



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1926.

15 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. 139 van 1992: Algemene Regswysigingswet, 1992.

No. 1926.

15 July 1992

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

No. 139 of 1992: General Law Amendment Act, 1992.

**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**

Ten einde voorsiening te maak dat die voordeel wat vereis word ten einde die gemeenregtelike misdaad van afpersing uit te maak, ook van 'n nie-vermoënsregtelike aard kan wees; voorsiening te maak vir die beskikking oor sekere geld deur die Minister van Mineraal- en Energiesake; tot wysiging van die Insolvensiewet, 1936, ten einde sekere verouderde verwysings te skrap, 'n voorkeureis aan die Staat te verleen ten opsigte van belasting op toegevoegde waarde wat aan die Staat verskuldig is, en voorsiening te maak dat die bedrae wat uit 'n insolvente boedel ten opsigte van besoldiging betaalbaar is, by kennisgewing in die *Staatskoerant* vasgestel word; tot wysiging van die Wet op Seksuele Misdrywe, 1957, ten einde die kategorie persone wat geag word 'n bordeel te hou, uit te brei, en die toepassing van die Wet ten opsigte van Namibië op te hef; tot wysiging van die Boedelwet, 1965, ten einde voorsiening te maak dat 'n eksekuteur wat 'n praktiserende transportbesorger is, vergoeding kan ontvang vir sekere werk wat hy verrig; voorsiening te maak vir 'n tydelike opskorting van die bepalings van die Wet op die Verbod op Buitelandse Finansiering van Politieke Partye, 1968; tot wysiging van die Wet op Regshulp, 1969, ten einde 'n gevolglike wysiging na aanleiding van die Wysigingswet op Regshulp, 1991, aan te bring; tot wysiging van die Verjaringswet, 1969, ten einde sekere gevolglike wysigings na aanleiding van die onafhanklikwording van Namibië aan te bring; tot wysiging van die Strafproseswet, 1977, ten einde 'n verwysing in 'n klagstaat of akte van beskuldiging na 'n beskuldigde se ras te skrap, 'n beswaar teen 'n aanklag en die verskaffing van besonderhede of nadere besonderhede in verband met 'n aanklag verder te reël, en voorsiening te maak dat 'n straf van korrektiewe toesig ten opsigte van enige misdryf opgelê kan word; om die strafprosesreg te wysig ten einde aan die Minister van Justisie die bevoegdheid te verleen om sekere sake na die Appèlafdeling van die Hooggeregshof te verwys; tot wysiging van die Wysigingswet op die Registrasie van Nuusblaai, 1982, ten einde die bevoegdheid van die Minister van Binnelandse Sake om die registrasie van 'n nuusblad onder sekere omstandighede in te trek, te herroep; tot wysiging van die Wet op die Reëling van Admiraliteitsjurisdiksie, 1983, ten einde 'n tegniese regstelling aan te bring; tot wysiging van die Wet op Howe vir Klein Eise, 1984, ten einde vrywaring van aanspreeklikheid ten opsigte van bystand wat te goeder trou deur klerke van die hof of regsassistentë verleen is, verder te reël en 'n verouderde bepaling te skrap; tot wysiging van die Wet op die Reëlsraad vir Geregshowe, 1985, ten einde die Raad se bevoegdheid om reëls te maak, verder te reël; tot wysiging van die Wet op Balju's, 1986, ten einde te bepaal dat rente op gelde wat deur balju's in trust gehou word, behoudens die bepalings van 'n skriftelike lasgewing, aan die Getrouheidsfonds vir Balju's betaal word; tot wysiging van die Wet op Bemiddeling in Sekere Egskeidingsaangeleenthede, 1987, ten einde aan 'n hof die bevoegdheid te verleen om die nie-nakoming van 'n bepaling van 'n regulasie te kondoneer; tot wysiging van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, ten einde die besoldiging van 'n regter na onthefing van aktiewe diens verder te reël en voorsiening te maak dat die gratifikasie betaalbaar aan so 'n regter nie belasbaar is nie; tot wysiging van die Wysigingswet op Geregte Aangeleenthede, 1991, ten einde die toestaan van verstekvonnisse deur griffiers te reël; tot wysiging van die

## GENERAL EXPLANATORY NOTE:

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

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# ACT

To provide that the advantage which is required so as to constitute the common law crime of extortion, may also be of a non-patrimonial nature; to provide for the disposal of certain money by the Minister of Mineral and Energy Affairs; to amend the Insolvency Act, 1936, so as to delete obsolete references, to grant a preferential claim to the State in respect of value-added tax owing to the State, and to provide that the amounts payable out of an insolvent estate in respect of remuneration be determined by notice in the *Gazette*; to amend the Sexual Offences Act, 1957, so as to extend the category persons deemed to keep a brothel, and to abolish the application of the Act in respect of Namibia; to amend the Administration of Estates Act, 1965, so as to provide that an executor who is a practising conveyancer may receive remuneration for certain work performed by him; to provide for a temporary suspension of the provisions of the Prohibition of Foreign Financing of Political Parties Act, 1968; to amend the Legal Aid Act, 1969, so as to effect a consequential amendment arising from the Legal Aid Amendment Act, 1991; to amend the Prescription Act, 1969, so as to effect certain consequential amendments as a result of the attainment of independence by Namibia; to amend the Criminal Procedure Act, 1977, so as to delete a reference in a charge-sheet or an indictment to an accused's race, to further regulate an objection to a charge and the furnishing of particulars or further particulars in connection with a charge, and to provide that a punishment of correctional supervision may be imposed in respect of any offence; to amend the law of criminal procedure so as to empower the Minister of Justice to refer certain cases to the Appellate Division of the Supreme Court; to amend the Registration of Newspapers Amendment Act, 1982, so as to repeal the power of the Minister of Home Affairs to cancel the registration of a newspaper under certain circumstances; to amend the Admiralty Jurisdiction Regulation Act, 1983, so as to make a technical correction; to amend the Small Claims Courts Act, 1984, so as to further regulate the indemnity for liability in respect of assistance rendered in good faith by clerks of the court or legal assistants and to delete an obsolete provision; to amend the Rules Board for Courts of Law Act, 1985, so as to further regulate the Board's power to make rules; to amend the Sheriffs Act, 1986, so as to provide that interest on moneys held in trust by sheriffs shall, subject to the provisions of a written directive, be paid to the Fidelity Fund for Sheriffs; to amend the Mediation in Certain Divorce Matters Act, 1987, so as to empower a court to condone non-compliance with any provision of a regulation; to amend the Judges' Remuneration and Conditions of Employment Act, 1989, so as to further regulate the remuneration of a judge after discharge from active service and to provide that the gratuity payable to such a judge is not taxable; to amend the Judicial Matters Amendment Act, 1991, so as to regulate the granting of default

Wet op die Opgradering van Grondbesitregte, 1991, ten einde ander voorsiening te maak in verband met die omskepping van sekere erfpagtitels in eiendomsreg; tot wysiging van die Wet op die Voorkoming van Openbare Geweld en Intimidasie, 1991, ten einde vir die verlening van *pro Deo*-regshulp aan sekere getuies voorsiening te maak; tot wysiging van die Wet tot Wysiging van die Erfreg, 1992, ten einde 'n regstelling in die teks aan te bring; om te bepaal dat sekere grond geag word geleë te wees in 'n verklaarde gebied soos beoog in die Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987; ten einde sekere uitgediende wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Julie 1992.)

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

**Voordeel by afpersing kan nie-vermoënsregtelik wees**

1. By strafregtelike verrigtinge waarby 'n beskuldigde van afpersing aangekla word, is dit met betrekking tot die voorwerp van die afpersing voldoende om te bewys dat enige voordeel afgepers is, hetsy daardie voordeel vermoënsregtelik van aard is of nie. 5

**Beskikking oor sekere geld deur die Minister van Mineraal- en Energiesake**

2. (1) Die Minister van Mineraal- en Energiesake moet alle geld wat ondanks die herroeping van die Wet op die Ontwikkeling van Strategiese Mineraalbronne, 1964 (Wet No. 88 van 1964), deur artikel 68 van die Mineraalwet, 1991 (Wet No. 50 van 1991), by die inwerkingtreding van hierdie artikel gehou word in die Rekening vir die Ontwikkeling van Strategiese Mineraalbronne wat deur die Wet op die Ontwikkeling van Strategiese Mineraalbronne, 1964, ingestel is, in die Staatsinkomstefonds soos bedoel in artikel 81 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), stort. 10 15

(2) Geld wat kragtens artikel 8 van die Wet op Steenkool, 1983 (Wet No. 32 van 1983), gevorder is en kragtens artikel 9(5) van bedoelde Wet by die Korporasie vir Openbare Deposito's belê is voordat genoemde artikel 9 deur artikel 3 van die Wysigingswet op Steenkool, 1987 (Wet No. 70 van 1987), vervang is, sowel as rente wat uit die belegging van sodanige geld verkry is, moet so gou moontlik na die inwerkingtreding van hierdie artikel deur die Minister van Mineraal- en Energiesake gestort word in die Veiligheidsnavorsingsrekening ingestel kragtens artikel 63(1)(u) van die Mineraalwet, 1991 (Wet No. 50 van 1991), en daardie geld word vir dié navorsing in verband met steenkoolmynbouveiligheid aangewend wat die Direkteur-generaal: Mineraal- en Energiesake bepaal. 20 25

Wysiging van artikel 99 van Wet 24 van 1936, soos vervang deur artikel 5 van Wet 6 van 1972 en gewysig deur artikel 30 van Wet 90 van 1972, artikel 6 van Wet 62 van 1973, artikel 9 van Wet 29 van 1974, artikel 69 van Wet 85 van 1974 en artikel 50 van Wet 103 van 1978 30

3. Artikel 99 van die Insolvensiewet, 1936, word hierby gewysig—

(a) deur subparagrafe (iii) en (iv) van paragraaf (b) van subartikel (1) deur onderskeidelik die volgende subparagrafe te vervang:

“(iii) artikel 99 van genoemde Wet [of artikel 76 van die Inkomste-belastingordonnansie, 1974 (Ordonnansie No. 5 van 1974), van die Gebied] ten opsigte van 'n belasting deur 'n ander persoon verskuldig moet betaal en van gelde, met inbegrip van pensioene, salaris, lone, besoldiging en bedrae van 'n ander aard, wat deur hom gehou word vir of deur hom verskuldig is aan die ander persoon; 35 40

judgments by registrars; to amend the Upgrading of Land Tenure Rights Act, 1991, so as to make other provision in connection with the conversion of certain quitrent titles into ownership; to amend the Prevention of Public Violence and Intimidation Act, 1991, so as to provide for the granting of *pro Deo* legal aid to certain witnesses; to amend the Law of Succession Amendment Act, 1992, so as to effect an emendment of the text; to provide that certain land shall be deemed to be situated in a declared area as contemplated in the Housing Development Act (House of Delegates), 1987; to repeal certain obsolete laws; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 2 July 1992.)*

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

#### **Advantage at extortion can be non-patrimonial**

1. At criminal proceedings at which an accused is charged with extortion it shall with respect to the object of the extortion be sufficient to prove that any advantage was extorted, whether or not such advantage was of a patrimonial nature.

#### **Disposal of certain money by the Minister of Mineral and Energy Affairs**

2. (1) The Minister of Mineral and Energy Affairs shall pay into the State Revenue Fund as referred to in section 81 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), all money which, notwithstanding the repeal of the Strategic Mineral Resources Development Act, 1964 (Act No. 88 of 1964), by section 68 of the Minerals Act, 1991 (Act No. 50 of 1991), is at the commencement of this section, being kept in the Strategic Mineral Resources Development Account established by the Strategic Mineral Resources Development Act, 1964.

- (2) Money collected in terms of section 8 of the Coal Act, 1983 (Act No. 32 of 1983), and invested with the Corporation for Public Deposits in terms of section 9(5) of the said Act prior to the substitution of the said section 9 by section 3 of the Coal Act Amendment Act, 1987 (Act No. 70 of 1987), as well as interest derived from the investment of such money, shall as soon as practicable after the commencement of this section be paid by the Minister of Mineral and Energy Affairs into the Safety Research Account established under section 63(1)(u) of the Minerals Act, 1991 (Act No. 50 of 1991), and such money shall be utilized for such research in respect of coal mining safety as the Director-General: Mineral and Energy Affairs may determine.

**Amendment of section 99 of Act 24 of 1936, as substituted by section 5 of Act 6 of 1972 and amended by section 30 of Act 90 of 1972, section 6 of Act 62 of 1973, section 9 of Act 29 of 1974, section 69 of Act 85 of 1974 and section 50 of Act 103 of 1978**

3. Section 99 of the Insolvency Act, 1936, is hereby amended—

(a) by the substitution for subparagraphs (iii) and (iv) of paragraph (b) of subsection (1) of the following subparagraphs, respectively:

“(iii) is under the provisions of section 99 of the said Act [or section 76 of the Income Tax Ordinance, 1974 (Ordinance No. 5 of 1974), of the Territory] required to pay in respect of any tax due by any other person and has deducted or withheld from any moneys, including pensions, salary, wages, remuneration and amounts of any other nature, held by him for or due by him to such person;

- (iv) die Vierde Bylae by genoemde Wet **[of Bylae 3 by genoemde Ordonnansie]** by wyse van werknemersbelasting van besoldiging of 'n ander bedrag deur hom aan 'n ander persoon betaal of betaalbaar; of"; en
- (b) deur in subartikel (1) na paragraaf (cC) die volgende paragraaf in te voeg:
- “(cD) die bedrag van enige belasting op toegevoegde waarde, rente, boete of pene wat ingevolge die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991), onmiddellik voor die sekwestrasie van die boedel deur die insolvent verskuldig was;”.

**Wysiging van artikel 100 van Wet 24 van 1936, soos gewysig deur artikel 13 van Wet 32 van 1952, artikel 31 van Wet 99 van 1965 en artikel 14 van Wet 101 van 1983**

**4. Artikel 100 van die Insolvensiewet, 1936, word hierby gewysig—**

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Daarna word die orige van die vrye oorskot aangewend tot betaling van die salaris of loon, vir 'n tydperk van nie meer as twee maande nie voor die datum van die sekwestrasie van die boedel, verskuldig aan 'n werknemer van die insolvent en tot betaling van enige geld verskuldig aan 'n verpleegster of 'n rekenmeester of ouditeur geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, **[1951 (Wet No. 51 van 1951)]** 1991 (Wet No. 80 van 1991), wat, hetsy voltyds of deelyds, deur die insolvent voor genoemde datum in diens geneem is om homself, sy vrou of minderjarige kind te verpleeg of om die boeke wat op die insolvent se sake betrekking het, te hou, by te skryf of te ouditeer, na gelang van die geval: Met dien verstande dat nie meer as **[R2 000]** die bedrag wat die Minister van Justisie van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, ingevolge hierdie subartikel aan 'n werknemer, verpleegster, rekenmeester of ouditeur uitbetaal word nie.”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) As daar op die dag van die sekwestrasie aan so 'n werknemer verlof toekom of as enige bonus ten opsigte van verlof of vakansie wat hom toekom so 'n werknemer toegeval het, is hy geregtig op salaris of loon ten opsigte van enige tydperk, nie een-en-twintig dae te bowe gaande nie, van die verlof wat hom toekom of op so 'n bonus, hetsy dit dan betaalbaar is al dan nie, of op sodanige salaris of loon sowel as sodanige bonus, na gelang van die geval: Met dien verstande dat nie meer as **[R1 000]** die bedrag wat die Minister van Justisie van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, ingevolge hierdie subartikel aan enige sodanige werknemer ten opsigte van sodanige salaris of loon en bonus uitbetaal word nie.”.

**Wysiging van artikel 3 van Wet 23 van 1957**

**5. Artikel 3 van die Wet op Seksuele Misdrywe, 1957, word hierby gewysig deur in paragraaf (f) die woorde “enige vrou” deur die woord “iemand” te vervang.**

**Herroeping van artikel 24 van Wet 23 van 1957**

**6. Artikel 24 van die Wet op Seksuele Misdrywe, 1957, word hierby herroep.**

**Wysiging van artikel 39 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 54 van 1970**

**7. Artikel 39 van die Boedelwet, 1965, word hierby gewysig deur die volgende subartikel by te voeg:**

- (iv) has under the provisions of the Fourth Schedule to the said Act **[or Schedule 3 to the said Ordinance]** deducted or withheld by way of employees' tax from remuneration or any other amount paid or payable by him to any other person; or"; and
- (b) by the insertion in subsection (1) after paragraph (cC) of the following paragraph:
- "(cD) the amount of value-added tax, interest, fine or penalty which in terms of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), was due by the insolvent immediately prior to the sequestration of the estate."

**Amendment of section 100 of Act 24 of 1936, as amended by section 13 of Act 32 of 1952, section 31 of Act 99 of 1965 and section 14 of Act 101 of 1983**

4. Section 100 of the Insolvency Act, 1936, is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- "(a) Thereafter any balance of the free residue shall be applied in paying the salary or wages, for a period not exceeding two months prior to the date of sequestration of the estate, due to an employee who was engaged by the insolvent and in paying any fee due to a nurse or an accountant or auditor registered under the Public Accountants and Auditors Act, [1951 (Act No. 51 of 1951)] 1991 (Act No. 80 of 1991), who was engaged, whether full-time or part-time, by the insolvent before the said date to nurse himself, his wife or minor child or to keep or write up or audit the books relating to the insolvent's affairs, as the case may be: Provided that not more than [R2 000] the amount determined by the Minister of Justice from time to time by notice in the Gazette shall be paid out under this subsection to any employee, nurse, accountant or auditor."; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) If on the date of sequestration any leave is due to any such employee or any bonus in respect of leave or holiday due to him has accrued to such employee, he shall be entitled to salary or wages in respect of any period, not exceeding twenty-one days, of leave due to him or to such bonus whether or not payment thereof is then due or to both such salary or wages and such bonus, as the case may be: Provided that not more than [R1 000] the amount determined by the Minister of Justice from time to time by notice in the Gazette shall be paid out under this subsection to any such employee in respect of such salary or wages and bonus."

**Amendment of section 3 of Act 23 of 1957**

5. Section 3 of the Sexual Offences Act, 1957, is hereby amended by the substitution in paragraph (f) for the word "woman" of the word "person".

**45 Repeal of section 24 of Act 23 of 1957**

6. Section 24 of the Sexual Offences Act, 1957, is hereby repealed.

**Amendment of section 39 of Act 66 of 1965, as amended by section 4 of Act 54 of 1970**

7. Section 39 of the Administration of Estates Act, 1965, is hereby amended by the addition of the following subsection:

“(4) Indien die eksekuteur ’n praktiserende transportbesorger is en hy enige werk ingevolge hierdie artikel in verband met die registrasie van, of die aanbring van aantekeninge teen die titelbewyse van, onroerende goed bedoel in subartikel (1) verrig het, is hy op vergoeding vir sodanige werk geregtig ooreenkomstig die gelde en kosteberekening wat by regulasie kragtens artikel 10(1)(c) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), voorgeskryf is.” 5

#### Opskorting van sekere bepalings van Wet 51 van 1968

8. Die bepalings van artikels 3 en 4 van die Wet op die Verbod op Buitelandse Finansiering van Politieke Partye, 1968, word hierby opgeskort vanaf die datum van die inwerkingtreding van hierdie artikel tot ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 10

#### Wysiging van artikel 4 van Wet 22 van 1969, soos gewysig deur artikel 2 van Wet 47 van 1989 en artikel 1 van Wet 1 van 1991

9. Artikel 4 van die Wet op Regshulp, 1969, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: 15

“(a) Die Minister kan ’n persoon as plaasvervanger van ’n in paragraaf (b) of [(g)](e) 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.” 20

#### Wysiging van artikel 3 van Wet 68 van 1969

10. Artikel 3 van die Verjaringswet, 1969, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) die persoon ten gunste van wie die verjaring loop buite die Republiek [(met inbegrip van die gebied Suidwes-Afrika)] is, of getroud is met die persoon teen wie die verjaring loop, of ’n bestuurslid is van ’n regspersoon teen wie die verjaring loop; en” 25

#### Wysiging van artikel 13 van Wet 68 van 1969

11. Artikel 13 van die Verjaringswet, 1969, word hierby gewysig— 30

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) die skuldenaar buite die Republiek [(met inbegrip van die gebied Suidwes-Afrika)] is; of”; en

(b) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang: 35

“(g) die skuld die voorwerp is van ’n eis ingedien teen die boedel van ’n skuldenaar wat oorlede is of teen die insolvente boedel van die skuldenaar of teen ’n maatskappy in likwidasie of teen ’n applikant ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966) [of die Boerebystandsordonnansie, 1962 (Ordonnansie No. 11 van 1962, van die gebied Suidwes-Afrika)]; of”. 40

#### Herroeping van artikel 21 van Wet 68 van 1969

12. Artikel 21 van die Verjaringswet, 1969, word hierby herroep. 45

#### Wysiging van artikel 76 van Wet 51 van 1977

13. Artikel 76 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(4) If the executor is a practising conveyancer and has performed any work in terms of this section in connection with the registration of, or the endorsement against the title deeds of, immovable property referred to in subsection (1), he shall be entitled to remuneration for such work in accordance with the fees and charges prescribed by regulation under section 10(1)(c) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).”.

#### Suspension of certain provisions of Act 51 of 1968

8. The provisions of sections 3 and 4 of the Prohibition of Foreign Financing of Political Parties Act, 1968, are hereby suspended from the date of commencement of this section until a date determined by the State President by proclamation in the *Gazette*.

#### Amendment of section 4 of Act 22 of 1969, as amended by section 2 of Act 47 of 1989 and section 1 of Act 1 of 1991

9. Section 4 of the Legal Aid Act, 1969, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(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)] (e)** 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.”.

#### Amendment of section 3 of Act 68 of 1969

10. Section 3 of the Prescription Act, 1969, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the person in favour of whom the prescription is running is outside the Republic **[(including the territory of South-West Africa)]**, or is married to the person against whom the prescription is running, or is a member of the governing body of a juristic person against whom the prescription is running; and”.

#### Amendment of section 13 of Act 68 of 1969

11. Section 13 of the Prescription Act, 1969, is hereby amended—

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

“(b) the debtor is outside the Republic **[(including the territory of South-West Africa)]**; or”; and

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

“(g) the debt is the object of a claim filed against the estate of a debtor who is deceased or against the insolvent estate of the debtor or against a company in liquidation or against an applicant under the Agricultural Credit Act, 1966 (Act No. 28 of 1966), **[or the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962, of the territory of South-West Africa)]**; or”.

#### Repeal of section 21 of Act 68 of 1969

12. Section 21 of the Prescription Act, 1969, is hereby repealed.

#### Amendment of section 76 of Act 51 of 1977

13. Section 76 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Die klagstaat bevat, benewens die aanklag teen die beskuldigde, die naam en, waar bekend en waar toepaslik, die adres en beskrywing van die beskuldigde ten opsigte van geslag, **[ras,]** nasionaliteit en ouderdom.”.

#### Wysiging van artikel 85 van Wet 51 van 1977

14. Artikel 85 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (1) die volgende voorbehoudsbepaling by paragraaf (d) te voeg: 5

“Met dien verstande dat so 'n beswaar nie aangeteken kan word teen 'n aanklag wanneer hy ingevolge artikel 119 of 122A in die landdroshof aangesê word om daarop te pleit nie;”.

#### Wysiging van artikel 87 van Wet 51 van 1977

15. Artikel 87 van die Strafproseswet, 1977, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg: 10

“Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is op die stadium waarop 'n beskuldigde ingevolge artikel 119 of 122A in die landdroshof aangesê word om op 'n aanklag te pleit nie.”.

#### Wysiging van artikel 122 van Wet 51 van 1977

16. Artikel 122 van die Strafproseswet, 1977, word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) in die betrokke landdroshof, **[met die verhoor voortgaan vanaf die stadium waarop die verrigtinge ingevolge subartikel (1) verdaag is of, indien die beskuldigde teregstaan op 'n aanklag wat verskil van die aanklag waarop hy gepleit het,]** die beskuldigde aansê om op daardie aanklag te pleit, en, as die pleit op daardie aanklag een van skuldig is of die pleit ten opsigte van 'n misdryf waaraan die beskuldigde op so 'n aanklag skuldig bevind kan word een van skuldig is en die aanklaer daardie pleit aanvaar, met die saak ooreenkomstig die bepalings van artikel 112 handel, in welke geval die bepalings van artikel 114(1) nie van toepassing is nie, of, as die pleit een van onskuldig is, met die saak ooreenkomstig die bepalings van artikel 115 handel en met die verhoor voortgaan;”.

#### Wysiging van artikel 144 van Wet 51 van 1977

17. Artikel 144 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die akte van beskuldiging bevat, benewens die aanklag teen die beskuldigde, die naam en, waar bekend en waar toepaslik, die adres en 'n beskrywing van die beskuldigde ten opsigte van geslag, **[ras,]** nasionaliteit en ouderdom.”.

#### Wysiging van artikel 276 van Wet 51 van 1977, soos gewysig deur artikel 3 van Wet 107 van 1990 en artikel 41 van Wet 122 van 1991

18. (1) Artikel 276 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 40

“(3) **[Die]** Ondanks enige andersluidende wetsbepalings word die bepalings van subartikel (1) **[word]** nie so uitgelê as sou dit die hof verbied—

(a) om gevangenisstraf saam met korrektiewe toesig op te lê nie; of 45  
(b) om 'n straf in subartikel (1)(h) of (i) bedoel ten opsigte van enige misdryf op te lê nie.”.

(2) Subartikel (1) word geag op 15 Augustus 1991 in werking te getree het.

#### Appel deur Minister van Justisie ten behoeve van sekere persone

19. (1) Indien, in die geval van 'n persoon wat voor 27 Julie 1990 ter dood veroordeel is— 50

“(2) The charge-sheet shall in addition to the charge against the accused include the name and, where known and where applicable, the address and description of the accused with regard to sex, **[race,]** nationality and age.”.

#### Amendment of section 85 of Act 51 of 1977

- 5    **14.** Section 85 of the Criminal Procedure Act, 1977, is hereby amended by the addition in subsection (1) to paragraph (d) of the following proviso:

“Provided that such an objection may not be raised to a charge when he is required in terms of section 119 or 122A to plead thereto in the magistrate’s court.”.

#### 10 Amendment of section 87 of Act 51 of 1977

- 15.** Section 87 of the Criminal Procedure Act, 1977, is hereby amended by the addition to subsection (1) of the following proviso:

15    “Provided that the provisions of this subsection shall not apply at the stage when an accused is required in terms of section 119 or 122A to plead to a charge in the magistrate’s court.”.

#### Amendment of section 122 of Act 51 of 1977

- 16.** Section 122 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

20    “(a) in the magistrate’s court concerned, **[proceed with the trial from the stage at which the proceedings were adjourned under subsection (1) or, if the accused is arraigned on a charge which is different from the charge to which he has pleaded,]** require the accused to plead to that charge, and, if the plea to that charge is one of guilty or the plea in respect of an offence of which the  
25    accused may on such charge be convicted is one of guilty and the prosecutor accepts such plea, deal with the matter in accordance with the provisions of section 112, in which event the provisions of section 114(1) shall not apply, or, if the plea is one of not guilty, deal with the matter in accordance with the provisions of  
30    section 115 and proceed with the trial;”.

#### Amendment of section 144 of Act 51 of 1977

- 17.** Section 144 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (2) of the following subsection:

35    “(2) The indictment shall, in addition to the charge against the accused, include the name and, where known and where applicable, the address and a description of the accused with regard to sex, **[race,]** nationality and age.”.

#### Amendment of section 276 of Act 51 of 1977, as amended by section 3 of Act 107 of 1990 and section 41 of Act 122 of 1991

- 40    **18.** (1) Section 276 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) **[The]** Notwithstanding anything to the contrary in any law contained, the provisions of subsection (1) shall not be construed as prohibiting the court—

45    (a) from imposing imprisonment together with correctional supervision; or

(b) from imposing the punishment referred to in subsection (1)(h) or (i) in respect of any offence.”.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1991.

#### 50 Appeal by Minister of Justice on behalf of certain persons

- 19.** (1) If, in the case of a person who was sentenced to death before 27 July 1990—

(a) daardie persoon ten opsigte van die betrokke skuldigbevinding al die erkende regsprosedures betreffende appèl of hersiening uitgeput het;  
 (b) die Appèlafdeling van die Hooggeregshof nog nie 'n appèl teen die skuldigbevinding oorweeg het nie; en  
 (c) die Minister van Justisie twyfel aangaande die juistheid van die skuldigbevinding, 5

kan die Minister, hetsy die Appèlafdeling reeds 'n appèl teen die betrokke vonnis oorweeg het of nie, ten behoeve van en sonder die toestemming van daardie persoon die betrokke oorkonde, tesame met 'n verklaring van die grond vir sy twyfel, na die Appèlafdeling verwys, waarop daardie hof die juistheid van die skuldigbevinding op dieselfde wyse oorweeg asof hy 'n appèl deur daardie persoon teen die skuldigbevinding oorweeg. 10

(2) Die Minister laat—

(a) die betrokke prokureur-generaal in kennis stel van sy besluit om die aangeleentheid na die Appèlafdeling te verwys; 15  
 (b) 'n advokaat aanstel om die aangeleentheid voor die Appèlafdeling te beredeneer en die griffier van daardie hof van die naam van daardie advokaat in kennis stel; en  
 (c) die griffier van die hof waarin die skuldigbevinding plaasgevind het die nodige aantal gewaarmerkte afskrifte van die betrokke hofooronde en -verrigtinge aan die griffier van die Appèlafdeling stuur en die kragtens paragraaf (b) aangestelde advokaat van 'n afskrif daarvan voorsien. 20

(3) Die griffier van die Appèlafdeling gee aan die betrokke prokureur-generaal en aan die kragtens subartikel (2)(b) aangestelde advokaat kennis van die datum wat bepaal is vir oorweging deur die Appèlafdeling van die aangeleentheid wat kragtens subartikel (1) na hom verwys is. 25

(4) Die Appèlafdeling het ten opsigte van 'n aangeleentheid wat kragtens subartikel (1) na hom verwys is die bevoegdhede wat deur artikel 322 van die Strafproseswet, 1977 (Wet No. 51 van 1977), ten opsigte van 'n appèl teen 'n skuldigbevinding aan hom verleen is. 30

#### Herroeping van artikel 1 van Wet 98 van 1982

20. Artikel 1 van die Wysigingswet op die Registrasie van Nuusblaaie, 1982, word hierby herroep.

#### Wysiging van artikel 3 van Wet 105 van 1983

21. Artikel 3 van die Wet op die Reëling van Admiraliteitsjurisdiksie, 1983, word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang: 35

“(a) in die geval van 'n eis beoog in paragraaf (a), (b), **[(i) of (r)] (j) of (u)** van die omskrywing van ‘maritieme eis’, die eis voortspruit uit 'n ooreenkoms wat binne die regsgebied van daardie hof aangegaan is;”.

#### Wysiging van artikel 11 van Wet 61 van 1984, soos gewysig deur artikel 6 van Wet 92 van 1986

22. Artikel 11 van die Wet op Howe vir Klein Eise, 1984, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 45

“(3) Die Staat, 'n klerk van die hof, 'n assistent-klerk van die hof of 'n regsassistent is nie aanspreeklik nie vir enige skade of verlies wat voortspruit uit bystand wat te goeder trou verleen is deur daardie klerk van die hof, assistent-klerk van die hof of regsassistent aan 'n party of voornemende party by 'n aksie voor 'n hof of by die afdwinging van 'n vonnis of bevel ingevolge artikel 41 in die vorm van regsadvies of die opstel of voorbereiding van 'n dagvaarding, verklaring of ander stuk.”.

#### Wysiging van artikel 14 van Wet 61 van 1984

23. Artikel 14 van die Wet op Howe vir Klein Eise, 1984, word hierby gewysig deur subartikel (3) te skrap. 55

- (a) that person has in respect of the conviction in question exhausted all the recognized legal procedures pertaining to appeal or review;
- (b) the Appellate Division of the Supreme Court has not yet considered an appeal against the conviction; and
- 5 (c) the Minister of Justice has any doubt as to the correctness of the conviction,
- the Minister may, whether or not the Appellate Division has already considered an appeal against the sentence in question, on behalf and without the consent of that person refer the relevant record, together with a statement of the ground for
- 10 his doubt, to the Appellate Division, whereupon that court shall consider the correctness of the conviction in the same manner as if it were considering an appeal by that person against the conviction.
- (2) The Minister shall cause—
- (a) the attorney-general concerned to be advised of his decision to refer
- 15 the matter to the Appellate Division;
- (b) counsel to be appointed to argue the matter before the Appellate Division and the registrar of that court to be advised of the name of that counsel; and
- 20 (c) the registrar of the court in which the conviction occurred to transmit the requisite number of certified copies of the relevant court record and proceedings to the registrar of the Appellate Division and to furnish counsel appointed under paragraph (b) with a copy thereof.
- (3) The registrar of the Appellate Division shall give notice to the attorney-general concerned and to counsel appointed under subsection (2)(b) of the date
- 25 fixed for the consideration by the Appellate Division of the matter referred to it under subsection (1).
- (4) The Appellate Division shall in respect of a matter referred to it under subsection (1) have the powers conferred upon it by section 322 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in respect of an appeal against a
- 30 conviction.

#### Repeal of section 1 of Act 98 of 1982

20. Section 1 of the Registration of Newspapers Amendment Act, 1982, is hereby repealed.

#### Amendment of section 3 of Act 105 of 1983

- 35 21. Section 3 of the Admiralty Jurisdiction Regulation Act, 1983, is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- “(a) in the case of a claim contemplated in paragraph (a), (b), **[(i) or (r)]** (j) or (u) of the definition of ‘maritime claim’, the claim
- 40 arises out of an agreement concluded within the area of jurisdiction of that court;”.

#### Amendment of section 11 of Act 61 of 1984, as amended by section 6 of Act 92 of 1986

22. Section 11 of the Small Claims Courts Act, 1984, is hereby amended by the
- 45 substitution for subsection (3) of the following subsection:
- “(3) The State, a clerk of the court, an assistant clerk of the court or a legal assistant shall not be liable for any damage or loss resulting from assistance given in good faith by that clerk of the court, assistant clerk of the court or legal assistant to any party or prospective party to an action before
- 50 a court or to the enforcement of a judgment or order in terms of section 41 in the form of legal advice or the compilation or preparation of a summons, statement or other document.”.

#### Amendment of section 14 of Act 61 of 1984

23. Section 14 of the Small Claims Courts Act, 1984, is hereby amended by the
- 55 deletion of subsection (3).

**Wysiging van artikel 6 van Wet 107 van 1985, soos gewysig deur artikel 4 van Wet 77 van 1989**

24. Artikel 6 van die Wet op die Reëlsraad vir Geregshoue, 1985, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) (a) Verskillende reëls kan ten opsigte van die Hooggeregshof en die laer houe en ten opsigte van verskillende soorte verrigtinge gemaak word.  
(b) Die Raad kan, met die goedkeuring van die Minister, verskillende reëls ten opsigte van verskillende afdelings van die Hooggeregshof maak wat vir die tydperk of tydperke wat die Raad bepaal, geld.”.

**Wysiging van artikel 22 van Wet 90 van 1986**

25. Artikel 22 van die Wet op Balju's, 1986, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- “(4) Rente op geld in 'n rekening in subartikel (1) of (2) genoem, word tensy die persoon namens wie die balju daardie geld hou of ontvang het, skriftelik anders aandui, op die voorgeskrewe wyse deur die betrokke balju aan die Fonds betaal.”.

**Invoeging van artikel 5A in Wet 24 van 1987**

26. Die volgende artikel word hierby in die Wet op Bemiddeling in Sekere Egskeidingsaangeleenthede, 1987, na artikel 5 ingevoeg:

“Hof kan nie-nakoming van bepaling van regulasie kondoneer

5A. Die hof kan, by die verhoor van 'n geding of die aanhoor van 'n aansoek in artikel 4 bedoel, die nie-nakoming van 'n bepaling van 'n regulasie kragtens artikel 5 uitgevaardig, kondoneer.”.

**Wysiging van artikel 5 van Wet 88 van 1989**

27. (1) Artikel 5 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- “(a) A, behoudens die bepalings van subartikel (2), die [jaarlikse] salaris verbonde aan die amp wat die betrokke regter by ontheffing van aktiewe diens bekleet, voorstel;”.

(2) Subartikel (1) word geag op 1 April 1989 in werking te getree het.

**Wysiging van artikel 6 van Wet 88 van 1989**

28. Artikel 6 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989, word hierby gewysig deur die volgende subartikel by te voeg:

- “(7) Ondanks enige andersluidende wetsbepalings is die gratifikasie kragtens hierdie artikel betaalbaar aan regters nie belasbaar nie.”.

**Vervanging van artikel 5 van Wet 4 van 1991**

29. Artikel 5 van die Wysigingswet op Geregte Aangeleenthede, 1991, word hierby deur die volgende artikel vervang:

“Invoeging van artikel 27A in Wet 59 van 1959

5. Die volgende artikel word hierby in die Wet op die Hooggeregshof, 1959, na artikel 27 ingevoeg:

‘Vonnis by verstek

27A. [(1)] 'n Vonnis by verstek kan deur die griffier toegestaan en aangeteken word op die wyse en in die omstandighede wat voorgeskryf word in die Reëls wat ingevolge die Wet op die Reëlsraad vir

**Amendment of section 6 of Act 107 of 1985, as amended by section 4 of Act 77 of 1989**

24. Section 6 of the Rules Board for Courts of Law Act, 1985, is hereby amended by the substitution for subsection (2) of the following subsection:

- 5       “(2) (a) Different rules may be made in respect of the Supreme Court and the lower courts and in respect of different kinds of proceedings.  
       (b) The Board may, with the approval of the Minister, make different rules in respect of different divisions of the Supreme Court which shall be of force for the period or periods determined by the Board.”.

**10 Amendment of section 22 of Act 90 of 1986**

25. Section 22 of the Sheriffs Act, 1986, is hereby amended by the substitution for subsection (4) of the following subsection:

- 15       “(4) Interest on moneys in an account mentioned in subsection (1) or (2) shall, unless the person on whose behalf the sheriff is holding or has received those moneys, in writing indicates otherwise, be paid in the prescribed manner to the Fund by the sheriff concerned.”.

**Insertion of section 5A in Act 24 of 1987**

26. The following section is hereby inserted in the Mediation in Certain Divorce Matters Act, 1987, after section 5:

- 20       **“Court may condone non-compliance with provision of regulation**

**5A.** The court may, at the trial of an action or the hearing of an application referred to in section 4, condone non-compliance with any provision of a regulation made in terms of section 5.”.

**Amendment of section 5 of Act 88 of 1989**

- 25       27. (1) Section 5 of the Judges' Remuneration and Conditions of Employment Act, 1989, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

30       “(a) A, subject to the provisions of subsection (2), represents the **[annual]** salary applicable to the office held by the judge concerned on discharge from active service;”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1989.

**Amendment of section 6 of Act 88 of 1989**

28. Section 6 of the Judges' Remuneration and Conditions of Employment Act, 1989, is hereby amended by the addition of the following subsection:

- 35       “(7) Notwithstanding anything to the contrary contained in any other law, the gratuity payable to judges under this section shall not be taxable.”.

**Substitution of section 5 of Act 4 of 1991**

29. The following section is hereby substituted for section 5 of the Judicial Matters Amendment Act, 1991:

- 40       **“Insertion of section 27A in Act 59 of 1959**

**5.** The following section is hereby inserted in the Supreme Court Act, 1959, after section 27:

**‘Judgment by default**

- 45       **27A. [(1)]** A judgment by default may be granted and entered by the registrar in the manner and in the circumstances prescribed in the Rules made in terms of the Rules Board for Courts of Law Act, 1985

Geregshowe, 1985 (Wet No. 107 van 1985), gemaak is, en so 'n aangetekende vonnis word geag 'n vonnis van die hof te wees.

[(2) 'n Vonnis by verstek wat ingevolge subartikel (1) aangeteken is, word aan 'n regter in kamers voorgelê vir bekragtiging.

(3) 'n Vonnis by verstek bekragtig deur 'n regter in kamers word geag 'n vonnis van die hof te wees.]". 5

#### Wysiging van artikel 2 van Wet 112 van 1991

30. (1) Artikel 2 van die Wet op die Opgradering van Grondbesitregte, 1991, word hierby gewysig deur die volgende subartikel by te voeg:

“(4) By die toepassing van subartikel (1)(c) en artikel 6 word 'n stuk grond ten opsigte waarvan 'n grondbesitreg bedoel in item 2 van Bylae 1 toegeken is, geag nie deel van 'n dorp uit te maak nie ongeag die ligging daarvan.”. 10

(2) Subartikel (1) word geag op 1 September 1991 in werking te getree het.

#### Wysiging van artikel 9 van Wet 139 van 1991

31. Artikel 9 van die Wet op die Voorkoming van Openbare Geweld en Intimidasie, 1991, word hierby gewysig deur die volgende paragraaf by subartikel (4) te voeg, terwyl die bestaande subartikel paragraaf (a) daarvan word: 15

“(b) Indien die Kommissie toestemming soos beoog in paragraaf (a) verleen het en oortuig is dat—

- (i) die persoon nie geldelik in staat is om self 'n regsverteenwoordiger aan te stel nie; en 20
- (ii) dit in belang van die werksaamhede van die Kommissie is dat die persoon deur 'n regsverteenwoordiger verteenwoordig word, kan die Kommissie 'n regsverteenwoordiger aanstel om *pro Deo* namens die betrokke persoon te verskyn.”. 25

#### Wysiging van artikel 14 van Wet 43 van 1992

32. Artikel 14 van die Wet tot Wysiging van die Erfreg, 1992, word hierby gewysig deur in paragraaf (b), die woord “erflater” deur die woord “oorledene” te vervang.

#### Sekere grond word geag in verklaarde gebied geleë te wees 30

33. (1) Enige grond—

(a) wat te eniger tyd voor die inwerkingtreding van hierdie artikel deur die raad verkry is, op watter wyse ook al, of by of ingevolge enige wet aan die raad oorgedra is of heet oorgedra te wees; en

(b) die eiendomsreg waarvan, volgens 'n endossement deur die Registrateur op die betrokke titelakte, by die raad berus of te eniger tyd berus het, word ondanks enige ander wet geag in 'n verklaarde gebied geleë te wees en te alle tersaaklike tye aldus geleë te gewees het. 35

(2) In subartikel (1) het 'n woord of uitdrukking wat in die Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987 (Wet No. 4 van 1987), omskryf is, dieselfde betekenis as in daardie Wet. 40

#### Herroeping van wette

34. Die wette in die Bylae vermeld, word hierby herroep.

#### Kort titel en inwerkingtreding

35. (1) Hierdie Wet heet die Algemene Regswysigingswet, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 45

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

(Act No. 107 of 1985), and a judgment so entered shall be deemed to be a judgment of the court.

[(2) Any judgment by default entered in terms of subsection (1) shall be submitted to a judge in chambers for confirmation.

(3) Any judgment by default confirmed by a judge in chambers shall be deemed to be a judgment of the court.]”.

#### Amendment of section 2 of Act 112 of 1991

30. (1) Section 2 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended by the addition of the following subsection:

10 “(4) For the purposes of subsection (1)(c) and section 6, any piece of land in respect of which a land tenure right referred to in item 2 of Schedule 1 has been granted, shall be deemed not to form part of a township irrespective of its position.”.

15 (2) Subsection (1) shall be deemed to have come into operation on 1 September 1991.

#### Amendment of section 9 of Act 139 of 1991

31. Section 9 of the Prevention of Public Violence and Intimidation Act, 1991, is hereby amended by the addition of the following paragraph, the existing subsection becoming paragraph (a) thereof:

20 “(b) If the Commission has granted consent as contemplated in paragraph (a) and is satisfied that—

(i) the person is not financially capable of appointing a legal representative himself; and

25 (ii) it is in the interest of the commission’s functions that such person be represented by a legal representative, the Commission may appoint a legal representative to appear *pro Deo* on behalf of the person concerned.”.

#### Amendment of section 14 of Act 43 of 1992

32. Section 14 of the Law of Succession Amendment Act, 1992, is hereby amended by the substitution in paragraph (b) for the word “testator” of the word “deceased”.

#### Certain land deemed to be situated in declared area

33. (1) Any land—

35 (a) acquired by the board in whichever manner, or transferred or purported to be transferred to the board by or in terms of any law, at any time before the commencement of this section; and

(b) the ownership of which, according to an endorsement by the Registrar on the relevant title deed, vests or at any time vested in the board, shall notwithstanding any other law be deemed to be situated in and at all

40 relevant times to have been situated in a declared area. (2) In subsection (1) any word or expression defined in the Housing Development Act (House of Delegates), 1987 (Act No. 4 of 1987), shall have the same meaning as in that Act.

#### Repeal of laws

45 34. The laws specified in the Schedule are hereby repealed.

#### Short title and commencement

35. (1) This Act shall be called the General Law Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

50 (2) Different dates may be so fixed in respect of different provisions of this Act.

## BYLAE

## Wette Herroep

| No. en jaar van wet                                   | Titel of onderwerp                                                                         |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 1. Hoofstuk LXXXVII van die Wetboek (Oranje-Vrystaat) | "Over het heffen van Erfpachten en Dorpsbelastingen op Gronden of Erven gelegen in Dorpen" |
| 2. Wet No. 15 van 1912                                | Transvaalse en Oranje Vrijstaatse Landvestiging Wijzigingswet, 1912                        |
| 3. Wet No. 7 van 1922                                 | Frankenwald Landgoed Transport, 1922                                                       |
| 4. Wet No. 6 van 1926                                 | Onderstands-Nedersettings-Wet, 1926                                                        |
| 5. Wet No. 15 van 1926                                | Kopjes Dorpswet, 1926                                                                      |
| 6. Wet No. 11 van 1929                                | Murray Park (Private) Wet, 1929                                                            |
| 7. Wet No. 34 van 1972                                | Wet op Reëling van Grondtitels (Afdeling George), 1972                                     |
| 8. Wet No. 32 van 1973                                | Wet op Reëling van Grondtitels (Afdeling Oudtshoorn), 1973                                 |
| 9. Wet No. 27 van 1975                                | Wysigingswet op Reëling van Grondtitels (Afdeling George), 1975                            |
| 10. Wet No. 82 van 1977                               | Wet op die Beheer van Gemeenskaplike Weiveld, 1977                                         |

## SCHEDULE

**Laws Repealed**

| No. and year of law                                    | Title or subject                                                                           |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 1. Chapter LXXXVII of the Law Book (Orange Free State) | "Over het heffen van Erfpachten en Dorpsbelastingen op Gronden of Erven gelegen in Dorpen" |
| 2. Act No. 15 of 1912                                  | Transvaal and Orange Free State Land Settlements Amendment Act, 1912                       |
| 3. Act No. 7 of 1922                                   | Frankenwald Estate Transfer Act, 1922                                                      |
| 4. Act No. 6 of 1926                                   | Relief Settlements Act, 1926                                                               |
| 5. Act No. 15 of 1926                                  | Kopjes Township Act, 1926                                                                  |
| 6. Act No. 11 of 1929                                  | Murray Park (Private) Act, 1929                                                            |
| 7. Act No. 34 of 1972                                  | Land Titles (Division of George) Adjustment Act, 1972                                      |
| 8. Act No. 32 of 1973                                  | Land Titles (Division of Oudtshoorn) Adjustment Act, 1973                                  |
| 9. Act No. 27 of 1975                                  | Land Titles (Division of George) Adjustment Amendment Act, 1975                            |
| 10. Act No. 82 of 1977                                 | Common Pasture Management Act, 1977                                                        |

