



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1888. 22 November 1996

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

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

No. 88 of 1996: Abolition of Restrictions on the Jurisdiction of Courts Act, 1996.

No. 88 van 1996: Wet op Afskaffing van Beperkings op Howese Jurisdiksie, 1996.

Act No. 88, 1996 ABOLITION OF RESTRICTIONS ON THE JURISDICTION OF COURTS ACT, 1996

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To amend and repeal provisions which restrict the jurisdiction of the courts; and to provide for matters connected therewith.

*(English text signed by the President.)  
(Assented to 12 November 1996.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Repeal of section 4 of Act 38 of 1927**

1. Section 4 of the Black Administration Act, 1927, is hereby repealed.

**Amendment of section 74J of Act 32 of 1944, as inserted by section 6 of Act 63 of 1976**

2. Section 74J of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (6) of the following subsection:
- “(6) A distribution account referred to in subsection (5) shall at the request of any interested party be subject to review free of charge by any judicial officer [whose decision shall be final].”

**Amendment of section 3B of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976 and amended by section 1 of Act 72 of 1977, section 1 of Act 33 of 1980, section 6 of Act 68 of 1986 and section 5 of Act 104 of 1988**

3. Section 3B of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the deletion of paragraph (a) of subsection (4).

**Amendment of section 6F of Act 52 of 1951, as inserted by section 11 of Act 104 of 1988**

4. Section 6F of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the substitution for subsection (4) of the following subsection:
- “(4) The committee may, after consideration of an objection referred to in subsection (3), confirm, set aside or amend the notice referred to in subsection (2),

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and shall notify the owner or legal occupier concerned in writing of its decision[, which shall be final].”.

**Amendment of section 119 of Act 57 of 1951**

5. Section 119 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution for subsection (5) of the following subsection: 5

“(5) If the master or owner of the ship is not satisfied with any decision of the proper officer under subsection (4), he or she may appeal therefrom to the Director-General[, whose decision shall be final].”; and

(b) by the substitution for subsection (6) of the following subsection:

“(6) The seaman or apprentice-officer concerned may within 30 days of his or her first becoming aware of any such decision of the proper officer under subsection (4) appeal therefrom to the Director-General[, whose decision in the matter shall be final]. The Director-General may on such appeal direct that any money paid to the master in accordance with the decision of the proper officer shall be paid over by the master or 15 the owner of the ship to the seaman or apprentice-officer, who may recover the amount as wages.”.

**Amendment of section 324 of Act 57 of 1951, as substituted by section 6 of Act 16 of 1995**

6. Section 324 of the Merchant Shipping Act, 1951, is hereby amended by the 20 substitution for subsection (2) of the following subsection:

“(2) From a determination or order of the Director-General under subsection (1), when the penalty imposed by him or her exceeds R500, an appeal shall lie to the Minister[, whose decision shall be final].”.

**Amendment of section 4 of Act 23 of 1955, as substituted by section 3 of Act 18 of 1978**

7. Section 4 of the Second-Hand Goods Act, 1955, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) An applicant for a certificate under this section may appeal against any decision of the Commissioner or the commissioned officer concerned, as the case 30 may be, on his or her application, to the Minister, who may after consideration of any such appeal confirm, amend or set aside the decision in question or make such order thereon as he or she may deem fit[, and whose decision shall be final].”.

**Amendment of section 1 of Act 45 of 1955, as amended by section 1 of Act 59 of 1957, section 1 of Act 65 of 1960, section 7 of Act 77 of 1964, section 3 of Act 92 of 1971, section 9 of Act 106 of 1980, section 5 of Act 86 of 1987, section 7 of Act 87 of 1988, section 6 of Act 97 of 1993 and section 2 of Act 140 of 1993**

8. Section 1 of the Estate Duty Act, 1955, is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:

“(g) There shall be no appearance by or on behalf of either party before the 40 Board, whose decision [shall be final and] shall be communicated in duplicate to the Commissioner, who shall forward one copy thereof to the executor.”.

**Amendment of section 37 of Act 24 of 1956, as amended by section 14 of Act 65 of 1968, section 19 of Act 86 of 1984, section 13 of Act 50 of 1986 and section 3 of Act 7 of 1993**

9. Section 37 of the Pension Funds Act, 1956, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purpose of subsection (2) [the decision of] the registrar shall make a decision as to the time within which a return, scheme, report, account, statement or other document referred to in that subsection was required to be furnished, 50 transmitted or deposited[, shall be final].”.

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**Amendment of section 48 of Act 25 of 1956, as amended by section 31 of Act 101 of 1976, section 6 of Act 44 of 1988 and section 5 of Act 7 of 1993**

10. Section 48 of the Friendly Societies Act, 1956, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purpose of subsection (2) [the decision of] the registrar shall make a decision as to the time within which a return, scheme, report, account, statement or other document referred to in that subsection was required to be furnished, transmitted or deposited[, shall be final].” 5

**Amendment of section 76 of Act 54 of 1956, as amended by section 28 of Act 96 of 1984 and section 15 of Act 97 of 1986** 10

11. Section 76 of the Water Act, 1956, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Whenever any portion of the area included within an irrigation district is combined with another such district or any portion of the area included in such other district, or any portion of the area included in any such district has, either alone or together with any other area, been constituted as an irrigation district, the Minister shall appoint a committee consisting of three officers of the department, one of whom he or she shall designate as [chairman] chairperson of the committee, to apportion the assets, rights, liabilities and obligations of all the irrigation boards affected amongst those boards in such manner as the committee may consider equitable, and any apportionment made by such committee shall be [final and] binding upon all such boards.” 15 20

**Amendment of section 78 of Act 54 of 1956, as amended by section 16 of Act 42 of 1975 and section 16 of Act 97 of 1986**

12. Section 78 of the Water Act, 1956, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph: 25

“(b) appoint a committee consisting of three officers of the department, one of whom he or she shall designate as [chairman] chairperson of the committee, to advise him or her as to the liquidation of the affairs of the board, and may after consideration of the report of any such committee make such order in the matter as he or she deems fit and such order shall be [final and] binding on all persons affected.” 30

**Amendment of section 111A of Act 54 of 1956, as inserted by section 12 of Act 51 of 1979**

13. Section 111A of the Water Act, 1956, is hereby amended by the deletion of paragraph (b) of subsection (6). 35

**Amendment of section 116 of Act 54 of 1956, as amended by section 45 of Act 96 of 1984**

14. Section 116 of the Water Act, 1956, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: 40

“(b) If any dispute arises between the water board and any consumer or association of consumers as to any variation of prices for water supplied, the matter shall be referred to the Minister [whose] for a decision [thereon shall be final], which shall be binding on the parties concerned.”

**Amendment of section 68 of Act 44 of 1957, as substituted by section 25 of Act 103 of 1982 and amended by section 35 of Act 87 of 1984** 45

15. Section 68 of the Defence Act, 1957, is hereby amended by the deletion of subsection (4).

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**Amendment of section 72D of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983 and substituted by section 17 of Act 132 of 1992**

16. Section 72D of the Defence Act, 1957, is hereby amended by the deletion of subsection (5).

**Amendment of section 98 of Act 44 of 1957, as amended by section 11 of Act 42 of 1961, section 20 of Act 77 of 1963 and section 36 of Act 132 of 1992** 5

17. Section 98 of the Defence Act, 1957, is hereby amended by the deletion of subsection (4).

**Repeal of section 103ter of Act 44 of 1957, as inserted by section 8 of Act 1 of 1976 and section 1 of Act 77 of 1980 and amended by section 10 of Act 35 of 1977 and section 36 of Act 132 of 1992** 10

18. Section 103ter of the Defence Act, 1957, is hereby repealed.

**Amendment of section 134 of the First Schedule to Act 44 of 1957**

19. Section 134 of the First Schedule to the Defence Act, 1957, is hereby amended by the substitution for subsection (3) of the following subsection: 15

“(3) If the General Officer Commanding, South African National Defence Force, is unable to redress the wrong or otherwise to satisfy the complainant, he or she shall, if requested by the complainant to do so, transmit the complaint to the [State] President, [whose decision shall be final] for a decision.”

**Amendment of section 8 of Act 44 of 1958, as inserted by section 7 of Act 85 of 1991 and section 1 of Act 176 of 1993 and amended by section 7 of Act 101 of 1992** 20

20. Section 8 of the Post Office Act, 1958, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If, for the purposes of subsection (1), the question arises whether any person performs functions pertaining to the postal service or the telecommunications service, such question shall be decided by the Postmaster-General, and his decision shall be final.” 25

**Amendment of section 27 of Act 44 of 1958, as amended by section 75 of Act 85 of 1991**

21. Section 27 of the Post Office Act, 1958, is hereby amended by the substitution for subsection (2) of the following subsection: 30

“(2) The [decision of the] postal company shall decide as to whether any postal article is a letter or any other description of postal article within the meaning of this Act [shall be final].”

**Substitution of section 115 of Act 44 of 1958, as substituted by section 8 of Act 80 of 1965 and by section 65 of Act 85 of 1991** 35

22. The following section is hereby substituted for section 115 of the Post Office Act, 1958:

**“Non-liability of postal company and telecommunications company**

115. Save as is otherwise provided in this Act, [no legal proceedings shall be capable of being instituted against] the postal company or telecommunications company, as the case may be, or any officer or [against] any person conveying postal articles in pursuance of any contract entered into or arrangements made in terms of this Act or conveying mail which he or she is obliged to convey in terms of this Act (in this section and in section 115bis referred to as a mail carrier) or [against] any employee of a mail carrier shall not be liable by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, 40 45

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whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act or any other law, and *bona fide* payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the postal company or telecommunications company, as the case may be, and the officer by whom any such payment was made, from all liability whatsoever, in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the postal company or telecommunications company, as the case may be, from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his or her official duties or as exempting any mail carrier from liability for damage or loss caused to any person by reason of fraud on the part of such carrier or of any employee of such carrier in relation to his or her duties.”

**Amendment of section 9 of Act 6 of 1962, as amended by section 5 of Act 12 of 1964, section 5 of Act 63 of 1969 and section 6 of Act 32 of 1979**

23. Section 9 of the Archives Act, 1962, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) There shall be a right to appeal to the Minister against any decision of the director under subsection (2) whereby access to any archives or accessions is refused[, and the Minister’s decision on any such appeal shall be final].”

**Amendment of section 12 of Act 6 of 1962**

24. Section 12 of the Archives Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The director may refuse to allow any person convicted of an offence under subsection (1) access to any archives and accessions in an archives depot or an intermediate depot for such period as he or she may deem fit, subject to a right of appeal to the Minister[, whose decision on any such appeal shall be final].”

**Amendment of section 7 of Act 18 of 1962, as substituted by section 14 of Act 54 of 1969 and section 5 of Act 63 of 1980**

25. Section 7 of the Heraldry Act, 1962, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“[Provided that the council’s decision shall be final:] Provided [further] that the provisions of section 19 shall not apply in respect of the exercise of the council’s power under this subsection.”

**Amendment of section 36 of Act 95 of 1963**

26. Section 36 of the Pension Laws Amendment Act, 1963, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the purposes of this section any question arising out of the determination—

- (a) whether any member of the Permanent Force was at any particular time performing service in defence of the Republic, or of the date from which he or she performed such service or on which he or she ceased to perform such service, shall be referred to the Minister of Defence [whose decision shall be final] for a decision;
- (b) whether any member of the South African Police Service was at any particular time employed in terms of section 7 of the Police Act, 1958, or any other law on service in defence of the Republic, or of the date from which he or she was

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so employed or on which he or she ceased to be so employed, shall be referred to the Minister of [Justice whose decision shall be final] Safety and Security for a decision."

**Amendment of section 13 of Act 45 of 1965, as amended by section 5 of Act 17 of 1973** 5

27. Section 13 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) Any person who is aggrieved by a decision of the chief officer refusing an application for a registration certificate or a provisional registration certificate or cancelling or suspending a registration certificate or provisional registration certificate or imposing any requirement under subsection (2) or (3) of section 12, may within one month appeal against such decision to the board, which shall have power to make such order on the appeal as it may consider equitable [and whose decision shall be final]." 10

**Amendment of section 25 of Act 45 of 1965** 15

28. Section 25 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person upon whom a notice has been served under section 17 or 19 by a local authority or who is aggrieved by the decision of a local authority on appeal to it under subsection (3) of section 22, may within 30 days after the date on which such notice was served or such decision was given, appeal against that notice or decision to the regional appeal board established under subsection (1) of section 5 for the area in question, which may confirm or set aside such notice or decision [and whose decision shall be final], but subject to a right of appeal to the board, provided notice of intention so to appeal is given to the board and the regional appeal board concerned within 14 days after the decision of such regional appeal board was received." 25

**Amendment of section 35 of Act 45 of 1965**

29. Section 35 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection: 30

"(1) Any person who is aggrieved by any notice served upon him or her under this Part may within 30 days after the date on which such notice was served or within such extended period as the board may for good and sufficient reason allow, lodge an appeal with the board against the notice, and the board may thereupon confirm, modify or set aside such notice [and its decision shall be final]." 35

**Amendment of section 38 of Act 45 of 1965, as substituted by section 15 of Act 17 of 1973**

30. Section 38 of the Atmospheric Pollution Prevention Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person who is aggrieved by any notice served upon him or her under section 37(2) may, within 14 days after the date on which such notice was served or within such further extended period as the board may for good and sufficient reason allow, lodge an appeal with the board against the notice, and the board may thereupon confirm, modify or set aside such notice, and its decision shall be final." 40

**Repeal of section 18 of Act 59 of 1965**

31. Section 18 of the Correspondence Colleges Act, 1965, is hereby repealed. 45

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**Substitution of section 25 of Act 101 of 1965**

32. The following section is hereby substituted for section 25 of the Medicines and Related Substances Control Act, 1965:

**“Privileges of council and committees**

**25. The council or a committee appointed under subsection (1) of section 9 or any member of the council or of any such committee shall not be liable in respect of anything done in good faith under this Act.”** 5

**Amendment of section 18D of Act 3 of 1966, as inserted by section 2 of Act 26 of 1982 and amended by section 1 of Act 64 of 1983**

33. Section 18D of the Community Development Act, 1966, is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph: 10

“(c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or, if no agreement can be reached by them as to the referee, by a referee appointed by the Minister[, and the decision of any such referee shall be final].” 15

**Amendment of section 21 of Act 4 of 1966, as amended by section 3 of Act 63 of 1983**

34. Section 21 of the Housing Act, 1966, is hereby amended—

(a) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister[, and the decision of any such referee shall be final].”; and 20

(b) by the substitution for paragraph (c) of subsection (5) of the following paragraph: 25

“(c) if the determination is made by a referee in terms of subsection (3)(c), as directed by him[, and his decision shall be final] or her.”

**Amendment of section 56 of Act 4 of 1966, as amended by section 4 of Act 63 of 1983**

35. Section 56 of the Housing Act, 1966, is hereby amended—

(a) by the substitution for subparagraph (iii) of paragraph (b) of subsection (3) for the following subparagraph: 30

“(iii) if the said arbitrators are unable to agree, by a referee appointed by the arbitrators or (if no agreement can be reached by them as to the referee) by a referee appointed by the Minister[, and the decision of any such referee shall be final].”; and 35

(b) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

“(c) if the determination is made by a referee in terms of subsection (3)(iii), as directed by him[, and his decision shall be final] or her.” 40

**Amendment of section 85 of Act 4 of 1966, as amended by section 9 of Act 80 of 1968, section 13 of Act 73 of 1970 and section 1 of Act 21 of 1978**

36. Section 85 of the Housing Act, 1966, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) An appeal shall lie against the refusal of any local authority to grant its permission under subsection (4), to the Administrator concerned, who may in upholding such appeal grant the permission which in his or her opinion such local 45



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authority should have granted, subject to such conditions (if any) as he or she may deem fit, and the Administrator's decision shall be final].”

**Amendment of section 85A of Act 4 of 1966, as inserted by section 10 of Act 80 of 1968**

37. Section 85A of the Housing Act, 1966, is hereby amended by the deletion of paragraph (b) of subsection (4). 5

**Substitution of section 89 of Act 4 of 1966**

38. The following section is hereby substituted for section 89 of the Housing Act, 1966:

**“Cessions and assignments” 10**

89. No cession or assignment by any person of any right he or she may have or acquire in respect of any housing loan or any portion thereof, or in respect of any contract entered into by the Commission under this Act, shall be valid or operative unless such cession or assignment is made with the written consent of the Commission, which shall have absolute discretion in giving or withholding such consent].” 15

**Amendment of section 13 of Act 81 of 1967**

39. Section 13 of the Aged Persons Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may at any time reconsider and vary or reverse any decision made by him or her under subsection (1).” 20

**Amendment of section 9D of Act 28 of 1969, as inserted by section 10 of Act 13 of 1981**

40. Section 9D of the National Monuments Act, 1969, is hereby amended by the substitution for subsection (3) of the following subsection: 25

“(3) The decision of the Minister on any appeal lodged with him or her under this section [shall be final and] shall be deemed to be a decision of the council.”

**Amendment of section 3 of Act 96 of 1969, as amended by section 85 of Act 63 of 1975 and section 8 of Act 89 of 1993**

41. Section 3 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the deletion of subsection (2). 30

**Substitution of section 30 of Act 35 of 1970**

42. The following section is hereby substituted for section 30 of the Architects' Act, 1970:

**“Liability of council” 35**

30. [No legal proceedings, whether civil or criminal, shall lie against] The council or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 24, 25 or 26.”

**Amendment of section 7 of Act 47 of 1970 40**

43. Section 7 of the Wine and Spirit Control Act, 1970, is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) The decision of the board, including any decision as to the costs of any

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appeal, together with the grounds for such decision, shall be reduced to writing, and copies thereof shall be lodged with the Minister, the appellant and the vereniging, and such decision shall be [final and] binding on the appellant and the vereniging.”

**Amendment of section 29 of Act 18 of 1973, as amended by section 1 of Act 48 of 1976, section 3 of Act 10 of 1978, section 9 of Act 51 of 1991, section 33 of Act 129 of 1993 and section 7 of Act 204 of 1993** 5

44. Section 29 of the Mental Health Act, 1973, is hereby amended by the substitution for subparagraph (ii) of paragraph (c) of subsection (4A) of the following subparagraph: “(ii) it has been confirmed by the Minister[, whose decision in this regard shall be final].” 10

**Amendment of section 53 of Act 18 of 1973, as amended by section 5 of Act 10 of 1978, and section 7 of Act 51 of 1991** 11

45. Section 53 of the Mental Health Act, 1973, is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph: “(b) it has been confirmed by the Minister[, whose decision in this regard shall be final].” 15

**Amendment of section 8 of Act 61 of 1973**

46. Section 8 of the Companies Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection: 20

“(2) [No action shall be instituted against] An auditor, liquidator, judicial manager or provisional judicial manager shall not be liable in respect of any opinion expressed or certificate given or report or statement made or statement, account or document certified by him or her in good faith in the ordinary course of his or her duties under this Act, unless it is proved that such opinion was expressed or such certificate was given or such report or statement was made or such statement, account or document was certified maliciously or negligently.” 25

**Amendment of section 178 of Act 61 of 1973, as amended by section 15 of Act 64 of 1977 and section 7 of Act 84 of 1980 and substituted by section 10 of Act 29 of 1982, section 9 of Act 31 of 1986 and section 3 of Act 78 of 1989** 30

47. Section 178 of the Companies Act, 1973, is hereby amended by the deletion of subsection (2).

**Amendment of section 179 of Act 61 of 1973, as amended by section 16 of Act 64 of 1977, section 11 of Act 29 of 1982 and section 9 of Act 70 of 1984**

48. Section 179 of the Companies Act, 1973, is hereby amended by the substitution for subsection (6) of the following subsection: 35

“(6) A company which has failed to hold its annual general meeting within the time or extended time prescribed by subsection (1) or (3), or as directed by the Registrar under subsection (4), shall further be liable to pay to the Registrar additional fees of one rand for every day during which the default continues but not exceeding a maximum of twenty rand[, and the decision of the Registrar as to the number of days during which the company is in default shall be final].” 40

**Amendment of section 371 of Act 61 of 1973**

49. Section 371 of the Companies Act, 1973, is hereby amended by the deletion of subsection (4). 45

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**Amendment of section 1 of Act 78 of 1973, as amended by section 1 of Act 27 of 1974, section 2 of Act 45 of 1975, section 1 of Act 30 of 1978, section 7 of Act 89 of 1988 and section 1 of Act 208 of 1993**

50. Section 1 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for the definition of "owner" of the following definition: 5  
 " 'owner' in relation to a mine or works, includes the lessee of the mine or works and any person who has the right, or has, by virtue of any law or any agreement with the owner of the mine or works, acquired the right, to exploit a mine for his or her own benefit or to operate a works for his or her own benefit; and if the question arises whether a person is, for the purposes of this Act, the owner of a mine or a works, [the Minister's decision regarding such question shall be final] the 10  
 Minister shall make a decision on such question;"

**Amendment of section 17 of Act 78 of 1973**

51. Section 17 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (4) of the following subsection: 15  
 "(4) For the purposes of subsection (2), [the decision of] the Minister, acting on the advice of the Government Mining Engineer shall make a decision, on any question as to whether an asset which is or was held by an owner of a controlled mine or a controlled works was acquired or created for use in connection with the operation of that mine or works[, shall be final]."

**Substitution of section 48 of Act 53 of 1974**

52. The following section is hereby substituted for section 48 of the Pharmacy Act, 1974:

**"Limitation of liability**

48. Save as is provided in this Act, [no legal proceedings, civil or 25  
 criminal, shall lie against] the council or any member or officer of the council shall not be liable in respect of any act done in good faith or duty performed in accordance with this Chapter or section 38."

**Amendment of section 16 of Act 56 of 1974, as amended by section 7 of Act 58 of 1992** 30

53. Section 16 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the deletion of subsection (4).

**Substitution of section 47 of Act 56 of 1974**

54. The following section is hereby substituted for section 47 of the Medical, Dental and Supplementary Health Service Professions Act, 1974: 35

**"Limitation of liability**

47. Save as is provided in this Act, [no legal proceedings, civil or 40  
 criminal, shall lie against] the council or any member or officer thereof shall not be liable in respect of any act done in good faith or duty performed in accordance with this Chapter."

**Amendment of section 53 of Act 56 of 1974, as amended by section 9 of Act 52 of 1978, section 3 of Act 38 of 1982 and section 43 of Act 23 of 1993**

55. Section 53 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the deletion of paragraph (b) of subsection (3).

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**Amendment of section 41 of Act 66 of 1974**

56. Section 41 of the Post Office Service Act, 1974, is hereby amended by the deletion of subsection (2).

**Amendment of section 42 of Act 66 of 1974**

57. Section 42 of the Post Office Service Act, 1974, is hereby amended by the deletion of subsection (2). 5

**Amendment of section 5 of Act 2 of 1975**

58. Section 5 of the Abortion and Sterilization Act, 1975, is hereby amended by the deletion of subsection (3).

**Amendment of section 42 of Act 15 of 1976**

59. Section 42 of the Plant Breeders' Rights Act, 1976, is hereby amended by the deletion of paragraph (b) of subsection (7). 10

**Amendment of section 32 of Act 53 of 1976**

60. Section 32 of the Plant Improvement Act, 1976, is hereby amended by the deletion of paragraph (b) of subsection (10). 15

**Amendment of section 28 of Act 57 of 1976**

61. Section 28 of the National Parks Act, 1976, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) [No action shall lie against] The board shall not be liable for the recovery of any damage caused [to any person] by any animal in or from a park, unless such damage is caused by the negligent or intentional act or omission of the board or an employee of the board.” 20

(b) by adding the following subsection after subsection (2):

“(3) Notwithstanding the provisions of subsection (2) a division of the Supreme Court may, on good reasons, grant leave for the institution of an action contrary to the directives of those provisions.” 25

**Amendment of section 26 of Act 80 of 1976**

62. Section 26 of the Rent Control Act, 1976, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) [No appeal shall lie against any decision of the control board, but] The control board may at any time, after consideration of any proceedings submitted to it by a rent board in terms of the proviso to section 20(4), vary or set aside the decision to which such proceedings relate.” 30

**Amendment of section 37 of Act 80 of 1976, as amended by section 1 of Act 23 of 1989**

63. Section 37 of the Rent Control Act, 1976, is hereby amended by the substitution for subparagraph (i) of paragraph (c) of subsection (3) of the following subparagraph:

“(i) if the lessor and the lessee fail to agree on the amount of the damage to the dwelling in question or the cost of replacing any lost keys for which such lessee is liable, the lessor shall forthwith lodge an application with the rent board in question for the determination of the lessee's liability in respect of such damage or replacing[, and any determination so made by such rent board, shall be final];” 40

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**Amendment of Section 15 of Act 84 of 1976**

64. Section 15 of the Military Pensions Act, 1976, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) A medical appeal board considering an appeal in terms of this section may confirm, increase or reduce the degree of the pensionable disability or previous pensionable disability under appeal, and the decision of the board shall be final in any particular case].”

**Amendment of section 16 of Act 84 of 1976**

65. Section 16 of the Military Pensions Act, 1976, is hereby amended—

- (a) by the deletion of paragraph (a) of subsection (5); and  
(b) by the deletion of paragraph (b) of subsection (6).

**Substitution of section 20 of Act 84 of 1976**

66. The following section is hereby substituted for section 20 of the Military Pensions Act, 1976:

“Substitution of benefits under this Act for other legal remedy

20. [No action of law shall lie against the State to recover damages in respect of the disablement or death of a member where provision is made in this Act for compensation in respect of such death or disablement, and] No liability for compensation [as aforesaid] for damages in respect of the disablement or death of a member shall arise on the part of the State save under the provisions of this Act.”

**Amendment of section 27 of Act 25 of 1977**

67. Section 27 of the Livestock Improvement Act, 1977, is hereby amended by the deletion of paragraph (b) of subsection (10).

**Amendment of section 111 of Act 51 of 1977, as amended by section 6 of Act 26 of 1987**

68. Section 111 of the Criminal Procedure Act, 1977, is hereby amended by the deletion of subsection (5).

**Amendment of section 185 of Act 51 of 1977, as amended by section 2 of Act 79 of 1978**

69. Section 185 of the Criminal Procedure Act, 1977, is hereby amended by the deletion of subsection (8).

**Amendment of section 15 of Act 63 of 1977, as amended by Proclamation No. R. 152 of 1994**

70. Section 15 of the Health Act, 1977, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Where any amount due by a local authority under this section is recovered under subsection (3)(b), the local authority may appeal against such recovery to the Minister[, and the Minister’s decision shall be final].”

**Amendment of section 18 of Act 63 of 1977, as amended by Proclamation No. R. 152 of 1994**

71. Section 18 of the Health Act, 1977, is hereby amended by the substitution for subsection (5) of the following subsection:

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“(5) Where any amount due by a local authority under this section is recovered under subsection (3)(b), the local authority may appeal against such recovery to the Minister, and the Minister’s decision shall be final.”.

**Amendment of section 20 of Act 63 of 1977, as amended by section 2 of Act 118 of 1993 and Proclamation No. R. 152 of 1994** 5

72. Section 20 of the Health Act, 1977, is hereby amended by the substitution for paragraph (c) of subsection (6) of the following paragraph:

“(c) Where any dispute arises between local authorities with regard to the exercise of their powers or the performance of their duties in terms of the provisions of paragraph (a) or (b), the matter shall be referred to the Minister [and the decision of the Minister with regard to the matter shall be final].” 10

**Amendment of section 22 of Act 63 of 1977**

73. Section 22 of the Health Act, 1977, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) If any dispute arises between local authorities in connection with the appointment, duties or remuneration of a regional medical officer of health or in connection with any other matter concerning him or her, the matter shall be referred to the Minister [and the Minister’s decision shall be final].” 15

**Substitution of section 58 of Act 63 of 1977**

74. The following section is hereby substituted for section 58 of the Health Act, 1977: 20

**“Restriction upon legal proceedings**

58. [No legal proceedings shall lie against] The State, the Minister, a person in the service of the State, a provincial administration, a person in the service of a provincial administration, a local authority, a person in the service of a local authority or any person generally or specially authorized by the State, a provincial administration or a local authority to perform any function in terms of this Act, shall not be liable for anything done in good faith under this Act.” 25

**Amendment of section 63 of Act 63 of 1977, as amended by section 1 of Act 18 of 1979** 30

75. Section 63 of the Health Act, 1977, is hereby amended by the substitution for paragraph (f) of subsection (4) of the following paragraph:

“(f) If an agreement contemplated in paragraph (d) cannot be reached, the matter shall be referred to the Minister [and the decision of the Minister with regard to the matter shall be final].” 35

**Substitution of section 40 of Act 74 of 1977**

76. The following section is hereby substituted for section 40 of the Road Transportation Act, 1977:

**“Limitation of liability**

40. [No civil or criminal proceedings shall be instituted or continued in any court of law against— 40

(a)] (1) Any authorized officer or the employer of any authorized officer shall not be liable by reason of any act done in good faith by any authorized officer or the employer of any authorized officer in terms of this Act.

[(b)] (2) The holder of a public permit or any employee of such holder who is in charge of the motor vehicle to which such permit relates, shall not be 45

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liable by reason of any act done in good faith by such holder or employee [in order to give effect to] in accordance with any condition or requirement, contained in that permit, relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.”.

**Amendment of section 15 of Act 50 of 1978, as amended by section 9 of Act 21 of 1992** 5

77. Section 15 of the Nursing Act, 1978, is hereby amended by the deletion of subsection (4).

**Substitution of section 34 of Act 50 of 1978**

78. The following section is hereby substituted for section 34 of the Nursing Act, 1978: 10

**“Limitation of liability**

34. Save as provided in this Act, [no legal proceedings, civil or criminal, shall lie against] the council or a committee of the council or any member or officer thereof shall not be liable in respect of any act done in good faith or duty performed in accordance with this Chapter.”. 15

**Amendment of section 39 of Act 50 of 1978, as amended by section 44 of Act 23 of 1993**

79. Section 39 of the Nursing Act, 1978, is hereby amended by the deletion of paragraph (b) of subsection (3). 20

**Amendment of section 25 of Act 110 of 1978**

80. Section 25 of the Social Work Act, 1978, is hereby amended by the deletion of subsection (6).

**Substitution of section 26 of Act 110 of 1978**

81. The following section is hereby substituted for section 26 of the Social Work Act, 1978: 25

**“Limitation of liability**

26. Subject to the provisions of this Act, [no legal proceedings, whether civil or criminal, shall lie against] the council or a committee or any member or officer thereof shall not be liable in respect of anything done in good faith in terms of this Act.”. 30

**Amendment of section 16 of Act 19 of 1979**

82. Section 16 of the Dental Technicians Act, 1979, is hereby amended by the deletion of subsection (4).

**Amendment of section 6 of Act 76 of 1979** 35

83. Section 6 of the Slums Act, 1979, is hereby amended by the deletion of paragraph (b) of subsection (9).

**Amendment of section 20 of Act 76 of 1979**

84. Section 20 of the Slums Act, 1979, is hereby amended by the substitution for subsection (3) of the following subsection: 40

“(3) If the slum clearance court refuses the application, the owner may within a

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period of 10 days after such refusal appeal to the Minister[, and the decision of the Minister on such appeal shall be final]: Provided that the Minister shall not direct that any such declaration be rescinded unless he or she is satisfied that the nuisance has been removed and that adequate steps to prevent a recurrence of the nuisance have been taken and that all expenses and costs referred to in subsection (2)(b) have been reimbursed to the local authority or that satisfactory provision for the reimbursement has been made.”

**Amendment of section 25 of Act 76 of 1979**

85. Section 25 of the Slums Act, 1979, is hereby amended by the deletion of subsection (7).

**Amendment of section 10 of Act 96 of 1979, as amended by section 3 of Act 5 of 1986 and substituted by section 5 of Act 88 of 1990**

86. Section 10 of the Maintenance and Promotion of Competition Act, 1979, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Any notice under subsection (5) may upon the recommendation of the board be amended or withdrawn by the Minister at any time[, and shall not be subject to review by or appeal to any court of law].”

**Amendment of section 15 of Act 96 of 1979**

87. Section 15 of the Maintenance and Promotion of Competition Act, 1979, is hereby amended by the deletion of subsection (13).

**Amendment of section 30 of Act 6 of 1981, as amended by section 2 of Act 63 of 1987 and section 5 of Act 9 of 1990**

88. Section 30 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) There shall be a right of appeal to the Minister[, whose decision shall be final,] from a determination or order of the Director-General under subsection (3) whereby a penalty exceeding R500 is imposed, provided such right is exercised within a period of 3 months from the date of such determination or order.”

**Amendment of section 7 of Act 54 of 1981**

89. Section 7 of the Unit Trusts Control Act, 1981, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If such management company does not agree with the price determined by any such stock-broker, it shall refer the matter to the committee of the stock exchange concerned, which shall thereupon determine the fair market price for such securities [and whose decision shall be final].”

**Amendment of section 22 of Act 68 of 1981 as amended by section 10 of Act 51 of 1983**

90. Section 22 of the Alienation of Land Act, 1981, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) If a trustee, executor or liquidator refuses or fails to accept any offer by the person concerned in respect of arrangements contemplated in subsection (1), that person may appeal to the Master of the Supreme Court under whose supervision the owner is being liquidated or his or her estate is being sequestrated[, and the decision of the Master in respect of the matter shall be final].”

**Amendment of section 231 of Act 91 of 1981**

91. Section 231 of the Co-operatives Act, 1981, is hereby amended by the deletion of subsection (2).



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**Amendment of section 14 of Act 104 of 1981, as amended by section 9 of Act 6 of 1984 and section 12 of Act 44 of 1989**

92. Section 14 of the Technical Colleges Act, 1981, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“Provided that any such refusal or withdrawal shall be subject to appeal to the Head of Education[, whose decision shall be final].” 5

**Amendment of section 16A of Act 63 of 1982, as inserted by section 6 of Act 108 of 1985**

93. Section 16A of the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982, is hereby amended by the deletion of subsection (4). 10

**Amendment of section 38A of Act 63 of 1982, as inserted by section 23 of Act 108 of 1985**

94. Section 38A of the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982, is hereby amended by the deletion of paragraph (b) of subsection (3). 15

**Amendment of section 21 of Act 43 of 1983**

95. Section 21 of the Conservation of Agricultural Resources Act, 1983, is hereby amended by the deletion of paragraph (d) of subsection (5).

**Amendment of section 42 of Act 74 of 1983, as substituted by section 15 of Act 86 of 1991** 20

96. Section 42 of the Child Care Act, 1983, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) [No legal proceedings shall lie against] Any dentist, medical practitioner, nurse or social worker shall not be liable in respect of any notification given in good faith in accordance with this section.” 25

**Substitution of section 32 of Act 19 of 1984**

97. The following section is hereby substituted for section 32 of the Town and Regional Planners Act, 1984:

**“Liability of council**

32. [No legal proceedings, whether civil or criminal, shall lie against] The council or any member or officer thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 25, 26 or 27.” 30

**Amendment of section 23 of Act 35 of 1984**

98. Section 23 of the Animal Diseases Act, 1984, is hereby amended by the deletion of paragraph (d) of subsection (4). 35

**Substitution of section 37 of Act 40 of 1984**

99. The following section is hereby substituted for section 37 of the Professional and Technical Surveyors' Act, 1984:

**“Liability of council** 40

37. [No legal proceedings, whether civil or criminal, shall lie against] The council or any member thereof or any person in its employment shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of this Act.”

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**Amendment of section 6A of Act 115 of 1984, as inserted by section 7 of Act 106 of 1987**

100. Section 6A of the Remuneration of Town Clerks Act, 1984, is hereby amended by the deletion of subsection (12).

**Substitution of section 75 of Act 56 of 1986**

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101. The following section is hereby substituted for section 75 of the Diamonds Act, 1986:

**“Board’s decision on unpolished or polished diamonds**

75. If in connection with the export of diamonds the question arises whether any diamond is an unpolished or a polished diamond the [Board’s decision thereon shall be final] Board shall decide such question.” 10

**Amendment of section 21 of Act 41 of 1987**

102. Section 21 of the Electricity Act, 1987, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any undertaker, local authority or consumer or any number of consumers purchasing 100 megawatt-hours of electricity per annum or more, or any number of consumers exceeding 10, or a party to a dispute settled by the regulator in terms of section 4(1)(c), shall have a right of appeal from a decision of the regulator to the Minister[, whose decision shall be final].” 15

**Amendment of section 22 of Act 12 of 1988**

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103. Section 22 of the Sea Fishery Act, 1988, is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) If any person is aggrieved by a decision of the board with regard to the allocation or non-allocation of a quota, the board shall, at the written request of such person to the board within 30 days after the publication of such decision, reconsider such decision[, and the decision of the board after such reconsideration shall be final].” 25

**Amendment of section 36 of Act 12 of 1988, as amended by section 7 of Act 98 of 1990 and section 13 of Act 57 of 1992**

104. Section 36 of the Sea Fishery Act, 1988, is hereby amended by the deletion of paragraph (b) of subsection (7). 30

**Amendment of section 26 of Act 97 of 1990, as amended by section 8 of Act 41 of 1992**

105. Section 26 of the Financial Services Board Act, 1990, is hereby amended by the deletion of subsection (13). 35

**Substitution of section 24 of Act 114 of 1990**

106. The following section is hereby substituted for section 24 of the Engineering Profession of South Africa Act, 1990:

**“Liability of council**

24. [No legal proceedings, whether civil or criminal, shall lie against] The council or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 18, 19 or 20.” 40

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**Substitution of section 26 of Act 80 of 1991**

107. The following section is hereby substituted for section 26 of the Public Accountants' and Auditors' Act, 1991:

**“Privileges of board**

**26. [No legal proceedings, whether criminal or civil, shall lie against] 5**  
The board or any member or official thereof shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of section 13(1)(o), 20, 22, 23 or 24.”

**Amendment of section 52 of Act 122 of 1992**

108. Section 52 of the Audit Arrangements Act, 1992, is hereby amended by the 10  
addition of the following subsection:

**“(3) Notwithstanding the provisions of subsections (1) and (2), a division of the 10**  
Supreme Court may, on good reasons, grant leave for the institution of an action,  
contrary to the directives of those provisions.”

**Short title**

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109. This Act shall be called the Abolition of Restrictions on the Jurisdiction of Courts Act, 1996.