

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.



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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 663.

3 April 1985

No. 663.

3 April 1985

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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

—No. 18 of 1985: Supreme Court Amendment Act, 1985.

No. 18 van 1985: Wysigingswet op die Hooggeregshof,

Act No. 18, 1985

SUPREME COURT AMENDMENT ACT, 1985

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 Supreme Court Act, 1959, so as to provide, in consequence of the provisions of the new Constitution, for the submission of a certain address to the State President by each of the respective Houses of Parliament; to increase certain fines; to increase the extent of the exemptions relating to those classes of property which are to a limited extent exempt from execution; and to substitute a certain official title; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 15 March 1985.)

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

Amendment of section 10 of Act 59 of 1959, as amended by section 1 of Act 85 of 1963, section 1 of Act 41 of 1970 and section 2 of Act 3 of 1977.

1. Section 10 of the Supreme Court Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (7) of the following subsection: 5

“(7) The Chief Justice, a judge of appeal or any other judge of the Supreme Court shall not be removed from office except by the State President upon an address from each of the respective **[both]** Houses of Parliament in the same session praying for such removal on the ground of 10 misbehaviour or incapacity.”.

Amendment of section 19bis of Act 59 of 1959, as inserted by section 40 of Act 80 of 1964.

2. Section 19bis of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) Any person summoned to appear and give evidence or 15 produce any document or thing before a referee, and who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the referee from further attendance, or refuses to be sworn 20 or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control which he was summoned to 25 produce, shall be guilty of an offence and liable on conviction to a fine not exceeding **[fifty rand]** R300 or to imprisonment for a period not exceeding three months.”.

Amendment of section 30 of Act 59 of 1959, as amended by section 7 of Act 85 of 1963.

3. Section 30 of the principal Act is hereby amended by the 30 substitution for subsection (4) of the following subsection:

“(4) The court may in a summary manner enquire into such person's evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance, and

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may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding **[fifty rand] R300** or to imprisonment for a period not exceeding three months.”

Amendment of section 32 of Act 59 of 1959, as amended by section 8 of Act 85 of 1963.

4. Section 32 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection: 5

“(5) Any person summoned to appear as in this section provided who without reasonable excuse fails to appear at the time and place mentioned in the summons, shall be guilty of an offence and liable on conviction to a fine not exceeding **[fifty rand] R300** or to imprisonment for a period not exceeding three months.” 10

Amendment of section 39 of Act 59 of 1959, as amended by section 10 of Act 85 of 1963.

5. Section 39 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph: 15

“(b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of **[four hundred rand] R1 000;**”;

(b) by the substitution for paragraph (c) of the following paragraph: 20

“(c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of **[four hundred rand] R1 000;**”;

(c) by the substitution for paragraph (e) of the following paragraph: 25

“(e) tools and implements of trade in so far as they do not exceed in value the sum of **[four hundred rand] R1 000;**”;

(d) by the substitution for paragraph (f) of the following paragraph: 30

“(f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the sum of **[four hundred rand] R1 000;** or”; and

(e) by the substitution for the proviso of the following proviso: 35

“Provided that the court may in exceptional circumstances and on such conditions as it may determine, in its discretion increase the amount specified in paragraph (b), (c), (e) or (f) **[to not more than double the amount therein mentioned].**” 40

Amendment of section 40 of Act 59 of 1959, as substituted by section 4 of Act 41 of 1970.

6. Section 40 of the principal Act is hereby amended by the substitution for the words following upon paragraph (d) of the following words:

“shall be guilty of an offence and liable on conviction to a fine not exceeding **[two hundred rand] R500** or in default of payment to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.” 45

Substitution of certain official title in Act 59 of 1959.

7. The principal Act is hereby amended by the substitution for the expression “Secretary for Justice”, wherever it occurs, of the expression “Director-General: Justice”. 50

Short title.

8. This Act shall be called the Supreme Court Amendment Act, 1985.