

No. 54, 1949.]

ACT

To amend the Administration of Justice Act, 1912, the Justices of the Peace and Oaths Act, 1914, the Railways and Harbours Regulation, Control and Management Act, 1916, the Special Justices of the Peace Act, 1918, the law relating to the appointment of judges and officers of Supreme Courts, to the establishment of Circuit Courts, to the consumption of intoxicating liquor in a public place and to the possession and sale of dangerous weapons.

(Afrikaans Text signed by the Governor-General.)
(Assented to 1st July, 1949.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 25 of Act 27 of 1912 as amended by section 391 of Act 31 of 1917.

1. Section *twenty-five* of the Administration of Justice Act, 1912 (Act No. 27 of 1912), is hereby amended by the substitution for the word "Governor-General" of the words "Minister of Justice" and by the insertion after the word "may" where it occurs for the first time of the words "in consultation with the Minister of Finance".

Amendment of section 1 of Act 16 of 1914.

2. Section *one* of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914), is hereby amended by the deletion in sub-section (1) of the word "Governor-General" where it occurs for the first time and the substitution therefor of the words "Minister of Justice", and by the deletion in the said sub-section of the words "proclamation of the Governor-General" and the substitution therefor of the word "notice".

Amendment of sections 2, 3, 5, 6 and 7 of Act 16 of 1914.

3. Sections *two, three, five, six and seven* of the Justices of the Peace and Oaths Act, 1914, are hereby amended by the deletion of the word "Governor-General" wherever it occurs in the said sections, and the substitution therefor in each case of the words "Minister of Justice," and section seven of the said Act is furthermore amended by the deletion in sub-section (2) of the word "proclamation" and the substitution therefor of the word "notice".

Amendment of section 68 of Act 22 of 1916 as amended by section 15 of Act 21 of 1931 and section 13 of Act 36 of 1939.

4. Section *sixty-eight* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), is hereby amended by the substitution in sub-section (1) for the words "The Governor-General" of the word "who".

Amendment of section 1 of Act 2 of 1918.

5. Section *one* of the Special Justices of the Peace Act, 1918 (Act No. 2 of 1918), is hereby amended by the deletion of sub-section (1) and the substitution therefor of the following new sub-section:

"(1) The Minister of Justice may appoint persons to hold, during his pleasure, the office of special justice of the peace for such area and to hold a court at such place or places as may be fixed by the said Minister."

Number of judges in provincial and local divisions of the Supreme Court and in the Native High Court in the discretion of the Governor-General.

6. Notwithstanding anything to the contrary in any other law contained—

- (a) the Cape of Good Hope Provincial Division, the Eastern Districts Local Division, the Natal Provincial Division, the Orange Free State Provincial Division and the Transvaal Provincial Division of the Supreme Court shall severally consist of a Judge-President and so many puisne judges as the Governor-General may determine;
- (b) the Griqualand West Local Division of the Supreme Court shall consist of one or more puisne judges, as the Governor-General may determine;
- (c) the Native High Court of Natal shall consist of the Judge-President and so many other judges as the Governor-General may determine.

Appointment of officers of superior Courts vested in the Minister of Justice.

7. (1) Notwithstanding anything to the contrary in any other law contained (but subject to the provisions of the law governing the public service) the Minister of Justice may appoint—

- (i) the sheriffs of the provinces of the Union, and deputy-sheriffs wherever they may be required;

- (ii) the registrars and taxing officers for Supreme Courts, including the registrar of the Native High Court of Natal;
- (iii) such other officers as may be necessary for the administration of justice and the due execution of the powers and authorities possessed by the said courts;

and any officer in any such court may be appointed to and may hold simultaneously more than one office in that court.

(2) The provisions of this section shall not affect the validity of appointments made under the laws hitherto in force but shall operate to withdraw the power of appointing any officer mentioned in sub-section (1) which has hitherto been vested by law in the Governor-General or in any other officer.

Judges-President
control division
and appointment
of Circuit Courts.

8. (1) Notwithstanding anything to the contrary in any other law contained, it shall be lawful—

- (a) in the provinces of the Orange Free State and Transvaal, for the Judge-President of the provincial division of the Supreme Court concerned, in each case to divide the province by notice in the *Gazette* into two or more circuit districts, and to fix the boundaries of every such district and to alter such boundaries from time to time as occasion may require;
- (b) in the province of the Cape of Good Hope, for the Judge-President of the Cape Provincial Division and of the Eastern Districts Local Division, respectively, to divide the portion of the province which is subject to the authority of the Attorney-General or of the Solicitor-General, as the case may be, by notice in the *Gazette* into two or more circuit districts, and to fix the boundaries of every such district and to alter such boundaries from time to time as occasion may require.

(2) Courts, to be called Circuit Courts, shall be held at least twice in every year commencing from such date as may in each case be fixed by the aforesaid Judge-President by notice in the *Gazette* in each of the districts referred to in sub-section (1), and each of the said Circuit Courts shall be held by a judge of the Supreme Court at such times and at such place or places within each of the said districts as the said Judge-President shall from time to time direct and appoint.

(3) Any Circuit Court held in terms of the provisions of this section, shall be deemed for all purposes to be a Circuit Court held in terms of the provisions of section *thirty-eight* of the Charter of Justice of the Cape of Good Hope 1832, or of section *twenty* of the Administration of Justice Ordinance 1902 of the Orange Free State, or of section *four* of the Superior Courts Criminal Jurisdiction Ordinance 1903 of the Transvaal, as the case may be, according as the district has been determined by the Judge-President of the Cape Provincial Division, or of the Eastern Districts Local Division, or of the Orange Free State Provincial Division, or of the Transvaal Provincial Division respectively.

(4) The powers vested in the Governor-General under the provisions of the laws mentioned in sub-section (3), relating to the determination of circuit divisions, and the direction and appointment of Circuit Courts, are hereby withdrawn.

Consumption of
liquor in a public
place is an
offence.

9. (1) Any person who consumes any intoxicating liquor in any street, road, lane or other public thoroughfare or on vacant land adjoining any street, road, lane or other public thoroughfare, in any urban area (except where such liquor has been sold and supplied on such land under a retail licence in terms of the laws relating to the sale and supply of intoxicating liquor) shall be guilty of an offence and liable to a fine not exceeding ten pounds or in default of payment to imprisonment not exceeding fourteen days: Provided that—

- (i) the provisions of this sub-section shall not apply in relation to any entertainment provided on such vacant land as aforesaid by any person who owns or leases or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;
- (ii) no prosecution shall be instituted under the provisions of this sub-section except on the written authority of the Attorney-General.

(2) For the purposes of sub-section (1) "urban area" means an area under the control or jurisdiction of any municipal or borough council, town council, village council, town board, local board or village management board.

Control of possession and sale of dangerous weapons.

10. (1) Any person who is in possession of a dangerous weapon as hereinafter defined, shall thereby be guilty of an offence, unless he is able to prove that such weapon is required by him for a lawful purpose.

(2) Any person who sells any dangerous weapon shall be guilty of an offence, unless he is able to prove that he had good grounds for believing that the person purchasing it required it for a lawful purpose.

(3) For the purposes of this section the expression "dangerous weapon" means and includes the following:

- (a) handles with wire, chains or other heavy substances attached;
- (b) metal rods or wire exceeding a quarter inch in diameter and six inches in length;
- (c) daggers;
- (d) knives—
 - (i) pocket knives, the blades of which can be fixed when opened;
 - (ii) knives, including pocket knives, any blade of which exceeds three and a half inches in length; (blade in this context, means that part of a knife which does not constitute the haft or handle);
- (e) Spears, assegais and loaded or spiked sticks or any stick exceeding one inch in diameter;
- (f) knuckledusters;
- (g) sandbags;
- (h) jumpers, crowbars or hammers exceeding three pounds in weight;
- (i) axes or pickaxes;
- (j) solid rubber batons;
- (k) tear-gas pens and other instruments projecting lachrymating, asphyxiating or incapacitating gases and cartridges therefor;
- (l) any article which so closely resembles a pistol or other firearm as to be calculated to give the impression that it is a genuine firearm and which is capable, by the discharge of a cartridge (loaded or unloaded) of causing a loud report, calculated to give the impression that a genuine firearm had been discharged, and also cartridges therefor;
- (m) any other article declared by the Minister of Justice by notice in the *Gazette* to be a dangerous weapon for the purposes of this section.

(4) Any person found guilty of an offence in terms of this section shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding fifty pounds or to both such fine and such imprisonment.

(5) No prosecution shall be instituted under the provisions of this section except on the written authority of the Attorney-General.

(6) Section *nine* of the Prevention of Crimes Ordinance, 1905 (Ordinance No. 20 of 1905, Transvaal), is hereby repealed.

Short title.

11. This Act shall be called the General Law Amendment Act, 1949.