



# LEGISLATION EMANATING FROM SALRC REPORTS

The SALRC is an innovative and crucial game changer in the legislative sphere. It does in-depth participatory research to review the past, evaluate the present and anticipate future law within a constitutional framework to meet changing societal needs.

**South African**  
**Law Reform Commission**



# A LEGISLATION PASSED PRE-1994

**The following pieces of legislation, emanating from SALRC reports, were passed before 1994:**

NO.	LEGISLATION	SALRC REPORTS
1	Section 36 of Second General Law Amendment Act 94 of 1974	The submission of questions of law in civil cases to the Appellate Division of the Supreme Court, Project 3, 1974
2	Prescribed Rate of Interest Act 55 of 1975	The prescribing of a rate of interest in respect of debts where no rate of interest applies in law, Project 14, 1974
3	Petition Proceedings Replacement Act 35 of 1976	Investigation into the substitution of petition proceedings in superior courts, Project 20, 1975
4	Abolition of Civil Imprisonment Act 2 of 1977	Abolition of civil imprisonment, Project 27, 1976
5	Recognition and Enforcement of Foreign Arbitration Awards Act 40 of 1977	Investigation into the enforceability of foreign arbitration awards in the Republic, Project 18, 1975
6	Dissolution of Marriages on Presumption of Death Act 23 of 1979	Investigation into the law relating to presumption of death, Project 31, 1977
7	Divorce Act 70 of 1979	Review of the law of divorce, Project 12, 1977
8	Admiralty Jurisdiction Regulation Act 105 of 1983	Review of the law of admiralty, project 32, 1982
9	Insolvency Amendment Act 84 of 1984	Investigation into the amendment of section 26 of the Insolvency Act 24 of 1936, project 53, 1983
10	Matrimonial Property Act 88 of 1984	The matrimonial property law with special reference to the Matrimonial Affairs Act, 1953, the status of the married woman, and the law of succession in so far as it affects the spouses, Project 15, 1982

# A LEGISLATION PASSED PRE-1994

11	Laws on Co-operation and Development Second Amendment Act 90 of 1985	Marriages and customary unions of black persons: Problems relating to the acquisition of leasehold, Project 51, 1985
12	Intestate Succession Act 81 of 1987	Review of the law of succession: Intestate succession, Project 22, 1985
13	Law of Evidence and the Criminal Procedure Amendment Act 103 of 1987	Women and sexual offences in South Africa, Project 45, 1985
14	Criminal Law Amendment Act 1 of 1988	Offences committed under the influence of liquor or drugs, Project 49, 1985
15	Marriage and Matrimonial Property Law Amendment Act 3 of 1988	Marriages and customary unions of black persons, Project 51, 1986
16	Law of Evidence Amendment Act 45 of 1988	Review of the law of evidence, Project 6, 1986
17	Trust Property Control Act 57 of 1988	Review of the law of trusts, Project 9, 1986
18	Criminal Law and Criminal Procedure Act Amendment Act 39 of 1989	Women and sexual offences in South Africa, project 45, 1985
19	Maintenance of Surviving Spouses Act 27 of 1990	Review of the law of succession: Legitimate portion or right to maintenance, Project 22, 1987
20	Mentally Ill Persons' Legal Interests Amendment Act 108 of 1990	Enduring powers of attorney and the appointment of curators for mentally incapacitated persons, Project 61, 1988
21	Insolvency Amendment Act 6 of 1991	Review of the law of insolvency: Interim report: Section 34 of the Insolvency Act 24 of 1936, Project 63, 1990
22	Game Theft Act 105 of 1991	The acquisition and loss of ownership of game, Project 69, 1991
23	Criminal Law Amendment Act 135 of 1991	The protection of child witnesses, Project 71, 1991

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24	Domicile Act 3 of 1992	Domicile, Project 60, 1991
25	Law of Succession Amendment Act 43 of 1992	Review of law of succession: Formalities of a will, alteration and revocation of wills, disqualification from inheriting, substitution and the succession rights of adopted children, Project 22, 1991
26	Divorce Amendment Act 44 of 1992	Review of the law of divorce: Section 7(3) of Act 70 of 1979, Project 12, 1991
27	Security by means of Movable Property Act 57 of 1993	The giving of security by means of movable property, Project 46, 1991&1993
28	Insolvency Amendment Act 122 of 1993	Review of the law of insolvency: Interim report: Insolvency interdicts, Project 63, 1992
29	General Law Third Amendment Act 129 of 1993	Review of the law of insolvency: Interim report: Appeals against sequestration orders, Project 63, 1993
30	Prevention of Family Violence Act 133 of 1993	Women and sexual offences in South Africa, Project 45, 1985



# CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

## **The Commission made an important contribution to the development of the Constitution of the Republic of South Africa, 1996 through its reports on –**

**Group and Human Rights (Project 58), 1991; and  
Constitutional Models (Project 77), 1994.**

The State President in his opening address to Parliament in 2 February 1990, announced that the Government had in principle accepted the Commission' proposal set out in Working paper 25 of Project 58, that a new constitution be drawn up for the country which would include the protection of individual rights in the form of a Bill of Rights. He stated that the realisation of such a constitution would involve a consensual solution preceded by discussions, consultations and negotiations. Participating parties would want to have the benefit of a preparatory document that could serve as a background study and a point of departure for discussions. The State President therefore announced that the SALC had been requested to investigate possible constitutional models (Project 77).

On 26 October 1994 the Human Sciences Research Council awarded the Humanitas award to the SALC for outstanding research into human rights and constitutional models. It is the Council's highest award for applied human sciences research.

# C LEGISLATION PASSED POST 1994

**The following pieces of legislation, emanating from SALRC reports, have been passed since 1994:**

NO.	LEGISLATION	SALRC REPORT
1	Insolvency Amendment Act 32 of 1995	Review of the law of insolvency  Interim report: The protection of the financial markets in the event of insolvency, Project 63, 1994
2	Criminal Procedure Second Amendment Act 75 of 1995	Reform of the South African law of bail Report, Project 66, 1994
3	Hague Convention on the Civil Aspects of International Child Abduction Act 72 of 1996 enacted, since repealed and re-enacted in the Children's Act 38 of 2005	Accession to the Hague Convention on the Civil Aspects of International Child Abduction, Project 80, 1992
4	International Co-operation in Criminal Matters Act 75 of 1996	International co-operation in criminal prosecutions, Project 98, 1995
5	Criminal Procedure Second Amendment Act 85 of 1996	Application of the trapping system, Project 84, 1994
6	Criminal Procedure Amendment Act 86 of 1996	The simplification of criminal procedure Second interim report: The simplification of criminal procedure, Project 73, 1995
7	Divorce Amendment Act 95 of 1996	Jewish divorces, Project 76, 1994
8	Prescribed Rate of Interest Amendment Act 7 of 1997	Interest on damages, Project 78, 1994
9	Contingency Fees Act 66 of 1997	Speculative and contingency fees, Project 93, 1996



# LEGISLATION PASSED POST 1994

10	Companies Amendment Act 35 of 1998	The protection of a purchaser of shares: Supplementary report on section 138 of the Companies Act 61 of 1973, Project 62, 1994
11	Employment Equity Act 55 of 1998 (Recommendations incorporated)	Aspects of the law relating to AIDS Second interim report: Pre-employment HIV testing Project 85, 1998
12	Criminal Matters Amendment Act 68 of 1998	Declaration and detention of persons as State patients in terms of the Criminal Procedure Act, 1977, and the release of such persons in terms of the Mental Health Act, 1973, including the onus of proof regarding the mental condition of an accused or convicted person, Project 89, 1995
13	Maintenance Act 99 of 1998	Maintenance: Interim report, Project 100, 1998
14	Domestic Violence Act 116 of 1998	Domestic violence, Project 100, 1996
15	Recognition of Customary Marriages Act 120 of 1998	Customary law: Customary marriages, Project 90, 1998
16	Judicial Matters Second Amendment Act 122 of 1998	Jurisdictional lacuna in the Supreme Court Act, 1959, Project 87, 1994
17	National Policy on HIV/AIDS for Learners in Public Schools on 10 August 1999	Aspects of the law relating to AIDS: Third interim report: HIV/AIDS and discrimination in schools, Project 85, 1998
18	Promotion of Administrative Justice Act 3 of 2000	Review of administrative law. Project 115, 1999
19	Cross-Border Insolvency Act 42 of 2000	Review of the law of insolvency  Interim report: The enactment in South Africa of UNCITRAL's Model Law on Cross-Border Insolvency, 1999, Project 63, 1999
20	Financial Intelligence Centre Act 38 of 2001	Money laundering and related matters, Project 104, 1996





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21	Criminal Procedure Second Amendment Act 62 of 2001	The simplification of criminal procedure Fourth interim report: Sentence agreements, Project 73, 2001
22	Regulations on Hazardous Biological Agents promulgated on 27 December 2001	Aspects of the law relating to AIDS: First interim report: Health related aspects, Project 85, 1997
23	Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002	Investigation into time limits for the institution of actions against the State, Project 42, 1998
24	Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002	Review of security legislation: Monitoring and Interception Prohibition Act 127 of 1992, Project 105
25	Alteration of Sex Description and Sex Status Act 49 of 2003	Investigation into the legal consequences of sexual re-alignment and related matters, Project 52, 1995
26	Protection of Constitutional Democracy against Terrorism and Related Activities Act 33 of 2004	Review of security legislation: Terrorism, Project 105, 2002
27	Children's Act 38 of 2005 and Children's Amendment Act 41 of 2007	Accession to the Hague Convention on the Civil Aspects of International Child Abduction, Project 80, 1992
		Surrogate motherhood, Project 65, 1992
		Family law and the law of persons: Access to minor children by interested persons, Project 100, 1996
		Review of the Child Care Act, Project 110, 2002
28	Civil Union Act 17 of 2006	Domestic partnerships, Project 118, 2006
29	Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007	Aspects of the law relating to AIDS Fourth interim report: Compulsory HIV testing of persons arrested in sexual offence cases, Project 85, 2000
		Sexual offences, Project 107, 2002





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30	Criminal Procedure Amendment Act 65 of 2008	Postponement of criminal cases via audio-visual link, Project 113, 2003
31	Child Justice Act 75 of 2008	Juvenile Justice, Project 106, 2000
32	Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009	Customary law: Customary law of succession, Project 90, 2004
30	Protection from Harassment Act 17 of 2011	Stalking, Project 130, 2006
34	Protection of Personal Information Act 4 of 2013	Privacy and data protection, Project 124, 2009
35	Prevention and Combating of Trafficking in Persons Act 7 of 2013	Trafficking in persons, Project 131, 2008
36	Protected Disclosures Amendment Act 5 of 2017	Report on Protected Disclosures, Project 123, 2007
37	International Arbitration Act 15 of 2017	International arbitration, Project 94, 1998



**Reference to all papers and reports published by the SALRC, which are still receiving the attention of Departments, can be found in the SALRC's Annual report, available on [this website](#).**