



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1779.

1 Julie 1992

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

No. 92 van 1992: Wet op die Prokureur-generaal, 1992.

No. 1779.

1 July 1992

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

No. 92 of 1992: Attorney-General Act, 1992.

WET

Om voorsiening te maak vir die aanstelling van 'n prokureur-generaal; die pligte en bevoegdhede van 'n prokureur-generaal te bepaal; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "Kommissie" die Kommissie vir Administrasie ingestel by artikel 2(1) van die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984); (ii)
 - (ii) "Minister" die Minister van Justisie; (iii)
 - (iii) "prokureur-generaal" 'n persoon wat ingevolge artikel 2 in die amp van prokureur-generaal aangestel is; (iv)
 - (iv) "provinsiale afdeling" 'n provinsiale afdeling van die Hooggeregshof ingestel kragtens die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959); (v)
 - (v) "Staatsdienswet" die Staatsdienswet, 1984 (Wet No. 111 van 1984). (v)

Aanstelling van prokureur-generaal

2. (1) Die Staatspresident stel ten opsigte van die regsgebied van elke provinsiale afdeling en van die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika 'n persoon wat—

- (a) ingevolge die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat is om as advokaat te praktiseer;
- (b) na sy toelating om as advokaat te praktiseer, vir 'n ononderbroke tydperk van minstens tien jaar by die toepassing van die reg betrokke was; en
- (c) oor die ervaring beskik wat hom, na die oordeel van die Staatspresident, geskik maak om as 'n prokureur-generaal aangestel te word,

as 'n prokureur-generaal aan.

(2) Die Minister kan, behoudens die wetsbepalings op die staatsdiens, ten opsigte van elke gebied waarvoor 'n prokureur-generaal aangestel is, een of meer persone wat ingevolge die Wet op die Toelating van Advokate, 1964, toegelaat is om as advokate te praktiseer, as adjunk-prokureurs-generaal aanstel, wat onderworpe aan die beheer en voorskrifte van die betrokke prokureur-generaal, enigiets kan doen wat die prokureur-generaal wettig kan doen.

(3) Wanneer daar 'n vakature in die amp van 'n prokureur-generaal ontstaan, moet die Staatspresident, behoudens subartikel (1), iemand anders in daardie amp aanstel.

(4) Die Minister kan van tyd tot tyd, maar behoudens subartikel (1) en die wetsbepalings op die staatsdiens, uit die geledere van die adjunk-prokureurs-generaal 'n waarnemende prokureur-generaal aanstel om die ampspligte van 'n prokureur-generaal te vervul wanneer hy om enige rede nie in staat is om sy ampspligte te vervul nie of terwyl die aanstelling van iemand in die amp van prokureur-generaal hangende is.

(5) (a) Iemand wat kragtens subartikel (1) of (4) aangestel is, moet voordat hy die werksaamhede van 'n prokureur-generaal begin uitvoer, 'n eed of plegtige verklaring aflê, wat deur hom onderteken moet word, in onderstaande vorm, te wete—

ACT

To provide for the appointment of an attorney-general; to determine the duties and powers of an attorney-general; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 June 1992.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) “attorney-general” means a person appointed in terms of section 2 to the office of attorney-general; (iii)
- (ii) “Commission” means the Commission for Administration established by section 2(1) of the Commission for Administration Act, 1984 (Act No. 65 of 1984); (i)
- 10 (iii) “Minister” means the Minister of Justice; (ii)
- (iv) “provincial division” means a provincial division of the Supreme Court established under the Supreme Court Act, 1959 (Act No. 59 of 1959); (iv)
- 15 (v) “Public Service Act” means the Public Service Act, 1984 (Act No. 111 of 1984). (v)

Appointment of attorney-general

2. (1) The State President shall appoint in respect of the area of jurisdiction of each provincial division and of the Witwatersrand Local Division of the Supreme Court of South Africa a person who—
- 20 (a) has been admitted to practise as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964);
- (b) has been concerned in the application of the law for a continuous period of at least ten years after his admission to practise as an advocate; and
- 25 (c) possesses such experience as, in the opinion of the State President, renders him suitable for appointment as an attorney-general,
- as an attorney-general.
- (2) The Minister may, subject to the laws relating to the public service, appoint in respect of each area for which an attorney-general has been
- 30 appointed, one or more persons who have been admitted to practise as advocates in terms of the Admission of Advocates Act, 1964, as deputy attorneys-general, who may, subject to the control and directions of the attorney-general concerned, do anything which may lawfully be done by the attorney-general.
- 35 (3) If a vacancy occurs in the office of an attorney-general, the State President shall, subject to subsection (1), appoint another person to that office.
- (4) The Minister may from time to time, but subject to subsection (1) and the laws relating to the public service, from the ranks of the deputy attorneys-general appoint an acting attorney-general to discharge the duties of the office
- 40 of an attorney-general whenever he is for any reason unable to perform the duties of his office, or while the appointment of a person to the office of attorney-general is pending.
- (5) (a) Any person appointed under subsection (1) or (4) shall before commencing to exercise the functions of an attorney-general take an oath or
- 45 make an affirmation, which shall be subscribed by him, in the form set out below, namely—

“Ek
(volle naam)

verklaar hierby onder eed/plegtig en opreg dat ek in my hoedanigheid as 'n prokureur-generaal my pligte sal uitvoer en my bevoegdhede sal uitoefen sonder vrees, begunstiging of vooroordeel en, soos die omstandighede van 'n bepaalde geval vereis, ooreenkomstig die reg en gebruike van die Republiek van Suid-Afrika.” 5

(b) So 'n eed of plegtige verklaring moet afgelê word voor die senior beskikbare regter van 'n provinsiale of plaaslike afdeling, wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is, die datum van aflegging daarvan moet vermeld en dit moet onderteken. 10

Diensvoorwaardes van prokureur-generaal

3. (1) (a) Behoudens die bepalings van hierdie Wet bepaal die Staatspresident van tyd tot tyd die salaris en ander diensvoorwaardes van 'n prokureur-generaal.

(b) Die salaris van 'n bepaalde prokureur-generaal mag nie verminder word nie behalwe by Wet van die Parlement. 15

(2) 'n Prokureur-generaal mag nie sonder die toestemming van die Staatspresident besoldigde werk buite sy ampspligte verrig nie.

(3) As 'n beampte of werknemer in die staatsdiens as prokureur-generaal aangestel word, word die tydperk van sy diens as prokureur-generaal gereken as deel van en as aaneenlopend met sy diens in die staatsdiens, vir die doeleindes van verlop, pensioen en enige ander diensvoorwaardes, en bly die bepalings van 'n Pensioenwet wat op hom as sodanige beampte of werknemer of, in die geval van sy dood, op sy afhanklikes van toepassing is en wat nie met hierdie artikel strydig is nie, *mutatis mutandis* aldus van toepassing. 20 25

Ampsontruiming en ontslag van prokureur-generaal

4. (1) (a) 'n Prokureur-generaal moet sy amp neerlê wanneer hy die leeftyd van 65 jaar bereik: Met dien verstande dat as hy genoemde leeftyd na die eerste dag van 'n maand bereik, hy geag word bedoelde leeftyd op die eerste dag van die eersvolgende maand te bereik. 30

(b) Indien die Staatspresident van oordeel is dat dit in die openbare belang is om 'n prokureur-generaal in sy amp in diens te hou na die leeftyd waarop hy ooreenkomstig paragraaf (a) sy amp moet neerlê, kan die Staatspresident van tyd tot tyd gelas dat hy aldus in diens gehou word, maar nie vir 'n tydperk wat, of tydperke wat altesaam, twee jaar te bowe gaan nie. 35

(2) 'n Prokureur-generaal mag nie in sy amp geskors of daarvan onthef word nie behalwe ooreenkomstig die bepalings van subartikels (1), (3), (4) en (5).

(3) (a) Die Staatspresident kan 'n prokureur-generaal in sy amp skors en, behoudens die bepalings van hierdie subartikel, hom daarvan onthef—

(i) weens wangedrag; 40

(ii) weens voortdurende swak gesondheid; of

(iii) weens onvermoë om sy ampspligte op 'n bekwame wyse uit te voer.

(b) 'n Skorsing van 'n prokureur-generaal en die rede daarvoor moet by boodskap aan die Parlement meegedeel word binne 14 dae na sodanige skorsing, indien die Parlement dan in sessie is, of, indien die Parlement nie dan in sessie is nie, binne 14 dae na die aanvang van sy eersvolgende sessie. 45

(c) As daar te eniger tyd gedurende so 'n sessie van die Parlement 'n versoekskrif deur elkeen van die onderskeie Huise van die Parlement om die herstel in sy amp van 'n prokureur-generaal wat aldus geskors is, aan die Staatspresident voorgelê word, moet so 'n prokureur-generaal dienooreenkomstig in sy amp herstel word. 50

(d) As 'n versoekskrif soos bedoel in paragraaf (c) nie aan die Staatspresident voorgelê word nie, bekragtig hy die skorsing en onthef hy die betrokke prokureur-generaal van sy amp.

(4) 'n Prokureur-generaal moet ook deur die Staatspresident van sy amp onthef word indien daar 'n versoekskrif van elkeen van die onderskeie Huise van die Parlement in dieselfde sessie aan die Staatspresident voorgelê word waarin op grond van wangedrag van die prokureur-generaal of weens voortdurende swak gesondheid of sy onvermoë om sy ampspligte op 'n bekwame wyse uit te voer, om sodanige ontheffing gevra word. 60

"I
(full name)

do hereby swear/solemnly and sincerely affirm and declare that I will in my capacity as an attorney-general perform my duties and exercise my powers without fear, favour or prejudice and, as the circumstances of any particular case may require, in accordance with the law and customs of the Republic of South Africa."

(b) Such an oath or affirmation shall be taken or made before the senior available judge of a provincial or local division, who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

Conditions of service of attorney-general

3. (1) (a) Subject to the provisions of this Act, the State President shall from time to time determine the salary and other conditions of service of an attorney-general.

(b) The salary payable to a particular attorney-general shall not be reduced except by Act of Parliament.

(2) An attorney-general shall not without the consent of the State President perform any remunerative work outside his official duties.

(3) If an officer or employee in the public service is appointed as attorney-general, the period of his service as attorney-general shall be reckoned as part of and continuous with his employment in the public service, for purposes of leave, pension and any other conditions of service, and the provisions of any pensions Act applicable to him as such officer or employee, or in the event of his death, to his dependants and which are not inconsistent with this section, shall *mutatis mutandis* continue so to apply.

Vacation of office and discharge of attorney-general

4. (1) (a) An attorney-general shall vacate his office on attaining the age of 65 years: Provided that if he attains the said age after the first day of any month, he shall be deemed to attain that age on the first day of the next succeeding month.

(b) If the State President is of the opinion that it is in the public interest to retain an attorney-general in his office beyond the age at which he shall, in accordance with paragraph (a), vacate his office, the State President may from time to time direct that he be so retained, but not for a period which exceeds, or periods which in the aggregate exceed, two years.

(2) An attorney-general shall not be suspended or removed from office except in accordance with the provisions of subsections (1), (3), (4) and (5).

(3) (a) The State President may suspend an attorney-general and, subject to the provisions of this subsection, remove him from office—

- (i) for misconduct;
- (ii) on account of continued ill-health; or
- (iii) on account of incapacity to carry out his duties of office efficiently.

(b) A suspension of an attorney-general and the reason therefor shall be communicated by message to Parliament within 14 days after such suspension, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

(c) If an address is at any time during such a session of Parliament presented to the State President from each of the respective Houses of Parliament praying for the restoration to his office of an attorney-general so suspended, such an attorney-general shall be restored to his office accordingly.

(d) If an address as contemplated in paragraph (c) is not presented to the State President, he shall confirm the suspension and remove the attorney-general concerned from his office.

(4) The State President shall also remove an attorney-general from office if an address from each of the respective Houses of Parliament in the same session praying for such removal on the ground of misconduct of the attorney-general or on account of continued ill-health or his incapacity to carry out his duties of office efficiently, is presented to the State President.

(5) (a) Die Staatspresident kan op versoek van 'n prokureur-generaal hom toelaat om sy amp neer te lê—

- (i) weens voortdurende swak gesondheid; of
- (ii) om enige ander rede wat die Staatspresident voldoende ag.

(b) Die versoek van 'n prokureur-generaal ingevolge paragraaf (a)(ii) moet aan die Staatspresident gerig word minstens ses kalendermaande voor die datum waarop hy sy amp wil neerlê, tensy die Staatspresident in 'n bepaalde geval 'n korter tydperk toestaan.

(c) Indien 'n prokureur-generaal—

- (i) toegelaat word om ingevolge paragraaf (a)(i) sy amp neer te lê, is hy geregtig op die pensioen waarop hy kragtens die Pensioenwet wat op hom van toepassing is, geregtig sou gewees het as sy dienste op grond van voortdurende swak gesondheid wat sonder sy toedoen veroorsaak is, beëindig is; of

- (ii) toegelaat word om ingevolge paragraaf (a)(ii) sy amp neer te lê, word hy geag ingevolge artikel 4(1)(a)(iv) van die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984), van sy amp onthef te wees of ingevolge artikel 15(4) van die Staatsdienswet verplig te gewees het om af te tree, na gelang die Staatspresident gelas, en is hy geregtig op die pensioen waarop hy kragtens die Pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy aldus van sy amp onthef sou gewees het of verplig sou gewees het om af te tree.

(6) Indien 'n prokureur-generaal onmiddellik voor sy aanstelling as sodanig, 'n beampte of werknemer in die staatsdiens was, en kragtens 'n Wet van die Parlement en met sy instemming aangestel word in 'n amp waarop die bepalings van hierdie Wet of die Staatsdienswet nie van toepassing is nie, hou hy vanaf die datum waarop hy aldus aangestel word, op om prokureur-generaal te wees, en indien hy op daardie datum nog nie die leeftyd bereik het waarop hy ingevolge die Staatsdienswet die reg sou gehad het om af te tree nie, word hy geag op daardie datum af te getree het en is hy, behoudens genoemde bepalings, geregtig op die pensioen waarop hy ingevolge die Pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy weens die afskaffing van sy pos verplig was om uit die staatsdiens af te tree.

Pligte en bevoegdhede van prokureur-generaal

5. (1) 'n Prokureur-generaal het, ten opsigte van die regsgebied waarvoor hy aangestel is, die bevoegdheid om ten behoeve van die Staat enigiemand in naam van die Republiek in strafregtelike verrigtinge in enige hof in bedoelde gebied te vervolg ten opsigte van enige oortreding met betrekking waartoe enige hof in bedoelde gebied regsbevoegdheid het.

(2) 'n Prokureur-generaal kan—

- (a) alle werksaamhede verrig wat met die uitoefening van die bevoegdheid kragtens subartikel (1) aan hom verleen, in verband staan; en
- (b) alle pligte uitvoer en bevoegdhede uitoefen wat kragtens die Strafproseswet, 1977 (Wet No. 51 van 1977), en enige ander wet wat bestaanbaar is met die bepalings van hierdie Wet, hom opgelê of verleen word.

(3) Die bevoegdheid kragtens subartikel (1) aan 'n prokureur-generaal verleen, sluit die bevoegdheid in om in enige hof 'n appèl voort te sit wat uit strafregtelike verrigtinge binne die regsgebied van die betrokke prokureur-generaal ontstaan.

(4) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, oefen die prokureur-generaal wat ten opsigte van die regsgebied van die Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika aangestel is, geen bevoegdheid uit en verrig hy geen werksaamhede ten opsigte van die regsgebied van die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika nie.

(5) Die Minister koördineer die werksaamhede van die prokureurs-generaal en kan 'n prokureur-generaal versoek om—

- (a) hom te voorsien van inligting of van 'n verslag betreffende enige saak, aangeleentheid of onderwerp wat deur 'n prokureur-generaal in die uitvoering van sy pligte of die uitoefening van sy bevoegdhede behartig of hanteer word; en
- (b) redes aan hom te verskaf vir enige besluit deur die betrokke prokureur-

(5) (a) The State President may allow an attorney-general, at his request, to vacate his office—

(i) on account of continued ill-health; or

(ii) for any other reason which the State President deems sufficient.

5 (b) The request of an attorney-general in terms of paragraph (a)(ii) shall be addressed to the State President at least six calendar months prior to the date on which he wishes to vacate his office, unless the State President grants a shorter period in a specific case.

(c) If an attorney-general—

10 (i) is allowed to vacate his office in terms of paragraph (a)(i), he shall be entitled to such pension as he would have been entitled to under the pensions Act applicable to him if his services had been terminated on the ground of continued ill-health occasioned without his being instrumental thereto; or

15 (ii) is allowed to vacate his office in terms of paragraph (a)(ii), he shall be deemed to have been removed from office in terms of section 4(1)(a)(iv) of the Commission for Administration Act, 1984 (Act No. 65 of 1984), or to have been retired in terms of section 15(4) of the Public Service Act, as the State President may direct, and he shall be
20 entitled to such pension as he would have been entitled to under the pensions Act applicable to him if he had been so removed from office or had been so retired.

(6) If an attorney-general immediately prior to his appointment as such was an officer or employee in the public service, and is appointed under an Act of
25 Parliament and with his consent to an office to which the provisions of this Act or the Public Service Act do not apply, he shall as from the date on which he is so appointed, cease to be attorney-general, and if at that date he has not reached the age at which he would in terms of the Public Service Act have had the right to retire, he shall be deemed to have retired on that date and shall, subject to the
30 said provisions, be entitled to such pension as he would have been entitled to under the pensions Act applicable to him had he been compelled to retire from the public service owing to the abolition of his post.

Duties and powers of attorney-general

5. (1) An attorney-general shall, in respect of the area for which he has been
35 appointed, have the authority to prosecute on behalf of the State in criminal proceedings in any court in the said area any person in the name of the Republic in respect of any offence in regard to which any court in the said area has jurisdiction.

(2) An attorney-general may—

40 (a) perform all functions relating to the exercise of the authority conferred upon him under subsection (1); and

(b) perform all duties and exercise all powers imposed or conferred upon him under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and any other law which is in accordance with the provisions of this Act.

45 (3) The authority conferred upon an attorney-general under subsection (1) shall include the authority to prosecute in any court any appeal arising from any criminal proceedings within the area of jurisdiction of the attorney-general concerned.

(4) Notwithstanding any provision of this Act or any other law to the contrary,
50 the attorney-general appointed in respect of the area of jurisdiction of the Transvaal Provincial Division of the Supreme Court of South Africa shall not exercise any authority or perform any functions in respect of the area of jurisdiction of the Witwatersrand Local Division of the Supreme Court of South Africa.

55 (5) The Minister shall co-ordinate the functions of the attorneys-general and may request an attorney-general to—

(a) furnish him with information or a report with regard to any case, matter or subject dealt with or handled by an attorney-general in the performance of his duties or the exercise of his powers; and

60 (b) provide him with the reasons for any decision taken by the attorney-

generaal in die uitvoering van sy pligte of die uitoefening van sy bevoegdhede geneem.

(6) (a) 'n Prokureur-generaal lê jaarliks nie later as die eerste dag van Maart 'n verslag oor al sy bedrywighede gedurende die voorafgaande jaar aan die Minister voor.

(b) 'n Verslag in paragraaf (a) bedoel, word in die Parlement ter Tafel gelê binne 14 dae nadat dit aan die Minister voorgelê is, indien die Parlement dan in sessie is, of, indien die Parlement nie dan in sessie is nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

Delegering, en staatsaanklaer

6. 'n Prokureur-generaal kan, ten opsigte van die gebied waarvoor hy aangestel is, skriftelik—

(a) aan iemand wat ingevolge die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat is om as advokaat te praktiseer, gesag deleger, onderworpe aan die beheer en voorskrifte van die prokureur-generaal, om ten behoeve van die Staat 'n vervolging in strafregtelike verrigtinge in enige hof binne die regsgebied van daardie prokureur-generaal waar te neem, of om in enige hof ten behoeve van die Staat 'n appèl voort te sit wat uit strafregtelike verrigtinge binne die regsgebied van daardie prokureur-generaal ontstaan;

(b) 'n beampte van die Staat as staatsaanklaer in 'n laer hof binne sy regsgebied aanstel, wat, as verteenwoordiger van die prokureur-generaal en onderworpe aan sy beheer en voorskrifte, 'n vervolging in strafregtelike verrigtinge in so 'n laer hof ten behoeve van die Staat kan instel en voortsit.

Personeel van prokureur-generaal

7. Die beamptes en werknemers wat nodig is vir die behoorlike uitvoering van 'n prokureur-generaal se werksaamhede word aangestel ingevolge die bepalings van die Staatsdienswet.

Herroeping van artikels 3 en 4 van Wet 51 van 1977, en voorbehoude

8. (1) Behoudens die bepalings van subartikel (2) word artikels 3 en 4 van die Strafproseswet, 1977 (Wet No. 51 van 1977), hierby herroep.

(2) Enigiets wat gedoen is kragtens 'n bepaling van artikel 3 of 4 van die Strafproseswet, 1977, wat by subartikel (1) herroep is en wat kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag kragtens laasgenoemde bepaling gedoen te wees.

(3) (a) Die persoon wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet die amp van 'n prokureur-generaal bekleed het, word vanaf genoemde datum geag ingevolge artikel 2 van hierdie Wet aangestel te wees.

(b) Die diensvoorwaardes wat van toepassing is op die persoon bedoel in paragraaf (a) onmiddellik voor die datum van inwerkingtreding van hierdie Wet, word nie tot sy nadeel geraak nie, en geen sodanige diensvoorwaarde word na daardie datum uitgelê of toegepas op 'n wyse wat minder gunstig is vir die betrokke persoon as die wyse waarop dit onmiddellik voor genoemde datum uitgelê of toegepas is nie.

Uitleg van sekere verwysings in wette

9. 'n Verwysing in 'n wet na die sollisiteur-generaal of 'n adjunk-sollisiteur-generaal ten opsigte van die regsgebied van die Oos-Kaapse Afdeling van die Hooggeregshof, word uitgelê as 'n verwysing na onderskeidelik die prokureur-generaal en adjunk-prokureur-generaal wat ten opsigte van die regsgebied van daardie Afdeling aangestel is.

Kort titel en inwerkingtreding

10. Hierdie Wet heet die Wet op die Prokureur-generaal, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

general concerned in the performance of his duties or the exercise of his functions.

(6) (a) An attorney-general shall annually not later than the first day of March submit to the Minister a report on all his activities during the previous year.

- 5 (b) A report referred to in paragraph (a) shall be laid upon the Table in Parliament within 14 days after it is submitted to the Minister, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

Delegation, and public prosecutor

- 10 6. An attorney-general may, in respect of the area for which he has been appointed, in writing—

15 (a) delegate to any person who has been admitted to practise as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), subject to the control and directions of the attorney-general, authority to conduct on behalf of the State any prosecution in criminal proceedings in any court within the area of jurisdiction of such attorney-general, or to prosecute in any court on behalf of the State any appeal arising from criminal proceedings within the area of jurisdiction of such attorney-general;

20 (b) appoint any officer of the State as public prosecutor to any lower court within his area of jurisdiction, who shall, as the representative of the attorney-general and subject to his control and directions, institute and conduct on behalf of the State any prosecution in criminal proceedings in such lower court.

25 Staff of attorney-general

7. Such officers and employees as are required for the proper performance of an attorney-general's functions, shall be appointed in terms of the provisions of the Public Service Act.

Repeal of sections 3 and 4 of Act 51 of 1977, and savings

- 30 8. (1) Subject to the provisions of subsection (2), sections 3 and 4 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), are hereby repealed.

(2) Anything done under a provision of section 3 or 4 of the Criminal Procedure Act, 1977, repealed by subsection (1) and which could have been done under a provision of this Act, shall be deemed to have been done under the

35 latter provision.

(3) (a) The person who immediately prior to the date of commencement of this Act occupied the post of attorney-general, shall as from the said date be deemed to have been appointed in terms of section 2 of this Act.

- 40 (b) The conditions of service applicable to the person referred to in paragraph (a) immediately prior to the date of commencement of this Act, shall not be affected to his detriment, and no such condition of service shall after such date be construed or applied in a manner which is less favourable to the person concerned than the manner in which it was construed or applied immediately prior to the said date.

45 Interpretation of certain references in laws

9. Any reference in any law to the solicitor-general or a deputy solicitor-general in respect of the area of jurisdiction of the Eastern Cape Division of the Supreme Court, shall be construed as a reference to the attorney-general and deputy attorney-general, respectively, appointed in respect of the area of jurisdiction of that Division.

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Short title and commencement

10. This Act shall be called the Attorney-General Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

