

INQUESTS

INQUESTS ACT 58 OF 1959

[ASSENTED TO 27 JUNE 1959] [DATE OF COMMENCEMENT: 1 JANUARY 1960]

(Afrikaans text signed by the Governor-General)

as amended by

General Law Amendment Act 29 of 1974
Inquests Amendment Act 46 of 1977
Inquests Amendment Act 65 of 1979
Inquests Amendment Act 52 of 1983
Inquests Amendment Act 45 of 1990
Inquests Amendment Act 8 of 1991
Inquests Amendment Act 145 of 1992
Justice Laws Rationalisation Act 18 of 1996
International Co-operation in Criminal Matters Act 75 of 1996

ACT

To provide for the holding of inquests in cases of deaths or alleged deaths apparently occurring from other than natural causes and for matters incidental thereto, and to repeal the Fire Inquests Act, 1883 (Cape of Good Hope) and the Fire Inquests Law, 1884 (Natal).

1 Definitions

In this Act, unless the context otherwise indicates-

'incident' means, in relation to a death, the occurrences during which an injury which gave rise to the death was sustained or during which other occurrences which directly gave rise to the death occurred;

[Definition of 'incident' inserted by s. 1 (a) of Act 45 of 1990.]

'judicial officer' means a judge of the Supreme Court of South Africa, a regional magistrate or a magistrate;

[Definition of 'judicial officer' inserted by s. 1 (a) of Act 45 of 1990.]

'magistrate' includes an additional magistrate and an assistant magistrate, but not a regional magistrate;

[Definition of 'magistrate' substituted by s. 1 (b) of Act 45 of 1990.]

'Minister' means the Minister of Justice;

'policeman' includes any member of a force established under any law for the carrying out of police powers, duties and functions;

'public prosecutor' means a public prosecutor attached to the magistrate's court of the district wherein an inquest is held or to be held under this Act;

'regional magistrate' means a magistrate appointed under section 9 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), to the court for a regional division;

[Definition of 'regional magistrate' inserted by s. 1 (c) of Act 45 of 1990.]

'this Act' includes any regulation made thereunder.

2 Duty to report deaths

(1) Any person who has reason to believe that any other person has died and that death was due to other than natural causes, shall as soon as possible report accordingly to a policeman, unless he has reason to believe that a report has been or will be made by any other person.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000.
[Sub-s. (2) amended by s. 2 of Act 45 of 1990.]

3 Investigation of circumstances of certain deaths

(1) Subject to the provisions of any other law providing for an investigation of the circumstances of any death, any policeman who has reason to believe that any person has died and that such person has died from other than natural causes, shall-

- (a) investigate or cause to be investigated the circumstances of the death or alleged death; and
- (b) report or cause to be reported the death or alleged death to the magistrate of the district concerned, or to a person designated by that magistrate.

[Sub-s. (1) substituted by s. 1 (a) of Act 8 of 1991.]

(2) If the body of a person who has allegedly died from other than natural causes is available, it shall be examined by the district surgeon or any other medical practitioner, who may, if he deems it necessary for the purpose of ascertaining with greater certainty the cause of death, make or cause to be made an examination of any internal organ or any part or any of the contents of the body, or of any other substance or thing.

[Sub-s. (2) substituted by s. 1 (b) of Act 8 of 1991.]

(3) For the purposes of any examination mentioned in subsection (2)-

- (a) any part or internal organ or any of the contents of a body may be removed therefrom;
- (b) a body or any part, internal organ or any of the contents of a body so removed therefrom may be removed to any place.

(4) A body which has already been interred may, with the written permission of the magistrate or the attorney-general within whose area of jurisdiction it has been interred, be disinterred for the purpose of any examination mentioned in subsection (2).

(5) At any examination conducted by a medical practitioner in terms of subsection (2), no person other than-

- (a) a policeman; or
- (b) any other medical practitioner nominated by any person who satisfies the magistrate within whose area of jurisdiction such examination takes place, that he has a substantial and peculiar interest in the issue of the examination,

shall be present without the consent of such magistrate or the medical practitioner conducting the examination.

(6) Any person who contravenes the provisions of subsection (5), or who hinders or obstructs a medical practitioner, a policeman or any person acting on the instructions of a medical practitioner or policeman in carrying out his powers or duties under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

[Sub-s. (6) amended by s. 3 of Act 45 of 1990.]

4 Report to public prosecutor

The policeman investigating the circumstances of the death or alleged death of any person shall submit a report thereon, together with all relevant statements, documents and information, to the public prosecutor, who may, if he deems it necessary, call for any additional information regarding the death.

5 When inquest to be held

(1) If criminal proceedings are not instituted in connection with the death, or alleged death, the public prosecutor referred to in section 4 shall submit those statements, documents and information submitted to him to the magistrate of the district concerned.

(2) If on the information submitted to him in terms of subsection (1) it appears to the magistrate that a death has occurred and that such death was not due to natural causes, he shall, subject to the directions of the Minister, take such steps as may be necessary to ensure that an inquest as to the circumstances and cause of the death is held by a judicial officer in terms of section 6: Provided that no inquest in respect of which it is alleged that either the death or the incident has occurred outside the Republic shall be held unless the Minister, or any person authorized thereto by him, so directs.

[Sub-s. (2) substituted by s. 2 of Act 8 of 1991.]

(3) If an inquest has to be held by a judicial officer other than the magistrate to whom the statements, documents and information concerned were submitted such magistrate shall transmit them to the judicial officer who is to hold such inquest as to the circumstances and cause of the death.

[S. 5 substituted by s. 4 of Act 45 of 1990.]

6 Judicial officer who is to hold inquest

An inquest shall be held-

- (a) subject to the provisions of paragraphs (c) and (d) , by the magistrate of the district in which the incident is alleged to have occurred; or
- (b) subject to the provisions of paragraphs (c) and (d) , where it is alleged that the death has not occurred on land, by the magistrate of the district where the body has been brought ashore or on land or has been found, as the case may be; or
- (c) where the Minister or any person authorized thereto by him deems it expedient, or where it is uncertain whether a death has occurred in or outside the Republic, by any regional magistrate or magistrate designated by the Minister or person so authorized at a place so designated; or
- (d) where the Minister has so requested a judge president of a provincial division of the Supreme Court, by any judge of the Supreme Court of South Africa designated by the judge president concerned, and notwithstanding anything to the contrary in any law contained, such inquest may be held at any place from time to time determined by such judge.

[S. 6 substituted by s. 14 of Act 29 of 1974, by s. 1 of Act 52 of 1983 and by s. 5 of Act 45 of 1990.]

6A Multiple deaths which are connected

(1) Where more than one death has occurred, the attorney-general or the public prosecutor within whose area of jurisdiction or district the incident is alleged to have occurred may request the judicial officer who is to hold an inquest to hold a joint inquest into the deaths of the persons involved.

(2) After the hearing of the request referred to in subsection (1) the judicial officer may order that a joint inquest shall be held if he is of the opinion that the deaths concerned are connected.

(3) The Minister may, if he deems it expedient in the interests of the efficient administration of justice, order that a joint inquest into multiple deaths, whether or not they occurred during the same incident, but which are connected, shall be held at a place designated by him.

(4) The Minister may issue an order referred to in subsection (3) in respect of deaths which have occurred in the same district or in more than one district.

[S. 6A inserted by s. 6 of Act 45 of 1990.]

7 Notice of inquest to be given

Except in cases where the spouse or a near adult relative of the alleged deceased person is being subpoenaed as a witness, the judicial officer who is to hold an inquest shall cause reasonable notice thereof to be given to such spouse or relative, provided the spouse or relative is available and the giving of such notice will not, in the opinion of the judicial officer, unduly delay the holding of the inquest.

[S. 7 substituted by s. 7 of Act 45 of 1990.]

8 Witnesses and evidence at inquests

(1) The judicial officer who is to hold or holds an inquest may, of his own accord or at the request of any person who has a substantial and peculiar interest in the issue of the inquest, cause to be subpoenaed any person to give evidence or to produce any document or thing at the inquest: Provided that the said judicial officer shall, if so requested by the attorney-general within whose area of jurisdiction the inquest is to be held or is being held, cause persons or any particular person to be subpoenaed to give oral evidence in general or in respect of any particular matter at the inquest.

[Sub-s. (1) substituted by s. 3 of Act 8 of 1991.]

(2) Save as is otherwise provided in this Act, the laws governing criminal trials shall *mutatis mutandis* apply to securing the attendance of witnesses at an inquest, their examination, the recording of evidence given by them, the payment of allowances to them and the production of documents and things.

[S. 8 substituted by s. 8 of Act 45 of 1990.]

9 Assessors at inquests

(1) A judge may of his own accord, and a regional magistrate or a magistrate may with the approval of the Minister or any person acting under the authority of the Minister, summon to his assistance any person who has, or any two persons who have, in his opinion, experience in the administration of justice or skill in any matter which may have to be considered at an inquest, to sit with him at an inquest as assessor or assessors.

(2) Before the commencement of an inquest, an assessor shall take an oath or make

an affirmation, which shall be administered by the judicial officer, that he will, on the evidence placed before him, make a true finding in terms of section 16.

(3) Where a judicial officer has under subsection (1) summoned an assessor or assessors to his assistance-

- (a) the judicial officer alone shall decide any question of law, or whether any matter constitutes a question of law or a question of fact, and he may for this purpose sit alone;
- (b) the decision of the majority on the facts shall be the decisive finding, except when the judicial officer sits with only one assessor, in which case the decision of the judicial officer shall, in the event of a difference of opinion, be the decisive finding:

Provided that, if an assessor dies or is for any reason unable to act as assessor at any time during an inquest, the judicial officer may-

- (i) direct that the inquest proceed without the said assessor; or
- (ii) summon any person to his assistance in the place of the said assessor, in which case the judicial officer may cause any person who has already given evidence at the inquest to be subpoenaed to give evidence as if he had not previously so given evidence.

[Sub-s. (3) amended by s. 4 of Act 8 of 1991.]

(4) If any such assessor is not a person in the full-time employment of the State, he shall be entitled to such compensation in respect of expenses incurred by him in connection with his attendance at the inquest, and in respect of his services as assessor, as he would be entitled to receive if he were an assessor acting at a criminal trial.

[S. 9 substituted by s. 1 of Act 65 of 1979 and by s. 9 of Act 45 of 1990.]

10 When inquest to be held in public

(1) Unless the giving of oral evidence is dispensed with under this Act or the judicial officer concerned directs otherwise under subsection (2), an inquest shall be held in public.

(2) If it appears to the judicial officer who holds an inquest that it would be in the interest of the safety of any witness or of good order or of the administration of justice that-

- (a) the inquest be held behind closed doors; or
- (b) the presence of any particular person is not desirable,

that judicial officer may direct that members of the public in general or of any particular category, or that particular person, shall not be present at the inquest or any part thereof.

(3) If it appears to the judicial officer who holds an inquest that the safety of any person may be endangered if he testifies at the inquest, that judicial officer may direct that the identity of that person shall not be revealed, or that it shall not be revealed for such period or except on such conditions as that judicial officer may determine.

(4) Any person who fails to comply with a direction under subsection (2) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[S. 10 substituted by s. 10 of Act 45 of 1990 and by s. 5 of Act 8 of 1991.]

11 Examination of witnesses

(1) The public prosecutor or any person designated by the judicial officer who is holding or is to hold an inquest to act in his stead may examine any witness giving evidence at such inquest.

(2) Any other person who satisfies the judicial officer that he has a substantial and peculiar interest in the issue of the inquest may personally or by counsel or attorney put such questions to a witness giving evidence at the inquest as the judicial officer may allow.

[S. 11 substituted by s. 11 of Act 45 of 1990.]

12 Adjournment of inquest, and continuation by different judicial officer

(1) An inquest may, if it is necessary or expedient, be adjourned at any time.

(2) An inquest commenced by any judicial officer who through absence, death or incapacity becomes unable to continue such inquest, may, subject to the provisions of section 6, be continued by any other judicial officer as if the inquest had been commenced by such other judicial officer, who may cause any person who has already given evidence at the inquest to be subpoenaed to give evidence as if he had not before so given evidence.

[S. 12 substituted by s. 12 of Act 45 of 1990.]

13 Admissibility of declarations and interrogatories

(1) Upon production by any person, any document purporting to be a statement under oath or affirmation by any person in connection with any death or alleged death in respect of which an inquest is held, or any certified copy thereof, shall at the discretion of the judicial officer holding the inquest be admissible in proof of the facts stated therein: Provided that the said judicial officer may admit any statement which is not so admissible, or any certified copy thereof, if that judicial officer, having regard to-

- (a) the form and contents of the document in which any such statement is contained;
- (b) the availability of the person who made any such statement;
- (c) the probative value of any such statement;
- (d) any prejudice to any person which the admission of any such statement might entail; and
- (e) any other circumstance which should in the opinion of that judicial officer be taken into account,

is of the opinion that any such statement, or any certified copy thereof, should be admitted in the interests of justice.

(2) The judicial officer may in his discretion cause the person who made such statement to be subpoenaed to give oral evidence at the inquest or may cause written interrogatories to be submitted to him for reply, and such interrogatories and any reply thereto purporting to be a reply from such person shall likewise be admissible in evidence at the inquest.

(3) Any person who in any statement in writing under oath or affirmation contemplated in this section makes a false statement knowing it to be false or without reasonable grounds (the onus of proof of which shall be on him) for believing it to be true, shall be guilty of an offence and liable on conviction to the penalties which may in law be imposed for perjury.

[S. 13 substituted by s. 13 of Act 45 of 1990 and by s. 6 of Act 8 of 1991.]

14 Copies of records of inquiries

Upon production by any person, any document purporting to be a copy of the record of any inquiry referred to in subsection (1) of section 23 and purporting to be certified as a true copy of such record by any person describing himself as the holder of a public office, shall at the discretion of the judicial officer holding an inquest in respect of the death which was the subject of such inquiry, be admissible in evidence at the inquest.

[S. 14 substituted by s. 14 of Act 45 of 1990.]

15 Taking evidence on commission

(1) Whenever in the course of any inquest proceedings it appears to the judicial officer holding the inquest that the examination of a witness is necessary and that the attendance of such witness cannot be procured without such delay, expense or inconvenience as would in the circumstances be unreasonable, the judicial officer may dispense with such attendance and may appoint a person to be a commissioner to take the evidence of such witness within the Republic in regard to such matters or facts as the judicial officer may indicate, and thereupon the provisions of section 171 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall *mutatis mutandis* apply.

[Sub-s. (1) substituted by s. 15 of Act 45 of 1990 and by s. 36 of Act 75 of 1996.]

(2) Any person mentioned in subsection (2) of section *eleven* may appear before the person so appointed by counsel or attorney or in person and may examine the said witness.

(3) The evidence recorded in terms of this section shall be admissible in evidence at the inquest.

16 Finding

(1) If in the case of an inquest where the body of the person concerned is alleged to have been destroyed or where no body has been found or recovered, the evidence proves beyond a reasonable doubt that a death has occurred, the judicial officer holding such inquest shall record a finding accordingly, and thereupon the provisions of subsection (2) shall apply.

(2) The judicial officer holding an inquest shall record a finding upon the inquest-

- (a) as to the identity of the deceased person;
- (b) as to the cause or likely cause of death;
- (c) as to the date of death;
- (d) as to whether the death was brought about by any act or omission *prima facie* involving or amounting to an offence on the part of any person.

[Para. (d) substituted by s. 7 of Act 8 of 1991.]

(3) If the judicial officer is unable to record any such finding, he shall record that fact.

[S. 16 substituted by s. 16 of Act 45 of 1990.]

17 Submission of record to attorney-general

(1) Upon the determination of an inquest the judicial officer who held the inquest shall-

- (a) if he has in terms of section 16 (3) recorded the fact that he is unable to record any finding mentioned in section 16 (2);

- (b) if he has in terms of section 16 (2) (d) recorded a finding upon the inquest that the death was brought about by any act or omission *prima facie* involving or amounting to an offence on the part of any person; or

[Para. (b) substituted by s. 8 (a) of Act 8 of 1991.]

- (c) if requested to do so by the attorney-general within whose area of jurisdiction the inquest was held,

cause the record of the proceedings to be submitted to such attorney-general.

(2) If the attorney-general at any time after the receipt of the record so requests, the judicial officer shall re-open the inquest and take further evidence generally or in respect of any particular matter or cause an examination or further examination of a dead body or of any part, internal organ or any of the contents thereof to be made and, if necessary, cause such body to be disinterred for the purpose of the examination, and the provisions of section 3 (3) shall apply to such examination.

(3) (a) The provisions of section 16 shall *mutatis mutandis* apply in respect of any inquest re-opened in terms of subsection (2).

(b) The judicial officer who held such inquest shall cause the record of the proceedings to be submitted to the attorney-general concerned.

[Sub-s. (3) added by s. 8 (b) of Act 8 of 1991.]

[S. 17 substituted by s. 1 of Act 46 of 1977 and by s. 17 of Act 45 of 1990.]

17A Re-opening of inquest

(1) The Minister may, on the recommendation of the attorney-general concerned, at any time after the determination of an inquest and if he deems it necessary in the interest of justice, request a judge president of a provincial division of the Supreme Court to designate any judge of the Supreme Court of South Africa to re-open that inquest, whereupon the judge thus designated shall re-open such inquest.

(2) An inquest referred to in subsection (1) shall, subject to the provisions of this Act, as far as possible be continued and disposed of by the judge so designated on the existing record of the proceedings, and the provisions of section 17 (2) shall, in so far as they are not contrary to the provisions of this section, apply *mutatis mutandis* to such an inquest.

- (3) A judge holding an inquest that has been re-opened in terms of this section-
 - (a) may cause any person who has already given evidence at the inquest to be subpoenaed to give further evidence;
 - (b) shall record any finding that differs from a finding referred to in section 16 (2), as well as the respect in which it differs; and
 - (c) shall cause the record of the proceedings to be submitted to the attorney-general concerned.

[S. 17A inserted by s. 1 of Act 145 of 1992.]

18 Certain findings on review equivalent to orders that death should be presumed

(1) Whenever a regional magistrate or magistrate has in the case of an inquest referred to in subsection (1) of section 16 recorded a finding in regard to the matters mentioned in that subsection and in paragraphs (a) and (c) of subsection (2) of that

section, such regional magistrate or magistrate shall submit the record of such inquest, together with any comment which he may wish to make, to any provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the inquest was held, for review by the court or a judge thereof.

[Sub-s. (1) substituted by s. 2 of Act 46 of 1977 and by s. 18 (a) of Act 45 of 1990.]

(2) Such finding, if confirmed on such review, or, if corrected on review, as so corrected, shall have the same effect as if it were an order granted by such court or such judge that the death of the deceased person concerned should be presumed in accordance with such finding.

(2A) Whenever a judicial officer who is a judge of the Supreme Court of South Africa has in the case of an inquest referred to in section 16 (1) recorded a finding in regard to the matters mentioned in that subsection and in section 16 (2) (a) and (c), such finding shall have the same effect as if it were an order issued by a provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the inquest was held, that the death of the deceased concerned is presumed in accordance with that finding.

[Sub-s. (2A) inserted by s. 18 (b) of Act 45 of 1990.]

(3) Nothing in this Act contained shall affect the right of any person to apply to any competent court for an order that the death of any person should be presumed, or the right of any competent court or any judge thereof to grant any such order.

19 Inquest records

(1) When the record of any inquest which has been submitted under section 17 to an attorney-general or under section 18 to a court is no longer required by such attorney-general or court for the purposes of this Act, it shall be returned to the magistrate of the district in which the inquest was held.

[Sub-s. (1) substituted by s. 19 of Act 45 of 1990.]

(2) Such record shall be deemed to form part of the records of the magistrate's court of the district wherein the inquest was held.

20 Offences in connection with inquests

(1) Any person who wilfully insults a judicial officer or assessor during his sitting at an inquest, or a clerk or other officer of the court present at the inquest, or wilfully interrupts the proceedings of the inquest or otherwise misbehaves himself in the place where the inquest is being held, shall, in addition to the judicial officer having him removed and detained until after the termination of the sitting, be liable to be sentenced summarily or upon summons to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

(2) In any case in which a magistrate commits or fines any person under subsection (1), the magistrate shall without delay transmit to the registrar of the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area wherein the inquest was held, for the consideration and review of a judge in chambers, a statement, certified to be true and correct, of the grounds and reasons for his proceedings.

(3) Any person who at an inquest gives false evidence knowing it to be false, or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(4) Any person who prejudices, influences or anticipates the proceedings or findings at an inquest shall be guilty of an offence and liable on conviction to a fine not exceeding

R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[S. 20 amended by s. 2 of Act 65 of 1979 and substituted by s. 20 of Act 45 of 1990.]

21 Inquest not to prevent institution of criminal proceedings

(1) Nothing in this Act contained shall be construed as preventing the institution of criminal proceedings against any person, or as preventing any person authorized thereto from issuing a warrant for the arrest of or arresting any person, in connection with any death, whether or not an inquest has commenced in respect of such death.

(2) Whenever it comes to the knowledge of the judicial officer who is holding or is to hold the inquest that criminal proceedings are being or to be instituted in connection with any death in respect of which inquest proceedings may have been instituted, he shall stop such inquest proceedings.

[Sub-s. (2) substituted by s. 21 of Act 45 of 1990.]

22 Regulations

The Minister may make regulations prescribing forms to be used for the purposes of this Act and generally for the better carrying out of the objects and purposes of this Act.

23 Savings

(1) Nothing in this Act contained shall be construed as affecting the provisions of section *eighty-six* of the Correctional Services Act, 1959 or of any other law prescribing an inquiry into an accident attended with loss of human life.

[Sub-s. (1) amended by s. 4 of Act 18 of 1996.]

(2) Any such enquiry may be held jointly with an inquest under this Act.

(3) Notwithstanding anything to the contrary in any other law contained, the judicial officer shall preside at, and the provisions of this Act shall *mutatis mutandis* apply to, any such joint inquest and inquiry, but any report required to be made in terms of any other law shall be so made.

[Sub-s. (3) substituted by s. 22 of Act 45 of 1990.]

24 Repeal of laws

The Fire Inquests Act, 1883 (Act 33 of 1883), of the Cape of Good Hope, the Fire Inquests Law, 1884 (Law 5 of 1884), of Natal, the Inquests Proclamation, 1920 (Proclamation 9 of 1920), of the territory of South-West Africa, the Inquests Amendment Proclamation, 1940 (Proclamation 32 of 1940), of the said territory and the Inquests Act, 1919 (Act 12 of 1919), are hereby repealed: Provided that the said laws shall continue to apply in respect of any inquest or fire inquest, as the case may be, which at the commencement of this Act has already commenced thereunder or for the holding of which any steps have already been taken thereunder at the commencement of this Act.

25

[S. 25 repealed by s. 23 of Act 45 of 1990.]

26 Short title and date of commencement

This Act shall be called the Inquests Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

INQUESTS AMENDMENT ACT 46 OF 1977

[ASSENTED TO 12 APRIL 1977] [DATE OF COMMENCEMENT: 27 APRIL 1977]

(English text signed by the State President)

as amended by

General Law Amendment Act 49 of 1996

ACT

To amend the Inquests Act, 1959, so as to further regulate the submission of records of inquests to attorneys-general and provincial or local divisions of the Supreme Court of South Africa, and the re-opening of inquests.

- 1 Substitutes section 17 of the Inquests Act 58 of 1959 .
- 2 Amends section 18 of the Inquests Act 58 of 1959 by substituting subsection (1).

3

[S. 3 repealed by s. 1 of Act 49 of 1996.]

4 Short title

This Act shall be called the Inquests Amendment Act, 1977.

INQUESTS AMENDMENT ACT 65 OF 1979

[ASSENTED TO 6 JUNE 1979] [DATE OF COMMENCEMENT: 13 JUNE 1979]

(English text signed by the Acting State President)

ACT

To amend the Inquests Act, 1959, in order to extend the provisions relating to the appointment, functions and compensation of assessors; and to prohibit persons from prejudicing, influencing or anticipating the proceedings or findings at inquests; and to provide for incidental matters.

- 1 Substitutes section 9 of the Inquests Act 58 of 1959 .
- 2 Amends section 20 of the Inquests Act 58 of 1959 by adding subsection (3).
- 3 **Short title**

This Act shall be called the Inquests Amendment Act, 1979.

INQUESTS AMENDMENT ACT 52 OF 1983

[ASSENTED TO 27 APRIL 1983] [DATE OF COMMENCEMENT: 1 FEBRUARY 1982]

(English text signed by the State President)

ACT

To amend the Inquests Act, 1959, so as to further regulate the power of a magistrate to hold an inquest; and to provide for matters connected therewith.

- 1 Substitutes section 6 of the Inquests Act 58 of 1959 .
- 2 **Short title and commencement**

This Act shall be called the Inquests Amendment Act, 1983, and shall be deemed to have come into operation on 1 February 1982.

INQUESTS AMENDMENT ACT 45 OF 1990

[ASSENTED TO 15 MAY 1990] [DATE OF COMMENCEMENT: 1 AUGUST 1990]

(Afrikaans text signed by the Acting State President)

ACT

To amend the Inquests Act, 1959, so as to insert or replace certain definitions; to increase certain fines; to further regulate the holding of inquests; to provide that an inquest may also be held by a judge or regional magistrate; to make provision for a joint inquest in certain cases; and to rectify or delete obsolete expressions; and to provide for matters connected therewith.

1 Amends section 1 of the Inquests Act 58 of 1959 , as follows: paragraph *(a)* inserts the definitions of 'incident' and 'judicial officer'; paragraph *(b)* substitutes the definition of 'magistrate'; and paragraph *(c)* inserts the definition of 'regional magistrate'.

2 Amends section 2 (2) of the Inquests Act 58 of 1959 by substituting the expression 'R1 000' for the expression 'fifty pounds'.

3 Amends section 3 (6) of the Inquests Act 58 of 1959 by substituting the expression 'R2 000' for the expression 'one hundred pounds'.

4 and 5 Substitute respectively sections 5 and 6 of the Inquests Act 58 of 1959 .

6 Inserts section 6A in the Inquests Act 58 of 1959 .

7 to 14 inclusive Substitute respectively sections 7 to 14 inclusive of the Inquests Act 58 of 1959 .

15 Amends section 15 of the Inquests Act 58 of 1959 by substituting subsection (1).

16 and 17 Substitute respectively sections 16 and 17 of the Inquests Act 58 of 1959 .

18 Amends section 18 of the Inquests Act 58 of 1959 , as follows: paragraph *(a)* substitutes subsection (1); and paragraph *(b)* inserts subsection (2A).

19 Amends section 19 of the Inquests Act 58 of 1959 by substituting subsection (1).

20 Substitutes section 20 of the Inquests Act 58 of 1959 .

21 Amends section 21 of the Inquests Act 58 of 1959 by substituting subsection (2).

22 Amends section 23 of the Inquests Act 58 of 1959 by substituting subsection (3).

23 Repeals section 25 of the Inquests Act 58 of 1959 .

24 Transitional provision

Any inquest commenced with immediately prior to the commencement of this Act, shall be proceeded with as if this Act had not been passed.

25 Short title and commencement

This Act shall be called the Inquests Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette* .

INQUESTS AMENDMENT ACT 8 OF 1991

[ASSENTED TO 15 MARCH 1991] [DATE OF COMMENCEMENT: 3 FEBRUARY 1992]
(Unless otherwise indicated)

(Afrikaans text signed by the State President)

ACT

To amend the Inquests Act, 1959, so as to further regulate the investigation of the circumstances of certain deaths; to make further provision in connection with the holding of inquests; to further regulate the summoning of witnesses; to extend the power of judicial officers in connection with assessors; to further regulate the exclusion of members of the public; to make other provision in respect of the admissibility of statements; to further define a certain finding; and to make further provision in connection with the re-opening of certain inquests; to amend the Dissolution of Marriages on Presumption of Death Act, 1979, so as to effect a consequential amendment; and to provide for matters connected therewith.

- 1** Amends section 3 of the Inquests Act 58 of 1959 , as follows: paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (2).
- 2** Amends section 5 of the Inquests Act 58 of 1959 by substituting subsection (2).
[Date of commencement of s. 2: 1 March 1993.]
- 3** Amends section 8 of the Inquests Act 58 of 1959 by substituting subsection (1).
- 4** Amends section 9 (3) of the Inquests Act 58 of 1959 by adding the proviso.
- 5 and 6** Substitute respectively sections 10 and 13 of the Inquests Act 58 of 1959 .
- 7** Amends section 16 (2) of the Inquests Act 58 of 1959 by substituting paragraph (d) .
- 8** Amends section 17 of the Inquests Act 58 of 1959 , as follows: paragraph (a) substitutes subsection (1) (b) ; and paragraph (b) adds subsection (3).
- 9** Substitutes section 2 of the Dissolution of Marriages on Presumption of Death Act 23 of 1979 .
- 10 Short title and commencement**

(1) This Act shall be called the Inquests Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette* .

(2) Different dates may be so fixed in respect of different provisions of this Act.

INQUESTS AMENDMENT ACT 145 OF 1992

[ASSENTED TO 27 OCTOBER 1992] [DATE OF COMMENCEMENT: 6 NOVEMBER 1992]

(Afrikaans text signed by the State President)

ACT

To amend the Inquests Act, 1959, so as to make further provision for the re-opening of an inquest; and to provide for matters connected therewith.

- 1** Inserts section 17A in the Inquests Act 58 of 1959 .
- 2 Application of Act**

This Act shall apply to all inquests, whether an inquest was determined before or after the commencement of this Act.

- 3 Short title**

This Act shall be called the Inquests Amendment Act, 1992.

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