



REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

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PRETORIA, 30 NOVEMBER 1979

[No. 6761

**PROCLAMATIONS**

*by the State President of the Republic of  
South Africa*

No. 285, 1979

**COMMISSION OF INQUIRY INTO THE STRUCTURE AND FUNCTIONING OF THE COURTS**

Under and by virtue of the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947), I hereby declare that the provisions of that Act shall apply to the Commission of Inquiry into the Structure and Functioning of the Courts appointed by me on the 29th day of November 1979.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-ninth day of November, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH.

No. 286, 1979

**COMMISSION**

*by the State President of the Republic of  
South Africa*

To:

The Honourable Mr Justice Gustav Gerhardus Hoexter;  
Mr Johan Phillipus Jacobus Coetzer, S.C.;  
Prof. Anthony John Middleton;  
Mr Johan Marius Potgieter;  
Mr Austin Arnoldus Schreiber, S.C.

Greetings!

Whereas I deem it expedient to appoint a commission to inquire into, and to report and make recommendations on, the matters mentioned hereinafter;

Now, therefore, by reason of the great trust I repose in your knowledge, judgment and ability, I hereby authorise and appoint you to be members, and you, the Honourable Gustav Gerhardus Hoexter, to be Chairman, of a commission, with the following terms of reference:

To inquire into the structure and functioning of the courts of law in the Republic of South Africa and

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**PROKLAMASIES**

*van die Staatspresident van die Republiek van  
Suid-Afrika*

No. 285, 1979

**KOMMISSIE VAN ONDERSOEK NA DIE STRUKTUUR EN FUNKSIONERING VAN DIE HOWE**

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Onderzoek na die Struktuur en Funksionering van die Howe wat ek op die 29ste dag van November 1979 aangestel het.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Nege-en-twintigste dag van November Eenduisend Nege-honderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH.

No. 286, 1979

**OPDRAG**

*van die Staatspresident van die Republiek van  
Suid-Afrika*

Aan:

Sy Edele Regter Gustav Gerhardus Hoexter;  
Adv. Johan Phillipus Jacobus Coetzer, S.C.;  
Prof. Anthony John Middleton;  
Mnr. Johan Marius Potgieter;  
Adv. Austin Arnoldus Schreiber, S.C.

Saluut!

Nademaal ek dit dienstig ag om 'n kommissie aan te stel om ondersoek in te stel na en verslag en aanbevelings te doen oor die aangeleenthede hieronder genoem;

So is dit dat ek, aangesien ek groot vertroue in u kennis, oordeel en bekwaamheid stel, u hierby magtig en aanstel as lede van 'n kommissie, en u, U Edele Gustav Gerhardus Hoexter, as Voorsitter daarvan, met die volgende opdrag:

Om ondersoek in te stel na die struktuur en funksionering van die geregshowe in die Republiek van

6761—1

to report and make recommendations on the efficacy of that structure and functioning and on the desirability of changes which may lead to the more efficient and expeditious administration of justice and a reduction in the cost of litigation and in the course of such inquiry and in such recommendations to give attention in particular, but not exclusively, to the desirability of—

(a) establishing outside the Public Service an intermediate court between the lower courts and the Supreme Court, which would, as far as possible, sit throughout the country, and replace the existing regional court, and of restricting criminal appeals from such a court to a superior court by requiring leave to appeal in the same manner as in appeals from provincial divisions;

(b) establishing a family court as a branch of the court contemplated in paragraph (a) or otherwise;

(c) restricting appeals on fact to one appeal to one superior court;

(d) restricting appeals to the Appellate Division to appeals on questions of law and appeals also on fact where the death sentence has been imposed;

(e) [depending upon the recommendations in regard to paragraph (d)] determining a new procedure for the hearing of appeals on fact which at present go to the Appellate Division, excluding such appeals where the death sentence has been imposed;

(f) providing special machinery for the settlement of minor civil disputes in an informal manner;

(g) bringing also those courts for which other Ministers are now responsible under the administrative responsibility of the Minister of Justice.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-ninth day of November, One thousand Nine hundred and Seventy-nine.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH.

## GOVERNMENT NOTICES

### DEPARTMENT OF THE INTERIOR

No. 2764

30 November 1979

#### SETTING ASIDE OF DECLARATION THAT PUBLICATION IS UNDESIRABLE

A committee referred to in section 4 of the Publications Act, 1974, decided under section 15 (2) of the said Act on review that the undermentioned publication is not undesirable within the meaning of section 47 (2) of the said Act. The undermentioned entry in respect of the publication is hereby deleted:

Entry No. Inskrywing No.	Publication Publikasie	Author or producer Skrywer of voortbringer	Entry deleted Inskrywing geskrap
P79/10/152.....	<i>Never Love a Stranger</i> .....	Harold Robbins.....	In G.G./SK. 1942 of/ van 30/11/57 and/ en G.N./GK. 1510 of/van 30/11/57.

Suid-Afrika en om verslag en aanbevelings te doen oor die doelmatigheid van daardie struktuur en funksionering en oor die wenslikheid van veranderings wat tot doeltreffender en spoediger regspleging en 'n vermindering in die koste van gedingvoering kan lei en om by dié ondersoek en in dié aanbevelings in die besonder, maar nie uitsluitlik nie, aandag te gee aan die wenslikheid van—

(a) die daarstelling buite die Staatsdiens van 'n intermediêre hof tussen die laer houe en die Hooggeregshof, wat sover doenlik dwarsdeur die land sittings hou en die bestaande streekhof vervang, en die beperking van strafappelle vanaf so 'n hof na 'n hoër hof deur dit onderworpe te maak aan verlot tot appèl op dieselfde wyse as by appelle vanaf provinsiale afdelings;

(b) die instelling van 'n gesinshof, as 'n vertakking van die hof beoog in paragraaf (a) of andersins;

(c) die beperking van appelle op feite tot een appèl na een hoër hof;

(d) die beperking van appelle na die Appèlafdeling tot appelle op regsvrae en appelle ook op feite waar die doodstraf opgelê is;

(e) [afhangende van die aanbevelings met betrekking tot paragraaf (d)], die bepaling van 'n nuwe prosedure vir die beregting van appelle op feite wat tans na die Appèlafdeling gaan, uitgesonderd sodanige appelle waar die doodstraf opgelê is;

(f) die skepping van spesiale masjinerie vir die beslegting van klein siviele geskille op 'n informele wyse;

(g) die inskakeling onder die administratiewe verantwoordelikheid van die Minister van Justisie ook van daardie houe waarvoor ander Ministers tans verantwoordelik is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Nege-en-twintigste dag van November Eenduisend Nege-honderd Nege-en-sewentig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH.

## GOEWERMENSKENNISGEWINGS

### DEPARTEMENT VAN BINNELANDSE SAKE

No. 2764

30 November 1979

#### TERSYDESTELLING VAN VERKLARING DAT PUBLIKASIE ONGEWENS IS

'n Komitee bedoel in artikel 4 van die Wet op Publikasies, 1974, het kragtens artikel 15 (2) van genoemde Wet op hersiening beslis dat die ondergenoemde publikasie nie binne die bedoeling van artikel 47 (2) van genoemde Wet ongewens is nie. Die ondergenoemde inskrywing ten opsigte van die publikasie word hierby geskrap:

No. 2763

30 November 1979

### PROHIBITION ON POSSESSION OF UNDESIRABLE PUBLICATIONS

A committee referred to in section 4 of the Publications Act, 1974, which decided under section 11 (2) of the said Act that the undermentioned publications are undesirable within the meaning of section 47 (2) of the said Act, has under section 9 (3) of the said Act, prohibited the possession of the said publications. The said prohibition was confirmed by the Publications Appeal Board under section 9 (5) of the said Act.

No. 2763

30 November 1979

### VERBOD OP BESIT VAN ONGEWENSTE PUBLIKASIES

'n Komitee bedoel in artikel 4 van die Wet op Publikasies, 1974, wat kragtens artikel 11 (2) van genoemde Wet beslis het dat die ondergenoemde publikasies ongewens is binne die bedoeling van artikel 47 (2) van genoemde Wet, het kragtens artikel 9 (3) van genoemde Wet die besit van genoemde publikasies verbied. Genoemde verbod is kragtens artikel 9 (5) van genoemde Wet deur die Appèlraad oor Publikasies bekragtig.

Entry No. Inskrywing No.	Publication Publikasie	Author or producer Skrwyer of voortbringer	Section 47 (2) Artikel 47 (2)
P79/7/133.....	<i>Touch</i> .....	Unknown/Onbekend.....	(a)
P79/9/114.....	<i>Information &amp; Comments</i> Vol 1, No 2, August 1979	Swapo Western Europe Office, London.....	(e)
P79/9/125.....	<i>Wahlen in Namibia?</i> —Nr 17, 1979.....	Justin Ellis.....	(e)
P79/9/130.....	<i>Bulletin: Southern African Information Programme</i> —August 1979	International University Exchange Fund.....	(e)
P79/9/134.....	<i>Path of The Leninist Party, The</i> .....	Novosti Press Agency Publishing House, Moscow	(e)
P79/9/143.....	<i>Nouvelles Perspectives Année 9, 4/79</i> .....	Conseil Mondial de la Paix, Helsinki.....	(e)
P79/9/152.....	<i>Israel-Südafrika: Kooperation Imperialistischer Verposten</i> (i.e. translation in German of original title "Israel-South Africa: Cooperation of Imperialistic Outposts" which was previously found to be undesirable/d.i. die vertaling in Duits van oorspronklike titel "Israel-South Africa: Cooperation of Imperialistic Outposts" wat voorheen ongewens bevind is)	Progress Dritte Welt, Bonn.....	(e)
P79/9/154.....	<i>Unite and Fight to Liberate Our Motherland Amadla! Yusuf Dadoo—70th Birthday</i> (Sticker/Kleefseël)	Unknown/Onbekend.....	(e)
P79/9/162.....	<i>Marxism &amp; The Class Struggle</i> .....	Cliff Slaughter.....	(e)
P79/9/176.....	<i>Extracts from Speeches of Dr Yusuf Dadoo (Dec 1976 and 1978) and Pres Neto (1976)</i> —(Pamphlet)/ <i>Uittreksels uit Toesprake van Dr Yusuf Dadoo (Des 1976 en 1978) en Pres Neto (1976)</i> —(Pamflet)	Unknown/Onbekend.....	(e)
P79/8/176.....	<i>Extracts from Speeches of Dr Dadoo and Mr O R Tambo (1976) with photos</i> —(Pamphlet)/ <i>Uittreksels uit Toesprake van Dr Dadoo en Mnr O R Tambo (1976) met fotos</i> —(Pamflet)	Unknown/Onbekend.....	(e)
P79/10/31.....	<i>Playgirl Couples</i> —December 1979.....	Playgirl Inc., Santa Monica, Cal. USA.....	(a)
P79/10/36.....	<i>Lure of Animal Sex, The</i> —Vol. 2.....	Daniel Lyons.....	(a)
P79/10/37.....	<i>Human-Animal Sex Experience, The</i> .....	C. Harold John.....	(a)
P79/10/81.....	<i>Man's Adventure</i> —No 11.....	Transpacific Magazine Ltd, Hong Kong.....	(a)

No. 2761

30 November 1979

### UNDESIRABLE PUBLICATIONS OR OBJECTS

A committee referred to in section 4 of the Publications Act, 1974, decided under section 11 (2) of the said Act that the undermentioned publications or objects are undesirable within the meaning of section 47 (2) of the said Act:

No. 2761

30 November 1979

### ONGEWENSTE PUBLIKASIES OF VOORWERPE

'n Komitee bedoel in artikel 4 van die Wet op Publikasies, 1974, het kragtens artikel 11 (2) van genoemde Wet beslis dat die ondergenoemde publikasies of voorwerpe ongewens is binne die bedoeling van artikel 47 (2) van genoemde Wet:

#### LIST/LYS P79/75

Entry No. Inskrywing No.	Publication or object Publikasie of voorwerp	Author or producer Skrwyer of voortbringer	Section 47 (2) Artikel 47 (2)
P79/10/69.....	<i>Hamptons, The</i> .....	Charles Rigdon.....	(a)
P79/11/113.....	<i>Special Offer No 3—Pta Portland Supply Co.</i> (Advertisement-pamphlet/Advertensie-pamflet)	Unknown/Onbekend.....	(a)
P79/11/121.....	<i>Waterline No 2159</i> (Poster/Plakkaat).....	Boblen, Randburg.....	(a)
P79/9/104.....	<i>Players in the Ballgame</i> .....	Gary Langford.....	(a)+(b)
P79/10/144.....	<i>To Love as Eagles</i> .....	Susanna Rosse.....	(a)
P79/10/91.....	<i>Amazing Grace</i> .....	Alida Baxter.....	(a)+(b)
P79/11/77.....	<i>One Azania, One Nation The National Question in South Africa</i> .....	No Sizwe.....	(e)
P79/11/93.....	<i>Sputnik</i> —No 7 July 1979.....	Novosti Press Agency, Moscow.....	(e)
P79/11/118.....	<i>Work in Progress</i> —No 10 November 1979.....	S.R.C., University Witwatersrand.....	(d)+(e)
P79/11/109.....	<i>SAYRGO Special Edition on the 1st National Congress held in April 1979</i> .....	South African Youth Revolutionary Council...	(e)
P79/11/109.....	<i>Constitution of the South African Youth Revolutionary Council (SAYRGO)</i> .....	South African Youth Revolutionary Council...	(e)
P79/11/120.....	<i>South Africa: Vestige of Colonialism</i> —(Game/Speletjie)—Object/Voorwerp	Simulations Publications Inc, New York.....	(e)

No. 2762

30 November 1979

**UNDESIRABLE PUBLICATIONS OR OBJECTS**

The Publications Appeal Board decided under section 14 of the Publications Act, 1974, that the under-mentioned publication is undesirable within the meaning of section 47 (2) of the said Act, and has set aside the decision by a committee referred to in section 4 of the said Act that the publication is not undesirable within the meaning of the said section 47 (2):

**LIST/LYS P79/76**

Entry No. Inskrywing No.	Publication or object Publikasie of voorwerp	Author or producer Skrwyer of voortbringer	Section 47 (2) Artikel 47 (2)
P79/10/143.....	<i>Sun Magazine</i> —September 1979.....	Transeo Press (Pty) Ltd, Roodepoort.....	(a)+(b)

No. 2762

30 November 1979

**ONGEWENSTE PUBLIKASIES OF VOORWERPE**

Die Appèlraad oor Publikasies het kragtens artikel 14 van die Wet op Publikasies, 1974, beslis dat die ondergenoemde publikasie binne die bedoeling van artikel 47 (2) van genoemde Wet ongewens is, en het die beslissing van 'n komitee bedoel in artikel 4 van genoemde Wet dat die publikasie nie binne die bedoeling van genoemde artikel 47 (2) ongewens is nie, ter syde gestel:

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