



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1176.

2 June 1978.

No. 1176.

2 Junie 1978.

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

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

No. 79 of 1978: Criminal Procedure Matters Amendment Act, 1978.

No. 79 van 1978: Wysigingswet op Strafprosesaangeleent-hede, 1978.

## CRIMINAL PROCEDURE MATTERS AMENDMENT ACT, 1978.

Act No. 79, 1978

**GENERAL EXPLANATORY NOTE:**

Words underlined with solid line indicate insertions in existing enactments.

## ACT

**To amend the Internal Security Act, 1950, and the Criminal Procedure Act, 1977, with regard to the detention of witnesses; and to provide for incidental matters.**

*(English text signed by the State President.)  
(Assented to 29 May 1978.)*

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

1. (1) Section 12B of the Internal Security Act, 1950, is hereby  
5 amended by the substitution for subsection (3) of the following  
subsection: Amendment of  
section 12B of  
Act 44 of 1950,  
as inserted by  
section 6 of  
Act 79 of 1976.
- 10 “(3) Any person arrested and detained under a warrant in  
terms of subsection (1) shall be detained for the period  
terminating on the day on which the criminal proceedings  
concerned are concluded, unless—
- 15 (a) the attorney-general orders that he be released earlier; or  
(b) such proceedings have not commenced within six  
months from the date on which he was so arrested, in  
which case he shall be released after the expiration of  
such period.”.
- (2) The provisions of subsection (1) shall also apply to any  
person detained at the commencement of this Act in terms of  
section 12B of the Internal Security Act, 1950.
2. (1) Section 185 of the Criminal Procedure Act, 1977, is Amendment of  
section 185 of  
Act 51 of 1977.  
20 hereby amended by the substitution for subsection (4) of the  
following subsection:
- 25 “(4) Any person detained under a warrant in terms of  
subsection (2) shall be detained for the period terminating on  
the day on which the criminal proceedings concerned are  
concluded, unless—
- 30 (a) the attorney-general orders that he be released earlier; or  
(b) such proceedings have not commenced within six  
months from the date on which he is so detained, in  
which case he shall be released after the expiration of  
such period.”.
- (2) The provisions of subsection (1) shall also apply to any  
person detained at the commencement of this Act in terms of  
section 185 of the Criminal Procedure Act, 1977.
3. This Act shall be called the Criminal Procedure Matters Short title.  
35 Amendment Act, 1978.