

# VEXATIOUS PROCEEDINGS ACT 3 OF 1956

*(Afrikaans text signed by the Governor-General)*

**as amended by**

Justice Laws Rationalisation Act 18 of 1996

General Law Amendment Act 49 of 1996

## ACT

**To provide for the imposition of restrictions on the institution of vexatious legal proceedings**

### 1 Definitions

In this Act, unless the context otherwise indicates-

**'court'** means any provincial or local division of the Supreme Court of South Africa;

[Definition of 'court' amended by s. 1 of Act 49 of 1996 .]

**'State Attorney'** means the officer appointed under paragraph (a) of subsection (1) of section two of the State Attorney Act, 1957 (Act 56 of 1957).

[Definition of 'State Attorney' substituted by s. 4 of Act 18 of 1996 .]

### 2 Powers of court to impose restrictions on the institution of vexatious legal proceedings

(1) (a) If, on an application made by the State Attorney or any person acting under his written authority, the court is satisfied that any person has persistently and without any reasonable ground instituted legal proceedings in any court or in any inferior court, whether against the same person or against different persons, the court may, after hearing the person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of that court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

(b) If, on an application made by any person against whom legal proceedings have been instituted by any other person or who has reason to believe that the institution of legal

proceedings against him is contemplated by any other person, the court is satisfied that the said person has persistently and without any reasonable ground instituted legal proceedings in any court or in any inferior court, whether against the same person or against different persons, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of the court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

(c) An order under paragraph (a) or (b) may be issued for an indefinite period or for such period as the court may determine, and the court may at any time, on good cause shown, rescind or vary any order so issued.

(2) Any proceedings under subsection (1) shall be deemed to be civil proceedings within the meaning of paragraph (c) of section *three* of the Appellate Division Further Jurisdiction Act, 1911 (Act 1 of 1911).

(3) The registrar of the court in which an order under subsection (1) is made, shall cause a copy thereof to be published as soon as possible in the *Gazette*.

[Sub-s. (3) amended by s. 1 of Act 49 of 1996 .]

(4) Any person against whom an order has been made under subsection (1) who institutes any legal proceedings against any person in any court or any inferior court without the leave of that court or a judge thereof or that inferior court, shall be guilty of contempt of court and be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

**3** .....

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

#### **4 Short title**

This Act shall be called the Vexatious Proceedings Act, 1956.