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EXTRAORDINARY BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 520.] [5th April, 1957.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 520.] [5 April 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

BLADSY

No. 18 van 1957: Wysigingswet op Vlae, 1957 .. 3

No. 19 van 1957: Wet op Spesiale Vrederegters, 1957 5

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No. 18, 1957.]

ACT

To amend the Flags Act, 1927.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 23rd March*, 1957.)

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:—

Substitution of new section for section 7 of Act 40 of 1927, as amended by section 1 of Act 57 of 1951.

1. The following section is hereby substituted for section *seven* of the Flags Act, 1927:—

"**7.** The flag of the Union shall be the National Flag of which the design is set out in section *eight*."

Short title.

2. This Act shall be called the Flags Amendment Act, 1957.

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No. 18, 1957.]

WET

Om die Vlae Wet, 1927, te wysig.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 23 *Maart* 1957.)

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

1. Artikel *sewe* van die Vlae Wet, 1927, word hierby deur die volgende artikel vervang:— Vervanging van artikel 7 van Wet 40 van 1927, soos gewysig deur artikel 1 van Wet 57 van 1951.

„**7.** Die vlag van die Unie sal die Nasionale Vlag wees waarvan die ontwerp in artiekel *ag* omskrywe word."

2. Hierdie Wet heet die Wysigingswet op Vlae, 1957. Kort titel.

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No. 19, 1957.]

ACT

To consolidate the laws relating to the appointment, powers, duties and jurisdiction of special justices of the peace.

(*English text signed by the Governor-General.*)
(*Assented to 26th March*, 1957.)

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:—

Appointment of special justices of the peace.

1. (1) The Minister of Justice (hereinafter referred to as the Minister) may appoint persons to hold, during his pleasure, the office of special justice of the peace for such area and to hold a court at such place or places as may be fixed by the Minister.

(2) The name of any person so appointed, the area for which he holds the office aforesaid and the place or places at which he will hold his court shall be notified by the Minister in the *Gazette* and the cancellation of any such appointment or the variation of any such area or place of holding a court shall likewise be so notified: Provided that a place at which it is notified that a special justice of the peace (not being an officer in the public service) will hold his court shall not be less than twenty miles from the seat of magistracy of a district or sub-district.

(3) Every person who, at the commencement of this Act, holds the office of special justice of the peace for any area shall become, as from such commencement, a special justice of the peace for that area, as if he had been appointed under this section, and shall, until the Minister otherwise determines, continue to hold his court at the place or places in which he held a court prior to such commencement.

(4) A special justice of the peace appointed in terms of, or referred to in, this section shall not be absent from the area for which he holds office unless he first obtains the consent of the Minister.

(5) The Minister may appoint a fit and proper person to act as special justice of the peace during the absence or incapacity through sickness or any other cause whatever, of a special justice of the peace.

Powers and duties of special justices of the peace.

2. (1) Every special justice of the peace shall—

(*a*) within the area for which he holds office hold a court for the exercise of the jurisdiction conferred upon such court by this Act;

(*b*) be a commissioner of oaths for the magisterial district or districts in which such area is situate;

(*c*) within such area possess all such powers, and perform all such duties, of an administrative nature as, by any law in force in such area, are conferred or imposed upon special justices of the peace;

(*d*) within such area possess all such powers and perform all such duties as, by any law in force in such area, are conferred or imposed on justices of the peace;

(*e*) whenever sufficient policemen are not available to arrest or convey to a gaol any person who is liable to detention in custody in respect of an offence tried or alleged offence to be tried by the court of the special justice of the peace, have authority to appoint at a rate of pay prescribed by the Minister sufficient special policemen for any such purpose;

and further shall have such other powers and shall perform such other duties, of an administrative nature, as the Minister may lawfully assign to him.

(2) All references in any other law to resident justices of the peace or special justices of the peace or to courts thereof shall be construed as references respectively to special justices of the peace appointed, and courts thereof held, under this Act.

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No. 19, 1957.]

WET

Tot samevatting van die wetsbepalings op die aanstelling, bevoegdhede, pligte en regsbevoegdheid van spesiale vrederegters.

(*Engelse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 26 *Maart* 1957.)

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

Aanstelling van spesiale vrederegters.

1. (1) Die Minister van Justisie (hieronder die Minister genoem) kan persone aanstel om so lank as wat dit hom behaag, die amp van spesiale vrederegter te beklee in sodanige gebied en om hofsittings te hou op sodanige plek of plekke as wat deur die Minister bepaal mag word.

(2) Die naam van 'n aldus aangestelde persoon, die gebied waarvoor hy genoemde amp beklee en die plek of plekke waar hy hofsittings sal hou, word deur die Minister in die *Staatskoerant* bekend gemaak, en die intrekking van so 'n aanstelling of die verandering van so 'n gebied of plek vir die hou van hofsittings word op dieselfde wyse bekend gemaak: Met dien verstande dat 'n plek waar 'n spesiale vrederegter wat nie 'n amptenaar in die Staatsdiens is nie, volgens bekendmaking sy hofsittings sal hou, minstens twintig myl van die setel van 'n magistraat van 'n distrik of sub-distrik moet wees.

(3) Elkeen wat by die inwerkingtreding van hierdie Wet die amp van spesiale vrederegter vir 'n gebied beklee, word vanaf bedoelde inwerkingtreding 'n spesiale vrederegter vir daardie gebied asof hy kragtens hierdie artikel aangestel was, en gaan voort om hofsittings te hou op die plek of plekke waar hy voor bedoelde inwerkingtreding hofsittings gehou het, totdat die Minister anders bepaal.

(4) 'n Spesiale vrederegter wat ingevolge hierdie artikel aangestel is of waarna in hierdie artikel verwys word, mag nie uit die gebied waarvoor hy aangestel is afwesig wees nie, tensy hy eers die toestemming van die Minister verkry.

(5) Die Minister kan 'n geskikte persoon aanstel om as spesiale vrederegter op te tree tydens die afwesigheid of onbekwaamheid weens siekte of enige ander oorsaak hoegenaamd, van 'n spesiale vrederegter.

Bevoegdhede en pligte van spesiale vrederegters.

2. (1) Elke spesiale vrederegter—

(*a*) moet binne die gebied waarvoor hy aangestel is, hofsittings hou tot uitoefening van die regsbevoegdheid wat ingevolge hierdie Wet aan bedoelde hof verleen is;

(*b*) is 'n kommissaris van ede vir die magistraatsdistrik of -distrikte waarin bedoelde gebied geleë is;

(*c*) besit binne sodanige gebied al die bevoegdhede en vervul al die pligte van 'n administratiewe aard wat deur enige wetsbepaling van krag in bedoelde gebied aan spesiale vrederegters verleen of opgelê word;

(*d*) besit binne bedoelde gebied al die bevoegdhede en vervul al die pligte wat deur enige wetsbepaling van krag in bedoelde gebied aan vrederegters verleen of opgelê word;

(*e*) het die bevoegdheid om wanneer daar nie voldoende polisiebeamptes beskikbaar is om iemand wat aangehou kan word ten aansien van 'n misdryf wat deur die hof van die spesiale vrederegter verhoor is of 'n beweerde misdryf wat deur die hof van die spesiale vrederegter verhoor moet word, te arresteer of na 'n tronk te vervoer nie, voldoende spesiale polisiebeamptes vir so 'n doel aan te stel teen 'n loonskaal wat deur die Minister voorgeskryf word;

en besit verder sodanige ander bevoegdhede en vervul sodanige ander pligte van 'n administratiewe aard, as wat die Minister wettiglik aan hom mag toewys.

(2) Alle verwysings in ander wetsbepalings na resident-vrederegters of spesiale vrederegters of na hofsittings daarvan, word respektiewelik as verwysings na spesiale vrederegters en hofsittings daarvan kragtens hierdie Wet aangestel en gehou, uitgelê.

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Jurisdiction of courts of special justice of the peace in respect of offences.

3. (1) In respect of the offences mentioned in the First Schedule a court of a special justice of the peace shall, within the area for which such special justice of the peace holds office, have the same jurisdiction as a magistrate's court has within a magisterial district: Provided that the court of a special justice of the peace shall not have jurisdiction to impose—

(*a*) a fine exceeding ten pounds; or

(*b*) imprisonment for a period exceeding one month; or

(*c*) save as is provided in sub-section (3) any sentence of whipping; or

(*d*) detention in a reformatory,

but, subject to this proviso, imprisonment may be imposed with or without compulsory labour or with or without spare diet or with or without solitary confinement or in default of payment of, or in addition to, or without the option of a fine, whenever a magistrate's court could lawfully have imposed such punishment.

(2) When a person under arrest is brought before a court of a special justice of the peace upon a charge in respect whereof that court has no jurisdiction or which is to be tried by another court, the court of the special justice of the peace may remand him for trial to a competent court.

(3) (*a*) Whenever a male person under the age of twenty-one years is convicted before a court of a special justice of the peace of any offence, it shall have jurisdiction to impose a moderate correction of whipping not exceeding ten cuts with a light cane, to be administered by a person appointed by it.

(*b*) The parent or guardian of such first-mentioned person shall have the right to be present when the whipping is carried out.

(4) A court of a special justice of the peace shall, within the area for which such special justice holds office, have the same jurisdiction, powers and authority as a magistrate's court has under any law relating to masters and servants in force in that area: Provided that the court of a special justice of the peace shall not have jurisdiction to impose any higher or more severe punishment than it could have imposed in respect of an offence mentioned in sub-section (1).

(5) Whenever by law a magistrate's court may order costs or expenses to be paid by an offender, prosecutor or complainant or compensation or restitution of stolen property to be made by an offender, a court of a special justice of the peace shall have jurisdiction to order such costs or expenses to be paid, or compensation or restitution to be made, in addition to the punishment which may be imposed by it under this section.

Review of sentences of special justice of the peace.

4. (1) The records of the proceedings in a criminal case in which an accused person has been convicted before a special justice of the peace shall, forthwith after the conviction, be transmitted with such remarks, if any, as the special justice of the peace may desire to append to the record and with any written statements or arguments which the accused may desire to have so appended, to the clerk of the magistrate's court of the district in which the court of the special justice of the peace was held.

(2) The said clerk shall forthwith lay such records, including the remarks, statements and arguments aforesaid, if any, before the magistrate of the district for his consideration.

(3) The magistrate referred to in sub-section (2) shall thereupon, if the conviction and sentence appear to be in accordance with justice, endorse his certificate to that effect upon the said records, and the records shall then be returned to the special justice of the peace.

(4) If upon considering the said records, it appears to the said magistrate that the conviction or sentence is not in accordance with justice, he shall set aside or correct the proceedings and may reduce or vary the sentence, and shall thereafter transmit the records with his instructions thereon to the special justice of the peace.

Stopping of trial before special justice of the peace.

5. (1) Whenever in the course of any criminal trial before him, it appears to the special justice of the peace presiding at the court that the offence charged is, from its nature or magnitude, beyond the jurisdiction of the court or though within such jurisdiction is more proper for the cognizance of a magistrate's court or a superior court, he shall stop the trial and transmit the

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Regsbevoegdheid van howe van spesiale vrederegters met betrekking tot misdrywe.

3. (1) 'n Hof van 'n spesiale vrederegter het met betrekking tot die misdrywe in die Eerste Bylae vermeld dieselfde regsbevoegdheid binne die gebied waarvoor bedoelde spesiale vrederegter sy amp uitoefen, as wat 'n magistraatshof binne 'n magistraatsdistrik het: Met dien verstande dat die hof van 'n spesiale vrederegter nie regsbevoeg is om—

(*a*) 'n boete van meer as tien pond op te lê nie; of

(*b*) gevangenisstraf vir 'n tydperk van langer as 'n maand op te lê nie; of

(*c*) behoudens die bepalings van sub-artikel (3), enige lyfstraf op te lê nie; of

(*d*) aanhouding in 'n verbeteringsgestig te gelas nie,

maar, behoudens hierdie voorbehoudsbepaling, kan gevangenisstraf met of sonder dwangarbeid of met of sonder skraal rantsoen of met of sonder alleenopsluiting of by wanbetaling van, of benewens, of sonder die keuse van 'n boete opgelê word, wanneer 'n magistraatshof wettiglik sodanige straf kon opgelê het.

(2) Wanneer 'n gearresteerde persoon voor 'n hof van 'n spesiale vrederegter gebring word op 'n aanklag ten opsigte waarvan daardie hof nie regsbevoeg is nie of wat deur 'n ander hof verhoor moet word, kan die hof van die spesiale vrederegter hom na 'n bevoegde hof vir verhoor verwys.

(3) (*a*) Wanneer 'n manspersoon onder die ouderdom van een-en-twintig jaar voor 'n hof van 'n spesiale vrederegter aan 'n misdryf skuldig bevind word, is bedoelde hof regsbevoeg om as 'n tugmaatreël 'n matige lyfstraf van hoogstens tien houe met 'n ligte rottang op te lê, wat deur 'n persoon wat deur bedoelde hof aangewys is, toegedien moet word.

(*b*) Die ouer of voog van eersbedoelde persoon is geregtig om aanwesig te wees wanneer die lyfstraf toegedien word.

(4) 'n Hof van 'n spesiale vrederegter het dieselfde regsbevoegdheid, bevoegdhede en gesag binne die gebied waarvoor bedoelde vrederegter sy amp uitoefen, as wat 'n magistraatshof het kragtens enige wetsbepaling met betrekking tot here en diensbodes wat in daardie gebied van krag is: Met dien verstande dat die hof van 'n spesiale vrederegter nie regsbevoeg is om 'n hoër boete of 'n swaarder straf op te lê as wat die hof met betrekking tot 'n in sub-artikel (1) bedoelde misdryf sou kon opgelê het nie.

(5) Wanneer 'n magistraatshof regtens kan gelas dat onkoste of uitgawes deur 'n oortreder, aanklaer of klaer betaal moet word, of dat skade deur 'n oortreder vergoed moet word of dat gesteelde goedere deur hom teruggegee moet word, is 'n hof van 'n spesiale vrederegter regsbevoeg om, benewens die straf wat kragtens hierdie artikel deur die hof opgelê kan word, betaling van bedoelde onkoste of uitgawes of skadevergoeding, of teruggawe van bedoelde goedere, te gelas.

Hersiening van vonnisse van spesiale vrederegters.

4. (1) Die stukke van 'n strafsaak waarin 'n beskuldigde voor 'n spesiale vrederegter skuldig bevind is, moet onverwyld na die skuldigbevinding, tesame met sodanige opmerkings, indien enige, as wat die spesiale vrederegter verlang om daarby te voeg en tesame met enige skriftelike verklarings of argumente wat die beskuldigde verlang om daarby te laat voeg, aan die klerk van die magistraatshof van die distrik waarin die hof van die spesiale vrederegter gehou is, deurgestuur word.

(2) Sodanige stukke, met inbegrip van die voormelde opmerkings, verklarings en argumente, indien enige, word onverwyld deur bedoelde klerk aan die magistraat van die distrik vir sy oorweging voorgelê.

(3) Indien dit blyk dat die skuldigbevinding en vonnis volgens reg geskied het, moet die in sub-artikel (2) bedoelde magistraat daarna sy sertifikaat te dien effekte op bedoelde stukke aanteken en die stukke word dan aan die spesiale vrederegter teruggestuur.

(4) Indien dit by die oorweging van genoemde stukke volgens die oordeel van genoemde magistraat blyk dat die skuldigbevinding of vonnis nie volgens reg geskied het nie, moet hy die verrigtinge ter syde stel of verbeter en kan hy die vonnis verminder of wysig, en daarna moet hy die stukke met sy instruksies daaroor aan die spesiale vrederegter deurstuur.

Staking van verhoor voor spesiale vrederegter.

5. (1) Wanneer dit gedurende 'n strafsaak voor hom, na die mening van die spesiale vrederegter wat by die hof voorsit, blyk dat die ten laste gelegde misdryf, volgens die aard of omvang daarvan, buite die regsbevoegdheid van die hof val of hoewel dit binne bedoelde regsbevoegdheid is, dit eerder vir kennisname deur 'n magistraatshof of 'n hoërhof geskik is,

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records of the proceedings with his report on the proceedings to the magistrate of the district wherein the court is sitting.

(2) The proceedings with respect to the alleged offence and the alleged offenders shall thereupon be commenced afresh and be as prescribed by the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Jurisdiction of a court of a special justice of the peace in civil matters.

6. A court of a special justice of the peace which sits at a place more than twenty-five miles distant from a place where a magistrate's court (including a periodical or detached court) is held, shall have jurisdiction to try a civil action in which is claimed a liquidated sum not exceeding twenty-five pounds together with the costs of the proceedings but in which no other relief is sought, and to give judgment for such a liquidated sum so claimed together with the costs aforesaid: Provided that if the sum claimed exceeds five pounds the defendant may apply to have the case removed to the magistrate's court of the district and the case shall thereupon be so removed.

Act 32 of 1944 to apply to courts of special justice of the peace.

7. Subject to the provisions of this Act as to the jurisdiction of a court of a special justice of the peace, the Magistrates' Courts Act, 1944, and the rules in force in terms of Chapter V of that Act shall apply *mutatis mutandis* to every court of a special justice of the peace: Provided that—

(*a*) any appeal which under that Act would lie to a provincial or local division of the Supreme Court from a judgment, decision, order or sentence of a magistrate's court shall, in the case of a judgment, decision, order or sentence of a court of a special justice of the peace, lie to the magistrate's court of the district wherein the court of the special justice of the peace is held, and in the hearing and determination of the appeal the magistrate of the district or a magistrate of equal rank shall preside at the sitting of the magistrate's court;

(*b*) the rules of the provincial or local division of the Supreme Court relating to appeals from judgments, decisions, orders or sentences, of magistrates' courts shall not apply to appeals from a judgment, decision, order or sentence of a court of a special justice of the peace;

(*c*) the decision of the magistrate's court on an appeal from a judgment, decision, order or sentence of a court of a special justice of the peace shall be subject to further appeal in the same manner and in accordance with the same rules as if the decision were a decision of the magistrate's court in the first instance;

(*d*) no penalty for failure to attend as a witness in a court of a special justice of the peace shall exceed a fine of five pounds or, in default of payment, imprisonment for fourteen days.

Officers of courts of special justices of the peace.

8. (1) (*a*) Subject to the provisions of section *seven*, officers of courts of special justices of the peace may be appointed in like manner as similar officers of magistrates' courts and when so appointed shall in relation to courts of special justices of the peace, have like powers and shall perform like duties as officers of magistrates' courts have or are required to perform in relation to magistrates' courts.

(*b*) Any person who is at the commencement of this Act an officer of a court of a special justice of the peace shall be deemed to have been appointed under this section.

(2) Unless a clerk of the court of special justice of the peace is specially appointed thereto, the special justice of the peace shall himself have the powers and perform the duties of clerk of the court.

(3) Unless a public prosecutor is specially appointed to a court of special justice of the peace, the senior member of the police force stationed within the area for which the special justice of the peace holds office shall have the powers and perform the duties of public prosecutor at that court.

(4) (*a*) Whenever process of a court of special justice of the peace or other documents thereof are to be served, a member of any police force shall, subject to the rules, be as qualified to serve all such process and all such other documents as if he had been duly appointed

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moet hy die verhoor staak en die stukke van die saak tesame met sy verslag oor die saak aan die magistraat van die distrik waarin die hof sit, deurstuur.

(2) Die verrigtinge met betrekking tot die beweerde misdryf en die beweerde oortreders neem daarop opnuut 'n aanvang, en vind plaas soos by die Strafproseswet, 1955 (Wet No. 56 van 1955), voorgeskryf.

Regsbevoegdheid van 'n hof van 'n spesiale vrederegter in siviele sake.

6. 'n Hof van 'n spesiale vrederegter wat op 'n plek wat meer as vyf-en-twintig myl van 'n plek waar 'n magistraatshof (insluitende 'n periodieke of gedetasjeerde hof) geleë is, sitting het, is regsbevoeg om 'n siviele saak te verhoor waarin 'n gelikwideerde bedrag van hoogstens vyf-en-twintig pond tesame met die onkoste van die verrigtinge geëis word, maar waarin geen ander regshulp verlang word nie, en om vir so 'n gelikwideerde bedrag aldus geëis tesame met die voormelde onkoste uitspraak te gee: Met dien verstande dat indien die bedrag geëis vyf pond oorskry, die verweerder aansoek kan doen dat die saak na die magistraatshof van die distrik verplaas word, en die saak word daarop aldus verplaas.

Wet 32 van 1944 van toepassing op howe van spesiale vrederegters.

7. Behoudens die bepalings van hierdie Wet met betrekking tot die regsbevoegdheid van 'n hof van 'n spesiale vrederegter, is die Magistraatshowewet, 1944, en die reëls uit hoofde van Hoofstuk V van daardie Wet van krag, *mutatis mutandis* op elke hof van 'n spesiale vrederegter van toepassing: Met dien verstande dat—

(*a*) 'n appèl wat uit hoofde van daardie Wet teen 'n uitspraak, beslissing, bevel of vonnis van 'n magistraatshof by die provinsiale of plaaslike afdeling van die Hooggeregshof aangeteken kan word, in die geval van 'n uitspraak, beslissing, bevel of vonnis van 'n hof van 'n spesiale vrederegter, by die magistraatshof van die distrik waarin die hof van die spesiale vrederegter gehou word, aangeteken moet word, en by die verhoor en beslissing van die appèl moet die magistraat van die distrik of 'n magistraat van gelyke rang by die sitting van die magistraatshof voorsit;

(*b*) die reëls van die provinsiale of plaaslike afdeling van die Hooggeregshof met betrekking tot appèlle teen uitsprake, beslissings, bevele of vonnisse van magistraatshowe nie op appèlle teen 'n uitspraak, beslissing, bevel of vonnis van 'n hof van 'n spesiale vrederegter van toepassing is nie;

(*c*) die beslissing van die magistraatshof op 'n appèl teen 'n uitspraak, beslissing, bevel of vonnis van 'n hof van 'n spesiale vrederegter onderhewig is aan verdere appèl op dieselfde wyse en ooreenkomstig dieselfde reëls asof die beslissing in die eerste instansie 'n beslissing van die magistraatshof was;

(*d*) geen straf vir 'n versuim om in 'n hof van 'n spesiale vrederegter as 'n getuie te verskyn 'n boete van vyf pond of, by wanbetaling, gevangenisstraf van veertien dae mag oorskry nie.

Beamptes van howe van spesiale vrederegters.

8. (1) (*a*) Behoudens die bepalings van artikel *sewe* kan beamptes van howe van spesiale vrederegters op dieselfde wyse as soortgelyke beamptes van magistraatshowe aangestel word, en wanneer aldus aangestel, het hulle met betrekking tot howe van spesiale vrederegters dieselfde bevoegdhede en moet hulle dieselfde pligte vervul as wat beamptes van magistraatshowe met betrekking tot magistraatshowe het of moet vervul.

(*b*) Iemand wat by die inwerkingtreding van hierdie Wet 'n beampte van 'n hof van 'n spesiale vrederegter is, word geag kragtens hierdie artikel aangestel te gewees het.

(2) Tensy 'n klerk van die hof van spesiale vrederegter spesiaal daartoe aangestel is, het die spesiale vrederegter self die bevoegdhede en moet hy self die pligte vervul van 'n klerk van die hof.

(3) Tensy 'n publieke aanklaer spesiaal by 'n hof van spesiale vrederegter aangestel is, het die senior lid van die polisiemag wat gestasioneer is binne die gebied waarvoor die spesiale vrederegter aangestel is, die bevoegdhede en moet hy die pligte van 'n publieke aanklaar by daardie hof vervul.

(4) (*a*) Wanneer prosesstukke van 'n hof van spesiale vrederegter of ander dokumente daarvan bestel moet word, is 'n lid van 'n polisiemag, behoudens die reëls, net so bevoeg om al sulke prosesstukke en al sulke ander dokumente te bestel, asof hy behoorlik as onder-

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deputy messenger and, unless some other person has been specially appointed, shall serve all such process and documents.

(*b*) The fees payable to a messenger in respect of or in connection with any such service shall be chargeable, but shall be paid into the Consolidated Revenue Fund.

Appointment of certain officers in in the public service as special justices of the peace.

9. (1) The Minister may appoint an officer in the public service who has passed the Public Service Law Examination, or an examination declared by the Governor-General to be equivalent thereto, to be a special justice of the peace for the purpose of holding a court for the trial of offences which would otherwise be tried by the magistrate's court of the district or sub-district in which the appointment is made.

(2) Such officer shall, whenever thereto required by the magistrate, hold a court of special justice of the peace at the place in the district or sub-district where the magistrate's court is held, but in so holding a court he shall possess only such judicial powers and jurisdiction as are by this Act conferred upon a special justice of the peace in respect of criminal matters, and shall exercise any such powers or jurisdiction subject to the provisions of this Act.

(3) Such officer shall also, subject to the direction of the magistrate, have authority to exercise such powers and perform such duties of an administrative nature as may by any law be conferred or imposed on an assistant magistrate, and shall, while holding such appointment as special justice of the peace, also be a justice of the peace for the district or sub-district.

(4) Any officer in the public service holding at the commencement of this Act the office of special justice of the peace shall, as from such commencement, be deemed to have been appointed as such under this section.

Amendment of First Schedule.

10. The Minister may, from time to time by notice in the *Gazette*, add any offence to the offences mentioned in the First Schedule or remove any offence from that Schedule.

Repeal of laws.

11. (1) Subject to the provisions of sub-section (2), the laws specified in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been taken under the corresponding provision of this Act.

Short title.

12. This Act shall be called the Special Justices of the Peace Act, 1957.

First Schedule.

OFFENCES IN RESPECT OF WHICH COURTS OF SPECIAL JUSTICES OF THE PEACE HAVE JURISDICTION.

(1) Any offence for which the maximum penalty provided by statute or statutory proclamation or regulation does not exceed a fine of twenty-five pounds or imprisonment for a period of three months, or both such fine and such imprisonment, in addition to costs and expenses, where such are by law allowed.

(2) Assault, where no dangerous wound is inflicted and no dangerous weapon is used.

(3) Theft of any nature (other than stock theft) where the value of the property stolen does not exceed five pounds.

(4) Receiving stolen property (other than stolen stock) not exceeding five pounds in value, knowing it to have been stolen.

(5) Malicious injury to property where the value of the property injured did not before the injury exceed five pounds.

(6) Contravention of the Transvaal Town Regulations, 1899, or of any by-law or regulation made for or by any Municipality, Municipal Council, Town Council, Town Board, Village Council, Health Committee, Village Management Board, Diggers' Committee, or other similar authority.

(7) Contravention of regulations made under paragraph (*i*), (*j*), (*k*) or (*k*)*bis* of sub-section (1) of section *twenty-three* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911).

(8) Any offence punishable under sub-section (3) of section *twenty* of the National Parks Act, 1926 (Act No. 56 of 1926).

(9) Contravention of paragraph (*g*) of section *eight* or of paragraph (*a*) of sub-section (1) of section *nine* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925).

(10) Contravention of any provision of or regulation made under any law relating to:—

(*a*) pounds;
(*b*) the prevention and suppression of vagrancy;
(*c*) passes;
(*d*) Sunday observance;

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geregsbode aangestel was, en tensy iemand anders spesiaal aangestel is, moet hy al sulke prosesstukke en dokumente bestel.

(*b*) Die gelde wat aan 'n geregsbode met betrekking tot of in verband met sodanige bestelling betaalbaar is, kan gevorder word, maar word in die Gekonsolideerde Inkomstefonds gestort.

Aanstelling van sekere amptenare in die Staatsdiens as spesiale vrederegters.

9. (1) Die Minister kan 'n amptenaar in die Staatsdiens wat in die Staatsdiens-wetseksamen, of in 'n eksamen wat deur die Goewerneur-generaal gelykwaardig daarmee verklaar is, geslaag het, as spesiale vrederegter aanstel met die doel om hofsittings te hou vir die verhoor van ortredings wat andersins deur die magistraatshof van die distrik of sub-distrik waarvoor die aanstelling gedoen is, verhoor sou gewees het.

(2) Bedoelde amptenaar moet wanneer deur die magistraat aldus beveel, 'n sitting van die hof van spesiale vrederegter hou op die plek in die distrik of sub-distrik waar die sittings van die magistraatshof gehou word, maar deur aldus 'n hofsitting te hou besit hy slegs sodanige regterlike bevoegdhede en regsbevoegdheid as wat by hierdie Wet aan 'n spesiale vrederegter ten aansien van kriminele sake toegeken is, en moet hy sodanige bevoegdhede of regsbevoegdheid onderworpe aan die bepalings van hierdie Wet uitoefen.

(3) Bedoelde amptenaar is ook, onderworpe aan die bevele van die magistraat, bevoeg om sodanige bevoegdhede en sodanige pligte van 'n administratiewe aard as wat deur enige wetsbepaling aan 'n assistentmagistraat verleen of toevertrou is, uit te oefen en te vervul, en is terwyl hy bedoelde amp as spesiale vrederegter beklee, ook 'n vrederegter vir die distrik of sub-distrik.

(4) 'n Amptenaar in die Staatsdiens wat by die inwerkingtreding van hierdie Wet die amp van spesiale vrederegter beklee, word vanaf bedoelde inwerkingtreding geag kragtens hierdie artikel as sodanig aangestel te gewees het.

Wysiging van Eerste Bylae.

10. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* enige misdryf by die in die Eerste Bylae vermelde misdrywe voeg of enige misdryf van daardie Bylae verwyder.

Herroeping van wette.

11. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Tweede Bylae hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

(2) Enige stappe gedoen kragtens 'n bepaling van 'n sub-artikel (1) herroepe wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

Kort titel.

12. Hierdie Wet heet die Wet op Spesiale Vrederegters, 1957.

Eerste Bylae.

MISDRYWE TEN AANSIEN WAARVAN HOWE VAN SPESIALE VREDEREGTERS REGSBEVOEGDHEID BESIT.

(1) 'n Misdryf waarvoor die maksimum straf soos by enige statuut of statutêre proklamasie of regulasie voorgeskryf, 'n boete van hoogstens vyf-en-twintig pond of gevangenisstraf vir 'n tydperk van hoogstens drie maande is, of beide sodanige boete en sodanige gevangenisstraf, benewens onkoste en uitgawes, waar dit regtens toegelaat word.

(2) Aanranding, waar geen gevaarlike wond toegedien is en geen gevaarlike wapen gebruik is nie.

(3) Diefstal van watter aard ook al (behalwe veediefstal) waar die waarde van die gesteelde goedere hoogstens vyf pond is.

(4) Ontvangs van gesteelde goedere (behalwe gesteelde vee) waarvan die waarde hoogstens vyf pond is, wetende dat dit gesteel is.

(5) Opsetlike saakbeskadiging, waar die waarde van die beskadigde goed voor beskadiging hoogstens vyf pond was.

(6) Oortreding van die „Transvaalse Stadsregulaties, 1899", of van verordeninge of regulasies uitgevaardig vir of deur enige Munisipaliteit, Munisipale Raad, Stadsraad, Stadsbestuur, Dorpsraad, Gesondheidskomitee, Dorpsbeheerraad, Delwerskomitee of ander soortgelyke gesag.

(7) Oortreding van regulasies kragtens paragraaf (*i*), (*j*), (*k*) of (*k*) *bis* van sub-artikel (1) van artikel *drie-en-twintig* van die „Naturellearbeid Regelingswet, 1911" (Wet No. 15 van 1911) uitgevaardig.

(8) 'n Misdryf wat kragtens sub-artikel (3) van artikel *twintig* van die Wet op Nasionale Parke, 1926 (Wet No. 56 van 1926) strafbaar is.

(9) Oortreding van paragraaf (*g*) van artikel *agt* of van paragraaf (*a*) van sub-artikel (1) van artikel *nege* van die „Naturelle Belasting en Ontwikkeling Wet, 1925" (Wet No. 41 van 1925).

(10) Oortreding van 'n bepaling van of regulasie uitgevaardig kragtens 'n wet met betrekking tot:—

(*a*) skutte;
(*b*) die voorkoming en onderdrukking van rondlopery;
(*c*) passe;
(*d*) Sondagsviering;

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(*e*) the preservation of game, wild birds or fish;
(*f*) the registration, control or taxation of dogs;
(*g*) the prohibition of drunkenness in a public place;
(*h*) squatting;
(*i*) grass burning or veld fires;
(*j*) eradication of noxious weeds;
(*k*) the prevention of animal diseases;
(*l*) the prevention of cruelty to animals;
(*m*) the protection of forests, trees, flowers or other vegetation;
(*n*) the restriction or control of rabbits;
(*o*) the prevention of infectious or contagious disease.

(11) An attempt to commit any of the above offences or being accessory to the commission thereof.

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 2 of 1918.	Special Justices of the Peace Act, 1918.	The whole.
Act No. 46 of 1935.	General Law Amendment Act, 1935.	Sections *seventy-nine, eighty and eighty-one.*
Act No. 54 of 1949.	General Law Amendment Act, 1949.	Section *five.*

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(*e*) die beskerming van wild, wilde voëls of vis;
(*f*) die registrasie van, beheer oor of belasting op honde;
(*g*) die verbod op dronkenskap in 'n openbare plek;
(*h*) plakkery;
(*i*) die afbrand van gras of veldbrande;
(*j*) die uitroeiing van skadelike onkruid;
(*k*) die voorkoming van dieresiektes;
(*l*) die voorkoming van dieremishandeling;
(*m*) die beskerming van bosse, bome, blomme of ander plantegroei;
(*n*) die beperking van of beheer oor konyne;
(*o*) die voorkoming van besmetlike of aansteeklike siektes.

(11) 'n Poging om enige van die bovermelde misdrywe te pleeg of medepligtigheid in die pleging daarvan.

Tweede Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.	Omvang van Herroeping.
Wet No. 2 van 1918.	„Wet op Speciale Vrederechters, 1918."	Die geheel.
Wet No. 46 van 1935.	Algemene Regswysigingswet, 1935.	Artikels *negeen-sewentig, tagtig en een-en-tagtig.*
Wet No. 54 van 1949.	Algemene Regswysigingswet, 1949.	Artikel *vyf.*

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No. 20, 1957.]

ACT

To consolidate the law relating to the liability of the State in respect of acts of its servants.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 26th March*, 1957.)

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:—

Claims against the State cognizable in any competent court.

1. Any claim against the State which would, if that claim had arisen against a person, be the ground of an action in any competent court, shall be cognizable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the State or out of any wrong committed by any servant of the State acting in his capacity and within the scope of his authority as such servant.

Proceedings to be taken against Minister of department concerned.

2. In any action or other proceedings instituted by virtue of the provisions of section *one*, the Minister of the department concerned may be cited as nominal defendant or respondent.

Satisfaction of judgment.

3. No execution, attachment or like process shall be issued against the defendant or respondent in any such action or proceedings or against any property of the State, but the amount, if any, which may be required to satisfy any judgment or order given or made against the nominal defendant or respondent in any such action or proceedings may be paid out of the Consolidated Revenue Fund or the Railways and Harbours Fund, as the circumstances may require.

Savings.

4. Nothing in this Act contained shall affect any provision of any law which—

(*a*) limits the liability of the State or the Government or any department thereof in respect of any act or omission of its servants; or

(*b*) prescribes specified periods within which a claim is to be made in respect of any such liability; or

(*c*) imposes conditions on the institution of any action.

Repeal of Act 1 of 1910.

5. The Crown Liabilities Act, 1910, is hereby repealed.

Short title.

6. This Act shall be called the State Liability Act, 1957.

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No. 20, 1957.]

WET

Tot samevatting van die wetsbepalings met betrekking tot die aanspreeklikheid van die Staat ten opsigte van handelinge van sy dienaars.

(*Afrikaanse teks deur die Goewerneur-generaal geteken.*)
(*Goedgekeur op* 26 *Maart* 1957.)

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

Eise teen die Staat in enige bevoegde hof beregbaar.

1. Enige eis teen die Staat wat, indien daardie eis teen 'n persoon ontstaan het, 'n grond van aksie in 'n bevoegde hof sou uitmaak, is deur daardie hof beregbaar, hetsy die eis ontstaan uit 'n kontrak wat wettiglik namens die Staat aangegaan is of uit 'n onregmatige daad wat deur 'n dienaar van die Staat handelende in sy hoedanigheid en binne die omvang van sy bevoegdheid as so 'n dienaar, verrig is.

Regsgeding moet teen Minister van betrokke departement aanhangig gemaak word.

2. In 'n aksie of ander regsgeding uit hoofde van die bepalings van artikel *een* ingestel, kan die Minister van die betrokke departement as nominale verweerder of respondent gesiteer word.

Voldoening aan vonnis.

3. Geen lasbrief tot tenuitvoerlegging of beslaglegging of soortgelyke prosesstuk kan in so 'n aksie of regsgeding teen die verweerder of respondent of teen eiendom van die Staat uitgereik word nie, maar die bedrag, as daar is, wat vereis mag word om aan 'n uitspraak of bevel wat in so 'n aksie of regsgeding teen die nominale verweerder of respondent gedoen of uitgereik is, te voldoen, kan na gelang van die omstandighede uit die Gekonsolideerde Inkomstefonds of die Spoorweg- en Hawefonds betaal word.

Voorbehoude.

4. Die bepalings van hierdie Wet maak geen inbreuk op 'n bepaling van 'n wet wat—

(*a*) die aanspreeklikheid van die Staat of die Regering of 'n departement daarvan ten opsigte van 'n handeling of versuim van sy dienaars beperk nie; of

(*b*) bepaalde tydperke voorskryf waarin 'n eis ten opsigte van sodanige aanspreeklikheid ingestel moet word nie; of

(*c*) voorwaardes vir die instelling van 'n aksie oplê nie.

Herroeping van Wet 1 van 1910.

5. Die „Kroon Aanspreeklikheid Wet, 1910", word hierby herroep.

Kort titel.

6. Hierdie Wet heet die Wet op Staatsaanspreeklikheid, 1957.

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