

FREE STATE PROVINCE

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PROVINSIALE KOERANT

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OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 1

27 March 1998

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27 Maart 1998

It is hereby notified that the Acting Premier has assented to the following Act which is hereby published for general information:-

Hierby word bekend gemaak dat die Waarnemende Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 4 of 1998: Commissions Ordinance Amendment Act, 1998

No. 4 van 1998: Wysigingswet op die Ordonnansie op Kommissies, 1998

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Commissions Ordinance, 1954, as to substitute or amend certain expressions; to extend the application of the Commissions Ordinance, 1954, throughout the Province; to change the onus of proof; and to make provisions for and in connection therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows :-

(Afrikaans text signed by the Acting Premier.)
(Assented to 20 March 1998)

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Amendment of section 1 of Ordinance 5 of 1954, as amended by section 1 of Act 2 of 1995

1. Section 1 of the Commissions Ordinance, 1954 (hereinafter referred to as the Ordinance), is amended - 10

(a) by the substitution for the definition of "Premier" of the following definition:

" 'Premier' means the Premier of the province acting in terms of section [147(1)(d)] 127(2)(e) of the Constitution of the Republic of South Africa, [1993] 1996 (Act No [200] 108 of [1993] 1996"; 15

(b) by the substitution for the definition of "supreme court" of the following definition: 20

" 'high court' means the High Court of the Free State".

Amendment of section 6 of Ordinance 5 of 1954

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2. Section 6 of the Ordinance is hereby amended -

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

“(1) Any person summoned to attend and give evidence or to produce any book, document or object before a commission who, without sufficient cause [(**the onus of proof whereof shall rest upon him**)] fails to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the enquiry or until he or she is excused by the chairman of the commission from further attendance, or having attended, refuses to be sworn or to make affirmation as a witness after he or she has been required by the chairman of the commission to do so or, having been sworn or having made affirmation, fails to answer fully and satisfactorily any question lawfully put to him or fails to produce any book, document or object in his or her possession or custody or under his control, which he or she has been summoned to produce, shall be guilty of an offence and liable on conviction to a fine [**not exceeding one hundred rand**] or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.”

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

“(2) Any person who after having been sworn or having made affirmation, gives false evidence before a commission on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to a fine [**not exceeding two hundred rand**] or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.”

Substitution of certain expressions in Ordinance 4 of 1968

3. The Ordinance is amended -

- (a) by the substitution for the expression “supreme court”, wherever it occurs, of the expression “high court”; and
- (b) by the substitution for the expressions “he”, “his” and “chairman”, wherever they occur, of the expressions “he or she”, “his or her” and “chairperson”, respectively.

Extension of application of Ordinance 5 of 1954

4. The Ordinance shall apply throughout the Province.

Repeal of Act

5. The Commissions Act, 1985 (Act No 14 of 1985) (Bophuthatswana), is hereby repealed.

Short title

6. This Act shall be called the Commissions Ordinance Amendment Act, 1998.