

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

**BUITENGEWONE**



**EXTRAORDINARY**

# Staatskoerant

**VAN DIE REPUBLIEK VAN SUID AFRIKA**

---

**THE REPUBLIC OF SOUTH AFRICA**

# Government Gazette

Vol. IX.]

PRYS 5c

KAAPSTAD, 5 JULIE 1963.  
CAPE TOWN, 5TH JULY, 1963.

PRICE 5c

[No. 550.]

---

DEPARTMENT OF THE PRIME MINISTER.

No. 1022.]

[5th July, 1963.]

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

PAGE

No. 85 of 1963: Supreme Court Amendment Act,  
1963.. .. . 90

No. 85, 1963.]

**ACT**

To amend the Supreme Court Act, 1959.

*(Afrikaans text signed by the State President.)  
(Assented to 28th June, 1963.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 10 of Act 59 of 1959.

1. Section *ten* of the Supreme Court Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "Great Seal" of the word "Seal".

Amendment of section 20 of Act 59 of 1959.

2. Section *twenty* of the principal Act is hereby amended by the insertion after sub-section (3) of the following sub-section:

"(3)*bis* Notwithstanding anything to the contrary in any law contained, no appeal shall lie from a judgment or order of the court of a provincial or local division in proceedings in connection with an application—

(a) by one spouse against the other for maintenance *pendente lite*;

(b) for contribution towards the costs of a pending matrimonial action;

(c) for the interim custody of a child when a matrimonial action between its parents is pending or is about to be instituted; or

(d) by one parent against the other for access to a child."

Repeal of section 23 of Act 59 of 1959.

3. Section *twenty-three* of the principal Act is hereby repealed.

Substitution of section 25 of Act 59 of 1959.

4. The following section is hereby substituted for section *twenty-five* of the principal Act:

"No process to be issued against judge except with consent of court. 25. Notwithstanding anything to the contrary in any law contained, no summons or subpoena against the Chief Justice, a judge of appeal or any other judge of the Supreme Court shall in any civil action be issued out of any court except with the consent of that court."

Substitution of section 26 of Act 59 of 1959.

5. The following section is hereby substituted for section *twenty-six* of the principal Act:

"Scope and execution of process of provincial and local divisions. 26. (1) The civil process of a provincial or local division shall run throughout the Republic and may be served or executed within the jurisdiction of any division.

(2) Any warrant or other process for the execution of a judgment given or order issued against any association of persons corporate or unincorporate, partnership or firm may be executed by attachment of the property or assets of such association, partnership or firm."

Amendment of section 27 of Act 59 of 1959.

6. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words "in accordance with the provisions of section *twenty-five*" of the words "outside the area of jurisdiction of the court in which it was issued".

Amendment of section 30 of Act 59 of 1959.

7. Section *thirty* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of section 32 of Act 59 of 1959.

8. Section *thirty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words "twenty-five pounds" of the words "fifty rand".

Amendment of section 34 of Act 59 of 1959.

9. Section *thirty-four* of the principal Act is hereby amended by the substitution for sub-section (7) of the following sub-section:

"(7) The Minister may delegate to an officer in the Department of Justice any of the powers vested in him by this section."

Amendment of section 39 of Act 59 of 1959.

10. Section *thirty-nine* of the principal Act is hereby amended by the substitution for the words "two hundred pounds" wherever they occur of the words "four hundred rand".

Amendment of section 43 of Act 59 of 1959, as amended by section 39 of Act 93 of 1962.

11. Section *forty-three* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) (a) The Chief Justice may, after consultation with the judges president of the several divisions, and subject to the approval of the State President, make rules for regulating the conduct of the proceedings of the provincial and local divisions.

(b) The judge president of a provincial division may make rules for regulating the proceedings of that division or of any local division within the area of jurisdiction of which such provincial division exercises concurrent jurisdiction, with reference to—

(i) the times for the holding of courts;

(ii) the placing on the roll of actions for hearing; and

(iii) the extension or reduction as local circumstances may require of any period within which any act is in terms of the rules made under paragraph (a) required to be performed.

(c) For the purposes of this section the senior judge of the Griqualand West local division shall, so long as a judge president has not been appointed for that division, be deemed to be a judge president.”; and

(b) by the substitution for sub-section (3) of the following sub-section:

“(3) The rules made under paragraph (a) of sub-section (2) may prescribe—

(a) the process of the courts;

(b) the time and manner of appeal to any division referred to in that sub-section;

(c) the practice and procedure in connection with the service of any summons, pleading, subpoena or other document or in connection with the issue of interrogatories or the execution of any writ or warrant;

(d) the compulsory examination by one or more duly registered medical practitioners of any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed and whose state of health is relevant for the determination of such damages or compensation, and the manner, time, place and responsibility for the cost of the examination, and the making available to the opposing party of any documentary report on the examination;

(e) the procedure at or in connection with any enquiry as to the mental state of any person and the judgments or orders which may be given or issued at any such enquiry;

(f) the appointment and admission of commissioners to take evidence and examine witnesses;

(g) the manner in which documents executed outside the Republic may be authenticated to permit of their being produced or used in any court or produced or lodged in any public office in the Republic;

(h) the appointment and admission of sworn translators;

(i) the proceedings of the sheriff and other officers of the court;

(j) the tariff of court fees other than court fees in respect of the South-West Africa Division;

(k) the fees payable in respect of the service or execution of any process of the court (except subpoenas or warrants issued at the instance of the State in criminal matters) or in respect of the summoning of persons to answer interrogatories;

(l) the tariff of costs and expenses which may be allowed in respect of the service or execution of any process referred to in paragraph (k) or to persons appearing to answer interrogatories;

(m) the manner of determining the amount of security to be given in any case where security is required to be given and the form and manner in which such security may be given;

- (n) the hours during which the office of a registrar shall be open for the transaction of business;
- (o) the manner of recording or noting of evidence and of the proceedings in any court;
- (p) the tariff of fees chargeable by advocates, attorneys and notaries;
- (q) the taxation of bills of costs, including bills of costs not relating to litigation, and the recovery of costs; and
- (r) generally any matter which is necessary to be prescribed in order to ensure the proper despatch and conduct of the business of the court."

Substitution of references to Governor-General and Union in Act 59 of 1959.

12. The principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President" and for the word "Union" wherever it occurs of the word "Republic".

Repeal of section 3 of Act 24 of 1922.

13. Section *three* of the South-West Africa Affairs Act, 1922, is hereby repealed in so far as it relates to the attendance of witnesses in any civil action in the South-West Africa Division of the Supreme Court of South Africa.

Short title and commencement.

14. This Act shall be called the Supreme Court Amendment Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.