

Lincoln's Inn
Library



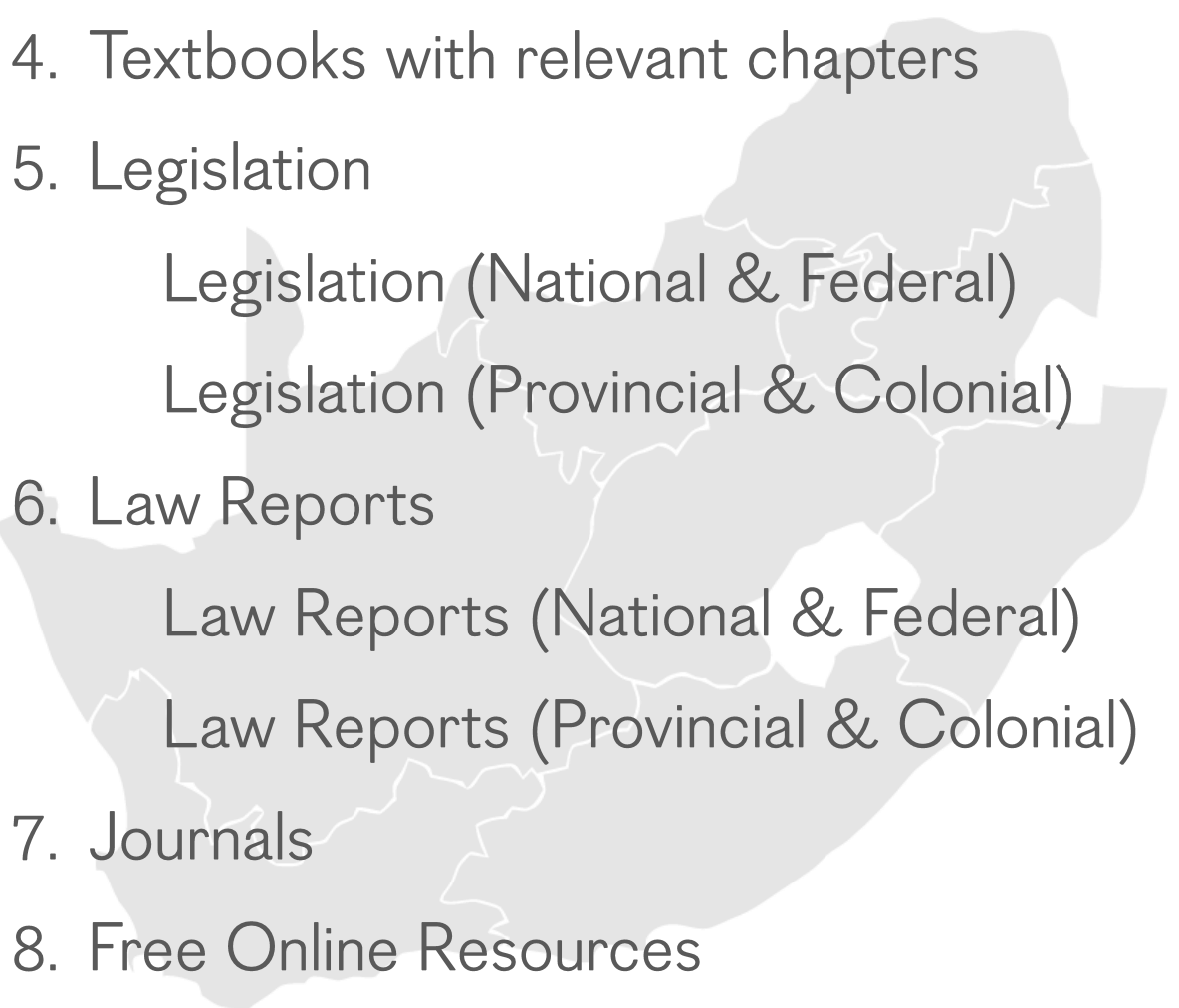
South Africa

Guide to resources at Lincoln's Inn Library



September 2021

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Introduction

This guide covers selected legal materials held by Lincoln's Inn Library for South Africa. The guide includes legislation, case law and commentary, as well as online sources.

Lincoln's Inn Library holds many sources, including historic legislation and old editions of textbooks, which are not covered in this guide. For a comprehensive list of the materials held by Lincoln's Inn Library, search the online catalogue available at: www.lincolnsinnlibrary.org.uk

There are free guides to the law of South Africa available online, including:

Bodleian Library

https://libguides.bodleian.ox.ac.uk/law-s_africa

GlobalLex

https://www.nyulawglobal.org/globalex/South_Africa.html

Institute of Advanced Legal Studies (IALS)

<https://libguides.ials.sas.ac.uk/southafrica>

Library of Congress

<https://www.loc.gov/item/guide-to-law-online/south-africa/>

Introduction

South African sources of law - both legislation and case law - reflect its unitary government system. Although some minor legislation is provincial, all case law and almost all legislation is national.

However, the complex colonial history of South Africa means that sources of law prior to the constitutions of 1994 and 1996 relate to different legal systems, which operated within a variety of changing political entities and geographical boundaries. These changing political entities included both federal states as well as particular colonies and provinces.

South Africa only became an independent republic in 1960, although the Apartheid regime and its associated legislature lasted up to the constitution of 1994. The current Republic of South Africa was in large part preceded by the **Union of South Africa** from 1910-1960. This was made up of the Cape, Natal, Transvaal, and Orange River colonies, and at one time included the administration of South West Africa (now part of Namibia.)

Sources for the Union of South Africa are included in this guide in the sections on federal legislation and law reports. However, provincial sources from within the Union (provinces basically continued from the old colonies) are located in the provincial & colonial legislation and law report sections of this guide.

Introduction

Colonial and Provincial Sources of Law

Prior to 1910, the current boundaries of South Africa were divided into British and Dutch colonies and states, which each had their own judicial systems. Many states were small and short-lived - appearing and then being merged with larger ones, or annexed to other colonies.

Many colonies and states underwent changes in administration, and their names changed accordingly. For example, Dutch Cape Colony became Cape Colony (and back again twice), and was also known as the Cape of Good Hope, and later Cape Province in the Union of South Africa. Some states had periods of self-government, especially those that were Boer - such as the South African Republic [ZAR] 1854-1902 (which was subsequently Transvaal Colony).

Lincoln's Inn Library holds sources of law for some of these various entities. These are included in this guide, under 'provincial & colonial' legislation and law reports. Where a state or colony has a name change, but the basic entity remains the same, all sources are included in the same category— e.g. Cape Colony, Cape Province, and Eastern/Western Cape are all included under 'Cape of Good Hope.'

Where a state or colony is not included in this guide, it is probable that no material for that colony is held by the Library, but check the catalogue just in case.

For a detailed overview of the legal history of South Africa, visit one of the free online legal research guides at the beginning of this introduction.

Catalogue Guide

Most South African material is located in the Commonwealth section of the Cellar. It can be identified with a shelf mark such as this:

COMMONWEALTH - SOUTH AFRICA - TEXTBOOKS

This guide includes only a selection of the South African material held by Lincoln's Inn Library, but the online catalogue includes virtually all of the Library's holdings. The catalogue is freely available outside the Library here: www.lincolnsinnlibrary.org.uk

Search

words or phrase ▾	<input type="text"/>	And ▾
author ▾	<input type="text"/>	And ▾
title ▾	<input type="text"/>	And ▾
subject ▾	<input type="text"/>	And ▾
series ▾	<input type="text"/>	And ▾
periodical title ▾	<input type="text"/>	

Search **Reset**

type:	ANY ▾
location:	ANY ▾
Collection:	ANY ▾
match on:	Keywords ▾
pubyear:	<input type="text"/>
sort by:	New to Old ▾

The catalogue provides a selection of search fields that can be used in combination to identify and locate potentially relevant material.

Tips for using these fields to find South African material follow.

Catalogue Guide

Textbooks

The catalogue record for textbooks primarily about South African law should include *South Africa* as a subject, so include this term in the *subject* field.

To search for the latest editions of textbooks, change the *type* field to *Latest edition held*. To search for old editions of textbooks, change the *type* field to *Old edition*.

Legislation

The author of legislation will be the relevant jurisdiction, so include *South Africa* in the *author* search field, or the name of the province if searching for provincial or colonial legislation e.g. *Natal*.

Change the *type* field to *Legislation*.

Law Reports & Journals

The catalogue record for South African serials (Law Reports & Journals) should include *South Africa* as a subject, so include this term in the *subject* field.

Change the *type* field to *Journals* or *Law reports* as required, or search for a specific title in the *periodical title* field.

Online Resources

A URL link will be available on catalogue records for South African material available on LexisLibrary. Include *LexisLibrary* in the *words or phrases* search field to identify these titles.

N.B. Not all titles available on LexisLibrary will be included on the catalogue.

Textbooks

Lincoln's Inn Library holds very few recent textbooks solely on South African law in hard copy, although more general works with relevant chapters are held (see next page). The following are held in hard copy:

Honore, Anthony M 6th ed. / by Edwin Cameron, Marcus De Waal, Peter Solomon

Honore's South African law of trusts
2018

Corbett, M. M 2nd ed. / by M.M. Corbett, Gys Hofmeyr and Ellison Kahn

The law of succession in South Africa
2001

The Library does hold many old editions and historical textbooks, which can be found on the catalogue.

Some additional commentary sources can be accessed at Inner Temple Library, who hold a substantial collection of textbooks on South African Law. The catalogue can be searched here:

www.innertemplelibrary.org.uk/

Textbooks with relevant chapters

The following textbooks have relevant sections on the law of South Africa:

Egbewole, Wahab O

Judicial independence in Africa / edited by Wahab O. Egbewole

2018

Encyclopedia of International Commercial Litigation / general editor: Sir Anthony Colman

1993 onwards

Faber, Dennis

Treatment of contracts in insolvency / edited by Dennis Faber ... [et al.]

2013

Gledhill, Kris

Human rights acts : the mechanisms compared

2015

Textbooks with relevant chapters

Ho, Look Chan 4th ed.

Cross-border insolvency : a commentary on the UNCITRAL model law / general editor Look Chan Ho

2017

Moran, Andrew J

Commercial litigation in Anglophone Africa : the law relating to civil jurisdiction, enforcement of foreign judgments and interim remedies

2018

Rosenberg, Kim

Dealing with delay and disruption

2020



Legislation (National & Federal)

The Library holds the following in hard copy:

Main Series

Juta's Statutes of South Africa
1998 - 2003; 2004/2005 onwards

Constitution of the Republic of South Africa
1996

Statutes of the Union of South Africa
1910-1967

Consolidations

Revised Acts (*selected Acts reprinted as amended*)
1912 - 1978

Statutes of the Republic of South Africa (*organised by subject*)
1910 - 1993

Commentary & finding aids

Butterworths guide to the Statutes of South Africa
1910 onwards

Is it in Force?
1981-1996

Legislation (Provincial & Colonial)

British Kaffraria

Laws and regulations of British Kaffraria
1847-1866

Cape of Good Hope

(includes Cape Colony, Cape Province, Eastern Cape and Western Cape)

Acts
1864 - 1910

Ordinances
1911 - 1986

Ordinances of the Province of the Cape of Good Hope
1963 onwards

Eastern Cape Provincial Legislation
1994 Onwards

Western Cape Provincial legislation
1994 onwards

Consolidations

Ordinances of the Province of the Cape of Good Hope in
operation on 1st January 1938 / T.G. Duncan and C. Wyndham
1911-1937

Legislation (Provincial & Colonial)

Cape of Good Hope (*Consolidations, cont.*)

Chronological Table and Index of the statute law of the colony of the Cape of Good Hope 1714-1883 / Hercules Tennant
1714-1883

Statutes of the Cape of Good Hope [in force 1862]

Statutes of the Cape of Good Hope, 1652-1895

Statutes of the Cape of Good Hope passed ... during the sessions 1854-1858

Statutes of the Cape of Good Hope [1854-1863]
Vol. 1 (1854/1858) - vol. 2 (1858/1863)

Cape of Good Hope government proclamations ... and ordinances passed in council 1806-1853 / Walter Harding

Griqualand West

Griqualand West Ordinances
1876-1880

Statute law of the territory of Griqualand West...enacted before [18th July, 1873] and still wholly or in part in force
1875

Legislation (Provincial & Colonial)

Natal

(includes Natal Province)

Laws
1857 - 1893

Laws
1884 - 1910

Acts
1894 - 1910

Ordinances of the province of Natal
1911 - 1930

Ordinances
1931 onwards

Ordinances, Laws and Proclamations
1843 - 1889

Consolidations

Ordinances, Proclamations etc relating to the colony of Natal
1836 - 1855

Statutes of Natal
1845 - 1899

Rules of the Supreme and circuit courts of the colony of Natal /
compiled by J.J. Hillier
1906

Legislation (Provincial & Colonial)

Orange River Colony & Orange Free State

(includes Orange Free State and Orange River Provinces)

Ordinances (Orange River Colony)

1902 - 1907

Ordinances (Orange Free State)

1911 onwards

Statutes of the Orange River Colony

1907-1910

Consolidations

Ordonnantie-Boek van den Oranjevrijstaat ... 1854-1880

The Statute Law of the Orange River Colony : [revised translation of Acts]

1892 - 1899

Proclamations issued in the Orange River Colony from the date of annexation [1901] to the promulgation of the Constitution on the 23rd June 1902

Statute Law of the Orange River Colony [in force 1906] / P.L. Lefebvre and Bedver B.L. Jackson

Legislation (Provincial & Colonial)

Transvaal *(see also South African Republic)*

Ordinances
1902 – 1984

Consolidations

Administrative Proclamations of the Transvaal, 1902-1908
1909

Administrative Proclamations of the Transvaal, 1902-1903
1904

Statutory Proclamations of the Transvaal 1900-1902
1904

Transvaal Colony Proclamations 1900-1902
1902

Consolidated Ordinances of the Transvaal (1920 to 1923)

Laws of the Transvaal up to 1899

Statute law of the Transvaal [in force 1900]

South African Republic *(see also Transvaal)*

The Constitution ("Grondwet") of the South African Republic / an English translation by F.H. Papenfus
1899

Law Reports (National & Federal)

The Library holds the following series in hard copy:

South African law reports

1947 onwards

South African law reports. Appellate Division

1910 - 1946

South African Tax Cases

Vol. 1 (1918/1925) - vol. 60 (1998)

Citators and Indexes

Butterworths' consolidated index and noter-up to the South African law reports

1947/1972; 1973/1979

Digest of South African case law / edited by Percival Frere-Smith and Graeme Duncan

1934 - 1945

Juta's index and annotations to the South African law reports :
1947-2008.

Noter-ups: 2009 - 2013; 2014 - 2018

Law Reports (Provincial & Colonial)

Cape of Good Hope

includes Cape Colony and Cape Province

Buchanan's Appeal Court Reports

Vol. 1 (1880/1884) - vol. 3 (1906/1909)

Buchanan's Supreme Court Reports

1868 - 1870; 1873 - 1879

Cape of Good Hope law reports. Eastern Districts' Court

1906 - 1910

Cape Times law reports

Vol. 1 (1891) - vol. 20 (1910)

Cases Decided in the Supreme Court of the Cape of Good Hope

Vol. 1 (1880/1882) - vol. 27 (1910)

Digest of Reported Cases in the Courts of the Cape of Good Hope from 1850 [to 1887] / compiled by M.W. Searle

1850/1887

Law Reports (Provincial & Colonial)

Cape of Good Hope *(cont.)*

Eastern District Court reports. Cape of Good Hope
Vol. 1 (1880/1881) - vol. 19 (1905)

Foord's Supreme Court Reports
Jan. 1880 - Aug. 1880

Juta's cases decided in the Court of Appeal of the Cape of Good Hope
Oct. 1909 - May 1910

Juta's Supreme Court reports. Cape Provincial Division
Vol. 1 (June/Dec. 1910)

Menzies' Reports
1828/1849

Roscoe's reports of the Supreme Court
Vol. 1 (1861/1867); vol. 2 (1871/1872); vol. 3 (1877/1878)

Searle's Supreme Court Reports
Vol. 1 (1850/1852) - vol. 5 (1864/1862)

Watermeyer's Supreme Court reports
1857

Law Reports (Provincial & Colonial)

Griqualand West

Griqualand West reports / by S.B. Kitchin
1910/1917

Griqualand West High Court reports
Vol. 1 (1882/1883) - vol. 10 (1905/1910)

South African law reports. Griqualand West Local Division
1918 – 1946

Natal

Natal law reports
Vol. 1 (1879) - vol. 50 (1929); 1930 – 1932

The South African law reports. Natal Provincial Division
1933 - 1946

Law Reports (Provincial & Colonial)

Orange River

(includes Orange Free State and Orange Free State Province)

Orange River Colony law reports

1903 - 1909

The South African law reports. Orange Free State Provincial
Division

1910 - 1946

South African Republic *(see also: Transvaal)*

Cases decided in the High Court of the South African Republic
1893

Official reports of the High Court of the South African Republic
Vol. 1 (1894) - vol. 6 (1899)

Reports of Cases decided in the Supreme Court of the South
African Republic

Vol. 1 (1881/1884) - vol. 4 (1891/1892)

Law Reports (Provincial & Colonial)

South West Africa

South African law reports. South-West Africa
1920/1945

Transvaal *(see also South African Republic and Witwatersrand)*

Cases Decided in the High Court of the Transvaal province
July 1877 - June 1881

South African law reports. Transvaal Provincial Division
1910 - 1946

Transvaal law reports. Supreme Court
1902 - 1910

Transvaal law reports. Witwatersrand High Court
1902 - 1909

Witwatersrand *(see also: Transvaal)*

South African law reports. Witwatersrand Local Division
1910 - 1946

Journals

The Library holds the following in hard copy:

Yearbook of South African law
2019/2020 onwards

Annual Survey of South African law
1948 - 2017

South African Law Journal
Vol. 45 (1928) onwards

The Library also has access to some South African journals via HeinOnline. This is a small selection - check the database for a full list.

South African Journal of Criminal Justice
Vol. 1 (1998) - vol. 31 (2018)

South African Journal on Human Rights
Vol. 1 (1985) - vol. 31 (2015)

South African Mercantile Law Journal
Vol. 1 (1989) - vol. 30 (2018)

Free Online Resources

Lincoln's Inn Library does not have any South African material on their subscription databases, apart from the HeinOnline journals (see previous page.) However, many free online resources are available.

Inner Temple Library have created and maintain AccessToLaw, a gateway site providing annotated links to selected UK, Commonwealth and worldwide free legal web sites. A selection of these are provided below, but for more free online legal resources visit:

<https://www.accesstolaw.com/commonwealth/south-africa/>

SAFLII

The South Africa portal on the Southern African Legal Information Institute website provides free South African case law from all the major South African courts. Current and historic legislation is also available, and links to Law Reform Commission publications.

<http://www.saflii.org/>

LegalB

This database gives information on South African national legislation, 1994 to date. Each Act has an overview, list of sections, details of amendments, and links to the text. There are lists of Acts by topic, and for the period 1910 to 1994 as well as general background info for research in South African law.

<https://www.legalb.co.za/>

South African Government

The "Documents" section of South Africa's official government website includes the 1996 Constitution, Acts, Bills, White Papers and Green Papers. There is also information on South Africa's courts and justice system.

<https://www.gov.za/>

Other Libraries with South African Legal Materials

Inner Temple Library

Responsibility for the various Commonwealth jurisdictions is divided between Inner Temple and Lincoln's Inn Libraries.

Lincoln's Inn Library is the Inn library with primary responsibility for South African legal materials, but Inner Temple Library also hold a substantial collection.

www.innertemplelibrary.org.uk

Institute of Advanced Legal Studies

The Institute of Advanced Legal Studies (IALS) Library has an extensive collection of South African legal materials.

<http://libguides.ials.sas.ac.uk/australia>

FLAG Foreign Law Guide

The FLAG database provides a gateway to foreign, international and comparative law collections held within UK university and national libraries, and within major practitioners' law libraries. The database is searchable in several ways and includes descriptions of each collection and links to the web catalogues of contributing libraries.

<http://ials.sas.ac.uk/library/flag/flag.htm>



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 instagram.com/lincolns_inn_library/