

No. 62, 1955.]

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.

ACT

To amend the Better Administration of Justice Act, 1896 of the Cape of Good Hope, the Better Administration of Justice and Remission of Treason Penalties Act, 1906 of the Cape of Good Hope, the South Africa Act, 1909, the Appellate Division Further Jurisdiction Act, 1911, the Administration of Justice Act, 1912, the Administration of Estates Act, 1913, the South-West Africa Affairs Act, 1922, the Licences Consolidation Act, 1925, the Immorality Act, 1927, the Liquor Act, 1928, the Performing Animals Protection Act, 1935, the Insolvency Act, 1936, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the General Law Amendment Act, 1949, the Prevention of Illegal Squatting Act, 1951, the Public Safety Act, 1953, and the law relating to the admission of advocates, to the alienation or mortgage of property, to procedure in civil cases, to the possession and acquisition of stolen property, and to gambling houses.

(Afrikaans text signed by the Governor-General.)
(Assented to 23rd June, 1955.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 35 of 1896 (Cape).

1. Section *two* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the insertion at the beginning thereof of the words "Subject to the provisions of section *thirteen*,".

Amendment of section 13 of Act 35 of 1896 (Cape).

2. Section *thirteen* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the substitution for the words "Humansdorp, Uitenhage, Jansenville, Aberdeen, Murraysburg, Richmond and Hope Town" of the words "Humansdorp, Steytleville, Jansenville, Aberdeen, Murraysburg, Graaff-Reinet, Middelburg, Hanover and Colesberg", and the addition at the end thereof of the following provisos:

"Provided that no action shall be instituted in the said Supreme Court by a plaintiff residing in any such district or territory against a defendant so residing on any cause of action arising in any such district or territory unless the leave of the Court of the Eastern Districts has first been obtained or unless all parties to the action agree in writing that the action shall be instituted in the said Supreme Court: Provided further that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the Court of the Eastern Districts any area included therein in terms of this section, or include therein any additional area."

Amendment of section 18 of Act 35 of 1896 (Cape).

3. Section *eighteen* of the Better Administration of Justice Act, 1896, of the Cape of Good Hope is hereby amended by the substitution for the words "Province of Griqualand West and the Territory of British Bechuanaland" of the words "districts of Barkly West, Britstown, De Aar, Gordonia, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Taung, Vryburg and Warrenton: Provided that the Governor-General may by proclamation in the *Gazette* exclude from the area of jurisdiction of the High Court any area included therein in terms of this section, or include therein any additional area.

Repeal of section 5 of Act 29 of 1906 (Cape).

4. Section *five* of the Better Administration of Justice and Remission of Treason Penalties Act, 1906, of the Cape of Good Hope is hereby repealed.

Amendment of section 103 of the South Africa Act, 1909, as amended by section 104 of Act 46 of 1935.

5. (1) Section *one hundred and three* of the South Africa Act, 1909, is hereby amended—

(a) by the insertion in sub-section (1) after the word "matter" of the following proviso:

“Provided that the appeal from any such orders or judgments given by a single judge of the Eastern Districts Local Division shall be made to that Local Division.”;

- (b) by the insertion in sub-section (1) after the word “provincial” where it occurs for the second, third, fourth and fifth times of the words “or local”.

(2) The provisions of sub-section (1) shall not apply in respect of any appeal noted before the commencement of this Act.

Amendment of sections 3 and 5 of Act 1 of 1911 as amended by sections 106 and 107, respectively, of Act 46 of 1935.

6. Sections *three* and *five* of the Appellate Division Further Jurisdiction Act, 1911, are hereby amended by the insertion after the word “Provincial” of the words “or Local”.

Amendment of section 15 of Act 27 of 1912 as amended by section 3 of Act 41 of 1941.

7. Section *fifteen* of the Administration of Justice Act, 1912, is hereby amended—

- (a) by the substitution in sub-section (2) for the words “The judge of the provincial division of the Cape of Good Hope assigned and appointed under section *five* of Act No. 29 of 1906 of the Cape of Good Hope” of the words “Any judge appointed”; and
- (b) by the substitution in sub-section (3) for the words “the judge assigned and appointed as aforesaid” of the words “any judge appointed”.

Amendment of section 2 of Act 24 of 1913.

8. Section *two* of the Administration of Estates Act, 1913, is hereby amended by the addition at the end of the definition of “magistrate” of the words “and in relation to any particular matter, act or thing to be performed or power or right exercisable or duty to be carried out by the magistrate of a district, the expression shall include an additional or assistant magistrate permanently carrying out at any place other than the seat of magistracy of that district the functions of the magistrate of that district in respect of any portion of that district, whenever such matter, act, thing, power, right or duty has to be performed, exercised or carried out by virtue of any death occurring, thing being or deceased having resided or carried on business, as the case may be, in such portion of that district”.

Amendment of section 4 of Act 24 of 1913.

9. (1) Section *four* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (2) for the words “an officer to be styled the Assistant Master” of the words “one or more officers to be styled Assistant Masters”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of August, 1954.

Amendment of section 12 of Act 24 of 1913.

10. Section *twelve* of the Administration of Estates Act, 1913, is hereby amended—

- (a) by the substitution for the words “save where it is otherwise provided in that Schedule to this Act, by means of revenue stamps affixed to the documents evidencing the act, matter or thing in respect of which the fee is paid” of the words “as provided in that Schedule”; and

- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) The Governor-General may from time to time by proclamation in the *Gazette* amend the said Fourth Schedule.”.

Amendment of section 91 of Act 24 of 1913.

11. Section *ninety-one* of the Administration of Estates Act, 1913, is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words “with the approval of the Minister”.

Substitution of Fourth Schedule to Act 24 of 1913 as amended by section 21 of Act 17 of 1938.

12. The Schedule set out in the First Schedule to this Act is hereby substituted for the Fourth Schedule to the Administration of Estates Act, 1913: Provided that the amendment effected by this section shall not apply in respect of estates of deceased persons dying before the commencement of this Act and estates under curatorship at such commencement.

Amendment of section 2 of Act 24 of 1922 as amended by section 9 of Act 32 of 1952.

13. Section *two* of the South-West Africa Affairs Act, 1922, is hereby amended—

- (a) by the deletion in the proviso to paragraph (d) of sub-section (1) of all the words after the word "bail"; and
- (b) by the addition at the end of sub-section (1) of the following paragraphs:
 - "(e) When a magistrate decides to admit any person to bail under the proviso to paragraph (d), a recognizance shall be taken from such person alone or from such person and one or more sureties, as the magistrate may determine, regard being had to the nature and circumstances of the case.
 - (f) The condition of the recognizance shall be that the person concerned shall appear on a date to be specified in writing before the court or the magistrate in question in fulfilment of the terms of the warrant or order aforesaid.
 - (g) If it appears to the magistrate before whom such recognizance was entered into or to the court before which or magistrate before whom the person concerned has to appear in terms of the recognizance, that default has been made in the condition of the recognizance, the magistrate concerned or the court may—
 - (i) issue an order declaring the recognizance forfeited, and such order shall have the effect of a judgment on the recognizance for the amounts therein mentioned against the person admitted to bail and his sureties respectively;
 - (ii) issue a warrant for the arrest of the person admitted to bail and afterwards, upon being satisfied that the ends of justice would otherwise be defeated, commit him, when so arrested, to a gaol for detention therein until liberated or removed therefrom in due course of law."

Insertion of section 7bis in Act 32 of 1925.

14. The following section is hereby inserted after section *seven* of the Licences Consolidation Act, 1925:

"Action in regard to licences where holders convicted of certain offences.

7bis. (1) Whenever any person who is the holder of any licence issued under this Act is convicted of the offence of theft or of receiving stolen property knowing it to have been stolen, committed in respect of goods belonging to any class of goods which he is entitled to sell under any such licence, the court so convicting him may, whether the said offence was committed before or after the date on which such licence was issued, suspend such licence for such period as it may determine or cancel such licence and declare the person so convicted disqualified for such period as the court may determine from obtaining any licence of the same description as and in the place of the licence so cancelled.

(2) Whenever in terms of sub-section (1) a licence has been suspended, the person to whom such licence was issued shall for all purposes be deemed not to be the holder of a licence, during the period of suspension, in respect of the business to which the suspended licence relates.

(3) Whenever in terms of sub-section (1) a licence has been suspended, or a licence has been cancelled and the person to whom it was issued declared to be disqualified from obtaining such a licence, no licence of the same description as the licence so suspended or cancelled shall, in respect of the period of such suspension or disqualification, be issued in the place of the licence so suspended or cancelled to the person to whom such licence was issued, and if such a licence is issued it shall be null and void."

Amendment of section 1 of Act 5 of 1927 as amended by section 1 of Act 21 of 1950.

15. Section *one* of the Immorality Act, 1927, is hereby amended by the deletion of the words "in circumstances which do not amount to rape, an attempt to commit rape, indecent assault, or a contravention of section *two* or *four* of the Girls' and Mentally Defective Women's Protection Act, 1916 (Act No. 3 of 1916)".

Substitution of section 101 of Act 30 of 1928.

16. (1) The following section is hereby substituted for section *one hundred and one* of the Liquor Act, 1928:

“Issue of letter of exemption to native, Asiatic or coloured person.

101. (1) (a) The magistrate of any district may, subject to any regulation made under sub-section (5) in his discretion issue to any native, Asiatic or coloured person ordinarily resident in that district on application a letter exempting the recipient for a period stated therein of not exceeding twelve months from any prohibition, restriction or condition operative under or in pursuance of this Act in respect of him in that district.

(b) Any such letter, if endorsed by a magistrate or European member of the police of or above the rank of sergeant or in command of a police post, stationed in any other district, shall exempt the recipient in accordance with the terms thereof in such other district for a period determined by such magistrate or member of the police and also endorsed thereon, from any such prohibition, restriction or condition operative in respect of him in such other district in relation to the purchase or use of liquor.

(2) Whenever any native, Asiatic or coloured person proves to the satisfaction of a commissioned officer of the police that he is domiciled or ordinarily resident in a country outside the Union in which the sale of liquor to such person is not prohibited, and that he is resident in the Union for purely temporary purposes, such officer may, subject to any regulation made under sub-section (5), issue to such person a letter exempting the recipient for a period not exceeding three months stated in such letter from any or every prohibition, restriction or condition operative in respect of the sale or supply of liquor to him.

(3) Every licensee shall at the time of delivering any liquor upon a letter issued under sub-section (1), legibly endorse in ink upon the letter the date of delivery, the name and situation of the licensed premises concerned and the kind and quantity of liquor delivered.

(4) Any letter issued under this section may at any time be cancelled by the person who issued it or his successor in office, and such power of cancellation shall not be limited by any regulation made under sub-section (5).

(5) The Minister may make regulations which may differ in respect of different areas and of different classes, prescribing—

- (a) the conditions to be complied with before any letter or class of letter referred to in this section may be issued;
- (b) the form of any such letter and of the application therefor;
- (c) any register and records to be kept in connection with any such letter and application and the form in which such register and records is to be kept;
- (d) the circumstances in which any letter issued under this section shall be cancelled.”

(2) Any letter issued or granted under sub-section (1) or (3) of section *one hundred and one* of the Liquor Act, 1928, before the commencement of this Act shall be deemed to have been issued under the provisions of paragraph (a) of sub-section (1) of the said section as substituted by sub-section (1) of this section, by the magistrate of the district in which the recipient was ordinarily resident on the date of the issue or grant thereof: Provided that a letter so issued under sub-section (1) of the said section *one hundred and one* by the Minister before the commencement of this Act shall lapse on the thirty-first day of December, 1955, unless it is cancelled before that date.

Amendment of section 127 of Act 30 of 1928.

17. Section *one hundred and twenty-seven* of the Liquor Act, 1928, is hereby amended by the substitution in sub-section (2) for the word “Minister” of the words “magistrate of the district wherein any such place is situate” and for the word “he” wherever it occurs of the words “the Minister”.

- Amendment of section 2 of Act 24 of 1935.
18. Section *two* of the Performing Animals Protection Act, 1935, is hereby amended—
- (a) by the substitution for the word "Minister" where it occurs for the first time, of the words "magistrate of the district in which such person resides";
 - (b) by the substitution in paragraphs (a) and (c) of the proviso for the word "Minister" of the word "magistrate".
- Amendment of section 4 of Act 24 of 1936 as amended by section 3 of Act 16 of 1943.
19. Section *four* of the Insolvency Act, 1936, is hereby amended by the addition at the end of sub-section (5) of the words "or, if the debtor resides or so carries on business in a portion of such district in respect of which an additional or assistant magistrate permanently carries out the functions of the magistrate of the district at a place other than the seat of magistracy of that district, at the office of such additional or assistant magistrate."
- Amendment of section 108 of Act 24 of 1936.
20. Section *one hundred and eight* of the Insolvency Act, 1936, is hereby amended by the insertion in sub-section (1) after the words "that district" of the words "or, if the insolvent resided or carried on business in a portion of that district in respect of which an additional or assistant magistrate permanently carries out the functions of the magistrate of that district at a place other than the seat of magistracy of that district, to such additional or assistant magistrate,".
- Amendment of section 153 of Act 24 of 1936.
21. Section *one hundred and fifty-three* of the Insolvency Act, 1936, is hereby amended—
- (a) by the insertion in sub-section (1) after the word "matters" of the words "and in the manner"; and
 - (b) by the insertion after sub-section (1) of the following sub-section:
 "(1)*bis*. The Governor-General may from time to time by proclamation in the *Gazette* amend the said Third Schedule."
- Substitution of Third Schedule to Act 24 of 1936 as amended by section 31 of Act 17 of 1938.
22. The Schedule set out in the Second Schedule to this Act is hereby substituted for the Third Schedule to the Insolvency Act, 1936: Provided that the amendment effected by this section shall not apply in respect of estates sequestrated before the commencement of this Act.
- Amendment of section 3 of Act 18 of 1943 as amended by section 27 of Act 46 of 1945.
23. Section *three* of the Prescription Act, 1943, is hereby amended by the deletion of sub-paragraph (iv) of paragraph (b) of sub-section (2).
- Amendment of section 93 of Act 32 of 1944 as amended by section 22 of Act 40 of 1952.
24. Section *ninety-three* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (2) after the words "his finding" of the words "and shall in such event also set aside his finding in respect of any other accused person who has been convicted after being tried jointly with such first-mentioned accused person,".
- Amendment of section 96 of Act 32 of 1944 as amended by section 25 of Act 40 of 1952.
25. Section *ninety-six* of the Magistrates' Courts Act, 1944, is hereby amended—
- (a) by the insertion in sub-section (1) after the words "criminal cases" of the words "(other than sentences imposed by courts of regional divisions)";
 - (b) by the deletion in the said sub-section of the words "or in the case of a court of a regional division, for a period exceeding one year or a fine exceeding one hundred pounds"; and
 - (c) by the deletion in sub-section (2) of the words "or in the case of a court of a regional division exceeds one year or one hundred pounds,".
- Amendment of section 104 of Act 32 of 1944.
26. Section *one hundred and four* of the Magistrates' Courts Act, 1914, is hereby amended by the substitution in sub-section (1) for the word "magistrate" of the words "judicial officer concerned".
- Amendment of section 8 of Act 54 of 1949 as amended by section 18 of Act 21 of 1954.
27. Section *eight* of the General Law Amendment Act, 1949, is hereby amended—
- (a) by the substitution in paragraph (b) of sub-section (1) for the words "in the province of the Cape of Good Hope" of the words "in that portion of the province of the Cape of Good Hope which is not subject to the

jurisdiction of the Griqualand West Local Division," and for the words "the portion" of the words "that portion of the said portion";

- (b) by the addition at the end of sub-section (1) of the following paragraph:

"(c) for a judge of the Griqualand West Local Division to divide that portion of the province of the Cape of Good Hope which is subject to the jurisdiction of that Division by notice in the *Gazette* into two or more circuit districts, and to fix the boundaries of every such district and to alter such boundaries from time to time as occasion may require.";

- (c) by the insertion in sub-section (2) after the expression "Judge-President", wherever it appears, of the words "or judge"; and

- (d) by the substitution for sub-section (3) of the following sub-section:

"(3) Any Circuit Court held in terms of the provisions of this section shall be deemed for all purposes to be a Circuit Court held in terms of the provisions of section *thirty-eight* of the Charter of Justice of the Cape of Good Hope, 1832, or of Part III of the Supreme Court Act, 1896, of Natal or of section *twenty* of the Administration of Justice Ordinance, 1902, of the Orange Free State, or of section *four* of the Superior Courts Criminal Jurisdiction Ordinance, 1903, of the Transvaal, according as the district has been determined—

- (a) by the Judge-President of the Cape Provincial Division, or of the Eastern Districts Local Division, or by a judge of the Griqualand West Local Division, or

- (b) by the Judge-President of the Natal Provincial Division, or

- (c) by the Judge-President of the Orange Free State Provincial Division, or

- (d) by the Judge-President of the Transvaal Provincial Division."

Amendment of section 10 of Act 54 of 1949 as amended by section 22 of Act 32 of 1952.

28. Section *ten* of the General Law Amendment Act, 1949, is hereby amended by the substitution for paragraph (k) of sub-section (3) of the following paragraph:

"(k) articles capable of releasing lachrymatory, asphyxiating, blinding, incapacitating or other harmful substances, and cartridges therefor;"

Insertion of section 10*bis* in Act 54 of 1949.

29. The following section is hereby inserted after section *ten* of the General Law Amendment Act, 1949:

"Prohibition of battle-axes. 10*bis*. (1) Subject to the provisions of sub-section (2), any person who manufactures, sells, supplies, possesses or acquires a battle-axe shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Nothing in this section contained shall prohibit the acquisition or possession of a battle-axe by any person solely as a trophy, curiosity or ornament, if he is authorized thereto in writing by the Commissioner of the South African Police.

(3) Any person charged with contravening sub-section (1) may, if it is not proved that the article to which the charge relates is a battle-axe but is proved that such article is a dangerous weapon as defined in sub-section (3) of section *ten* and that he has in respect of that article committed any offence mentioned in sub-section (1) or (2) of section *ten*, be convicted of that offence."

Amendment of section 5 of Act 52 of 1951.

30. Section *five* of the Prevention of Illegal Squatting Act, 1951, is hereby amended—

- (a) by the deletion in sub-section (1) of the words "without delay" and the insertion in the said sub-section after the words "local authorities concerned" of the words "or its or their authorized representative or representatives";

(b) by the deletion in paragraph (i) of sub-section (1) of the word "immediate".

Amendment of section 3 of Act 3 of 1953.

31. Section *three* of the Public Safety Act, 1953, is hereby amended by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* Whenever any regulation made under sub-section (1) provides for the summary arrest and detention of any person, and any person has been arrested in pursuance of such a regulation, he may be detained under that regulation at any place within the Union, whether such place be within or outside the area in which the existence of the state of emergency has been declared under section *two*, and any regulation made under sub-section (1) of this section and any order, rule or by-law made under any such regulation and which relates to the detention of any person arrested in the said area or to the place of detention of such a person, shall in relation to the detention of such a person at a place outside the aforesaid area, apply at and in relation to the place where such person is detained as if that place were within the aforesaid area."

Restriction on admission of certain persons as advocates.

32. (1) Notwithstanding anything to the contrary in any law contained—

(a) no person shall be admitted as an advocate if at any time within a period of six months before the date of his application to be so admitted his name has been on the Roll of Attorneys or of Notaries or of Conveyancers of any division of the Supreme Court of South Africa, of the High Court of South-West Africa, of the High Court of Basutoland, Bechuanaland Protectorate or Swaziland or of the High Court of Southern Rhodesia: Provided that the Court hearing the application of any such person for admission as an advocate shall have a discretion to admit him as an advocate if he proves that for a continuous period of six months immediately before the date of his application he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in the Union, the territory of South-West Africa (as defined in section *one* of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949)), Basutoland, Bechuanaland Protectorate, Swaziland or Southern Rhodesia;

(b) no person who has been a clerk or assistant, whether for remuneration or not, to any person practising as an attorney, notary or conveyancer in the Union, the territory of South-West Africa as defined as aforesaid, Basutoland, Bechuanaland Protectorate, Swaziland or Southern Rhodesia shall be admitted as an advocate unless he proves that for a continuous period of six months immediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in any of the said countries.

(2) Sub-section (1) shall not apply in respect of any application for admission as an advocate made to the Natal Provincial Division of the Supreme Court of South Africa by any person referred to in section *one* of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939).

(3) Any person who was employed in the office of the State Attorney or in any branch thereof, established in terms of the State Attorney Act, 1925 (Act No. 25 of 1925), shall be deemed, for the purposes of sub-section (1), not to have been associated or connected in any way with the practice of, or to have acted directly or indirectly as, an attorney, notary or conveyancer for the period during which he was so employed.

Court may grant its consent to alienation or mortgage of property subject to certain restrictions.

33. (1) Whenever under a will or other instrument any unborn person will be entitled to any interest in immovable property which is subject to any restriction imposed by such will or other instrument, any provincial or local division of the Supreme Court may grant its consent on behalf of any such unborn person (whether already conceived or not) to the alienation or mortgage of such property as if such unborn person were a minor *in esse*.

(2) Proceedings in connection with the granting of such consent shall be deemed to be civil proceedings within the meaning of paragraph (c) of section *three* of the Appellate Division Further Jurisdiction Act, 1911 (Act No. 1 of 1911).

Ministers and officials to be cited by official titles.

34. Whenever any Minister of State or public official is cited in his official capacity in any legal proceedings in any court, he shall be cited by his official title and not by name.

Interim interdicts against the State.

35. Notwithstanding anything to the contrary contained in any law, no court shall issue any rule *nisi* operating as an interim interdict against the Government of the Union including the South African Railways and Harbours Administration or the Administration of any Province, or any Minister, Administrator or other officer of the said Government or Administration in his capacity as such, unless notice of the intention to apply for such a rule, accompanied by copies of the petition and of the affidavits which are intended to be used in support of the application, was served upon the said Government, Administration, Minister, Administrator or officer at least seventy-two hours, or such lesser period as the court may in all the circumstances of the case consider reasonable, before the time mentioned in the notice for the hearing of the application.

Failure to give a satisfactory account of possession of goods.

36. Any person who is found in possession of any goods, other than stock or produce as defined in section *thirteen* of the Stock Theft Act, 1923 (Act No. 26 of 1923), in regard to which there is reasonable suspicion that they have been stolen and is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of theft.

Absence of reasonable cause for believing goods properly acquired.

37. (1) Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen goods, other than stock or produce as defined in section *thirteen* of the Stock Theft Act, 1923, without having reasonable cause, proof of which shall be on such first-mentioned person, for believing at the time of such acquisition or receipt that such goods are the property of the person from whom he receives them or that such person has been duly authorized by the owner thereof to deal with or to dispose of them, shall be guilty of an offence and liable on conviction to the penalties which may be imposed on a conviction of receiving stolen property knowing it to have been stolen.

(2) For the purposes of sub-section (1) "public sale" means a sale effected—

- (a) at any public market; or
- (b) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or
- (c) by a duly licensed auctioneer at a public auction; or
- (d) in pursuance of an order of a competent court.

Prosecutions in connection with gambling houses.

38. In any prosecution under any statute or under the common law for keeping or visiting a gambling house it shall not be a defence that the premises to which the charge relates—

- (a) are available only for the use of subscribers or members or a group of members, or are not available for use by the public in general; or
 - (b) are used only by personal friends of the owner or occupier,
- if it is proved that any such use occurs habitually.

Short title.

39. (1) This Act shall be called the General Law Amendment Act, 1955.

(2) Sections *one*, *two* and *three* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

(Section 12.)

SUBSTITUTION OF FOURTH SCHEDULE TO ACT 24 OF 1913.**"FOURTH SCHEDULE.****TARIFF OF FEES.**

1. (1) On all estates of deceased persons or estates under curatorship (except estates under the charge of a *curator bonis* pending the appointment of an executor) the gross value of which—

	£	s.	d.
(a) is £500 or more but less than £1,000.. .. .	1	0	0
(b) is £1,000 or more, for each £1,000	2	0	0
subject to a maximum fee of	100	0	0

(2) The fees referred to in sub-paragraph (1) shall be payable in cash.

2. (1) The following fees shall be payable in respect of the documents or services mentioned—

(a) (i) taxing the remuneration of executors, tutors and curators, upon every pound or fraction thereof of the taxed amount	1	0	
(ii) taxing the remuneration of sworn appraisers, upon every pound or fraction thereof of the taxed amount	1	0	
(b) (i) for extracts or copies of documents made in the office of a Master, for every one hundred words or fraction thereof	1	0	
(ii) for extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or fraction thereof	1	0	
(c) for binding the records of any one estate according to the size thereof, a fee in the discretion of the Master from 7s. to	1	10	0
(d) for custody of any will during the testator's lifetime	10	0	
(e) for the inspection of the records of or information concerning any one estate (except in the case of the executor or curator of such estate or his lawful agent or surety)	2	6	

(2) The fees referred to in items (a) (ii), (b), (d) and (e) of sub-paragraph (1) shall be payable by means of revenue stamps affixed to the relevant documents and those referred to in items (a) (i) and (c) of the said sub-paragraph shall be payable in cash.

3. Upon all unclaimed moneys paid into the hands of a Master in pursuance of section *ninety-two* of this Act or for account of absent or unknown creditors of any estate or for account of absent or unknown creditors or contributories of any company a commission upon the amount paid in of five per cent. shall be payable in cash and be deducted from the unclaimed moneys so paid into the hands of the Master."

Second Schedule.

(Section 22.)

SUBSTITUTION OF THIRD SCHEDULE TO ACT 24 OF 1936.**"THIRD SCHEDULE.****MASTER'S FEES OF OFFICE (SECTION 153).**

	£	s.	d.
1. For inspection of documents in any one estate, excepting by or on behalf of a trustee or his surety	2	6	
2. For binding documents in each estate according to the size of the estate, in the discretion of the Master from 7s. to	1	10	0
3. For taxing a trustee's remuneration or a bill of costs (but not a deputy sheriff's account) on every one pound or fraction of a pound of the amount taxed	1	0	
4. Upon the assets in an insolvent estate available for distribution among creditors—			
(a) upon the first £5,000: $\frac{1}{4}$ per cent., with a minimum of £1;			
(b) upon any amount in excess of the first £5,000: $\frac{1}{4}$ per cent.			
5. (a) For extracts or copies of documents made in the office of a Master, for every one hundred words or part thereof	1	0	
(b) For extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or part thereof	1	0	
6. On any amount paid by the trustee into the Guardian's Fund for account of creditors: 5 per cent.			
7. The fees referred to in items 1 and 5 shall be payable by means of revenue stamps affixed to the relevant document and those referred to in items 2, 3, 4 and 6 shall be payable in cash."			