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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 397.

19 Maart 1969.

No. 397.

19th March, 1969.

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

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

No. 4 van 1969: Moratorium-wysigingswet, 1969.

No. 4 of 1969: Moratorium Amendment Act, 1969.

Act No. 4, 1969

MORATORIUM AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Moratorium Act, 1963, relating to service and to extend the protection thereunder to certain non-citizens.

*(English text signed by the State President.)
(Assented to 6th March, 1969.)*

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

Substitution
of section 1 of
Act 25 of 1963.

1. The following section is hereby substituted for section 1 of the Moratorium Act, 1963 (hereinafter referred to as the principal Act):

“Defini-
tions.

1. In this Act, unless the context otherwise indicates—

- (i) ‘citizen’ means a South African citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949), and includes a non-citizen to whom the provisions of section 63 of the Defence Act, 1957 (Act No. 44 of 1957), have been made applicable by a proclamation issued under section 2 (3) of the lastmentioned Act and who, when he applied for registration in terms of the firstmentioned section, did not declare that he did not intend becoming a South African citizen; (i)
- (ii) ‘service’ means the continuous service in the Citizen Force which is rendered during the period referred to in section 22 (3) (a) of the Defence Act, 1957, by a citizen who has been allotted to the Citizen Force in terms of Chapter VIII of that Act, and includes any service rendered by such citizen in terms of Chapter X of that Act during the said period of continuous service, and if such citizen contracts any illness or sustains any injury as a result of such service, he shall be deemed to be rendering service during any period during which he is undergoing treatment in hospital for any such illness or injury if such treatment is commenced during the said period of continuous service. (ii)”.

Amendment of
section 2 of
Act 25 of 1963.

2. Section 2 of the principal Act is hereby amended—

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

“(1) Save as provided in subsections (2) and (3) of this section, all civil legal remedies whatsoever against any citizen rendering service in respect of contractual debts incurred by such citizen shall be suspended

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during the whole period during which such citizen is rendering service and for three months thereafter.”.

(b) by the substitution for paragraphs (a), (b), (c), (d) and (e) of subsection (2) of the following paragraphs:

“(a) to an action or any other legal proceedings of a civil nature against any partnership, if any member of such partnership is not rendering service at the time such action or proceedings is instituted;

(b) to an action for the recovery of the rent of any dwelling-house, room or tenement becoming due from a citizen after he has commenced to render service or to an action for ejection from any such premises, and service of process for the purpose of this paragraph shall be considered as sufficient if such process is served upon the occupier of such premises;

(c) to an action for the recovery of the price of actual necessities of life supplied by persons, in the ordinary course of their business, to or at the instance of any such citizen after he has commenced to render service;

(d) to an action claiming an amount due in respect of board or lodging supplied or afforded to or at the instance of such citizen after he has commenced to render service;

(e) to an action under a hire-purchase agreement as defined in section 1 of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), entered into by a citizen after he had been advised in terms of section 67 of the Defence Act, 1957 (Act No. 44 of 1957), of his allotment to the Citizen Force for service and before he had completed such service, if at the time of entering into such agreement such citizen failed to inform the other party to the agreement that he had thus been advised or that he was rendering such service;” ; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding anything in subsection (1) of this section contained, upon application made to the provincial or local division of the Supreme Court having jurisdiction for leave to sue any citizen who is rendering service, such division, if satisfied that there is a probability of such citizen taking advantage of the suspension of civil legal remedies against him to carry on any trade or business without paying his creditors or to dispose of his assets to the prejudice of his creditors or that for any other reason whatsoever it would be just and equitable to allow the applicant to proceed with his action, may grant leave to the applicant so to proceed in any court of competent jurisdiction; and process may be issued in execution of any judgment given in favour of the plaintiff in the action so allowed to proceed and execution may be levied accordingly: Provided that the said division may at any time, on application made to it, order that further proceedings in the action so allowed to proceed or that execution of any judgment therein shall be stayed for such period or on such conditions as it may think fit, if it appears to the said division just and equitable to make such order.”.

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Substitution
of section 5 of
Act 25 of 1963.

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

“Extension
of time for
doing
acts,
lodging
documents,
etc.

5. Whenever any statutory officer or other statutory authority is satisfied that any citizen was prevented from doing any act, or making any application or lodging or transmitting any document within a time prescribed by the statute concerned or a regulation made thereunder, by reason of such citizen rendering service or of any other circumstances arising out of such service, such officer or authority may, unless the statutory rights of any other person will be detrimentally affected, extend the prescribed time for such further period as seems to him or it to be equitable in the circumstances.”.

Amendment of
long title of
Act 25 of 1963.

4. The long title of the principal Act is hereby amended by the substitution for the words “undergoing nine months continuous compulsory military training” of the words “and certain non-citizens rendering service”.

Short title.

5. This Act shall be called the Moratorium Amendment Act, 1969.