

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 odd numbered pages as the other language is printed on uneven numbered pages.



Government Gazette

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THE PRESIDENCY

No. 3064

6 November 1992

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

No. 143 of 1992: Judicial Matters Amendment, 1992.



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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.

ACT

To amend the Investigation of Serious Economic Offences Act, 1991, so as to further regulate the appointment of the Director: Office for Serious Economic Offences; to amend the Attorney-General Act, 1992, so as to provide for the appointment of attorneys-general to perform certain functions; to amend the Internal Peace Institutions Act, 1992, so as to provide that the Act may be made applicable in the self-governing territories; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 27 October 1992.)

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

Amendment of section 3 of Act 117 of 1991

1. Section 3 of the Investigation of Serious Economic Offences Act, 1991, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) The Minister shall **[subject to the laws governing the public service]** appoint a person to the office of Director: Office for Serious Economic Offences.

(b) The person so appointed shall be a person who—

(i) has been appointed as **[holds the rank of]** attorney-general **[or an equivalent or higher rank]** in terms of section 2A of the Attorney-General Act, 1992 (Act No. 92 of 1992); or

(ii) is an officer of the State who by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and, after obtaining those qualifications, was concerned in the application of the law for a period of at least 10 years or periods which together amount to at least 10 years.”

20 Insertion of section 2A in Act 92 of 1992

2. The following section is hereby inserted in the Attorney-General Act, 1992, after section 2:

“Appointment of attorney-general to perform certain functions

5 **2A. (1)** The State President may, notwithstanding the provisions of section 2 but subject to the requirements referred to in paragraphs (a), (b) and (c) of section 2(1), appoint a maximum of five persons as attorneys-general to perform the functions assigned by the State President by notice in the *Gazette* to such an attorney-general: Provided that such functions shall not include the duties imposed and the powers conferred on an attorney-general by this Act.

10 (2) (a) Subject to subsection (1), the provisions of this Act, excluding sections 3 and 4, shall not apply in respect of a person appointed in terms of subsection (1) as an attorney-general.

(b) For the purposes of sections 3 and 4 ‘attorney-general’ shall also mean a person appointed in terms of subsection (1) as an attorney-general.”.

15 Amendment of section 1 of Act 135 of 1992

3. Section 1 of the Internal Peace Institutions Act, 1992, is hereby amended by the deletion of the definition of “Republic”.

Amendment of section 17 of Act 135 of 1992

20 4. Section 17 of the Internal Peace Institutions Act, 1992, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

25 “(a) from time to time for each region in respect of which a regional committee has been established, and after consultation with the regional committee concerned, designate such number of persons who have been appointed as justices of the peace under section 2(1) of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), or under section 23B of this Act, as he may deem necessary to exercise the powers and perform the functions and duties in the area concerned that were conferred upon, assigned to or imposed upon such a justice of the peace by
30 or under this Act;”.

Insertion of sections 23A and 23B in Act 135 of 1992

5. The following sections are hereby inserted in the Internal Peace Institutions Act, 1992, after section 23:

35 “Application of Act in self-governing territories

40 **23A. (1)** If the Secretariat has reason to suspect that it shall be in the interest of the promotion of peaceful relations that this Act be applied in a self-governing territory as defined in section 38(1) of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), the Secretariat may notify the Minister accordingly, and thereupon the State President may, at the request of the Minister and after consultation with the government of the self-governing territory concerned, by proclamation in the *Gazette* declare this Act to be applicable in that self-governing territory.

45 (2) After such a proclamation has been issued, this Act shall, notwithstanding the Self-governing Territories Constitution Act, 1971, apply *mutatis mutandis* in the self-governing territory concerned.

Appointment of justices of the peace in self-governing territories for purposes of application of Act

5 **23B.** (1) Notwithstanding the Self-governing Territories Constitu-
tion Act, 1971 (Act No. 21 of 1971), and any other law of a
self-governing territory in respect of the appointment, powers, duties
and functions of justices of the peace, the Minister may after
consultation with the government of the self-governing territory
concerned appoint in terms of section 2 of the Justices of the Peace
and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), for the
10 self-governing territory so many justices of the peace as he may deem
fit for the purposes of the application of this Act in the self-governing
territory concerned.

(2) Any justice of the peace appointed in terms of subsection (1)
shall hold office during the Minister's pleasure.”.

15 **Short title**

6. This Act shall be called the Judicial Matters Amendment Act, 1992.