

ACTS AMENDMENT (MASTER, SUPREME COURT).

No. 67 of 1979.

AN ACT to amend the Supreme Court Act, 1935-1978; The Newspaper Libel and Registration Act, 1884, Amendment Act, 1888; the Adoption of Children Act, 1896-1977; the Legal Practitioners Act, 1893-1978; the Arbitration Act, 1895-1976; the Public Works Act, 1902-1974; the Justices Act, 1902-1977; the Administration Act, 1903-1977; the Mining Act, 1904-1978; the Evidence Act, 1906-1978; the Electoral Act, 1907-1976; the Workers' Compensation Act, 1912-1978; the Public Trustee Act, 1941-1978; the Companies Act, 1961-1975; the Mental Health Act, 1962-1976; the Charitable Trusts Act, 1962; the Recording of Evidence Act, 1975; and The Criminal Code, relating to the office of Master of the Supreme Court of Western Australia and matters ancillary thereto.

[Assented to 21st November, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the *Acts Amendment (Master, Supreme Court) Act, 1979.*

Commencement. 2. This Act shall come into operation on a date to be fixed by proclamation.

PART I.—SUPREME COURT ACT, 1935-1978.

Citation.
Reprinted in
Volume 13
of the
Reprinted
Acts,
as amended
by Acts
Nos. 50
of 1957,
5 of 1960,
12 of 1963,
39 of 1964,
32 of 1969,
39 of 1971,
56 of 1974,
57 of 1975,
20, 110 and
111 of 1976
and 112
of 1978.

3. (1) In this Part the Supreme Court Act, 1935-1978, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Supreme Court Act, 1935-1979.

**Section 4
amended.**

4. Section 4 of the principal Act is amended—

- (a) as to the interpretation of the term "Master", by deleting the words "or Deputy" in lines three and four of that interpretation;
- (b) by inserting after the interpretation of the term "Prescribed" a new interpretation, as follows—

"Principal Registrar" means the Principal Registrar of the Supreme Court appointed under the provisions of this Act, and includes a duly appointed acting Principal Registrar. ; and

- (c) as to the interpretation of the term "Registrar", by deleting the words "the Registrar" in line one of that interpretation and inserting in lieu thereof the words "a Registrar".

5. Section 7 of the principal Act is amended— **Section 7
amended.**

- (a) by deleting subsection (1) and inserting in lieu thereof a new subsection as follows—

(1) The Supreme Court shall be a superior court of record, and shall consist of—

(a) one Judge, to be appointed by the Governor by commission under the great seal in Her Majesty's name and to be styled the Chief Justice of Western Australia, and such other Judges not exceeding six in number as the Governor may, in like manner, from time to time appoint;

(b) such acting Judges, if any, as for the time being hold office pursuant to an appointment made under section eleven of this Act; and

(c) the Master. ; and

- (b) by adding a new subsection, to stand as subsection (4), as follows—

(4) The Court shall be held by and before a Judge or more than one Judge, save that where by or under this or any other Act the jurisdiction of the Court is assigned to the Master in respect of any, or any class of, cause, matter, issue, application or proceeding the Court may be held by and before the Master. .

New sections added.

6. The principal Act is amended by inserting after section 11 five new sections, to stand as section 11A to section 11E respectively, as follows—

The Master.

11A. (1) The Governor by commission under the great seal in Her Majesty's name may appoint a person having the necessary qualification to be the Master of the Supreme Court.

(2) The qualification of a person for appointment as the Master of the Supreme Court shall be that he—

(a) is or has been a practitioner as defined by the Legal Practitioners Act, 1893, of not less than five years' standing and practice; or

(b) is a person who has been admitted as a practitioner under the Legal Practitioners Act, 1893, and who for a period of not less than two years has held office as the Principal Registrar or as a Registrar or Deputy Registrar of the Court.

(3) Subject to the provisions of subsection (4) and subsection (5) of section eleven B of this Act, the Master of the Supreme Court shall hold office during good behaviour but the Governor may, upon the address of both Houses of Parliament, remove the Master from office and revoke his commission.

(4) Every person appointed to be the Master of the Supreme Court shall, when he enters on the execution of his office, take, in the presence of the Governor, the oath of allegiance, and the judicial oath as prescribed in the Second Schedule to this Act.

Terms of appointment of Master.

11B. (1) The Master—

(a) subject to the provisions of this section and to the Salaries and Allowances Tribunal Act, 1975, is entitled to such conditions of service as are determined by the Governor from time to time;

- (b) may hold office as such in conjunction with any other office, appointment, duty or function which the Governor shall deem not incompatible; and
- (c) except in the performance of the functions or duties of his office or with the approval of the Governor, shall not engage in the practice of a barrister or solicitor, or be directly or indirectly concerned in such practice, or engage in any other paid employment.

(2) Where the Master was, immediately before his appointment as such, an officer of the Public Service of the State—

- (a) he retains his existing and accruing rights and in particular his rights, if any, under the Superannuation and Family Benefits Act, 1938;
- (b) for the purpose of determining those rights, his service as Master shall be taken into account as if it were service in the Public Service of the State; and
- (c) he may continue to be a contributor for the purposes of, as though he were deemed to be an employee within the meaning of, the Superannuation and Family Benefits Act, 1938, notwithstanding his appointment as Master under section eleven A of this Act.

(3) Where the Master was not, immediately before his appointment as such, an officer of the Public Service of the State the provisions of the Judges' Salaries and Pensions Act, 1950, that relate to pensions and allowances, other than section fifteen, apply, with such modifications as circumstances require, to and in respect of him, and to and in respect of his widow and children after his death, in the same manner as they apply to and in respect of a Judge to whom that Act applies, and to his widow and children after his death.

(4) The Master may resign his office by an instrument in writing under his hand and delivered to the Governor, and the resignation takes effect on the day on which it is received by the Governor or on such later day as may be specified in the instrument if the Governor agrees and declares by notice published in the *Government Gazette* that the office has or shall become vacant accordingly.

(5) The Master shall retire from office—

(a) if, after attaining the age of sixty years, he signifies by writing under his hand and delivered to the Governor his desire to retire and the Governor agrees; or

(b) on the day on which he attains the age of sixty-five years,

and thereupon the office of the Master becomes vacant.

Determina-
tion of
pending
proceedings.

11C. Where immediately prior to the time the resignation or retirement of the Master is to take effect there remain proceedings pending before him he is, by force of this section, authorised to complete the hearing and determination of those proceedings as though he continued to hold office as the Master while he is completing that hearing and determination.

Vacancies,
temporary
appoint-
ments, and
acting
appoint-
ments.

11D. (1) During any vacancy in the office of Master of the Supreme Court, or when and so often as the Master is absent on leave or in consequence of sickness, or for any reason is temporarily unable to perform the duties of his office, then where no other person is specifically appointed to act in the office of Master by a commission issued under subsection (2) of this section for the period of such vacancy, absence, or inability the person holding or for the time being acting in the office of Principal Registrar shall, if qualified to be appointed to the office of Master, be deemed to have been so appointed

and all the duties and powers of the Master shall devolve upon him when so acting and shall be exercisable by him in conjunction with his duties and powers as a Registrar.

(2) Where—

- (a) the office of Master is vacant;
- (b) the Master is, or is expected to be, absent or for any reason unable to perform the duties of his office; or
- (c) for any reason the conduct of the business of the Court, in the opinion of the Governor, requires the appointment of an acting Master,

the Governor by commission under the great seal in Her Majesty's name may appoint a person, who is qualified to be appointed to the office of Master, to be an acting Master on such terms and conditions and for such period as the Governor thinks fit and specifies in the commission.

(3) An appointment of a person to be an acting Master pursuant to subsection (2) of this section may be made on other than a full-time basis.

(4) Where immediately prior to the expiration of the period of an appointment made or deemed to have been made pursuant to subsection (2) of this section there remained proceedings pending before the acting Master, the appointment of the acting Master authorises him to complete the hearing and determination of those proceedings so that he holds an appointment as acting Master while he is completing that hearing and determination.

11E. (1) Subject to subsection (2) of this section, where by or under the provisions of any Act, being provisions in force immediately prior to the coming into operation of the Acts Amendment (Master, Supreme Court) Act,

References
to the
Master
in other
Acts.

1979, it is provided that an act of a procedural, administrative, or ministerial nature shall or may be done by, or in relation to, the Master that act shall or may, as the case requires, be done by, or in relation to, the Principal Registrar.

(2) Subsection (1) of this section does not apply to or in relation to—

- (a) the Administration Act, 1903;
- (b) the Companies Act, 1961;
- (c) the Mental Health Act, 1962;
- (d) this Act; or
- (e) any other Act which by Rules of Court is prescribed as an Act to which the provisions of that subsection do not apply.

(3) Where by or under any Act it is provided that costs shall or may be taxed by the Master or the Taxing Master of the Supreme Court, those costs shall or may, as the case requires, be taxed by the taxing officer of the Court.

**Section 12
amended.**

7. Section 12 of the principal Act is amended by inserting after the word "Judge", in line one, the words "or the Master".

**Section 46
amended.**

8. Section 46 of the principal Act is amended by deleting the words "the Master", in the last line of subsection (6), and inserting in lieu thereof the words "by the Master or a Registrar of the Supreme Court".

**Section 49
amended.**

9. Section 49 of the principal Act is amended by deleting the passage "a Judge of the District Court of Western Australia or to", in lines two and three of subsection (1), and inserting in lieu thereof the passage "the Master, a Judge of the District Court of Western Australia,".

10. Section 50 of the principal Act is amended— Section 50
amended.

- (a) as to subsection (1), by adding after the word “Master”, in line three, the words “or a Registrar”; and
- (b) as to subsection (2), by adding after the word “Master”, in line one, the passage “, Registrar”.

11. Section 51 of the principal Act is amended by adding after the word “Master”, in line fifteen, the passage “, a Registrar,”. Section 51
amended.

12. Section 52 of the principal Act is amended— Section 52
amended.

- (a) as to subsection (1)—
 - (i) by adding after the word “Master”, in line one, the passage “, a Registrar,”; and
 - (ii) by adding after the word “Master”, in line two, the passage “, Registrar,”; and
- (b) as to subsection (2), by adding after the word “Master”, in line one, the passage “, Registrar,” .

13. Section 54 of the principal Act is amended by adding after the word “Master” in line one, the passage “, a Registrar,”. Section 54
amended.

14. Section 62 of the principal Act is amended by inserting, immediately before the word “Registrar” in line six of subsection (2), the word “Principal”. Section 62
amended.

15. Section 64 of the principal Act is amended by adding after the word “Master”, in line two of subsection (3), the words “or a Registrar”. Section 64
amended.

Section 155
repealed
and
re-enacted.

16. Section 155 of the principal Act is repealed and re-enacted with amendments, as follows—

Registrars
and other
officers.

155. (1) There shall be appointed under and subject to the Public Service Act, 1978, a Principal Registrar and such Registrars and other officers as may be necessary for the administration of justice and the execution of all the powers and authorities of the Court.

(2) The Registrars shall be the taxing officers of the Court, and shall perform such other duties as may be conferred upon them by or under this or any other Act.

(3) A person who, immediately prior to the coming into operation of the Acts Amendment (Master, Supreme Court) Act, 1979, held an appointment as a Deputy Master or as a Deputy Registrar of the Court, or both such appointments, is deemed to have been appointed a Registrar pursuant to subsection (1) of this section.

Section 167
amended.

17. Section 167 of the principal Act is amended—

(a) as to paragraph (c) of subsection (1)—

(i) by deleting the word “other”, in line two of that paragraph, and inserting in lieu thereof the words “on an”; and

(ii) by deleting the words “sitting in chambers” in line nine of that paragraph; and

(b) as to paragraph (e), by adding after the word “enactments”, being the last word in the paragraph, the passage “, or in relation to the Master by any other Act in force prior to the coming into operation of the Acts Amendment (Master, Supreme Court) Act, 1979, and for prescribing the Acts to which subsection (1) of section eleven E of this Act does not apply”.

18. Section 174 of the principal Act is amended by inserting, immediately after the word "Judge" in line three, the words "or the Master".

Section 174 amended.

19. The Second Schedule to the principal Act is amended by adding after the passage "*or a judge of the Supreme Court of Western Australia*" the passage "*or the Master of the Supreme Court of Western Australia*".

Second Schedule amended.

PART II.—THE NEWSPAPER LIBEL AND REGISTRATION ACT, 1884, AMENDMENT ACT, 1888.

20. (1) In this Part The Newspaper Libel and Registration Act, 1884, Amendment Act, 1888, is referred to as the principal Act.

Citation. 52 Vic. No. 18.

(2) The principal Act as amended by this Act may be cited as The Newspaper Libel and Registration Act, 1884, Amendment Act, 1888-1979.

21. Section 3 of the principal Act is amended by deleting the word "Master", in line ten, and inserting in lieu thereof the words "Principal Registrar".

Section 3 amended.

PART III.—ADOPTION OF CHILDREN ACT, 1896-1977.

22. (1) In this Part the Adoption of Children Act, 1896-1977, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 8th February, 1973 and amended by Acts Nos. 49 of 1973, 106 of 1975, 112 of 1976, and 52 of 1977.

(2) The principal Act as amended by this Act may be cited as the Adoption of Children Act, 1896-1979.

23. Section 11 of the principal Act is amended by deleting the words "the Master", in lines four and five, and inserting in lieu thereof the words "a Registrar".

Section 11 amended.

PART IV.—LEGAL PRACTITIONERS ACT,
1893-1978.

Citation.
Reprinted
as approved
for reprint
23rd
August,
1974 and
amended by
Acts Nos.
113 of 1976,
46 of 1977,
and 9
of 1978.

24. (1) In this Part the Legal Practitioners Act, 1893-1978, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Legal Practitioners Act, 1893-1979.

Section 23
amended.

25. Section 23 of the principal Act is amended—

(a) by inserting, immediately before the word “Registrar” in line three, the word “Principal”; and

(b) by deleting the words “the Registrar”, in line seven, and inserting in lieu thereof the words “a Registrar”.

Section 24
amended.

26. Section 24 of the principal Act is amended by deleting the words “the Registrar”, in line two, and inserting in lieu thereof the words “a Registrar”.

Section 29
amended.

27. Section 29 of the principal Act is amended by deleting the word “Master”, where it occurs in line four and in line five of paragraph (e) of subsection (1), and inserting in lieu thereof in each case the words “taxing officer”.

Section 31
amended.

28. Section 31 of the principal Act is amended—

(a) by deleting the word “Master”, where it occurs in line four and in line five, and inserting in lieu thereof in each case the words “taxing officer”; and

(b) by deleting the word “Master’s”, in line eight, and inserting in lieu thereof the words “taxing officer’s”.

29. The principal Act is amended by deleting the word “master”, where it occurs in—

Sections 66, 67, 68, 68A and 69 amended.

- (a) line five of section 66;
- (b) line three of section 67;
- (c) line two of section 68;
- (d) line one of paragraph (d) of section 68A; and
- (e) line three of section 69,

and inserting in lieu thereof in each case the word “officer”.

30. Sections 70 and 71 of the principal Act are amended by deleting the word “master”, where it occurs in line one of section 70 and in line six of section 71, and inserting in lieu thereof in each case the words “taxing officer”.

Sections 70 and 71 amended.

PART V.—ARBITRATION ACT, 1895-1976.

31. (1) In this Part the Arbitration Act, 1895-1976, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 13th August, 1970 and amended by Act No. 111 of 1976.

(2) The principal Act as amended by this Act may be cited as the Arbitration Act, 1895-1979.

32. Section 15 of the principal Act is amended by deleting the word “Master”, in line three, and inserting in lieu thereof the words “taxing officer”.

Section 15 amended.

33. The First Schedule to the principal Act is amended by deleting the word “Master”, in line five of provision (9), and inserting in lieu thereof the words “taxing officer”.

First Schedule amended.

PART VI.—PUBLIC WORKS ACT, 1902-1974.

34. (1) In this Part the Public Works Act, 1902-1974, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 13th June, 1978.

(2) The principal Act as amended by this Act may be cited as the Public Works Act, 1902-1979.

Section 2
amended.

35. Section 2 of the principal Act is amended—

- (a) by deleting the interpretation of the term “Master”; and
- (b) by inserting after the interpretation of the term “Minister” a new interpretation as follows—

“Principal Registrar of the Supreme Court” means the person for the time being holding or acting in the office designated under the Supreme Court Act, 1935, by that name. .

Section 38
amended.

36. Section 38 of the principal Act is amended by deleting the word “Master”, in line four, and inserting in lieu thereof the words “Principal Registrar”.

Sections 39,
47C, 48, 63,
71, 72, 73
and 74
amended.

37. The principal Act is amended by deleting the word “Master”, where it occurs in—

- (a) line one of subsection (3) of section 39;
- (b) line two of subsection (4) of section 47C;
- (c) line eleven and line thirteen of paragraph (a) of subsection (2) of section 48;
- (d) lines three and four of paragraph (b) of subsection (2) of section 48;
- (e) line two of subsection (3) of section 48;
- (f) line fifteen of paragraph (g) of section 63;
- (g) line four and line five of subsection (1) of section 71;
- (h) line eleven and line twenty-three of section 72;
- (j) line eleven and line thirty-six of section 73; and
- (k) line three of section 74,

and inserting in lieu thereof in each case the words “Principal Registrar of the Supreme Court”.

38. Section 96 of the principal Act is amended by deleting the words "office of the Master", in lines three and four of subsection (3), and inserting in lieu thereof the words "Central Office".

Section 96 amended.

PART VII.—JUSTICES ACT, 1902-1977.

39. (1) In this Part the Justices Act, 1902-1977, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 30th November, 1977.

(2) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1979.

40. The principal Act is amended by deleting the word "Master", where it occurs in—

Sections 201 and 216 amended.

(a) line three of subsection (1) of section 201; and

(b) line four of subsection (2) of sections 216, and inserting in lieu thereof in each case the words "Principal Registrar".

PART VIII.—ADMINISTRATION ACT, 1903-1977.

41. (1) In this Part the Administration Act, 1903-1977, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 17th August, 1975, and amended by Acts Nos. 138 of 1976 and 37 of 1977.

(2) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1979.

42. Section 3 of the principal Act is amended—

Section 3 amended.

(a) by deleting the interpretation of the term "Master";

(b) by inserting after the interpretation of the term "Prescribed" a new interpretation as follows—

"Principal Registrar" means the person for the time being holding or acting in the office designated under the

Supreme Court Act, 1935, "Principal Registrar of the Supreme Court". ;
and

- (c) by inserting after the interpretation of the term "Real Estate" a new interpretation as follows—

"Registrar" means a person for the time being holding or acting in an office designated under the Supreme Court Act, 1935, "Registrar of the Supreme Court", and a reference to a Registrar may include a reference to the Principal Registrar or a deputy Registrar. .

Section 5
amended.

43. Section 5 of the principal Act is amended—

- (a) by inserting after the section designation "5." the subsection designation "(1)";
- (b) by deleting the word "Master", in line one, and inserting in lieu thereof the words "Principal Registrar";
- (c) by deleting the word "heretofore", in line two, and inserting in lieu thereof the passage "were immediately prior to the coming into operation of the Acts Amendment (Master, Supreme Court) Act, 1979, performed by the Master of the Supreme Court"; and
- (d) by adding a new subsection as follows—

(2) Subject to the rules the powers and authority conferred on the Principal Registrar by this Part of this Act may be exercised by a Registrar. .

44. The principal Act is amended by deleting the word "Master" where it occurs in—

- (a) line five of subsection (1) of section 19;
- (b) line two of subsection (2) of section 19;
- (c) line five of subsection (2) of section 26;

Sections
19, 26, 29,
44, 53, 54,
55, 56, 57,
58, 59, 60,
61, 63, 140,
and Fourth
Schedule
amended.

- (d) line five and again in line eight of subsection (5) of section 26;
- (e) line five of subsection (1) of section 29;
- (f) line one of subsection (2) of section 29;
- (g) line four of subsection (1) of section 44;
- (h) line two of subsection (2) of section 44;
- (j) line three of subsection (2) of section 53;
- (k) line six of subsection (1) of section 54;
- (l) line four and again in line seven of section 55;
- (m) line one of subsection (1) of section 56;
- (n) line one of subsection (2) of section 56;
- (o) line two of subsection (1) of section 57;
- (p) line one of subsection (2) of section 57;
- (q) line one of subsection (1) of section 58;
- (r) line four of subsection (2) of section 58;
- (s) line four of subsection (2) of section 59;
- (t) line one of subsection (3) of section 59;
- (u) line one and again in line seven of subsection (5) of section 59;
- (v) line one of section 60;
- (w) line five of subsection (1) of section 61;
- (x) line one of subsection (1) of section 63;
- (y) line one of subsection (1) of section 140;
and
- (z) line three of paragraph (c) of sub-rule (1)
of rule 4 in the Fourth Schedule,

and inserting in lieu thereof in each case the words "Principal Registrar".

45. Section 144 of the principal Act is amended by deleting the words "the Master", in line five of paragraph (b) of subsection (3), and inserting in lieu thereof the words "a Registrar".

Section 144
amended.

PART IX.—MINING ACT, 1904-1978.

Citation.
Reprinted
as approved
for reprint
20th
January,
1969 and
amended by
Acts Nos.
17 of 1969,
33 of 1970,
2 of 1971,
56 of 1971,
1 of 1973 and
107 of 1978.

46. (1) In this Part the Mining Act, 1904-1978 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Mining Act, 1904-1979.

Section 256
amended.

47. Section 256 of the principal Act is amended—

(a) by deleting the word “Master”, in line eight;
and

(b) by deleting the word “master”, in lines ten
and fourteen,

and inserting in lieu thereof in each case the words
“Principal Registrar”.

Section 260
amended.

48. Section 260 of the principal Act is amended by deleting the word “Master” in line five and inserting in lieu thereof the words “Principal Registrar”.

PART X.—EVIDENCE ACT, 1906-1978.

Citation.
Reprinted
as approved
for reprint
4th
November,
1977 and
amended by
Acts Nos.
33 of 1978
and 111
of 1978.

49. (1) In this Part the Evidence Act, 1906-1978, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Evidence Act, 1906-1979.

50. Section 56 of the principal Act is amended by deleting the word "Registrar", in line five of paragraph (b), and inserting in lieu thereof the passage "Principal Registrar, Registrar, or deputy Registrar".

Section 56
amended.

51. Section 73B of the principal Act is amended by deleting the passage "Master," where it appears in—

Section 73B
amended.

- (a) line four of subsection (2);
- (b) line three of subsection (3); and
- (c) line nine of subsection (3).

PART XI.—ELECTORAL ACT, 1907-1976.

52. (1) In this Part the Electoral Act, 1907-1976, is referred to as the principal Act.

Citation.
Reprinted
as approved
for reprint
12th
January,
1971 and
amended
by Acts Nos.
94 of 1972,
70 of 1973,
and 129
of 1976.

(2) The principal Act as amended by this Act may be cited as the Electoral Act, 1907-1979.

53. The principal Act is amended by deleting the word "Master" where it occurs in—

Sections
160, 165
and 168
amended.

- (a) line two of section 160;
- (b) line three of section 165; and
- (c) line one of section 168,

and inserting in lieu thereof in each case the words "Principal Registrar".

PART XII.—WORKERS' COMPENSATION ACT,
1912-1978.

54. (1) In this Part the Workers' Compensation Act, 1912-1978, is referred to as the principal Act.

Citation.
Reprinted
as approved
for reprint
28th July,
1978.

(2) The principal Act as amended by this Act may be cited as the Workers' Compensation Act, 1912-1979.

Section 29
amended.

55. Section 29 of the principal Act is amended by deleting the words “the Master” where they occur in subparagraph (v) of paragraph (e) of subsection (13) at—

- (a) line five of item I;
- (b) line two of item II; and
- (c) lines four and five and at line thirteen of item III,

and inserting in lieu thereof in each case the words “a taxing officer”.

PART XIII.—PUBLIC TRUSTEE ACT, 1941-1978.

Citation.
Reprinted
as approved
for reprint
16th March
1969, and
amended by
Acts Nos.
28 of 1972,
1 of 1975,
and 25
of 1978.

56. (1) In this Part the Public Trustee Act, 1941-1978, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Public Trustee Act, 1941-1979.

Section 2
amended.

57. Section 2 of the principal Act is amended—

- (a) as to the interpretation of the term “Court”, by deleting the words “the Master”, in line three of that interpretation, and inserting in lieu thereof the words “a Registrar”;
- (b) by deleting the interpretation of the term “Master”; and
- (c) by inserting after the interpretation of the term “Public Trustee” a new interpretation as follows—

“Registrar of the Supreme Court” means a person for the time being holding or acting in an office designated under the Supreme Court Act, 1935, by that name, and a reference to a Registrar may include a reference to the Principal Registrar or a deputy Registrar duly appointed under that Act. .

58. The principal Act is amended by deleting the words "with the Master", where they occur in—

Sections 10 and 14 amended.

(a) line four of paragraph (b) of subsection (1) of section 10; and

(b) line nine of subsection (5) of section 14,

and inserting in lieu thereof in each case the words "in the office of the Court".

59. Section 11 of the principal Act is amended by deleting the words "or the Master" in lines five and six.

Section 11 amended.

60. The principal Act is amended by deleting the words "the Master", where it occurs in—

Sections 12 and 35 amended.

(a) line nine of subsection (4) of section 12; and

(b) line three and in line five of paragraph (b), and in line three of paragraph (c), of subsection (5) of section 35,

and inserting in lieu thereof in each case the words "a Registrar of the Supreme Court".

61. Section 37 of the principal Act is amended by deleting the words "the Master or", in line three of subsection (5) and inserting in lieu thereof the words "a taxing officer of the Supreme Court or the".

Section 37 amended.

PART XIV.—COMPANIES ACT, 1961-1975.

62. (1) In this Part the Companies Act, 1961-1975, is referred to as the principal Act.

Citation. Reprinted as approved for reprint 18th March, 1976.

(2) The principal Act as amended by this Act may be cited as the Companies Act, 1961-1979.

Section 5
amended.

63. Section 5 of the principal Act is amended, as to the interpretation of the term "Court", by deleting the words "or Deputy Master", in line three of that interpretation, and inserting in lieu thereof the passage "a Registrar of the Supreme Court, or an acting Registrar or deputy Registrar duly appointed,".

Section 231
amended.

64. Section 231 of the principal Act is amended by deleting the words "the Master", in lines five and six of subsection (2), and inserting in lieu thereof the words "a Registrar".

PART XV.—MENTAL HEALTH ACT, 1962-1976.

Citation.
Reprinted
as approved
for reprint
18th
November,
1974 and
amended by
Act No. 32
of 1976.

65. (1) In this Part the Mental Health Act, 1962-1976, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Mental Health Act, 1962-1979.

Section 5
amended.

66. Section 5 of the principal Act is amended—

- (a) as to the interpretation of the term "Court", by adding after the word "Master", in line two of that interpretation, the words "or a Registrar";
- (b) as to the interpretation of the term "Master", by deleting the words "or Deputy", in line three of that interpretation;
- (c) by inserting after the interpretation of the term "police officer" a new interpretation as follows—

"Principal Registrar of the Supreme Court" means the person for the time being holding or acting in the office designated under the Supreme Court Act, 1935, by that name; and reference to Registrar may include a reference to the Principal Registrar or a deputy Registrar; ; and

- (d) by inserting after the interpretation of the term "referral" a new interpretation as follows—

"Registrar" means a person for the time being holding or acting in an office designated under the Supreme Court Act, 1935, "Registrar of the Supreme Court"; .

67. Section 65 of the principal Act is amended by adding a new subsection, to stand as subsection (5), as follows— Section 65 amended.

(5) Subject to the rules, the powers and authority conferred on the Principal Registrar of the Supreme Court by this Act, or by an order made under this Part, may be exercised by a Registrar. .

68. (1) The principal Act is amended by deleting the word "Master", where it occurs in— Sections 64, 65, 72 and 73 amended.

- (a) line two of subsection (5) of section 64;
(b) line three of subsection (1) of section 65;
(c) line three of subsection (1) of section 72;
and

(d) line fourteen of subsection (2) of section 73, and inserting in lieu thereof in each case the words "Principal Registrar of the Supreme Court".

(2) The principal Act is amended by deleting the word "Master", where it occurs in—

- (a) line one of subsection (2) of section 65;
(b) line one, line three, and line eight of subsection (3) of section 65;
(c) line two of subsection (4) of section 65;
(d) line one and line eight of subsection (3) of section 72; and

(e) line two of subsection (4) of section 72, and inserting in lieu thereof in each case the words "Principal Registrar".

Section 87 amended.

69. Section 87 of the principal Act is amended, as to paragraph (b)—

- (a) by deleting the words "or the Master", in lines three and four of that paragraph, and inserting in lieu thereof the passage, ", the Master, or a Registrar, respectively"; and
- (b) by deleting the words "either of", in line five of that paragraph.

PART XVI.—CHARITABLE TRUSTS ACT, 1962.

Citation. Act No. 82 of 1962.

70. (1) In this Part the Charitable Trusts Act, 1962, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Charitable Trusts Act, 1962-1979.

Section 4 amended.

71. Section 4 of the principal Act is amended—

- (a) by deleting the interpretation of the term "Master"; and
- (b) by inserting after the interpretation of the term "Court" a new interpretation as follows—

"Principal Registrar of the Supreme Court" means the person for the time being holding or acting in the office designated under the Supreme Court Act, 1935, by that name; .

Sections 11, 12 and 16 amended.

72. The principal Act is amended by deleting the word "Master", where it occurs in—

- (a) line three of paragraph (c) of subsection (2) of section 11;
- (b) line five of section 12; and

(c) line three of section 16,
and inserting in lieu thereof in each case the words
“Principal Registrar of the Supreme Court”.

PART XVII.—RECORDING OF EVIDENCE ACT, 1975.

73. (1) In this Part the Recording of Evidence Act, 1975, is referred to as the principal Act. Citation.
Act No. 59
of 1975.

(2) The principal Act as amended by this Act may be cited as the Recording of Evidence Act, 1975-1979.

74. The principal Act is amended by deleting the passage “Master,” where it occurs in— Sections 9,
10 and 11
amended.

- (a) line twenty of subsection (1) of section 9;
- (b) line two of section 10; and
- (c) line one of paragraph (b) of section 11.

PART XVIII.—THE CRIMINAL CODE.

75. In this Part “the Code” means The Criminal Code set out in the Schedule to the Criminal Code Act, 1913, appearing in Appendix B to the Criminal Code Compilation Act, 1913, reprinted pursuant to the Amendments Incorporation Act, 1938, as approved for reprint 8th December, 1978. Citation.

76. Section 526 of the Code is amended by inserting, immediately before the word “Registrar” in line five, the word “Principal”. Section 526
amended.

77. Section 678 of the Code is amended by inserting, immediately before the word “Registrar” in line four of the penultimate paragraph, the word “Principal”. Section 678
amended.

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Section 686
amended.

78. Section 686 of the Code is amended by deleting the words "the Master", in line eight, and inserting in lieu thereof the words "a Registrar".

Section 687
amended.

79. Section 687 of the Code is amended by inserting, immediately before the word "Registrar" in line one of subsection (5), the word "Principal".
