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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 654.

28 March 1991

No. 654.

28 Maart 1991

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

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

No. 1 of 1991: Legal Aid Amendment Act, 1991.

No. 1 van 1991: Wysigingswet op Regshulp, 1991.

Act No. 1, 1991

LEGAL AID AMENDMENT ACT, 1991

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Legal Aid Act, 1969, so as to alter the constitution of the Legal Aid Board; and to exclude the territory of South-West Africa from the application of the Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 March 1991.)

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

Amendment of section 4 of Act 22 of 1969, as amended by section 2 of Act 47 of 1989

1. Section 4 of the Legal Aid Act, 1969, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 5
- “(1) The board shall consist of—
- (a) a judge of the Supreme Court of South Africa appointed by the Minister;
- (b) one practising advocate and four practising attorneys, nominated by the General Council of the Bar of South Africa and the Association of Law Societies of the Republic of South Africa, respectively, and appointed by the Minister; 10
- (c) the Director-General: Justice;
- [(d) the Director-General: Development Planning;**
- (e) **the Heads of the Departments: Health Services and Welfare of the Administrations: House of Assembly, House of Delegates and House of Representatives;** 15
- (f)] (d)** the State Attorney;
- [(g)] (e)** **[an additional]** a member appointed by the Minister by virtue of his knowledge and experience in the field of legal aid or any other field 20
- which in the opinion of the Minister will be to the advantage of the board;
- (f) three members nominated by the members referred to in paragraphs (a), (b), (c), (d) and (e) by reason of the fact that in the opinion of the members making the nominations they can further the aims of the board and appointed by the Minister.”; 25
- (b) by the insertion after subsection (1) of the following subsection:
- “(1A) (a) The members of the board referred to in paragraphs (a), (b), (c), (d) and (e) of subsection (1) may co-opt one or more persons who in their opinion have the appropriate knowledge and experience, as associated members of the board for such period as the board may determine. 30
- (b) An associated member may attend meetings of the board only by invitation of the chairman.

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- (c) An associated member may take part in the proceedings of the board during meetings and perform the functions assigned to him by the board, but may not vote on any matter and shall not be taken into account for the purpose of the constitution of a quorum in terms of section 6 (1)."; and 5
- (c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
- "(b) If any member of the board referred to in paragraph (c) ~~[(d), (e)]~~ or ~~[(f)]~~ (d) of subsection (1) is unable for any reason to attend any meeting of the board, he may designate any officer in his department or office or, with the approval of the Minister, any other person to represent him at such meeting." 10

Repeal of section 9A of Act 22 of 1969, as inserted by section 1 of Act 56 of 1971

2. Section 9A of the Legal Aid Act, 1969, is hereby repealed.

Short title

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3. This Act shall be called the Legal Aid Amendment Act, 1991.