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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 724. 23 April 1986

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

No. 36 van 1986: Wysigingswet op Vrederegters en Kommissarisse van Ede, 1986.

STATE PRESIDENT'S OFFICE

No. 724. 23 April 1986

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

No. 36 of 1986: Justices of the Peace and Commissioners of Oaths Amendment Act, 1986.

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Wet No. 36, 1986 WYSIGINGSWET OP VREDEREGTERS EN KOMMISSARISSE VAN EDE, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

______ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Vrederegters en Kommissarisse van Ede, 1963, ten einde die lede van sekere liggame van die amp van vrederegter uit te sluit; die verwysings in die Eerste Bylae by die Wet na sekere ampte te verander in ooreenstemming met die nuwe benamings van daardie ampte; en sekere ander ampte by daardie Bylae in te sluit; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 April 1986.)

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

Vervanging van artikel 2 van Wet 16 van 1963, soos gewysig deur artikel 1 van Wet 8 van 1965 en artikel 2 van Wet 55 van 1970.

1. Artikel 2 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

"Aanstelling van vrederegters.

2. (1) Die Minister van Justisie (hieronder die Minister genoem) kan, behoudens die bepalings van subartikel (2), vir 'n landdrosdistrik soveel vrederegters aanstel as wat hy goedvind.

(2) 'n Lid van 'n liggaam beoog in artikel 2 van die Kieswet, 1979 (Wet No. 45 van 1979), mag nie die amp van vrederegter beklee nie.

(3) Iemand wat as 'n kandidaat vir 'n afdeling beoog in artikel 1 van die Kieswet, 1979, benoem is, mag nie terwyl hy aldus benoem is enige van die bevoegdhede of pligte verbonde aan die amp van vrederegter en vermeld in artikel 3, uitoefen of uitvoer nie.

[(2)] (4) 'n Vrederegter wat **[aldus]** ingevolge subartikel (1) aangestel is, beklee sy amp solank dit die Minister behaag of totdat hy ingevolge subartikel (2) van die bekleding van die amp uitgesluit word.".

Wysiging van Eerste Bylae by Wet 16 van 1963, soos vervang deur artikel 5 van Wet 21 van 1967 en gewysig deur artikel 3 van Wet 55 van 1970, artikel 12 van Wet 33 van 1974 en artikel 1 van Wet 110 van 1984.

2. Die Eerste Bylae by die Hoofwet word hierby gewysig—

(a) deur die eerste paragraaf deur die volgende paragraaf te vervang:

"'n Amp vermeld in Kolom II van **[die Eerste]** Bylae 1 by die Staatsdienswet, **[1957 (Wet No. 54 van 1957)]** 1984 (Wet No. 111 van 1984), 'n amp van **[Adjunk-sekretaris of van Ondersekretaris]** Adjunk-direkteur-generaal, Hoofdirekteur, Direkteur, Adjunk-direkteur, of Assistent-direkteur van 'n in Kolom I van daardie Bylae bedoelde departement en 'n amp in 'n aldus bedoelde departement wat ooreenstem met **[so 'n amp van Adjunk-sekretaris of Onder-sekretaris]** enige sodanige amp."; en

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

________ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Justices of the Peace and Commissioners of Oaths Act, 1963, so as to exclude the members of certain bodies from the office of justice of the peace; to alter the references in the First Schedule to the Act to certain offices in accordance with the new designations of those offices; and to include certain other offices in that Schedule; and to make provision for matters connected therewith.

(English text signed by the State President.)
(Assented to 9 April 1986.)

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

Substitution of section 2 of Act 16 of 1963, as amended by section 1 of Act 8 of 1965 and section 2 of Act 55 of 1970.

1. The following section is hereby substituted for section 2 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (hereinafter referred to as the principal Act):

"Appointment of justices of the peace.

2. (1) The Minister of Justice (hereinafter referred to as the Minister) may, subject to the provisions of subsection (2), appoint for any magisterial district so many justices of the peace as he may deem fit.

(2) A member of a body referred to in section 2 of the Electoral Act, 1979 (Act No. 45 of 1979), shall not hold the office of justice of the peace.

(3) Any person who has been nominated as a candidate for a division contemplated in section 1 of the Electoral Act, 1979, shall not, while he is thus nominated, exercise or carry out any of the powers or duties attaching to the office of justice of the peace and referred to in section 3.

[(2)] (4) Any justice of the peace **[so]** appointed in terms of subsection (1) shall hold office during the Minister's pleasure or until he is precluded by subsection (2) from holding office as a justice of the peace.".

Amendment of First Schedule to Act 16 of 1963, as substituted by section 5 of Act 21 of 1967 and amended by section 3 of 1970, section 12 of Act 33 of 1974 and section 1 of Act 110 of 1984.

2. The First Schedule to the principal Act is hereby amended—

(a) by the substitution for the first paragraph of the following paragraph:

"Any office mentioned in Column II of **[the First]** Schedule 1 to the Public Service Act, **[1957 (Act No. 54 of 1957)]** 1984 (Act No. 111 of 1984), any office of **[Deputy Secretary or of Under-Secretary]** Deputy Director-General, Chief Director, Director, Deputy Director or Assistant Director of a department referred to in Column I of that Schedule and any office in a department so referred to which corresponds with **[such office of Deputy Secretary or Under-Secretary]** any of the said offices."; and

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(b) deur die tweede paragraaf deur die volgende paragraaf te vervang:

"**[Hoofregsadviseur, Adjunk-hoofregsadviseur en Regsadviseur]** Hoofstaatsregsadviseur, Adjunk-hoofstaatsregsadviseur, Senior Staatsregsadviseur en Staatsregsadviseur in die vaste diens van die Staat.".

Bevoegdheid om sekere verrigtinge af te handel.

3. Iemand wat behoorlik as vrederegter aangestel is, maar wat as gevolg van die bepalings van hierdie Wet vanaf die datum van die inwerkingtreding van daardie bepalings onbevoeg raak om die amp van vrederegter te beklee, bly ondanks daardie feit bevoeg om enige verrigtinge waaraan hy onmiddellik voor daardie datum as vrederegter deelgeneem het en wat by sodanige inwerkingtreding nie afgehandel is nie, af te handel.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Vrederegters en Kommissarisse van Ede, 1986.

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(*b*) by the substitution for the second paragraph of the following paragraph:

"**[Chief Law Adviser, Deputy Chief Law Adviser, and Law Adviser]** Chief State Law Adviser, Deputy Chief State Law Adviser, Senior State Law Adviser and State Law Adviser in the permanent service of the State.".

Power to complete certain proceedings.

3. Any person who has been duly appointed as a justice of the peace but who by virtue of the provisions of this Act becomes incompetent, as from the date of commencement of those provisions, to hold the office of justice of the peace, shall notwithstanding that fact remain competent to complete any proceedings in which he took part as a justice of the peace immediately prior to that date and which have at that date not been completed.

Short title.

4. This Act shall be called the Justices of the Peace and Commissioners of Oaths Amendment Act, 1986.