

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.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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No. 11859

KAAPSTAD, 12 MEI 1989

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 906.

12 May 1989

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

No. 47 of 1989: Legal Aid Amendment Act, 1989.

No. 906.

12 Mei 1989

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

No. 47 van 1989: Wysigingswet op Regshulp, 1989.

Act No. 47, 1989

LEGAL AID AMENDMENT ACT, 1989

- (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) 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.”

Substitution of section 8A of Act 22 of 1969, as inserted by section 24 of Act 102 of 1972

3. The following section is hereby substituted for section 8A of the principal Act: 10

“Recovery of costs by board

8A. (1) Whenever in any judicial proceedings or any dispute in respect of which legal aid is rendered to a litigant or other person by the board, costs become payable to such litigant or other person in terms of a judgment of the court or a settlement or otherwise, it shall, subject to the powers of the board referred to in section 3 with regard to the fixing of conditions, be deemed that such litigant or other person has ceded his rights to such costs to the board.

(2) If a litigant or person referred to in subsection (1) or his legal representative or the board has, at any time before payment of the costs deemed in terms of subsection (1) to be ceded to the board, whether before or after such costs become payable, given the person by whom the costs are to be paid at his last known address and the registrar or clerk of the court concerned notice in writing that legal aid is being or has been rendered, the board may proceed in its own name to have such costs taxed and to recover them, without being substituted on the record of the judicial proceedings concerned, if any, for the said litigant.

(3) The costs referred to in subsection (1) shall be calculated and the bill of costs concerned, if any, shall be taxed as if the litigant or person to whom legal aid was rendered, had obtained the services of the legal representative acting on his behalf in the proceedings or dispute concerned, without the aid of the board.”

Amendment of section 9 of Act 22 of 1969

4. Section 9 of the principal Act is hereby amended—

- (a) by the substitution for subsection (5) of the following subsection: 35
“(5) The board shall invest any moneys not required for immediate use or as a reasonable operating balance, with the **[Public Debt Commissioners] Corporation for Public Deposits** or in such other manner as the Minister may in consultation with the Minister of Finance determine.”;
- (b) by the substitution for subsection (9) of the following subsection: 40
“(9) The accounts of the board shall be audited by the **[Controller and] Auditor-General**.”;
- (c) by the substitution for subsection (10) of the following subsection:
“(10) The board shall furnish the Minister with such information as he may call for from time to time in respect of the activities and financial position of the board, and shall in addition submit to the Minister an annual report, including a balance sheet and statement of income and expenditure certified by the **[Controller and] Auditor-General**.”; and
- (d) by the substitution for subsection (11) of the following subsection: 50
“(11) The Minister shall lay the said report upon the Table **[of the Senate and of the House of Assembly]** in Parliament within 14 days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of the next ensuing ordinary session.”.

Short title

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5. This Act shall be called the Legal Aid Amendment Act, 1989.