



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 495.

11·Maart 1981.

No. 495.

11 March 1981.

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

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

No. 28 van 1981: Wysigingswet op Landdroshowe, 1981.

No. 28 of 1981: Magistrates' Courts Amendment Act, 1981.

Act No. 28, 1981

MAGISTRATES' COURTS AMENDMENT ACT, 1981

## GENERAL EXPLANATORY NOTE:

- I** 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 Magistrates' Courts Act, 1944, so as to substitute or delete certain obsolete references therein; alter the composition of the Regional Divisions Appointments Advisory Board; and make further provision for the recovery of commission by a garnishee for services rendered by him in terms of an emoluments attachment order; and to make provision for matters connected therewith.

(English text signed by the State President.)  
(Assented to 20 February 1981.)

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

Amendment of section 9 of Act 32 of 1944, as amended by section 8 of Act 40 of 1952, section 17 of Act 50 of 1956, section 38 of Act 68 of 1957, section 24 of Act 93 of 1962, section 1 of Act 19 of 1963, section 1 of Act 48 of 1965, section 2 of Act 8 of 1967, section 4 of Act 53 of 1970, section 8 of Act 102 of 1972, section 11 of Act 29 of 1974 and section 24 of Act 94 of 1974.

1. Section 9 of the Magistrates' Courts Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (aA) of subsection (1) of the following paragraph: 5

“(aA) The Minister may, in a particular case or generally and subject to such directions as he may deem fit, delegate the power conferred upon him by paragraph (a) to the **[Secretary or a deputy-secretary] Director-General** of his department or another officer of that department with the rank of director or an equivalent or higher rank, or, in respect of a district, sub-district or regional division situated wholly or partly in **[the Transkei as defined in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or in an area for which a legislative council has been established under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), or]** an area for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of 1971), to any officer of his department who holds the office of secretary or director of **[the department of justice of the Transkei as so defined or of the area in question, as the case may be]** a department of the government of the area concerned.” 10 15 20 25

Amendment of section 9bis of Act 32 of 1944, as inserted by section 2 of Act 48 of 1965 and amended by section 5 of Act 53 of 1970.

2. Section 9bis of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 30

“(2) The Board shall consist of—

- (a) the **[Secretary for] Director-General**: Justice, who shall be the chairman thereof;
- (b) **[a Deputy Secretary for Justice, nominated by the Minister of Justice,] the Deputy Director-General**: Justice, who shall be the vice-chairman thereof; 35

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- (c) the head of the Training Section of the Department of Justice; **[and]**
- (d) **[so many officers]** an officer of the Department of Justice holding the rank of **[attorney-general or chief magistrate or Deputy Secretary for Justice]** director or 5 an equivalent or higher rank, [as] appointed by the Minister of Justice [may from time to time appoint]; and
- (e) the magistrates heading regional divisions."

Amendment of section 14 of Act 32 of 1944, as amended by section 10 of Act 40 of 1952, section 28 of Act 70 of 1968, section 6 of Act 53 of 1970 and section 12 of Act 29 of 1974.

3. Section 14 of the principal Act is hereby amended by the 10 substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) The Minister may in a particular case or generally and subject to such directions as he may deem fit, delegate the power conferred upon him by paragraph (a) to 15 appoint a messenger or messengers, to the **[Secretary or a deputy-secretary]** Director-general of his department or another officer of that department with the rank of director or an equivalent or higher rank, or, in respect of any court of a district, sub-district or 20 regional division situated wholly or partly in [the Transkei as defined in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or in an area for which a legislative council has been established under the Development of Self-government for Native 25 Nations in South-West Africa Act, 1968 (Act No. 54 of 1968) or] an area for which a legislative assembly has been established under the National States Constitution Act, 1971 (Act No. 21 of 1971), to any officer of his department who holds the office of secretary or 30 director of [the department of justice of the Transkei as so defined or of the area in question, as the case may be] a department of the government of the area concerned."

Amendment of section 74 I of Act 32 of 1944, as inserted by section 6 of Act 63 of 1976.

4. Section 74 I of the principal Act is hereby amended by the 35 substitution for paragraph (b) of subsection (5) of the following paragraph:

"(b) The provisions of section 65J (4) to (8) and (10) shall *mutatis mutandis* apply to the emoluments attachment order referred to in paragraph (a), and in such 40 application any reference in the said provisions to the judgment creditor shall be construed as a reference to the administrator **[and any reference therein to the relevant order referred to in section 65J (1) (a) or (b) shall be construed as a reference to the relevant 45 administration order referred to in section 74 (1)]."**

Short title.

5. This Act shall be called the Magistrates' Courts Amendment Act, 1981.