

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.

EXTRAORDINARY



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THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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[No. 829

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 914.]

[24th June, 1964.

No. 914.]

[24 Junie 1964.

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

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

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No. 80, 1964]

ACT

To amend the Slums Act, 1934, the National Roads Act, 1935, the Arms and Ammunition Act, 1937, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Commissions Act, 1947, the Population Registration Act, 1950, the Suppression of Communism Act, 1950, the Patents Act, 1952, the Wills Act, 1953, the Criminal Procedure Act, 1955, the General Law Amendment Act, 1955, the Group Areas Development Act, 1955, the General Law Amendment Act, 1956, the Group Areas Act, 1957, the Prevention of Corruption Act, 1958, the Prisons Act, 1959, the Stock Theft Act, 1959, the Supreme Court Act, 1959, and the Justices of the Peace and Commissioners of Oaths Act, 1963.

(Afrikaans text signed by the State President.)
(Assented to 20th June, 1964.)

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

1. Section *three bis* of the Slums Act, 1934, is hereby amended—
 - (a) by the substitution in paragraph (a) of sub-section (2) for the expression „paragraph (b)” of the expression “paragraphs (b) and (c)”; Amendment of section 3bis of Act 53 of 1934, as inserted by section 3 of Act 55 of 1963.
 - (b) by the addition to paragraph (b) of sub-section (2) of the words “and may from time to time so appoint any such magistrate as acting chairman to perform the functions and duties of a chairman referred to in this paragraph during his absence or illness or whenever for any reason he is unable to perform his functions and duties or while the appointment of any such chairman is pending”;
 - (c) by the addition to sub-section (2) of the following paragraph:

“(c) The Minister may appoint not more than two persons as alternate members of a Slum Clearance Court, and an alternate member so appointed may, at the request of the chairman, act in the place of a member of the said court in his absence, upon payment of the same remuneration and allowances as that to which the absent member is entitled.”

2. (1) Section *ten bis* of the National Roads Act, 1935, is hereby amended by the insertion after the word “occurred” of the words “or to be incurred”. Amendment of section 10bis of Act 42 of 1935, as inserted by section 18 of Act 67 of 1955.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1955.

3. Section *fifteen* of the Arms and Ammunition Act, 1937, is hereby amended by the addition to sub-section (3) of the words “and, except in the case of an existing arms and ammunition dealer's business, that the number of such businesses in the district are insufficient to provide for the needs of the public”. Amendment of section 15 of Act 28 of 1937.

4. (1) Section *sixteen* of the Deeds Registries Act, 1937, is hereby amended by the addition of the following proviso: Amendment of section 16 of Act 47 of 1937.

“Provided that notarial attestation shall not be necessary in respect of the conveyance of real rights acquired under a mortgage bond.”
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

5. (1) Section *ninety-one* of the Deeds Registries Act, 1937, is hereby amended by the insertion after the words "in land" of the words "except a mortgage".

Amendment of section 91 of Act 47 of 1937.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1937.

6. (1) Section *six* of the Prescription Act, 1943, is hereby amended by the insertion after paragraph (b) of sub-section (1) of the following paragraphs:

Amendment of section 6 of Act 18 of 1943, as amended by section 28 of Act 46 of 1945.

"(b)*bis* service on the debtor by a defendant to an action of a notice in terms of a rule of court joining such debtor as a party to such action;

(b)*ter* service on the debtor of a claim in reconvention;"

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

7. Section *seven* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the proviso of the following proviso:

Amendment of section 7 of Act 32 of 1944, as amended by section 23 of Act 93 of 1962.

"Provided that after—

(a) two years from the date on which the summons has lapsed in the case of civil proceedings in which the summons has lapsed; or

(b) three years from the date of passing sentence in the case of proceedings in which sentence was passed in terms of sub-section (5) of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955); or

(c) fifteen years from the date of the judgment in the case of any other proceedings,

the record of such proceedings may upon order of the Secretary for Justice be removed to a central place of custody or be destroyed or otherwise disposed of."

8. (1) The following section is hereby inserted after section *thirty* of the Magistrates' Courts Act, 1944:

Insertion of section 30*bis* in Act 32 of 1944.

"Attach-
ment to
found or
confirm
jurisdic-
tion.

30*bis*. The court may order attachment of person or property to found or confirm jurisdiction against any person who does not reside in the Republic, in respect of an action within its jurisdiction, where the claim or the value of the matter in dispute amounts to at least forty rand, exclusive of any costs in respect of the recovery thereof, and may grant an order allowing service of any process in such action to be effected in such manner as may be stated in such order."

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

9. (1) Section *fifty-one* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

Amendment of section 51 of Act 32 of 1944, as amended by section 7 of Act 19 of 1963.

"(a) If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his possession or under his control, which the party requiring his attendance desires to show in evidence; fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied upon oath or by the return of the messenger that such person has been duly subpoenaed and that his reasonable expenses, calculated in accordance with the tariff prescribed under section *fifty-one bis*, have been paid or offered to him, impose upon the said person a fine not exceeding fifty rand, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court."

(2) Sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

10. The following section is hereby inserted after section *fifty-one* of the Magistrates' Courts Act, 1944:

Insertion of section 51*bis* in Act 32 of 1944.

"Witness
fees.

51*bis*. (1) The Minister may in consultation with the Minister of Finance from time to time by notice in the *Gazette* prescribe a tariff of allowances

which shall be paid to a witness in civil proceedings or to any person necessarily required to accompany any such witness on account of his youth or infirmity due to old age or any other infirmity.

(2) Such notice 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, and may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs so prescribed may cause undue hardship, to order payment of allowances in accordance with a higher tariff than the tariff so prescribed.

(3) Notwithstanding anything to the contrary in any law contained, the court may order that no allowances or only a portion of the allowances prescribed shall be paid to any witness."

11. The following section is hereby inserted after section *seventy-five* of the Magistrates' Courts Act, 1944:

75bis. Notwithstanding anything to the contrary in any law contained, the court may, on the application of any interested party, review and confirm, modify or settle the conditions of sale in respect of any immovable property to be sold in execution of any judgment of any division of the Supreme Court of South Africa."

Insertion of section 75bis in Act 32 of 1944.

12. Section *ninety-three* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) If upon conviction of an accused person after summary trial it is brought to the notice of the presiding judicial officer before sentence is passed, that the accused has previous convictions which in the opinion of that officer, would justify a sentence in excess of his jurisdiction he may set aside his finding and shall in such event also set aside his finding in respect of any other accused person who has been convicted after being tried jointly with such first-mentioned accused person, and the proceedings shall thereupon be deemed to have been a preparatory examination, unless, in the case of a trial by a court which is not the court of a regional division, the presiding judicial officer on the application of the public prosecutor, directs that the case be tried afresh by the court of a regional division."

Amendment of section 93 of Act 32 of 1944 as amended by section 22 of Act 40 of 1952 and section 24 of Act 62 of 1955.

13. Section *one* of the Commissions Act, 1947, is hereby amended—

(a) by the substitution for all the words after the word "*Gazette*" of the following paragraphs:

"(a) declare the provisions of this Act or any other law to be applicable with reference to such commission, subject to such modifications and exceptions as he may specify in such proclamation; and

(b) make regulations with reference to such commission, conferring additional powers on the commission and providing for the manner of holding or the procedure to be followed at the investigation or for the preservation of secrecy and generally for all matters which he considers it necessary or expedient to prescribe for the purposes of the investigation."

(b) by the addition of the following sub-section the existing section becoming sub-section (1):

"(2) Any regulation made under sub-section (1) may provide for penalties by way of a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months for any contravention thereof or failure to comply therewith."

Amendment of section 1 of Act 8 of 1947.

14. (1) Section *ten* of the Suppression of Communism Act, 1950, is hereby amended—
- (a) by the substitution in paragraph (a)ter of sub-section (1) for the expression "1964" of the expression "1965";
 - (b) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:
 - "(c) While any notice issued under paragraph (a) or paragraph (a) read with paragraph (a)bis is in force, the period of the prohibition in question specified in such notice may be extended by a notice under the hand of the Minister addressed and delivered or tendered to the person concerned."
- (2) Sub-section (1) shall be deemed to have come into operation on the second day of May, 1963.
15. Section *eleven* of the Suppression of Communism Act, 1950, is hereby amended by the substitution in paragraph (b)ter for the words "undergone any training outside the Republic or obtained any information from a source outside the Republic" of the words "and in the Republic or elsewhere, undergone, or attempted, consented or taken any steps to undergo, or incited, instigated, commanded, aided, advised, encouraged or procured any other person to undergo any training, or obtained any information" and the insertion in the said paragraph after the word "undergo" of the words "or attempt, consent or take any steps to undergo, or incite, instigate, command, aid, advise encourage or procure such other person to undergo,".
16. Section *one* of the Patents Act, 1952, is hereby amended by the substitution in the definition of "commissioner" for the word "appointed" of the word "designated".
17. The following section is hereby substituted for section *four* of the Patents Act, 1952:
- "Designation of commissioner of patents. 4. The Judge President of the Transvaal Provincial Division of the Supreme Court of South Africa shall from time to time designate a judge or acting judge of that Division as commissioner of patents to exercise the powers and perform the functions assigned to the commissioner by this Act."
18. Section *sixty-four* of the Patents Act, 1952, is hereby amended by the substitution for the word "commissioner" wherever it occurs in sub-section (1), paragraph (b) of sub-section (3) and sub-section (4) of the word "registrar".
19. Section *eighty-one* of the Patents Act, 1952, is hereby repealed.
20. Section *two* of the Wills Act, 1953, is hereby amended—
- (a) by the substitution in sub-paragraph (iv) of paragraph (a) of sub-section (1) for the word "is" of the words "other than the page on which it ends, is also" and the insertion in the said sub-paragraph after the word "witnesses" of the words "anywhere on the page";
 - (b) by the substitution for sub-paragraph (v) of the said paragraph (a) of the following sub-paragraph:
 - "(v) if the will is signed by the testator by the making of a mark or by some other person in the presence and by the direction of the testator, a magistrate, justice of the peace, commissioner of oaths or notary public certifies at the end thereof that he has satisfied himself as to the identity of the testator and that the will so signed is the will of the testator, and if the will consists of more than one page, each page other than the page on which it ends, is also signed, anywhere on the page, by the magistrate, justice of the peace, commissioner of oaths, or notary public who so certifies;"

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962 and section 4 of Act 37 of 1963.

Amendment of section 11 of Act 44 of 1950, as amended by section 8 of Act 15 of 1954, section 10 of Act 76 of 1962 and section 5 of Act 37 of 1963.

Amendment of section 1 of Act 37 of 1952, as amended by section 1 of Act 28 of 1953, section 1 of Act 50 of 1960 and section 28 of Act 22 of 1964.

Substitution of section 4 of Act 37 of 1952.

Amendment of section 64 of Act 37 of 1952.

Repeal of section 81 of Act 37 of 1952.

Amendment of section 2 of Act 7 of 1953, as amended by section 1 of Act 48 of 1958.

21. (1) The following section is hereby substituted for section *eight* of the Wills Act, 1953: Amendment of section 8 of Act 7 of 1953.

“Applica- 8. This Act and any amendment thereof which
tion of Act may be made from time to time shall apply also
to South- in the territory of South-West Africa, including the
West Eastern Caprivi Zipfel referred to in section *three*
Africa. of the South-West Africa Affairs Amendment Act,
1951 (Act No. 55 of 1951).”

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Wills Act, 1953.

22. Section *sixty* of the Criminal Procedure Act, 1955 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 60 of Act 56 of 1955.

(a) by the insertion in the proviso to sub-section (2) after the words “Provided that” of the words “such person shall be briefly informed by the magistrate of the nature and purport of” and the deletion in the said proviso of the words “shall be read over to such person”;

(b) by the addition of the following sub-section:

“(3) Any person joined with an accused under sub-section (2), shall at all reasonable times be permitted to inspect the record of evidence given before such joinder and to make or cause copies thereof to be made under the supervision of the clerk of the court.”

23. Section *one hundred and eight bis* of the principal Act is hereby amended with effect from the first day of June, 1964, by the substitution for sub-section (5) of the following sub-section: Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961 and amended by section 17 of Act 76 of 1962 and section 9 of Act 37 of 1963.

“(5) Subject to the provisions of sub-section (6) the provisions of this section shall lapse on the first day of June, 1965.”

24. Section *one hundred and fifty-six bis* of the principal Act is hereby amended by the deletion of the words “after a preparatory examination”. Amendment of section 156bis of Act 56 of 1955, as inserted by section 51 of Act 68 of 1957.

25. Section *one hundred and fifty-six ter* of the principal Act is hereby amended by the substitution in sub-section (1) for paragraphs (a), (b), (c) and (d) of the words “is absent for any reason whatsoever,” and for the words “superior court” of the words “trial before a superior court after a preparatory examination”. Amendment of section 156ter of Act 56 of 1955, as inserted by section 51 of Act 68 of 1957.

26. Section *one hundred and ninety-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 191 of Act 56 of 1955.

“(1) Any person charged with an offence may be found guilty of an attempt to commit that offence or of an attempt to commit any other offence of which he may under the provisions of this Act be convicted on the charge, if such be the facts proved.”

27. The following section is hereby substituted for section *two hundred and twelve* of the principal Act: Substitution of section 212 of Act 56 of 1955.

“Powers of court in respect of recalcitrant witnesses. 212. (1) If any person present in any court who is required by such court to give evidence in any criminal proceedings, refuses to be sworn or to make an affirmation as a witness, or having been sworn or having made an affirmation, refuses to answer any question put to him, or refuses or fails to produce any books, papers or documents required to be produced by him, the court may in a summary manner enquire into such refusal or failure and, unless the person so refusing or failing has a just excuse for his refusal or failure, sentence him to imprisonment for a period not exceeding twelve months.

(2) After the expiration of any sentence imposed under sub-section (1), the person on whom the sentence was imposed may from time to time again be dealt with under that sub-section in the event of any further refusal or failure.

(3) Any court may at any time on good cause shown remit any punishment or portion thereof imposed by it under sub-section (1).

(4) Any sentence imposed by any court under sub-section (1), shall be enforced and shall be subject to an appeal as if it were a sentence imposed in a criminal case by such court and shall be served before any other sentence of imprisonment imposed on the person concerned.

(5) The court may at any time conclude the criminal proceedings referred to in sub-section (1) despite any action which may have been taken under this section.

(6) No person shall be bound to produce any book, paper or document not specified in any subpoena served upon him, unless he actually has it in court.

(7) Any magistrate or magistrate's court shall have jurisdiction to sentence any person to the maximum period of imprisonment prescribed by this section."

28. (1) Section *two hundred and eighteen* of the principal Act is hereby amended by the addition of the following sub-sections: Amendment of section 218 of Act 56 of 1955.

"(4) Regulations under sub-section (3) may empower such officers in the service of the State as may be specified therein, in cases where payment of allowances in accordance with the tariffs prescribed by such regulations may cause undue hardship, to authorize the payment of allowances in accordance with higher tariffs than the tariffs so prescribed.

(5) For the purposes of this section 'witness' shall include any person necessarily required to accompany a witness on account of his youth or infirmity due to old age or any other infirmity."

(2) This section shall be deemed to have come into operation on the first day of July, 1955.

29. The following section is hereby substituted for section *two hundred and fifty-four* of the principal Act: Substitution of section 254 of Act 56 of 1955.

"Accomplices as witnesses for the prosecution.

254. (1) Whenever the prosecutor at any trial or preparatory examination informs the court that any person produced by him as a witness on behalf of the prosecution has, in his opinion, been an accomplice, either as principal or accessory, in the commission of the offence alleged in the charge, or the subject of the preparatory examination, such person shall, notwithstanding anything to the contrary in this Act contained, be compelled to be sworn or to make affirmation as a witness and to answer any question the reply to which would tend to incriminate him in respect of such offence.

(2) If such person fully answers to the satisfaction of the court all such lawful questions as may be put to him, he shall, subject to the provisions of sub-section (3), be discharged from all liability to prosecution for such offence and the court shall cause such discharge to be entered on the record of the proceedings.

(3) Such discharge shall be of no force and effect and the entry thereof on the record of the proceedings shall be deleted if, when called as a witness at the trial of any person upon a charge of having committed the offence concerned or an offence disclosed by the preparatory examination, or at a re-opening of the preparatory examination, the person concerned refuses to be sworn or to make affirmation as a witness or refuses or fails to answer fully to the satisfaction of the court all such lawful questions as may be put to him."

30. Section *two hundred and sixty-three* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "document is" of the words "or by any officer in the service of the State authorized by such head". Amendment of section 263 of Act 56 of 1955.

31. Section *thirty-seven* of the General Law Amendment Act, 1955, is hereby amended by the addition to sub-section (1) of the words "except in so far as the imposition of any such penalty may be compulsory". Amendment of section 37 of Act 62 of 1955.

32. Section *twelve* of the Group Areas Development Act, 1955, is hereby amended by the substitution in sub-section (1) for all the words preceding paragraph (a) of the words "The objects for which the board is established shall be to assist in and to control the disposal of affected properties, to develop group areas or any portion of the controlled area and to assist persons to acquire or hire immovable property, in so far as it may, in the opinion of the board, be necessary or expedient for the achievement of the objects of this Act or the principal Act, and to that end the board shall, in addition to any other powers vested in it by this Act, have power—".

Amendment of section 12 of Act 69 of 1955, as amended by section 7 of Act 81 of 1959 and section 40 of Act 49 of 1962.

33. (1) Section *three* of the General Law Amendment Act, 1956, is hereby amended by the addition of the following sub-section the existing section becoming sub-section (1):

Amendment of section 3 of Act 50 of 1956.

"(2) The provisions of sub-section (1) shall not apply to a lease of any rights to minerals granted or acquired under any law relating to prospecting or mining or to any cession of any such lease."

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *three* of the General Law Amendment Act, 1956.

34. (1) Section *six* of the General Law Amendment Act, 1956, is hereby amended by the insertion after the word "by" of the words "or on behalf of".

Amendment of section 6 of Act 50 of 1956.

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

35. Section *forty-two* of the Group Areas Act, 1957 (Act No. 77 of 1957), is hereby amended—

Amendment of section 42 of Act 77 of 1957, as amended by section 27 of Act 23 of 1961 and section 26 of Act 49 of 1962.

(a) by the substitution for sub-sections (2) and (3) of the following sub-sections:

"(2) (a) The court convicting any person of occupying any land or premises in contravention of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three*, may in addition to any penalty imposed—

(i) make an order for the ejection, at State expense, from such land or premises, of such person and any other person of the same group proved to be living with him, whether permanently or otherwise;

(ii) make such orders, give such instructions and confer such authority as it may deem reasonably necessary to give effect to the said order of ejection and for the removal from such land or premises of the possessions of any person to be ejected.

(b) Any order may be made under paragraph (a) against any person proved to be living with the convicted person, without prior notice having been given to such first-mentioned person.

(3) Any person ejected from any land or premises under an order made under sub-section (2) who is at any time found to be on such land or premises without lawful excuse, the onus of proof whereof shall be upon him, shall be guilty of an offence and liable on conviction to the penalties prescribed for an offence referred to in paragraph (a) of sub-section (1).";

(b) by the addition of the following sub-sections:

"(5) Whenever two or more persons are in any indictment, summons or charge alleged to have committed, at the same or approximately the same time, offences under the provisions of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen* or sub-section (1) of section *twenty-three* in respect of the same land or premises, such persons may, notwithstanding anything to the contrary in any other law or the common law contained, be tried jointly for such offences on that indictment, summons or charge.

(6) Notwithstanding anything to the contrary in any law contained a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section and to make any order under sub-section (2)."

36. Section *two* of the Prevention of Corruption Act, 1958, is hereby amended by the substitution for the words "five hundred pounds" and "two years" of the words "two thousand rand" and "five years" respectively, and the deletion of the words "with or without compulsory labour".

Amendment of section 2 of Act 6 of 1958

37. Section *ninety-four* of the Prisons Act, 1959, is hereby amended—

Amendment of section 94 of Act 8 of 1959.

(a) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(b)*bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Prisons Service who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Prisons Service who died or die on or after the said date, the class of members of the Prisons Service or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;"

(b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Regulations under paragraph (b)*bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Prisons Service and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.";

(c) by the deletion in sub-section (2) of the word "such", where it occurs for the first time.

38. Section *seven* of the Stock Theft Act, 1959, is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "or headman of such non-European" of the words "headman or sub-headman of such non-European, a deputy of such chief, an Official Witness as defined in Chapter I of Part I of the Schedule to Act No. 19 of 1891 of Natal,".

Amendment of section 7 of Act 57 of 1959.

39. Section *fifteen* of the Stock Theft Act, 1959, is hereby amended—

Amendment of section 15 of Act 57 of 1959.

(a) by the insertion in sub-section (1) after the words "in addition to any sentence" of the expression "(including any sentence provided for by section *three hundred and thirty-four ter* or *three hundred and thirty-four quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955))";

(b) by the addition of the following sub-section:

"(4) For the purposes of sections *three hundred and thirty-four ter* and *three hundred and thirty-four quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), any sentence imposed under this section shall not be taken into consideration."

40. The following section is hereby inserted after section *nineteen* of the Supreme Court Act, 1959:

Insertion of section 19*bis* in Act 59 of 1959.

"Reference of particular matters for investigation by referee.

19*bis*. (1) In any civil proceedings any court of a provincial or local division may, with the consent of the parties, refer—

(a) any matter which requires extensive examination of documents or scientific, technical or local investigation which in the opinion of the court cannot be conveniently conducted by it; or

(b) any matter which relates wholly or in part to accounts; or

(c) any other matter arising in such proceedings, for enquiry and report to a referee, and the court may adopt the report of any such referee, either wholly or in part, and either with or without modi-

fications, or may remit such report for further enquiry or report or consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the court, whether with or without modifications, shall have effect as if it were a finding by the court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such enquiry have such powers and shall conduct the enquiry in such manner as may be prescribed by a special order of court or by rules of court.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an enquiry under this section shall be deemed to be civil proceedings.

(5) (a) Any person summoned to appear and give evidence or produce any document or thing before a referee, who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control, which he was summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

(b) Any person who after having been sworn or having made affirmation, gives false evidence before a referee at an enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the court may determine, and to any reasonable expenditure incurred by him for the purposes of the enquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the court and shall be costs in the cause."

41. Section *twenty* of the Supreme Court Act, 1959, is hereby amended by the substitution for paragraph (d) of sub-section (3)*bis* of the following paragraph:

"(d) by one parent against the other for interim access to a child when a matrimonial action between the parents is pending or is about to be instituted."

Amendment of section 20 of Act 59 of 1959, as amended by section 2 of Act 85 of 1963.

42. Section *forty-three* of the Supreme Court Act, 1959, is hereby amended by the insertion after paragraph (c) of sub-section (3) of the following paragraph:

"(c)*bis* the practice and procedure in connection with the reference of any matter to a referee in terms of section *nineteen bis* and the remuneration payable to any such referee;"

Amendment of section 43 of Act 59 of 1959, as amended by section 39 of Act 93 of 1962 and section 11 of Act 85 of 1963.

43. The following section is hereby substituted for section *four* of the Justices of the Peace and Commissioners of Oaths Act, 1963:

"*Ex officio* justices of the peace. 4. The holder of any office specified in the First Schedule shall be a justice of the peace for the Republic and shall possess all such powers and perform all such duties as are conferred or imposed on justices of the peace by any law."

Substitution of section 4 of Act 16 of 1963.

44. The First Schedule to the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the deletion of the second column.

Amendment of First Schedule to Act 16 of 1963.

45. (1) The amendments effected to sections *one* and *twelve* of the Population Registration Act, 1950, by the Population Registration Amendment Act, 1962 (Act No. 61 of 1962), shall be deemed to have come into operation on the seventh day of July, 1950. Date of commencement of certain amendments of Act 30 of 1950.

(2) Anything done under the Population Registration Act, 1950, at any time prior to the commencement of this Act, shall be deemed to have been done under that Act as amended by the amendment of the said section *one* referred to in sub-section (1).

46. (1) The provisions of section *three hundred and eighty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall not apply in respect of any statement made by any person detained under section *seventeen* of the General Law Amendment Act, 1963 (Act No. 37 of 1963), while so detained. Provisions of section 380 of Act 56 of 1955 not to apply in respect of certain statements.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of section *seventeen* of the General Law Amendment Act, 1963.

47. This Act shall be called the General Law Amendment Act, 1964. Short title.