



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 26TH MARCH, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 436. 26 Maart 1969.

No. 436. 26th 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. 17 van 1969: Wysigingswet op Landdroshowe, 1969.

No. 17 of 1969: Magistrates' Courts Amendment Act, 1969.

Act No. 17, 1969

MAGISTRATES' COURTS AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Magistrates' Courts Act, 1944, relating to the local limits of jurisdiction of a magistrate's court and sentences which are subject to automatic review; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 13th March, 1969.)

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

Amendment of section 16 of Act 32 of 1944.

1. Section 16 of the Magistrates' Courts Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "gaol" of the words "a prison".

Amendment of section 65 of Act 32 of 1944, as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954, section 20 of Act 50 of 1956, section 10 of Act 19 of 1963 and section 30 of Act 70 of 1968.

2. Section 65 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (9) of the following paragraph:

"(d) If the judgment debtor fails to appear on the said notice or to satisfy the court that he has been unable through circumstances beyond his control to comply with the order made in terms of subsection (7) (d), the court may, upon the application of the judgment creditor, make an order for the committal of the judgment debtor for a period not exceeding thirty days and may authorize the issue of a warrant for his arrest and detention in any prison named in such warrant: Provided that the court may at any time suspend the execution of or altogether discharge any such order or warrant upon such conditions as may appear to the court to be fair and reasonable."

Amendment of section 90 of Act 32 of 1944, as substituted by section 20 of Act 40 of 1952 and amended by section 2 of Act 75 of 1959.

3. Section 90 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) When any person is charged with any offence—

- (a) committed within the distance of two miles beyond the boundary of the district or of the regional division; or
- (b) committed in or upon any vehicle on a journey which or part whereof was performed in, or within the distance of two miles of, the district or the regional division; or
- (c) committed on board any vessel on a journey upon any river within the Republic or forming the boundary of any portion thereof, and such journey or part thereof was performed in, or within the distance of two miles of, the district or the regional division; or
- (d) committed on board any vessel on a voyage within the territorial waters of the Republic (including the territory of South-West Africa), and the said territorial waters adjoin the district or the regional division; or
- (e) begun or completed within the district or within the regional division,

WET

Tot wysiging van die bepalings van die Wet op Landdroshowe, 1944, met betrekking tot die plaaslike grense van die regsgebied van 'n landdroshof en vonnisse wat aan outomatiese hersiening onderhewig is; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Maart 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 16 van die Wet op Landdroshowe, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur in die Engelse teks die woord „gaol” deur die woorde „a prison” te vervang. Wysiging van artikel 16 van Wet 32 van 1944.

2. Artikel 65 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (9) deur die volgende paragraaf te vervang: Wysiging van artikel 65 van Wet 32 van 1944, soos vervang deur artikel 15 van Wet 40 van 1952 en gewysig deur artikel 1 van Wet 14 van 1954, artikel 20 van Wet 50 van 1956, artikel 10 van Wet 19 van 1963 en artikel 30 van Wet 70 van 1968.

„(d) Indien die vonnisskuldenaar versuim om op so 'n kennisgewing te verskyn, of die hof nie oortuig nie dat hy weens omstandighede buite sy beheer nie in staat was om aan die order uitgevaardig kragtens subartikel (7) (d), te voldoen nie, kan die hof, op aansoek van die vonnisskuldeiser, 'n order uitvaardig vir sy gevangesetting vir 'n tydperk van hoogstens dertig dae en magtiging verleen vir die uitreiking van 'n lasbrief vir sy arres en aanhouding in 'n gevangenis in die lasbrief vermeld: Met dien verstande dat die hof te eniger tyd op sodanige voorwaardes as wat hy redelik en billik ag, die tenuitvoerlegging van sodanige order of lasbrief kan opskort of die order of lasbrief tot niet kan maak.”.

3. Artikel 90 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 90 van Wet 32 van 1944, soos vervang deur artikel 20 van Wet 40 van 1952 en gewysig deur artikel 2 van Wet 75 van 1959.

„(2) Wanneer iemand beskuldig word van 'n misdryf—

 - (a) gepleeg binne die afstand van twee myl oor die grens van die distrik of van die streek-afdeling; of
 - (b) gepleeg in of op 'n voertuig op 'n reis wat, of waarvan enige gedeelte, in, of binne die afstand van twee myl van, die distrik of die streek-afdeling afgelê is; of
 - (c) gepleeg aan boord van 'n vaartuig op 'n reis op 'n rivier binne die Republiek of wat die grens van 'n deel daarvan uitmaak, en daardie reis of 'n gedeelte daarvan in, of binne die afstand van twee myl van, die distrik of die streek-afdeling afgelê is; of
 - (d) gepleeg aan boord van 'n vaartuig op 'n vaart binne die territoriale waters van die Republiek (met inbegrip van die gebied Suidwes-Afrika), en bedoelde territoriale waters aan die distrik of die streek-afdeling grens; of
 - (e) wat binne die distrik of binne die streek-afdeling begin of voltooi is,

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such person may be tried by the court of the district or of the regional division, as the case may be, as if he had been charged with an offence committed within the district or within the regional division respectively."

Amendment of section 96 of Act 32 of 1944, as amended by section 25 of Act 40 of 1952, section 25 of Act 62 of 1955, section 4 of Act 16 of 1959 and section 16 of Act 19 of 1963.

4. Section 96 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) All sentences in criminal cases (other than sentences imposed by courts of regional divisions) in which the punishment awarded is imprisonment (including detention in a reformatory, industrial school, inebriate reformatory, farm colony, work colony, refuge, rescue home or other similar institution) for a period exceeding three months or a fine exceeding one hundred rand or whipping (save in a case in which a person has been sentenced under section 345 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)), shall be subject in ordinary course to review by the court of appeal or one of the judges thereof; without prejudice to the right of appeal against such sentence whether before or after confirmation of the sentence by the judge or court reviewing the same."

Short title.

5. This Act shall be called the Magistrates' Courts Amendment Act, 1969.

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kan so iemand deur die hof van die distrik of van die streek-afdeling, na gelang van die geval, verhoor word, asof hy van 'n misdryf wat onderskeidelik binne die distrik of binne die streek-afdeling gepleeg is beskuldig gestaan het."

4. Artikel 96 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Alle vonnisse in strafsake (behalwe vonnisse opgelê deur hof van streek-afdelings), waarin die opgelegde straf gevangenisstraf (met inbegrip van aanhouding in 'n verbeteringshuis, nywerheidskool, dronkaardsasiel, boerderykolonie, werkkolonie, toevlug, reddingshuis of ander dergelyke inrigting) vir 'n tydperk van meer as drie maande, of 'n boete van meer as honderd rand of lyfstraf is (uitgesonderd die geval waar 'n persoon kragtens artikel 345 van die Strafproseswet, 1955 (Wet No. 56 van 1955), gevonniss is), is in die gewone loop van sake onderhewig aan hersiening deur die hof van appèl of een van die regters daarvan; onverminderd die reg van appèl teen sodanige vonnis hetsy vóór of na bekragtiging van die vonnis deur die regter of hof wat die vonnis in hersiening neem.”

Wysiging van artikel 96 van Wet 32 van 1944, soos gewysig deur artikel 25 van Wet 40 van 1952, artikel 25 van Wet 62 van 1955, artikel 4 van Wet 16 van 1959 en artikel 16 van Wet 19 van 1963.

5. Hierdie Wet heet die Wysigingswet op Landdroshowe, Kort titel. 1969.