

INTERPRETATION ACT 33 OF 1957

[ASSENTED TO 16 MAY 1957]

[DATE OF COMMENCEMENT: 24 MAY 1957]

(English text signed by the Governor-General)

as amended by

Interpretation Amendment Act 7 of 1959
Interpretation Amendment Act 45 of 1961
General Law Amendment Act 102 of 1967
General Law Amendment Act 62 of 1973
Interpretation Amendment Act 42 of 1977
Criminal Procedure Act 51 of 1977

Republic of South Africa Constitution Second Amendment Act 101 of 1981
Republic of South Africa Constitution Act 110 of 1983
Provincial Government Act 69 of 1986
General Law Third Amendment Act 129 of 1993
Constitution Consequential Amendments Act 201 of 1993

also amended by

Magistrates' Courts Amendment Act 120 of 1993
[with effect from a date to be proclaimed - see PENDLEX]

Regulations under this Act

ADMINISTRATION OF THE EXPLOSIVES ACT 26 OF 1956 (GN R661 in GG 5960 of 31 March 1978)

ACT

To consolidate the laws relating to the interpretation and the shortening of the language of statutes.

PART I GENERAL (ss 1-17)

1 Application of Act

The provisions of this Act shall apply to the interpretation of every law (as in this Act defined) in force, at or after the commencement of this Act in the Republic or in any portion thereof, and to the interpretation of all by-laws, rules, regulations or orders made under the authority of any such law, unless there is something in the language or context of the law, by-law, rule, regulation or order repugnant to such provisions or unless the contrary intention appears therein.

[S. 1 amended by s. 1 of Act 45 of 1961.]

2 Definitions

The following words and expressions shall, unless the context otherwise requires or unless in the case of any law it is otherwise provided therein, have the meanings hereby assigned to them respectively, namely-

'administrator'

[Definition of 'administrator', previously definition of 'Administrator', amended by s. 2 (a) of Act 45 of 1961, substituted by s. 22 (a) of Act 69 of 1986 and deleted by s. 4 (a) of Act 201 of 1993.]

'Christian name' means any name prefixed to the surname, whether received at Christian baptism or not;

'district' means the area subject to the jurisdiction of the court of any magistrate;

[NB: The definition of **'district'** has been substituted by s. 74 of the Magistrates' Courts Amendment Act 120 of 1993, a provision which will be put into operation by

proclamation. See PENDLEX.]

'Gazette'-

- (a) in the case of laws, proclamations, regulations, notices or other documents published prior to the thirty-first day of May, 1910, and required under a law in force prior to that day to be published in the *Gazette*, means the *Government Gazette* of the Colony wherein that law was in force; and
- (b) in the case of laws, proclamations, regulations, notices or other documents published after the thirty-first day of May, 1910, and required under any law to be published in the *Gazette*, means the *Government Gazette* of the Republic or, if the matter is one entrusted to a provincial council under the Republic of South Africa Constitution Act 1961, means the *Official Gazette* of the province concerned;
- (c) in the case of laws, proclamations, regulations, notices or other documents published after the date of commencement of the Constitution and required under any law to be published in the *Gazette* or the *Provincial Gazette* or any other official *Gazette*, means the *Government Gazette* of the Republic or the relevant *Provincial Gazette*, according to whether the administration of the law concerned or, as the case may be, the law conferring the power to make or issue such a proclamation, regulation, notice or other document, vests in, or in a functionary of, the national government or a provincial government;

[Para. (c) added by s. 4 (b) of Act 201 of 1993.]

[Definition of 'Gazette' amended by s. 2 (b) of Act 45 of 1961.]

'Governor-General' means the State President as defined in this section;

[Definition of 'Governor-General' amended by s. 2 (c) of Act 45 of 1961 and substituted by s. 4 (c) of Act 201 of 1993.]

'law' means any law, proclamation, ordinance, Act of Parliament or other enactment having the force of law;

'month' means a calendar month;

'oath' and **'affidavit'**, in the case of persons allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and **'swear'**; in such case, includes **'affirm'** and **'declare'**;

'Parliament' means the Parliament of the Republic;

[Definition of 'Parliament' amended by s. 2 (d) of Act 45 of 1961.]

'person' includes-

- (a) any divisional council, municipal council, village management board, or like authority;
- (b) any company incorporated or registered as such under any law;
- (c) any body of persons corporate or unincorporate;

'Premier', with reference to a province, means the Premier of that province, including any acting Premier, acting in terms of the Constitution;

[Definition of 'Premier' inserted by s. 4 (d) of Act 201 of 1993.]

'President' means the President of the Republic, including any acting President, acting in terms of the Constitution;

[Definition of 'President' inserted by s. 4 (d) of Act 201 of 1993.]

'province'-

- (a) in the case of a law referred to in section 229 of the Constitution, means a province of the Republic as it existed immediately before the commencement of the Constitution;
- (b) in the case of a law passed or made after the commencement of the Constitution, or passed or made before such commencement, but with reference to the Constitution, means a province of the Republic referred to in section 124 (1) of the Constitution;

[Definition of 'province' amended by s. 2 (e) of Act 45 of 1961 and substituted by s. 4 (e) of Act 201 of 1993.]

'provincial council'

[Definition of 'provincial council' amended by s. 2 (f) of Act 45 of 1961 and deleted by s. 4 (f) of Act 201 of 1993.]

'State President' means, subject to section 232 (1) (c) of the Constitution, the President or the Premier of a province;

[Definition of 'State President' inserted by s. 2 (g) of Act 45 of 1961 and substituted by s. 4 (g) of Act 201 of 1993.]

'the Constitution' means the Constitution of the Republic of South Africa, 1993;

[Definition of 'the Constitution' inserted by s. 4 (h) of Act 201 of 1993.]

'the Republic' means, subject to section 232 (1) (a) of the Constitution, the territorial limits of the Republic of South Africa referred to in section 1 of the Constitution;

[Definition of 'the Republic' inserted by s. 2 (h) of Act 45 of 1961 and substituted by s. 4 (i) of Act 201 of 1993.]

'the Union' means the Republic.

[Definition of 'the Union' amended by s. 2 (i) of Act 45 of 1961.]

3 Interpretation of expressions relating to writing

In every law expressions relating to writing shall, unless the contrary intention appears, be construed as including also references to typewriting, lithography, photography and all other modes of representing or reproducing words in visible form.

4 Reckoning of number of days

When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

5 Measurement of distance

In the measurement of any distance for the purpose of any law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

6 Gender and number

In every law, unless the contrary intention appears-

- (a) words importing the masculine gender include females; and
- (b) words in the singular number include the plural, and words in the plural number include the singular.

7 Meaning of service by post

Where any law authorizes or requires any document to be served by post, whether the expression 'serve', or 'give', or 'send', or any other expression is used, then, unless

the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a registered letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

8 Meaning of rules of court

(1) In every law, unless the contrary intention appears, the expression 'rules of the court', when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court.

(2) The powers of the said authority to make rules of the court, as defined in subsection (1), shall include a power to make rules of court for the purpose of any law directing or authorizing anything to be done by rules of court.

9

[S. 9 substituted by s. 3 of Act 45 of 1961 and repealed by s. 344 (1) of Act 51 of 1977.]

10 Construction of provisions as to exercise of powers and performance of duties

(1) When a law confers a power or imposes a duty then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where a law confers a power, jurisdiction or right, or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power, jurisdiction or right may be exercised and the duty shall be performed from time to time by the holder for the time being of the office or by the person lawfully acting in the capacity of such holder.

(3) Where a law confers a power to make rules, regulations or by-laws, the power shall, unless the contrary intention appears, be construed as including a power exercisable in like manner and subject to the like consent and conditions (if any) to rescind, revoke, amend or vary the rules, regulations or by-laws.

(4)

[Sub-s. (4) amended by s. 4 of Act 45 of 1961 and deleted by s. 8 (a) of Act 101 of 1981.]

(5) Whenever the administration of any law or any provision of any law which confers a power or imposes a duty upon or entrusts a function to any Minister of State, member of the Executive Council of a province or other authority has under the Constitution been assigned by the President or the Premier of a province to any other Minister, member of such Executive Council or authority, as the case may be, that power may be exercised by such other Minister, member of the Executive Council or authority and that duty shall and that function may be performed by him, and-

(a) any reference in that law or provision to a department, including any division of any department or administration, administered by such firstmentioned Minister, member of the Executive Council or authority shall be construed as a reference to the department administered by such lastmentioned Minister, member of the Executive Council or authority;

[Para. (a) substituted by s. 5 (b) of Act 201 of 1993.]

(b) any reference in that law or provision to an officer in the public service attached to such firstmentioned department or to any such officer holding a specified office in that department, shall be construed as a reference to an officer in the public service attached to such lastmentioned department

- or, as the case may be, as a reference to such an officer holding a corresponding office in that department;
- (c) any power, duty or function vested in or imposed upon or entrusted to-
 - (i) an officer of such firstmentioned department who is then an officer of such lastmentioned department; or
 - (ii) the holder of a specified office in that department, by or under that law or provision, shall be deemed to have been duly vested in or imposed upon or entrusted to the officer concerned in his capacity as an officer of such lastmentioned department or, as the case may be, to the holder of a corresponding office in that department;
 - (d) any regulation made or any notice, direction or order issued or any appointment made or any action taken under that law or provision prior to the date on which the administration thereof was so assigned, shall remain in full force and effect as if it had been made, issued or taken by the person who on that date was, by virtue of the assignment of the administration of that law or provision or the provisions of this subsection, competent to make such regulation or to issue such notice, direction or order or to make such appointment or to take such action.

[Sub-s. (5) added by s. 1 of Act 7 of 1959 and amended by s. 4 of Act 45 of 1961, by s. 8 (b) of Act 101 of 1981, by s. 101 (1) of Act 110 of 1983 and by s. 5 (a) of Act 201 of 1993.]

(5A) The provisions of subsection (5) shall apply in so far as the President or the Premier of a province does not determine otherwise in the assignment concerned and, if the administration of any law or a provision of any law has been assigned to any other Minister, member of the Executive Council of a province or authority as contemplated in that subsection, but in relation to a matter specified in the assignment, the provisions of that subsection shall apply accordingly.

[Sub-s. (5A) inserted by s. 8 (c) of Act 101 of 1981 and substituted by s. 101 (1) of Act 110 of 1983 and by s. 5 (c) of Act 201 of 1993.]

(5B)

[Sub-s. (5B) inserted by s. 101 (1) of Act 110 of 1983 and deleted by s. 5 (d) of Act 201 of 1993.]

(6) Where any provision in any law confers a power or imposes a duty or entrusts a function to any Minister of State or other authority and authorizes such Minister of State or authority to delegate the exercise or performance of such power, duty or function to the holder of an office as such or to any particular person, and if the exercise or performance of such power, duty or function is delegated to the holder of any office, that power, duty or function may or shall, unless the contrary intention appears, be exercised or performed by the holder for the time being of the office or by the person lawfully acting in the capacity of such holder.

[Sub-s. (6) added by s. 1 of Act 42 of 1977.]

11 Repeal and substitution

When a law repeals wholly or partially any former law and substitutes provisions for the law so repealed, the repealed law shall remain in force until the substituted provisions come into operation.

12 Effect of repeal of a law

(1) Where a law repeals and re-enacts with or without modifications, any provision of a former law, references in any other law to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

(2) Where a law repeals any other law, then unless the contrary intention appears, the repeal shall not-

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any law so repealed or anything duly done or suffered under the law so repealed; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as is in this subsection mentioned,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing law had not been passed.

13 Commencement of laws

(1) The expression 'commencement' when used in any law and with reference thereto, means the day on which that law comes or came into operation, and that day shall, subject to the provisions of subsection (2) and unless some other day is fixed by or under the law for the coming into operation thereof, be the day when the law was first published in the *Gazette* as a law.

(2) Where any law, or any order, warrant, scheme, letters patent, rules, regulations or by-laws made, granted or issued under the authority of a law, is expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the previous day.

(3) If any Act provides that that Act shall come into operation on a date fixed by the President or the Premier of a province by proclamation in the *Gazette*, it shall be deemed that different dates may be so fixed in respect of different provisions of that Act. [Sub-s. (3) added by s. 10 of Act 129 of 1993 and amended by s. 6 of Act 201 of 1993.]

14 Exercise of conferred powers between passing and commencement of a law

Where a law confers a power-

- (a) to make any appointment; or
- (b) to make, grant or issue any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws; or
- (c) to give notices; or
- (d) to prescribe forms; or
- (e) to do any other act or thing for the purpose of the law,

that power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof: Provided that any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws made, granted or issued under such

power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation.

15 Notification in *Gazette* of official acts under authority of law

When any act, matter or thing is by any law directed or authorized to be done by the President or the Premier of a province, or by any Minister, or by any public officer, the notification that such act, matter or thing has been done may, unless a specified instrument or method is by that law prescribed for the notification, be by notice in the *Gazette*.

[S. 15 amended by s. 5 of Act 45 of 1961 and by s. 7 of Act 201 of 1993.]

16 Certain enactments to be published in *Gazette*

When any by-law, regulation, rule or order is authorized by any law to be made by the President or a Minister or by the Premier of a province or a member of the Executive Council of a province or by any local authority, public body or person, with the approval of the President or a Minister, or of the Premier of a province or a member of the Executive Council of a province, such by-law, regulation, rule or order shall, subject to the provisions relative to the force and effect thereof in any law, be published in the *Gazette*.

[S. 16 amended by s. 5 of Act 45 of 1961 and substituted by s. 8 of Act 201 of 1993.]

16A Promulgation and commencement of laws and publication of certain notices when publication of the *Gazette* impracticable

(1) If the President is satisfied that the publication of the *Gazette* cannot be effected or is likely to be seriously delayed as a result of circumstances beyond the control of the Government Printer, he may by proclamation published in the manner directed by him, make such rules as he may deem fit for the publication, during any period specified in the proclamation, of laws or notices required or authorized by law to be published in the *Gazette*.

[Sub-s. (1) amended by s. 9 (a) of Act 201 of 1993.]

(2) Any law or notice published in accordance with any rules so made, shall be deemed to have been published in the *Gazette*, and any law so published shall be deemed to have come into operation on the day on which it was first so published as a law, unless some other day is fixed by or under that law for the commencement thereof.

(3) The President of a province may at any time vary or withdraw any proclamation referred to in subsection (1) by like proclamation.

[Sub-s. (3) amended by s. 9 (a) of Act 201 of 1993.]

(4) Any law or notice published in accordance with any rule made under subsection (1) shall, if it is then still in force, be published in the *Gazette* for general information as soon as publication of the *Gazette* can be effected.

(5) The provisions of subsection (4) shall not affect the validity of anything done under any rules made under subsection (1).

(6) The Premier of a province may exercise the President's powers in terms of this section with reference to such province.

[Sub-s. (6) added by s. 9 (b) of Act 201 of 1993.]

[S. 16A inserted by s. 13 of Act 102 of 1967.]

17 List of certain proclamations and notices to be submitted to Parliament and provincial legislatures

When the President, a Minister or the Premier or a member of the Executive Council of a province is by any law authorized to make rules or regulations for any purpose in such law stated, notwithstanding the provisions of any law to the contrary, a list of the proclamations, government notices and provincial notices under which such rules or regulations were published in the *Gazette* during the period covered in the list, stating in each case the number, date and title of the proclamation, government notice or provincial notice and the number and date of the *Gazette* in which it was published, shall be submitted to Parliament or the provincial legislature concerned, as the case may be, within fourteen days after the publication of the rules or regulations in the *Gazette*.
[S. 17 amended by s. 5 of Act 45 of 1961 and substituted by s. 13 of Act 62 of 1973, by s. 22 (a) of Act 69 of 1986 and by s. 10 of Act 201 of 1993.]

PART II

SPECIAL PROVISIONS APPLICABLE ONLY TO THE PROVINCE OF THE CAPE OF GOOD HOPE

(s 18)

18 Meaning of certain expressions in laws of colony of Cape of Good Hope

In the interpretation of any Act of Parliament, government notice, government advertisement, ordinance, placaat, proclamation, regulation or by-law made under the authority of any law, rule of court, or any enactment having the force of law, which came into operation in the colony of the Cape of Good Hope prior to the thirty-first day of May, 1910, the following expressions shall, unless the context otherwise requires and subject to the provisions of the Republic of South Africa Constitution Act 1961, have the meanings hereby assigned to them respectively, namely-

[S. 18 amended by s. 6 of Act 45 of 1961.]

'Charter of Justice' means the Royal Letters Patent of His Majesty King William the Fourth, dated the fourth day of May, 1832, for the better and more effectual administration of justice;

'Constitution Ordinance' means the ordinance enacted on the third day of April, 1852, by His Excellency the Governor of the Cape of Good Hope with the advice and consent of the Legislative Council thereof, for constituting a Parliament for the said colony;

'division' or **'fiscal division'** means the area under the administration of a civil commissioner within the meaning of the relevant act, notice, advertisement, ordinance, placaat, proclamation, regulation, by-law, rule of court or enactment;

'Governor' includes the officer who for the time being administered the Government of the colony of the Cape of Good Hope acting by and with the advice of the Executive Council thereof;

'Order-in-Council' means any order made by the Governor (as in this section defined) with the advice of the Executive Council;

'solemn declaration' means a declaration made under and by virtue of the provisions of the Oaths and Declarations Act 1891, of the colony of the Cape of Good Hope.

PART III

SPECIAL PROVISIONS APPLICABLE ONLY TO THE PROVINCE OF THE TRANSVAAL

(ss 19-20)

19 Meaning of certain expressions in laws of the South African Republic

In the interpretation of any law or resolution of the Volksraad of the late South African Republic the following expression shall, unless otherwise expressly provided and subject to the provisions of the Republic of South Africa Constitution Act 1961, or of any other law, have the meanings hereby assigned to them respectively, namely-

'**landdrost**' means magistrate;

'**Publieke Aanklager**' means the Attorney-General of the Transvaal or any person appointed to prosecute for or on behalf of the State;

'**Staats Courant**' means the *Gazette*;

'**Staats President**' or any expression denoting the Head of the late South African Republic means the State President of the Republic;

'**Staats Procureur**' means the Attorney-General of the Transvaal;

'**Staats Sekretaris**' means the Minister of the Interior;

'**Zuid Afrikaansche Republiek**', '**Republiek**', '**Staat**' or any like expression means the Transvaal,

and when any act is required or authorized to be done by any such law or resolution or whenever any process is required to be taken out in the name and on behalf of the people of the South African Republic it shall be deemed to be required or authorized to be done or taken out in the name and on behalf of the State.

[S. 19 amended by s. 7 of Act 45 of 1961.]

20 Meaning of expression Governor or Lieutenant-Governor in laws of the colony of Transvaal

In the interpretation of any law which came into operation in the colony of the Transvaal prior to the establishment of the Union, the expression 'Governor' or 'Lieutenant-Governor' includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

PART IV

SPECIAL PROVISIONS APPLICABLE ONLY TO THE PROVINCE OF THE ORANGE FREE STATE

(ss 21-22)

21 Meaning of certain expressions in laws of the Orange Free State

Where, in any law of the late Orange Free State, the following expressions occur they shall, unless otherwise expressly provided and subject to the provisions of the South Africa Act 1909, or of any other law, have the meanings hereby assigned to them respectively, namely-

'**Goevernements Sekretaris**' means the Minister of the Interior;

'**landdrost**' means magistrate;

'**Oranje Vrijstaat**' or '**Staat**' means the province of the Orange Free State;

'**President**' or '**Staatspresident**' means the State President of the Republic;

'**Raad**' or '**Volksraad**' means Parliament;

'**Staatsprocureur**' means the Attorney-General of the Orange Free State;

'**Thesaurier-generaal**' means the Minister of Finance;

'**Weesheer**' means the Master of the Supreme Court (Orange Free State Provincial Division);

'**Wet boek**' means the Law Book of the Orange Free State of 1891;

'Zuid Afrikaansche Republiek' means the Transvaal.

[S. 21 amended by s. 8 of Act 45 of 1961.]

22 Meaning of expression Governor or Lieutenant-Governor in laws of Orange River Colony

In the interpretation of any law which came into operation in the Orange River Colony prior to the establishment of the Union, the expression 'Governor' or 'Lieutenant-Governor' includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

PART V

SPECIAL PROVISIONS APPLICABLE ONLY TO THE PROVINCE OF NATAL
(s 23)

23 Meaning of expression Governor or Lieutenant-Governor in laws of Natal

In the interpretation of any law which came into operation in the Colony of Natal prior to the establishment of the Union, the expression 'Governor' or 'Lieutenant-Governor' includes the officer who for the time being administered the government of the said colony, acting (when by law required) by and with the advice of the Executive Council thereof.

PART VI

SUPPLEMENTARY (ss 24-26)

24 Application to State

This Act shall bind the State.

25 Repeal of Act 5 of 1910 and Act 5 of 1944

(1) Subject to the provisions of subsection (2), the Interpretation Act 1910, and the Interpretation Amendment Act 1944, are hereby repealed.

(2) Any action taken under any provision of a law repealed by subsection (1) shall be deemed to have been taken under the corresponding provision of this Act.

26 Short title

This Act shall be called the Interpretation Act, 1957.

PENDLEX: Interpretation Act 33 of 1957 after amendment by the Magistrates' Courts Amendment Act 120 of 1993

Section 2 - definition

'district' means the area subject to the jurisdiction of a magistrate's court;