

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.



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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CAPE TOWN, 9 MAY 1980

[No. 6993

KAAPSTAD, 9 MEI 1980

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 951.

9 May 1980.

No. 951.

9 Mei 1980.

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

No. 46 of 1980: Supreme Court Amendment Act, 1980.

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

No. 46 van 1980: Wysigingswet op die Hooggeregshof, 1980.

**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, to change the quorum of the appellate division in certain matters; and to provide for matters incidental thereto.

*(English text signed by the State President.)  
(Assented to 28 April 1980.)*

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

1. Section 12 of the Supreme Court Act, 1959, is hereby Amendment of section 12 of Act 59 of 1959. amended by the substitution for subsection (1) of the following subsection:

“(1) The quorum of the appellate division shall, subject to the provisions of subsection (2), be five judges in **[civil matters and in]** criminal matters arising out of proceedings instituted before a special criminal court constituted under section **[one hundred and twelve]** 148 of the Criminal Procedure Act, **[1955, (Act No. 56 of 1955)]** 1977 (Act No. 51 of 1977), and three judges in other criminal matters and in civil matters: Provided that—

- 15 (a) an application under subsection (2) of section *four* shall be heard and determined by the Chief Justice and two judges of appeal;
- 20 (b) on the hearing of an appeal, whether criminal or civil, in which the validity of an Act of Parliament (which includes any instrument which purports to be and has been assented to by the State President as such an Act) is in question, eleven judges of the appellate division shall form a quorum;
- 25 (c) whenever it appears to the Chief Justice, or in his absence, the senior available judge of the appellate division that any matter, not being **[a matter]** an appeal referred to in paragraph (b), **[which is being heard before a court of that division]** should in view of its importance be heard before a court consisting of a larger number of judges, he may direct that the matter be heard, or if the matter is already being heard, that the hearing be discontinued and commenced anew before a court consisting of so many judges as he may determine.”

35 2. This Act shall be called the Supreme Court Amendment Act, Short title. 1980.