

South African Law Reform Commission Act 19 of 1973

[Short title, previously 'South African Law Commission Act', substituted by [s. 8 of Act 55 of 2002.](#)]

[ASSENTED TO 27 MARCH 1973]

[DATE OF COMMENCEMENT: 1 SEPTEMBER 1973]

(Afrikaans text signed by the State President)

as amended by

General Law Amendment [Act 29 of 1974](#)
South African Law Commission Amendment [Act 85 of 1984](#)
Justice Laws Rationalisation [Act 18 of 1996](#)
General Law Amendment [Act 49 of 1996](#)
Judicial Matters Amendment [Act 42 of 2001](#)
Judicial Matters Amendment [Act 55 of 2002](#)
Judicial Matters Amendment [Act 8 of 2017](#)

ACT

To establish a South African Law Reform Commission and to provide for matters incidental thereto.

[Long title substituted by s. 9 of [Act 55 of 2002.](#)]

1 Definitions

In this Act, unless the context otherwise indicates-

'**Commission**' means the South African Law Reform Commission referred to in section 2 (2);
[Definition of 'Commission' substituted by [s. 4 of Act 55 of 2002.](#)]

'**Minister**' means the Minister of Justice;

'**Republic**'

[Definition of 'Republic' deleted by [s. 1 of Act 49 of 1996.](#)]

[1](#) The administration and the powers or functions entrusted by legislation to the Minister of Justice and Constitutional Development transferred to the Minister of Justice and Correctional Services (Proc 47 in GG 37839 of 15 July 2014) and to the Minister of Justice and Constitutional Development (Proc 199 in GG 51368 of 11 October 2024)

2 Establishment of Commission

(1) There is hereby established a body to be known as the South African Law Commission.

(2) As from the date of the commencement of the Judicial Matters Amendment Act, 2002, the Commission referred to in subsection (1) shall be known as the South African Law Reform Commission.

[S. 2 substituted by [s. 5 of Act 55 of 2002.](#)]

3 Constitution of Commission and period of office of members

(1) (a) The Commission shall consist of the following members, appointed by the President:

(i) A judge of the Constitutional Court, the Supreme Court of Appeal or the High Court, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of [section 3](#) of the Judges' Remuneration and Conditions of Employment Act, 2001 ([Act 47 of 2001](#)), as chairperson; and

[Sub-para. (i) substituted by [s. 4 of Act 42 of 2001](#) and by [s. 7 of Act 8 of 2017.](#)]

(ii) not more than eight persons who appear to the President to be fit for appointment on account of the tenure of a judicial office or on account of experience as an advocate or as an attorney or as a professor of law at any university, or on account of any other qualification relating to the objects of the Commission.

[Sub-para. (ii) substituted by [s. 6 of Act 55 of 2002.](#)]

(b) The President shall designate one of the persons referred to in paragraph (a) (ii) as vice-chairman of the Commission, and when the chairman is not available, the vice-chairman shall perform the functions assigned to the chairman by or under this Act.

(c) Not more than three members of the Commission designated by the President, shall hold their office as members of the Commission, and shall perform their functions under this Act, in a full-time capacity.

[Sub-s. (1) substituted by s. 1 (a) of [Act 85 of 1984](#) and amended by s. 4 of [Act 18 of 1997.](#)]

(2) The President may appoint one or more additional members if he deems it necessary for the investigation of any particular matter by the Commission.

[Sub-s. (2) substituted by s. 1 (b) of [Act 85 of 1984](#) and amended by [s. 4 of Act 18 of 1996.](#)]

(3) A member of the Commission-

(a) referred to in subsection (1), shall be appointed for a period of not more than five years;

(b) referred to in subsection (2), shall be appointed for a period determined by the President,

and any such appointment may be revoked at any time by the President if in his opinion good reasons exist therefor.

[Sub-s. (3) substituted by s. 1 (c) of [Act 85 of 1984](#) and amended by [s. 4 of Act 18 of 1996.](#)]

(4) Any person whose period of office as a member of the Commission has expired, shall be eligible for reappointment.

4 Objects of Commission

The objects of the Commission shall be to do research with reference to all branches of the law of the Republic and to study and to investigate all such branches of the law in order to make recommendations for the development, improvement, modernization or reform thereof, including-

(a) the repeal of obsolete or unnecessary provisions;

- (b) the removal of anomalies;
- (c) the bringing about of uniformity in the law in force in the various parts of the Republic;
- (d) the consolidation or codification of any branch of the law; and
- (e) steps aimed at making the common law more readily available.

5 Powers and duties of Commission

(1) In order to achieve its objects the Commission shall from time to time draw up programmes in which the various matters which in its opinion require consideration are included in order of preference, and shall submit such programmes to the Minister for approval.

(2) The Commission may include in any programme any suggestion relating to its objects received from any person or body.

(3) The Commission shall, as far as possible in order of preference, investigate the matters appearing on any programme approved or amended by the Minister and may for that purpose consult any person or body, whether by the submission of study documents prepared by the Commission or in any other manner.

(4) The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 ([Act 8 of 1947](#)), shall apply *mutatis mutandis* to the Commission.

(5) If after investigating any matter the Commission is of the opinion that legislation ought to be enacted with regard to that matter, the Commission shall prepare draft legislation for that purpose.

6 Meetings of Commission

(1) Meetings of the Commission shall be held at the times and places appointed by the chairman of the Commission.

[Sub-s. (1) substituted by s. 2 (a) of [Act 85 of 1984](#).]

(2) The majority of the members of the Commission shall constitute a quorum for a meeting.

[Sub-s. (2) substituted by s. 2 (b) of [Act 85 of 1984](#).]

(3) If both the chairman and the vice-chairman are absent from a meeting, the members present shall choose one of their number to preside at that meeting.

[Sub-s. (3) substituted by s. 2 (c) of [Act 85 of 1984](#).]

(4) The Commission may regulate the proceedings at meetings as it may think fit and shall keep minutes of the proceedings.

7 Reports of Commission

(1) The Commission shall prepare a full report in regard to any matter investigated by it and shall submit such report together with draft legislation, if any, prepared by it, to the Minister for consideration.

(2) The Commission shall within five months of the end of a financial year of the Department of Justice and Constitutional Development submit to the Minister a report on all its activities during that financial year.

[Sub-s. (2) substituted by s. 7 of [Act 55 of 2002](#).]

(3) The report referred to in subsection (2) shall be laid upon the Table in Parliament within fourteen days after it was submitted to the Minister, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

[Sub-s. (3) substituted by s. 3 (b) of [Act 85 of 1984](#).]

7A Committees of Commission

(1) The Commission may, if it deems it necessary for the proper performance of its functions-

- (a) establish a working committee, which shall consist of such members of the Commission as the Commission may designate;
- (b) establish such other committees as it may deem necessary, and which shall consist of-
 - (i) such members of the Commission as the Commission may designate; or
 - (ii) such members of the Commission as the Commission may designate and the other persons appointed by the Minister for the period determined by the Minister.

(2) The Minister may at any time extend the period of an appointment referred to in subsection (1) (b) (ii) or, if in his opinion good reasons exist therefor, revoke any such appointment.

(3) The Commission shall designate the chairman and, if the Commission deems it necessary, the vice-chairman of a committee established under subsection (1).

(4) (a) A committee referred to in subsection (1) shall, subject to the directions of the Commission, perform those functions of the Commission assigned to it by the Commission.

(b) Any function so performed by the working committee referred to in subsection (1) (a) shall be deemed to have been performed by the Commission.

(5) The Minister or the Commission may at any time dissolve any committee established by the Commission.

(6) The provisions of sections 5 (4) and 6 shall *mutatis mutandis* apply to a committee of the Commission.

(7) In the application of section 9 a member of a committee who is not a member of the Commission, shall be deemed to be a member of the Commission.

[S. 7A inserted by s. 4 of [Act 85 of 1984](#).]

8 Secretary and staff

(1) The secretary of the Commission and such other officers and employees as are required for the proper performance of the Commission's functions, shall be appointed in terms of the Public Service Act, 1994 ([Proclamation 103 of 1994](#)).

[Sub-s. (1) amended by s. 4 of [Act 18 of 1996](#).]

(2) The Commission may, with the approval of the Minister in consultation with the Minister of Finance, on a temporary basis or for a particular matter which is being investigated by it, employ any person with special knowledge of any matter relating to the work of the Commission, or obtain the co-operation of any body, to advise or assist the Commission in the performance of its functions under this Act, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body.

9 Remuneration, allowances, benefits and privileges of members

(1) A member of the Commission who-

(a) is a judge of the Constitutional Court, the Supreme Court of Appeal or a High Court shall, notwithstanding anything to the contrary contained in any other law, in addition to his or her salary and any allowance, including any allowance for reimbursement of travelling and subsistence expenses, which may be payable to him or her in his or her capacity as such a judge, be entitled to such allowance (if any) in respect of the performance of his or her functions as such a member as the President may determine;

[Para. (a) amended by [s. 4](#) of [Act 18 of 1996](#) and by [s. 5](#) of [Act 42 of 2001](#).]

(b) is not such a judge and is not subject to the provisions of the Public Service Act, 1994 ([Proclamation 103 of 1994](#)), shall be entitled to such remuneration, allowances (including allowances for reimbursement of travelling and subsistence expenses incurred by him in the performance of his functions under this Act), benefits and privileges as the Minister in consultation with the Minister of Finance may determine.

[Para. (b) amended by [s. 4](#) of [Act 18 of 1996](#).]

(2) The remuneration, allowances, benefits or privileges of different members of the Commission may differ according to-

(a) the different offices held by them in the Commission; or

(b) the different functions performed, whether in a part-time or full-time capacity, by them from time to time.

(3) In the application of subsections (1) and (2), the President or the Minister, as the case may be, may determine that any remuneration, allowance, benefit or privilege contemplated in those subsections, shall be the remuneration, allowance, benefit or privilege determined from time to time by or under any law in respect of any person or category of persons.

[Sub-s. (3) amended by [s. 4](#) of [Act 18 of 1996](#).]

[S. 9 amended by [s. 20](#) of [Act 29 of 1974](#) and substituted by [s. 6](#) of [Act 85 of 1984](#).]

10 Short title

This Act shall be called the South African Law Reform Commission Act, 1973.

[S. 10 substituted by [s. 8](#) of [Act 55 of 2002](#).]
