



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 48.]

CAPE TOWN, 4TH JUNE, 1969.

KAAPSTAD, 4 JUNIE 1969.

[No. 2421.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 898.

4th June, 1969.

No. 898.

4 Junie 1969.

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:—

No. 68 of 1969: Prescription Act, 1969.

No. 68 van 1969: Verjaringswet, 1969.

ACT

To consolidate and amend the laws relating to prescription.

*(English text signed by the State President.)
(Assented to 23rd May, 1969.)*

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

CHAPTER I.

ACQUISITION OF OWNERSHIP BY PRESCRIPTION.

Acquisition of ownership by prescription.

1. Subject to the provisions of this Chapter and of Chapter IV, a person shall by prescription become the owner of a thing which he has possessed openly and as if he were the owner thereof for an uninterrupted period of thirty years or for a period which, together with any periods for which such thing was so possessed by his predecessors in title, constitutes an uninterrupted period of thirty years.

Involuntary loss of possession.

2. The running of prescription shall not be interrupted by involuntary loss of possession if possession is regained at any time by means of legal proceedings instituted within six months after such loss for the purpose of regaining possession, or if possession is lawfully regained in any other way within one year after such loss.

Completion of prescription postponed in certain circumstances.

3. (1) If—
- (a) the person against whom the prescription is running is a minor or is insane, or is a woman whose separate property is controlled by her husband by virtue of his marital power, or is a person under curatorship, or is prevented by superior force from interrupting the running of prescription as contemplated in section 4; or
 - (b) the person in favour of whom the prescription is running is outside the Republic (including the territory of South-West Africa), or is married to the person against whom the prescription is running, or is a member of the governing body of a juristic person against whom the prescription is running; and
 - (c) the period of prescription would, but for the provisions of this subsection, be completed before or on, or within three years after, the day on which the relevant impediment referred to in paragraph (a) or (b) has ceased to exist,

the period of prescription shall not be completed before the expiration of a period of three years after the day referred to in paragraph (c).

(2) Subject to the provisions of subsection (1), the period of prescription in relation to fideicommissary property shall not be completed against a fideicommissary before the expiration of a period of three years after the day on which the right of that fideicommissary to that property vested in him.

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot verjaring.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Mei 1969.)

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

HOOFSTUK I.

EIENDOMSVERKRYGING DEUR VERJARING.

1. Behoudens die bepalinge van hierdie Hoofstuk en van Hoofstuk IV, word iemand deur verjaring eienaar van 'n saak wat hy openlik en asof hy eienaar daarvan was, besit het vir 'n ononderbroke termyn van dertig jaar of vir 'n termyn wat, tesame met die termyn waarvoor die saak aldus deur sy voorgangers in titel besit is, 'n ononderbroke termyn van dertig jaar uitmaak.

Verkryging van eiendom deur verjaring.

2. Die loop van verjaring word nie deur onvrywillige besitsverlies onderbreek nie indien besit te eniger tyd herwin word deur middel van geregtelike stappe wat binne ses maande na sodanige verlies ingestel word om besit te herwin, of indien besit binne een jaar na sodanige verlies op enige ander wyse wettiglik herwin word.

Onvrywillige besitsverlies.

3. (1) Indien—

- (a) die persoon teen wie die verjaring loop minderjarig of kranksinnig is, of 'n vrou is wie se afsonderlike goed deur haar man kragtens sy maritale mag beheer word, of 'n persoon onder kuratele is, of deur oormag verhinder word om die loop van verjaring te stuit soos in artikel 4 bedoel; of
- (b) die persoon ten gunste van wie die verjaring loop buite die Republiek (met inbegrip van die gebied Suidwes-Afrika) is, of getroud is met die persoon teen wie die verjaring loop, of 'n bestuurslid is van 'n regs persoon teen wie die verjaring loop; en
- (c) die verjaringstermyn, as dit nie vir die bepalinge van hierdie subartikel was nie, voltooi sou word voor of op, of binne drie jaar na, die dag waarop die betrokke beletsel in paragraaf (a) of (b) bedoel, opgehou het om te bestaan,

Voltooiing van verjaring onder sekere omstandighede ingestel.

word die verjaringstermyn nie voltooi voordat 'n tydperk van drie jaar na die in paragraaf (c) bedoelde dag verstryk het nie.

(2) Behoudens die bepalinge van subartikel (1), word die verjaringstermyn nie met betrekking tot fideikommisêre goed teen 'n fideicommissarius voltooi voordat 'n tydperk van drie jaar na die dag waarop die reg van daardie fideicommissarius op daardie goed op hom oorgegaan het, verstryk het nie.

Act No. 68, 1969

PRESCRIPTION ACT, 1969.

Judicial interruption of prescription.

4. (1) The running of prescription shall, subject to the provisions of subsection (2), be interrupted by the service on the possessor of the thing in question of any process whereby any person claims ownership in that thing.

(2) Any interruption in terms of subsection (1) shall lapse, and the running of prescription shall not be deemed to have been interrupted, if the person claiming ownership in the thing in question does not successfully prosecute his claim under the process in question to final judgment or if he does so prosecute his claim but abandons the judgment or the judgment is set aside.

(3) If the running of prescription is interrupted as contemplated in subsection (1), a new period of prescription shall commence to run, if at all, only on the day on which final judgment is given.

(4) For the purposes of this section "process" includes a petition, a notice of motion, a rule *nisi* and any document whereby legal proceedings are commenced.

Application of this Chapter to a prescription not completed at the commencement of this Act.

5. A prescription which has not been completed at the commencement of this Act, shall be governed by the provisions of this Chapter in respect of the course of the unexpired portion of the period of prescription.

CHAPTER II.

ACQUISITION AND EXTINCTION OF SERVITUDES BY PRESCRIPTION.

Acquisition of servitudes by prescription.

6. Subject to the provisions of this Chapter and of Chapter IV, a person shall acquire a servitude by prescription if he has openly and as though he were entitled to do so, exercised the rights and powers which a person who has a right to such servitude is entitled to exercise, for an uninterrupted period of thirty years or, in the case of a praedial servitude, for a period which, together with any periods for which such rights and powers were so exercised by his predecessors in title, constitutes an uninterrupted period of thirty years.

Extinction of servitudes by prescription.

7. (1) A servitude shall be extinguished by prescription if it has not been exercised for an uninterrupted period of thirty years.

(2) For the purposes of subsection (1) a negative servitude shall be deemed to be exercised as long as nothing which impairs the enjoyment of the servitude, has been done on the servient tenement.

Application of certain provisions of Chapter I to the acquisition and extinction of servitudes by prescription.

8. (1) The provisions of sections 2, 3, 4 and 5 shall apply *mutatis mutandis* to the acquisition of a servitude by prescription.

(2) The provisions of sections 3, 4 and 5 shall apply *mutatis mutandis* to the extinction of a servitude by prescription.

(3) For the purposes of the application of the provisions of section 4 (1) in relation to the acquisition or extinction of a servitude by prescription, any reference therein to the possessor of the thing shall be construed as a reference to the person in whose favour the prescription is running; and any reference therein to a claim to the ownership in the thing shall be construed as a reference to a claim for the termination of the exercise of the rights and powers or of the breach of the servitude, as the case may be, by virtue of which the prescription is running.

This Chapter not applicable to public servitudes.

9. The provisions of this Chapter shall not apply to public servitudes.

CHAPTER III.

PRESCRIPTION OF DEBTS.

Extinction of debts by prescription.

10. (1) Subject to the provisions of this Chapter and of Chapter IV, a debt shall be extinguished by prescription after the lapse of the period which in terms of the relevant law applies in respect of the prescription of such debt.

VERJARINGSWET, 1969.

Wet No. 68, 1969

4. (1) Die loop van verjaring word, behoudens die bepalings van subartikel (2), gestuit deur die betekening aan die besitter van die betrokke saak van 'n prosesstuk waarin iemand aanspraak maak op die eiendom van daardie saak.

Geregtelike stuiting van verjaring.

(2) 'n Stuiting ingevolge subartikel (1) verval, en die loop van verjaring word nie geag gestuit te gewees het nie, indien die persoon wat op die eiendom van die betrokke saak aanspraak maak, sy aanspraak ingevolge die betrokke prosesstuk nie met welslae tot finale vonnis deurvoer nie of indien hy sy aanspraak aldus deurvoer maar afstand doen van die vonnis of die vonnis ter syde gestel word.

(3) Indien die loop van verjaring gestuit word soos in subartikel (1) bedoel, begin 'n nuwe verjaringstermyn, indien wel, eers loop op die dag waarop die finale vonnis gevel word.

(4) By die toepassing van hierdie artikel beteken „prosesstuk” ook 'n petisie, 'n kennisgewing van mosie, 'n bevel *nisi* en enige stuk waardeur geregtelike verrigtinge 'n aanvang neem.

5. 'n Verjaring wat by die inwerkingtreding van hierdie Wet nog nie voltooi is nie, word ten opsigte van die verloop van die onverstreke gedeelte van die verjaringstermyn deur die voorskrifte van hierdie Hoofstuk beheers.

Toepassing van hierdie Hoofstuk op 'n verjaring wat by die inwerktrading van hierdie Wet nie voltooi is nie.

HOOFSTUK II.

VERKRYGING EN UITWISSING VAN SERWITUTE DEUR VERJARING.

6. Behoudens die bepalings van hierdie Hoofstuk en van Hoofstuk IV, verkry iemand 'n serwituut deur verjaring indien hy openlik en asof hy daarop geregtig is die regte en bevoegdhede wat iemand toekom wat op sodanige serwituut geregtig is, uitgeoefen het vir 'n ononderbroke termyn van dertig jaar of, in die geval van 'n erfdiensbaarheid, vir 'n termyn wat, tesame met die termyne waarvoor bedoelde regte en bevoegdhede aldus deur sy voorgangers in titel uitgeoefen is, 'n ononderbroke termyn van dertig jaar uitmaak.

Verkryging van serwituut deur verjaring.

7. (1) 'n Serwituut word deur verjaring uitgewis indien dit vir 'n ononderbroke termyn van dertig jaar nie uitgeoefen is nie.

Uitwissing van serwituut deur verjaring.

(2) By die toepassing van subartikel (1) word 'n negatiewe serwituut geag uitgeoefen te word solank niks wat die genot van die serwituut belemmer, op die dienende erf verrig is nie.

8. (1) Die bepalings van artikels 2, 3, 4 en 5 is *mutatis mutandis* van toepassing ten opsigte van die verkryging van 'n serwituut deur verjaring.

Toepassing van sekere bepalings van Hoofstuk I op die verkryging en uitwissing van serwituut deur verjaring.

(2) Die bepalings van artikels 3, 4 en 5 is *mutatis mutandis* van toepassing ten opsigte van die uitwissing van 'n serwituut deur verjaring.

(3) By die toepassing van die bepalings van artikel 4 (1) met betrekking tot die verkryging of uitwissing van 'n serwituut deur verjaring, word 'n verwysing daarin na die besitter van die saak uitgelê as 'n verwysing na die persoon ten gunste van wie die verjaring loop; en word 'n verwysing daarin na 'n aanspraak op die eiendom van die saak uitgelê as 'n verwysing na 'n aanspraak op die beëindiging van die uitoefening van die regte en bevoegdhede of van die serwituutskending, na gelang van die geval, op grond waarvan die verjaring loop.

9. Die bepalings van hierdie Hoofstuk is nie op publieke serwituut van toepassing nie.

Hierdie Hoofstuk nie op publieke serwituut van toepassing nie.

HOOFSTUK III.

SKULDVERJARING.

10. (1) Behoudens die bepalings van hierdie Hoofstuk en van Hoofstuk IV, word 'n skuld deur verjaring uitgewis na verloop van die termyn wat volgens die toepaslike wetsbepaling ten opsigte van die verjaring van daardie skuld geld.

Uitwissing van 'n skuld deur verjaring.

Act No. 68, 1969

PRESCRIPTION ACT, 1969.

(2) By the prescription of a principal debt a subsidiary debt which arose from such principal debt shall also be extinguished by prescription.

(3) Notwithstanding the provisions of subsections (1) and (2), payment by the debtor of a debt after it has been extinguished by prescription in terms of either of the said subsections, shall be regarded as payment of a debt.

Periods of prescription of debts.

11. The periods of prescription of debts shall be the following:

- (a) thirty years in respect of—
 - (i) any debt secured by mortgage bond;
 - (ii) any judgment debt;
 - (iii) any debt in respect of any taxation imposed or levied by or under any law;
 - (iv) any debt owed to the State in respect of any share of the profits, royalties or any similar consideration payable in respect of the right to mine minerals or other substances;
- (b) fifteen years in respect of any debt owed to the State and arising out of an advance or loan of money or a sale or lease of land by the State to the debtor, unless a longer period applies in respect of the debt in question in terms of paragraph (a);
- (c) six years in respect of a debt arising from a bill of exchange or other negotiable instrument or from a notarial contract, unless a longer period applies in respect of the debt in question in terms of paragraph (a) or (b);
- (d) save where an Act of Parliament provides otherwise, three years in respect of any other debt.

When prescription begins to run.

12. (1) Subject to the provisions of subsections (2) and (3), prescription shall commence to run as soon as the debt is due.

(2) If the debtor wilfully prevents the creditor from coming to know of the existence of the debt, prescription shall not commence to run until the creditor becomes aware of the existence of the debt.

(3) A debt which does not arise from contract shall not be deemed to be due until the creditor has knowledge of the identity of the debtor and of the facts from which the debt arises: Provided that a creditor shall be deemed to have such knowledge if he could have acquired it by exercising reasonable care.

Completion of prescription delayed in certain circumstances.

13. (1) If—

- (a) the creditor is a minor or is insane or is a person under curatorship or is prevented by superior force including any law or any order of court from interrupting the running of prescription as contemplated in section 15 (1); or
- (b) the debtor is outside the Republic (including the territory of South-West Africa); or
- (c) the creditor and debtor are married to each other; or
- (d) the creditor and debtor are partners and the debt is a debt which arose out of the partnership relationship; or
- (e) the creditor is a juristic person and the debtor is a member of the governing body of such juristic person; or
- (f) the debt is the object of a dispute subjected to arbitration; or
- (g) the debt is the object of a claim filed against the estate of a debtor who is deceased or against the insolvent estate of the debtor or against a company in liquidation or against an applicant under the Agricultural Credit Act, 1966 (Act No. 28 of 1966), or the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962, of the territory of South-West Africa); or

VERJARINGSWET, 1969.

Wet No. 68, 1969

(2) Deur verjaring van 'n hoofskuld word 'n neweskuld wat uit die hoofskuld ontstaan het, ook deur verjaring uitgewis.

(3) Ondanks die bepalings van subartikels (1) en (2), word voldoening deur die skuldenaar van 'n skuld nadat dit ingevolge die een of die ander van genoemde subartikels deur verjaring uitgewis is, as voldoening van 'n skuld beskou.

11. Die verjaringstermyne van skulde is die volgende:

Verjaringstermyne van skulde.

(a) dertig jaar ten opsigte van—

- (i) 'n skuld deur verband verseker;
- (ii) 'n vonnisskuld;
- (iii) 'n skuld ten opsigte van belasting opgelê of gehef by of kragtens 'n wetsbepaling;
- (iv) 'n skuld verskuldig aan die Staat ten opsigte van 'n aandeel in winste, mynreggelde of ander soortgelyke vergoeding betaalbaar ten opsigte van die reg om minerale of ander stowwe te ontgin;

(b) vyftien jaar ten opsigte van 'n skuld verskuldig aan die Staat en wat ontstaan uit 'n voorskot of lening van geld of 'n verkoop of verhuring van grond deur die Staat aan die skuldenaar, tensy 'n langer termyn ingevolge paragraaf (a) ten opsigte van die betrokke skuld geld;

(c) ses jaar ten opsigte van 'n skuld wat ontstaan uit 'n wissel of ander verhandelbare stuk of uit 'n notariële kontrak, tensy 'n langer termyn ingevolge paragraaf (a) of (b) ten opsigte van die betrokke skuld geld;

(d) behalwe waar 'n Parlements wet anders bepaal, drie jaar ten opsigte van enige ander skuld.

12. (1) Behoudens die bepalings van subartikels (2) en (3), begin verjaring loop sodra die skuld opeisbaar is. Wanneer verjaring begin loop.

(2) Indien die skuldenaar die skuldeiser opsetlik verhinder om van die bestaan van die skuld te wete te kom, begin verjaring nie loop voordat die skuldeiser van die bestaan van die skuld te wete kom nie.

(3) 'n Skuld wat nie uit ooreenkoms ontstaan nie, word nie geag opeisbaar te wees voordat die skuldeiser van die identiteit van die skuldenaar en van die feite waaruit die skuld ontstaan, kennis dra nie: Met dien verstande dat 'n skuldeiser geag word sodanige kennis te dra indien hy dit deur die beoefening van redelike sorg kon bekom het.

13. (1) Indien—

Voltooiing van verjaring onder sekere omstandighede uitgestel.

(a) die skuldeiser minderjarig of kranksinnig of 'n persoon onder kuratele is of deur oormag, met inbegrip van 'n wetsbepaling of 'n hofbevel verhinder word om die loop van verjaring te stuit soos in artikel 15 (1) bedoel; of

(b) die skuldenaar buite die Republiek (met inbegrip van die gebied Suidwes-Afrika) is; of

(c) die skuldeiser en die skuldenaar met mekaar getroud is; of

(d) die skuldeiser en die skuldenaar vennote is en die skuld 'n skuld is wat uit die vennootskapsverhouding ontstaan het; of

(e) die skuldeiser 'n regspersoon is en die skuldenaar 'n bestuurslid van daardie regspersoon; of

(f) die skuld die voorwerp is van 'n geskil wat aan arbitrasie onderwerp is; of

(g) die skuld die voorwerp is van 'n eis ingedien teen die boedel van 'n skuldenaar wat oorlede is of teen die insolvente boedel van die skuldenaar of teen 'n maatskappy in likwidasië of teen 'n applikant ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), of die Boerebystandsoordonnansie, 1962 (Ordonnansie No. 11 van 1962, van die gebied Suidwes-Afrika); of

Act No. 68, 1969

PRESCRIPTION ACT, 1969.

(h) the creditor or the debtor is deceased and an executor of the estate in question has not yet been appointed; and

(i) the relevant period of prescription would, but for the provisions of this subsection, be completed before or on, or within one year after, the day on which the relevant impediment referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) has ceased to exist,

the period of prescription shall not be completed before a year has elapsed after the day referred to in paragraph (i).

(2) A debt which arises from a contract and which would, but for the provisions of this subsection, become prescribed before a reciprocal debt which arises from the same contract becomes prescribed, shall not become prescribed before the reciprocal debt becomes prescribed.

Interruption of prescription by acknowledgement of liability.

14. (1) The running of prescription shall be interrupted by an express or tacit acknowledgement of liability by the debtor.

(2) If the running of prescription is interrupted as contemplated in subsection (1), prescription shall commence to run afresh from the day on which the interruption takes place or, if at the time of the interruption or at any time thereafter the parties postpone the due date of the debt, from the date upon which the debt again becomes due.

Judicial interruption of prescription.

15. (1) The running of prescription shall, subject to the provisions of subsection (2), be interrupted by the service on the debtor of any process whereby the creditor claims payment of the debt.

(2) Unless the debtor acknowledges liability, the interruption of prescription in terms of subsection (1) shall lapse, and the running of prescription shall not be deemed to have been interrupted, if the creditor does not successfully prosecute his claim under the process in question to final judgment or if he does so prosecute his claim but abandons the judgment or the judgment is set aside.

(3) If the running of prescription is interrupted as contemplated in subsection (1) and the debtor acknowledges liability, and the creditor does not prosecute his claim to final judgment, prescription shall commence to run afresh from the day on which the debtor acknowledges liability or, if at the time when the debtor acknowledges liability or at any time thereafter the parties postpone the due date of the debt, from the day upon which the debt again becomes due.

(4) If the running of prescription is interrupted as contemplated in subsection (1) and the creditor successfully prosecutes his claim under the process in question to final judgment and the interruption does not lapse in terms of subsection (2), prescription shall commence to run afresh on the day on which the judgment of the court becomes executable.

(5) If any person is joined as a defendant on his own application, the process whereby the creditor claims payment of the debt shall be deemed to have been served on such person on the date of such joinder.

(6) For the purposes of this section, "process" includes a petition, a notice of motion, a rule *nisi*, a pleading in reconvention, a third party notice referred to in any rule of court, and any document whereby legal proceedings are commenced.

Application of this Chapter.

16. (1) The provisions of this Chapter shall, save in so far as they are inconsistent with the provisions of any Act of Parliament which prescribes a specified period within which a claim is to be made or an action is to be instituted in respect of a debt or imposes conditions on the institution of an action for the recovery of a debt, apply to any debt arising after the commencement of this Act.

VERJARINGSWET, 1969.

Wet No. 68, 1969

- (h) die skuldeiser of die skuldenaar oorlede is en 'n eksekuteur van die betrokke boedel nog nie aangestel is nie; en
- (i) die toepaslike verjaringstermyn, as dit nie vir die bepalings van hierdie subartikel was nie, voltooi sou word voor of op, of binne een jaar na, die dag waarop die betrokke beletsel in paragraaf (a), (b), (c), (d), (e), (f), (g) of (h) bedoel, opgehou het om te bestaan, word die verjaringstermyn nie voltooi voordat 'n jaar na die in paragraaf (i) bedoelde dag verstryk het nie.

(2) 'n Skuld wat uit 'n ooreenkoms ontstaan en wat, as dit nie vir die bepalings van hierdie subartikel was nie, sou verjaar voordat 'n wederkerige skuld wat uit dieselfde ooreenkoms ontstaan, verjaar, verjaar nie voordat die wederkerige skuld verjaar nie.

14. (1) Die loop van verjaring word gestuit deur 'n uitdruklike of stilswyende erkenning van aanspreeklikheid deur die skuldenaar.

Stuiting van skuldverjaring deur erkenning van aanspreeklikheid.

(2) Indien die loop van verjaring gestuit word soos in subartikel (1) bedoel, begin die verjaring van nuuts af loop vanaf die dag waarop die stuiting plaasvind of, indien die partye ten tyde van die stuiting of te eniger tyd daarna die opeisbaarheidsdatum van die skuld uitstel, vanaf die dag waarop die skuld weer opeisbaar word.

15. (1) Behoudens die bepalings van subartikel (2), word die loop van verjaring gestuit deur die betekening aan die skuldenaar van 'n prosesstuk waarin die skuldeiser betaling van die skuld vorder.

Geregtelike stuiting van skuldverjaring.

(2) Tensy die skuldenaar aanspreeklikheid erken, vervel die stuiting van verjaring ingevolge subartikel (1), en word die loop van verjaring nie geag gestuit te gewees het nie, indien die skuldeiser sy aanspraak ingevolge die betrokke prosesstuk nie met welslae tot finale vonnis deurvoer nie of indien hy sy aanspraak aldus deurvoer maar afstand doen van die vonnis of die vonnis ter syde gestel word.

(3) Indien die loop van verjaring gestuit word soos in subartikel (1) bedoel, en die skuldenaar aanspreeklikheid erken en die skuldeiser sy aanspraak nie tot finale vonnis deurvoer nie, begin die verjaring van nuuts af loop vanaf die dag waarop die skuldenaar aanspreeklikheid erken of, indien die partye ten tyde van die erkenning van skuld deur die skuldenaar of te eniger tyd daarna die opeisbaarheidsdatum van die skuld uitstel, vanaf die dag waarop die skuld weer opeisbaar word.

(4) Indien die loop van verjaring gestuit word soos in subartikel (1) bedoel en die skuldeiser sy aanspraak ingevolge die betrokke prosesstuk met welslae tot finale vonnis deurvoer, en die stuiting nie ingevolge subartikel (2) vervel nie, begin verjaring van nuuts af loop vanaf die dag waarop die vonnis van die hof uitvoerbaar word.

(5) Indien 'n persoon op sy eie versoek as verweerder gevoeg word, word die prosesstuk waardeur die skuldeiser betaling van die skuld eis, geag op die datum van sodanige voeging aan sodanige persoon beteken te gewees het.

(6) By die toepassing van hierdie artikel beteken „prosesstuk” ook 'n petisie, 'n kennisgewing van mosie, 'n bevel *nisi*, 'n teenpleitstuk, 'n derdeparty-kennisgewing in 'n hofreël bedoel, en enige stuk waardeur geregtelike verrigtinge 'n aanvang neem.

16. (1) Die bepalings van hierdie Hoofstuk is, behalwe in soverre as wat dit onbestaanbaar is met die bepalings van 'n Parlements wet wat 'n bepaalde tydperk voorskryf waarin 'n eis of 'n aksie ten opsigte van 'n skuld ingestel moet word of voorwaardes vir die instelling van 'n aksie vir die invordering van 'n skuld voorskryf, van toepassing op enige skuld wat na die inwerkingtreding van hierdie Wet ontstaan.

Toepassing van hierdie Hoofstuk.

Act No. 68, 1969

PRESCRIPTION ACT, 1969.

(2) The provisions of any law which immediately before the commencement of this Act applied to the prescription of a debt which arose before such commencement, shall continue to apply to the prescription of such a debt in all respects as if this Act had not come into operation.

CHAPTER IV.

GENERAL.

Prescription to be raised in pleadings.

17. (1) A court shall not of its own motion take notice of prescription.

(2) A party to litigation who invokes prescription, shall do so in the relevant document filed of record in the proceedings: Provided that a court may allow prescription to be raised at any stage of the proceedings.

Laws prohibiting acquisition of land or any right in land by prescription not affected by this Act.

18. The provisions of this Act shall not affect the provisions of any law prohibiting the acquisition of land or any right in land by prescription.

This Act binds the State.

19. This Act shall bind the State.

This Act not applicable where Bantu law applies.

20. In so far as any right or obligation of any person against any other person is governed by Bantu law, the provisions of this Act shall not apply.

Application to South-West Africa.

21. This Act and any amendment thereof which may be made from time to time, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

Repeal of laws.

22. Subject to the provisions of section 16 (2), the laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

Short title and commencement.

23. This Act shall be called the Prescription Act, 1969, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

VERJARINGSWET, 1969.

Wet No. 68, 1969

(2) Die wetsbepalings wat onmiddellik voor die inwerking-treding van hierdie Wet van toepassing was op die verjaring van 'n skuld wat voor daardie inwerkingtreding ontstaan het, bly op die verjaring van so 'n skuld van toepassing in alle opsigte asof hierdie Wet nie in werking getree het nie.

HOOFSTUK IV.

ALGEMEEN.

17. (1) 'n Hof neem nie uit eie beweging kennis van verjaring nie. Verjaring moet in pleitstukke geopper word.
- (2) 'n Party tot gedingvoering wat hom op verjaring beroep, moet dit doen in die ter sake dienende stuk wat by die stukke in die verrigtinge ingedien word: Met dien verstande dat 'n hof kan toelaat dat verjaring in enige stadium van die verrigtinge geopper word.
18. Die bepalings van hierdie Wet raak nie die bepalings van enige wet wat die verkryging van grond of enige reg op grond deur verjaring verbied nie. Hierdie Wet raak nie wette wat die verkryging van grond of enige reg op grond deur verjaring verbied nie.
19. Hierdie Wet bind die Staat. Hierdie Wet bind die Staat.
20. Vir sover as wat 'n reg of verpligting van een persoon teen 'n ander persoon deur Bantoreg gereël word, is die bepalings van hierdie Wet nie van toepassing nie. Hierdie Wet nie van toepassing nie waar Bantoreg geld.
21. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968). Toepassing op Suidwes-Afrika.
22. Behoudens die bepalings van artikel 16 (2), word die wette in die Bylae by hierdie Wet genoem, hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae. Herroeping van wette.
23. Hierdie Wet heet die Verjaringswet, 1969, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

Act No. 68, 1969

PRESCRIPTION ACT, 1969.

Schedule.

LAWS REPEALED.

No. and year of Law.	Title.	Extent of Repeal.
Act No. 18 of 1943	Prescription Act, 1943	The whole.
Act No. 46 of 1945	Finance Act, 1945	Sections 27, 28, 29 and 30.
Act No. 62 of 1955	General Law Amendment Act, 1955	Section 23.
Act No. 50 of 1956	General Law Amendment Act, 1956	Section 16.
Act No. 80 of 1964	General Law Amendment Act, 1964	Section 6.
Proclamation No. 13 of 1943 of the Administrator of South-West Africa	Prescription Proclamation, 1943 ..	The whole.
Proclamation No. 17 of 1944 of the Administrator of South-West Africa	Prescription Amendment Proclama- tion, 1944	The whole.
Ordinance No. 36 of 1965 of South-West Africa	General Law Amendment Ordinance, 1965	Section 3.

VERJARINGSWET, 1969.

Wet No. 68, 1969

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 18 van 1943	Verjaringswet, 1943	Die geheel.
Wet No. 46 van 1945	Finansiewet, 1945	Artikels 27, 28, 29 en 30.
Wet No. 62 van 1955	Algemene Regswysigingswet, 1955..	Artikel 23.
Wet No. 50 van 1956	Algemene Regswysigingswet, 1956..	Artikel 16.
Wet No. 80 van 1964	Algemene Regswysigingswet, 1964..	Artikel 6.
Proklamasie No. 13 van 1943 van die Administrateur van Suidwes-Afrika.	Verjaringsproklamasie, 1943 ..	Die geheel.
Proklamasie No. 17 van 1944 van die Administrateur van Suidwes-Afrika	Verjaringswysigingsproklamasie, 1944	Die geheel.
Ordonnansie No. 36 van 1965 van Suidwes-Afrika	Algemene Regswysigingsordonnansie, 1965	Artikel 3.