

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
ATTORNEYS
AMENDMENT BILL**

[B 7B—98]

(As agreed to by the Portfolio Committee on Justice (National Assembly))

[B 7C—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP PROKUREURS**

[W 7B—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Justisie (Nasionale Vergadering))

[W 7C—98]

ISBN 0 621 28610 9

AMENDMENTS AGREED TO

ATTORNEYS AMENDMENT BILL [B 7B—98]

CLAUSE 6

1. On page 8, in line 4, to omit “repeal” and to substitute “amendment”.
2. On page 8, from line 18, to omit subsection (4) and to substitute:

(4) The laws mentioned in the second column of the Schedule are amended to the extent indicated in the third column thereof.

(5) Rules of court made under any provision amended by this Act which were in force immediately before the commencement of this Act, shall, subject to the provisions of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and notwithstanding the amendment of that provision by subsection (4), remain in force until repealed in terms of the Rules Board for Courts of Law Act, 1985.

Short Title

1. On page 8, in line 22, after “Attorneys” to insert “and Matters relating to Rules of Court”.

LONG TITLE

1. On page 2, in the eighth line of the long title, to omit “repeal” and to substitute “amend”.
2. On page 2, in the eighth line of the long title, after “laws;” to insert:

to make fresh provision with regard to the Rules of the High Court in the areas of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei;

ADDITION OF SCHEDULE

1. On page 8, after Clause 7, to add the following:

SCHEDULE

(Laws amended by section 6(4))

No. and year of law	Short title	Extent of amendment
Act No. 59 of 1959 (Venda)	Supreme Court Act, 1959	Amendment of section 43 by the deletion of subsections (1), (2)(a) and (3).

No. and year of law	Short title	Extent of amendment
Act No. 15 of 1976 (Transkei)	Republic of Transkei Constitution Act, 1976	<p>The following section is substituted for section 49:</p> <p>“Rules of court</p> <p>49. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing any matter whatsoever which [it] is necessary to prescribe in order to ensure the proper despatch and conduct of the business of the court [,including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries as well as rules relating to the taxation of bills of costs and the recovery of costs].</p> <p>(2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be [subject to the approval of the President and any rules so approved shall be] made known by notice in the <i>Gazette</i>.</p> <p>(3) The rules which immediately prior to the commencement of this Act applied in respect of the High Court referred to in section 44(3) shall, notwithstanding the provisions of section 74(1), apply <i>mutatis mutandis</i> in respect of the [Supreme Court] High Court of Transkei and shall be deemed to have been duly made, approved and published in terms of this section.”.</p>
Act No. 18 of 1977 (Bophuthatswana)	Republic of Bophuthatswana Constitution Act, 1977	<p>Amendment of section 64 by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Subject to any contrary provision existing in any other law, the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing matters which may be necessary to prescribe in order to ensure the proper despatch and conduct of the business of that Court, and may amend, substitute or withdraw any rule so made.”.</p>

No. and year of law	Short title	Extent of amendment
Act No. 9 of 1979 (Venda)	Republic of Venda Constitution Act, 1979	<p>The following section is substituted for section 47:</p> <p>“Rules of court</p> <p>47. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing any matter whatsoever which is necessary to prescribe in order to ensure the proper despatch and conduct of the business of the court [including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries as well as rules relating to the taxation of bills of costs and the recovery of costs].</p> <p>(2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be [subject to the approval of the President and any rules so approved shall be] made known by notice in the <i>Gazette</i>.</p> <p>(3) The rules which immediately prior to the commencement of this Constitution applied in respect of the High Court referred to in section 42(3) shall, notwithstanding the provisions of section 75(1), apply <i>mutatis mutandis</i> in respect of the [Supreme Court] High Court of Venda and shall be deemed to have been duly made, approved and published in terms of this section.”.</p>
Act No. 32 of 1982 (Bophuthatswana)	Supreme Court of Bophuthatswana Act, 1982	<p>Amendment of section 27—</p> <p>(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:</p> <p>“Without in any way derogating from the authority of the [Chief Justice] Judge President, in terms of the provisions of section 64 of the Constitution Act, to make rules of court, or from the generality of the said provisions, such rules may prescribe—”;</p> <p>and</p> <p>(b) by the substitution for subsection (3) of the following subsection:</p> <p>“(3) Any rules of court of force immediately prior to the commencement of this Act under any law repealed by section 28(1) shall, subject to the provisions of this Act, and notwithstanding such repeal, remain of full force and effect until amended, substituted or repealed under this section <u>or any other law</u>.”.</p>

No. and year of law	Short title	Extent of amendment
Act No. 29 of 1984 (Bophuthatswana)	Attorneys, Notaries and Conveyancers Act, 1984	By the deletion of Chapter II.
Act No. 42 of 1987 (Venda)	Attorneys Act, 1987	By the deletion of Chapter II.
Decree No. 43 of 1990 (Ciskei)	Supreme Court Decree, 1990	<p>The following section is substituted for section 37:</p> <p>“Rules of Court</p> <p>37. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings of the divisions of the [Supreme Court] High Court of Ciskei and prescribing any matter whatsoever which [it] is necessary to prescribe in order to ensure the proper despatch and conduct of business of such courts [including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries, as well as rules relating to the taxation of bills of costs and recovery of the costs].</p> <p>(2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be made known by notice in the <i>Gazette</i>.</p> <p>(3) Any rules of court made under any law repealed by section 39 and in force immediately prior to the commencement of this Decree shall, notwithstanding such repeal, remain of full force and effect until amended, substituted or withdrawn in terms of this section or any other law.”.</p>
Act No. 18 of 1996	Justice Laws Rationalisation Act, 1996	Amendment of section 11 by the deletion of subsection (2).

