

**REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA**

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**No. 31636**

**THE PRESIDENCY**

No. 1261

24 November 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 30 of 2008: Renaming of High Courts Act, 2008.**

**DIE PRESIDENSIE**

No. 1261

24 November 2008

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 30 van 2008: Wet op die Herbenaming van die Hoë Howe, 2008.**

*(English text signed by the President.)  
(Assented to 17 November 2008.)*

# ACT

**To make provision for the renaming of the High Courts of the Republic; and to provide for matters connected therewith.**

## PREAMBLE

**WHEREAS** item 16(6)(a) of Schedule 6 to the Constitution of the Republic of South Africa, 1996, provides that as soon as practical after the new Constitution took effect, all courts, including their structure, composition, functioning and jurisdiction, and all relevant legislation, must be rationalised with a view to establishing a judicial system suited to the requirements of the new Constitution;

**AND WHEREAS** item 16(4)(a) of Schedule 6 to the Constitution provides that a provincial or local division of the Supreme Court of South Africa or a supreme court of a homeland or a general division of such a court, becomes a High Court under the new Constitution without any alteration in its area of jurisdiction, subject to any rationalisation contemplated in item 16(6) of Schedule 6 to the Constitution;

**AND WHEREAS** the rationalisation process envisaged in item 16(6) of Schedule 6 to the Constitution is a comprehensive and ongoing process and is to be based on a policy framework which is still being finalised in conjunction with all relevant role-players;

**AND WHEREAS** the enactment and implementation of legislation emanating from this policy framework will require more time before the rationalisation process is brought to its conclusion;

**AND WHEREAS** it is undesirable to retain and use the names of certain High Courts, some of which still reflect their apartheid origins;

**AND WHEREAS** there may be uncertainty as to the names of the High Courts, it is necessary to facilitate certainty and uniformity as to the names of all High Courts,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

### Change of names of High Courts

**1.** Notwithstanding the provisions of the Supreme Court Act, 1959 (Act No. 59 of 1959), or any other law, but subject to an Act of Parliament giving effect to the rationalisation contemplated in item 16(6)(a) of Schedule 6 to the Constitution, the High Courts seated in the places mentioned in the first column of the table hereunder, shall be known by the names set out in the second column of the said table: 5

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 17 November 2008.)*

# WET

**Om vir die herbenaming van die Hoë Howe van die Republiek voorsiening te maak; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

## AANHEF

**AANGESIEN** item 16(6)(a) van Bylae 6 by die Grondwet van die Republiek van Suid-Afrika, 1996, voorsiening maak dat alle howe, met inbegrip van hulle struktuur, samestelling, funksionering en jurisdiksie, en alle tersaaklike wetgewing, sodra dit doenlik is nadat die nuwe Grondwet in werking getree het, gerasionaliseer moet word met die oog daarop om 'n regstelsel in te stel wat aan die voorskrifte van die nuwe Grondwet voldoen:

**EN AANGESIEN** item 16(4)(a) van Bylae 6 by die Grondwet daarvoor voorsiening maak dat 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of 'n hooggeregshof van 'n tuisland of 'n algemene afdeling van so 'n hof, 'n Hoë Hof kragtens die nuwe Grondwet word, sonder verandering van sy regsgebied, behoudens enige rasionalisering in item 16(6) van Bylae 6 by die Grondwet beoog:

**EN AANGESIEN** die rasionaliseringsproses in item 16(6) van Bylae 6 by die Grondwet beoog 'n omvattende en voortdurende proses is en op 'n beleidsraamwerk geskoei moet word, wat nog in samewerking met alle tersaaklike rolspelers in die proses is om gefinaliseer te word:

**EN AANGESIEN** die verordening en implementering van wetgewing wat uit hierdie beleidsraamwerk voortvloei, meer tyd sal verg alvorens die rasionaliseringsproses voltooi word:

**EN AANGESIEN** dit onwenslik is om die name van sekere Hoë Howe te behou en te gebruik, waarvan sommige nog steeds hul apartheidsoorsprong weerspieël:

**ENAANGESIEN** daar onsekerheid mag wees rakende die name van die Hoë Howe, dit nodig is om sekerheid en eenvormigheid met betrekking tot die name van alle Hoë Howe te bevorder.

**W**ORD DAAR DERHALWE BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Verandering van name van Hoë Howe

**1.** Ondanks die bepalings van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), of enige ander wet, maar behoudens 'n Parlements wet wat uitvoering gee aan die rasionalisering in item 16(6)(a) van Bylae 6 by die Grondwet beoog, staan die Hoë Howe, gesetel op die plekke in die eerste kolom van die tabel hieronder vermeld, bekend onder die name in die tweede kolom van vermeldde tabel uiteengesit:

**TABLE**

<b>SEAT OF HIGH COURT</b>	<b>NAME OF HIGH COURT</b>	
Bhisho	Eastern Cape High Court, Bhisho	
Bloemfontein	Free State High Court, Bloemfontein	5
Cape Town	Western Cape High Court, Cape Town	
Durban	KwaZulu-Natal High Court, Durban	
Grahamstown	Eastern Cape High Court, Grahamstown	
Johannesburg	South Gauteng High Court, Johannesburg	
Kimberley	Northern Cape High Court, Kimberley	10
Mafikeng	North West High Court, Mafikeng	
Mthatha	Eastern Cape High Court, Mthatha	
Pietermaritzburg	KwaZulu-Natal High Court, Pietermaritzburg	
Port Elizabeth	Eastern Cape High Court, Port Elizabeth	
Pretoria	North Gauteng High Court, Pretoria	15
Thohoyandou	Limpopo High Court, Thohoyandou	

**Short title and commencement**

2. This Act is called the Renaming of High Courts Act, 2008, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

## TABEL

SETEL VAN HOË HOF	NAAM VAN HOË HOF	
Bhisho	Oos-Kaap Hoë Hof, Bhisho	
Bloemfontein	Vrystaat Hoë Hof, Bloemfontein	5
Kaapstad	Wes-Kaap Hoë Hof, Kaapstad	
Durban	KwaZulu-Natal Hoë Hof, Durban	
Grahamstad	Oos-Kaap Hoë Hof, Grahamstad	
Johannesburg	Suid Gauteng Hoë Hof, Johannesburg	
Kimberley	Noord-Kaap Hoë Hof, Kimberley	10
Mafikeng	Noordwes Hoë Hof, Mafikeng	
Mthatha	Oos-Kaap Hoë Hof, Mthatha	
Pietermaritzburg	KwaZulu-Natal Hoë Hof, Pietermaritzburg	
Port Elizabeth	Oos-Kaap Hoë Hof, Port Elizabeth	
Pretoria	Noord Gauteng Hoë Hof, Pretoria	15
Thohoyandou	Limpopo Hoë Hof, Thohoyandou	

**Kort titel en inwerkingtreding**

2. Hierdie Wet heet die Wet op die Herbenaming van die Hoë Howe, 2008, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.