



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 724.

23 April 1986

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23 April 1986

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. 36 van 1986: Wysigingswet op Vrederegters en Kommissarisse van Ede, 1986.

No. 36 of 1986: Justices of the Peace and Commissioners of Oaths Amendment Act, 1986.

JUSTICES OF THE PEACE AND COMMISSIONERS OF OATHS  
AMENDMENT ACT, 1986

Act No. 36, 1986

## 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 Justices of the Peace and Commissioners of Oaths Act, 1963, so as to exclude the members of certain bodies from the office of justice of the peace; to alter the references in the First Schedule to the Act to certain offices in accordance with the new designations of those offices; and to include certain other offices in that Schedule; and to make provision for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 9 April 1986.)*

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

1. The following section is hereby substituted for section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (hereinafter referred to as the principal Act):

“Appoint-  
ment of jus-  
tices of the  
peace.”

2. (1) The Minister of Justice (hereinafter referred to as the Minister) may, subject to the provisions of subsection (2), appoint for any magisterial district so many justices of the peace as he may deem fit.

10 (2) A member of a body referred to in section 2 of the Electoral Act, 1979 (Act No. 45 of 1979), shall not hold the office of justice of the peace.

15 (3) Any person who has been nominated as a candidate for a division contemplated in section 1 of the Electoral Act, 1979, shall not, while he is thus nominated, exercise or carry out any of the powers or duties attaching to the office of justice of the peace and referred to in section 3.

20 [(2)] (4) Any justice of the peace [so] appointed in terms of subsection (1) shall hold office during the Minister's pleasure or until he is precluded by subsection (2) from holding office as a justice of the peace.”

25 2. The First Schedule to the principal Act is hereby amended—

(a) by the substitution for the first paragraph of the following paragraph:

30 “Any office mentioned in Column II of **[the First]** Schedule 1 to the Public Service Act, **[1957 (Act No. 54 of 1957)]** 1984 (Act No. 111 of 1984), any office of **[Deputy Secretary or of Under-Secretary]** Deputy Director-General, Chief Director, Director, Deputy Director or Assistant Director of a department referred to in Column I of that Schedule and any office in a department so referred to which corresponds with **[such office of Deputy Secretary or Under-Secretary]** any of the said offices.”; and

35

Substitution of section 2 of Act 16 of 1963, as amended by section 1 of Act 8 of 1965 and section 2 of Act 55 of 1970.

Amendment of First Schedule to Act 16 of 1963, as substituted by section 5 of Act 21 of 1967 and amended by section 3 of Act 55 of 1970, section 12 of Act 33 of 1974 and section 1 of Act 110 of 1984.

JUSTICES OF THE PEACE AND COMMISSIONERS OF OATHS  
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(b) by the substitution for the second paragraph of the following paragraph:

5           “Chief Law Adviser, Deputy Chief Law Adviser, and Law Adviser Chief State Law Adviser, Deputy Chief State Law Adviser, Senior State Law Adviser and State Law Adviser in the permanent service of the State.”.

3. Any person who has been duly appointed as a justice of the peace but who by virtue of the provisions of this Act becomes incompetent, as from the date of commencement of those pro-  
10 visions, to hold the office of justice of the peace, shall notwithstanding that fact remain competent to complete any proceedings in which he took part as a justice of the peace immediately prior to that date and which have at that date not been completed.

Power to complete certain proceedings.

15 4. This Act shall be called the Justices of the Peace and Commissioners of Oaths Amendment Act, 1986.

Short title.