

CRIMINAL PROCEDURE ACT 56 OF 1955

NOTE: The whole of this Act, except sections 319 (3) and 384, was repealed by section 344 (1) of the Criminal Procedure Act 51 of 1977 . Sections 319 (3) and 384 are reproduced below.

319 Charges for giving false evidence

(1) and (2)

(3) If a person has made any statement on oath whether orally or in writing, and he thereafter on another oath makes another statement as aforesaid, which is in conflict with such firstmentioned statement, he shall be guilty of an offence and may, on a charge alleging that he made the two conflicting statements, and upon proof of those two statements and without proof as to which of the said statements was false, be convicted of such offence and punished with the penalties prescribed by law for the crime of perjury, unless it is proved that when he made each statement he believed it to be true.

384 Binding over of persons to keep the peace

(1) Whenever a complaint on oath is made to a magistrate that any person is conducting himself violently towards, or is threatening injury to the person or property of another or that he has used language or behaved in a manner towards another likely to provoke a breach of the peace or assault, then, whether such conduct occurred or such language was used or such threat was made in a public or private place, the magistrate may order such person to appear before him and if necessary may cause him to be arrested and brought before him, and thereupon the magistrate shall enquire into and determine upon such complaint and may place the parties or any witnesses thereat on oath and in his discretion may order the person against whom the complaint is made to give recognizances with or without sureties in an amount not exceeding R2 000 for a period not exceeding six months to keep the peace towards the complainant and refrain from doing or threatening injury to his person or property.

[Sub-s. (1) amended by s. 1 (a) of Act 4 of 1992 .]

(2) The magistrate may, upon any such enquiry, order the person against whom the complaint is made or the complainant to pay the costs of and incidental to the enquiry.

(3) If any person after having been ordered to give recognizances under this section refuses or fails to do so the magistrate may order him to be committed to gaol for a period not exceeding six months unless such security is sooner found.

[Sub-s. (3) amended by s. 1 (b) of Act 4 of 1992 .]

(4) If the conditions upon which the recognizances were given are not observed by the person who gave the same, the magistrate may declare the recognizances to be forfeited and any such declaration of forfeiture shall have the effect of a judgment in a civil action in the magistrate's court of the district.