



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)
BUIELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 227

KAAPSTAD, 2 MEI 1984

No. 9204

CAPE TOWN, 2 MAY 1984

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 gegee 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.

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:
- 10 “(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;”;
- 15 (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;”;
- 20 (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**;”;
- 25 (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**;”;
- 30 (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**.”.
- 35

Amendment of section 29 of Act 32 of 1944, as substituted by section 27 of Act 94 of 1974.

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:

- 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;”.

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.

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