

No. 16, 1963.]

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.

ACT

To consolidate and amend the laws relating to the appointment, powers and duties of justices of the peace and commissioners of oaths, and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 9th March, 1963.)

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

JUSTICES OF THE PEACE.

Division of districts into wards.

1. The Minister of Justice (hereinafter referred to as the Minister) may, from time to time, divide any magisterial district into so many wards as he may deem expedient, and define the boundaries of each such ward, or may declare any such district to be a ward.

Appointment of justices of the peace.

2. (1) The Minister may appoint for any ward referred to in section *one* so many justices of the peace, not exceeding six, as he may deem fit.

(2) Any justice of the peace so appointed shall hold office during the Minister's pleasure.

Powers and duties of justices of the peace.

3. Any justice of the peace appointed under section *two* shall—

(a) within the magisterial district within which the ward for which he is appointed, is situated, possess all such powers and perform all such duties as, by any law in force in such district, are conferred or imposed upon justices of the peace and upon field-cornets, and assistant field-cornets, whose powers could be exercised and whose duties could be performed by justices of the peace in terms of any law repealed by this Act;

(b) carry out such instructions for the preservation of the peace and good order in such ward as he may receive from the magistrate of the district in which such ward is situated;

(c) render all assistance possible in suppressing disorder or disturbance in such ward; and shall further have such other powers and perform such other duties as the Minister may lawfully confer or impose upon him.

Ex officio justices of the peace.

4. The holder of any office specified in the First Schedule shall be a justice of the peace for the area so specified opposite such office, and shall within such area possess all such powers and perform all such duties as, by any law in force therein, are conferred or imposed on justices of the peace.

COMMISSIONERS OF OATHS.

Appointment of commissioners of oaths.

5. (1) The Minister may appoint any person as a commissioner of oaths for any area fixed by the Minister.

(2) Any commissioner of oaths so appointed shall hold office during the Minister's pleasure.

Ex officio commissioners of oaths.

6. The Minister may, by notice in the *Gazette*, designate the holder of any office as a commissioner of oaths for any area specified in such notice, and may in like manner withdraw or amend any such notice.

Powers of commissioners of oaths.

7. Any commissioner of oaths may, within the area for which he is a commissioner of oaths, administer an oath or affirmation to or take a solemn or attested declaration from any person: Provided that he shall not administer an oath or affirmation or take a solemn or attested declaration in respect of any matter in relation to which he is in terms of any regulation made under section *ten* prohibited from administering an oath or affirmation or taking a solemn or attested declaration, or if he has reason to believe that the person in question is unwilling to make an oath or affirmation or such a declaration.

Powers as to oaths outside the Republic.

8. (1) (a) The Minister may, by notice in the *Gazette*, declare that the holder of any office in any country outside the Republic shall in the country in which or at the place at which he holds such office, have the powers conferred by section *seven* upon a commissioner of oaths, and may in like manner withdraw or amend any such notice.

(b) Any person appointed as a commissioner of the Supreme Court of South Africa shall for the purpose of the exercise of his powers or the performance of his duties as such commissioner have, at any place outside the Republic, the powers conferred by section *seven* upon a commissioner of oaths.

(2) If any person referred to in sub-section (1) administers an oath or affirmation to or takes a solemn or attested declaration from any person, he shall authenticate the affidavit or declaration in question by affixing thereto the seal or impressing thereon the stamp used by him in connection with his office or, if he possesses no such seal or stamp, certifying thereon under his signature to that effect.

(3) Any affidavit, affirmation or solemn or attested declaration purporting to have been made before a person referred to in sub-section (1) and to be authenticated in accordance with the provisions of sub-section (2), may, on its mere production, be admitted in evidence in any court or received in any public office.

(4) Any affidavit, affirmation or solemn or attested declaration made before a person referred to in sub-section (1) and authenticated in accordance with the provisions of sub-section (2), shall be as effectual as if made in the Republic before a commissioner of oaths.

(5) Any court in the Republic shall have jurisdiction to try any person on a charge of having contravened section *nine* in relation to any affidavit or declaration made outside the Republic before a person referred to in sub-section (1), and for all purposes incidental to or consequential upon the trial of the offence, the offence shall be deemed to have been committed within the area of jurisdiction of the court so trying any person.

GENERAL.

Penalties for false statements in affidavits and certain other declarations.

9. Any person who, in an affidavit, affirmation or solemn or attested declaration made before a person competent to administer an oath or affirmation or take the declaration in question, has made a false statement knowing it to be false, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law for the offence of perjury.

Regulations.

10. (1) The State President may make regulations—

(a) prescribing the matters in respect of which fees shall be payable to justices of the peace appointed in terms of section *two*, and the scale of such fees;

(b) prescribing the form and manner in which an oath or affirmation shall be administered and a solemn or attested declaration shall be taken, when not prescribed by any other law;

(c) prescribing the circumstances under which commissioners of oaths shall be prohibited from administering an oath or affirmation or taking a solemn or attested declaration;

and generally for the better carrying out of the objects and purposes of this Act.

(2) A differing scale of fees may in terms of paragraph (a) of sub-section (1) be prescribed in respect of different areas, and different regulations may in terms of paragraph (c) of the said sub-section be made in relation to different commissioners of oaths or in relation to commissioners of oaths of different classes.

Repeal of laws.

11. (1) Subject to the provisions of sub-sections (2), (3) and (4) the laws specified in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any appointment made under or declared to remain in existence by any law repealed by sub-section (1), and any appointment equated by such law to an appointment made thereunder, and anything done in connection with or by virtue of any such appointment shall remain of full force and effect, and any condition or provision which immediately before the commencement of this Act applied in relation to any person by virtue of any such law, shall continue so to apply as if that law had not been repealed.

(3) The wards into which any magisterial district is at the commencement of this Act divided for the purposes of a law repealed by sub-section (1), shall be deemed to have been established by a division of such district into wards in terms of this Act.

(4) Anything done under any provision of a law repealed by sub-section (1), shall be deemed to have been done under the corresponding provision of this Act, if any.

Short title.

12. This Act shall be called the Justices of the Peace and Commissioners of Oaths Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

First Schedule.

OFFICES THE HOLDERS OF WHICH ARE *ex officio* JUSTICES OF THE PEACE.

Office.	Area.
Commandant-General of the South African Defence Force. Commissioner of the Railways and Harbours Police Force. Secretary or Deputy Secretary to the Senate. Secretary or Deputy Secretary to the House of Assembly. An office mentioned in Column II of the First Schedule to the Public Service Act, 1957 (Act No. 54 of 1957), Deputy Secretary and Under-Secretary of any department mentioned in Column I of the said schedule, and any corresponding post in such a department of which the head is not designated by the word secretary. Registrar of any division of the Supreme Court of South Africa. Magistrate. Chief Bantu Affairs Commissioner. Bantu Affairs Commissioner.	The Republic.
Commissioned officer of the South African Police, the Permanent Force of the South African Defence Force, or the Railways and Harbours Police Force.	Area in respect of which office is held.
Additional or Assistant Magistrate. Additional or Assistant Bantu Affairs Commissioner.	Magisterial district or area in respect of which office is held.

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Short Title.	Extent of Repeal.
Act No. 16 of 1914.	Justices of the Peace and Oaths Act, 1914.	The whole.
Act No. 8 of 1931.	Justices of the Peace and Oaths (Amendment) Act, 1931.	The whole.
Act No. 46 of 1935.	General Law Amendment Act, 1935.	Section <i>eighty-two</i> .
Act No. 14 of 1939.	Justices of the Peace and Oaths (Amendment) Act, 1939.	The whole.
Act No. 54 of 1949.	General Law Amendment Act, 1949.	Sections <i>two</i> and <i>three</i> .
Act No. 32 of 1952.	General Law Amendment Act, 1952.	Section <i>five</i> .
Act No. 21 of 1953.	Justices of the Peace and Oaths Amendment Act, 1953.	The whole.
Act No. 68 of 1957.	General Law Amendment Act, 1957.	Sections <i>twenty-two</i> to <i>twenty-five</i> , inclusive.