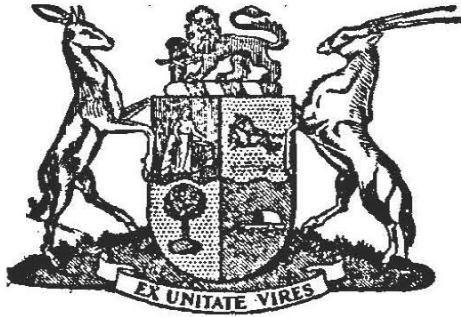


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain uneven numbered pages as the other language is printed on even numbered pages.

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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KAAPSTAD, 21 FEBRUARIE 1966.
CAPE TOWN, 21ST FEBRUARY, 1966.

[No. 1380.]

DEPARTMENT OF THE PRIME MINISTER.

No. 246.]

[21st February, 1966.]

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

	PAGE
No. 7 of 1966: State Attorney Amendment Act, 1966	3

No. 7, 1966.]

ACT

To amend and apply the State Attorney Act, 1957, in the territory of South-West Africa and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 12th February, 1966.)

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

1. Section 2 (1) of the State Attorney Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) appoint as State Attorney a person admitted and entitled to practise as an attorney in any division of the Supreme Court of South Africa, who shall be in charge of the office of the State Attorney established under this Act;”.

Amendment of section 2 of Act 56 of 1957, as amended by section 38 of Act 93 of 1962.
2. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) There may also be performed at the State Attorney’s office or at any of its branches like functions for or on behalf of the administration of any province, the administration of the territory of South-West Africa and the South African Railways and Harbours Administration, subject to such terms and conditions as may be arranged between the Minister of Justice and the Administration concerned.”.

Amendment of section 3 of Act 56 of 1957, as amended by sections 35 and 38 of Act 93 of 1962.
3. The following section is hereby substituted for section 4 of the principal Act:

“Rights, privileges and duties of persons performing functions under Act.

4. The rights, privileges and duties of an attorney, notary or conveyancer lawfully performing functions described in section 3, shall, except as is specially provided by this Act, include any of the rights, privileges and duties respectively possessed by or imposed on an attorney, notary or conveyancer practising in the division of the Supreme Court of South Africa where such functions are being performed.”.

Substitution of section 4 of Act 56 of 1957, as amended by section 38 of Act 93 of 1962.
4. The following section is hereby substituted for section 5 of the principal Act:

“Functions of notaries and conveyancers to be performed by notaries and conveyancers only.

5. The said functions, in so far as they are functions which by law, custom or practice can be performed by an attorney, a notary or a conveyancer only, shall be performed by an attorney, a notary or a conveyancer (as the case may be) admitted and entitled to practise in the division of the Supreme Court of South Africa where such functions are being performed.”.

Substitution of section 5 of Act 56 of 1957, as amended by section 38 of Act 93 of 1962.
5. Section 9 of the principal Act is hereby amended by the substitution for the word “Governor-General” of the words “State President”.

Amendment of section 9 of Act 56 of 1957, as amended by section 38 of Act 93 of 1962.
6. The principal Act and any amendment thereof shall apply also in the territory of South-West Africa, (including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), and in relation to all persons in that portion of the said territory known as the “Rehoboth Gebiet” and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the said territory.

Application of Act 56 of 1957 to South-West Africa.

7. In the principal Act, unless the context otherwise indicates, "Republic" also includes the territory of South-West Africa.

Republic includes the territory of South-West Africa.

8. (1) Subject to the provisions of subsections (2), (3) and (4), any reference in any law or document to the State Attorney for the territory of South-West Africa, shall be construed as a reference to the State Attorney referred to in the principal Act, and any such reference to the State Attorney's office for the said territory shall be construed as a reference to the State Attorney's office established in terms of section 1 of the principal Act.

Transitory clauses.

(2) The State Attorney's office for the territory of South-West Africa existing immediately prior to the commencement of this Act, shall, with effect from such commencement, be deemed to be a branch of the State Attorney's office established in terms of section 1 of the principal Act.

(3) Any person who immediately prior to the commencement of this Act holds the office of State Attorney for the territory of South-West Africa or a post in the State Attorney's office for the said territory, shall, with effect from such commencement be deemed to have been appointed in terms of section 2 of the principal Act.

(4) For the purposes of any regulation made in terms of paragraph (d) of section 9 of the principal Act—

(a) service or any part of service completed under articles to the State Attorney for the territory of South-West Africa shall be deemed to have been completed under articles to a professional assistant in a branch of the State Attorney's office established in terms of section 1 of the principal Act;

(b) any period served by a person referred to in subparagraph (ii) of the said paragraph in the office of the State Attorney for the said territory, shall be deemed to have been served in a branch of the State Attorney's office so established.

9. (1) Subject to the provisions of subsection (2), the State Attorney Proclamation, 1921 (Proclamation 46 of 1921), and the State Attorney Proclamation, 1921 Amendment Ordinance, 1963 (Ordinance 17 of 1963), of the territory of South-West Africa, are hereby repealed.

Repeal of Proclamation 46 of 1921 and Ordinance 17 of 1963 of the territory of South-West Africa.

(2) Any action taken under any provision of a law repealed by subsection (1), shall be deemed to have been taken under the corresponding provision of the principal Act.

10. This Act shall be called the State Attorney Amendment Act, 1966, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.