



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1192.

9 June 1989

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

No. 77 of 1989: Judicial Matters Amendment Act, 1989.

No. 1192.

9 Junie 1989

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

No. 77 van 1989: Wysigingswet op Geregtelike Aangeleenthede, 1989.

Act No. 77, 1989

JUDICIAL MATTERS AMENDMENT ACT, 1989

## 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 Rules Board for Courts of Law Act, 1985, so as to extend the power of the Rules Board for Courts of Law to make rules regulating the administration of justice in provincial and local divisions of the Supreme Court by including therein the power to make such rules also in respect of the Appellate Division; to further regulate the constitution of the Rules Board for Courts of Law; and to provide for the establishment of an executive committee of that board; to amend the Supreme Court Act, 1959, by deleting section 43 (1), which confers upon the Chief Justice and the judges of appeal the power to make rules regulating the conduct of proceedings of the Appellate Division; to amend the Criminal Procedure Act, 1977, by renumbering section 297A inserted by the Criminal Procedure Amendment Act, 1989; and to provide for matters connected therewith.

*(English text signed by the State President.)  
(Assented to 1 June 1989.)*

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

**Amendment of section 1 of Act 107 of 1985**

1. Section 1 of the Rules Board for Courts of Law Act, 1985 (hereinafter referred to as the principal Act), is hereby amended— 5

- (a) by the deletion of the definition of "Appellate Division";
- (b) by the substitution for the definition of "Supreme Court" of the following definition:

    "Supreme Court' means **[a provincial or local division of]** the Supreme Court of South Africa established by the Supreme Court Act, 1959 (Act No. 59 of 1959);" 10

**Amendment of section 3 of Act 107 of 1985**

2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 15

    "**(b)** a judge or retired judge of the Supreme Court, whom the Minister designates as the vice-chairman;" and

- (b) by the insertion after subsection (1) of the following subsection:

    "**(1A)** The Minister may in respect of a member referred to in paragraph (d) or (e) of subsection (1) appoint a practising advocate or practising attorney, as the case may be, as an alternate member after consultation as 20

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required by the paragraph in question has taken place, to act during the absence from any meeting of the Board of the member in respect of whom he is so appointed, in the place of that member.”.

#### Insertion of section 5A in Act 107 of 1985

3. The following section is hereby inserted in the principal Act after section 5: 5

##### “Executive committee

5A. (1) The Board may appoint an executive committee of the Board consisting of the chairman, the vice-chairman and such other members of the Board as may be determined by the Board.

(2) The chairman of the Board shall be the chairman of the executive committee. 10

(3) The executive committee may with regard to any matter referred to in paragraphs (a) to (t), inclusive, of subsection (1) of section 6, read with subsections (7) and (8) of that section, or any other matter entrusted to the Board, formulate and adopt a draft resolution, which shall become a decision of the Board when a document setting out that draft resolution has been submitted to all members of the Board and has been approved by the majority of such members. 15

(4) The Minister may in his discretion determine any matter which shall not be dealt with under this section.”. 20

#### Amendment of section 6 of Act 107 of 1985

4. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the practice and procedure in connection with litigation, including the time within which and the manner in which appeal [to a court of law other than the Appellate Division] shall be noted;” 25

Amendment of section 43 of Act 59 of 1959, as amended by section 39 of Act 93 of 1962, section 11 of Act 85 of 1963, section 42 of Act 80 of 1964, section 10 of Act 15 of 1969, section 1 of Act 37 of 1976, Proclamation No. 222 of 6 November 1981, section 11 of Act 107 of 1985 and section 46 of Act 97 of 1986 30

5. (1) Section 43 of the Supreme Court Act, 1959, is hereby amended by the deletion of subsection (1).

(2) Any rule made under subsection (1) of section 43 of the Supreme Court Act, 1959 (Act No. 59 of 1959), and in force at the commencement of this Act, shall, notwithstanding the deletion of the said subsection (1) by this Act, remain in force until it is amended or repealed under section 6 of the principal Act. 35

#### Amendment of section 297A of Act 51 of 1977, as inserted by section 1 of Act 8 of 1989

6. Section 297A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as inserted by section 1 of the Criminal Procedure Amendment Act, 1989 (Act No. 8 of 1989), is hereby amended by the substitution for the expression “297A” of the expression “297B”. 40

#### Short title and commencement

7. (1) This Act shall be called the Judicial Matters Amendment Act, 1989, and shall, subject to subsections (2) and (3), come into operation on a date fixed by the State President by proclamation in the *Gazette*. 45

(2) Section 1 shall be deemed to have come into operation on 20 February 1987.

(3) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act.