



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 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

VOL. 120]

CAPE TOWN, 18 JUNE 1975

[No. 4755

KAAPSTAD, 18 JUNIE 1975

DEPARTMENT OF THE PRIME MINISTER

No. 1203.

18 June 1975.

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

No. 55 of 1975: Prescribed Rate of Interest Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1203.

18 Junie 1975.

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

No. 55 van 1975: Wet op die Voorgeskrewe Rentekoers, 1975.

Act No. 55, 1975

PREScribed RATE OF INTEREST ACT, 1975.

ACT

To provide for the calculation of interest on a debt, in certain circumstances, at a prescribed rate; for the payment of interest on certain judgment debts; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 12 June 1975.)

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

Interest on a debt to be calculated at a prescribed rate in certain circumstances.

1. (1) If a debt bears interest and the rate at which the interest is to be calculated is not governed by any other law or by an agreement or a trade custom or in any other manner, such interest shall be calculated at the rate prescribed under subsection (2) as at the time when such interest begins to run, unless a court of law, on the ground of special circumstances relating to that debt, orders otherwise.

(2) The Minister of Justice may from time to time prescribe a rate of interest for the purposes of subsection (1) by notice in the *Gazette*.

(3) No rate of interest shall be prescribed under subsection (2) except after consultation with the Minister of Finance.

Interest on a judgment debt.

2. (1) Every judgment debt which, but for the provisions of this subsection, would not bear any interest after the date of the judgment or order by virtue of which it is due, shall bear interest from the day on which such judgment debt is payable, unless that judgment or order provides otherwise.

(2) Any interest payable in terms of subsection (1) may be recovered as if it formed part of the judgment debt on which it is due.

(3) In this section “judgment debt” means a sum of money due in terms of a judgment or an order, including an order as to costs, of a court of law, and includes any part of such a sum of money, but does not include any interest not forming part of the principal sum of a judgment debt.

Transitional provisions.

3. (1) In the application of subsection (1) of section 1 to interest which had begun to run before any rate of interest was prescribed under subsection (2) of that section, the rate of interest prescribed in the first notice published in the *Gazette* under the last-mentioned subsection shall be deemed to have been prescribed thereunder at the time when such interest began to run.

(2) Section 2 shall not apply to a judgment debt as defined therein which became payable before the commencement of this Act.

Application in South West Africa.

4. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Short title and commencement.

5. This Act shall be called the Prescribed Rate of Interest Act, 1975, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

WET OP DIE VOORGESKREWE RENTEKOERS, 1975.

Wet No. 55, 1975

WET

Om voorsiening te maak vir die berekening van rente op 'n skuld,
in sekere omstandighede, teen 'n voorgeskrewe koers; vir
die betaling van rente op sekere vonnisskulde; en vir aange-
leenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1975.)

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

1. (1) Indien 'n skuld rente dra en die koers waarteen die rente bereken moet word nie deur 'n ander wet of deur 'n ooreenkoms of handelsgebruik of op 'n ander wyse gereel word nie, word die rente bereken teen die koers soos kragtens subartikel (2) voorgeskryf wanneer die rente begin oploop, tensy 'n gereghof op grond van spesiale omstandighede wat op daardie skuld betrekking het anders gelas.

(2) Die Minister van Justisie kan van tyd tot tyd 'n rentekoers vir die doeleindes van subartikel (1) by kennisgewing in die *Staatskoerant* voorskryf.

(3) Geen rentekoers word kragtens subartikel (2) voorgeskryf nie behalwe na oorlegpleging met die Minister van Finansies.

2. (1) Elke vonnisskuld wat, as dit nie vir die bepalings van Rente op 'n hierdie subartikel was nie, nie na die datum van die vonnis of bevel uit hoofde waarvan dit verskuldig is rente sou dra nie, dra rente vanaf die dag waarop dié vonnisskuld betaalbaar is, tensy daardie vonnis of bevel anders bepaal.

(2) Rente wat ingevolge subartikel (1) betaalbaar is, kan verhaal word asof dit deel uitmaak van die vonnisskuld waarop dit verskuldig is.

(3) In hierdie artikel beteken „vonnisskuld“ 'n geldsom wat ingevolge 'n vonnis of bevel, met inbegrip van 'n kostebevel, van 'n gereghof verskuldig is, en ook 'n deel van so 'n geldsom, maar nie ook rente wat nie deel van die hoofsom van 'n vonnisskuld uitmaak nie.

3. (1) By die toepassing van subartikel (1) van artikel 1 op Oorgangs-bepalings. rente wat begin oploop het voordat 'n rentekoers kragtens subartikel (2) van daardie subartikel voorgeskryf is, word die rentekoers voorgeskryf in die eerste kennisgewing kragtens laasgenoemde subartikel in die *Staatskoerant* gepubliseer, geag daarkragtens voorgeskryf te gewees het toe daardie rente begin oploop het.

(2) Artikel 2 is nie van toepassing op 'n vonnisskuld soos daarin omskryf wat voor die inwerkingtreding van hierdie Wet betaalbaar geword het nie.

4. Hierdie Wet en enige wysiging daarvan is ook in die ge- Toepassing in Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Suidwes-Afrika. Zipfel, van toepassing.

5. Hierdie Wet heet die Wet op die Voorgeskrewe Rentekoers, Kort titel en 1975, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding, proklamasie in die *Staatskoerant* bepaal.