

No. 59, 1959.]

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 Supreme Court of South Africa and to provide for matters incidental thereto.

(English text signed by the Governor-General.)  
(Assented to 27th June, 1959.)

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

## Definitions.

1. In this Act, unless the context otherwise indicates—
  - (i) "Chief Justice" means the Chief Justice of South Africa; (iv)
  - (ii) "civil summons" means any summons whereby civil proceedings are commenced, and includes any rule nisi, notice of motion or petition the object of which is to require the appearance before the court out of which it is issued of any person against whom relief is sought in such proceedings or of any person who is interested in resisting the grant of such relief; (ix)
  - (iii) "defendant" includes any respondent or other party against whom relief is sought in civil proceedings; (xi)
  - (iv) "division" means a division of the Supreme Court; (i)
  - (v) "full court" means a court consisting of two or more judges; (xii)
  - (vi) "inferior court" means any court (other than the court of a division) which is required to keep a record of its proceedings, and includes a magistrate or other officer holding a preparatory examination into an alleged offence; (vi)
  - (vii) "Minister" means the Minister of Justice; (vii)
  - (viii) "plaintiff" includes any petitioner or other party who seeks relief in civil proceedings; (ii)
  - (ix) "provincial division" includes the Eastern Cape division and the South-West Africa division; (viii)
  - (x) "registrar" includes an assistant registrar; (iii)
  - (xi) "Supreme Court" means the Supreme Court of South Africa; (v)
  - (xii) "Union" includes the territory of South-West Africa. (x)

(2) Any reference in any law to the Eastern Districts Local Division of the Supreme Court of South Africa shall be construed as a reference to the Eastern Cape Division.

## Constitution of Supreme Court of South Africa.

2. There shall be a Supreme Court of South Africa which shall consist of the several divisions mentioned in the First Schedule.

## Constitution of divisions.

3. (1) The appellate division shall consist of the Chief Justice of South Africa and so many judges of appeal as the Governor-General may from time to time determine.

(2) A provincial division shall consist of a judge president and so many judges as the Governor-General may from time to time determine.

(3) The Griqualand West local division shall consist of so many judges as the Governor-General may from time to time determine, either with or without a judge president, as the Governor-General may deem fit.

(4) Any court of the Durban and Coast or the Witwatersrand local division shall be presided over by a judge of the provincial division which has concurrent jurisdiction in the area of the local division concerned.

(5) A judge of a provincial or local division may upon the request of the Minister act as a judge of any other such division in the place of any judge of that division or in addition to the judges of that division.

## Seats of divisions.

4. (1) The seats of the several divisions shall be in the places specified in respect of those divisions in the second column of the First Schedule.

- (2) Whenever on application made to the appellate division at Bloemfontein by a party to any appeal which is pending in that division, it appears to the said division that by reason of the existence of exceptional circumstances it is expedient to hold its sitting for the hearing of that appeal at a place elsewhere than in Bloemfontein, the said division may hold such sitting at that place accordingly.
- Scope and execution of process of appellate division.** 5. The process of the appellate division shall run throughout the Union, and its judgments and orders shall have force and effect in the area of jurisdiction of every other division and shall be executed in any such area in like manner as if they were original judgments or orders of that division.
- Areas of jurisdiction of provincial and local divisions.** 6. (1) Save as provided in this Act or any other law, a provincial or local division shall have jurisdiction in the area specified in respect of that division in the third column of the First Schedule.
- (2) The provincial divisions of the Transvaal, Natal and the Cape of Good Hope shall exercise concurrent jurisdiction in the areas of jurisdiction of the Witwatersrand, the Durban and Coast and the Griqualand West local divisions respectively, and the provincial division of the Cape of Good Hope shall, subject to the provisions of sub-section (3), until the thirty-first day of December, 1961, exercise concurrent jurisdiction in civil matters in the area of jurisdiction of the Eastern Cape division.
- (3) A plaintiff residing in the area of jurisdiction of the Eastern Cape division may at all times institute an action in the court of the Cape of Good Hope provincial division against a defendant residing in that area on any cause of action arising in that area, but no action shall be so instituted unless either the leave of the court of the Eastern Cape division has been obtained or the parties to the action have in writing agreed that it be instituted in the Cape of Good Hope provincial division.
- (4) The Governor-General may by proclamation in the *Gazette* amend the First Schedule by excluding from the area of jurisdiction of a division any area included therein or by including therein any additional area.
- Circuit local divisions.** 7. (1) The judge president of a provincial division may by notice in the *Gazette* divide the area under the jurisdiction of that division (excluding, in the case of the Cape of Good Hope provincial division, that portion of the area in question in which the Griqualand West local division exercises jurisdiction) into circuit districts, and may from time to time by like notice alter the boundaries of any such district.
- (2) In each such district there shall be held at least twice in every year and at such times and places as may be determined by the judge president concerned, a court which shall be presided over by a judge of the division in which that district is situated.
- (3) Any such court shall be known as the circuit local division for the district in question and shall for all purposes be deemed to be a local division.
- (4) The provisions of this section shall *mutatis mutandis* apply with reference to the Griqualand West local division as if that local division were a provincial division, and for the purpose of the application of the said provisions the references in sub-sections (1) and (2) to the judge president of a provincial division shall be construed as references to the judge president of that local division or, where a judge president has not been appointed, to the senior judge appointed to such division in terms of sub-section (1) of section *ten*.
- Disposal of records and execution of judgments of circuit courts.** 8. (1) Within thirty days after the termination of the sittings of any circuit local division, the registrar thereof shall, subject to any directions of the presiding judge, transmit all records in connection with the proceedings in that division to the registrar of the provincial or local division concerned to be filed of record as records of that division.
- (2) Any judgment, order, decree or sentence of a circuit local division, may, subject to any applicable rules for the time being in force, be carried into execution by means of process of that division or of the provincial or local division concerned.
- Removal of proceedings from one division to another.** 9. (1) If any civil cause, proceeding or matter has been instituted in any provincial or local division, and it is made to appear to the court concerned that the same may be more conveniently or more fitly heard or determined in another

division, that court may, upon application by any party thereto and after hearing all other parties thereto, order such cause, proceeding or matter to be removed to that other division.

(2) An order for removal under sub-section (1) shall be transmitted to the registrar of the division to which the removal is ordered, and upon the receipt of such order that division may hear and determine the cause, proceeding or matter in question and shall in that event apply the practice governing the division in which it was instituted and the law according to which that division would but for the removal have heard and determined such cause, proceeding or matter.

Appointment,  
remuneration and  
tenure of office of  
judges.

10. (1) (a) The Chief Justice, the judges of appeal, the judges president and all other judges of the Supreme Court shall be fit and proper persons appointed by the Governor-General under his hand and the Great Seal of the Union of South Africa, and shall receive such remuneration as may be prescribed by Parliament, and their remuneration shall not be reduced during their continuance in office.

(b) An appointment under this sub-section may in the case of a person then holding office in an acting capacity by virtue of any appointment under sub-section (3) or (4), be made with retrospective effect from the commencement of the period during which he so held office, or, where he has so held office for two or more periods which together constitute a single uninterrupted period, from the commencement of the first of such periods.

(c) No person shall be appointed as a judge or an acting judge of the South-West Africa division except after consultation with the Administrator of the territory of South-West Africa.

(2) (a) Any person appointed under sub-section (1) shall before commencing to exercise the functions of his office take an oath or make an affirmation, which shall be subscribed by him, in the form set out below, namely—

“I.....do hereby swear/solemnly and  
(full name)

sincerely affirm and declare that I will in my capacity as a judge of the Supreme Court of South Africa administer justice to all persons alike without fear, favour or prejudice and in accordance with the law and customs of the Union of South Africa or (in the case of a judge of the South-West Africa division) of the territory of South-West Africa.”

(b) Any such oath or affirmation shall be taken or made before the senior available judge of the division concerned who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

(3) Whenever it is for any reason expedient that a person be appointed to act as a judge of any division in the place of any judge of that division or in addition to the judges of that division or in any vacancy in that division, the Governor-General may appoint some fit and proper person so to act for such period as the Governor-General may determine.

(4) The Minister may in the circumstances mentioned in sub-section (3) appoint some fit and proper person to act as provided in that sub-section for any period not exceeding one month.

(5) No person other than a judge or former judge of the Supreme Court shall be appointed to act as the Chief Justice or as a judge of appeal.

(6) Any appointment made under this section shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he has taken part as a judge and which have not been disposed of at the termination of the period for which he was appointed or, having been disposed of before or after such termination, are re-opened.

(7) The Chief Justice, a judge of appeal or any other judge of the Supreme Court shall not be removed from office except by the Governor-General upon an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

(8) The provisions of sub-sections (2) and (7) shall apply also in respect of a person appointed under sub-section (3) or (4), and the provisions of paragraph (a) of sub-section (1) relating



to the remuneration of any judge referred to in that paragraph shall apply also in respect of a person so appointed to act in the capacity of such a judge.

Judge not to hold any other office of profit.

11. No judge of the Supreme Court shall without the consent of the Governor-General accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as such a judge.

Constitution of court of appellate division.

12. (1) The quorum of the appellate division shall, subject to the provisions of sub-section (2), be five judges in civil matters and in criminal matters arising out of proceedings instituted before a special criminal court constituted under section *one hundred and twelve* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and three judges in other criminal matters: Provided that—

- (a) an application under sub-section (2) of section *four* shall be heard and determined by the Chief Justice and two judges of appeal;
- (b) on the hearing of an appeal, whether criminal or civil, in which the validity of an Act of Parliament (which includes any instrument which purports to be and has been assented to by the Governor-General as such an Act) is in question, eleven judges of the appellate division shall form a quorum;
- (c) whenever it appears to the Chief Justice or, in his absence, the senior available judge of the appellate division that any matter, not being a matter referred to in paragraph (b), which is being heard before a court of that division should in view of its importance be heard before a court consisting of a larger number of judges, he may direct that the hearing be discontinued and commenced anew before a court consisting of so many judges as he may determine.

(2) The judgment of the majority of the judges of any court of the appellate division shall be the judgment of the court and where there is no judgment to which a majority of such judges agree, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the Chief Justice or, in his absence, the senior available judge of the appellate division may determine.

(3) If at any stage during the hearing of an appeal one or more of the judges die or retire or become otherwise incapable of acting or are absent, the hearing shall, where the remaining judges constitute a majority of the judges before whom the hearing was commenced, proceed before such remaining judges, and the judgments of a majority of such remaining judges which are in agreement shall, if that majority is also a majority of the judges before whom the hearing was commenced, be the judgment of the court, and in any other case the appeal shall be heard *de novo*.

(4) No judge shall sit at the hearing of an appeal against a judgment or order given in a case which was heard before him.

(5) During any period which may be fixed by rule of court as a vacation of the appellate division, one judge thereof shall have power and jurisdiction to hear and determine applications for leave to appeal or for leave to proceed in *forma pauperis* or for any interlocutory order.

Constitution of courts of provincial or local divisions.

13. (1) (a) Save as provided in this Act or any other law, the court of a provincial or local division shall, when sitting as a court of first instance for the hearing of any civil matter, be constituted before a single judge of the division concerned: Provided that the judge president or, in his absence, the senior available judge of any division may at any time direct that any matter be heard by a full court consisting of so many judges as he may determine.

(b) A single judge of a division may at any time discontinue the hearing of any matter which is being heard before him and refer it for hearing to the full court of the appropriate division.

(2) (a) The court of a provincial or local division shall, except where it is in terms of any law required or permitted to be otherwise constituted, for the hearing of any appeal be constituted before not less than two



judges: Provided that an appeal from an inferior court to the South-West Africa division may be heard and determined by a single judge of that division.

(b) No judge shall sit at the hearing of an appeal against a judgment or order given in a case which was heard before him.

(3) Whenever it appears to the judge president or, in his absence, the senior available judge of any division that any matter which is being heard before a court of that division should in view of its importance be heard before a court consisting of a larger number of judges, he may direct that the hearing be discontinued and commenced anew before a court consisting of so many judges as he may determine.

(4) For the hearing of any criminal case as a court of first instance, the court of a provincial or local division shall be constituted in the manner prescribed in the applicable law relating to procedure in criminal matters.

(5) During any period which may by rule of court be fixed as a vacation of any division, one judge thereof, shall, notwithstanding anything contained in this Act or any other law, be competent to exercise all the powers, jurisdiction and authority of a court of such division.

More than one court of a division may sit at the same time.

14. A division may at any time sit in so many courts constituted in the manner provided in this Act as the available judges may allow.

Nature of courts and seals.

15. (1) Any court of a division shall be a court of record.

(2) Every division shall have for use as occasion may require, a seal of such design as may in the case of each division be prescribed by the Governor-General by proclamation in the *Gazette*.

(3) Any such seal shall be kept in the custody of the registrar of the division concerned.

Proceedings to be carried on in open court.

16. Save as is otherwise provided in any law, all proceedings in any court of a division shall, except in so far as any such court may in special cases otherwise direct, be carried on in open court.

Manner of arriving at decisions in courts of provincial or local divisions.

17. (1) Save as otherwise provided in this Act or any other law, the judgment of the majority of the judges of the full court of a provincial or local division shall be the judgment of the court, and where the judgments of a majority of the judges of any such court are not in agreement, the hearing shall be adjourned and commenced *de novo* before a new court constituted in such manner as the judge president or, in his absence, the senior available judge of the division concerned may determine.

(2) If at any stage during the hearing of any matter by a full court, any judge of such court dies or retires or is otherwise incapable of acting or is absent, the hearing shall, if the remaining judges constitute a majority of the judges before whom it was commenced, proceed before such remaining judges, and if such remaining judges do not constitute such a majority, or if only one judge remains, the hearing shall be commenced *de novo*, unless all the parties to the proceedings agree unconditionally in writing to accept the decision of the majority of such remaining judges or of such one remaining judge as the decision of the court.

(3) The provisions of sub-section (1) shall *mutatis mutandis* apply whenever in the circumstances set out in sub-section (2) a hearing proceeds before two or more judges.

Certified copies of court records admissible as evidence.

18. Whenever a judgment, decree, order or other record of the court of a division is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the registrar of that division under its seal shall be *prima facie* evidence thereof without proof of the authenticity of such registrar's signature.

Persons over whom and matters in relation to which provincial and local divisions have jurisdiction.

19. (1) A provincial or local division shall have jurisdiction in and over all persons residing or being in and all causes arising and all offences triable within its area of jurisdiction and in all other matters of which it may according to law take cognizance, and shall, subject to the provisions of sub-section (2), in addition to any powers or jurisdiction which may be vested in it by law, have power—

- (a) to hear and determine appeals from all inferior courts within its area of jurisdiction;
- (b) to review the proceedings of all such courts;
- (c) in its discretion, and at the instance of any interested person, to enquire into and determine any existing, future or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination.

(2) No appeal jurisdiction or review jurisdiction under sub-section (1) shall be exercised by any local division other than the Griqualand West local division.

(3) The provisions of this section shall not be construed as in any way limiting the powers of a provincial or local division as existing at the commencement of this Act, or as depriving any such division of any jurisdiction which could lawfully be exercised by it at such commencement.

Appeals to  
Supreme Court  
in general.

20. (1) An appeal from a judgment or order of the court of a provincial or local division in any civil proceedings may be made—

- (a) in the case of a judgment or order given or made by a single judge of any division, other than the South-West Africa division, on application by way of motion or petition or on summons for provisional sentence or in a trial case in which the defendant is in default or as to costs only which by law are left to the discretion of the court, to the full court of the division concerned or where that division is a local division to the full court of the provincial division which exercises concurrent jurisdiction in the area of jurisdiction of such local division; and
- (b) in any other case, including an appeal against a judgment or order given or made on appeal, to the appellate division.

(2) The following provisions shall apply in connection with appeals under sub-section (1), namely—

- (a) the right of appeal shall not be limited by reason only of the value of the matter in dispute or the amount claimed or awarded in the suit or by reason only of the fact that the matter in dispute is incapable of being valued in money;
- (b) no judgment or order given or made by consent or as to costs only which by law are left to the discretion of the court and no interlocutory order shall be subject to appeal save with the leave of the court by which the judgment was given or the order was made; and
- (c) the right of appeal shall be subject to the provisions of any law which specifically limits that right.

(3) Whenever the parties to any civil proceedings in connection with which an appeal may be made as provided in paragraph (a) of sub-section (1), lodge with the registrar of the division from whose judgment or order the appeal is to be made, notice in writing of their consent to the appeal being heard and determined by the appellate division, the said division shall have jurisdiction, provided any leave required under paragraph (b) of sub-section (2) has been granted, to hear and determine the appeal without an intermediate appeal having first been heard and determined by the appropriate provincial or local division.

(4) Nothing in this section shall affect the provisions of any other law relating to appeals from decisions of inferior courts in civil matters.

Appeals to appel-  
late division.

21. (1) In addition to any jurisdiction conferred upon it by this Act or any other law, the appellate division shall, subject to the provisions of this section and any other law, have jurisdiction to hear and determine an appeal from any decision of the court of a provincial or local division.

- (2) (a) There shall be no appeal to the appellate division against any judgment or order referred to in paragraph (a) of sub-section (1) of section *twenty* given or made by a judge of the South-West Africa division, or on any decision given by any division on appeal to it, except with the leave of the court against whose decision the appeal is to be made: Provided that where such leave has been refused, the appellate division may, on application made to it, grant such leave, and may vary any order as to costs made by the court concerned in refusing leave.
- (b) Any leave required under paragraph (a) may be given subject to such conditions, including a condition 80

that the applicant shall pay the costs of the appeal, as may be determined by the court from which the appeal is to be made or by the appellate division, according to whether leave is given by such court or by the said division.

- (3) (a) An application to the appellate division under sub-section (2) shall be submitted by petition addressed to the Chief Justice within twenty-one days, or such longer period as may on good cause be allowed, after the special leave of the court against whose decision the relevant appeal is to be made was refused.
- (b) The petition may be considered by the Chief Justice or by any other judge of the appellate division to whom it may be referred by the Chief Justice.
- (c) The Chief Justice or other judge considering the petition may order that the application be argued before him at a time and place appointed, and may, whether or not he has so ordered—
  - (i) grant or refuse the application; or
  - (ii) refer the application to the appellate division for consideration, whether upon argument or otherwise,
 and where an application has been so referred to the appellate division, that division may thereupon grant or refuse the application.
- (d) The decision of the Chief Justice or other judge or of the appellate division, as the case may be, to grant or refuse the application shall be final.
- (e) Notice of the date fixed for the hearing of any application under this sub-section, and of the place appointed for such hearing under paragraph (c), shall be given to the applicant and the respondent by the registrar of the appellate division.

(4) If in any civil matter leave to appeal is granted under sub-section (2) or (3), the court granting such leave may order the appellant to find security for the costs of the appeal in such an amount as may be determined by the registrar, and may fix the time within which such security is to be found.

Powers of court on hearing of appeals.

22. The appellate division or a provincial or local division shall have power—

- (a) on the hearing of an appeal to receive further evidence, either orally or by deposition before a person appointed by such division, or to remit the case to the court of first instance, or the court whose judgment is the subject of the appeal, for further hearing, with such instructions as regards the taking of further evidence or otherwise as to the division concerned seems necessary; and
- (b) to confirm, amend or set aside the judgment or order which is the subject of the appeal and to give any judgment or make any order which the circumstances may require.

Exclusion of appeal to Queen-in-Council.

23. There shall be no appeal to the Queen-in-Council against any judgment or order of any court in the Union.

Grounds of review of proceedings of inferior courts.

24. (1) The grounds upon which the proceedings of any inferior court may be brought under review before a provincial or local division are—

- (a) absence of jurisdiction on the part of the court;
- (b) interest in the cause, bias, malice or corruption on the part of the presiding judicial officer;
- (c) gross irregularity in the proceedings; and
- (d) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.

(2) Nothing in this section shall affect the provisions of any other law relating to the review of proceedings in inferior courts.

Service of civil summons outside area of jurisdiction of division by which it was issued.

25. (1) A civil summons issued out of the court of any division may, subject to the provisions of this Act, be served in any part of the Union which is outside the jurisdiction of that court, upon a defendant who resides or is for the time being within the Union and is, in respect of the proceedings in which the summons is issued, subject to the jurisdiction of that court.

- (2) (a) Whenever a plaintiff desires that a civil summons issued as aforesaid shall be served as aforesaid on such a defendant, such plaintiff shall in addition to



any other endorsement or notice required by law or rule or order of court endorse upon the summons the words—

“This..... is to be served upon..... in the manner prescribed by law (or rule of court or order of court) in the area of jurisdiction of the ..... Court.”

- (b) If by law or rule or order of court an appearance is required to be entered to any such summons, the plaintiff concerned shall further endorse thereon the words—

“Your appearance to this..... must give an address (not being a post office box or post restante) within..... miles of the court at..... whereat pleadings, notices and other documents connected with the present proceedings against you may be served.”

- (c) The registrar concerned shall fill in the appropriate words in every blank space in the endorsements aforesaid.

(3) A civil summons bearing the endorsements required by this section shall, if it is otherwise in accordance with the law or rules of court governing the court out of which the summons was issued, be effectively served when it has been served by the deputy sheriff at the place where the service is required, who shall in the service of the summons be governed by the law or rules of court in force at the place where the summons is to be served.

(4) The service of a civil summons in accordance with this section shall have the same effect as if the summons had been served upon the defendant within the jurisdiction of the court out of which it was issued.

Execution of process of provincial or local division in areas of other divisions.

26. The registrar of a provincial or local division shall, if thereto requested by any party in whose favour a judgment or order has been given or made by any other provincial or local division, and subject to the deposit with him of the original or a certified copy of such judgment or order, and upon proof by affidavit by that party or his duly authorized agent that the same remains unsatisfied, issue a writ or other process for the execution of such judgment or order, and thereupon such writ or other process shall be executed in like manner as if it had been issued on a judgment or order of the division of which he is registrar.

Time allowed for appearance.

27. The time allowed for entering an appearance to a civil summons served in accordance with the provisions of section *twenty-five* shall be not less than—

- (a) twenty-one days if the summons is to be served at a place more than one hundred miles from the court out of which it was issued; and  
(b) fourteen days in any other case.

Prohibition on attachment to found jurisdiction or arrest where defendant resides within the Union.

28. (1) No attachment of person or property to found jurisdiction shall be ordered by a court of any division against a person who is resident in the Union.

(2) No writ shall be issued out of any such court in or in connection with civil proceedings instituted or to be instituted for the arrest of a person residing within the Union to secure his appearance as a defendant in those proceedings, by reason only that such person has departed or is about to depart to a place outside the jurisdiction of that court but within the Union.

Circumstances in which security for costs shall not be required.

29. When a person residing within the Union is a plaintiff in civil proceedings in the court of any division, the area of jurisdiction whereof does not extend to the place where he resides, he shall not by reason only of that fact be required to give security for costs in those proceedings.

Manner of securing attendance of witnesses in civil proceedings and penalties for non-attendance.

30. (1) A party to civil proceedings before the court of any division in which the attendance of witnesses is required may procure the attendance of any witness in the manner provided for in the rules of court.

(2) Whenever any person subpoenaed to attend any civil proceedings as a witness fails without reasonable excuse to obey the subpoena and it appears from the return of the proper officer or from evidence given under oath that the subpoena was served upon the person to whom it is directed and that his reasonable expenses calculated in accordance with the tariff framed under sub-section (1) of section *forty-two* have

been paid or offered to him, or that he is evading service, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the court in which the said proceedings are conducted, may issue a warrant directing that he be arrested and brought before the court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder before the court which issued it or in any gaol or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his presence as a witness at the said proceedings: Provided that the court may release him on a recognizance with or without sureties for his appearance to give evidence as required and for his appearance at the enquiry referred to in sub-section (4).

(4) The court may in a summary manner enquire into such person's evasion of the service of the subpoena or failure to obey the subpoena or to remain in attendance, and may, unless it is proved that such person has a reasonable excuse for such evasion or failure, sentence him to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

(5) Any sentence imposed by the court under sub-section (4) shall be enforced and shall be subject to appeal as if it were a sentence imposed in a criminal case.

(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings or for his appearance at an enquiry referred to in sub-section (4) fails so to appear, he may, apart from the forfeiture of his recognizance, be dealt with as if he had failed to obey a subpoena to attend such proceedings or appear at such enquiry.

Manner in which witness may be dealt with on refusal to give evidence or produce documents.

31. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under section thirty or is present and is verbally required by the court to give evidence in any civil proceedings, refuses to be sworn or to make an affirmation, or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him, or refuses or fails to produce any document or thing which he is required to produce, without any just excuse for such refusal or failure, the court may adjourn the proceedings for any period not exceeding eight days and may, in the meantime, by warrant commit the person so refusing or failing to gaol unless he sooner consents to do what is required of him.

(2) If any person referred to in sub-section (1) again refuses at the resumed hearing of the proceedings to do what is so required of him, the court may again adjourn the proceedings and commit him for a like period and so again from time to time until such person consents to do what is required of him.

(3) Nothing in this section contained shall prevent the court from giving judgment in any case or otherwise disposing of the proceedings according to any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any civil proceedings, and it appears—

(a) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(b) that such book, paper or document could properly be produced by some other person; or

(c) that the compelling of his attendance would be an abuse of the process of the court,

the court may, notwithstanding anything in this section contained, after reasonable notice by the registrar to the party who sued out the subpoena and after hearing that party in chambers if he appears, make an order cancelling such subpoena.

Examination by interrogatories of persons whose evidence is required in civil cases.

32. (1) The court of a provincial or local division may in connection with any civil proceedings pending before it, order that the evidence of a person who resides or is for the time being outside the area of jurisdiction of that court be taken by means of interrogatories.

(2) Whenever an order is made under sub-section (1), the registrar of the court shall certify that fact and transmit a copy of his certificate to a commissioner of the court, together with any interrogatories duly and lawfully framed which it is desired to put to the said person and the fees and the amount of the expenses payable to the said person for his appearance as hereinafter provided.

(3) Upon receipt of the certificate, interrogatories and amounts aforesaid, the commissioner shall summon the said person to appear before him, and upon his appearance shall take his evidence as if he were a witness in a civil case in the said court, and shall put to him the interrogatories aforesaid with any other questions calculated to obtain full and true answers to the said interrogatories and shall take down or cause to be taken down the evidence so obtained, and shall transmit the same, certified as correct, to the registrar of the court wherein the civil proceedings in question are pending.

(4) The commissioner shall further transmit to the said registrar a certificate showing the amount paid to the person concerned in respect of the expenses of his appearance, and the cost of the issue and service of the process for summoning such person before him.

(5) Any person summoned to appear as in this section provided who without reasonable excuse fails to appear at the time and place mentioned in the summons, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

(6) Any interrogatories taken and certified under the provisions of this section shall, subject to all lawful exceptions, be received as evidence in the civil proceedings aforesaid.

Manner of dealing with commissions rogatoire, letters of request and documents for service originating from foreign countries.

33. (1) Whenever a commission rogatoire or letter of request received from any State or territory or court outside the Union, is transmitted to the registrar of a provincial or local division by the Secretary for Justice, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto without requiring an application to be made to such division by the agents, if any, of the parties to the action or matter, the registrar shall submit the same to a judge in chambers in order to give effect to such commission rogatoire or letter of request.

(2) Whenever a request for the service on a person in the Union of any civil process or citation received from a State, territory or court outside the Union, is transmitted to the registrar of a provincial or local division by the Secretary for Justice, together with a translation in English or Afrikaans if the original is in any other language, and an intimation that the Minister considers it desirable that effect should be given thereto, the registrar shall cause service of the said process or citation to be effected in accordance with the rules of court by the sheriff or a deputy-sheriff or any person specially appointed thereto by a judge of the division concerned.

(3) The registrar concerned shall, after effect has been given to any such commission rogatoire, letter of request, process or citation, return all relevant documents, duly verified in accordance with the rules of court, to the Secretary for Justice for transmission.

(4) Except where the Minister otherwise directs, no fees other than disbursements shall be recovered from any State, territory or court on whose behalf any service such as is referred to in this section has been performed.

Appointment of officers of the Supreme Court.

34. (1) (a) The Minister may, subject to the laws governing the public service, appoint for the Supreme Court registrars, assistant registrars, sheriffs, additional sheriffs, deputy-sheriffs and other officers whenever they may be required for the administration of justice or the execution of the powers and authorities of the said court: Provided that if the duties to be performed by any deputy-sheriff are in the opinion of the Public Service Commission insufficient to keep at least one person fully occupied throughout



the year, and no officer in the public service is in the opinion of the said Commission able to perform the duties of such deputy-sheriff in addition to his other duties, or if in the opinion of the Minister the duties of such deputy-sheriff can be performed satisfactorily and at less cost to the State by a person who is not an officer in the public service, the Minister may appoint any person as such deputy-sheriff at such remuneration and on such conditions as the Minister may determine.

- (b) Whenever by reason of absence or incapacity a registrar, assistant registrar or sheriff is unable to carry out the functions of his office, or his office becomes vacant, the Minister may authorize any other competent officer of the public service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any such vacancy has remained unfilled for a continuous period exceeding six months the fact shall be reported to the Public Service Commission.
- (c) An additional sheriff may, subject to the directions of the sheriff, exercise all the powers and perform all the functions and duties of the sheriff.

(2) Any officer in the public service appointed under sub-section (1) may hold simultaneously more than one of the offices mentioned in that sub-section.

(3) A deputy-sheriff who is not an officer in the public service may with the approval of the Minister appoint one or more assistants for whom he shall be responsible and any such assistant may subject to the directions of the deputy-sheriff exercise any of the powers and perform any of the functions or duties of such deputy-sheriff.

(4) Any person appointed as an assistant to a deputy-sheriff who is an officer in the public service may, subject to the directions of such deputy-sheriff, exercise any of the powers and perform any of the functions or duties of that deputy-sheriff.

(5) A deputy-sheriff who is not an officer of the public service shall as soon as possible after his appointment furnish security to the satisfaction of the sheriff for the due and faithful performance of his functions, and if he fails or neglects to furnish such security within a period fixed by the sheriff, his appointment shall lapse at the expiration of the said period.

(6) Whenever in any matter objection is made to the service or execution of process by the sheriff or a deputy-sheriff by reason of the interest of such sheriff or deputy-sheriff in such matter or of the relationship of such sheriff or deputy-sheriff to a party to such matter or of any other good cause of challenge, or whenever by reason of illness or absence or for any other reason it is necessary to appoint any person to perform temporarily any of the duties of a deputy-sheriff, the Minister may appoint an acting deputy-sheriff.

(7) The Minister may delegate to the Secretary or Under-Secretary or any Assistant Secretary for Justice any of the powers vested in him by this section and to the sheriff the power vested in him for the appointment of acting deputy-sheriffs.

#### Suspension of deputy-sheriffs.

35. (1) A deputy-sheriff who is alleged to have been negligent or dilatory in the service or execution of process or wilfully to have demanded payment of more than the prescribed fees or expenses or to have made a false return or in any other manner to have misconducted himself in connection with his duties, may pending investigation be suspended from office and profit by the sheriff who may appoint a person to act in his place during the period of suspension.

(2) The sheriff shall forthwith report to the Secretary for Justice for the information of the Minister any action which he has taken under this section, and the Minister may after investigation set aside the suspension or may confirm it and may if he deems fit dismiss from his office the deputy-sheriff who has been so suspended.

#### Execution of process.

36. (1) The sheriff or the deputy-sheriff concerned or his assistant shall execute all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and processes

of the court directed to the sheriff and make return of the manner of execution thereof to the court and to the party at whose instance they were issued.

(2) The return of the sheriff or a deputy-sheriff or his assistant of what has been done upon any process of the court, shall be *prima facie* evidence of the matters therein stated.

(3) The sheriff shall receive and cause to be detained all persons arrested by order of the court or committed to his custody by competent authority.

(4) A refusal by the sheriff or any deputy-sheriff to do any act which he is by law empowered to do, shall be subject to review by the court on application *ex parte* or on notice as the circumstances may require.

**Liability of State  
for acts of sheriff.**

37. (1) The State shall be liable for any loss or damage resulting from any wrongful act performed by a sheriff or deputy-sheriff who is an officer of the public service or an assistant of such deputy-sheriff within the scope of his employment as such sheriff or deputy-sheriff or assistant or from any neglect of duty of such sheriff or deputy-sheriff or assistant.

(2) The sheriff or a deputy-sheriff or his assistant shall not be liable for damage arising out of the rescue or escape of any person arrested by him or committed to his custody unless such rescue or escape was effected through his negligence or connivance, but shall in the event of the rescue or escape of any such person use all lawful means for his pursuit, apprehension and safe custody.

(3) No proceedings shall be brought against the Minister or the sheriff or any deputy-sheriff or his assistant for anything done or omitted to be done in the execution of his office unless commenced within six months after the act was committed or the omission occurred.

**Service of process  
on sheriffs or  
deputy-sheriffs.**

38. (1) Whenever any process requires to be served on the sheriff, such process may be served by the other party by delivering a copy thereof to him at his office during ordinary office hours against his signature.

(2) Whenever any process requires to be served on a deputy-sheriff, the said process may, if the deputy-sheriff resides in the same district as the sheriff, be served by the sheriff, and in every other case by the messenger of the magistrate's court: Provided that if the messenger is himself the deputy-sheriff to be so served, the said process may be served by any person specially appointed by the sheriff for that purpose.

**Property not liable  
to be seized in  
execution.**

39. The sheriff or a deputy-sheriff shall not seize in execution of any process—

- (a) the necessary beds and bedding and wearing apparel of the person against whom execution is levied or any member of his family;
- (b) the necessary furniture, other than beds, and household utensils in so far as they do not exceed in value the sum of two hundred pounds;
- (c) stock, tools and agricultural implements of a farmer in so far as they do not exceed in value the sum of two hundred pounds;
- (d) any food or drink sufficient to meet the needs of such person and the members of his family for one month;
- (e) tools and implements of trade in so far as they do not exceed in value the sum of two hundred pounds;
- (f) professional books, documents or instruments necessarily used by the debtor in his profession in so far as they do not exceed in value the sum of two hundred pounds; or
- (g) such arms and ammunition as the debtor is in terms of any law, regulation or disciplinary order required to have in his possession as part of his equipment:

Provided that the court may in exceptional circumstances and on such conditions as it may determine, increase the amount specified in paragraph (b), (c), (e) or (f) to not more than double the amount therein mentioned.

**Offences relating  
to execution.**

40. Any person who—

- (a) obstructs a sheriff or deputy-sheriff or his assistant in the execution of his duty;

- (b) being aware that goods are under arrest, interdict or attachment by the court makes away with or disposes of those goods in a manner not authorized by law, or knowingly permits those goods if in his possession or under his control, to be made away with or disposed of in such a manner;
- (c) being a judgment debtor and being required by a sheriff or deputy-sheriff or his assistant to point out property to satisfy a warrant issued in execution of judgment against such person—
  - (i) falsely declares to that sheriff or deputy-sheriff or his assistant that he possesses no property or insufficient property to satisfy the warrant; or
  - (ii) although knowing of such property neglects or refuses to point out such property or to deliver it to the sheriff or deputy-sheriff or his assistant when requested to do so; or
- (d) being a judgment debtor refuses or neglects to comply with any requirement of a sheriff or deputy-sheriff or his assistant in regard to the delivery of documents in his possession or under his control relating to the title of the immovable property under execution,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding three months or to such imprisonment without the option of a fine.

Transmission of summonses, writs and other process and of notice of issue thereof by telegraph.

#### 41. In any civil proceeding—

- (a) any summons, writ, warrant, rule, order, notice, document or other process of the court or communication which by any law, rule of court or agreement of parties is required or directed to be served or executed upon any person, or left at the house or place of abode or business of any person, in order that such person may be affected thereby, may be transmitted by telegraph, and a telegraphic copy served or executed upon such person, or left at his house or place of abode or business, shall be of the same force and effect as if the original had been shown to or a copy thereof served or executed upon such person, or left as aforesaid, as the case may be; and
- (b) a telegram from any judicial or police officer, registrar, assistant registrar, sheriff, deputy-sheriff or clerk of the court stating that a warrant or writ has been issued for the apprehension or arrest of any person required to appear in or to answer any civil suit, action or proceeding, shall be a sufficient authority to any officer by law authorized to execute any such warrant or writ for the arrest and detention of such person until a sufficient time, not exceeding fourteen days, has elapsed to allow of the transmission of the warrant or writ to the place where such person has been arrested or detained, unless the discharge of such person be previously ordered by a judge of the Supreme Court: Provided that any such judge may upon cause shown order the further detention of any such person for a period to be stated in such order, but not exceeding twenty-eight days from the date of the arrest of such person.

Minister may prescribe tariff of witness fees.

#### 42. (1) (a) The Minister may in consultation with the Minister of Finance from time to time frame a tariff of allowances which shall be paid to a witness in a civil case.

- (b) Any such tariff may differentiate between persons according to the distances which they have to travel to attend the court to which they are summoned or subpoenaed or according to their professions, callings or occupations or between different classes of persons.

(2) Any tariff or amendment thereof framed under subsection (1) shall be notified in the *Gazette* and shall be operative from a date likewise notified.

(3) Any tariff which is operative at the commencement of this Act shall be deemed to have been framed under the provisions of this Act.



## Rules of court.

43. (1) The Chief Justice and the judges of appeal may, subject to the approval of the Governor-General, make rules for regulating the conduct of the proceedings of the appellate division.

(2) (a) The Chief Justice and the judges president of the several divisions may, subject to the approval of the Governor-General, make rules for regulating the conduct of the proceedings of the various provincial and local divisions.

(b) For the purposes of this sub-section the senior judge of the Griqualand West local division shall, so long as a judge president has not been appointed to that division, be deemed to be the judge president thereof.

(3) Any such rules may prescribe—

(a) the times for the holding of courts;

(b) the process of the courts;

(c) the time and manner of appeal to any such division;

(d) the practice and procedure in connection with the service of any summons, pleading, subpoena or other document or in connection with the issue of interrogatories or the execution of any writ or warrant;

(e) the appointment of commissioners to take evidence and examine witnesses;

(f) the manner in which documents executed outside the Union may be authenticated to enable them to be produced or used in any court or produced or lodged in any public office in the Union;

(g) the proceedings of the sheriff and other officers of the court;

(h) the fees to be paid in respect of the service or execution of any process of the court (except subpoenas or warrants issued in criminal matters at the request of the Crown) or in respect of the summoning of persons to answer interrogatories;

(i) the tariff of costs and expenses which may be allowed in respect of service or execution of any process referred to in paragraph (h) or to persons appearing to answer interrogatories;

(j) the manner of determining the amount of security to be given in any case where security is required to be given and the form and manner in which such security may be given;

(k) the hours during which the office of a registrar shall be open for the transaction of business;

(l) the manner of recording or noting of evidence and of the proceedings in any court;

(m) the tariff of fees chargeable by advocates, attorneys and notaries;

(n) the taxation of bills of costs and the recovery of costs; and

(o) generally any matter which in the opinion of the Governor-General is necessary to be prescribed in order to ensure the proper despatch and conduct of the business of the court.

(4) Different rules may be made in respect of different divisions.

(5) Any rules made under any law repealed by this Act and in force at the commencement thereof, shall, subject to the provisions of this Act, and notwithstanding the repeal of that law by section *forty-six* of this Act, remain in full force and effect until amended or repealed under this section.

## Existing divisions and courts.

44. The appellate division and the several provincial and local divisions of the Supreme Court of South Africa, as existing immediately before the commencement of this Act, shall remain in existence as the corresponding divisions referred to in the First Schedule, the High Court of South-West Africa shall remain in existence under the name of the South-West Africa division of the Supreme Court of South Africa, and any circuit local division established under any law repealed by this Act and in existence immediately before such commencement shall be deemed to have been duly established under this Act.

## Application of Act to South-West Africa.

45. (1) This Act and any amendment thereof shall apply also to the territory of South-West Africa.

(2) Any reference in any law to the High Court of South-West Africa shall be construed as a reference to the South-West Africa division of the Supreme Court of South Africa.

(3) All expenditure incurred in connection with the South-West Africa division of the Supreme Court shall be paid out of the territory revenue fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925).

**Repeal of laws.**

46. (1) Subject to the provisions of section *forty-four* and sub-sections (2) and (3) of this section, the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the fourth 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 security given or 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 to apply as if that law had not been repealed.

(3) 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.

**Short title and date of commencement.**

47. This Act shall be called the Supreme Court Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

**First Schedule.**

**PROVINCIAL AND LOCAL DIVISIONS OF THE SUPREME COURT OF SOUTH AFRICA AND THEIR AREAS OF JURISDICTION.**

Name of Division.	Seat of Court.	Area of Jurisdiction.
Appellate Division of the Supreme Court of South Africa.	Bloemfontein.	The Union.
Cape of Good Hope Provincial Division of the Supreme Court of South Africa.	Cape Town.	The province of the Cape of Good Hope excluding that portion over which the Eastern Cape Division exercises jurisdiction.
Eastern Cape Division of the Supreme Court of South Africa.	Grahamstown.	That portion of the province of the Cape of Good Hope eastward of and including the magisterial districts of Humansdorp, Steytlerville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover and Colesberg.
Natal Provincial Division of the Supreme Court of South Africa.	Pietermaritzburg.	The province of Natal.
Orange Free State Provincial Division of the Supreme Court of South Africa.	Bloemfontein.	The province of the Orange Free State.
Transvaal Provincial Division of the Supreme Court of South Africa.	Pretoria.	The province of the Transvaal.
South-West Africa Division of the Supreme Court of South Africa.	Windhoek.	The territory of South-West Africa and the port and settlement of Walvis Bay, but excluding the area referred to in section <i>three</i> of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).
Durban and Coast Local Division of the Supreme Court of South Africa.	Durban.	The magisterial districts of Alfred, Port Shepstone, Umzinto, Umlazi, Durban, Pinetown, Inanda, Ndwedwe, Mapumulo, Lower Tugela, Mtunzini, Eshowe, Nkandhla, Entonjaneni, Lower Umfolozi, Mahlabatini, Hlabisa, Nongoma, Ubombo and Ingwavuma.
Griqualand West Local Division of the Supreme Court of South Africa.	Kimberley.	The magisterial districts of Barkly West, Britstown, De Aar, Gordonias, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taungs, Vryburg and Warrenton.

Name of Division.	Seat of Court.	Area of Jurisdiction.
Witwatersrand Local Division of the Supreme Court of South Africa.	Johannesburg.	<p><i>In civil matters:</i> The magisterial districts of Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Randfontein, Roodepoort and Springs.</p> <p><i>In criminal matters:</i> The magisterial districts of Boksburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein and Roodepoort.</p>

## Second Schedule.

## LAWS REPEALED.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
Cape	Ordinance No. 37 of 1828.	Ordinance for declaring and regulating the duty of the Sheriff.	The whole.
	Ordinance No. 40 of 1828.	Ordinance for regulating the manner of proceeding in criminal cases.	The whole.
	1832.. ..	Charter of Justice, 1832 ..	The whole, except so much as relates to admission to and the right to practise before the courts.
	Ordinance No. 3 of 1844.	Ordinance for amending the law relating to the rights of execution creditors.	The whole.
	Act No. 8 of 1879 ..	General Law Amendment Act, 1879.	Section <i>six</i> .
	Act No. 17 of 1886..	Appeal Court and Sheriff's Duties Act, 1886.	The whole.
	Act No. 13 of 1896..	Sheriff's Appointment Act, 1896.	The whole.
	Act No. 35 of 1896..	To consolidate and amend the law for the better administration of justice.	The whole.
	Act No. 22 of 1898..	Supreme Court Extended Appellate Jurisdiction Act, 1898.	The whole.
	Act No. 35 of 1904..	Better Administration of Justice Act, 1904.	The whole.
	Act No. 9 of 1905 ..	Better Administration of Justice Amendment Act, 1905.	The whole.
Natal	Ordinance No. 21 of 1846.	Ordinance for amending the law relating to the rights of execution creditors in the district of Natal.	The whole.
	Ordinance No. 11 of 1847.	Ordinance for amending the Ordinance No. 14 of 1845, entitled "ordinance for erecting a district court in and for the district of Natal."	The whole.
	Law 17 of 1888 ..	To extend the advantages of the electric telegraph.	The whole.
	Act No. 35 of 1895..	To increase the number of Judges of the Supreme Court.	The whole.
	Act No. 39 of 1896..	The Supreme Court Act, 1896 ..	The whole, except section <i>twenty-one</i> and so much as relates to admission to and the right to practise before the courts.
	Act No. 37 of 1897..	To provide for the annexation to the colony of Natal of the territory of Zululand.	The whole.
	Act No. 17 of 1898..	Consolidation Laws (Zululand) Act, 1898.	Section <i>seven</i> .
	Act No. 46 of 1898..	Supreme Court (Zululand) Act, 1898.	The whole.



Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
	Act No. 31 of 1899..	To amend the Supreme Court Act, 1896.	The whole.
	Act No. 14 of 1900..	To make provision for the better and more speedy trial of persons accused of treason, and for the appointment of acting judges of the Supreme Court.	The whole.
	Act No. 34 of 1901..	To amend the Supreme Court Act, 1896.	The whole.
	Act No. 25 of 1904..	To increase the salaries of the Chief Justice and other judges of the Supreme Court.	The whole.
	Act No. 38 of 1904..	To amend the Acts relating to the Supreme Court.	The whole.
	Act No. 21 of 1905..	To amend the Supreme Court Act, 1896, in relation to the Office of Sheriff.	The whole.
	Act No. 8 of 1908 ..	To make special provision for the trial of Natives accused of certain crimes.	The whole.
	Act No. 12 of 1910..	To amend Acts Nos. 25 and 38 of 1904, relating to the judges of the Supreme Court.	The whole.
Orange Free State	Ordinance No. 4 of 1902.	Administration of Justice Ordinance, 1902.	The whole, except so much as relates to admission to and the right to practise before the courts.
	Ordinance No. 5 of 1902.	General Law Amendment Ordinance, 1902.	The whole except sections <i>five</i> and <i>six</i> .
	Ordinance No. 9 of 1902.	Sheriff's Ordinance, 1902 ..	The whole.
	Ordinance No. 43 of 1903.	Judges' Pension Ordinance, 1903.	The whole.
	Ordinance No. 13 of 1904.	Administration of Justice Amending Ordinance, 1904.	The whole.
Transvaal	Proclamation No. 6 of 1901.	—	The whole.
	Ordinance No. 2 of 1902.	Establishment of the Supreme Court and High Court Ordinance, 1902.	The whole.
	Ordinance No. 9 of 1902.	To amend Law 12 of 1899 ..	The whole.
	Proclamation No. 14 of 1902.	Administration of Justice Proclamation, 1902.	The whole, except section <i>seventeen</i> and so much as relates to admission to and the right to practise before the courts.
	Proclamation No. 17 of 1902.	Sheriff's Proclamation, 1902 ..	The whole.
	Proclamation No. 19 of 1902.	To amend Proclamation No. 6 of 1901.	The whole.
	Ordinance No. 10 of 1903.	Superior Courts Criminal Jurisdiction Ordinance, 1903.	The whole.
	Ordinance No. 35 of 1903.	Judges' Pension Ordinance, 1903.	The whole.
	Ordinance No. 22 of 1904.	Supreme Court Appellate Jurisdiction Extension (Repealing) Ordinance, 1904.	The whole.
	Ordinance No. 31 of 1904.	Administration of Justice Amendment Ordinance, 1904.	The whole.
	Ordinance No. 1 of 1905.	Circuit Courts Procedure Ordinance, 1905.	The whole.
	1906.. ..	Transvaal Constitution Letters Patent, 1906.	Paragraph XLVII.

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
South-West Africa	Act No. 14 of 1909..	Superior Courts Criminal Jurisdiction Amendment Act, 1909	The whole.
	Proclamation No. 21 of 1919.	Administration of Justice Proclamation, 1919.	Section <i>three</i> , except sub-section (6), the last sentence of sub-section (9) and sub-section (10) thereof, and sections <i>four</i> to <i>six</i> , inclusive, except sub-section (1) of section <i>six</i> .
	Proclamation No. 1 of 1920.	Rules of Court Proclamation, 1920.	Section <i>one</i> .
	Proclamation No. 38 of 1920.	Further Administration of Justice Proclamation, 1920.	Sections <i>two</i> to <i>six</i> , inclusive, <i>eight</i> , <i>nine</i> and <i>twelve</i> .
	Proclamation No. 55 of 1920.	Appellate Division Jurisdiction Proclamation, 1920.	The whole.
	Proclamation No. 8 of 1938.	Procedure and Evidence Proclamation, 1938.	Section <i>four</i> .
	Proclamation No. 18 of 1949.	Administration of Justice Amendment Proclamation, 1949.	Paragraphs (b) and (c) of section <i>one</i> and section <i>two</i> .
Union	Ordinance No. 6 of 1955.	Administration of Justice Proclamation Amendment Ordinance, 1955.	Section <i>one</i> .
		South Africa Act, 1909.. ..	Part VI, except section <i>one hundred and fifteen</i> .
	Act No. 1 of 1911 ..	Appellate Division Further Jurisdiction Act, 1911.	The whole.
	Act No. 27 of 1912..	Administration of Justice Act, 1912.	The whole except section <i>twenty-eight</i> .
	Act No. 10 of 1917..	Cape Superior Courts Further Jurisdiction Act, 1917.	The whole.
	Act No. 12 of 1920..	Appellate Division Act, 1920 ..	The whole.
	Act No. 24 of 1922..	South-West Africa Affairs Act, 1922.	Sub-section (1) of section <i>five</i> and sections <i>eight</i> and <i>nine</i> .
	Act No. 2 of 1924 ..	Water Court Judge Act, 1924 ..	The whole.
	Act No. 11 of 1927..	Administration of Justice (Further Amendment) Act, 1927.	The whole.
	Act No. 18 of 1931..	Rhodesia Appeals Act, 1931 ..	The whole.
	Act No. 21 of 1934..	Orange Free State Administration of Justice Amendment Act, 1934.	The whole.
	Act No. 28 of 1934..	Eastern Districts Local Division Constitution Act, 1934.	The whole.
	Act No. 46 of 1935..	General Law Amendment Act, 1935.	Sections <i>one hundred and two</i> and <i>one hundred and four</i> to <i>one hundred and nine</i> , inclusive.
	Act No. 41 of 1941..	Judges Act, 1941 .. ..	Sections <i>one</i> and <i>three</i> .
	Act No. 3 of 1947 ..	Cape Supreme Court Constitution Amendment Act, 1947.	The whole.
	Act No. 37 of 1948..	Criminal Procedure Amendment Act, 1948.	The whole.
	Act No. 54 of 1949..	General Law Amendment Act, 1949.	Sections <i>one</i> , <i>six</i> , <i>seven</i> and <i>eight</i> .
	Act No. 16 of 1950..	Privy Council Appeals Act, 1950.	The whole.
	Act No. 32 of 1952..	General Law Amendment Act, 1952.	Sections <i>three</i> , <i>four</i> and <i>twenty-three</i> .
	Act No. 62 of 1955..	General Law Amendment Act, 1955.	Sections <i>one</i> to <i>seven</i> , inclusive, and <i>twenty-seven</i> .

Province or Union.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
	Act No. 50 of 1956..	General Law Amendment Act, 1956.	Sections <i>seven</i> and <i>eight</i> .
	Act No. 68 of 1957..	General Law Amendment Act, 1957.	Sections <i>two</i> to <i>four</i> , inclusive, <i>nine</i> to <i>fourteen</i> , inclusive, and <i>forty-one</i> .
	Act No. 1 of 1959 ..	Appellate Division Quorum Act, 1959.	The whole.