

REPUBLIC OF SOUTH AFRICA

REPEAL OF CERTAIN PRE-1994 JUSTICE LAWS BILL

*(As introduced in National Assembly (proposed section 75); explanatory summary of Bill
and prior notice of its introduction published in Government Gazette No. 54941 of 3 July
2026)*
(The English text is the official text of the Bill)

(MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

BILL

To repeal certain obsolete legislation enacted before 1994; and to provide for matters connected therewith.

PREAMBLE

WHEREAS a revision of statute law is necessary to repeal obsolete and redundant laws;

AND WHEREAS certain amendment Acts contained instructions for certain amendment provisions to be effected in certain principal Acts, and such instructions having served their purpose;

AND WHEREAS such laws have been rendered obsolete and redundant due to such amendment provisions having been substituted or repealed, other than specifically, by subsequent amendments, and it is desirable to repeal such laws specifically;

AND WHEREAS it is necessary to clean up the statute book in relation to the list of laws administered by the Department responsible for the administration of justice,

PARLIAMENT of the Republic of South Africa therefore enacts, as follows:—

Repeal of laws

1. The laws specified in the Schedule are hereby repealed.

Short title

2. This Act is called the Repeal of Certain Pre-1994 Justice Laws Act, 2026.

Schedule

(Section 1) LAWS REPEALED

No.	No. and year of law	Short title
1.	Act No. 11 of 1925	South African Association Incorporation 1906 (Cape) Amendment (Private) Act, 1925
2.	Act No. 17 of 1931	General Estate and Orphan Chamber 1861, Amendment (Private) Act, 1931
3.	Act No. 25 of 1934	Cape Statute Law Revision Act, 1934
4.	Act No. 35 of 1934	South African Association Further Amendment (Private) Act, 1934
5.	Act No. 22 of 1935	The Malmesbury Board of Executors and Trust and Fire Assurance Company (Amendment) (Private) Act, 1935
6.	Act No. 33 of 1936	Orange Free State Statute Law Revision Act, 1936
7.	Act No. 9 of 1939	Black Administration Amendment Act, 1939
8.	Act No. 32 of 1939	Cape Statute Law Revision Amendment Act, 1939
9.	Act No. 54 of 1952	Black Laws Amendment Act, 1952
10.	Act No. 13 of 1954	Black High Court Abolition Act, 1954
11.	Act No. 14 of 1954	Magistrates' Courts Amendment Act, 1954
12.	Act No. 13 of 1955	Black Administration Amendment Act, 1955
13.	Act No. 42 of 1956	Black Administration Amendment Act, 1956
14.	Act No. 48 of 1958	Wills Amendment Act, 1958
15.	Act No. 7 of 1959	Interpretation Amendment Act, 1959
16.	Act No. 16 of 1959	Criminal Law Amendment Act, 1959
17.	Act No. 75 of 1959	Criminal Law Further Amendment Act, 1959
18.	Act No. 39 of 1961	General Law Amendment Act, 1961
19.	Act No. 45 of 1961	Interpretation Amendment Act, 1961
20.	Act No. 76 of 1962	General Law Amendment Act, 1962
21.	Act No. 19 of 1963	Magistrates' Courts Amendment Act, 1963
22.	Act No. 37 of 1963	General Law Amendment Act, 1963
23.	Act No. 85 of 1963	Supreme Court Amendment Act, 1963
24.	Act No. 93 of 1963	General Law Further Amendment Act, 1963
25.	Act No. 80 of 1964	General Law Amendment Act, 1964
26.	Act No. 41 of 1965	Wills Amendment Act, 1965
27.	Act No. 48 of 1965	Magistrates' Courts Amendment Act, 1965
28.	Act No. 73 of 1965	Admission of Advocates Amendment Act, 1965
29.	Act No. 98 of 1965	General Law Amendment Act, 1965
30.	Act No. 99 of 1965	Insolvency Amendment Act, 1965
31.	Act No. 7 of 1966	State Attorney Amendment Act, 1966
32.	Act No. 13 of 1966	Matrimonial Affairs Amendment Act, 1966
33.	Act No. 62 of 1966	General Law Amendment Act, 1966
34.	Act No. 8 of 1967	Magistrates' Courts Amendment Act, 1967
35.	Act No. 21 of 1967	Justices of the Peace and Commissioners of Oaths Amendment Act, 1967
36.	Act No. 68 of 1967	Immorality Amendment Act, 1967
37.	Act No. 78 of 1967	Pre-Union Statute Law Revision Act, 1967
38.	Act No. 102 of 1967	General Law Amendment Act, 1967
39.	Act No. 44 of 1968	Pre-Union Statute Law Revision Act, 1968
40.	Act No. 70 of 1968	General Law Amendment Act, 1968
41.	Act No. 17 of 1969	Magistrates' Courts Amendment Act, 1969
42.	Act No. 34 of 1969	Abolition of Juries Act, 1969
43.	Act No. 57 of 1969	Immorality Amendment Act, 1969
44.	Act No. 41 of 1970	Supreme Court Amendment Act, 1970
45.	Act No. 42 of 1970	Pre-Union Statute Law Revision Act, 1970
46.	Act No. 54 of 1970	Administration of Estates Amendment Act, 1970
47.	Act No. 56 of 1971	Legal Aid Amendment Act, 1971
48.	Act No. 58 of 1971	Apportionment of Damages Amendment Act, 1971
49.	Act No. 79 of 1971	Administration of Estates Amendment Act, 1971

No.	No. and year of law	Short title
50.	Act No. 6 of 1972	Insolvency Amendment Act, 1972
51.	Act No. 23 of 1972	Black Laws Amendment Act, 1972
52.	Act No. 29 of 1974	General Law Amendment Act, 1974
53.	Act No. 30 of 1974	Riotous Assemblies Amendment Act, 1974
54.	Act No. 70 of 1974	Black Laws Amendment Act, 1974
55.	Act No. 57 of 1975	General Law Amendment Act, 1975
56.	Act No. 36 of 1976	Pre-Union Statute Law Revision Act, 1976
57.	Act No. 37 of 1976	Supreme Court Amendment Act, 1976
58.	Act No. 39 of 1977	Admission of Advocates Amendment Act, 1977
59.	Act No. 42 of 1977	Interpretation Amendment Act, 1977
60.	Act No. 43 of 1977	Pre-Union Statute Law Revision Act, 1977
61.	Act No. 86 of 1977	Second Supreme Court Amendment Act, 1977
62.	Act No. 91 of 1977	Lower Courts Amendment Act, 1977
63.	Act No. 15 of 1978	Administration of Estates Amendment Act, 1978
64.	Act No. 79 of 1978	Criminal Procedure Matters Amendment Act, 1978
65.	Act No. 24 of 1979	Pre-Union Statute Laws Revision Act, 1979
66.	Act No. 25 of 1979	Admission of Advocates Amendment Act, 1979
67.	Act No. 3 of 1980	Laws on Co-operation and Development Amendment Act, 1980
68.	Act No. 45 of 1980	State Attorney Amendment Act, 1980
69.	Act No. 46 of 1980	Supreme Court Amendment Act, 1980
70.	Act No. 76 of 1980	Attorneys Amendment Act, 1980
71.	Act No. 78 of 1980	Insolvency Amendment Act, 1980
72.	Act No. 28 of 1981	Magistrates' Courts Amendment Act, 1981
73.	Act No. 59 of 1982	Magistrates' Courts Amendment Act, 1982
74.	Act No. 60 of 1982	Attorneys Amendment Act, 1982
75.	Act No. 64 of 1982	Criminal Procedure Amendment Act, 1982
76.	Act No. 52 of 1983	Inquests Amendment Act, 1983
77.	Act No. 53 of 1983	Courts of Justice Amendment Act, 1983
78.	Act No. 59 of 1983	Criminal Law Amendment Act, 1983
79.	Act No. 86 of 1983	Administration of Estates Amendment Act, 1983
80.	Act No. 101 of 1983	Insolvency Amendment Act, 1983
81.	Act No. 11 of 1984	Prescription Amendment Act, 1984
82.	Act No. 12 of 1984	Administration of Estates Amendment Act, 1984
83.	Act No. 56 of 1984	Magistrates' Courts Amendment Act, 1984
84.	Act No. 60 of 1984	Admission of Advocates Amendment Act, 1984
85.	Act No. 84 of 1984	Insolvency Amendment Act, 1984
86.	Act No. 85 of 1984	South African Law Commission Amendment Act, 1984
87.	Act No. 108 of 1984	Attorneys Amendment Act, 1984
88.	Act No. 109 of 1984	Criminal Procedure Matters Amendment Act, 1984
89.	Act No. 110 of 1984	Justices of the Peace and Commissioners of Oaths Amendment Act, 1984
90.	Act No. 18 of 1985	Supreme Court Amendment Act, 1985
91.	Act No. 19 of 1985	Magistrates' Courts Amendment Act, 1985
92.	Act No. 80 of 1985	Attorneys Amendment Act, 1985
93.	Act No. 87 of 1985	Supreme Court Second Amendment Act, 1985
94.	Act No. 32 of 1986	Stock Theft Amendment Act, 1986
95.	Act No. 33 of 1986	Criminal Procedure Amendment Act, 1986
96.	Act No. 35 of 1986	Administration of Estates Amendment Act, 1986
97.	Act No. 36 of 1986	Justices of the Peace and Commissioners of Oaths Amendment Act, 1986
98.	Act No. 91 of 1986	Matrimonial Property Amendment Act, 1986
99.	Act No. 92 of 1986	Small Claims Courts Amendment Act, 1986
100.	Act No. 25 of 1987	Magistrates' Courts Amendment Act, 1987
101.	Act No. 26 of 1987	Criminal Procedure Amendment Act, 1987
102.	Act No. 27 of 1987	Insolvency Amendment Act, 1987
103.	Act No. 46 of 1987	Extradition Amendment Act, 1987

No.	No. and year of law	Short title
104.	Act No. 100 of 1987	Supreme Court Amendment Act, 1987
105.	Act No. 3 of 1988	Marriage and Matrimonial Property Law Amendment Act, 1988
106.	Act No. 43 of 1988	Constitutional Laws Amendment Act, 1988
107.	Act No. 7 of 1989	Divorce Amendment Act, 1989
108.	Act No. 8 of 1989	Criminal Procedure Amendment Act, 1989
109.	Act No. 39 of 1989	Criminal Law and the Criminal Procedure Amendment Act, 1989
110.	Act No. 47 of 1989	Legal Aid Amendment Act, 1989
111.	Act No. 63 of 1989	Small Claims Courts Amendment Act, 1989
112.	Act No. 77 of 1989	Judicial Matters Amendment Act, 1989
113.	Act No. 87 of 1989	Attorneys Amendment Act, 1989
114.	Act No. 89 of 1989	Insolvency Amendment Act, 1989
115.	Act No. 13 of 1990	Attorneys Amendment Act, 1990
116.	Act No. 14 of 1990	Small Claims Courts Amendment Act, 1990
117.	Act No. 28 of 1990	Stock Theft Amendment Act, 1990
118.	Act No. 45 of 1990	Inquests Amendment Act, 1990
119.	Act No. 63 of 1990	Administration of Estates Amendment Act, 1990
120.	Act No. 107 of 1990	Criminal Law Amendment Act, 1990
121.	Act No. 1 of 1991	Legal Aid Amendment Act, 1991
122.	Act No. 3 of 1991	Sheriffs Amendment Act, 1991
123.	Act No. 4 of 1991	Judicial Matters Amendment Act, 1991
124.	Act No. 5 of 1991	Criminal Procedure Amendment Act, 1991
125.	Act No. 6 of 1991	Insolvency Amendment Act, 1991
126.	Act No. 8 of 1991	Inquests Amendment Act, 1991
127.	Act No. 102 of 1991	Attorneys Amendment Act, 1991
128.	Act No. 106 of 1991	Admission of Advocates Amendment Act, 1991
129.	Act No. 118 of 1991	Magistrates' Courts Amendment Act, 1991
130.	Act No. 121 of 1991	Mediation in Certain Divorce Matters Amendment Act, 1991
131.	Act No. 122 of 1991	Correctional Services and Supervision Matters Amendment Act, 1991
132.	Act No. 135 of 1991	Criminal Law Amendment Act, 1991
133.	Act No. 138 of 1991	Internal Security and Intimidation Amendment Act, 1991
134.	Act No. 2 of 1992	Small Claims Courts Amendment Act, 1992
135.	Act No. 4 of 1992	Criminal Law Amendment Act, 1992
136.	Act No. 44 of 1992	Divorce Amendment Act, 1992
137.	Act No. 50 of 1992	Prevention of Public Violence and Intimidation Amendment Act, 1992
138.	Act No. 87 of 1992	Admiralty Jurisdiction Regulation Amendment Act, 1992
139.	Act No. 102 of 1992	Prohibition of the Exhibition of Films on Sundays and Public Holidays Amendment Act, 1992
140.	Act No. 145 of 1992	Inquests Amendment Act, 1992
141.	Act No. 115 of 1993	Attorneys Amendment Act, 1993
142.	Act No. 120 of 1993	Magistrates' Courts Amendment Act, 1993
143.	Act No. 122 of 1993	Insolvency Amendment Act, 1993
144.	Act No. 204 of 1993	General Law Sixth Amendment Act, 1993

MEMORANDUM ON THE OBJECTS OF THE REPEAL OF CERTAIN PRE-1994 JUSTICE LAWS BILL, 2026

1. PURPOSE OF BILL

The purpose of the Repeal of Certain Pre-1994 Justice Laws Bill, 2026 (“Bill”), as a first-phase Bill in the review of pre-1994 legislation, is to repeal all Acts that are administered by the Department of Justice and Constitutional Development, but that pointlessly remain on the Statute Book.

2. OBJECTS OF BILL

The Bill aims to repeal those pre-1994 Acts that do not serve any useful purpose anymore.

3. CLAUSE-BY-CLAUSE ANALYSIS

3.1 The **Preamble** to the Bill is intended to give context to the purpose of repealing the amendment Acts that are contained in the Schedule to the Bill. The general purpose of any amendment Act is to amend certain Acts of Parliament, so as to address the issues and gaps that would have been identified after the Act has come into operation. Once the amendment Act has been implemented, the amendments brought about by the amendment Acts are incorporated into and become part of the main Act. At that stage, the amendment Act would have served its purpose and does not need to remain in the Statute Book. Therefore, the Bill aims to clean up all those obsolete and redundant amendment Acts that have served their purpose. They then become archived for future reference.

3.2 **Clause 1** deals with the repeal of laws and is self-explanatory.

3.3 **Clause 2** is the “short title” provision.

3.4 The **Schedule** to the Bill lists all the Acts that the Bill seeks to repeal. The list of legislation consists mainly of old and redundant Acts.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

There exists no need to consult with other department, bodies or persons since the Acts that are reflected in the Schedule to the Bill are redundant.

5. IMPLICATIONS FOR PROVINCES

None.

6. FINANCIAL IMPLICATIONS FOR STATE

None.

7. PARLIAMENTARY PROCEDURE

7.1 The Constitution of the Republic of South Africa, 1996 (“Constitution”) prescribes the classification of Bills. Therefore, a Bill must be correctly classified otherwise it will be constitutionally out of order.

7.2 The Bill has been considered against the provisions of the Constitution relating to the tagging of Bills, and against the functional areas listed in Schedule 4 (functional areas of concurrent national and provincial legislative competence) and Schedule 5 (functional areas of exclusive provincial legislative competence) to the Constitution.

7.3 For the purposes of tagging, the constitutional court case of *Tongoane and Others v Minister for Agriculture and Land Affairs and Others* [2010]

ZACC 10, confirmed the “substantial measure” test indicated in *Ex Parte President of the Republic of South Africa: In re Constitutionality of the Liquor Bill*. The test entails that “any Bill whose provisions in substantial measure” fall within a specific Schedule must be classified in terms of that Schedule.

- 7.4 In terms of section 76(3) of the Constitution, a Bill must be dealt with in accordance with the procedure established by either subsection (1) or (2) if it falls within a functional area listed in Schedule 4 to the Constitution.
- 7.5 The issue to be determined is whether the proposed amendments as contained in the Bill, in substantial measure, fall within a functional area listed in Schedule 4 to the Constitution. The Bill aims to repeal a wide range of legislation which deals with various subject matters.
- 7.6 The provisions of the Bill have been carefully examined to establish whether, in substantial measure, they fall within any of the functional areas listed in Schedule 4 or 5 to the Constitution.
- 7.7 The Department is of the view that the purpose and effect of the Bill do not, in substantial measure, fall within the functional areas listed in Schedule 4 or 5 to the Constitution. The Department and the State Law Advisers are therefore of the opinion that the Bill must be dealt with in accordance with the procedure set out in section 75 of the Constitution.

8. REFERRAL TO NATIONAL HOUSE OF TRADITIONAL AND KHOI-SAN LEADERS

- 8.1 Section 39 of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) (“Traditional and Khoi-San Leadership Act”) provides for referral of Bills to the National House of Traditional and Khoi-San Leaders by Parliament and reads as follows:

“Referral of Bills to National House

39. (1) (a) Any Parliamentary Bill—

- (i) which directly affects traditional or Khoi-San communities or pertaining to customary law or customs of traditional or Khoi-San communities; or*
- (ii) pertaining to any matter referred to in section 154(2) of the Constitution, must, in the case of a Bill contemplated in subparagraph (i) and may, in the case of a Bill contemplated in subparagraph (ii), before it is passed by the house of Parliament where it was introduced, be referred by the Secretary to Parliament to the National House for its comments.*
- (b) The National House must, within 60 days from the date of such referral, make any comments it wishes to make and submit such comments to the Secretary to Parliament: Provided that the National House may refer any such Bill to any provincial house for comments: Provided further that if the National House has no comments on any Bill referred to it, the National House must inform the Secretary to Parliament accordingly.”.*

- 8.2 The Department and the State Law Advisers are therefore of the view that it is not necessary to refer the Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a)(i) of the Traditional and Khoi-San Leadership Act, since it does not contain provisions which directly affect traditional or Khoi-San communities or which pertain to customary law or customs of traditional or Khoi-San communities.

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