GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 654. 28 March 1991

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

No. 1 of 1991: Legal Aid Amendment Act, 1991.

KANTOOR VAN DIE STAATSPRESIDENT

No. 654. 28 Maart 1991

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

No. 1 van 1991: Wysigingswet op Regshulp, 1991.

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 Legal Aid Act, 1969, so as to alter the constitution of the Legal Aid Board; and to exclude the territory of South-West Africa from the application of the Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 March 1991.)

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

Amendment of section 4 of Act 22 of 1969, as amended by section 2 of Act 47 of 1989

1. Section 4 of the Legal Aid Act, 1969, is hereby amended—

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

"(1) The board shall consist of—

(a) a judge of the Supreme Court of South Africa appointed by the Minister;

(b) one practising advocate and four practising attorneys, nominated by the General Council of the Bar of South Africa and the Association of Law Societies of the Republic of South Africa, respectively, and appointed by the Minister;

(c) the Director-General: Justice;

[*(d)* **the Director-General: Development Planning;**

(e) **the Heads of the Departments: Health Services and Welfare of the Administrations: House of Assembly, House of Delegates and House of Representatives;**

*(f)***]** *(d)* the State Attorney;

[*(g)***]***(e)* **[an additional]** a member appointed by the Minister by virtue of his knowledge and experience in the field of legal aid or any other field which in the opinion of the Minister will be to the advantage of the board;

(f) three members nominated by the members referred to in paragraphs *(a)*, *(b)*, *(c)*, *(d)* and *(e)* by reason of the fact that in the opinion of the members making the nominations they can further the aims of the board and appointed by the Minister.";

(b) by the insertion after subsection (1) of the following subsection:

"(1A) *(a)* The members of the board referred to in paragraphs *(a)*, *(b)*, *(c)*, *(d)* and *(e)* of subsection (1) may co-opt one or more persons who in their opinion have the appropriate knowledge and experience, as associated members of the board for such period as the board may determine.

(b) An associated member may attend meetings of the board only by invitation of the chairman.

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 Regshulp, 1969, ten einde die samestelling van die Regshulpraad te verander; en die gebied Suidwes-Afrika van die toepassing van die Wet uit te sluit; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Maart 1991.)

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

Wysiging van artikel 4 van Wet 22 van 1969, soos gewysig deur artikel 2 van Wet 47 van 1989

1. Artikel 4 van die Wet op Regshulp, 1969, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die raad bestaan uit—

(a) 'n regter van die Hooggeregshof van Suid-Afrika deur die Minister aangestel;

(b) een praktiserende advokaat en vier praktiserende prokureurs, onderskeidelik deur die Algemene Balieraad van Suid-Afrika en die Vereniging van Prokureursordes van die Republiek van Suid-Afrika benoem en deur die Minister aangestel;

(c) die Direkteur-generaal: Justisie;

[*(d)* **die Direkteur-generaal: Ontwikkelingsbeplanning;**

(e) **die Departementshoofde: Gesondheidsdienste en Welsyn van die Administrasies: Volksraad, Raad van Afgevaardigdes en Raad van Verteenwoordigers;**

*(f)***]** *(d)* die Staatsprokureur;

[*(g)***]***(e)* **[nog]** 'n lid deur die Minister aangestel op grond van sy kennis en ervaring op die gebied van regshulp of enige ander gebied wat na die Minister se oordeel tot voordeel van die raad kan strek;

(f) drie lede deur die lede bedoel in paragrawe *(a)*, *(b)*, *(c)*, *(d)* en *(e)* benoem op grond daarvan dat hulle na die oordeel van die lede wat die benoemings maak die doelstellings van die raad kan bevorder en deur die Minister aangestel.";

(b) deur na subartikel (1) die volgende subartikel in te voeg:

"(1A) *(a)* Die lede van die raad bedoel in paragrawe *(a)*, *(b)*, *(c)*, *(d)* en *(e)* van subartikel (1) kan een of meer persone wat na hulle oordeel oor toepaslike kennis en ervaring beskik, as geassosieerde lede van die raad koöpteer vir die tydperk wat die raad bepaal.

(b) 'n Geassosieerde lid woon vergaderings van die raad slegs op uitnodiging van die voorsitter by.

(c) An associated member may take part in the proceedings of the board during meetings and perform the functions assigned to him by the board, but may not vote on any matter and shall not be taken into account for the purpose of the constitution of a quorum in terms of section 6 (1).";

and

(c) by the substitution for paragraph *(b)* of subsection (2) of the following paragraph:

"*(b)* If any member of the board referred to in paragraph *(c)* ~~[(d), (e)]~~ or ~~[(f)]~~ *(d)* of subsection (1) is unable for any reason to attend any meeting of the board, he may designate any officer in his department or office or, with the approval of the Minister, any other person to represent him at such meeting.".

Repeal of section 9A of Act 22 of 1969, as inserted by section 1 of Act 56 of 1971

2. Section 9A of the Legal Aid Act, 1969, is hereby repealed.

Short title

3. This Act shall be called the Legal Aid Amendment Act, 1991.

(c) 'n Geassosieerde lid mag aan die verrigtinge van die raad tydens vergaderings deelneem en die werksaamhede verrig wat deur die raad aan hom opgedra word, maar mag nie oor enige aangeleentheid stem nie en word nie vir die doel van die samestelling van 'n kworum kragtens artikel 6 (1), in ag geneem nie."; en

(c) deur paragraaf *(b)* van subartikel (2) deur die volgende paragraaf te vervang:

"*(b)* Indien 'n in paragraaf *(c)* **[***(d), (e)***]** of **[***(f)***]** *(d)* van subartikel (1) bedoelde lid van die raad om die een of ander rede nie in staat is om 'n vergadering van die raad by te woon nie, kan hy 'n beampte in sy departement of kantoor of, met die goedkeuring van die Minister, enige ander persoon aanwys om hom op so 'n vergadering te verteenwoordig.".

Herroeping van artikel 9A van Wet 22 van 1969, soos ingevoeg deur artikel 1 van Wet 56 van 1971

2. Artikel 9A van die Wet op Regshulp, 1969, word hierby herroep.

Kort titel

3. Hierdie Wet heet die Wysigingswet op Regshulp, 1991.

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