

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

---

### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuisblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

**Prys 10c Price**  
**Oorsee 15c Overseas**  
**POSVRY—POST FREE**

VOL. 63.]

KAAPSTAD, 2 SEPTEMBER 1970.

[No. 2795.

CAPE TOWN, 2ND SEPTEMBER 1970.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1428.

2 September 1970.

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

o. 40 van 1970: Wysigingswet op Wederkerige Afdwinging van Onderhoudsbevele, 1970.

No. 1428.

2nd September, 1970.

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

No. 40 of 1970: Reciprocal Enforcement of Maintenance Orders Amendment Act, 1970.

RECIPROCAL ENFORCEMENT OF MAINTENANCE  
ORDERS AMENDMENT ACT, 1970.

Act No. 40, 1970

# ACT

To amend the provisions of the Reciprocal Enforcement of Maintenance Orders Act, 1963, relating to the registration of maintenance orders made in proclaimed countries, the payment of maintenance moneys and the transmission to proclaimed countries of maintenance orders and provisional maintenance orders made in the Republic; to apply the said Act to the territory of South-West Africa; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 20th August, 1970.)*

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

1. Section 1 of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following definitions: Amendment of section 1 of Act 80 of 1963.

“‘Republic’ includes the territory;  
‘territory’ means the territory of South-West Africa.”.

2. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 80 of 1963.

“Registra-  
tion of  
maintenance  
orders made  
in pro-  
claimed  
countries.  
3. Whenever a certified copy of a maintenance order made before or after the commencement of this Act, against any person by any court in a proclaimed country is transmitted to the Minister through diplomatic channels by any authority of such country recognized for the purpose by the Minister, the Minister or any person acting under his authority shall transmit a copy of the order to a maintenance court, and the order shall, on receipt thereof, be registered by that court in the prescribed manner.”.

3. The following section is hereby substituted for section 5 of the principal Act: Substitution of section 5 of Act 80 of 1963

“Certain  
maintenance  
moneys  
payable to  
clerk of  
the court.  
5. (1) Any sum of money payable in terms of a maintenance order registered under section 3 or confirmed under section 4 shall be deemed to be payable to the clerk of the maintenance court

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS AMENDMENT ACT, 1970. Act No. 40, 1970

designated from time to time by the maintenance court where such order has been so registered or confirmed.

(2) The person required to make payment in terms of such maintenance order shall be informed in the prescribed manner which clerk of the maintenance court has been designated under subsection (1)."

4. The following section is hereby substituted for section 7 of the principal Act: Substitution of section 7 of Act 80 of 1963.

"Transmission to proclaimed country of maintenance orders made in Republic. 7. Whenever it appears to any court in the Republic that any person against whom it has, before or after the commencement of this Act, made a maintenance order, is resident in a proclaimed country, that court shall transmit to the Minister a certified copy of the order for transmission through diplomatic channels to an authority of such country recognized for the purpose by the Minister."

5. Section 8 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 8 of Act 80 of 1963.

"(2) The court holding the enquiry may make a provisional maintenance order only, against the person so resident and shall, with a view to confirmation of the provisional maintenance order, forward to the Minister for transmission through diplomatic channels to an authority of the proclaimed country recognized for the purpose by the Minister, a certified copy of the order together with the depositions of witnesses, a statement of the grounds on which the order might have been opposed and such information as may be available for the identification and location of the person against whom the order has been made."

6. The following section is hereby inserted in the principal Act after section 10: Insertion of section 10A in Act 80 of 1963.

"Application of Act to South-West Africa. 10A. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel."

7. The following long title is hereby substituted for the long title of the principal Act: Substitution of long title of Act 80 of 1963.

"To consolidate and amend the laws relating to the reciprocal enforcement of maintenance orders made in the Republic, including the territory of South-West Africa, and proclaimed countries, and to provide for incidental matters."

8. (1) Subject to the provisions of subsections (2), (3) and (4), the Wives and Children Protection and Maintenance Ordinance, 1927, of South-West Africa is hereby repealed in so far as it is not repealed by section 6 of the Maintenance Amendment Act, 1970. Repeal of Ordinance 16 of 1927, of South-West Africa.

(2) Any maintenance order, registered or confirmed under any provision of the said Ordinance, shall be deemed to be a maintenance order registered or confirmed under the corresponding provision of the principal Act.

(3) Anything done under any provision of the said Ordinance shall be deemed to have been done under the corresponding provision of the principal Act.

RECIPROCAL ENFORCEMENT OF MAINTENANCE  
ORDERS AMENDMENT ACT, 1970.

Act No. 40, 1970

(4) Any country or territory in respect of which the provisions of the said Ordinance applied immediately prior to the commencement of this Act, shall be deemed to be a proclaimed country as defined in section 1 of the principal Act.

(5) This section shall apply also in the Eastern Caprivi Zipfel.

9. This Act shall be called the Reciprocal Enforcement of Short title and Maintenance Orders Amendment Act, 1970, and shall come commencement. into operation on a date to be fixed by the State President by proclamation in the *Gazette*.