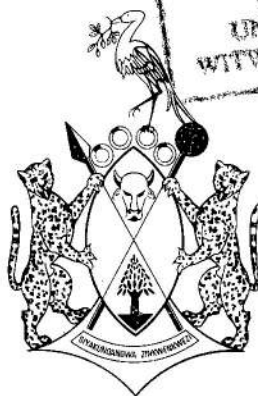


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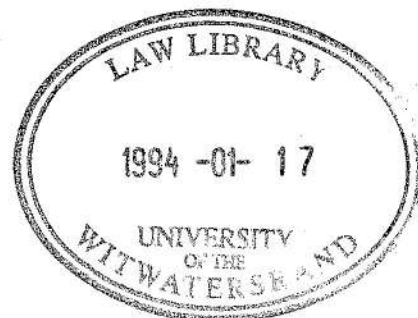
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DEPARTMENT OF THE COUNCIL OF STATE

PROCLAMATION No. 13 OF 1993

ABOLITION OF MUNICIPALITY OF BALFOUR



DEPARTMENT OF THE COUNCIL OF STATE

PROCLAMATION No. 13 OF 1993

by the Chairman of the Council of State of the Republic of Ciskei

ABOLITION OF MUNICIPALITY OF BALFOUR

Under and by virtue of the powers vested in me by section 8(1)(j) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), read with section 37(1) and (2) of the Republic of Ciskei Constitution Decree, 1990 (Decree 45 of 1990), I do hereby abolish the Municipality of Balfour with effect from 1 March 1994.

Given under my Hand and the Seal of the Republic of Ciskei at Bisho on this seventeenth day of December One thousand Nine hundred and Ninety three.

O.J. GQOZO: Brigadier
Chairman of the Council of State

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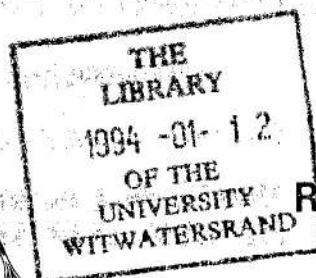
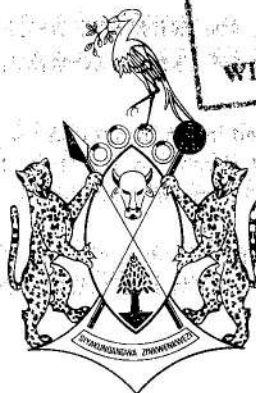
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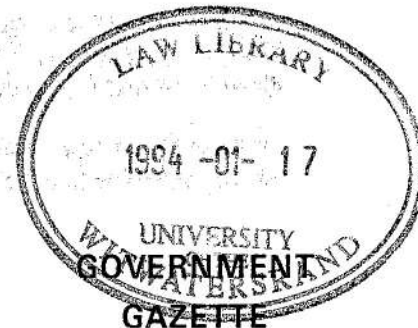
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DEPARTMENT OF THE COUNCIL OF STATE

PROCLAMATION No. 14 OF 1993

MAINTENANCE AMENDMENT DECREE, 1993
(DECREE 23 OF 1993): COMMENCEMENT

DEPARTMENT OF THE COUNCIL OF STATE

PROCLAMATION No. 14 OF 1993

by the Chairman of the Council of State of the Republic of Ciskei

MAINTENANCE AMENDMENT DECREE, 1993 (DECREE No. 23 OF 1993): COMMENCEMENT

Under and by virtue of the powers vested in me by section 14 of the Maintenance Amendment Decree, 1993 (Decree 23 of 1993) I hereby fix the thirty first day of December 1993 as the date on which the said decree shall come into operation.

Given under my Hand and the Seal of the Republic of Ciskei at Bisho on this the seventeenth day of December One thousand Nine hundred and Ninety-three.

O.J. GQOZO: Brigadier
Chairman of the Council of State

DEPARTMENT OF JUSTICE

GOVERNMENT NOTICE No. 112 OF 1993

The following Government Notice is published for general information:

MAINTENANCE ACT, 1963 (ACT 23 OF 1963): AMENDMENT OF RULES

I, Beresford Donald Brunette, Minister of Justice, do hereby in terms of section 15 of the Maintenance Act, 1963, make the rules set out in the accompanying Schedule.

B.D. Brunette, Minister of Justice

SCHEDULE

Introductory

1. In this notice "the Rules" means the rules published under Government Notice R. 2331 of 24 December 1970 and "rule" has a corresponding meaning.

Substitution of rule 1 of the Rules

2. The following rule is hereby substituted for rule 1:

"1. In these rules any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context indicates otherwise -

'court' means a maintenance court referred to in section 2 of the Act;

'enquiry' means an enquiry in terms of section 5 of the Act;

'maintenance officer' means a maintenance officer appointed or deemed to have been appointed under section 3 of the Act;

'police officer' means any member of the Force as defined in section 1 of the Police Act, 1983 (Act 32 of 1983);

'sign' means to attach a signature, name, fingerprint or mark to a document; and

'the Act' means the Maintenance Act, 1963 (Act 23 of 1963)."

Substitution of rule 2 of the Rules

3. The following rule is hereby substituted for rule 2:

"2. Upon the variation of a maintenance order under section 5(5)(b) of the Act the maintenance officer shall inform the person required to make any payment in terms of such order of the variation by sending him a notice, setting out the full particulars of the variation, by registered post addressed to him at his last known address or by causing such notice to be delivered or tendered to him by a police officer or the messenger of the court."

Amendment of rule 4 of the Rules

4. Rule 4 is hereby amended by the substitution for subrule (3) of the following subrule:

"(3) No person other than an officer in the public service, a person against whom a maintenance order has been or is to be made, a person in whose favour a maintenance order has been or is to be made, or the legal representative of any such person, shall have access to any record referred to in this rule except with the leave of the presiding officer then holding office in the court in which the enquiry is being or was held and upon payment of the fees prescribed for the inspection of the records of civil proceedings in magistrates' courts."

GOVERNMENT NOTICE No. 112 OF 1993

Insertion of rules 4A and 4B in the Rules

5. The following rules are hereby inserted after rule 4:

"4A. (1) A statement contemplated in section 5 (7A)(a) of the Act shall contain a declaration by the person who has made it to the effect that it is true to the best of his knowledge and belief and that he has made the statement knowing that he may be guilty of an offence if he has wilfully said in it anything which he knows to be false, and such statement shall be signed by such person.

(2) If the person who makes a statement in terms of subrule (1) cannot read such statement, it shall be read to him by the person by whom it is recorded before the statement is signed by the declarant and an endorsement shall be made thereon by the person who so read the statement to the effect that it was so read.

(3) When the statement and the documents referred to in section 5 (7A)(b) of the Act are served in terms of the said section they shall be accompanied by a notification in writing containing the requisite particulars, as follows: -

'It is envisaged to tender as evidence the accompanying statement and the attached documents at the maintenance enquiry on.....at.....

.....between.....

.....and.....

.....with regard to the payment of the maintenance of.....

and the said documents shall be admissible as evidence to the same extent as oral evidence to the same effect by the person who made the statement.

At least seven days before the commencement of the enquiry you may object to the maintenance officer of the abovementioned court to the statement being so tendered as evidence'.

4B. (1) On receipt of the notice substituting or discharging a maintenance order, contemplated in section 6(1) of the Act, the registrar or clerk of the court which made the maintenance order concerned or which imposed the sentence concerned, as the case may be, shall file the order with the original documents applicable to the case and, in the case of an order substituting a maintenance order, record the particulars of the new order on the order which is being substituted and, in the case of an order discharging a maintenance order, record on the order which is being discharged that that order has been discharged.

(2) (a) Where a maintenance order is transferred in terms of section 6(2) of the Act, the clerk of the court which made the maintenance order shall transfer all the documents which are applicable to the particular case by registered post.

(b) Certified copies of all orders or judgments, including previous amended orders, and documents with regard to the record of payment which are applicable to the particular case shall be filed by the clerk of the court, which made the maintenance order, before the documents are transferred in terms of section 6 (2) of the Act.

(c) On receipt of a maintenance order referred to in paragraph (a) the clerk of the maintenance court concerned shall register the order by numbering it with the next succeeding consecutive number for maintenance cases for the year during which it was received."

Substitution of rule 6 of the Rules

6. The following rule is hereby substituted for rule 6:

"6. Any order granted or made under sections 5 (4)(a)(ii), 11 (2) or 14B(1) or (2)(c) of the Act shall be executed in accordance with the provisions of the Magistrates' Courts Act, 1944 (Act 32 of 1944)."

Substitution of rule 7 of the Rules

7. The following rule is hereby substituted for rule 7:

"7. A notice contemplated in section 12(1) of the Act shall be served on an employer referred to in the said section by the messenger of the court or a police officer by delivering or tendering it to that employer."

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