

No. 21, 1967.]

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 repeal section 1 of the Justices of the Peace and Commissioners of Oaths Act, 1963; to amend section 2 of that Act in order to provide that justices of the peace be appointed for magisterial districts and not for wards; to amend section 3 of that Act in order to exclude the powers and duties of field-cornets and assistant field-cornets from the powers and duties of justices of the peace; to substitute the First Schedule to that Act in order to extend the offices, the holders of which are *ex officio* justices of the peace; to repeal certain laws; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 24th February, 1967.)*

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

Repeal of section 1 of Act 16 of 1963.

1. Section 1 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (hereinafter referred to as the principal Act), is hereby repealed.

Amendment of section 2 of Act 16 of 1963, as amended by section 1 of Act 8 of 1965.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister of Justice (hereinafter referred to as the Minister) may appoint for any magisterial district so many justices of the peace as he may deem fit.”.

Substitution of section 3 of Act 16 of 1963.

3. The following section is hereby substituted for section 3 of the principal Act:

“Powers and duties of justices of the peace.

3. Any justice of the peace appointed under section 2 shall—

(a) within the magisterial district for which he is appointed or is in terms of the provisions of the Justices of the Peace and Commissioners of Oaths Amendment Act, 1967, deemed to have been appointed, 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;

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

(c) render all assistance possible in suppressing disorder or disturbance in such magisterial district;

and shall further have such other powers and perform such other duties as the Minister may lawfully confer or impose upon him.”.

Amendment of section 11 of Act 16 of 1963.

4. Section 11 of the principal Act is hereby amended—

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

“(1) Subject to the provisions of subsections (2) and (4), the laws specified in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.”; and

(b) by the deletion of subsection (3).

Substitution of First Schedule to Act 16 of 1963, as amended by section 44 of Act 80 of 1964.

5. The following Schedule is hereby substituted for the First Schedule to the principal Act:

"First Schedule.

OFFICES THE HOLDERS OF WHICH ARE *Ex Officio* JUSTICES OF THE PEACE.

Any office mentioned in Column II of the First Schedule to the Public Service Act, 1957 (Act No. 54 of 1957), any office of Deputy Secretary or of Under-Secretary of a department referred to in Column I of that Schedule and any office in a department so referred to which corresponds with such office of Deputy Secretary or Under-Secretary.

Chief Law Adviser, Deputy Chief Law Adviser and Law Adviser in the permanent service of the State.

Secretary and Deputy Secretary to the Senate.

Secretary and Deputy Secretary to the House of Assembly. Commandant-General of the South African Defence Force and Commissioned Officer of the Permanent Force of the South African Defence Force.

Attorney-General, Deputy Attorney-General, Senior State Advocate and State Advocate.

Commissioner of the Railways and Harbours Police Force and Commissioned Officer of the Railways and Harbours Police Force.

Commissioned Officer of the South African Police.

Commissioned Officer of the Prisons Service.

Registrar of any division of the Supreme Court of South Africa.

Magistrate, Additional Magistrate and Assistant Magistrate.

Chief Bantu Affairs Commissioner, Bantu Affairs Commissioner, Additional Bantu Affairs Commissioner and Assistant Bantu Affairs Commissioner."

Justices of the peace appointed for a ward deemed to be appointed for magisterial district in which ward is situated.

6. Any justice of the peace appointed or deemed to have been appointed under the provisions of the principal Act shall, as from the commencement of this Act, be deemed to have been appointed as justice of the peace for the magisterial district in which the ward for which he has been or is deemed to have been so appointed, is situated.

Repeal of laws.

7. The Ordinance for creating Justices of the Peace in this Colony, 1827 (Ordinance No. 32 of 1827 of the Cape), the Ordinance for regulating the duties and remuneration of Field-cornets, 1848 (Ordinance No. 9 of 1848 of the Cape), the Ordinance for creating Justices of the Peace within the District of Natal, 1846 (Ordinance No. 6 of 1846 of Natal), The Justices of the Peace Ordinance, 1902 (Ordinance No. 6 of 1902 of the Orange Free State), and the resolution of the 1st December, 1898, article 1870, of the "Eerste Volksraad" of Transvaal are, in so far as those Ordinances and resolution are unrepealed, hereby repealed.

Short title.

8. This Act shall be called the Justices of the Peace and Commissioners of Oaths Amendment Act, 1967.