

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.



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 378. 15 Maart 1974.

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

No. 29 van 1974: Algemene Regswysigingswet, 1974.

No. 378. 15 March 1974.

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

No. 29 of 1974: General Law Amendment Act, 1974.

# ACT

To amend the Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905; the Incorporated Law Society of Natal Act, 1907; the Law Society (Cape of Good Hope) Private Act, 1916; the Insolvency Act, 1936; the Deeds Registries Act, 1937; the Magistrates' Courts Act, 1944; the Diamond Export Duty Act, 1957; the Inquests Act, 1959; the Extradition Act, 1962; the Admission of Advocates Act, 1964; the University of Fort Hare Act, 1969; the National Supplies Procurement Act, 1970; the Civil Aviation Offences Act, 1972; the South African Law Commission Act, 1973; and the Sishen-Saldanha Bay Railway Construction Act, 1973; to curtail the period of office of certain members of the council of the University of Durban-Westville; to validate certain repayments of loan levies and interest thereon; and to provide for incidental matters.

*(English text signed by the State President.)  
(Assented to 1 March 1974.)*

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

1. Section 5 of the Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905, is hereby amended by the substitution for the second sentence of the following sentence:

Amendment of section 5 of Ordinance 1 (Private) of 1905 of the Transvaal.

“The Council shall consist of twelve persons being members of the Society who shall from among their number elect a president and vice-president who shall be president and vice-president of the Society respectively.”

2. Section 5 of the Incorporated Law Society of Natal Act, 1907, is hereby amended by the insertion after paragraph (i) of the following paragraph:

Amendment of section 5 of Act 10 of 1907 of Natal.

“(iA) to employ such persons as may be necessary or desirable for the conduct of the affairs of the Society;”

3. Section 7 of the Incorporated Law Society of Natal Act, 1907, is hereby amended by the substitution for the first sentence of the following sentence:

Amendment of section 7 of Act 10 of 1907 of Natal.

“For the proper management of the affairs of the Society a Council consisting of thirteen members of the Society shall be elected at each Annual General Meeting of the Society by ballot after open nomination of candidates by members.”

## GENERAL LAW AMENDMENT ACT, 1974.

Act No. 29, 1974

4. The following section is hereby substituted for section 19 of the Incorporated Law Society of Natal Act, 1907: Substitution of section 19 of Act 10 of 1907 of Natal.
- "Appointment of Secretary and Treasurer. 19. Until the Council otherwise decides, the offices of Secretary and Treasurer of the Society shall be held by one and the same person, who shall be appointed by the Council on such terms and conditions as it may determine."
5. The following section is hereby substituted for section 20 of the Incorporated Law Society of Natal Act, 1907: Substitution of section 20 of Act 10 of 1907 of Natal.
- "Council to elect President and Vice-Presidents. 20. At the first meeting of the Council following an Annual General Meeting, the Council shall elect from among its members a President and two Vice-Presidents of the Society."
6. The following section is hereby substituted for section 30 of the Incorporated Law Society of Natal Act, 1907: Substitution of section 30 of Act 10 of 1907 of Natal.
- "Liability of officers. 30. The members and the employees of the Council shall not be subject or liable to any action or proceeding for damages on the ground of defamation or otherwise in the *bona fide* execution of their duties and the taking of any steps or the institution of any proceedings under the provisions of this Act or purporting so to be."
7. Section 8 of the Law Society (Cape of Good Hope) Private Act, 1916, is hereby amended by the substitution for the second sentence of the first paragraph, of the following sentence: Amendment of section 8 of Act 20 of 1916.
- "Such Council shall consist of ten persons, all of whom shall be attorneys and members of the Society, and of whom three at least shall be practising elsewhere than in Cape Town or within a radius of twenty-five miles therefrom."
8. Section 10 of the Law Society (Cape of Good Hope) Private Act, 1916, is hereby amended by the substitution for the third sentence of the following sentence: Amendment of section 10 of Act 20 of 1916.
- "Thereafter at each successive annual general meeting those members of the Council who were elected three years previously or who have replaced, through casual vacancies, the persons so elected, shall automatically retire."
9. Section 99 of the Insolvency Act, 1936, is hereby amended by the insertion in subsection (1) after paragraph (cA) of the following paragraph: Amendment of section 99 of Act 24 of 1936, as substituted by section 5 of Act 6 of 1972 and amended by section 30 of Act 90 of 1972 and section 6 of Act 62 of 1973.
- "(cB) any amount provided to the insolvent by the State from the National Supplies Procurement Fund for any purpose contemplated in the National Supplies Procurement Act, 1970 (Act No. 89 of 1970);"
10. Section 32 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (5) of the following subsection: Amendment of section 32 of Act 47 of 1937, as amended by section 14 of Act 43 of 1957, section 14 of Act 43 of 1962, section 12 of Act 87 of 1965, section 4 of Act 61 of 1969 and section 9 of Act 62 of 1973.
- "(5) Immediately after any right of servitude over any land or right to minerals therein has been expropriated, the expropriating authority shall lodge with the registrar a certified copy of the notice of expropriation and two copies of the relevant expropriation plan of the servitude in question, or where the right to minerals in only a portion of the land has been expropriated, two copies of the relevant expropriation plan of such portion, and the registrar shall cause a note of the expropriation to be made in his registers and endorsed on the office copy of the title deed of the land which is subject to the servitude or the title under which the right to minerals in

## GENERAL LAW AMENDMENT ACT, 1974.

Act No. 29, 1974

question is held, as the case may be, and if at any time the original of the title deed or of such title is lodged in his registry for any purpose, he shall cause a similar note to be endorsed thereon and a copy of the expropriation plan to be annexed thereto.”.

11. Section 9 of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in subsection (1) after paragraph (a) of the following paragraph:

“(aA) The Minister may, in a particular case or generally and subject to such directions as he may deem fit, delegate the power conferred upon him by paragraph (a) to the Secretary or a deputy-secretary of his department, or, in respect of a district, sub-district or regional division situated wholly or partly in the Transkei as defined in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or in an area for which a legislative council has been established under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), or for which a legislative assembly has been established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), to any officer of his department who holds the office of secretary or director of the department of justice of the Transkei as so defined or of the area in question, as the case may be.”.

Amendment of section 9 of Act 32 of 1944, as substituted by section 2 of Act 8 of 1967 and amended by section 4 of Act 53 of 1970 and section 8 of Act 102 of 1972.

12. Section 14 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):

“(b) The Minister may in a particular case or generally and subject to such directions as he may deem fit, delegate the power conferred upon him by paragraph (a) to appoint a messenger or messengers, to the Secretary or a deputy-secretary of his department, or, in respect of any court of a district, sub-district or regional division situated wholly or partly in the Transkei as defined in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or in an area for which a legislative council has been established under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), or for which a legislative assembly has been established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), to any officer of his department who holds the office of secretary or director of the department of justice of the Transkei as so defined or of the area in question, as the case may be.”.

Amendment of section 14 of Act 32 of 1944, as amended by section 10 of Act 40 of 1952, section 28 of Act 70 of 1968 and section 6 of Act 53 of 1970.

13. Section 6 of the Diamond Export Duty Act, 1957, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The duty shall not be leviable in respect of any diamond found in a mine as defined in section 1 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or in an alluvial digging as defined in the said section or in a particular portion of such an alluvial digging—

(a) if, on a date prior to the registration of the diamond for export, the Minister of Finance has informed the Secretary that in his opinion such mine, alluvial digging or particular portion of an alluvial digging, as the case may be, cannot be profitably worked or developed owing to unfavourable economic or mining

Amendment of section 6 of Act 16 of 1957, as amended by section 1 of Act 47 of 1961.

## GENERAL LAW AMENDMENT ACT, 1974.

Act No. 29, 1974

conditions but should in the public interest be worked or developed, and the said Minister has not subsequently, prior to such registration, expressed to the Secretary an opinion to the contrary; and

- (b) if the diamond is to be exported by or on behalf of the producer or has been sold on behalf of the producer by the Diamond Producers' Association for the purposes of export."

14. The following section is hereby substituted for section 6 of the Inquests Act, 1959: Substitution of section 6 of Act 58 of 1959.

**6.** An inquest shall be held by the magistrate of the district in which the death is alleged to have occurred, or, where it is alleged that the death has occurred on board a ship or on board an aircraft in flight, by the magistrate of the district where the body has been brought ashore or has been removed from the aircraft, as the case may be, or in case of any doubt or dispute as to any such district or where the Minister or any person authorized thereto by him deems it expedient, by any magistrate designated by the Minister or person so authorized."

15. Section 2 of the Extradition Act, 1962, is hereby amended by the addition of the following subsection: Amendment of section 2 of Act 67 of 1962, as amended by section 18 of Act 93 of 1963 and section 53 of Act 70 of 1968.

"(5) If any multilateral international convention to which the Republic is or becomes a party at or after the commencement of this subsection, or any amendment of such a convention accepted by the Republic, provides that any party thereto shall, in any agreement with any other such party for the surrender of persons in respect of certain offences, include provision for such surrender in respect of an offence indicated in the convention or the amendment thereof, the offence so indicated shall, subject *mutatis mutandis* to the provisions of subsection (2), be deemed to be specified as contemplated in subsection (1) and in accordance with the provisions of subsection 3 (a), in every extradition agreement, in which it is not in fact so specified, between the Republic and a foreign State which is a party to the convention in question and, in the case of such an amendment thereof, has accepted the amendment in question, and which by its law or otherwise provides for the surrender of persons to the Republic in respect of that offence as if it were specified in the extradition agreement in question."

16. Section 3 of the Admission of Advocates Act, 1964, is hereby amended— Amendment of section 3 of Act 74 of 1964, as amended by section 1 of Act 73 of 1965.

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

"(d) in the case of any person who has at any time been admitted to practise as an attorney in any court in the Republic or elsewhere, that his name has been removed from the roll of attorneys on his own application; and";

- (b) by the deletion of paragraph (e) of that subsection; and  
(c) by the substitution in subsection (3) for the expression "paragraphs (d) and (e)" of the expression "paragraph (d)".

17. Section 27 of the University of Fort Hare Act, 1969, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 27 of Act 40 of 1969.

- "(a) faculties of arts, natural sciences, education, law, agriculture, economic sciences, and theology; and"

## GENERAL LAW AMENDMENT ACT, 1974.

Act No. 29, 1974

18. The following section is hereby inserted in the National Supplies Procurement Act, 1970, after section 5:

Insertion of section 5A in Act 89 of 1970.

“Certain goods, facilities and property not liable to seizure under court order and not part of insolvent’s assets. 5A. Goods which are being stored or have been acquired or are to be supplied or delivered or sold by any person in compliance with an arrangement or order made or issued under section 2 or 3 (1), and facilities or property at the disposal of any person for supplying a service which he is in terms of such an order required to supply, shall not be liable to seizure under any judgment or order of a court of law and shall, in the event of the sequestration or liquidation of such person or of any person who has possession, custody or control thereof, be deemed not to form part of his assets, but shall be utilized so as to give effect to the arrangement or order in question.”.

19. Section 5 of the Civil Aviation Offences Act, 1972, is hereby amended—

Amendment of section 5 of Act 10 of 1972.

- (a) by the deletion of subsection (1); and
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“(2) For the purposes of the application of the Extradition Act, 1962 (Act No. 67 of 1962), to an offence committed on board an aircraft in flight—”.

20. Section 9 of the South African Law Commission Act, 1973, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 9 of Act 19 of 1973.

“(1) A member of the Commission who is a judge of the Supreme Court of South Africa shall be entitled to such allowance for subsistence expenses incurred by him in the performance of his duties under this Act as the Minister in consultation with the Minister of Finance may determine.”.

21. Section 3 of the Sishen-Saldanha Bay Railway Construction Act, 1973, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 3 of Act 28 of 1973.

“(1) The Corporation shall, in addition to any power conferred on it under section 2 (2) (a) of the Iron and Steel Industry Act, 1928, to purchase, take on lease or in exchange, hire or otherwise acquire, with reference to a railway, any matter referred to in that section, have the power to expropriate, in accordance with the provisions of this Act, any such matter in so far as the acquisition thereof is intended for the purposes of the line of railway or its construction, maintenance, alteration, repair or operation: Provided that where land is expropriated, the land shall not exceed forty metres in width for the building of the line of railway, together with such additional land as may be required for the slopes, curves, cuts, fills, drainage, stations, signalling, communication equipment, passing loops, approach roads, structures and buildings, the acquisition of any earth, stone, sand, gravel or other material present thereon, the accommodation of and amenities for staff, the storage, use, processing, maintenance or dumping of any equipment or material, and any other works and matters, which may be necessary for the purposes of the line of railway or its construction, maintenance, alteration, repair or operation: Provided further that the Corporation may not expropriate any right which is vested in the Railways Administration or in the State in its Railways Administration.”.

## GENERAL LAW AMENDMENT ACT, 1974.

Act No. 29, 1974

22. Notwithstanding the provisions of subsection (3) of section 8 of the University of Durban-Westville Act, 1969 (Act No. 49 of 1969), the period of office of every member of the council of the University of Durban-Westville who was or is appointed or elected under subsection (1) (b) or (c) of that section before 31 December 1974 shall expire on that date unless he submits his resignation in writing to the council before that date or vacates his office for any other reason before that date.

Curtailed of  
period of office  
of certain members  
of the council of  
the University of  
Durban-Westville.

23. The payments which—

- (a) totalled six hundred and eighty-one thousand seven hundred and ninety rand and sixteen cents;
- (b) were made by means of cheques which the Secretary for Inland Revenue issued during the month of April 1973; and
- (c) were made to various persons by way of repayments of the loan portions of the normal tax as contemplated in section 5 (2B) of the Income Tax Act, 1962 (Act No. 58 of 1962), and by way of payments of interest on such loan portions,

Validation of  
certain premature  
repayments of  
loan portions of  
normal tax and  
payments of  
interest thereon.

shall be deemed to have been lawfully made as if the second proviso to paragraph 6 of the Fifth Schedule to the said Act conferred authority therefor and such payments were made under such authority.

24. This Act shall be called the General Law Amendment Short title Act, 1974.