



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 893: 2 Mei 1984

No. 893. 2 May 1984

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

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

No. 56 van 1984: Wysigingswet op Landdroshowe, 1984.

No. 56 of 1984: Magistrates' Courts Amendment Act, 1984.

Wet No. 56, 1984

WYSIGINGSWET OP LANDDROSHOWE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Landdroshowe, 1944, ten einde die siviele jurisdiksie van landdroshowe ten aansien van skuld-oorsake te verhoog; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 April 1984.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 29 van Wet 32 van 1944, soos vervang deur artikel 27 van Wet 94 van 1974.

1. Artikel 29 van die Wet op Landdroshowe, 1944 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende 5 paragraaf te vervang:

“(a) aksies tot lewering of oordrag van roerende of onroerende goed waarvan die waarde hoogstens **[duisend vyfhonderd rand] R5 000** is;”;

(b) deur die voorbehoudsbepaling by paragraaf (b) van subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat, waar die reg tot okkupasie van die perseel of grond tussen die partye in geskil is, die suiwer waarde van daardie reg vir die okkupeerder 15 hoogstens **[duisend vyfhonderd rand] R5 000** is;”;

(c) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) aksies gebaseer op of wat ontstaan uit 'n likwiede dokument of 'n verband waar die vordering hoogstens **[drieduisend rand] R10 000** is;”;

(d) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

“(e) aksies gebaseer op of wat ontstaan uit 'n **[kontrak kredietooreenkoms** soos omskryf in artikel **[1 (1) 25 van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942)] 1** van die Wet op Kredietooreenkoms, 1980 (Wet No. 75 van 1980), waar die vordering of die waarde van die goed in geskil hoogstens **[drieduisend rand] R10 000** is;” en 30

(e) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

“(f) ander aksies as dié wat reeds in hierdie subartikel vermeld is, waar die vordering of die waarde van die onderwerp in geskil hoogstens **[duisend vyfhonderd rand] R5 000** is.”.

MAGISTRATES' COURTS AMENDMENT ACT, 1984

Act No. 56, 1984

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Magistrates' Courts Act, 1944, so as to increase the civil jurisdiction of magistrates' courts in respect of causes of action; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 10 April 1984.)*

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

1. Section 29 of the Magistrates' Courts Act, 1944 (hereinafter called the principal Act), is hereby amended—
- 5 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) actions in which is claimed the delivery or transfer of any property, movable or immovable, not exceeding **[one thousand five hundred rand] R5 000** in value;”;
- 10 (b) by the substitution for the proviso to paragraph (b) of subsection (1) of the following proviso:
- “Provided that, where the right of occupation of any such premises or land is in dispute between the parties, such right does not exceed **[one thousand five hundred rand] R5 000** in clear value to the occupier;”;
- 15 (c) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “*(d)* actions on or arising out of a liquid document or a mortgage bond, where the claim does not exceed **[three thousand rand] R10 000;**”;
- 20 (d) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
- “*(e)* actions on or arising out of any credit agreement as defined in section **[1 (1) of the Hire-Purchase Act, 1942 (Act No. 36 of 1942)] 1** of the Credit Agreements Act, 1980 (Act No. 75 of 1980), where the claim or the value of the property in dispute does not exceed **[three thousand rand] R10 000;**” and
- 25 (e) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- “*(f)* actions other than those already mentioned in this section, where the claim or the value of the matter in dispute does not exceed **[one thousand five hundred rand] R5 000.**”.
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Amendment of section 29 of Act 32 of 1944, as substituted by section 27 of Act 94 of 1974.

Wet No. 56, 1984

WYSIGINGSWET OP LANDDROSHOWE, 1984

Wysiging van artikel 46 van Wet 32 van 1944, soos gewysig deur artikel 5 van Wet 19 van 1963 en artikel 28 van Wet 94 van 1974.

2. Artikel 46 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) waarin daadwerklike vervulling sonder ’n alternatiewe eis om betaling van skadevergoeding gevorder word, 5 behalwe in—

- (i) die verstrekking van ’n rekening ten opsigte waarvan die vordering nie **[duisend vyfhonderd rand] R5 000** te bowe gaan nie;
- (ii) die lewering of oordrag van roerende of onroerende goed ter waarde van hoogstens **[duisend vyfhonderd rand] R5 000**; en
- (iii) die lewering of oordrag van roerende of onroerende goed ter waarde van meer as **[duisend vyfhonderd rand] R5 000**, in gevalle waar die toestemming van die partye ooreenkomstig artikel 45 verkry is;”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Landdroshowe, 1984.

MAGISTRATES' COURTS AMENDMENT ACT, 1984

Act No. 56, 1984

2. Section 46 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

Amendment of section 46 of Act 32 of 1944, as amended by section 5 of Act 19 of 1963 and section 28 of Act 94 of 1974.

- 5 “(c) in which is sought specific performance without an alternative of payment of damages, except in—
- 10 (i) the rendering of an account in respect of which the claim does not exceed **[one thousand five hundred rand]** R5 000;
- (ii) the delivery or transfer of property, movable or immovable, not exceeding **[one thousand five hundred rand]** R5 000 in value; and
- 15 (iii) the delivery or transfer of property, movable or immovable, exceeding **[one thousand five hundred rand]** R5 000 in value, where the consent of the parties has been obtained in terms of section 45;”.

3. This Act shall be called the Magistrates' Courts Amendment Act, 1984. Short title.

