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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 1176. 2 June 1978.

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

No. 79 of 1978: Criminal Procedure Matters Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1176. 2 Junie 1978.

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

No. 79 van 1978: Wysigingswet op Strafprosesaangeleenthede, 1978.

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ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Binnelandse Veiligheid, 1950, en die Strafproseswet, 1977, met betrekking tot die aanhouding van getuies; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1978.)

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

Wysiging van artikel 12B van Wet 44 van 1950, soos ingevoeg deur artikel 6 van Wet 79 van 1976.

1. (1) Artikel 12B van die Wet op Binnelandse Veiligheid, 1950, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat kragtens 'n lasbrief bedoel in subartikel (1) in hegtenis geneem en in aanhouding is, word aangehou vir die tydperk wat verstryk op die dag waarop die verhoor van die betrokke strafsaak afgehandel word, tensy—

(a) die prokureur-generaal gelas dat hy eerder vrygelaat word; of

(b) daardie verhoor nie binne ses maande vanaf die datum waarop hy aldus in hegtenis geneem is, 'n aanvang geneem het nie, in welke geval hy na verstryking van dié tydperk vrygelaat word.".

(2) Die bepalings van subartikel (1) is ook van toepassing op iemand wat by die inwerkingtreding van hierdie Wet, kragtens artikel 12B van die Wet op Binnelandse Veiligheid, 1950, aangehou word.

Wysiging van artikel 185 van Wet 51 van 1977.

2. (1) Artikel 185 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat kragtens 'n lasbrief bedoel in subartikel (2) aangehou word, word aangehou vir die tydperk wat verstryk op die dag waarop die betrokke strafregtelike verrigtinge afgehandel word, tensy—

(a) die prokureur-generaal gelas dat hy eerder vrygelaat word; of

(b) daardie verrigtinge nie binne ses maande vanaf die datum waarop hy aldus aangehou word, 'n aanvang geneem het nie, in welke geval hy na verstryking van dié tydperk vrygelaat word.".

(2) Die bepalings van subartikel (1) is ook van toepassing op iemand wat by die inwerkingtreding van hierdie Wet, kragtens artikel 185 van die Strafproseswet, 1977, aangehou word.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Strafprosesaangeleenthede, 1978.

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GENERAL EXPLANATORY NOTE:

__________ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Internal Security Act, 1950, and the Criminal Procedure Act, 1977, with regard to the detention of witnesses; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to 29 May 1978.*)

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

Amendment of section 12B of Act 44 of 1950, as inserted by section 6 of Act 79 of 1976.

1. (1) Section 12B of the Internal Security Act, 1950, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any person arrested and detained under a warrant in terms of subsection (1) shall be detained for the period terminating on the day on which the criminal proceedings concerned are concluded, unless—

(a) the attorney-general orders that he be released earlier; or

(b) such proceedings have not commenced within six months from the date on which he was so arrested, in which case he shall be released after the expiration of such period.".

(2) The provisions of subsection (1) shall also apply to any person detained at the commencement of this Act in terms of section 12B of the Internal Security Act, 1950.

Amendment of section 185 of Act 51 of 1977.

2. (1) Section 185 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) Any person detained under a warrant in terms of subsection (2) shall be detained for the period terminating on the day on which the criminal proceedings concerned are concluded, unless—

(a) the attorney-general orders that he be released earlier; or

(b) such proceedings have not commenced within six months from the date on which he is so detained, in which case he shall be released after the expiration of such period.".

(2) The provisions of subsection (1) shall also apply to any person detained at the commencement of this Act in terms of section 185 of the Criminal Procedure Act, 1977.

Short title.

3. This Act shall be called the Criminal Procedure Matters Amendment Act, 1978.

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