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No 3, 1956.]

WET

Om voorsiening te maak vir die oplegging van beperkings op die instelling van kwelsugtige gedinge.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Februarie 1956.)*

DIT WORD BEPAAL deur Haar Majestet die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „hof” 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika en ook die Hoëhof van Suidwes-Afrika; (ii)
 - (ii) „Staatsprokureur” die beampete aangestel ingevolge paraagraaf (a) van sub-artikel (2) van artikel *twee* van die Staatsprokureur Wet, 1925 (Wet No. 25 van 1925). (ii)
2. (1) (a) Indien die hof, op aansoek van die Staatsprokureur of iemand wat op sy skriftelike gesag handel, oortuig is dat iemand aanhouwend en sonder redelike gronde regsgedinge ingestel het in enige hof of in 'n laerhof, hetsy teen diesselfde persoon of teen verskillende persone, kan die hof, nadat die hof so iemand aangehoor het of aan hom 'n geleenthed toegestaan het om aangehoor te word, beveel dat geen regsgeding deur hom teen enige persoon in enige hof of 'n laerhof sonder verlof van bedoelde hof, of 'n regter daarvan, of bedoelde laerhof, na gelang van die geval, ingestel mag word nie, en sodanige verlof word nie toegestaan nie tensy die hof of regter of die laerhof, na gelang van die geval, oortuig is dat die geding nie 'n misbruik van geregtelike proses uitmaak nie en dat daar *prima facie* gronde vir die geding bestaan.

(b) Indien die hof, op aansoek van iemand teen wie 'n regsgeding deur 'n ander persoon ingestel is of wat rede het om te vermoed dat die instelling van 'n regsgeding teen hom deur 'n ander persoon beoog word, oortuig is dat bedoelde persoon aanhouwend en sonder redelike gronde regsgedinge ingestel het in enige hof of in 'n laerhof, hetsy teen diesselfde persoon of teen verskillende persone, kan die hof, nadat die hof daardie ander persoon aangehoor het of aan hom 'n geleenthed toegestaan het om aangehoor te word, beveel dat geen regsgeding deur hom teen enige persoon in enige hof of 'n laerhof sonder verlof van bedoelde hof, of 'n regter daarvan, of bedoelde laerhof, na gelang van die geval, ingestel mag word nie, en sodanige verlof word nie toegestaan nie tensy die hof of regter of die laerhof, na gelang van die geval, oortuig is dat die geding nie 'n misbruik van geregtelike proses uitmaak nie en dat daar *prima facie* gronde vir die geding bestaan.

(c) 'n Bevel kragtens paraagraaf (a) of (b) kan vir 'n onbepaalde tydperk of vir die tydperk wat die hof bepaal, uitgereik word en die hof kan te eniger tyd, by bewys van voldoende redes, 'n aldus uitgereikte bevel intrek of wysig.

(2) 'n Geding ingevolge sub-artikel (1) word geag 'n „civiele zaak” binne die bedoeling van paraagraaf (c) van artikel *drie* van die „Afdeling van Appèl Verdere Jurisdiktie Wet, 1911” (Wet No. 1 van 1911), te wees.

(3) Die grifver van die hof waarin 'n bevel ingevolge sub-artikel (1) uitgereik word, laat 'n afskrif daarvan so gou doenlik in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied Suidwes-Afrika publiseer.

(4) Iemand teen wie 'n bevel kragtens sub-artikel (1) uitgereik is wat 'n regsgeding teen enige persoon in enige hof of 'n laerhof sonder verlof van bedoelde hof of 'n regter daarvan of bedoelde laerhof instel, is skuldig aan minagting van die hof en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.
3. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.
4. Hierdie Wet heet die *Wet op Kwelsugtige Gedinge, 1956*.

Toepassing van Wet.

Kort titel.

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No. 3, 1956.]

ACT

To provide for the imposition of restrictions on the institution of vexatious legal proceedings.

(Afrikaans text signed by the Governor-General.)
(Assented to 6th February, 1956.)

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:—

1. In this Act, unless the context otherwise indicates—
 (i) "court" means any provincial or local division of the Supreme Court of South Africa and includes the High Court of South-West Africa; (ii)
 (iii) "State Attorney" means the officer appointed under paragraph (a) of sub-section (2) of section two of the State Attorney Act, 1925 (Act No. 25 of 1925). (ii)
2. (1) (a) If, on an application made by the State Attorney or any person acting under his written authority, the court is satisfied that any person has persistently and without any reasonable ground instituted legal proceedings in any court or in any inferior court, whether against the same person or against different persons, the court may, after hearing the person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of that court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.
 (b) If, on an application made by any person against whom legal proceedings have been instituted by any other person or who has reason to believe that the institution of legal proceedings against him is contemplated by any other person, the court is satisfied that the said person has persistently and without any reasonable ground instituted legal proceedings in any court or in any inferior court, whether against the same person or against different persons, the court may, after hearing that other person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of that court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.
 (c) An order under paragraph (a) or (b) may be issued for an indefinite period or for such period as the court may determine, and the court may at any time, on good cause shown, rescind or vary any order so issued.
 (2) Any proceedings under sub-section (1) shall be deemed to be civil proceedings within the meaning of paragraph (c) of section three of the Appellate Division Further Jurisdiction Act, 1911 (Act No. 1 of 1911).
 (3) The registrar of the court in which an order under sub-section (1) is made, shall cause a copy thereof to be published as soon as possible in the *Gazette* and in the *Official Gazette* of the territory of South-West Africa.
 (4) Any person against whom an order has been made under sub-section (1) who institutes any legal proceedings against any person in any court or any inferior court without the leave of that court or a judge thereof or that inferior court, shall be guilty of contempt of court and be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.
 3. This Act shall apply also in the territory of South-West Africa.
 4. This Act shall be called the Vexatious Proceedings Act, Short title.

Application of
Act to South-
West Africa.