



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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[No. 6501

KAAPSTAD, 13 JUNIE 1979

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1271.

13 June 1979.

No. 1271.

13 Junie 1979.

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

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

No. 65 of 1979: Inquests Amendment Act, 1979.

No. 65 van 1979: Wysigingswet op Geregtelike Doods-ondersoeke, 1979.

Act No. 65, 1979

INQUESTS AMENDMENT ACT, 1979.

**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 Inquests Act, 1959, in order to extend the provisions relating to the appointment, functions and compensation of assessors; and to prohibit persons from prejudicing, influencing or anticipating the proceedings or findings at inquests; and to provide for incidental matters.

*(English text signed by the Acting State President.)  
(Assented to 6 June 1979.)*

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

Substitution of section 9 of Act 58 of 1959.

1. The following section is hereby substituted for section 9 of the Inquests Act, 1959: 5

**9.** (1) A magistrate may with the approval of the Minister or any person acting under the authority of the Minister, summon to his assistance any person who has, or any two persons who have, in his opinion, experience in the administration of justice or skill in any matter which may have to be considered at an inquest, to sit with him at an inquest as assessor or assessors **[for the purpose of advising him on any such matter]**. 10

(2) Before the commencement of an inquest, an assessor shall take an oath or make an affirmation, which shall be administered by the magistrate, that he will, on the evidence placed before him, make a true finding in terms of section 16. 15

(3) Where a magistrate has under subsection (1) summoned an assessor or assessors to his assistance— 20

(a) the magistrate alone shall decide any question of law, or whether any matter constitutes a question of law or a question of fact, and he may for this purpose sit alone; 25

(b) the decision of the majority on the facts shall be the decisive finding, except when the magistrate sits with only one assessor, in which case the decision of the magistrate shall, in the event of a difference of opinion, be the decisive finding. 30

(4) If any such assessor is not a person in the full-time employment of the State, he shall be entitled to **[a refund of any reasonable expenditure which he may have necessarily incurred]** such compensation in respect of expenses incurred by him in connection with his attendance at the 35

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## INQUESTS AMENDMENT ACT, 1979.

inquest, and **[to such remuneration for]** in respect of his services as assessor, as he would be entitled to receive if he were an assessor acting at a criminal trial in a magistrate's court."

Amendment of section 20 of Act 58 of 1959.

2. Section 20 of the Inquests Act, 1959, is hereby amended by 5  
the addition of the following subsection:

"(3) Any person who prejudices, influences or anticipates the proceedings or findings at an inquest on which a magistrate has decided in terms of section 5 (2), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment." 10

Short title.

3. This Act shall be called the Inquests Amendment Act, 1979.