

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 676.

27 April 1977.

No. 676.

27 April 1977.

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

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

No. 46 of 1977: Inquests Amendment Act, 1977.

No. 46 van 1977: Wysigingswet op Geregtelike Doodsondersoeke, 1977.

Act No. 46, 1977

INQUESTS AMENDMENT ACT, 1977.

# ACT

To amend the Inquests Act, 1959, so as to further regulate the submission of records of inquests to attorneys-general and provincial or local divisions of the Supreme Court of South Africa, and the re-opening of inquests.

*(English text signed by the State President.)*  
*(Assented to 12 April 1977.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of  
section 17 of  
Act 58 of 1959.

1. The following section is hereby substituted for section 17 of the Inquests Act, 1959:

“Submission of  
record to  
attorney-  
general.

17. (1) Upon the determination of an inquest the magistrate concerned shall—

- (a) if he has in terms of section 16 (3) recorded the fact that he is unable to record any finding mentioned in section 16 (2);
- (b) if he has in terms of section 16 (2) (d) recorded a finding upon the inquest that the death was brought about by any act or omission involving or amounting to an offence on the part of any person; or
- (c) if requested to do so by the attorney-general within whose area of jurisdiction the inquest was held,

cause the record of the proceedings to be submitted to such attorney-general.

(2) If the attorney-general at any time after the receipt of the record so requests, the magistrate shall re-open the inquest and take further evidence generally or in respect of any particular matter or cause an examination or further examination of a dead body or of any part, internal organ or any of the contents thereof to be made and, if necessary, cause such body to be disinterred for the purpose of the examination, and the provisions of section 3 (3) shall apply to such examination.”

Amendment of  
section 18 of  
Act 58 of 1959.

2. Section 18 of the Inquests Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever a magistrate has in the case of an inquest referred to in subsection (1) of section 16 recorded a finding in regard to the matters mentioned in that subsection and in paragraphs (a) and (c) of subsection (2) of that section, the magistrate shall submit the record of such inquest, together with any comment which he may wish to make, to any

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provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the inquest was held, for review by the court or a judge thereof.''

Application of Act to South West Africa.

3. This Act shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Short title.

4. This Act shall be called the Inquests Amendment Act, 1977.