

Fao

Sachs 2/19

1. Phone the Times man (what's his name)
2. Ask Eric if he can be present in case necessary to interview him in afternoon
3. Look at ~~the~~ Nyanga ~~logs~~ law.

a. Nyanga business - clear enough

only business with my 3

is one:

① go over Nyanga statement (^{original} offer to pay admission)

② go over with R other statement

③ Heats

④ how borrowed

⑤ desire to protect from publicity

mention care of Benches

of previous gun method →
admits facts re gun fatal —
X was borrowed

Query — question of
self-narration question re
by old health policy

Section 7(2) indicates power given to police to
order production of the license - this not done.

We fall under 35(g)

36
§ (i) deals with ex parte



~~Sept 1st~~

Polknight & I must get a receipt for it. He
didn't think more than a receipt was
necessary, because he had all the.

He said he would write it to Mr. Segal
Mr. Segal the care of my office & I
let it to him.
I will send a document. A receipt will
be signed with receipt because.

See: section 2 of the Interpretation Act, 33 of 1957;

R. v. Kirsten and Others (1959 4) SA 105
and authorities quoted therein;

Rustenburg Platinum Mines Ltd. v. Molotlegi 1954 (3)
SA 871 (A)

at pp. 875 and 879.

3). Further, the said Regulations were passed in terms of section 38 (3) (1) of

1). Not charged - ~~don't~~ apply. Diffic. re charging, rules.

Alternatively, if competent to charge -
set up defence - a) regs. - provide ~~otherwise~~

- ~~clearly implied~~ in terms of regs. - not
unlawful

alt.
b). superis. permission is
given by law in advance - lawful instr.

R. v. Segal

I. 1. "save as is provided in this Act or any other law:"

2. "Provided in this Act" - see 38 (3) (d).
Urban loc. authority may make regs. for the prohibition or regulation of the entry into or sojourn in a location, native village or native hotel of any person not resident therein and the summary ejection from any location, native village or native hotel of any person whose sojourn therein is unlawful."

3. Sec. 39: Bodies may be designated as an urban local authority for purposes of the Act.

4). Regulations for location in area of jurisdiction -
P.N. 445 of 1958 - 11th July 1958.
In pursuance of above powers.
Sec. 11 deals with Visitors' permits.

(?) 11(1) - anyone - must get permit.
11(2) - found without, may be kicked out.
Read with penalty sec. 37 & 1 (F.P.)

Doesn't say: No one may enter sans permit.

But: if you enter without one, you are liable to be ordered to move on pain of ~~conviction~~ committing an offence.

5). 9.(9)(b). means that: if another law
2 ways - to look: when Council passed - aware
of Act - chose to legislate - if felt - mere
city can't - offence - would have left.
add - use in its area such

R. v. Dethley 1926 AD 195. 201.

Markes v. P. E. T. Co. 1939 EDL 35.

p. 38 bottom, 39.

"any other law" - "mean briefly 'enacted' or 'statutory' law."

R. v. Kirsten & Others 1959 (1) SA 105.

"any other law" - Motor Barrier Transportation.
Includes by-laws. Quotes cases.
p. 108 et seq.

R. v. Conway 1943 EDL 214 at 215.

- Sdumbu v. Benoni Munic. 1923 TPD 289.

- Jhbq. City Council v. Makaya 1945 AD 252. ✓

but see Galant v. du Toit 1946 CPD 247. ✓
Context - any other law - same kind of law.

'45 AD. 255 - second last para.

"and (save as specially provided by this Act or any other law) in no other or more severe manner." Common sense: munic. by-law properly promulgated, would fall within the words "any other law."

'23 TPD - like Makaya's case.

511 AD. 412.

1918 TPD 149.

'54 (3) - Bez.

57 (4).

could control situation - Super. power to eject, penalize failure to obey. Only re. entry, not entry which Council felt should be penalized.

This can be regarded in 2 lights:

- a). Council gives permission in advance by regulation or
- b). Another law provides for situation.

"Any other law":

1). "Law" - defined - Interpretation Act 33/57.

(vi) "law" - means ^{any} law, proclamation, ordinance, Act of Parliament or other enactment having the force of law.

(but see Sec. 1 - "application of Act".)

A regulation properly passed is a law or enactment with the force of law.

for comment on definition - see:

Rustenburg Platinum Mines Ltd. v. Holotlegi 1954(3) SA 871 (A).

Bentley: p. 875 ÷ B-C.

Schwartz p. 879: C-D. I doubt whether this means anything more than that when the word "law" is used as referring to enactments it is used in a wide sense to cover all kinds of enactments having the force of law, including those enumerated.

[omitted]

2). "Performance of functions under any law" - abundant - only to officials whose functions are directly laid down by Act of Parle., must include those whose functions are derived from regulation (apply - employees of stat. bodies other than vol. bor. auth.?)

1948(4) 266 & 755,

1947(4) 325 & 755

1911 E.D.L. 146

1958(1) 676 (A.D.)

- irregularly - different medical law precedents.

P. 226 B.D. Rule 62: the Rule is used in General Cases

P. 785 Rule 61. No need to give written judgment

B.D.

Conduct must have been just & prudent
that that is not more than necessary, we
resort only if the change is either an irregularity
in proceedings

Reversement, General Cases

1947(4) 143, 156

1951(1) P. H. H. 56 (M.)

Due to some reason in former precedent
the reason becomes reason
to judgment

HB/JJ.

22nd October, 1959.

The Clerk of the Criminal Court,
Magistrate's Court,
WYNBERG.

Dear Sir,

re: REGINA VERSUS RONALD MICHAEL SEGAL: APPEAL
CASE NO. B.2601/59.

We refer to the document which we received from you signed by the Additional Magistrate, Mr. J. J. Slabbert, dated the 22nd ultimo and certified by you on the 7th instant, in which the Honourable Additional Magistrate apparently declines to deal with the additional and amended grounds of appeal.

We enclose:-

1. An affidavit made by our Mr. Himan Bernadt dated the 22nd inst. to which is annexed:-
 - (a) the judgment typed out by Mrs. Anna Marianne Perkins, marked "A".
 - (b) The original Affidavit made by Mr. Terry Mc Comb-Herbst dated the 17th August, 1959 to which is annexed a copy of the Cape Times, page 7, dated 5th August, 1959.
2. Affidavit made by Mrs. A. M. Perkins dated the 22nd instant certifying the judgment, annexure "A" in paragraph 1 above.

The enclosed documents explain the reasons for the apparent delay in filing the additional and amended grounds of appeal and we shall accordingly be pleased if you will kindly submit the same immediately to the additional Magistrate Mr. J. J. Slabbert with the request that in view thereof he should deal with the amended additional grounds of appeal.

Unfortunately, we were held up in dealing with this aspect earlier due to the illness and untimely death of Mr. Lionel Forman, Counsel in the matter.

We await to hear from you.

Yours faithfully,

FRANK, BERNADT & JOFFE.

per:

H. BERNADT.