

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

Staatskoerant Government Gazette

R0,80 Prys • Price
R0,08 Plus 10% BTW • VAT
R0,88 Verkoopprys • Selling price
Buitelands **R1,10** Other countries
Posvry • Post free

Regulasiekoerant
Regulation Gazette

No. 4830

Vol. 320

PRETORIA, 28 FEBRUARIE
FEBRUARY 1992

No. 13802

PROKLAMASIES

van die

Staatspresident

van die Republiek van Suid-Afrika

No. R. 14, 1992

INWERKINGTREDING VAN DIE WYSIGINGSWET
OP LANDDROSHOWE, 1991 (WET No. 118 VAN
1991)

Kragtens artikel 2 van die Wysigingswet op Landdroshowe, 1991 (Wet No. 118 van 1991), bepaal ek hierby **1 Maart 1992** as die datum waarop genoemde Wet in werking tree ten opsigte van al die distrikte en streekafdelings in die Republiek van Suid-Afrika, soos bedoel in die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944).

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewen-twintigste dag van Februarie Eenduisend Nege-honderd Twee-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

No. R. 15, 1992

INWERKINGTREDING VAN DIE WYSIGINGSWET
OP ONDERHOUD, 1991 (WET No. 2 VAN 1991)

Kragtens artikel 14 van die Wysigingswet op Onderhoud, 1991 (Wet No. 2 van 1991), bepaal ek hierby **1 Maart 1992** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewen-twintigste dag van Februarie Een-duisend Nege-honderd Twee-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

PROCLAMATIONS

by the

State President

of the Republic of South Africa

No. R. 14, 1992

COMMENCEMENT OF THE MAGISTRATES'
COURTS AMENDMENT ACT, 1991 (ACT No. 118 OF
1991)

Under section 2 of the Magistrates' Courts Amendment Act, 1991 (Act No. 118 of 1991), I hereby fix **1 March 1992** as the date on which the said Act shall come into operation in respect of all the districts and regional divisions in the Republic of South Africa, as referred to in the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-seventh day of February, One thousand Nine hundred and Ninety-two.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

No. R. 15, 1992

COMMENCEMENT OF THE MAINTENANCE
AMENDMENT ACT, 1991 (ACT No. 2 OF 1991)

Under section 14 of the Maintenance Amendment Act, 1991 (Act No. 2 of 1991), I hereby fix **1 March 1992** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-seventh day of February, One thousand Nine hundred and Ninety-two.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN JUSTISIE**

No. R. 732

28 Februarie 1992

WET OP ONDERHOUD, 1963

WYSIGING VAN REËLS

Ek, Hendrik Jacobus Coetsee, Minister van Justisie, vaardig hierby kragtens artikel 15 van die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), die reëls in die Bylae uit.

H. J. COETSEE,

Minister van Justisie.

BYLAE**Woordomskrywing**

1. In hierdie reëls beteken "die Reëls" die reëls afgekondig by Goewermentskennisgewing No. R. 2331 van 24 Desember 1970, soos gewysig by Goewermentskennisgewing No. R. 348 van 22 Februarie 1991.

Vervanging van reël 1 van die Reëls

2. Reël 1 van die Reëls word hierby deur die volgende reël vervang:

"1. In hierdie Reëls het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg, en, tensy uit die samehang anders blyk, beteken—

'balju' 'n balju kragtens artikel 2 (1) van die Wet op Balju's, 1986 (Wet No. 90 van 1986), aangestel en ook 'n waarnemende balju kragtens artikel 5 (1) van genoemde Wet aangestel;

'hof' 'n onderhoudshof bedoel in artikel 2 van die Wet;

'onderhoudsbeampte' 'n onderhoudsbeampte wat kragtens artikel 3 van die Wet aangestel is of geag word aangestel te wees;

'ondersoek' 'n ondersoek ooreenkomstig artikel 5 van die Wet;

'onderteken' die aanbring van 'n handtekening, naam, vingerafdruk of merk op 'n stuk;

'polisiebeampte' 'n lid van die Mag soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958);

'Wet' die Wet op Onderhoud, 163 (Wet No. 23 van 1963)."

Vervanging van reël 2 van die Reëls

3. Reël 2 van die Reëls word hierby deur die volgende reël vervang:

"2. By die wysiging van 'n onderhoudsbevel kragtens artikel 5 (5) (b) van die Wet, stel die onderhoudsbeampte die persoon wat ingevolge sodanige bevel moet betaal, van die wysiging in kennis deur 'n kennisgewing waarin volledige besonderhede van die wysiging uiteengesit word, per geregistreerde pos aan dié persoon by sy laasbekende adres te stuur of sodanige kennisgewing deur 'n balju of 'n polisiebeampte aan hom te laat oorhandig of te laat aanbied."

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 732

28 February 1992

MAINTENANCE ACT, 1963

AMENDMENT OF RULES

I, Hendrik Jacobus Coetsee, Minister of Justice, hereby, under section 15 of the Maintenance Act, 1963 (Act No. 23 of 1963), make the rules set out in the Schedule.

H. J. COETSEE,

Minister of Justice.

SCHEDULE**Definition**

1. In these rules, "the Rules" means the rules published under Government Notice No. R. 2331 of 24 December 1970, as amended by Government Notice No. R. 348 of 22 February 1991.

Substitution of rule 1 of the Rules

2. The following rule is hereby substituted for rule 1 of the Rules:

"1. In these Rules, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and, unless the context otherwise indicates—

'Act' means the Maintenance Act, 1963 (Act No. 23 of 1963);

'court' means a maintenance court referred to in section 2 of the Act;

'enquiry' means an enquiry in terms of section 5 of the Act;

'maintenance officer' means a maintenance officer appointed or deemed to have been appointed under section 3 of the Act;

'police officer' means any member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958);

'sheriff' means a sheriff appointed under section 2 (1) of the Sheriffs Act, 1986 (Act No. 90 of 1986), and also an acting sheriff appointed under section 5 (1) of the said Act;

'sign' means to attach a signature, name, fingerprint or mark to a document."

Substitution of rule 2 of the Rules

3. The following rule is hereby substituted for rule 2 of the Rules:

"2. Upon the variation of a maintenance order under section 5 (5) (b) of the Act, the maintenance officer shall inform the person required to make any payment in terms of such order, of the variation by sending to him a notice setting out the full particulars of the variation by registered post addressed to him at his last known address, or by causing such notice to be delivered or tendered to him by a police officer or a sheriff."

Wysiging van reël 4 van die Reëls

4. Reël 4 van die Reëls word hierby gewysig deur subreël (3) deur die volgende subreël te vervang:

“(3) Geen ander persoon as 'n beampte in die Staatsdiens, 'n persoon teen wie 'n onderhoudsbevel uitgevaardig is of staan te word, 'n persoon ten gunste van wie 'n onderhoudsbevel uitgevaardig is of staan te word, of die regsvertegenwoordiger van enige sodanige persoon het insae in enige notule in hierdie reël bedoel nie, behalwe met die verlot van die voorsittende beampte wat in daardie stadium dié amp beklee in die hof waar die ondersoek gehou word of gehou is en teen betaling van die gelde wat vir die insae van notules van siviele verrigtinge in landdroshowe voorgeskryf is.”

Invoeging van reëls 4A en 4B in die Reëls

5. Die volgende reëls word hierby na reël 4 van die Reëls ingevoeg:

“4A. (1) 'n Verklaring beoog in artikel 5 (7A) (a) van die Wet moet onderteken word deur die persoon wat dit gedoen het, en moet 'n deklarasie deur so 'n persoon bevat waarvan die strekking is dat die verklaring na sy beste wete en oortuiging waar is en dat hy die verklaring gedoen het met die wete dat hy hom aan 'n misdryf skuldig kan maak indien hy daar in opsetlik iets sê wat hy weet vals is.

(2) Indien die persoon wat 'n verklaring ooreenkomstig subreël (1) doen, nie die verklaring kan lees nie, moet die verklaring aan hom voorgelees word deur die persoon wat die verklaring afneem, voordat die persoon wat die verklaring doen, dit onderteken, en die persoon wat die verklaring aldus voorgelees het, moet 'n endossement daarop aanbring met die strekking dat dit aldus voorgelees is.

(3) Wanneer die verklaring en dokumente genoem in artikel 5 (7A) (b) van die Wet ooreenkomstig genoemde artikel beteken word, gaan dit vergesel van die volgende skriftelike mededeling waarin die verlangde gegewens vervat is:

Daar word beoog om bygaande verklaring en die dokumente daarby aangeheg, by die onderhoudsondersoek op

..... te

tussen

en

met betrekking tot die betaling van die onderhoud van as getuienis voor te lê, en dit sal as getuienis toelaatbaar wees in dieselfde mate as mondelinge getuienis met dieselfde strekking deur die persoon wat die verklaring gedoen het.

U kan minstens sewe dae voor die aanvang van die ondersoek by die onderhoudsbeampte van bovermelde hof beswaar daarteen maak dat die verklaring aldus as getuienis voorgelê word.

4B. (1) By ontvangs van die kennisgewing ter vervanging of ter opheffing van 'n onderhoudsbevel, beoog in artikel 6 (1) van die Wet, moet die griffier of klerk van die hof wat die betrokke onderhoudsbevel uitgevaardig het of wat die betrokke vonnis opgelê het, na gelang van die geval, die bevel by die oorspronklike stukke wat op die geval van toepassing is, liasseer en, in die geval van 'n bevel ter vervanging van 'n onderhoudsbevel, die besonderhede van die nuwe bevel op die bevel wat vervang word, aanteken en, in die geval van 'n bevel ter opheffing van 'n onderhoudsbevel, 'n aantekening op die bevel wat opgehef word, aanbring dat die bevel opgehef is.

Amendment of rule 4 of the Rules

4. Rule 4 of the Rules is hereby amended by the substitution for subrule (3) of the following subrule:

“(3) No person other than an officer in the Public Service, a person against whom a maintenance order has been or is to be made, a person in whose favour a maintenance order has been or is to be made, or the legal representative of any such person shall have access to any record referred to in this rule, except with the leave of the presiding officer then holding office in the court in which the enquiry is being or was held and upon payment of the fees prescribed for the inspection of the records of civil proceedings in magistrates' courts.”

Insertion of rules 4A and 4B in the Rules

5. The following rules are hereby inserted after rule 4 of the Rules:

“4A. (1) A statement contemplated in section 5 (7A) (a) of the Act shall be signed by the person who made it and shall contain a declaration by such person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that he may be guilty of an offence if he wilfully said in it anything which he knew to be false.

(2) If the person who makes a statement in terms of subrule (1) cannot read such statement, the statement shall be read to him by the person taking down the statement before the statement is signed by the person making the statement, and an endorsement shall be made thereon by the person who so read the statement to the effect that it was so read.

(3) When the statement and the documents referred to in section 5 (7A) (b) of the Act are served in terms of the said section, they shall be accompanied by the following written notification containing the particulars required:

It is envisaged to tender as evidence the accompanying statement and the attached documents at the maintenance enquiry on at

..... between

..... and

..... with regard to the payment

of the maintenance of

..... and the said documents shall be admissible as evidence to the same extent as oral evidence to the same effect by the person who made the statement.

At least seven days before the commencement of the enquiry you may object to the maintenance officer of the above-mentioned court to the statement being so tendered as evidence.

4B. (1) On receipt of the notice substituting or discharging a maintenance order, contemplated in section 6 (1) of the Act, the registrar or clerk of the court which made the maintenance order concerned, or which imposed the sentence concerned, as the case may be, shall file the order with the original documents applicable to the case and, in the case of an order substituting a maintenance order record the particulars of the new order on the order which is being substituted and, in the case of an order discharging a maintenance order record on the order which is being discharged that the order has been discharged.

(2) (a) Waar 'n onderhoudsbevel ingevolge artikel 6 (2) van die Wet oorgeplaas word, moet die klerk van die hof wat die onderhoudsbevel uitgevaardig het, alle stukke wat op die betrokke geval van toepassing is, per geregistreerde pos aldus oorplaas.

(b) Gewaarmerkte afskrifte van alle bevele of vonnisse, insluitende vorige gewysigde bevele, asook stukke wat betrekking het op die betalingsrekord wat van toepassing is op die betrokke geval, moet voor oorpasing van die stukke ingevolge artikel 6 (2) van die Wet deur die klerk van die hof wat die onderhoudsbevel uitgevaardig het, geliasseer word.

(c) By ontvangs van 'n onderhoudsbevel bedoel in paragraaf (a), moet die klerk van die betrokke onderhoudshof dit registreer deur dit te nommer met die volgende volgnummer van onderhoudsgevalle vir die jaar waarin dit ontvang is."

Vervanging van reël 6 van die Reëls

6. Reël 6 van die Reëls word hierby deur die volgende reël vervang:

"6. Enige bevel kragtens artikels 5 (4) (a) (ii), 11 (2) of 14B (1) of (2) (c) van die Wet toegestaan of uitgevaardig, word ooreenkomstig die bepalings van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), ten uitvoer gelê."

Vervanging van reël 7 van die Reëls

7. Reël 7 van die Reëls word hierby deur die volgende reël vervang:

"7. 'n Kennisgewing beoog in artikel 12 (1) van die Wet word deur 'n balju of 'n polisiebeampte aan enige werkgewer bedoel in genoemde artikel bestel deur dit aan daardie werkgewer te oorhandig of aan te bied."

Inwerkingtreding

8. Hierdie reëls tree op 2 Maart 1992 in werking.

(2) (a) Where a maintenance order is transferred in terms of section 6 (2) of the Act, the clerk of the court which made the maintenance order shall transfer by registered post all the documents which are applicable to the particular case.

(b) Certified copies of all orders or judgements, including previous amended orders, and documents with regard to the record of payment which are applicable to the particular case shall be filed by the clerk of the court which made the maintenance order before the documents are transferred in terms of section 6 (2) of the Act.

(c) On receipt of a maintenance order referred to in paragraph (a), the clerk of the maintenance court concerned shall register the order by numbering it with the following consecutive number for maintenance cases for the year during which it was received."

Substitution of rule 6 of the Rules

6. The following rule is hereby substituted for rule 6 of the Rules:

"6. Any order granted or made under sections 5 (4) (a) (ii), 11 (2) or 14B (1) or (2) (c) of the Act shall be executed in accordance with the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)."

Substitution of rule 7 of the Rules

7. The following rule is hereby substituted for rule 7 of the Rules:

"7. A notice contemplated in section 12 (1) of the Act shall be served by a sheriff or a police officer on any employer referred to in the said section by delivering or tendering it to that employer."

Commencement

8. These rules shall come into operation on 2 March 1992.

INHOUD			CONTENTS			
No.		Bladsy No.	Koerant No.	No.	Page No.	Gazette No.
PROKLAMASIES						
R. 14	Wysigingswet op Landdroshowe (118/1991): Inwerkingtreding.....	1	13780	R. 14	Magistrates' Courts Amendment Act (118/1991): Commencement.....	1 13780
R. 15	Wysigingswet op Onderhoud (2/1991): Inwerkingtreding.....	1	13780	R. 15	Maintenance Amendment Act (2/1991): Commencement.....	1 13780
GOEWERMENSKENNISGEWING						
Justisie, Departement van						
Goewermentskennisgewing						
R. 732	Wet op Onderhoud (23/1963): Wysiging van reëls.....	2	13780	R. 732	Maintenance Act (23/1963): Amendment of rules.....	2 13780