling van gelde en andersins,
wat voorgeskryf word.

(3) Die inhoud van 'n verklaring of 'n verslag van 'n maatskaplike werker wat by 'n kinderhof
ingedien is, mag nie vir die doeleindes van 'n siviele geding openbaar gemaak word nie, behalwe
op las van 'n hof, aan 'n hof, as bedoelde bekendmaking in belang van 'n kind wat in die verslag
vermeld word, sal wees.”

P. Wysiging van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984)—

(a) deur subartikel (2) van artikel 45 deur die volgende subartikel te vervang:

“(2) So 'n lasbrief word ten uitvoer gelê op dieselfde wyse asof dit uitgereik was ingevolge 'n [ge-
wone] vonnis van 'n [kommissarishof] bedoel in artikel 10 van die Swart Administrasiewet, 1927 (Wet
No. 38 van 1927)] landdroshof.”; en

(b) deur artikel 64 deur die volgende artikel te vervang:

“Regter-
like gesag
wat be-
voeg is
betref-
fende ver-
hoor van
sekere
sake.

64. 'n Oortreding van 'n bepaling van hierdie Wet deur 'n Swart persoon word deur 'n [kom-
missaris] landdroshof verhoor, en 'n siviele aksie wat gefundeer is op 'n handeling of versuim wat uit
so 'n bepaling voortspuit, kan ook in [‘n kommissarishof of] 'n landdroshof verhoor word, onge-
ag wie die partye is en ongeag of die saak andersins buite die regsbevoegdheid van daardie hof sou
val al dan nie: Met dien verstande dat 'n party wat 'n siviele geding in 'n ander hof as die [hof van
'n kommissaris] landdroshof aanhangig maak, koste slegs teen die tarief wat in [die hof van 'n
kommissaris] 'n landdroshof van toepassing is, kan verhaal.”

SPECIAL COURTS FOR BLACKS ABOLITION ACT, 1986

Act No. 34, 1986

2. Amendment of section 5 by the deletion of subsections (2), (3) and (4).

3. Amendment of section 6 by the deletion of subsections (5) and (6).

4. Substitution for section 9 of the following section:

"Application of certain provisions of Act 32 of 1944. 9. (1) Save as is otherwise provided in this Act or in any other law, the provisions of [—
(a)] the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and of the rules made thereunder [; and
(b) the Black Administration Act, 1927 (Act No. 38 of 1927), and of the regulations made thereunder with reference to Commissioners' Courts,] shall apply *mutatis mutandis* to children's courts, in so far as those provisions relate to—
(i) the appointment and functions of officers;
(ii) the issue and service of process;
(iii) the appearance in court of advocates and attorneys;
(iv) the conduct of proceedings;
(v) the execution of judgments; and
(vi) the imposition of penalties for non-compliance with orders of court, for obstruction of execution of judgments and for contempt of court, and in so far as no other provision has been made under section 60 (1) (g) of this Act for any matter mentioned in this subsection other than in paragraph (iii).
(2) Such records of the proceedings of a children's court shall be kept and shall be accessible to such persons upon such conditions as to payment of fees and otherwise as may be prescribed.
(3) The contents of a statement or a report of a social worker which has been lodged with a children's court, shall not be disclosed for the purposes of any civil action except by order of any court to a court where such disclosure would be in the interest of any child mentioned in the report."

P. Amendment of the Black Communities Development Act, 1984 (Act No. 4 of 1984)—

(a) by the substitution for subsection (2) of section 45 of the following subsection:

"(2) Such warrant shall be executed in like manner as if it had been issued pursuant to [an ordinary] a judgment of a [commissioner's court referred to in section 10 of the Black Administration Act, 1927 (Act No. 38 of 1927)] magistrate's court."; and

(b) by the substitution for section 64 of the following section:

"Judicial authority concerning hearing of certain cases. 64. Any contravention of a provision of this Act by a Black person shall be heard by a [commissioner] magistrate, and any civil action founded on an act or omission arising from such a provision may be heard also in [the court of a commissioner or] a magistrate's court, irrespective of who the parties may be and irrespective of whether or not the matter would otherwise be beyond the jurisdiction of such a court: Provided that a party who institutes such a civil action in a court other than the [court of a commissioner] magistrate's court, may recover costs only in accordance with the scale which is applicable in [the court of a commissioner] a magistrate's court."

