

See 21

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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No. 34, 1955.]

ACT

To regulate the departure of persons from the Union and to provide for matters incidental thereto.

*(Afrikaans text signed by the Governor-General.)
(Assented to 8th June, 1955.)*

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

“passport” means any passport, tourist passport or other travel document issued—

(a) by or under the authority of the Government of the Union;

(b) by or under the authority of the Government of any country or territory to a person who is a national of the country or territory concerned and not also a South African citizen; or

(c) by any international organization to a person who is not a South African citizen;

“permit” means a permit issued under section five and which has not lapsed or been withdrawn in terms of that section;

“Union” includes the territory of South-West Africa.

Departure from the Union without passport or permit prohibited.

2. No person over the age of sixteen years shall leave the Union for the purpose of proceeding to any place outside the Union other than a place in the territory of Basutoland, Bechuanaland or Swaziland, unless he is, at the time when he leaves the Union, in possession of a valid passport or a permit.

Conveyance from the Union of persons not in possession of passport or permit prohibited.

3. No person shall convey from any place in the Union to any place outside the Union, other than a place in the territory of Basutoland, Bechuanaland or Swaziland, any person over the age of sixteen years who is not in possession of a valid passport or a permit.

Assisting persons to leave Union without passport or permit prohibited.

4. No person shall in any manner whatsoever assist any other person over the age of sixteen years to leave the Union for the purpose of proceeding to any place outside the Union other than a place in the territory of Basutoland, Bechuanaland or Swaziland, unless such other person is in possession of a valid passport or a permit.

Permit to leave the Union.

5. (1) The Secretary for the Interior or any person authorized thereto by the said Secretary, may issue to any person over the age of sixteen years who applies therefor in the form prescribed by the said Secretary and who pays the fee prescribed therefor, a permit to leave the Union: Provided that the said Secretary or any person authorized by him as aforesaid shall issue such a permit to any person who satisfies him that he intends to leave the Union permanently.

(2) Any person whose application for a permit under subsection (1) is refused by the said Secretary or any person authorized by him as aforesaid, may, within one month after being notified of such refusal, appeal in writing against such refusal to the Minister of the Interior.

(3) The said Minister may confirm the refusal of the said Secretary or other authorized person or may direct that a permit to leave the Union be issued to the applicant.

(4) A permit under this section may be issued for such period of not exceeding five years as the said Secretary may in each case determine, and any permit so issued shall lapse on the expiration of the period for which it has been issued.

(5) The said Minister may at any time by written notice to the holder thereof withdraw any permit issued to him under this section, and may in such notice call upon such holder to return to the said Minister the said permit within a period specified in the notice.

(6) A permit issued to any person by reason of the fact that he intends to leave the Union permanently, shall be endorsed accordingly.

(7) The said Secretary shall keep or cause to be kept duplicate copies of all permits issued under this section and any such copy shall on its mere production in any prosecution under this Act, be *prima facie* proof of the contents thereof.

(8) (a) The said Minister may from time to time in consultation with the Minister of Finance prescribe by notice in the *Gazette* the fees payable in respect of any permit issued under this section.

(b) The said Minister may prescribe different fees in respect of permits issued for different periods or for permits endorsed in terms of sub-section (6).

Persons to whom permits to leave Union permanently have been issued may not, after having left Union, return thereto.

6. (1) If any person to whom a permit endorsed as provided in sub-section (6) of section *five* has been issued and who has left the Union for the purpose of proceeding to any place outside the Union other than a place in the territory of Basutoland, Bechuanaland or Swaziland, thereafter returns to the Union, he shall for the purposes of section *two* be deemed to have left the Union without a permit or a passport.

(2) If any person referred to in sub-section (1) is convicted of a contravention of section *two*, the Minister of the Interior may, if such person was born elsewhere than in a part of South Africa which has been included in the Union, by warrant under his hand cause him to be removed from the Union, and pending removal, to be arrested and detained in custody in the manner provided for the detention, pending removal from the Union, of persons who are prohibited immigrants within the meaning of the law relating to the regulation of immigration, and thereafter such person shall, for the purposes of such law, be deemed to be a prohibited immigrant.

Presumptions.

7. If in any prosecution for a contravention of section *two* it is proved that the accused left the Union, it shall be presumed, until the contrary is proved, that he left the Union for the purpose of proceeding to a place outside the Union other than a place in the territory of Basutoland, Bechuanaland or Swaziland: Provided that proof that the accused proceeded to a place in the territory of Basutoland, Bechuanaland or Swaziland shall not by itself be proof to the contrary for the purposes of this section, unless it is also proved that the accused did not within twelve months from the date upon which he left the Union, proceed to a place outside the Union other than a place in any such territory.

Penalties.

8. (1) Any person who contravenes any provision of this Act or who fails to comply with a notice under sub-section (5) of section *five*, shall be guilty of an offence and liable on conviction—

(a) in the case of a contravention of section *two*, to imprisonment without the option of a fine, for a period of not less than three months and not exceeding two years;

(b) in the case of a contravention of section *three* or *four*, to a fine not exceeding two thousand pounds or imprisonment for a period not exceeding one year, or to both such fine and such imprisonment;

(c) in the case of a failure to comply with a notice under sub-section (5) of section *five*, to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding six months.

(2) The registrar or clerk of any court convicting any air carrier of a contravention of section *three* shall within fourteen days after such conviction furnish the Secretary for Transport with full particulars relating to such conviction.

(3) It shall in any prosecution for a contravention of the provisions of section *three* or *four*, be a defence if the accused proves that he did not know or had no reason to believe and could not reasonably ascertain that the person whom he is alleged to have conveyed or assisted in contravention of the said provisions, was over the age of sixteen years or not in possession of a valid passport or a permit or that any document in possession of such a person was not a valid passport or a permit.

(4) No prosecution shall be instituted under the provisions of this Act except on the special authority of the Attorney-General.

Exemptions.

- 9. (1) This Act shall not apply to any person who—
 - (a) leaves the Union as a member of the crew of any ship, aircraft or other public vehicle and who was a member of such crew when he last entered the Union and remained a member of such crew while he was in the Union;
 - (b) is a passenger on board any ship calling at a Union port;
 - (c) travels through the Union or any part thereof from and to a place outside the Union.

(2) The Minister of the Interior may from time to time by notice in the *Gazette* exempt from the provisions of this Act any other person or any other class of persons specified in the notice.

Application of Act to South-West Africa.

10. This Act shall apply also in the territory of South-West Africa.

Short title.

11. This Act shall be called the Departure from the Union Regulation Act, 1955.

No. 57, 1955.]

ACT

To amend the Wool Act, 1946, and the Wool Profits Distribution and Wool Amendment Act, 1952.

(English text signed by the Governor-General).
(Assented to 22nd June, 1955.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 1 of Act 19 of 1946, as amended by section 9 of Act 60 of 1952.

1. Section *one* of the Wool Act, 1946 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "regulation" of the following definition:

"'special levy' means the special levy imposed on wool in terms of section *thirty-four ter*;"

Amendment of section 25 of Act 19 of 1946, as amended by section 12 of Act 60 of 1952.

2. Section *twenty-five* of the principal Act is hereby amended—

(a) by the addition to sub-section (1) of the following paragraph:

"(h) co-operate with any person in the performance of any act which it may lawfully perform, appoint as its agent any person, including any regulatory board as defined in section *one* of the Marketing Act, 1937 (Act No. 26 of 1937), or as the agent of the Government of the Union or of such a board perform any act which the board may lawfully perform."; and

(b) by the addition at the end thereof of the following sub-sections:

"(4) A regulatory board which has been appointed as an agent under paragraph (h) of sub-section (1) shall, notwithstanding anything to the contrary contained in any law, be deemed to be duly empowered to act as such an agent in terms of the scheme under which that board has been established.

(5) The board may authorize any person either generally or in any particular case at all reasonable times to enter any warehouse, store or other premises in or upon which there is or is suspected to be any wool, and to inspect and appraise such wool for statistical purposes and to report thereon to the board."

Insertion of section 25bis in Act 19 of 1946.

3. The following section is hereby inserted in the principal Act after section *twenty-five*:

"Prohibition on use of certain substances in marking of wool. 25bis. (1) The Minister may, on the recommendation of the board, by notice in the *Gazette*—

(a) prohibit any person from placing on wool, or any container thereof, any mark other than a mark specified in the notice;

(b) whether or not any prohibition has been imposed under paragraph (a), prohibit any person from—

(i) using in the marking of wool, or any container thereof, any substance (including any substance of a particular class or kind) so specified or any such substance other than a substance so specified; or

(ii) selling or offering or exposing for sale any wool which has been contaminated by any such substance or on the container whereof any mark has been placed by means of any such substance.

(2) Any prohibition under sub-paragraph (i) of paragraph (b) of sub-section (1) shall be construed as a prohibition also on the use of the substance in question in placing any mark on the wool of a sheep before it has been shorn, except in so far as may be otherwise provided in the relevant notice."

Amendment of section 26 of Act 19 of 1946, as amended by section 13 of Act 60 of 1952.

4. Section *twenty-six* of the principal Act is hereby amended—

(a) by the substitution in paragraph (d) of sub-section (1) for the words "South African Woollen Manufacturers' Association" and the words "South African Worsted

Manufacturers' Association" of the words "National Textile Manufacturers' Association" and the words "The South African Worsted Manufacturers Trade Association" respectively; and

- (b) by the substitution in sub-section (2) for the word "two" of the word "three".

Amendment of section 34bis of Act 19 of 1946, as inserted by section 19 of Act 60 of 1952.

5. (1) Section *thirty-four bis* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "three-eighths of a penny" of the words "one half-penny" and by the addition at the end of that sub-section of the words "which levy may, in respect of karakul wool, differ from any such levy in respect of any other wool"; and

- (b) by the addition to sub-section (1) of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) The board may, with the approval of the Minister—
 (i) remit the whole or any portion of such levy payable in respect of wool which has been imported into the Union;
 (ii) refund the whole or any portion of such levy paid in respect of any such wool."

(2) Sub-paragraph (ii) of paragraph (b) of sub-section (1) of section *thirty-four bis* of the principal Act, as inserted by paragraph (b) of sub-section (1) of this section, shall be deemed to have come into operation on the first day of July, 1954.

Insertion of section 34ter of Act 19 of 1946.

6. The following section is hereby inserted in the principal Act after section *thirty-four bis*:

"Imposition of special levy on wool.

34ter. (1) The board may from time to time, with the approval of the Minister, impose a special levy not exceeding one halfpenny per pound, which shall be payable to the board by such persons, in such manner and at such times as may be prescribed, on all wool produced, sold or processed in or exported from the Union which levy may, in respect of karakul wool, differ from any such levy in respect of any other wool.

(2) The provisions of sub-paragraph (i) of paragraph (b) of sub-section (1) and sub-sections (2), (3) and (4) of section *thirty-four bis* shall *mutatis mutandis* apply in connection with any special levy imposed under sub-section (1) of this section."

Insertion of section 35bis in Act 19 of 1946.

7. The following section is hereby inserted in the principal Act after section *thirty-five*:

"Wool Stabilization Fund.

35bis. (1) The board shall establish a fund to be known as the Wool Stabilization Fund to the credit of which shall be placed—

- (a) all moneys in the Wool Levy Fund established under section *nineteen* and any interest accrued from the investment of such moneys;
 (b) all moneys paid to the board in respect of any special levy imposed under section *thirty-four ter*; and
 (c) all moneys referred to in sub-section (3) of section *seven* of the Wool Profits Distribution and Wool Amendment Act, 1952.

(2) The moneys in the said fund may with the approval of the Minister be used by the board for any purpose which in his opinion will promote stability in the wool industry."

Amendment of section 38bis of Act 19 of 1946, as inserted by section 22 of Act 60 of 1952.

8. Section *thirty-eight bis* of the principal Act is hereby amended by the insertion after the words "section *thirty-four bis*" of the words "or a special levy imposed in terms of section *thirty-four ter*."

Amendment of section 39 of Act 19 of 1946, as amended by section 23 of Act 60 of 1952.

9. Section *thirty-nine* of the principal Act is hereby amended by the insertion in paragraphs (b), (c) and (f) of sub-section (1) after the word "levy" of the words "or special levy".

Amendment of section 40 of Act 19 of 1946, as amended by section 24 of Act 60 of 1952.

10. Section *forty* of the principal Act is hereby amended—
- (a) by the insertion in paragraph (a) and in paragraph (b) of sub-section (1) and in sub-section (2) after the word "levy" of the words "or special levy"; and
 - (b) by the addition at the end of paragraph (i) of sub-section (1) of the word "or", and the insertion after that paragraph of the following paragraph:
 "(j) contravenes any prohibition imposed under section *twenty-five bis*,".

Amendment of section 2 of Act 60 of 1952.

11. Section *two* of the Wool Profits Distribution and Wool Amendment Act, 1952, is hereby amended by the substitution in sub-section (4) for all the words after the word "jurisdiction" of the words "or, in the case of a producer who was a native and who has died without leaving a valid will, the native commissioner, or, where there is no native commissioner, the magistrate of the district in which the deceased ordinarily resided and in accordance with the directions of the said Master, native commissioner or magistrate, as the case may be".

Amendment of section 7 of Act 60 of 1952.

12. Section *seven* of the Wool Profits Distribution and Wool Amendment Act, 1952, is hereby amended by the substitution in sub-section (3) for the words "Wool Levy Fund established under section *nineteen* of the principal Act" of the words "Wool Stabilization Fund established under section *thirty-five bis* of the principal Act."

Short title.

13. This Act shall be called the Wool Amendment Act, 1955.