

GENERAL LAW AMENDMENT ACT 50 OF 1956

[ASSENTED TO 7 JUNE 1956]

[DATE OF COMMENCEMENT: 22 JUNE 1956]

(English text signed by the Governor-General)

as amended by

Prisons Act 8 of 1959
 Supreme Court Act 59 of 1959
 General Law Amendment Act 80 of 1964
 General Law Amendment Act 70 of 1968
 Formalities in respect of Leases of Land Act 18 of 1969
 Abolition of Juries Act 34 of 1969
 Prescription Act 68 of 1969
 Criminal Procedure Act 51 of 1977
 Mineral and Petroleum Resources Development Act 28 of 2002

also amended by

Second-Hand Goods Act 6 of 2009
 [with effect from a date to be proclaimed]

ACT

To declare the unlawful appropriation of the use of another's property an offence, to amend the law relating to the formalities of certain contracts, to amend Law 22 of 1863 (Natal), Law 14 of 1882 (Natal), Law 12 of 1884 (Natal), the Masters and (Black) Servants Act, 1894 (Natal), the Transfer Duty Proclamation, 1902 (Transvaal), the Transfer Duty Ordinance, 1906 (Orange Free State), the South Africa Act, 1909, the Prisons and Reformatories Act, 1911, the Companies Act, 1926, the Administration of Justice (Further Amendment) Act, 1927, the Insolvency Act, 1936, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Second-hand Goods Act, 1955 and the Criminal Procedure Act, 1955.

1 Unlawful appropriation of the use of another's property is an offence

(1) Any person who, without a *bona fide* claim of right and without the consent of the owner or the person having the control thereof, removes any property from the control of the owner or such person with intent to use it for his own purposes without the consent of the owner or any other person competent to give such consent, whether or not he intends throughout to return the property to the owner or person from whose control he removes it, shall, unless it is proved that such person, at the time of the removal, had reasonable grounds for believing that the owner or such other person would have consented to such use if he had known about it, be guilty of an offence and the court convicting him may impose upon him any penalty which may lawfully be imposed for theft.

(2) Any person charged with theft may be found guilty of a contravention of subsection (1) if such be the facts proved.

2

[S. 2 repealed by s. 3 of Act 18 of 1969 .]

3

[S. 3 amended by s. 33 (1) of Act 80 of 1964 and repealed by s. 110 of Act 28 of 2002 .]

4

[S. 4 repealed by s. 110 of Act 28 of 2002 .]

5 Formalities in respect of donations

No donation concluded after the commencement of this Act shall be invalid merely by reason of the fact that it is not registered or notarially executed: Provided that no executory contract of donation entered into after the commencement of this Act shall be valid unless the terms thereof are embodied in a written document signed by the donor or by a person acting on his written authority granted by him in the presence of two witnesses.

[S. 5 substituted by s. 43 of Act 70 of 1968 .]

6 Formalities in respect of contracts of suretyship

No contract of suretyship entered into after the commencement of this Act, shall be valid, unless the terms thereof are embodied in a written document signed by or on behalf of the surety: Provided that nothing in this section contained shall affect the liability of the signer of an aval under the laws relating to negotiable instruments.

[S. 6 amended by s. 34 of Act 80 of 1964 .]

7 and 8

[Ss. 7 and 8 repealed by s. 46 (1) of Act 59 of 1959 .]

9

[S. 9 repealed by s. 95 of Act 8 of 1959 .]

10

Amends section 219 of the Companies Act 46 of 1926.

11 and 12

Amend respectively sections 19 and 63 of the Insolvency Act 24 of 1936 .

13

Inserts section 158*bis* in the Insolvency Act 24 of 1936 .

14

(1) Amends section 3 of the Deeds Registries Act 47 of 1937 .

(2) Nothing in subsection (1) contained shall affect the registration in Natal of a post-nuptial contract notarially executed before the commencement of this Act.

15

(1) Repeals section 89 of the Deeds Registries Act 47 of 1937 .

(2) Nothing in subsection (1) contained shall affect the registration in Natal of a post-nuptial contract notarially executed before the commencement of this Act.

16

[S. 16 repealed by s. 22 of Act 68 of 1969 .]

17 to 20 inclusive

Amend respectively the following sections of the Magistrates' Courts Act 32 of 1944 : 9, 21, 25, 65.

21

Amends section 1 of the Second-hand Goods Act 23 of 1955 .

[NB: S. 21 has been repealed by s. 44 of the Second-Hand Goods Act 6 of 2009 , a provision which will be put into operation by proclamation.]

22 to 25 inclusive

[Ss. 22 to 25 inclusive repealed by s. 344 (1) of Act 51 of 1977 .]

26

[S. 26 repealed by s. 35 (1) of Act 34 of 1969 .]

27 to 29 inclusive

[Ss. 27 to 29 inclusive repealed by s. 344 (1) of Act 51 of 1977 .]

30

[S. 30 repealed by s. 95 of Act 8 of 1959 .]

31

[S. 31 repealed by s. 344 (1) of Act 51 of 1977 .]

32 Repeal of laws

The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column of the Schedule.

33 Short title

This Act shall be called the General Law Amendment Act, 1956.

Schedule

Province or Union	No and year of law	Title	Extent of repeal
Natal	Law 22 of 1863	'To prevent Community of Goods attaching to certain Marriages, and to enable the spouses of such Marriages to devise their properties'	Section <i>seven</i>
"	Law 14 of 1882	'To amend Law 22 of 1863'	Section <i>two</i>
"	Law 12 of 1884	'To render a Writing necessary for Actions in respect of certain Contracts'	The whole, except in so far as it relates to the purchase and sale of immovable property or any interest therein
"	Act 40 of 1894	'Master and Servants (Black)'	Sections <i>seventeen</i> and <i>eighteen</i>
Orange Free State	Ordinance 12 of 1906	Transfer Duty Ordinance, 1906	Sections <i>fifty-one</i> , <i>fifty-two</i> and <i>fifty-three</i>
Transvaal	Proclamation 8 of 1902	Transfer Duty Proclamation, 1902	Section <i>twenty-nine</i>
"	Proclamation 27 of 1902	'To amend the Transfer Duty Proclamation, 1902'	Section <i>one</i>
Union	Act 11 of 1927	Administration of Justice (Further Amendment) Act, 1927	Section <i>two</i>
"	Act 37 of 1948	Criminal Procedure Amendment Act, 1948	Section <i>fourteen</i>

"	Act 13 of 1954	Black High Court Abolition Act, 1954	Section <i>eighteen</i>
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