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OF SOUTH WEST AFRICA.

BUITENGEWONE

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UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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

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THE UNIVERSITY OF CHICAGO

PH.D. THESIS

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No. 48, 1968.]

ACT

To increase the non-taxable and non-pensionable allowances and the pensions payable to judges and for that purpose to amend the Judges' Remuneration and Pensions Act, 1959; to increase the pensions payable to judges who became entitled to the payment of pensions before the first day of April, 1964, and for that purpose to amend the Judges' Salaries and Pensions Amendment Act, 1964.

(English text signed by the State President.)

(Assented to 16th May, 1968.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Judges' Remuneration and Pensions Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 1 of Act 73 of 1959, as substituted by section 2 of Act 5 of 1966.

“(1) Any person who holds office, whether in an acting or permanent capacity, as Chief Justice of South Africa, judge of appeal of the Appellate Division of the Supreme Court of South Africa or judge president or judge of a provincial or local division of the said court, shall be paid monthly in respect thereof a salary at the rate specified in the second column of the First Schedule opposite the designation of the office in which he serves and, in addition to the allowances referred to in section 4, a non-pensionable allowance at the rate of two thousand seven hundred rand per annum.”.

2. (1) Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 3 of Act 73 of 1959, as substituted by section 1 of Act 20 of 1964.

“(2) Such person shall be paid monthly at the rate of twenty per cent per annum of the annual salary attaching at the time of such person's retirement or removal from office, as the case may be, to the office then held by him in a permanent capacity and, in respect of every full year (if any) by which his period of continuous service referred to in subsection (1) exceeds five years, a further four per cent per annum of that salary: Provided that the annual amount of such pension shall not exceed an amount equal to sixty per cent of the said salary.

(2) The provisions of subsection (1) shall also apply in respect of any person who has retired from office in terms of section 2 of the principal Act on or after the first day of April, 1964.”.

3. Section 1 of the Judges' Salaries and Pensions Amendment Act, 1964, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

Amendment of section 1 of Act 20 of 1964.

“Provided that the annual amount of the said pension paid to any such person shall be increased by one thousand rand with effect from the first day of April, 1968.”.

4. This Act shall be called the Judges' Remuneration and Pensions Amendment Act, 1968, and shall be deemed to have come into operation on the first day of April, 1968.

Short title.

No. 48, 1968.]

WET

Om die nie-belasbare en nie-pensioengewende toelaes en die pensioene betaalbaar aan regters te verhoog en om vir dié doel die Wet op Besoldiging en Pensioene van Regters, 1959, te wysig; om die pensioene betaalbaar aan regters wat voor die eerste dag van April 1964 op die betaling van pensioene geregtig geword het, te verhoog en om vir dié doel die Wysigingswet op Salarisse en Pensioene van Regters, 1964, te wysig.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Mei 1968.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 73 van 1959, soos vervang deur artikel 2 van Wet 5 van 1966.

1. Artikel 1 van die Wet op Besoldiging en Pensioene van Regters, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Aan iemand wat die amp van Hoofregter van Suid-Afrika, appèlregter van die Appèlafdeling van die Hoogeregshof van Suid-Afrika of regter-president of regter van 'n provinsiale of plaaslike afdeling van genoemde hof bekleë, hetsy in 'n waarnemende of permanente hoedanigheid, word ten opsigte daarvan maandeliks 'n salaris betaal teen die skaal vermeld in die tweede kolom van die Eerste Bylae teenoor die naam van die amp waarin hy diens doen en, benewens die in artikel 4 bedoelde toelaes, 'n nie-pensioengewende toelae teen die skaal van tweeduisend sewehonderd rand per jaar.”

Wysiging van artikel 3 van Wet 73 van 1959, soos vervang deur artikel 1 van Wet 20 van 1964.

2. (1) Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Sodanige pensioen moet maandeliks betaal word teen die skaal van twintig persent per jaar van die jaarlikse salaris wat ten tyde van sodanige persoon se aftreding of ontheffing van sy amp, na gelang van die geval, verbonde is aan die amp wat hy dan in 'n permanente hoedanigheid bekleë en, ten opsigte van elke volle jaar (indien daar is) waarmee sy tydperk van ononderbroke diens in subartikel (1) vermeld, vyf jaar oorskry, 'n verdere vier persent per jaar van daardie salaris: Met dien verstande dat die jaarlikse bedrag van sodanige pensioen nie 'n bedrag gelyk aan sestig persent van die gemelde salaris oorskry nie.

(2) Die bepaling van subartikel (1) is ook van toepassing op iemand wat op of na die eerste dag van April 1964 ingevolge artikel 2 van die Hoofwet afgetree het.”

Wysiging van artikel 1 van Wet 20 van 1964.

3. Artikel 1 van die Wysigingswet op Salarisse en Pensioene van Regters, 1964, word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die jaarlikse bedrag van bedoelde pensioen wat aan so iemand betaal word, vanaf die eerste dag van April 1968 met eenduisend rand verhoog word.”

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Besoldiging en Pensioene van Regters, 1968, en word geag op die eerste dag van April 1968 in werking te getree het.

No. 49, 1968.]

ACT

To amend the provisions of section 2 of the Payment of Members of Parliament Act, 1961, in order to increase the allowances payable to members of Parliament.

*(Afrikaans text signed by the State President.)
(Assented to 21st May, 1968.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section 2 of the Payment of Members of Parliament Act, 1961:
- “Allowances of members. 2. (1) In addition to the salaries provided for in section 1, there shall, subject to the provisions of subsections (3) and (5), be payable, out of moneys appropriated by Parliament for the purpose—
- Substitution of section 2 of Act 58 of 1961, as amended by section 1 of Act 48 of 1966.
- (a) to every member of the Senate (other than a Minister or a deputy to a Minister or the President of the Senate)—
- (i) during any period when Parliament is in session, a session allowance at a rate not exceeding eleven rand per day, except in the case of a member to whom such allowance is not payable in terms of a determination by the President of the Senate under subsection (5), in which case there may be paid to such member, subject to such conditions as the said President may determine, an allowance equal to the recess allowance prescribed in subparagraph (ii); and
- (ii) during any period when Parliament is not in session, a recess allowance at a rate not exceeding six rand per day; and
- (b) to every member of the House of Assembly (other than a Minister or a deputy to a Minister or the Speaker of the House of Assembly), an allowance at a rate not exceeding eleven rand per day.
- (2) For the purposes of subsection (1), Parliament shall, in the event of its being prorogued on any day other than the last day of any of the twelve months in any calendar year, be deemed to be in session until the last day of the month in which it is so prorogued.
- (3) Notwithstanding anything contained in subsection (1), but subject to the provisions of subsection (4), a member of any House of Parliament who in any session of Parliament fails to attend the first or the last sitting of that House, shall not be entitled to any of the allowances referred to in subsection (1), but may in the discretion of and subject to such conditions as may be determined by the President of the Senate or the Speaker of the House of Assembly, as the case may be, be paid such an amount, if any, as the said President or Speaker may direct—

No. 49, 1968.]

WET

Tot wysiging van die bepalings van artikel 2 van die Wet op die Betaling van Parlementslede, 1961, ten einde die toelaes aan Parlementslede betaalbaar, te verhoog.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Mei 1968.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 2 van Wet 58 van 1961, soos gewysig deur artikel 1 van Wet 48 van 1966.

1. Artikel 2 van die Wet op die Betaling van Parlementslede, 1961, word hierby deur die volgende artikel vervang:

„Toelaes van lede.

2. (1) Benewens die salarisse waarvoor in artikel 1 voorsiening gemaak word, is daar, behoudens die bepalings van subartikels (3) en (5), uit gelde wat vir dié doel deur die Parlement bewillig word, betaalbaar—

(a) aan elke lid van die Senaat (behalwe 'n Minister of 'n plaasvervanger van 'n Minister of die President van die Senaat)—

(i) gedurende enige tydperk wanneer die Parlement in sessie is, 'n sessietoelae teen 'n skaal van hoogstens elf rand per dag behalwe in die geval van 'n lid aan wie hierdie toelae ingevolge 'n bepaling deur die President van die Senaat kragtens subartikel (5) nie betaalbaar is nie, in watter geval daar aan so 'n lid 'n toelae gelyk aan die resestoelae in subparagraaf (ii) voorgeskryf, onderworpe aan die voorwaardes wat bedoelde President bepaal, betaal kan word; en

(ii) gedurende enige tydperk wanneer die Parlement nie in sessie is nie, 'n resestoelae teen 'n skaal van hoogstens ses rand per dag; en

(b) aan elke lid van die Volksraad (behalwe 'n Minister of 'n plaasvervanger van 'n Minister of die Speaker van die Volksraad) 'n toelae teen 'n skaal van hoogstens elf rand per dag.

(2) By die toepassing van subartikel (1) word die Parlement ingeval hy op 'n ander dag as die laaste dag van enige van die twaalf maande in 'n kalenderjaar geprorogeer word, geag in sessie te wees tot die laaste dag van die maand waarin hy aldus geprorogeer word.

(3) Ondanks enigiets in subartikel (1) vervat, maar behoudens die bepalings van subartikel (4), is 'n lid van 'n Huis van die Parlement wat in enige sessie van die Parlement versuim om die eerste of die laaste sitting van daardie Huis by te woon, nie op enige van die in subartikel (1) bedoelde toelaes geregtig nie, maar kan daar aan hom na goeddunke van en onderworpe aan die voorwaardes bepaal deur die President van die Senaat of die Speaker van die Volksraad (na

- (a) in the case of a failure to attend the first sitting of the House in question, in respect of the period commencing on the date of that sitting and ending on the day immediately preceding the first day in the session concerned on which he attends a sitting of that House; and
 - (b) in the case of a failure to attend the last sitting of the House in question, in respect of the period commencing on the day immediately following the date of the last sitting of that House which he actually attended and ending on the last day of the relevant session.
- (4) Where a member of any House of Parliament has failed to attend any sitting referred to in subsection (3) and—
- (a) in the case of a member of the Senate, the President of the Senate; or
 - (b) in the case of a member of the House of Assembly, the Speaker of the House of Assembly,
- is satisfied that the failure so to attend was due to the illness of the member in question or some other satisfactory reason, the said President or Speaker may in his discretion, direct that the provisions of that subsection shall not be applied or shall be applied only in respect of a specified portion of the period referred to in that subsection, as he may in the circumstances consider equitable.
- (5) The allowances referred to in subsection (1) shall be payable subject to such conditions as may be determined, in the case of a member of the Senate, by the President of the Senate, and in the case of a member of the House of Assembly, by the Speaker of the House of Assembly.
- (6) The amount of any allowance paid in terms of this section shall, for the purposes of any law, be deemed to have been received by the person concerned from employment in the public service and to represent a payment made to meet expenditure incurred by him in connection with the discharge of his official duties.”.

2. This Act shall be called the Payment of Members of Short title and Parliament Amendment Act, 1968, and shall be deemed to have commencement. come into operation on the first day of April, 1968.

gelang van die geval) 'n bedrag (as daar is) betaal word wat bedoelde President of Speaker gelas—

(a) in die geval van versuim om die eerste sitting van die betrokke Huis by te woon, ten opsigte van die tydperk wat begin op die datum van daardie sitting en eindig op die dag onmiddellik voorafgaande aan die eerste dag in die betrokke sessie waarop hy 'n sitting van daardie Huis bywoon; en

(b) in die geval van versuim om die laaste sitting van die betrokke Huis by te woon, ten opsigte van die tydperk wat begin op die dag onmiddellik na die datum van die laaste sitting van daardie Huis wat hy werklik bygewoon het en eindig op die laaste dag van die betrokke sessie.

(4) Waar 'n lid van 'n Huis van die Parlement versuim het om 'n in subartikel (3) bedoelde sitting by te woon, en—

(a) in die geval van 'n lid van die Senaat, die President van die Senaat; of

(b) in die geval van 'n lid van die Volksraad, die Speaker van die Volksraad,

oortuig is dat die versuim om aldus by te woon te wyte was aan dié lid se siekte of 'n ander genoegsame rede, kan bedoelde President of Speaker na goeddunke gelas dat die bepalings van daardie subartikel nie toegepas word nie of slegs ten opsigte van 'n gemelde deel van die in daardie subartikel bedoelde tydperk toegepas word, na gelang hy onder die omstandighede billik ag.

(5) Die in subartikel (1) bedoelde toelaes is betaalbaar onderworpe aan die voorwaardes wat, in die geval van 'n lid van die Senaat, deur die President van die Senaat, en in die geval van 'n lid van die Volksraad, deur die Speaker van die Volksraad, bepaal word.

(6) Die bedrag van 'n toelae wat ingevolge hierdie artikel betaal word, word by die toepassing van enige wetsbepaling geag deur die betrokke persoon ontvang te wees vir diens in die staatsdiens en 'n betaling uit te maak wat gedoen is ter bestryding van uitgawe wat deur hom in verband met die uitvoering van sy ampspligte aangegaan is.”.

Kort titel en inwerkingtreding.

2. Hierdie Wet heet die Wysigingswet op die Betaling van Parlementslede, 1968, en word geag op die eerste dag van April 1968 in werking te getree het.

No. 50, 1968.]

ACT

To provide for the further extension of the period of office of the sitting members of the House of Assembly elected under the Separate Representation of Voters Act, 1951; to prohibit the filling of any vacancy in the representation of any division referred to in section 6 (2) (a) or (b) of the said Act or in the representation of non-Europeans in the Senate under section 7 of the said Act; to repeal the said Act with effect from the date of dissolution of the House of Assembly; and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 27th May, 1968.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act—

Definition.

“the date of dissolution of the House of Assembly” means the day on which the House of Assembly, constituted at the last general election of members of the House of Assembly held before the commencement of this Act, is dissolved, whether by effluxion of time or otherwise, under any provision of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

2. The following section is hereby substituted for section 1 of the Separate Representation of Voters Amendment Act, 1966:

Substitution of section 1 of Act 34 of 1966, as amended by section 1 of Act 66 of 1967.

“Period of office of sitting members of House of Assembly elected under Act 46 of 1951.

1. Members of the House of Assembly who at the commencement of the Separate Representation of Voters Amendment Act, 1968, are members of the House of Assembly in terms of the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951), (hereinafter referred to as the principal Act), shall, notwithstanding anything to the contrary in any law contained, hold office for a period which shall terminate on the date of dissolution of the House of Assembly as defined in section 1 of the first-mentioned Act.”.

3. The following section is hereby substituted for section 2 of the Separate Representation of Voters Amendment Act, 1966:

Substitution of section 2 of Act 34 of 1966.

“Vacancies not to be filled.

2. A vacancy, whether by reason of the expiry of any period of office or otherwise, existing at or arising after the commencement of the Separate Representation of Voters Amendment Act, 1968, in the representation of any division referred to in section 6 (2) (a) or (b) of the principal Act or in the representation of non-Europeans in the Senate under section 7 of the lastmentioned Act, shall, notwithstanding anything to the contrary in any law contained, not be filled.”.

No. 50, 1968.]

WET

Om voorsiening te maak vir die verdere verlenging van die ampstermyn van die sittende Volksraadslede verkies ingevolge die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951; om die vulling van 'n vakature in die verteenwoordiging van 'n afdeling in artikel 6 (2) (a) of (b) van genoemde Wet bedoel, of in die verteenwoordiging van nie-blankes in die Senaat kragtens artikel 7 van genoemde Wet, te verbied; om genoemde Wet met ingang van die datum van die ontbinding van die Volksraad te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 27 Mei 1968.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. In hierdie Wet beteken—

„die datum van die ontbinding van die Volksraad” die dag waarop die Volksraad wat saamgestel is by die jongste algemene verkiesing van lede van die Volksraad wat voor die inwerkingtreding van hierdie Wet gehou is, ingevolge 'n bepaling van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), hetsy deur tydsverloop of andersins, ontbind word.

Vervanging van
artikel 1 van Wet
34 van 1966,
soos gewysig deur
artikel 1 van Wet
66 van 1967.

2. Artikel 1 van die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1966, word hierby deur die volgende artikel vervang:

„Ampstermyn van sittende Volksraadslede verkies ingevolge Wet 46 van 1951.

1. Lede van die Volksraad wat by die inwerkingtreding van die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1968, ingevolge die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951) (hieronder die Hoofwet genoem), lede van die Volksraad is, bekleed hul amp, ondanks andersluidende wetsbepalings, vir 'n tydperk wat eindig op die datum van die ontbinding van die Volksraad soos omskryf in artikel 1 van die eersgenoemde Wet.”.

Vervanging van
artikel 2 van Wet
34 van 1966.

3. Artikel 2 van die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1966, word hierby deur die volgende artikel vervang:

„Vakatures word nie gevul nie.

2. 'n Vakature wat by of na die inwerkingtreding van die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1968 in die verteenwoordiging van 'n in artikel 6 (2) (a) of (b) van die Hoofwet bedoelde afdeling, of in die verteenwoordiging van nie-blankes in die Senaat kragtens artikel 7 van laasgenoemde Wet, hetsy as gevolg van die verstryking van 'n ampstermyn of andersins bestaan of ontstaan, word, ondanks andersluidende wetsbepalings nie, gevul nie.”.

4. The laws specified in the Schedule are hereby repealed or Repeal or amended, with effect from the date of dissolution of the House amendment of of Assembly, to the extent set out in the third column of the laws. Schedule.

5. This Act shall be called the Separate Representation of Short title. Voters Amendment Act, 1968.

Herroeping of
wysiging van
wette.

4. Die wette in die Bylae vermeld word hierby, met ingang van die datum van die ontbinding van die Volksraad, herroep of gewysig vir sover in die derde kolom van die Bylae aangedui word.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Afsonderlike Ver-
teenwoordiging van Kiesers, 1968.

Schedule.

LAWS REPEALED OR AMENDED.

No. and Year of Law.	Title.	Extent of repeal or amendment.
Act No. 46 of 1946.	Electoral Laws Consolidation Act, 1946.	The repeal of sections 4 and 5.
Act No. 46 of 1951.	Separate Representation of Voters Act, 1951.	The repeal of so much as is unrepealed.
Act No. 9 of 1956.	South Africa Act Amendment Act, 1956.	The repeal of so much as is unrepealed.
Act No. 30 of 1956.	Separate Representation of Voters Amendment Act, 1956.	The repeal of the whole.
Act No. 8 of 1957.	Electoral Laws Further Amendment Act, 1957.	The repeal of section 5.
Act No. 2 of 1958.	Separate Representation of Voters Amendment Act, 1958.	The repeal of the whole.
Act No. 32 of 1961.	Republic of South Africa Constitution Act, 1961.	<p>(1) In section 28, the deletion—</p> <p>(a) in subsection (1) of the words "and the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951),"; and</p> <p>(b) in subsection (3) of the words "other than the members and provincial councillors elected under the Separate Representation of Voters Act, 1951".</p> <p>(2) In section 30, the deletion in subsection (2) of the words "(other than the members and provincial councillors elected under the Separate Representation of Voters Act, 1951),".</p> <p>(3) In section 33, the deletion—</p> <p>(a) in subsection (2) of the words "or the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951),"; and</p> <p>(b) in subsection (3) of the words "or the Separate Representation of Voters Act, 1951,".</p> <p>(4) In section 40, the deletion at the end of paragraph (b) of the word "and"; and the deletion of paragraph (c).</p> <p>(5) In section 68, the deletion in subsection (1) of the words "subject to the provisions of the Separate Representation of Voters Act, 1951 (Act No. 46 of 1951),".</p>
Act No. 72 of 1962.	Electoral Laws Amendment Act, 1962.	The repeal of sections 58 and 59.
Act No. 49 of 1964.	Coloured Persons Representation Council Act, 1964.	The repeal of section 28.
Act No. 72 of 1965.	Separate Representation of Voters Amendment Act, 1965.	The repeal of the whole.
Act No. 29 of 1966.	Electoral Laws Amendment Act, 1966.	The repeal of section 5.
Act No. 34 of 1966.	Separate Representation of Voters Amendment Act, 1966.	The repeal of the whole.
Act No. 66 of 1967.	Separate Representation of Voters Amendment Act, 1967.	The repeal of the whole.

Bylae.

WETTE HERROEP OF GEWYSIG.

No. en Jaar van Wet.	Titel.	In hoeverre herroep of gewysig.
Wet No. 46 van 1946.	Wet tot Konsolidasie van die Kieswette, 1946.	Artikels 4 en 5 word herroep.
Wet No. 46 van 1951.	Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951.	Soveel as wat nie herroep is nie, word herroep.
Wet No. 9 van 1956.	Wet tot Wysiging van die Suid-Afrika Wet, 1956.	Soveel as wat nie herroep is nie, word herroep.
Wet No. 30 van 1956.	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1956.	Die geheel word herroep.
Wet No. 8 van 1957.	Verdere Wysigingswet op die Kieswette, 1957.	Artikel 5 word herroep.
Wet No. 2 van 1958.	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1958.	Die geheel word herroep.
Wet No. 32 van 1961.	Grondwet van die Republiek van Suid Afrika, 1961.	<p>(1) In artikel 28 word—</p> <p>(a) in subartikel (1) die woorde „en die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951)”; en</p> <p>(b) in subartikel (3) die woorde „behalwe die Volksraadslede en provinsiale raadslede wat kragtens die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, verkies is”, geskrap.</p> <p>(2) In artikel 30 word in subartikel (2) die woorde „behalwe die Volksraadslede en provinsiale raadslede wat kragtens die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, verkies is,” geskrap.</p> <p>(3) In artikel 33 word—</p> <p>(a) in subartikel (2) die woorde „of die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951)”; en</p> <p>(b) in subartikel (3) die woorde „of die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951”, geskrap.</p> <p>(4) In artikel 40 word aan die end van paragraaf (b) die woord „en” en paragraaf (c) geskrap.</p> <p>(5) In artikel 68 word in subartikel (1) die woorde „behoudens die bepalinge van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951 (Wet No. 46 van 1951)” geskrap.</p>
Wet No. 72 van 1962.	Wysigingswet op die Kieswette, 1962.	Artikels 58 en 59 word herroep.
Wet No. 49 van 1964.	Wet op die Verteenwoordigende Kleurlingraad, 1964.	Artikel 28 word herroep.
Wet No. 72 van 1965.	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1965.	Die geheel word herroep.
Wet No. 29 van 1966.	Wysigingswet op die Kieswette, 1966.	Artikel 5 word herroep.
Wet No. 34 van 1966.	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1966.	Die geheel word herroep.
Wet No. 66 van 1967.	Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1967.	Die geheel word herroep.

No. 51, 1968.]

ACT

To prohibit interference by one population group in the politics of any other population group and the receipt by political parties of financial assistance from abroad.

(Afrikaans text signed by State President.)

(Assented to 29th May, 1968.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
 - (i) "population group" means the persons who from time to time belong to any one of the following population groups:
 - (a) the Bantu population group;
 - (b) the white population group;
 - (c) the Coloured population group;
 - (d) the Indian, Chinese and Other Asiatics population group; (i)
 - (ii) "the Bantu population group" means the persons who are Bantu as defined in the Population Registration Act, 1950 (Act No. 30 of 1950), including all persons who have in terms of the said Act been classified as Bantu; (ii)
 - (iii) "the Coloured population group" means the persons who are coloured persons as defined in the Population Registration Act, 1950, and are members of the Cape Coloured, Malay or Griqua group or the Other Coloured group as prescribed and defined by proclamation under section 5 of the said Act, including all persons who have in terms of the said Act been classified as members of the one or the other of the said groups; (iv)
 - (iv) "the Indian, Chinese and Other Asiatics population group" means the persons who are coloured persons as defined in the Population Registration Act, 1950, and are members of the Indian or Chinese group or the group Other Asiatics as prescribed and defined by proclamation under section 5 of the said Act, including all persons who have in terms of the said Act been classified as members of the one or the other of the said groups; (v)
 - (v) "the white population group" means the persons who are white persons as defined in the Population Registration Act, 1950, including all persons who have in terms of the said Act been classified as white persons. (iii)

2. No person who belongs to one population group, may—
 - (a) be a member of any political party of which any person who belongs to any other population group, is a member;
 - (b) render assistance as agent, or be a member of an election committee, of a political party of which any person who belongs to any other population group, is a member, or of any person who belongs to any other population group and who has been nominated or

Certain acts by members of a population group in relation to certain activities of other population groups prohibited.

WET

Om inmenging deur een bevolkingsgroep in die politiek van 'n ander bevolkingsgroep en die ontvangs deur politieke partye van geldelike ondersteuning vanuit die buiteland, te verbied.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1968.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywings.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „bevolkingsgroep” die persone wat van tyd tot tyd tot engeen van die volgende bevolkingsgroepe behoort:
 - (a) die Bantoebevolkingsgroep;
 - (b) die blanke bevolkingsgroep;
 - (c) die gekleurde bevolkingsgroep;
 - (d) die Indiër, Sjinese en Ander Asiate-bevolkingsgroep; (i)
- (ii) „die Bantoebevolkingsgroep” die persone wat Bantoes is soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), met inbegrip van alle persone wat ingevolge daardie Wet as Bantoes geklassifiseer is; (ii)
- (iii) „die blanke bevolkingsgroep” die persone wat blankes is soos omskryf in die Bevolkingsregistrasiewet, 1950, met inbegrip van alle persone wat ingevolge daardie Wet as blankes geklassifiseer is; (v)
- (iv) „die gekleurde bevolkingsgroep” die persone wat gekleurdes is soos omskryf in die Bevolkingsregistrasiewet, 1950, en wat lede is van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes soos voorgeskryf en omskryf by proklamasie kragtens artikel 5 van genoemde Wet, met inbegrip van alle persone wat ingevolge daardie Wet as lede van die een of die ander van genoemde groepe geklassifiseer is; (iii)
- (v) „die Indiër, Sjinese en Ander Asiate-bevolkingsgroep” die persone wat gekleurdes is soos omskryf in die Bevolkingsregistrasiewet, 1950, en wat lede is van die Indiër- of die Sjinese groep of die groep Ander Asiate soos voorgeskryf en omskryf by proklamasie kragtens artikel 5 van genoemde Wet, met inbegrip van alle persone wat ingevolge daardie Wet as lede van die een of die ander van genoemde groepe geklassifiseer is. (iv)

Verbod op sekere handeling deur lede van 'n bevolkingsgroep met betrekking tot sekere bedrywighede van ander bevolkingsgroepe.

2. Geen persoon wat tot een bevolkingsgroep behoort, mag—
- (a) lid wees van 'n politieke party waarvan iemand wat tot 'n ander bevolkingsgroep behoort, lid is nie;
 - (b) hulp verleen as agent, of lid wees van 'n verkiesingskomitee, van 'n politieke party waarvan iemand wat tot 'n ander bevolkingsgroep behoort, lid is, of van 'n persoon wat tot 'n ander bevolkingsgroep behoort en

may be nominated as a candidate for an election in terms of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or the Transkei Constitution Act, 1963 (Act No. 48 of 1963), or any law made thereunder, or the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or any other law to which the State President has by proclamation in the *Gazette* applied the provisions of this paragraph; or

- (c) address any meeting, gathering or assembly of persons of whom all or the greater majority belong to any other population group or groups, for the purpose of furthering the interests of a political party or the candidature of any person who has been nominated or may be nominated as a candidate for an election referred to in paragraph (b).

3. (1) No political party or member of such a party and no other person shall from outside the Republic receive within the Republic, or bring or cause to be brought into the Republic, any money which, on the ground of a donation or on any other ground, is intended to be used, or in the discretion of such political party, member, person or any other person may be used, to further the interest of any political party or the candidature of himself or any other person who has been nominated or may be nominated as a candidate for any election referred to in section 2 (b) or to combat any aim or principle of a political party.

Receipt of financial assistance from abroad prohibited.

(2) For the purposes of this Act "money" includes anything which can be cashed or be converted into money.

4. (1) Any person who contravenes any provision of this Act shall be guilty of an offence and liable on conviction—

Offences and penalties.

- (a) in the case of a first conviction, to a fine of not less than three hundred rand or more than six hundred rand or imprisonment for a period of not less than six months or more than twelve months or to both such fine and such imprisonment; and
- (b) in the case of a second or subsequent conviction, to a fine of not less than one thousand rand or more than two thousand rand or imprisonment for a period of not less than one year or more than two years or to both such fine and such imprisonment.

(2) No prosecution in respect of an offence under this section shall be instituted except on the express direction of the attorney-general concerned.

5. This Act shall be called the Prohibition of Political Short title. Interference Act, 1968.

wat tot kandidaat vir 'n verkiesing ingevolge die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), of 'n wet daarkragtens gemaak, of die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of 'n ander wet waarop die Staatspresident by proklamasie in die *Staatskoerant* die bepalings van hierdie paragraaf van toepassing gemaak het, genomineer is of genomineer kan word nie; of

- (c) 'n vergadering, samekoms of byeenkoms van persone waarvan almal of die oorgrote meerderheid tot 'n ander bevolkingsgroep of -groepe behoort, toespreek ter bevordering van die belange van 'n politieke party of die kandidatuur van 'n persoon wat tot kandidaat vir 'n in paragraaf (b) bedoelde verkiesing genomineer is of genomineer kan word nie.

Verbod op ontvangs van geldelike ondersteuning vanuit die buiteland.

3. (1) Geen politieke party of lid van so 'n party en geen ander persoon mag geld wat op grond van 'n skenking of op enige ander grond bestem is om gebruik te word, of na goeddunke van daardie politieke party, lid, of persoon of 'n ander persoon gebruik kan word, om die belange van 'n politieke party of die kandidatuur van homself of 'n ander persoon wat tot kandidaat vir 'n in artikel 2 (b) bedoelde verkiesing genomineer is of genomineer kan word, te bevorder, of om die een of ander doelstelling of beginsel van 'n politieke party te bekamp, van buite die Republiek in die Republiek ontvang of inbring of laat inbring nie.

(2) By die toepassing van hierdie artikel beteken „geld” ook enigiets wat gewissel of in geld omgesit kan word.

Oortredings en strawwe.

4. (1) Iemand wat 'n bepaling van hierdie Wet oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (a) in die geval van 'n eerste skuldigbevinding, met 'n boete van minstens driehonderd rand en hoogstens seshonderd rand of gevangenisstraf vir 'n tydperk van minstens ses maande en hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf; en
- (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van minstens duisend rand en hoogstens tweeduisend rand of gevangenisstraf vir 'n tydperk van minstens een jaar en hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

(2) Geen vervolging word weens 'n in hierdie artikel bedoelde misdryf ingestel nie behalwe ingevolge die uitdruklike opdrag van die betrokke prokureur-generaal.

Kort titel.

5. Hierdie Wet heet die Wet op die Verbod op Politieke Inmenging, 1968.

No. 54, 1968.]

ACT

To confirm that certain areas in South-West Africa are areas for the different native nations in South-West Africa and may be extended; to make provision for legislative councils, executive councils and other governing bodies for such nations and for the powers, functions and duties of such councils and bodies; to empower the State President to make laws in respect of certain areas; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 6th June, 1968.)*

WHEREAS it is desirable that the native nations in the territory of South-West Africa should in the realization of their right of self-determination develop in an orderly manner to self-governing nations and independence:

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. This Act as well as any amendment thereof shall apply Application of Act. in the territory of South-West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

2. The following areas shall be areas for the different native Areas for native nations. nations:—

- (a) Damaraland, consisting of the area at Okambahe and the farms Zessfontein and Franzfontein referred to in paragraphs (3), (4) and (5), respectively, of the First Schedule to Government Notice No. 122 of 1923 of the territory of South-West Africa, and the area at Otjohorong referred to in Government Notice No. 108 of 1925 of the said territory of South-West Africa, and any other land or area which may, after the commencement of this Act, be reserved and set apart in terms of any law for the exclusive use of and occupation by Damaras;
- (b) Hereroland, consisting of the areas Otjituo and Epukiro referred to in paragraphs (4) and (5), respectively, of the Second Schedule to Government Notice No. 122 of 1923 of the territory of South-West Africa, the Waterberg East Reserve referred to in Government Notice No. 156 of 1936, and the Eastern Reserve referred to in paragraph (d) of Government Notice No. 374 of 1947, of the said territory of South-West Africa, and any other land or area which may, after the commencement of this Act, be reserved and set apart in terms of any law for the exclusive use of and occupation by Hereros;
- (c) Kaokoland, consisting of the Kaokoveld referred to in paragraph (e) (1) of Government Notice No. 374 of 1947 of the territory of South-West Africa;

WET

Om te bevestig dat sekere gebiede in Suidwes-Afrika gebiede vir die verskillende naturrellevolke in Suidwes-Afrika is en uitgebrei kan word; om voorsiening te maak vir wetgewende rade, uitvoerende rade en ander bestuursliggame vir sodanige volke en vir die bevoegdhede, werksaamhede en pligte van sodanige rade en liggame; om aan die Staatspresident die bevoegdheid te verleen om wette ten opsigte van sekere gebiede uit te vaardig; en om voorsiening te maak vir aanleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Junie 1968.)*

NADEMAAL dit wenslik is dat die naturrellevolke in die gebied Suidwes-Afrika in die uitlewing van hulle selfbestuursreg op ordelike wyse sal ontwikkel tot selfbesturende volke en onafhanklikheid:

WORD DAAR DERHALWE BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Toepassing van
Wet.

1. Hierdie Wet en enige wysiging daarvan is van toepassing in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte van genoemde gebied wat die Oostelike Caprivi Zipfel heet en vermeld word in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968).

Gebiede vir
naturrellevolke.

2. Die volgende gebiede is gebiede vir die verskillende naturrellevolke:—

- (a) Damaraland, bestaande uit die gebied te Okambahe en die plase Zessfontein en Franzfontein vermeld in onderskeidelik paragrawe (3), (4) en (5) van die Eerste Bylae by Goewermentskennisgewing No. 122 van 1923 van die gebied Suidwes-Afrika, en die gebied te Otjohorong vermeld in Goewermentskennisgewing No. 108 van 1925 van genoemde gebied Suidwes-Afrika, en enige ander grond of oppervlakte wat ná die inwerkingtreding van hierdie Wet ingevolge die een of ander wet gereserveer en afgesonder word vir die uitsluitlike gebruik en okkupasie deur Damaras;
- (b) Hereroland, bestaande uit die gebiede Otjitjao en Epukiro vermeld in onderskeidelik paragrawe (4) en (5) van die Tweede Bylae by Goewermentskennisgewing No. 122 van 1923 van die gebied Suidwes-Afrika, die Waterberg-oos-reservaat vermeld in Goewermentskennisgewing No. 156 van 1936, en die Oostelike-reservaat vermeld in paragraaf (d) van Goewermentskennisgewing No. 374 van 1947, van genoemde gebied Suidwes-Afrika, en enige ander grond of oppervlakte wat ná die inwerkingtreding van hierdie Wet ingevolge die een of ander wet gereserveer en afgesonder word vir die uitsluitlike gebruik en okkupasie deur Herero's;
- (c) Kaokoland, bestaande uit die Kaokoveld vermeld in paragraaf (e) (1) van Goewermentskennisgewing No. 374 van 1947 van die gebied Suidwes-Afrika;

- (d) Okavangoland, consisting of the Okavango area referred to in Proclamation No. 32 of 1937 of the territory of South-West Africa;
- (e) Eastern Caprivi, consisting of the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968);
- (f) Ovamboland, consisting of the area referred to in regulation 1 of Proclamation No. 27 of 1929 of the territory of South-West Africa;
- (g) such other land or area as may after the commencement of this Act be reserved and set apart for the exclusive use of and occupation by any native nation and recognized by the State President by proclamation in the *Gazette* as an area for such nation.

3. The State President may, after consultation with the native nation concerned and by proclamation in the *Gazette*, establish a legislative council for any area referred to in section 2. Establishment of legislative councils.

4. (1) Subject to the provisions of this Act a legislative council referred to in section 3 shall be constituted in the manner determined by the State President by proclamation in the *Gazette* after consultation with the native nation concerned. Constitution of legislative councils.

(2) Without prejudice to the generality of the power conferred by subsection (1) any proclamation in terms of that subsection may also provide for—

- (a) the election by way of voting in the territory referred to in section 1, and the designation of the members of a legislative council, the filling of vacancies, and the qualifications of voters and of candidates for such elections;
- (b) the period of office and conditions of service of such members;
- (c) the attendance of sessions of a legislative council by representatives of the Republic.

(3) A proclamation in terms of subsection (1) may be withdrawn or amended by like proclamation.

5. (1) Any legislative council referred to in section 3 may— Legislative powers of legislative councils.

- (a) for the area for which it has been established, make enactments, not inconsistent with this Act, in respect of any matter referred to in the Schedule;
- (b) with the approval of the State President previously obtained, provide in any such enactment for the enforcement thereof in respect of members of the native nation in question who are or reside outside that area but within the territory referred to in section 1,

and may make different such enactments for different regions or places and different categories or groups of persons.

(2) No enactment made in terms of subsection (1) shall have any force or effect until it has been approved by the State President and made known by notice in the *Gazette*, and the State President may, before approving any enactment, refer it back to the legislative council concerned for reconsideration.

6. (1) The executive government of any area for which a legislative council has been established in terms of section 3, in regard to the matters referred to in the Schedule, shall vest in an executive council which shall be constituted from among the members of the legislative council in such manner as the State President may determine in the relevant proclamation referred to in section 4 (1). Executive government.

(2) Any executive council may with the approval of the State President establish such departments in connection with the matters referred to in subsection (1) as it may deem fit.

(3) Subject to the provisions of this Act—

- (a) an executive council shall have power to make provision for the exercise of its powers and the performance of its functions and duties in terms of subsection (1);
- (b) the members of such council shall be responsible for the administration of the departments referred to in subsection (2);

- (d) Okavangoland, bestaande uit die Okavango-gebied vermeld in Proklamasie No. 32 van 1937 van die gebied Suidwes-Afrika;
- (e) Oos-Caprivi, bestaande uit die Oostelike Caprivi Zipfel vermeld in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968);
- (f) Ovamboland, bestaande uit die gebied vermeld in regulasie I van Proklamasie No. 27 van 1929 van die gebied Suidwes-Afrika;
- (g) die ander grond of oppervlakte wat ná die inwerking-treding van hierdie Wet gereserveer en afgesonderd word vir die uitsluitlike gebruik en okkupasie deur die een of ander naturellevolk en wat die Staatspresident by proklamasie in die *Staatskoerant* erken as 'n gebied vir daardie volk.

Instelling van wetgewende rade.

3. Die Staatspresident kan na raadpleging met die betrokke naturellevolk 'n wetgewende raad by proklamasie in die *Staatskoerant* instel vir 'n gebied bedoel in artikel 2.

Samestelling van wetgewende rade.

4. (1) Behoudens die bepalings van hierdie Wet, word 'n wetgewende raad bedoel in artikel 3 saamgestel op die wyse wat die Staatspresident na raadpleging met die betrokke naturellevolk by proklamasie in die *Staatskoerant* bepaal.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by subartikel (1) verleen, kan in 'n proklamasie ingevolge daardie subartikel ook voorsiening gemaak word vir—

- (a) die verkiesing by wyse van stemming in die gebied bedoel in artikel 1, en die aanwysing, van die lede van 'n wetgewende raad, die vul van vakatures, en die bevoegdheid van kiesers en van kandidate vir sodanige verkiesings;
- (b) die ampstermyn en diensvoorwaardes van sodanige lede;
- (c) die bywoning van sessies van 'n wetgewende raad deur verteenwoordigers van die Republiek.

(3) 'n Proklamasie ingevolge subartikel (1) kan by 'n dergelike proklamasie ingetrek of gewysig word.

Wetgewende bevoegdhede van wetgewende rade.

5. (1) 'n Wetgewende raad bedoel in artikel 3 kan—

- (a) vir die gebied waarvoor dit ingestel is, maatreëls uitvaardig wat nie met hierdie Wet strydig is nie, ten opsigte van 'n aangeleentheid in die Bylae genoem;
- (b) met die voorafverkreë goedkeuring van die Staatspresident, in so 'n maatreël voorsiening maak vir die toepassing daarvan ten opsigte van lede van die betrokke naturellevolk wat buite daardie gebied maar binne die gebied bedoel in artikel 1 is of woon,

en kan verskillende sodanige maatreëls vir verskillende streke of plekke en verskillende kategorieë of groepe persone uitvaardig.

(2) 'n Maatreël uitgevaardig ingevolge subartikel (1) is nie van krag nie voordat dit deur die Staatspresident goedgekeur en by kennisgewing in die *Staatskoerant* bekend gemaak is, en die Staatspresident kan, voordat hy 'n maatreël goedkeur, dit na die betrokke wetgewende raad vir heroorweging terugverwys.

Uitvoerende gesag.

6. (1) Die uitvoerende gesag van 'n gebied waarvoor 'n wetgewende raad ingevolge artikel 3 ingestel is, met betrekking tot die aangeleentheid in die Bylae vermeld, berus by 'n uitvoerende raad wat uit die lede van die wetgewende raad saamgestel word op die wyse wat die Staatspresident bepaal in die toepaslike proklamasie bedoel in artikel 4 (1).

(2) 'n Uitvoerende raad kan in verband met die aangeleentheid bedoel in subartikel (1) en met die goedkeuring van die Staatspresident die departemente instel wat hy goedvind.

(3) Behoudens die bepalings van hierdie Wet—

- (a) is 'n uitvoerende raad bevoeg om voorsiening te maak vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge subartikel (1);
- (b) is die lede van so 'n raad verantwoordelik vir die administrasie van die departemente bedoel in subartikel (2);

- (c) such a council shall assume a leading role in connection with matters affecting the material, spiritual, moral and social welfare of the native nation in question;
- (d) such a council shall be competent to advise the Government of the Republic on all matters in regard to the functions and duties of that council;
- (e) such a council and the members thereof shall exercise such other powers and perform such other functions and duties as may be determined in the relevant proclamation referred to in subsection (1).

(4) The Minister of Bantu Administration and Development may, subject to the laws governing the public service, designate officers and employees of the public service to assist an executive council in the administration of the departments referred to in subsection (2).

7. (1) The State President may by proclamation in the *Gazette*—

Tribal authorities, community authorities and regional authorities.

- (a) if there exists in a tribe or community a tribal or community government functioning in accordance with the law and customs observed by that tribe or community, recognize, after consultation with such tribe or community, such government as a tribal authority or a community authority in respect of that tribe or community;
- (b) if there does not exist in a tribe or community any government referred to in paragraph (a), or if there exists in any tribe or community such a government but it is considered expedient, whether or not the government in question has been recognized in terms of the said paragraph, to replace that government, establish after such consultation as is contemplated in the said paragraph, a tribal authority or a community authority in respect of that tribe or community and determine, after such consultation, the manner in which such authority is to be constituted;
- (c) in respect of—
 - (i) any portion of an area referred to in section 2; or
 - (ii) two or more tribal authorities or community authorities jointly, or one or more tribal authorities and one or more community authorities jointly, establish, after consultation with the people concerned, a regional authority and determine, after such consultation, the manner in which such authority is to be constituted.

(2) The provisions of subsections (2) and (3) of section 4 shall *mutatis mutandis* apply to a proclamation in terms of this section.

8. Subject to the provisions of this Act—

Powers of tribal authorities, community authorities and regional authorities.

- (a) a tribal authority and a community authority recognized or established in terms of section 7 shall exercise such powers and perform such functions and duties (including powers, functions and duties in relation to any matter referred to in the Schedule) as the State President may by proclamation in the *Gazette* determine;
- (b) a regional authority established in terms of section 7 shall, in relation to any matter referred to in the Schedule, exercise such powers (including the power to make enactments) and perform such functions and duties as the State President may so determine:

Provided that if there exists in respect of the area in question a legislative council established in terms of section 3, a determination in terms of paragraph (a) or (b) shall only be made after consultation with such council.

9. (1) An executive council referred to in section 6 shall establish a Revenue Fund and, if the Minister of Bantu Administration and Development so directs, a tribal authority, a community authority and a regional authority recognized or

Financial matters.

- (c) moet so 'n raad die leiding neem in verband met aangeleenthede rakende die stoflike, geestelike, sedelike en maatskaplike welsyn van die betrokke naturellevolk;
- (d) is so 'n raad bevoeg om die Regering van die Republiek van advies te dien oor alle aangeleenthede met betrekking tot daardie raad se werksaamhede en pligte;
- (e) oefen so 'n raad en die lede daarvan die ander bevoegdhede uit en verrig hulle die ander werksaamhede en pligte wat in die toepaslike proklamasie bedoel in subartikel (1) bepaal word.

(4) Die Minister van Bantoe-administrasie en -ontwikkeling kan, met inagneming van die wette op die Staatsdiens, beamptes en werknemers in die Staatsdiens aanwys om 'n uitvoerende raad by te staan by die administrasie van die departemente bedoel in subartikel (2).

Stamowerhede,
gemeenskaps-
owerhede en
streeksowerhede.

7. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant*—

- (a) indien daar in 'n stam of gemeenskap 'n stam- of gemeenskapsregering bestaan wat funksioneer ooreenkomstig die reg en gebruike wat daardie stam of gemeenskap toepas, sodanige regering as 'n stamowerheid of 'n gemeenskapsowerheid ten opsigte van daardie stam of gemeenskap erken ná raadpleging met dié stam of gemeenskap;
- (b) indien daar nie in 'n stam of gemeenskap 'n regering bedoel in paragraaf (a) bestaan nie, of indien daar in 'n stam of gemeenskap so 'n regering bestaan maar dit dienstig geag word, hetsy die betrokke regering ingevolge genoemde paragraaf erken is al dan nie, om daardie regering te vervang, 'n stamowerheid of 'n gemeenskapsowerheid ten opsigte van daardie stam of gemeenskap instel, en die wyse waarop dié owerheid saamgestel word, bepaal, ná raadpleging soos bedoel in genoemde paragraaf;
- (c) ten opsigte van—
 - (i) 'n gedeelte van 'n gebied bedoel in artikel 2; of
 - (ii) twee of meer stamowerhede of gemeenskapsowerhede gesamentlik, of een of meer stamowerhede en een of meer gemeenskapsowerhede gesamentlik, 'n streeksowerheid instel, en die wyse waarop so 'n owerheid saamgestel word, bepaal, na raadpleging met die betrokke mense.

(2) Die bepalinge van subartikels (2) en (3) van artikel 4 is *mutatis mutandis* van toepassing op 'n proklamasie ingevolge hierdie artikel.

Bevoegdhede van
stamowerhede,
gemeenskaps-
owerhede en
streeksowerhede.

8. Behoudens die bepalinge van hierdie Wet—

- (a) oefen 'n stamowerheid en 'n gemeenskapsowerheid wat ingevolge artikel 7 erken of ingestel is, dié bevoegdhede uit en verrig so 'n owerheid dié werksaamhede en pligte (met inbegrip van bevoegdhede, werksaamhede en pligte met betrekking tot 'n aangeleentheid in die Bylae vermeld) wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal;
- (b) oefen 'n streeksowerheid wat ingevolge artikel 7 ingestel is met betrekking tot 'n aangeleentheid in die Bylae vermeld dié bevoegdhede uit (met inbegrip van die bevoegdheid om maatreëls uit te vaardig) en verrig so 'n owerheid dié werksaamhede en pligte met betrekking tot so 'n aangeleentheid wat die Staatspresident aldus bepaal:

Met dien verstande dat indien daar 'n wetgewende raad wat ingevolge artikel 3 ingestel is, ten opsigte van die betrokke gebied bestaan, 'n bepaling ingevolge paragraaf (a) of (b) slegs na raadpleging met daardie raad gedoen word.

Finansiële
aangeleenthede.

9. (1) 'n Uitvoerende raad bedoel in artikel 6 stel 'n Inkomstefonds in en, indien die Minister van Bantoe-administrasie en -ontwikkeling aldus gelas, stel 'n stamowerheid, 'n gemeenskapsowerheid en 'n streeksowerheid wat ingevolge artikel 7 erken of

established in terms of section 7 shall establish a Revenue Account, into which shall be paid such amounts as are in terms of any law required to be paid into it and from which shall be defrayed all the expenses of such council or authority.

- (2) (a) If any assets, rights, liabilities or obligations of any fund passed to the South African Bantu Trust in terms of section 4 (3) of the South-West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), and such fund had, in the opinion of the Minister of Bantu Administration and Development, been established mainly for the people in respect of whom a legislative council, a tribal authority, a community authority or a regional authority has been established or recognized in terms of this Act, the said Minister may at any time direct that any of or all those assets, rights, liabilities and obligations still in existence shall pass to the executive council concerned referred to in section 6 or to any such authority concerned designated by the Minister.
- (b) If the said Minister has given any direction in terms of paragraph (a), any moneys which accrue in terms of any law to a fund referred to in the said paragraph, shall be paid into the Revenue Fund or Revenue Account, as the case may be, of the council or authority concerned and shall be expended for the purposes prescribed by the law by virtue of which such moneys so accrue: Provided that any moneys not immediately required for such purposes, may be used to defray any other expenses of such council or authority.

10. The books and accounts of any executive council referred to in section 6 and of any tribal authority, community authority or regional authority in respect of which a Revenue Account has been established in terms of section 9 (1), shall be audited by the Controller and Auditor-General unless, in any particular case, he decides otherwise after consultation with the Secretary for Bantu Administration and Development, and he shall transmit a copy of his report to the Minister of Bantu Administration and Development and, in the case of the books and accounts of—

Auditing of books and accounts of executive councils, tribal authorities, community authorities and regional authorities.

- (a) such an executive council, to the council concerned; and
- (b) a tribal authority, a community authority or a regional authority, to the authority concerned and the executive council concerned referred to in section 6, if any.

11. (1) An executive council referred to in section 6 may in consultation with the Minister of Bantu Administration and Development and subject to the approval of the State President, nominate a member of the native nation in question to represent it in the area or areas of one or more urban local authorities as defined in section 1 of the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951 of the territory of South-West Africa), or in such other area as the said Minister may approve, with that portion of the community in such area or areas which belongs to that native nation.

Representatives of executive councils in urban areas.

(2) A nominee approved by the State President in terms of subsection (1) shall be recognized as the representative of the executive council in question in the area or areas in respect of which he has been nominated.

(3) The State President may withdraw the recognition of any such representative at the request of, or after consultation by the Minister of Bantu Administration and Development with, the executive council by whom such representative was nominated.

12. A representative recognized in accordance with section 11—

Powers, functions and duties of representatives.

- (a) shall advise the executive council in question in connection with matters affecting the general interests of the native nation in question in the area in respect of which he has been recognized;

ingestel is, 'n Inkomsterekening in, waarin dié bedrae gestort word wat ingevolge die een of ander wet daarin gestort moet word, en waaruit al die uitgawes van dié raad of owerheid bestry word.

- (2) (a) Indien enige bates, regte, laste of verpligtings van die een of ander fonds ingevolge artikel 4 (3) van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), op die Suid-Afrikaanse Bantoe-trust oorgegaan het, en bedoelde fonds na die oordeel van die Minister van Bantoe-administrasie en -ontwikkeling hoofsaaklik ingestel was vir die mense ten opsigte van wie 'n wetgewende raad, 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid ingevolge hierdie Wet ingestel of erken is, kan dié Minister te eniger tyd gelas dat enige van of al daardie bates, regte, laste en verpligtings wat nog bestaan, oorgaan op die betrokke uitvoerende raad bedoel in artikel 6 of so 'n betrokke owerheid wat hy aanwys.
- (b) Indien genoemde Minister 'n lasgewing ingevolge paragraaf (a) uitgerek het, word geld wat ingevolge die een of ander wet aan 'n fonds bedoel in genoemde paragraaf toeval, in die betrokke raad of owerheid se Inkomstefonds of Inkomsterekening, na gelang van die geval, gestort en bestee vir die doeleindes voorgeskryf deur die wet uit hoofde waarvan daardie geld aldus toeval. Met dien verstande dat enige geld wat nie onmiddellik vir sodanige doeleindes benodig is nie, gebruik kan word om ander uitgawes van dié raad of owerheid te bestry.

Ouditering van boeke en rekenings van uitvoerende rade, stamowerhede, gemeenskapsowerhede en streeksowerhede.

10. Die boeke en rekenings van 'n uitvoerende raad bedoel in artikel 6 en van 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid ten opsigte waarvan 'n Inkomsterekening ingevolge artikel 9 (1) ingestel is, word deur die Kontroleur en Ouditeur-generaal geouditeer, tensy hy, in 'n bepaalde geval, na oorlegpleging met die Sekretaris van Bantoe-administrasie en -ontwikkeling anders besluit, en hy stuur 'n afskrif van sy verslag aan die Minister van Bantoe-administrasie en -ontwikkeling en, in die geval van die boeke en rekenings van—

- (a) so 'n uitvoerende raad, aan die betrokke raad; en
(b) 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid, aan die betrokke owerheid en aan die betrokke uitvoerende raad bedoel in artikel 6, indien daar een is.

Verteenwoordigers van uitvoerende raad in stedelike gebiede.

11. (1) 'n Uitvoerende raad bedoel in artikel 6 kan in oorleg met die Minister van Bantoe-administrasie en -ontwikkeling en onderworpe aan die goedkeuring van die Staatspresident, 'n lid van die betrokke naturellevolk benoem om hom in die gebied of gebiede van een of meer stedelike plaaslike besture, soos omskryf in artikel 1 van die Proklamasie op Inboorlinge in Stedelike Gebiede, 1951 (Proklamasie No. 56 van 1951 van die gebied Suidwes-Afrika), of in die ander gebied wat genoemde Minister goedkeur, te verteenwoordig by dié deel van die gemeenskap in bedoelde gebied of gebiede wat tot daardie naturellevolk behoort.

(2) 'n Benoemde wat deur die Staatspresident ingevolge subartikel (1) goedgekeur is, word as die verteenwoordiger van die betrokke uitvoerende raad in die gebied of gebiede ten opsigte waarvan hy benoem is, erken.

(3) Die Staatspresident kan die erkenning van so 'n verteenwoordiger intrek op versoek van, of na oorlegpleging deur die Minister van Bantoe-administrasie en -ontwikkeling met, die uitvoerende raad wat sodanige verteenwoordiger benoem het.

Bevoegdheids, werksaamhede en pligte van verteenwoordigers.

12. 'n Verteenwoordiger wat ooreenkomstig artikel 11 erken is—

- (a) moet die betrokke uitvoerende raad van advies dien in verband met aangeleenthede wat in die gebied ten opsigte waarvan hy erken is, die algemene belange van die betrokke naturellevolk raak;

- (b) shall, in consultation with the executive council by whom he was nominated, and in the manner determined by, and subject to the approval of, the Minister of Bantu Administration and Development, constitute a committee to assist him in the performance of his functions and duties; and
- (c) shall act as representative of that executive council with the members of the native nation in question, and shall on behalf of such council serve the interests of that nation within the area in respect of which he has been recognized.

13. (1) After a legislative council has been established in terms of section 3 but before the first session thereof the State President may by proclamation in the *Gazette* provide in respect of the area in question for—

Provision for certain matters before first session of legislative council.

- (a) any matter referred to in section 6 (2) and in items 1, 18, 19 and 20 of the Schedule;
- (b) generally, all such matters as he may deem necessary to enable the council to exercise its powers and perform its functions and duties in terms of this Act.

(2) Subject to the provisions of section 5 a legislative council may amend or repeal any proclamation issued in terms of subsection (1).

14. (1) The State President may, notwithstanding anything to the contrary contained in any law but subject to the provisions of this section, by proclamation in the *Gazette* repeal or amend any law in force or coming into force in any area consisting of land or an area which has been or may be reserved and set apart as is contemplated in section 4 of the South-West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), and make new laws applicable to any such area and amend or repeal such laws.

Powers of State President to make laws.

(2) Save where delay would, in the opinion of the State President, be prejudicial to the public interest, no proclamation shall be issued under subsection (1) unless a draft of its provisions or of its principal provisions has been published in the *Gazette* at least one month previously, and, if an executive council has been established in terms of section 6 for the area or any portion of the area in which the proclamation is to apply, unless that council has been consulted in connection therewith: Provided that omission so to publish such a draft or so to consult an executive council shall not invalidate any such proclamation.

(3) Different laws may in terms of this section be made in respect of different areas, regions or places and in respect of different categories or groups of persons.

(4) The powers vested in the State President under this section shall be in addition to the powers vested in him under section 38 of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

15. Any proclamation issued by the State President under this Act shall be laid upon the Table of the Senate and of the House of Assembly within fourteen days after its promulgation if Parliament is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and if both the Senate and the House of Assembly by resolution passed in the same session disapprove of any such proclamation or any provision thereof, such proclamation or provision shall cease to be of force and effect, but without prejudice to the validity of anything done in terms of such proclamation or such provision before it so ceased to be of force and effect, or to any right or liability acquired or incurred in terms of such proclamation or such provision before it so ceased to be of force and effect.

Tabling of proclamations.

16. If in any judicial proceedings it is relevant—

- (a) whether any particular person is or has been a member of a tribal authority, community authority or regional authority referred to in section 7;

Proof of certain facts by affidavit.

- (b) moet in oorleg met die uitvoerende raad wat hom benoem het, en op die wyse bepaal deur, en onderworpe aan die goedkeuring van, die Minister van Bantoe-administrasie en -ontwikkeling, 'n komitee saamstel om hom by te staan by die uitvoering van sy werksaamhede en pligte; en
- (c) dien as verteenwoordiger van daardie uitvoerende raad by lede van die betrokke natuurlelvolk en behartig namens sodanige raad die belange van daardie volk binne die gebied ten opsigte waarvan hy erken is.

Voorsiening vir sekere aangeleenthede vóór eerste sessie van wetgewende raad.

13. (1) Nadat 'n wetgewende raad ingevolge artikel 3 ingestel is maar vóór die eerste sessie daarvan, kan die Staatspresident by proklamasie in die *Staatskoerant* voorsiening maak ten opsigte van die betrokke gebied vir—

- (a) 'n aangeleentheid bedoel in artikel 6 (2) en in items 1, 18, 19 en 20 van die Bylae;
- (b) in die algemeen, alle aangeleenthede wat hy nodig ag, om die raad in staat te stel om ingevolge hierdie Wet sy bevoegdhede uit te oefen en sy werksaamhede en pligte te verrig.

(2) Behoudens die bepalings van artikel 5, kan 'n wetgewende raad enige proklamasie ingevolge subartikel (1) uitgevaardig wysig of herroep.

Bevoegdhede van Staatspresident om wette uit te vaardig.

14. (1) Die Staatspresident kan, ondanks andersluidende bepalings van enige wet maar behoudens die bepalings van hierdie artikel, by proklamasie in die *Staatskoerant* enige wet wat van krag is of word in 'n gebied bestaande uit grond of 'n oppervlakte wat gereserveer en afgesonder is of word soos beoog in artikel 4 van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), herroep of wysig en nuwe wette wat van toepassing is op so 'n gebied uitvaardig, en sodanige wette wysig of herroep.

(2) Behalwe wanneer vertraging na die oordeel van die Staatspresident tot nadeel van die algemene belang sou strek, word 'n proklamasie nie kragtens subartikel (1) uitgevaardig nie tensy 'n ontwerp van die bepalings of van die vernaamste bepalings daarvan minstens een maand vantevore in die *Staatskoerant* gepubliseer is, en, indien 'n uitvoerende raad ingevolge artikel 6 ingestel is vir die gebied of 'n gedeelte van die gebied waarin die proklamasie van toepassing sal wees, tensy daardie raad daarvoor geraadpleeg is: Met dien verstande dat versuim om so 'n ontwerp aldus te publiseer of so 'n uitvoerende raad aldus te raadpleeg so 'n proklamasie nie ongeldig maak nie.

(3) Verskillende wette kan ten opsigte van verskillende gebiede, streke of plekke en ten opsigte van verskillende kategorieë of groepe persone ingevolge hierdie artikel uitgevaardig word.

(4) Die bevoegdhede wat kragtens hierdie artikel by die Staatspresident berus, is bykomend by die bevoegdhede wat kragtens artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), by hom berus.

Tertafellegging van proklamasies.

15. 'n Proklamasie wat kragtens hierdie Wet deur die Staatspresident uitgevaardig word, moet binne veertien dae na afkondiging daarvan in die Senaat en in die Volksraad ter Tafel gelê word, indien die Parlement in gewone sessie is of, indien die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie, en indien die Senaat sowel as die Volksraad by besluit, wat gedurende dieselfde sessie geneem is, so 'n proklamasie of 'n bepaling van so 'n proklamasie afkeur, verval die regskrag van dié proklamasie of bepaling, dog sonder om afbreuk te doen aan die geldigheid van iets wat ingevolge so 'n proklamasie of so 'n bepaling gedoen is vóór die regskrag daarvan aldus verval het, of aan 'n reg of verpligting wat ingevolge so 'n proklamasie of so 'n bepaling verkry of opgeloopt is vóór die regskrag daarvan aldus verval het.

Bewys van sekere feite deur beëdigde verklaring.

16. Indien dit by enige regsgeeding ter sake dienend is—

- (a) of 'n bepaalde persoon 'n lid van 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid bedoel in artikel 7 is of was;

(b) whether any such authority or any member of any such authority acted in respect of any particular matter in accordance with the law or customs observed by the tribe or community concerned, any document purporting to be an affidavit by any person who in that affidavit alleges—

- (i) that he is in the service of the State in a capacity, specified in the affidavit, connected with the administration of native affairs;
- (ii) that he has knowledge of the law and customs observed by the tribe or community concerned and that in consequence thereof he knows that the person concerned is or has been a member of the tribal authority, community authority or regional authority concerned or, as the case may be, that the law and customs concerned were observed in respect of the said matter, shall on its mere production in the said proceedings be *prima facie* evidence that the person concerned is or has been a member of the authority in question or, as the case may be, that the law and customs concerned were observed in respect of the said matter.

17. (1) Where a native nation, a group of persons, a tribe or a community is required to be consulted in terms of this Act, such consultation shall take place in a manner which the State President may either generally or in any particular case determine and by means of which, in his opinion, a representative view on the matter concerned may best be obtained.

Manner in which consultation is to take place.

(2) In determining the manner of consultation in terms of subsection (1) the State President shall have regard to the powers, functions and duties of legislative councils, executive councils and authorities referred to in this Act, and of chiefs, headmen and other recognized leaders.

18. (1) Section 38 of the South-West Africa Constitution Act, 1968, is hereby amended—

Amendment of section 38 of Act 39 of 1968.

- (a) by the deletion of subsections (3) and (4);
- (b) by the substitution for subsection (5) of the following subsection:

“(5) No Act of Parliament and no ordinance of the Assembly passed on or after the first day of November, 1951, shall apply in the territory known as the Eastern Caprivi Zipfel and defined in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Proclamation No. 147 of 1939 of the Republic), unless it is expressly declared so to apply.”; and

- (c) by the deletion in subsection (6) of the expression “or (3)”.

(2) Any proclamation issued under section 38 (3) of the South-West Africa Constitution Act, 1968, prior to the repeal thereof by subsection (1) of this section, or deemed to have been issued thereunder, shall be deemed to have been issued under section 14 of this Act.

19. This Act shall be called the Development of Self-government for Native Nations in South-West Africa Act, 1968.

Short title.

Schedule.

MATTERS REFERRED TO IN SECTIONS 5 AND 8.

1. The administration and control of departments established in terms of section 6 (2).
2. Matters having as their object the advancement of education, including the establishment, maintenance, management and control of educational institutions and hostels.
3. Welfare services, including child welfare and social benefit schemes for and the payment of allowances to aged, blind and indigent persons, and persons suffering from mental or physical disabilities.
4. The establishment, maintenance, management and control of clinics and other institutions in connection with services and schemes referred to in item 3.

(b) of so 'n owerheid of 'n lid van so 'n owerheid ten opsigte van 'n besondere aangeleentheid opgetree het ooreenkomstig die reg of gebruike wat die betrokke stam of gemeenskap toepas, is 'n geskrif wat heet 'n beëdigde verklaring te wees van iemand wat in daardie beëdigde verklaring beweer—

(i) dat hy in diens van die Staat is in 'n hoedanigheid, in die verklaring vermeld, wat met die administrasie van naturellesake in verband staan;

(ii) dat hy kennis dra van die reg en gebruike wat die betrokke stam of gemeenskap toepas en dat hy as gevolg daarvan bewys is dat die betrokke persoon lid is of was van die betrokke stamowerheid, gemeenskapsowerheid of streeksowerheid of, na gelang van die geval, dat ten opsigte van bedoelde aangeleentheid ooreenkomstig die betrokke reg en gebruike opgetree is,

by blote oorlegging in bedoelde geding *prima facie*-bewys dat die betrokke persoon lid is of was van die betrokke owerheid of, na gelang van die geval, dat ten opsigte van bedoelde aangeleentheid ooreenkomstig die betrokke reg en gebruike opgetree is.

Wyse waarop raadpleging geskied.

17. (1) Waar 'n naturellevolk, 'n groep mense, 'n stam of 'n gemeenskap ingevolge hierdie Wet geraadpleeg moet word, geskied sodanige raadpleging op die wyse wat die Staatspresident bepaal, hetsy in die algemeen of in 'n besondere geval, en deur middel waarvan, na sy oordeel, 'n verteenwoordigende mening oor die betrokke aangeleentheid die beste verkry kan word.

(2) By die bepaling van die wyse van raadpleging ingevolge subartikel (1), neem die Staatspresident die bevoegdhede, werksaamhede en pligte van wetgewende rade, uitvoerende rade en owerhede bedoel in hierdie Wet, en van kapteins, hoofmanne en ander erkende leiers in ag.

Wysiging van artikel 38 van Wet 39 van 1968.

18. (1) Artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968, word hierby gewysig—

(a) deur subartikels (3) en (4) te skrap;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Geen Wet van die Parlement en geen ordonansie van die Vergadering wat op of na die eerste dag van November 1951 aangeneem is of word, is van toepassing nie in die gebied wat die Oostelike Caprivi Zipfel genoem word en omskryf word in die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Proklamasie No. 147 van 1939 van die Republiek), tensy dit uitdruklik aldus van toepassing verklaar word.”; en

(c) deur in subartikel (6) die uitdrukking „of (3)” te skrap.

(2) 'n Proklamasie wat kragtens artikel 38 (3) van die Wet op die Konstitusie van Suidwes-Afrika, 1968, uitgevaardig is voor die herroeping daarvan deur subartikel (1) van hierdie artikel, of wat geag word daarkragtens uitgevaardig te wees, word geag kragtens artikel 14 van hierdie Wet uitgevaardig te wees.

Kort titel.

19. Hierdie Wet heet die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968.

Bylae.

AANGELEENTHEDE BEDOEL IN ARTIKELS 5 EN 8.

1. Die administrasie en beheer van departemente wat ingevolge artikel 6 (2) ingestel is.

2. Aangeleentheid wat ten doel het die bevordering van die onderwys, met inbegrip van die instelling, instandhouding, bestuur en beheer van opvoedkundige inrigtings en koshuise.

3. Welsynsdienste, met inbegrip van kindersyn en welsynskemas vir en betaling van toelaes aan bejaardes, blindes en behoeftiges, en persone wat aan geestlike of liggaamlike gebreke ly.

4. Die prigting, instandhouding, bestuur en beheer van klinieke en ander inrigtings in verband met dienste en skemas vermeld in item 3.

5. The control of business and trading undertakings of, and the issue of licences for the carrying on thereof to, members of the native nation in question, excluding the issue of licences to them in connection with trading in arms and ammunition and explosives.

6. The planning, establishment, financing, co-ordination, execution and carrying on of industrial, trading, finance, mining and other business undertakings and projects having as their object the economic progress of the native nation concerned, whether in co-operation with any corporation or other body established by any law or otherwise.

7. The construction and maintenance of roads, bridges, furrows, dams and any works considered necessary for purposes of sanitation or of securing a satisfactory water supply or of preventing or combating soil erosion.

8. Farming and agricultural methods in general, including the combating of stock diseases.

9. Afforestation.

10. Markets and pounds.

11. The administration of justice, including the exercise of civil and criminal jurisdiction in accordance with the law and customs observed by tribes and communities, and the trial by persons and bodies acting in terms of such law and customs of contraventions of or failure to comply with enactments of the legislative council or regional authority.

12. The establishment, management and control of labour bureaux, and the registration and placing in employment of workseekers by means of such bureaux.

13. The registration of members of the native nation in question, whether they are or reside in or outside the area for which the legislative council or regional authority has been established, excluding such members who are or reside outside the territory referred to in section 1, and the issue of documents in connection with such registration to such members.

14. The erection and maintenance of buildings and other structures by members of the native nation in question, and the erection and maintenance of such other buildings and structures as the legislative council or the regional authority may deem necessary for the exercise of its powers and the powers of the executive council (if any) and the performance of its functions and duties and the functions and duties of the executive council (if any).

15. A direct tax—

(a) on—

(i) members of the native nation in question or any particular category or group of such members;

(ii) the income of members of the native nation in question or any particular category or group of such members, whether the members concerned are or reside in or outside the area for which the legislative council or the regional authority has been established, provided they are or reside within the territory referred to in section 1;

(b) on property situate in the area for which the legislative council or the regional authority has been established.

16. Fees payable for services rendered by a department referred to in section 6 (2) or a tribal authority, a community authority or a regional authority recognized or established in terms of section 7, and taxes payable by a specified category or group of persons in respect of services made available by any such department or authority.

17. The exercise of powers and the performance of functions and duties in relation to any fund referred to in section 9 (2) which are in terms of any law vested in any other person and which the State President may determine.

18. Subject to the provisions of sections 9 and 10, the collection of and the control over all revenue and fees assigned by the State President by proclamation in the *Gazette* to, or which otherwise accrue to, an executive council referred to in section 6, or to a tribal authority, a community authority or a regional authority recognized or established in terms of section 7.

19. Subject to the provisions of any proclamation issued in terms of section 4—

(a) the conditions of service of the members of the legislative council or the regional authority;

(b) the convening of a session of the legislative council or the regional authority, and the quorum for and the procedure at such a session, including the procedure in the case of the absence of the person who is required to preside at such a session, the method according to which voting takes place at such a session and the exercise of a casting vote by any person presiding at such a session.

20. The appointment, conditions of service, discipline, retirement, discharge and pensioning of officers and employees employed in connection with the departments referred to in section 6 (2).

5. Die beheer van sake- en handelondernemings van, en die uitreiking van lisensies vir die dryf daarvan aan lede van die betrokke naturellevolk, uitgesonderd die uitreiking van lisensies aan hulle in verband met die handeldrywe met wapens en ammunisie en ontplofbare stowwe.

6. Die beplanning, oprigting, finansiering, koördinerings, uitvoering en dryf van nywerheids-, handels-, finansierings-, myn- en ander sake-ondernemings en -projekte wat die ekonomiese vooruitgang van die betrokke naturellevolk ten doel het, hetsy in medewerking met die een of ander korporasie of ander liggaam by wet ingestel of andersins.

7. Die aanlê en instandhouding van paaie, brûe, afvoerkanale, damme en werke wat nodig geag word vir gesondheidsdoeleindes of die versekering van bevredigende watervoorrade of die voorkoming of bestryding van gronderosie.

8. Boerdery- en landboumetodes oor die algemeen, met inbegrip van die bestryding van veesiektes.

9. Bosaanplanting.

10. Markte en skutte.

11. Die regspraak, met inbegrip van die uitoefening van siviele en strafregtelike jurisdiksie ooreenkomstig die reg en gebruike wat stamme en gemeenskappe toepas, en die verhoor deur persone en liggame wat ingevolge bedoelde reg en gebruike optree, van oortredings van of versuim om te voldoen aan maatreëls van die wetgewende raad of streeksowerheid.

12. Die instelling, bestuur en beheer van arbeidsburo's, en die registrasie en indiensplasing van werksoekers deur middel van sodanige buro's.

13. Die registrasie van lede van die betrokke naturellevolk, hetsy hulle binne of buite die gebied waarvoor die wetgewende raad of streeksowerheid ingestel is, is of woon, uitgesonderd sodanige lede wat buite die gebied bedoel in artikel 1 is of woon, en die uitreiking van dokumente in verband met sodanige registrasie aan sodanige lede.

14. Die oprigting en instandhouding van geboue en ander strukture deur lede van die betrokke naturellevolk, en die oprigting en instandhouding van ander geboue en strukture wat die wetgewende vergadering of streeksowerheid nodig ag vir die uitoefening van sy bevoegdhede en die bevoegdhede van die uitvoerende raad (indien daar een is) en die verrigting van sy werksaamhede en pligte en die werksaamhede en pligte van die uitvoerende raad (indien daar een is).

15. Direkte belasting—

(a) op—

(i) lede van die betrokke naturellevolk of 'n bepaalde kategorie of groep sodanige lede;

(ii) die inkomste van lede van die betrokke naturellevolk of 'n bepaalde kategorie of groep sodanige lede, hetsy die betrokke lede binne of buite die gebied waarvoor die wetgewende raad of streeksowerheid ingestel is, is of woon, mits hulle binne die gebied bedoel in artikel 1 is of woon;

(b) op eiendom geleë in die gebied waarvoor die wetgewende raad of streeksowerheid ingestel is.

16. Gelde betaalbaar vir dienste gelewer deur 'n departement bedoel in artikel 6 (2) of 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid erken of ingestel ingevolge artikel 7, en belastings betaalbaar deur 'n vermelde kategorie of groep persone ten opsigte van dienste deur so 'n departement of 'n owerheid beskikbaar gestel.

17. Die uitoefening van bevoegdhede en die verrigting van werksaamhede en pligte met betrekking tot 'n fonds bedoel in artikel 9 (2) wat kragtens die een of ander wet by 'n ander persoon berus en wat die Staatspresident bepaal.

18. Behoudens die bepalinge van artikels 9 en 10, die invordering van en beheer oor alle inkomste en gelde wat die Staatspresident by proklamasie in die *Staatskoerant* toewys aan of wat andersins toeval aan 'n uitvoerende raad bedoel in artikel 6 of 'n stamowerheid, 'n gemeenskapsowerheid of 'n streeksowerheid wat ingevolge artikel 7 erken of gestig is.

19. Behoudens die bepalinge van 'n proklamasie ingevolge artikel 4 uitgevaardig—

(a) die diensvoorwaardes van lede van die wetgewende raad of die streeksowerheid;

(b) die belê van 'n sessie van die wetgewende raad of die streeksowerheid, en die kworum vir en die prosedure by so 'n sessie, met inbegrip van die prosedure ingeval die persoon wat by so 'n sessie moet voorsit, afwesig is, die metode waarvolgens by so 'n sessie gestem word, en die uitoefening van 'n beslissende stem deur iemand wat by so 'n sessie voorsit.

20. Die aanstelling, diensvoorwaardes, tug, aftreding, ontslag en pensioenering van beamptes of werknemers in diens in verband met die departemente bedoel in artikel 6 (2).

21. The imposition of penalties for a contravention of or failure to comply with any enactment made by the legislative council or the regional authority, by way of a fine not exceeding fifty rand, or, in default of payment of the fine, imprisonment for a period not exceeding six months, or such fine as well as such imprisonment, or the imposition of such other penalties for such contravention or failure as may be imposed under the law and customs observed by the tribe or community concerned, and the payment of such fine or a fine imposed in accordance with such law and customs, including the payment thereof by way of the delivery of livestock or other property.

22. Any matter declared by both the Senate and the House of Assembly by resolution passed in the same session to fall within the powers of a particular legislative council or regional authority, including any matter in respect of which the State President or the Minister of Bantu Administration and Development may in terms of any law make regulations.

21. Die oplê van strawwe weens oortreding van of versuim om te voldoen aan 'n maatreël deur die wetgewende raad of streeksowerheid uitvaardig, by wyse van 'n boete van hoogstens vyftig rand, of, by wanbetaling van die boete, gevangenisstraf vir 'n tydperk van hoogstens ses maande, of sodanige boete sowel as sodanige gevangenisstraf, of die oplê van die ander strawwe weens sodanige oortreding of versuim, wat opgelê kan word kragtens die reg en gebruike wat toegepas word deur die betrokke stam of gemeenskap, en die betaling van bedoelde boete, of 'n boete opgelê ooreenkomstig bedoelde reg en gebruike, met inbegrip van betaling daarvan by wyse van die lewering van vee of ander goed.

22. Enige aangeleentheid ten opsigte waarvan die Senaat sowel as die Volksraad by besluit gedurende dieselfde sessie geneem, verklaar dat dit binne die bevoegdhede van 'n bepaalde wetgewende raad of streeksowerheid val, met inbegrip van 'n aangeleentheid ten opsigte waarvan die Staatspresident of die Minister van Bantoe-administrasie en -ontwikkeling regulasies kan uitvaardig ingevolge die een of ander wet.

No. 55, 1968.]

ACT

To amend the Parliamentary Service and Administrators' Pensions Act, 1965, so as to extend the periods of pensionable service; so as to provide for increased pensions; and so as to abolish the age limit for the payment of pensions; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 7th June, 1968.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 2 of the Parliamentary Service and Administrators' Pensions Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 85 of 1965, as amended by section 2 of Act 92 of 1967.

(a) by the substitution for subsections (1), (2), (3) and (4) of the following subsections:

“(1) Subject to the provisions of this Act, a member shall from the first day of April, 1968, or from the date on which he becomes a member, whichever is the later date, and so long as he remains a member, contribute to revenue at the rate of seven and one-half per cent of his pensionable salary.

(2) A member who on the day immediately preceding the first day of April, 1968, has had not less than twenty-two years and six months of pensionable service, shall cease to contribute in terms of subsection (1) as soon as he has so contributed in respect of a period of service equal to two years and six months after that day: Provided that if his service terminates before he has contributed in respect of the whole period of two years and six months, he shall be deemed to have had twenty-five years pensionable service.

(3) A member who on the day immediately preceding the first day of April, 1968, has had less than twenty-two years and six months of pensionable service, shall cease to contribute in terms of subsection (1) as soon as he has so contributed in respect of a period which, when added to the period of his pensionable service prior to that date, is equal to twenty-five years.

(4) A member who has made an election in terms of section 3 (1) or (3) shall cease to contribute in terms of subsection (1) of this section as soon as he has so contributed in respect of a period which, when added to the period which became pensionable service in consequence of such an election, is equal to twenty-five years.”;

(b) by the deletion of subsection (6); and

(c) by the substitution for subsection (8) of the following subsection:

“(8) A member to whom subsection (2), (3), (4), (5) or (7) does not apply, shall cease to contribute in terms of subsection (1) as soon as he has so contributed in respect of a period of twenty-five years.”.

No. 55, 1968.]

WET

Tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, ten einde die tydperke van pensioengewende diens te verleng; ten einde vir verhoogde pensioene voorsiening te maak; en ten einde die ouderdomsperk vir die betaling van pensioene af te skaf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1968.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging
van artikel
2 van Wet 85
van 1965,
soos gewysig
deur artikel
2 van Wet 92
van 1967.

1. Artikel 2 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur subartikels (1), (2), (3) en (4) deur die volgende subartikels te vervang:

„(1) Behoudens die bepalings van hierdie Wet, moet 'n lid vanaf die eerste dag van April 1968, of vanaf die datum waarop hy 'n lid word, na gelang van watter die laatste datum is, en solank hy 'n lid bly, tot inkomste bydra teen die skaal van sewe en 'n halfpersent van sy pensioengewende salaris.

(2) 'n Lid wat op die dag onmiddellik voor die eerste dag van April 1968, nie minder as twee-en-twintig jaar en ses maande pensioengewende diens gehad het nie, hou op om ooreenkomstig subartikel (1) by te dra sodra hy ten opsigte van 'n tydperk van twee jaar en ses maande diens na daardie dag aldus bygedra het: Met dien verstande dat indien sy diens eindig voordat hy ten opsigte van die hele tydperk van twee jaar en ses maande bygedra het, hy geag word vyf-en-twintig jaar pensioengewende diens te gehad het.

(3) 'n Lid wat op die dag onmiddellik voor die eerste dag van April 1968 minder as twee-en-twintig jaar en ses maande pensioengewende diens gehad het, hou op om ooreenkomstig subartikel (1) by te dra sodra hy aldus bygedra het ten opsigte van 'n tydperk wat, indien dit gevoeg word by die tydperk van sy pensioengewende diens voor daardie datum, gelykstaan met vyf-en-twintig jaar.

(4) 'n Lid wat ingevolge artikel 3 (1) of (3) 'n keuse gedoen het, hou op om ooreenkomstig subartikel (1) van hierdie artikel by te dra sodra hy aldus bygedra het ten opsigte van 'n tydperk wat, indien bygereken by die tydperk wat as gevolg van bedoelde keuse pensioengewende diens geword het, gelykstaan met vyf-en-twintig jaar.”;

(b) deur subartikel (6) te skrap; en

(c) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) 'n Lid op wie subartikel (2), (3), (4), (5) of (7) nie van toepassing is nie, hou op om ingevolge subartikel (1) by te dra sodra hy ten opsigte van 'n tydperk van vyf-en-twintig jaar aldus bygedra het.”.

2. Section 5 of the principal Act is hereby amended— Amendment of section 5 of Act 85 of 1965.
 (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, there shall, on the termination of his service, be payable to a member who has had not less than ten years of pensionable service, a pension calculated at the rate of one-twenty-fifth of the annual average of his pensionable salary during the last four years of his service in respect of each year of his pensionable service: Provided that such pension shall not exceed the said average.”; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) A pension payable in terms of subsection (1) shall be payable with effect from the day following the day of termination of the service of the member concerned.”.

3. Section 9 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections: Amendment of section 9 of Act 85 of 1965.

“(1) There shall be payable to any member who at any time on or after the first day of April, 1968, has occupied the office of Prime Minister, a pension of thirteen thousand rand per annum.

(2) Such pension shall be payable with effect from the day following the day of termination of such member's service as a member or as a Minister, whichever is the later date, and irrespective of the period of such member's pensionable service.”.

4. Section 10 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections: Amendment of section 10 of Act 85 of 1965, as amended by section 21 of Act 62 of 1966 and section 5 of Act 92 of 1967.

“(1) Subject to the provisions of subsection (3) of section 9 and subsections (2) and (3) of this section, a member who has occupied the office of—

- (a) Minister, President of the Senate, Speaker of the House of Assembly, Leader of the Opposition in the House of Assembly or Administrator;
 (b) Deputy Minister;
 (c) Deputy President and Chairman of Committees of the Senate, Deputy Speaker and Chairman of Committees of the House of Assembly, Chief Government Whip in the House of Assembly, Chief Whip of the official Opposition in the House of Assembly or commissioner-general;
 (d) Leader of the Opposition in the Senate, Chief Government Whip in the Senate, Chief Whip of the official Opposition in the Senate or Deputy Chairman of Committees of the House of Assembly; or
 (e) Assistant Whip in the Senate or in the House of Assembly,

shall, in addition to any other pension or benefit payable to him in terms of this Act, be entitled to a pension in respect of each completed year of service in such office calculated at the rate of—

- (i) three hundred and sixty rand per annum in the case of a member referred to in paragraph (a);
 (ii) two hundred and forty rand per annum in the case of a member referred to in paragraph (b);
 (iii) one hundred and eighty rand per annum in the case of a member referred to in paragraph (c);
 (iv) one hundred and twenty rand per annum in the case of a member referred to in paragraph (d); and
 (v) sixty rand per annum in the case of a member referred to in paragraph (e).

(2) The aggregate of any pensions payable in terms of this Chapter to any member referred to in subsection (1) shall not exceed the highest annual average of the member's salary during any uninterrupted period of four years of his service.”.

Wysiging
van artikel
5 van Wet 85
van 1965.

2. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van hierdie artikel, is daar by die beëindiging van sy diens, aan 'n lid wat minstens tien jaar pensioengewende diens gehad het, 'n pensioen betaalbaar bereken teen die skaal van een-vyf-en-twintigste van die jaarlikse gemiddelde van sy pensioengewende salaris gedurende die laaste vier jaar van sy diens ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat bedoelde pensioen nie genoemde gemiddelde te bowe gaan nie.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Pensioen betaalbaar ingevolge subartikel (1), is betaalbaar met ingang van die dag na die dag waarop die betrokke lid se diens ten einde loop.”.

Wysiging
van artikel
9 van Wet 85
van 1965.

3. Artikel 9 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Daar is aan 'n lid wat te eniger tyd op of na die eerste dag van April 1968 die amp van Eerste Minister beklee het, 'n pensioen van dertienduisend rand per jaar betaalbaar.

(2) Sodanige pensioen is betaalbaar met ingang van die dag na die dag van beëindiging van so 'n lid se diens as lid of as 'n Minister, na gelang van watter die laatste datum is, en ongeag die tydperk van so 'n lid se pensioengewende diens.”.

Wysiging
van artikel 10
van Wet 85 van
1965, soos gewysig
deur artikel 21 van
Wet 62 van 1966
en artikel 5 van
Wet 92 van 1967.

4. Artikel 10 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Behoudens die bepalings van subartikel (3) van artikel 9 en subartikels (2) en (3) van hierdie artikel, word 'n lid wat die amp van—

(a) Minister, President van die Senaat, Speaker van die Volksraad, Leier van die Opposisie in die Volksraad, of Administrateur;

(b) Adjunk-minister;

(c) Adjunk-president en Voorsitter van Komitees van die Senaat, Adjunk-speaker en Voorsitter van Komitees van die Volksraad, RegeringshoofswEEP in die Volksraad, HoofswEEP van die amptelike Opposisie in die Volksraad of kommissaris-generaal;

(d) Leier van die Opposisie in die Senaat, RegeringshoofswEEP in die Senaat, HoofswEEP van die amptelike Opposisie in die Senaat of Adjunk-voorsitter van Komitees van die Volksraad; of

(e) Assistent-sweep in die Senaat of in die Volksraad, beklee het, benewens enige ander pensioen of voordeel aan hom ingevolge hierdie Wet betaalbaar, geregtig op 'n pensioen ten opsigte van elke voltooide jaar van diens in bedoelde amp bereken teen die skaal van—

(i) driehonderd-en-sestig rand per jaar in die geval van 'n in paragraaf (a) bedoelde lid;

(ii) tweehonderd-en-veertig rand per jaar in die geval van 'n in paragraaf (b) bedoelde lid;

(iii) honderd-en-tagtig rand per jaar in die geval van 'n in paragraaf (c) bedoelde lid;

(iv) honderd-en-twintig rand per jaar in die geval van 'n in paragraaf (d) bedoelde lid;

(v) sestig rand per jaar in die geval van 'n in paragraaf (e) bedoelde lid.

(2) Die totaal van enige pensioene betaalbaar ingevolge hierdie Hoofstuk aan 'n in subartikel (1) bedoelde lid bedra nie meer as die lid se hoogste jaarlikse gemiddelde salaris gedurende enige ononderbroke vier jaar van sy diens nie.”.

5. Section 12 of the principal Act is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) Any pension under this section shall be payable with effect from the day following the date of the death of the member or person concerned.”.

Amendment of section 12 of Act 85 of 1965, as amended by section 6 of Act 92 of 1967.

6. Section 16 of the principal Act is hereby amended—
(a) by the substitution for subparagraph (i) of subsection

Amendment of section 16 of Act 85 of 1965.

(2) (b) of the following subparagraph:

“(i) if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service as a Parliamentary member amount in the aggregate to more than nine years and six months, and if the period of his pensionable service as a Parliamentary member is not less than one year, a pension calculated at the rate of one-twenty-fifth of the annual average of his pensionable salary during the last four years of his service or the whole period of his service, whichever is the lesser period, in respect of each year of his pensionable service as a Parliamentary member not exceeding twenty-five years; or”;

(b) by the substitution for subparagraph (i) of subsection (3) (b) of the following subparagraph:

“(i) if one-half of the period of his pensionable service under the applicable pensions ordinance and the full period of his pensionable service as a Parliamentary member amount in the aggregate to more than nine years and six months, a pension calculated at the rate of one-twenty-fifth of the annual average of his pensionable salary during the last four years of his service or the whole period of his service, whichever is the lesser period, in respect of each year of his pensionable service as a Parliamentary member not exceeding twenty-five years; or”.

7. The following section is hereby substituted for section 20 of the principal Act:

“Supplementary pensions.

20. (1) If a participating member who has not held a specified office was entitled to receive a special pension, and if any pension or the aggregate amount of any pensions which become payable to him in terms of section 16 (2) or (3) is less than the annual average of his pensionable salary during the last four years of his service or the whole period of his service, whichever is the lesser period, the pension or the aggregate amount of the pensions payable to him in terms of section 16 (2) or (3) shall be supplemented—

(a) by an amount equal to the special pension to which he was entitled under the applicable pensions ordinance; or

(b) by an amount equal to the deficit, whichever is the lesser amount.

(2) If a participating member who has not occupied a specified office and who was entitled to receive a special pension, is not entitled to a pension in terms of section 16 he shall, with effect from the day following the last day of his service, be paid a pension equal to the special pension to which he was entitled under the applicable pensions ordinance: Provided that if the said special pension exceeds the annual average of his pensionable salary during the last four years of his service or the whole period of his service, whichever is the lesser period, the

Substitution of section 20 of Act 85 of 1965, as substituted by section 10 of Act 92 of 1967.

Wysiging van artikel 12 van Wet 85 van 1965, soos gewysig deur artikel 6 van Wet 92 van 1967.

5. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

„(8) Enige pensioen ingevolge hierdie artikel is met ingang van die dag na die datum van die dood van die betrokke lid of persoon betaalbaar.”.

Wysiging van artikel 16 van Wet 85 van 1965.

6. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (i) van subartikel (2) (b) deur die volgende subparagraaf te vervang:

„(i) indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens as 'n Parlementêre lid tesame meer as nege jaar en ses maande beloop, en indien die tydperk van sy pensioengewende diens as 'n Parlementêre lid minstens een jaar is, 'n pensioen bereken teen die koers van een-vyf-en-twintigste van die jaarlikse gemiddelde van sy pensioengewende salaris gedurende die laaste vier jaar van sy diens of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens as 'n Parlementêre lid wat vyf-en-twintig jaar nie te bowe gaan nie; of”;

(b) deur subparagraaf (i) van subartikel (3) (b) deur die volgende subparagraaf te vervang:

„(i) indien die helfte van die tydperk van sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie en die volle tydperk van sy pensioengewende diens as 'n Parlementêre lid tesame meer as nege jaar en ses maande beloop, 'n pensioen bereken teen een-vyf-en-twintigste van die jaarlikse gemiddelde van sy pensioengewende salaris gedurende die laaste vier jaar van sy diens, of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens as 'n Parlementêre lid wat vyf-en-twintig jaar nie te bowe gaan nie; of”.

Vervanging van artikel 20 van Wet 85 van 1965, soos vervang deur artikel 10 van Wet 92 van 1967.

7. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:

„Supplementêre pensioene.

20. (1) Indien 'n deelnemende lid wat nie 'n bepaalde amp beklee het nie, geregtig was om 'n spesiale pensioen te ontvang, en indien 'n pensioen of die totale bedrag van pensioene wat ingevolge artikel 16 (2) of (3) aan hom betaalbaar word, minder is as die jaarlikse gemiddelde van sy pensioengewende salaris gedurende die laaste vier jaar van sy diens of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, word die pensioen of die totale bedrag van die pensioene wat ingevolge artikel 16 (2) of (3) aan hom betaalbaar is, aangevul—

(a) met 'n bedrag gelyk aan die spesiale pensioen waarop hy ingevolge die toepaslike pensioenordonnansie geregtig was; of

(b) 'n bedrag gelyk aan die tekort, watter bedrag ook al die minste is.

(2) Indien 'n deelnemende lid wat nie 'n bepaalde amp beklee het nie, en wat geregtig was om 'n spesiale pensioen te ontvang, nie op 'n pensioen ingevolge artikel 16 geregtig is nie, word daar met ingang van die dag wat volg op die laaste dag van sy diens, aan hom 'n pensioen betaal gelyk aan die spesiale pensioen waarop hy ingevolge die toepaslike pensioenordonnansie geregtig was: Met dien verstande dat indien die gemelde spesiale pensioen meer is as die jaarlikse gemiddelde van sy pensioengewende salaris gedurende die laaste vier jaar van sy diens of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, die pensioen betaalbaar inge-

pension payable in terms of this subsection shall be reduced by an amount equal to the excess.

(3) If a participating member who has occupied a specified office, was entitled to receive a special pension, and if the aggregate amount of any pensions which become payable to him—

- (a) in terms of section 16 (2) or (3); and
- (b) in terms of section 10,

is less than the annual average of his salary during the last four years of his service or the whole period of his service, whichever is the lesser period, or the annual average salary referred to in section 10 (2), whichever is the higher average, the said aggregate amount shall be supplemented—

- (i) by an amount equal to the special pension he was entitled to receive; or
- (ii) by an amount equal to the deficit, whichever is the lesser amount.

(4) If a participating member who has occupied a specified office and who was entitled to receive a special pension, is not entitled to a pension in terms of section 16, and if the pension payable to him in terms of section 10 is less than the annual average of his salary during the last four years of his service or the whole period of his service, whichever is the lesser period, or the annual average salary referred to in section 10 (2), whichever is the higher average, the pension payable to him in terms of section 10 shall be supplemented—

- (a) by an amount equal to the special pension he was entitled to receive; or
- (b) by an amount equal to the deficit, whichever is the lesser amount.”.

8. Section 22 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: Amendment of section 22 of Act 85 of 1965, as amended by section 11 of Act 92 of 1967.

“(6) Any pension under this section shall be payable with effect from the day following the date of the death of the member concerned.”.

9. This Act shall be called the Parliamentary Service and Administrators' Pensions Amendment Act, 1968, and shall be deemed to have come into operation on the first day of April, 1968. Short title and commencement.

volge hierdie subartikel met 'n bedrag gelyk aan die oorskot verminder word.

(3) Indien 'n deelnemende lid wat 'n bepaalde amp beklee het, geregtig was om 'n spesiale pensioen te ontvang, en indien die totale bedrag van pensioene wat aan hom betaalbaar word—

(a) ingevolge artikel 16 (2) of (3); en

(b) ingevolge artikel 10,

minder is as die jaarlikse gemiddelde van sy salaris gedurende die laaste vier jaar van sy diens of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, of die in artikel 10 (2) bedoelde jaarlikse gemiddelde salaris, watter gemiddelde ook al die hoogste is, word die gemelde totale bedrag aangevul—

(i) met 'n bedrag gelyk aan die spesiale pensioen wat hy geregtig was om te ontvang; of

(ii) met 'n bedrag gelyk aan die tekort, watter bedrag ook al die minste is.

(4) Indien 'n deelnemende lid wat 'n bepaalde amp beklee het en wat geregtig was om 'n spesiale pensioen te ontvang, nie op 'n pensioen ingevolge artikel 16 geregtig is nie, en indien die pensioen betaalbaar aan hom ingevolge artikel 10 minder is as die jaarlikse gemiddelde van sy salaris gedurende die laaste vier jaar van sy diens of die hele tydperk van sy diens, na gelang van watter tydperk die kortste is, of die in artikel 10 (2) bedoelde jaarlikse gemiddelde salaris, watter gemiddelde ook al die hoogste is, word die pensioen ingevolge artikel 10 aan hom betaalbaar, aangevul—

(a) met 'n bedrag gelyk aan die spesiale pensioen wat hy geregtig was om te ontvang; of

(b) met 'n bedrag gelyk aan die tekort, watter bedrag ook al die minste is."

Wysiging van artikel 22 van Wet 85 van 1965, soos gewysig deur artikel 11 van Wet 92 van 1967.

8. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) 'n Pensioen ingevolge hierdie artikel is betaalbaar vanaf die dag wat volg op die datum waarop die betrokke lid te sterwe gekom het.”.

Kort titel en inwerkingtreding.

9. Hierdie Wet heet die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1968, en word geag in werking te getree het op die eerste dag van April 1968.

No. 57, 1968.]

ACT

To establish a corporation for the development and production of armaments; to amend the provisions of the Armaments Act, 1964, relating to officers and employees; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 10th June, 1968.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—
- Definitions.
- (i) "armaments" means armaments as defined in the Armaments Act, 1964 (Act No. 87 of 1964); (iv)
 - (ii) "Armaments Board" means the Armaments Board established under the Armaments Act, 1964; (v)
 - (iii) "board" means the board of directors referred to in section 5; (viii)
 - (iv) "company" means any association of persons, whether incorporated or unincorporated; (vi)
 - (v) "corporation" means the Armaments Development and Production Corporation of South Africa, Limited, established under section 2; (iii)
 - (vi) "director" means a director appointed under section 5; (i)
 - (vii) "Minister" means the Minister of Defence; (vii)
 - (viii) "regulations" means regulations made under this Act; (ix)
 - (ix) "Republic" includes the territory of South-West Africa; (x)
 - (x) "this Act" includes the regulations. (ii)

2. (1) As from a date to be fixed by the State President by proclamation in the *Gazette*, there shall be established a body to be known as the Armaments Development and Production Corporation of South Africa, Limited, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the carrying out of its objects, the exercise of its powers and the performance of its functions.

Establishment of Armaments Development and Production Corporation of South Africa, Limited.

(2) The Registrar of Companies shall enter the name of the corporation in his registers on the date so fixed.

3. The objects of the corporation shall be to meet as effectively and economically as may be feasible the armaments requirements of the Republic, including armaments required for export and firearms or ammunition required for supply to members of the public—

Objects and general powers of corporation.

- (a) by taking over and, if necessary, expanding any undertaking of the Armaments Board for the manufacture of armaments;
- (b) by taking over any direct or indirect financial interests of the Armaments Board in any undertaking connected with the manufacture of armaments;

No. 57, 1968.]

WET

Om 'n korporasie vir die ontwikkeling en vervaardiging van krygstuig in te stel; om die bepalings van die Krygstuigwet, 1964, met betrekking tot beamptes en werknemers te wysig; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Junie 1968.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „direkteur” ’n direkteur kragtens artikel 5 aangestel; (vi)
- (ii) „hierdie Wet” ook die regulasies; (x)
- (iii) „korporasie” die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika, Beperk, kragtens artikel 2 ingestel; (v)
- (iv) „krygstuig” krygstuig soos in die Krygstuigwet, 1964 (Wet No. 87 van 1964), omskryf; (i)
- (v) „Krygstuigraad” die Krygstuigraad kragtens die Krygstuigwet, 1964, ingestel; (ii)
- (vi) „maatskappy” ’n vereniging van persone, hetsy met regspersoonlikheid beklee al dan nie; (iv)
- (vii) „Minister” die Minister van Verdediging; (vii)
- (viii) „raad” die raad van direkteure in artikel 5 bedoel; (iii)
- (ix) „regulasies” regulasies kragtens hierdie Wet uitgevaardig; (viii)
- (x) „Republiek” ook die gebied Suidwes-Afrika. (ix)

Instelling van
Krygstuigont-
wikkelings- en
vervaardigings-
korporasie van
Suid-Afrika,
Beperk.

2. (1) Vanaf ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, word daar ’n liggaam ingestel bekend as die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika, Beperk, met regspersoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om behoudens die bepalings van hierdie Wet alle handelinge te verrig wat nodig is vir of in verband staan met die bereiking van sy oogmerke, die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.

(2) Die Registrateur van Maatskappye teken die naam van die korporasie in sy registers aan op die aldus bepaalde datum.

Oogmerke en
algemene bevoegd-
hede van
korporasie.

3. Die oogmerke van die korporasie is om, so doeltreffend en ekonomies as wat doenlik is, te voorsien in die krygstuigbehoefte van die Republiek, met inbegrip van krygstuig vir uitvoer benodig en vuurwapens of ammunisie benodig vir verskaffing aan lede van die publiek—

- (a) deur ondernemings van die Krygstuigraad vir die vervaardiging van krygstuig oor te neem en, indien nodig, uit te brei;
- (b) deur regstreekse of onregstreekse finansiële belange van die Krygstuigraad in ’n aan die vervaardiging van krygstuig verbonde onderneming oor te neem;

- (c) by establishing, with the approval of the Minister granted in consultation with the Minister of Economic Affairs, new undertakings for the development or production of armaments;
- (d) by facilitating, promoting, guiding or assisting in the financing, with the approval of the Minister granted in consultation with the Minister of Economic Affairs, of new undertakings for the development or production of armaments or of schemes for the expansion, better organization, modernization or more efficient functioning of such undertakings already in existence;
- (e) by performing such functions as the Minister in consultation with the Minister of Economic Affairs may from time to time determine,

and to that end the corporation shall, in addition to any other powers vested in it by this Act, have power—

- (i) to promote or assist in the promotion of companies for the development or production of armaments in the Republic;
- (ii) to lend or advance money to, to acquire an interest in, or to provide, or by underwriting or otherwise to assist in the subscription of, capital for, any company engaged in or proposing to establish or to expand or modernize any undertaking for the development or production of armaments;
- (iii) to hold, manage, develop, let or hire, or buy, subscribe for or otherwise acquire, or sell or otherwise dispose of, or hypothecate or otherwise deal in, immovable or movable property of whatever kind, including stocks, shares, bonds, debentures and securities of, and any interest in, any company, and where necessary, to act as trustee for debenture holders;
- (iv) to make, draw, accept or endorse negotiable instruments;
- (v) to guarantee any undertaking given in relation to the financing of any company or the performance of any contract by any company;
- (vi) to act as the manager or secretary of any company, and to appoint any person to act on behalf of the corporation as a director of or in any other capacity in relation to any company, and to act as the agent or representative of other companies, whether carrying on business in the Republic or elsewhere;
- (vii) to procure the registration of the corporation in any country or territory,

and, generally, to enter into any contract or perform any act, whether in the Republic or elsewhere, which may be necessary for or incidental or conducive to the attainment of any of the objects of the corporation, or which is calculated directly or indirectly to enhance the value of the services which the corporation may render towards the development or production of armaments in the Republic, or which the Minister may from time to time determine.

4. In exercising its powers the corporation shall—

- (a) deal with any application, proposal or other matter with a view to meeting the armaments requirements of the Republic as effectively and economically as may be feasible, having regard to the strategic value of particular armaments;
- (b) carefully review all matters relating to raw materials necessary for the development or production of armaments, to the labour supply available for such development or production, to the rates of wages proposed to be paid and to the armaments requirements of the Republic, including armaments required

Manner in which
corporation shall
exercise its powers.

- (c) deur nuwe ondernemings vir die ontwikkeling of vervaardiging van krygstuig, met goedkeuring van die Minister verleen in oorleg met die Minister van Ekonomiese Sake, op te rig;
- (d) deur, met goedkeuring van die Minister verleen in oorleg met die Minister van Ekonomiese Sake, die finansiering van nuwe ondernemings vir die ontwikkeling of vervaardiging van krygstuig of van skemas vir die uitbreiding, verbeterde organisering, modernisering of meer doeltreffende funksionering van bedoelde ondernemings wat reeds bestaan, te vergemaklik, te bevorder, te lei of aan te help;
- (e) deur dié werksaamhede te verrig wat die Minister in oorleg met die Minister van Ekonomiese Sake van tyd tot tyd bepaal,

en vir die bereiking van daardie oogmerke het die korporasie, benewens ander bevoegdhede by hierdie Wet aan hom verleen, die bevoegdheid—

- (i) om maatskappye vir die ontwikkeling of vervaardiging van krygstuig in die Republiek te stig of met die stigting daarvan behulpsaam te wees;
- (ii) om aan 'n maatskappy wat verbonde is aan 'n onderneming vir die ontwikkeling of vervaardiging van krygstuig of voornemens is om so 'n onderneming op te rig of uit te brei of te moderniseer, geld te leen of voor te skiet, 'n belang daarin te verkry, of dit van kapitaal te voorsien, of deur garansie of andersins met die inskrywing van kapitaal daarvoor behulpsaam te wees;
- (iii) om onroerende of roerende goed van watter aard ook al, met inbegrip van effekte, aandele, verbande, obligasies en sekuriteite van en belange in 'n maatskappy, te hou, te bestuur, te ontwikkel, te verhuur of te huur, of te koop, daarop in te skrywe of dit andersins te verkry, of te verkoop of andersins te vervreem, of te verpand of andersins daarmee te handel, en waar nodig, as trustee vir obligasiehouers op te tree;
- (iv) om verhandelbare stukke te maak, te trek, aan te neem of te endosseer;
- (v) om 'n verpligting wat met betrekking tot die finansiering van 'n maatskappy of die uitvoering van 'n kontrak deur 'n maatskappy aangegaan is, te waarborg;
- (vi) om as die bestuurder of sekretaris van 'n maatskappy op te tree, en om 'n persoon aan te stel om namens die korporasie as 'n direkteur van of in 'n ander hoedanigheid met betrekking tot 'n maatskappy op te tree, en om as die agent of verteenwoordiger op te tree van ander maatskappye, hetsy hulle in die Republiek of elders sake doen;
- (vii) om die registrasie van die korporasie in enige land of gebied te bewerkstellig,

en, in die algemeen, om in die Republiek of elders kontrakte aan te gaan of handelinge te verrig, wat nodig is vir of verbonde is aan of bevorderlik is vir die bereiking van die een of ander oogmerk van die korporasie, of wat daarop bereken is om regstreeks of onregstreeks die waarde te verhoog van die dienste wat die korporasie ten opsigte van die ontwikkeling of vervaardiging van krygstuig in die Republiek kan lewer, of wat die Minister van tyd tot tyd bepaal.

Wyse waarop korporasie sy bevoegdhede uitoefen.

4. By die uitoefening van sy bevoegdhede moet die korporasie—

- (a) met 'n aansoek, voorstel of ander aangeleentheid handel met die oog op voorsiening in die krygstuigbehoefte van die Republiek op die mees doeltreffende en ekonomiese wyse wat doenlik is, met inagneming van die strategiese waarde van bepaalde krygstuig;
- (b) alle aangeleenthede sorgvuldig nagaan wat betrekking het op grondstowwe wat vir die ontwikkeling of vervaardiging van krygstuig nodig is, op die arbeidsbronne beskikbaar vir bedoelde ontwikkeling of vervaardiging, op die skale van voorgestelde lone wat betaal staan te word en op die krygstuigbehoefte van

for export and firearms or ammunition required for supply to members of the public, having regard to the markets available for the disposal of armaments.

5. (1) The affairs of the corporation shall be managed and controlled by a board of directors, which may exercise all the powers of the corporation subject to the provisions of this Act. Board of directors.

(2) The board shall consist of not less than seven and not more than nine directors to be appointed by the State President.

(3) No decision taken by the board or act performed under the authority of the board shall be invalid merely by reason of a vacancy on the board or of the fact that any person not entitled to sit as a director sat as a director at the time the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the required majority of directors present at the time, who were entitled to sit as directors.

(4) The directors shall hold office for such period, not exceeding three years, as the State President may determine at the time of appointment, but shall be eligible for re-appointment: Provided that if in his opinion there are good reasons for doing so, the State President may at any time terminate the period of office of any director.

(5) A director designated by the State President as chairman, or, in his absence, a director so designated as deputy chairman, shall preside at any meeting of the board: Provided that if both the chairman and the deputy chairman are absent from any meeting of the board, a chairman elected by the directors present from among themselves, shall preside at such meeting.

(6) No member of the Senate or the House of Assembly or a provincial council or the Legislative Assembly of the territory of South-West Africa may be appointed as a director and any director shall, on becoming such a member, vacate his office.

(7) Subject to the provisions of subsection (8), the corporation shall out of its funds pay to a director such remuneration and allowances, and afford him such transport facilities in respect of his services as a director, as the Minister in consultation with the Minister of Finance may determine.

(8) In respect of his services as a director any person in the full-time service of the State shall receive no remuneration and shall not be paid any allowances exceeding those payable to him in respect of his work in the service of the State.

(9) A director shall not be personally liable for any loss or damage arising out of or in connection with the execution of his duties, unless the loss or damage is due to anything done in bad faith or to gross negligence or to failure to comply with any provision of this Act.

6. (1) The share capital of the corporation shall be one hundred million rand or such larger amount as the Minister may in consultation with the Minister of Finance from time to time on the recommendation of the board determine, and shall be divided into ordinary shares of one rand each. Share capital.

(2) Shares in the corporation may be taken up by the State only and shall not be transferable.

(3) The State shall take up shares in the corporation to such extent and subject to such conditions as the Minister may in consultation with the Minister of Finance from time to time determine.

(4) Subject to the provisions of subsection (5), shares in the corporation shall be paid for out of moneys appropriated by Parliament for the purpose.

(5) Shares in the corporation, equal in value to the value of any undertakings or other financial interests of the Armaments Board taken over by the corporation in terms of this Act, shall be issued to the State free of charge, and no charge shall be made by the Armaments Board for the transfer of such undertakings or financial interests to the corporation.

(6) The value of the undertakings or financial interests referred to in subsection (5) shall be such value as the Minister may in consultation with the Minister of Finance determine.

die Republiek, met inbegrip van krygstuig vir uitvoer benodig en vuurwapens of ammunisie benodig vir verskaffing aan lede van die publiek, met inagneming van die beskikbare afsetgebiede vir krygstuig.

Raad van direkteure.

5. (1) Die sake van die korporasie word bestuur en beheer deur 'n raad van direkteure wat bevoeg is om al die bevoegdhede van die korporasie behoudens die bepalinge van hierdie Wet uit te oefen.

(2) Die raad bestaan uit minstens sewe en hoogstens nege direkteure wat deur die Staatspresident aangestel word.

(3) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as direkteur sitting te neem nie, as direkteur sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van direkteure wat toe aanwesig was en geregtig was om as direkteure sitting te neem.

(4) Die direkteure beklee hul amp vir dié tydperk, maar hoogstens drie jaar, wat die Staatspresident ten tyde van hul aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat indien daar na sy oordeel gegronde redes daarvoor bestaan, die Staatspresident te eniger tyd die ampstermyn van 'n direkteur kan beëindig.

(5) 'n Deur die Staatspresident as voorsitter aangewese direkteur of, in sy afwesigheid, 'n aldus as adjunk-voorsitter aangewese direkteur, sit voor op 'n vergadering van die raad: Met dien verstande dat indien sowel die voorsitter as die adjunk-voorsitter van 'n vergadering van die raad afwesig is, 'n voorsitter deur die aanwesige direkteure uit hul midde verkies, op die vergadering voorsit.

(6) Geen lid van die Senaat of die Volksraad of 'n provinsiale raad of die Wetgewende Vergadering van die gebied Suidwes-Afrika kan as direkteur aangestel word nie en 'n direkteur ontruim sy amp sodra hy so 'n lid word.

(7) Behoudens die bepalinge van subartikel (8), betaal die korporasie uit sy fondse aan 'n direkteur dié besoldiging en toelaes en verskaf aan hom dié vervoergeriewe ten opsigte van sy dienste as direkteur, wat die Minister in oorleg met die Minister van Finansies bepaal.

(8) Ten opsigte van sy dienste as direkteur ontvang 'n persoon in die voltydse diens van die Staat geen besoldiging nie en word aan hom nie toelaes betaal wat groter is as dié wat ten opsigte van sy werk in diens van die Staat aan hom betaalbaar is nie.

(9) 'n Direkteur is nie persoonlik aanspreeklik vir verlies of skade wat uit of in verband met die nakoming van sy pligte ontstaan nie, tensy die verlies of skade te wyte is aan iets ter kwader trou gedoen of aan growwe nalatigheid of aan versuim om 'n bepaling van hierdie Wet na te kom.

Aandelekapitaal.

6. (1) Die aandelekapitaal van die korporasie bedra honderdmiljoen rand of dié groter bedrag wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd op aanbeveling van die raad bepaal, en word in gewone aandele van 'n rand elk verdeel.

(2) Aandele in die korporasie word slegs deur die Staat opgeneem en is nie oordraagbaar nie.

(3) Die Staat neem aandele in die korporasie op in dié mate en behoudens dié voorwaardes wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.

(4) Behoudens die bepalinge van subartikel (5), word daar vir aandele in die korporasie betaal uit gelde deur die Parlement vir daardie doel bewillig.

(5) Aandele in die korporasie gelykwaardig aan die waarde van ondernemings of ander finansiële belange van die Krygstuigraad deur die korporasie ingevolge hierdie Wet oorgeneem, word kosteloos aan die Staat uitgereik, en geen vergoeding word deur die Krygstuigraad vir die oordrag van bedoelde ondernemings of finansiële belange aan die korporasie gevra nie.

(6) Die waarde van die in subartikel (5) bedoelde ondernemings of finansiële belange is dié waarde wat die Minister in oorleg met die Minister van Finansies bepaal.

7. The liability of the State as holder of the shares in the corporation shall be limited to the amount unpaid on shares held by it. Limitation of liability of State.

8. (1) The corporation shall, except in so far as this Act may otherwise provide, utilize all its assets solely for the attainment of its objects and matters incidental thereto, but may with the approval of the State President declare an annual dividend not exceeding eight per cent. Finances of corporation.

(2) The board shall cause proper records to be kept of all the financial transactions, assets and liabilities of the corporation.

(3) The accounts of the corporation shall be audited annually by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and nominated annually by the Minister.

(4) As soon as may be after the completion of every audit the board shall furnish the Minister with the report of the auditor containing such particulars as may be prescribed by the regulations, together with a report on the activities of the corporation containing particulars so prescribed, and the Minister shall lay each report and any statements of account accompanying such report on the Table of the Senate and of the House of Assembly within one month after receipt thereof by him, if Parliament is in ordinary session, or if Parliament is not in ordinary session, within one month after the commencement of the next ensuing ordinary session, unless disclosure of any such report may in the opinion of the Minister jeopardize the safety of the State.

(5) The board shall furnish the Minister with such information as he may call for from time to time in respect of the activities or financial position of the corporation.

9. The State President may make regulations in regard to— Regulations.

- (a) the place where the head office of the corporation shall be situated;
- (b) conditions or restrictions subject to which the board shall exercise the powers of the corporation, including the circumstances in which the board shall exercise such powers subject to the approval of the State President or the Minister or the Minister acting in consultation with any other Minister of State and the manner in which such powers shall be exercised in particular circumstances or in relation to companies promoted by the corporation;
- (c) the calling of and procedure and quorum at meetings of the board, including the manner of voting and the number of votes required for a decision of the board;
- (d) the preservation of secrecy in regard to the affairs of the corporation;
- (e) the keeping of records, minutes and books of account;
- (f) the contents of auditors' or other reports to be furnished to the Minister by the board;
- (g) the date on which the financial year of the corporation shall terminate;
- (h) the manner of calculating the price at which and the circumstances in which armaments shall be supplied by the corporation to the State, whether in general or in particular cases;
- (i) generally, all matters for which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

10. The corporation shall not be wound up except by or under the authority of an Act of Parliament. Winding up of corporation.

11. No person shall carry on business and no company shall be registered under the Companies Act, 1926 (Act No. 46 of 1926), under or by a name in which the expression "Arm Scor" or "Krygkor" appears or which is identical with the name of the corporation or which so nearly resembles such name as to be cal- Use of name of corporation.

Beperking van
Staatsaanspreek-
likheid.

7. Die aanspreeklikheid van die Staat as houër van die aandeel in die korporasie word beperk tot die onopbetaalde bedrag ten opsigte van aandeel wat deur die Staat gehou word.

Finansies van
korporasie.

8. (1) Die korporasie wend al sy bates aan, behalwe vir sover hierdie Wet anders bepaal, slegs vir die bereiking van sy oogmerke en aangeleenthede wat daarmee in verband staan, maar kan met goedkeuring van die Staatspresident 'n jaarlikse dividend van hoogstens agt persent verklaar.

(2) Die raad moet van alle geldelike transaksies, bates en laste van die korporasie behoorlik boek laat hou.

(3) Die rekenings van die korporasie moet jaarliks geouditeer word deur 'n persoon wat kragtens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 52 van 1951), as rekenmeester en ouditeur geregistreer is en wat jaarliks deur die Minister benoem word.

(4) So spoedig doenlik ná voltooiing van elke oudit moet die raad aan die Minister die ouditeursverslag verstrek wat die by regulasie voorgeskrewe besonderhede bevat, tesame met 'n verslag oor die bedrywighede van die korporasie wat aldus voorgeskrewe besonderhede bevat, en die Minister lê elke verslag en die rekeningstate wat bedoelde verslag vergesel, in die Senaat en in die Volksraad ter Tafel binne 'n maand nadat hy dit ontvang het, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 'n maand na die aanvang van die eersvolgende gewone sessie, tensy openbaarmaking van bedoelde verslag na die oordeel van die Minister die veiligheid van die Staat aan gevaar kan blootstel.

(5) Die raad moet aan die Minister dié inligting verstrek wat hy van tyd tot tyd ten opsigte van die bedrywighede of geldelike stand van die korporasie aanvra.

Regulasies.

9. Die Staatspresident kan regulasies uitvaardig met betrekking tot—

- (a) die plek waar die hoofkantoor van die korporasie geleë moet wees;
- (b) voorwaardes of beperkings onderworpe waaraan die raad die bevoegdheid van die korporasie moet uitoefen, met inbegrip van die omstandighede waaronder die raad bedoelde bevoegdheid moet uitoefen met goedkeuring van die Staatspresident of die Minister of die Minister wat in oorleg met 'n ander Staatsminister optree, en die wyse waarop bedoelde bevoegdheid onder bepaalde omstandighede of met betrekking tot deur die korporasie opgerigte maatskappye uitgeoefen moet word;
- (c) die byeenroep van en prosedure en kworum op vergaderings van die raad, met inbegrip van die wyse waarop stemme uitgebring word en die getal stemme benodig vir 'n besluit van die raad;
- (d) geheimhouding ten opsigte van die sake van die korporasie;
- (e) die hou van registers, notule en rekeningboeke;
- (f) die inhoud van ouditeurs- of ander verslae wat deur die raad aan die Minister verstrek moet word;
- (g) die datum waarop die boekjaar van die korporasie eindig;
- (h) die wyse waarop die prys bereken moet word waarteen en die omstandighede waaronder krygstuij deur die korporasie aan die Staat verskaf moet word, hetsy oor die algemeen of in bepaalde gevalle;
- (i) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag dat regulasies uitgevaardig moet word ten einde die oogmerke van hierdie Wet te bereik.

Likwidasië van
korporasie.

10. Die korporasie word nie gelikwideer nie behalwe deur of kragtens 'n Wet van die Parlement.

Gebruik van
naam van
korporasie.

11. Geen persoon mag sake doen en geen maatskappij mag kragtens die Maatskappijwet, 1926 (Wet No. 46 van 1926), geregistreer word, onder of op 'n naam waarin die uitdrukking „Armcor” of „Krygkor” voorkom of wat dieselfde as die naam

culated to deceive: Provided that this section shall not prohibit any person from carrying on business or remaining registered under or by a name under or by which such person carried on business or was registered at the commencement of this Act.

12. (1) Subject to the provisions of subsection (2), the provisions of the Companies Act, 1926 (Act No. 46 of 1926), or of any other law relating to companies, shall not apply with reference to the corporation. Exemption of corporation from provisions of certain laws.

(2) The State President may by proclamation in the *Gazette* apply to the corporation any provision of the said Act or other law, not inconsistent with the provisions of this Act, with such modifications as may be specified in the proclamation.

(3) The State President may by like proclamation exempt the corporation from the provisions of such laws as may be specified in the proclamation, to the extent so specified.

(4) The State President may from time to time in like manner repeal or amend any proclamation issued under this section.

13. Section 13 of the Armaments Act, 1964, is hereby amended by the addition of the following subsection— Amendment of section 13 of Act 87 of 1964.

“(7) An officer or employee of the board may with his consent be seconded by the board, either for a particular service or for a period of time, to the service of the Armaments Development and Production Corporation of South Africa, Limited, or of any company promoted by the said corporation, on such conditions as the board may determine, and such officer or employee shall for the purposes of section 14 be deemed to have remained in the service of the board while so seconded.”.

14. This Act shall be called the Armaments Development Short title. and Production Act, 1968.

van die korporasie is of in so 'n mate daarmee ooreenstem dat dit waarskynlik misleidend kan wees nie: Met dien verstande dat hierdie artikel nie 'n persoon belet om sake te doen of geregistreer te bly onder of op 'n naam waaronder of waarop bedoelde persoon by die inwerkingtreding van hierdie Wet sake gedoen het of geregistreer was nie.

Vrystelling van korporasie van sekere wetsbepalings.

12. (1) Behoudens die bepalinge van subartikel (2), is die bepalinge van die Maatskappywet, 1926 (Wet No. 46 van 1926), of van 'n ander wet op maatskappye, nie met verwysing na die korporasie van toepassing nie.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant*, die een of ander bepaling van genoemde Wet of ander wet wat nie onbestaanbaar met die bepalinge van hierdie Wet is nie, op die korporasie toepas met dié wysigings wat in die proklamasie vermeld word.

(3) Die Staatspresident kan by dergelike proklamasie die korporasie onthef van die bepalinge van dié wette wat in die proklamasie vermeld word, en wel in die mate wat aldus vermeld word.

(4) Die Staatspresident kan op dergelike wyse 'n kragtens hierdie artikel uitgevaardigde proklamasie van tyd tot tyd herroep of wysig.

Wysiging van artikel 13 van Wet 87 van 1964.

13. Artikel 13 van die Krygstuigwet, 1964, word hierby gewysig deur die volgende subartikel by te voeg:

„(7) 'n Beampte of werknemer van die raad kan met sy toestemming tydelik aan die diens van die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika, Beperk, of van 'n deur bedoelde korporasie opgerigte maatskappy deur die raad afgestaan word, hetsy vir 'n bepaalde diens of vir 'n bepaalde tydperk, op dié voorwaardes wat die raad bepaal, en so 'n beampte of werknemer word by die toepassing van artikel 14 geag in diens van die raad te gebly het terwyl hy aldus afgestaan is.”

Kort titel.

14. Hierdie Wet heet die Wet op Krygstuigontwikkeling en -vervaardiging, 1968.

ACT

To amend section 2 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to empower the Administration to move a ship which is subject to an attachment order; to amend section 38 of the said Act, so as to increase the statutory amounts payable in respect of stock killed or injured by a train; to amend section 6 of the Railways and Harbours Service Act, 1960, so as to amend the procedure governing the appointment of servants to permanent employment; to amend section 13 of the said Act and sections 17, 19, 30 and 31 of the Railways and Harbours Superannuation Fund Act, 1960, so as to provide for an amended method of calculating pensions; and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 12th June, 1968.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 2 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the insertion of the following new paragraph after paragraph (4)*bis*:

“(4)*ter* to move any ship which has been attached by order of court to any place within the harbour wherein it was attached;”.

Amendment of section 2 of Act 70 of 1957, as amended by section 1 of Act 4 of 1958, section 3 of Act 7 of 1963, section 5 of Act 39 of 1963, section 2 of Act 54 of 1964 and section 12 of Act 6 of 1965.

2. Section 38 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Compensation under this section to the owner of any stock killed or injured shall in no case be payable at a higher rate than as follows:

Amendment of section 38 of Act 70 of 1957, as amended by section 27 of Act 6 of 1965.

- For any cattle, per head Eighty rand.
- For any horse Seventy rand.
- For any mule Seventy rand.
- For any pig Thirty rand.
- For any ostrich Twenty-four rand.
- For any sheep Ten rand.
- For any goat Ten rand.
- For any donkey Eight rand.”.

No. 60, 1968.]

WET

Tot wysiging van artikel 2 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om die Administrasie te magtig om 'n skip wat onder beslaglegging is, te verskuif; tot wysiging van artikel 38 van genoemde Wet om voorsiening te maak vir die verhoging van die statutêre bedrae wat betaalbaar is ten opsigte van vee wat deur 'n trein gedood of beseer word; tot wysiging van artikel 6 van die Wet op Spoorweg- en Hawediens, 1960, om die prosedure waarkragtens dienare in vaste diens aangestel word, te wysig; tot wysiging van artikel 13 van genoemde Wet en artikels 17, 19, 30 en 31 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, om vir 'n gewysigde metode van berekening van pensioene voorsiening te maak; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1968.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 70 van 1957, soos gewysig deur artikel 1 van Wet 4 van 1958, artikel 3 van Wet 7 van 1963, artikel 5 van Wet 39 van 1963, artikel 2 van Wet 54 van 1964 en artikel 12 van Wet 6 van 1965.

1. Artikel 2 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur die volgende nuwe paragraaf na paragraaf (4)*bis* in te voeg:

„(4)*ter* om 'n skip waarop daar, uit hoofde van 'n hofbevel, beslag gelê is, te verskuif na enige plek in die hawe waarin daar op die skip beslag gelê is;”.

Wysiging van artikel 38 van Wet 70 van 1957, soos gewysig deur artikel 27 van Wet 6 van 1965.

2. Artikel 38 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die vergoeding wat ingevolge hierdie artikel aan die eienaar van gedode of beseerde vee betaalbaar is, gaan in geen geval die volgende bedrae te bowe nie:

Vir 'n bees	..	..	Tagtig rand.
Vir 'n perd	..	..	Sewentig rand.
Vir 'n muil	..	..	Sewentig rand.
Vir 'n vark	..	..	Dertig rand.
Vir 'n volstruis	..	..	Vier-en-twintig rand.
Vir 'n skaap	..	..	Tien rand.
Vir 'n bok	..	..	Tien rand.
Vir 'n donkie	..	..	Agt rand.”

3. Section 6 of the Railways and Harbours Service Act, 1960, is hereby amended by the substitution for the first proviso to subsection (2) of the following proviso:

“Provided that a certificate of permanent employment shall not be withheld from a servant with more than five years’ continuous service except on the specific authority of the General Manager:”.

Amendment of section 6 of Act 22 of 1960, as amended by section 47 of Act 6 of 1965.

4. Section 13 of the Railways and Harbours Service Act, 1960, is hereby amended—

(a) by the substitution for subparagraph (i) of paragraph (c) of subsection (4) of the following subparagraph:

“(i) an amount arrived at by adding to the annual average of the deceased person’s pensionable emoluments for the four years immediately preceding the date of his dismissal or resignation, as the case may be, an amount equal to five per cent of such annual average in respect of each complete year in respect of which he contributed: Provided that for the purpose of ascertaining such annual average, the pensionable emoluments on which the deceased person contributed in respect of his service up to and including the fixed date shall be deemed to be increased by ten per cent, and that his pensionable emoluments in respect of his service after the fixed date shall be deemed to be not less than the amount obtained by increasing, by ten per cent, the pensionable emoluments on which he was contributing on the fixed date; or”;

Amendment of section 13 of Act 22 of 1960, as amended by section 13 of Act 62 of 1961 and sections 49 and 60 of Act 6 of 1965.

(b) by the insertion after paragraph (a) of subsection (6) of the following paragraph:

“(aA) Subsection (4) as amended by section 13 (1) (a) and (b) of the Railways and Harbours Acts Amendment Act, 1961 (Act No. 62 of 1961), shall apply in relation to the death of every person to whom an annuity was granted under subsection (1) of this section, whose dismissal or resignation took effect after the fixed date provided for in subsection 4 (c)bis of this section but on or before the thirty-first day of March, 1968, and whose death occurred or occurs on or after the first day of April, 1968.”.

5. Section 17 of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) An annuity shall be calculated at the rate of—
- (a) one-fiftieth in the case of a member to whom the provisions of section 16 (1) (d) of the Railways and Harbours Service Act, 1960, apply, whatever the age of retirement applicable to him may be; or
 - (b) one-fifty-fifth in the case of a member holding a position mentioned in section 16 (1) (c) or (e) of the Railways and Harbours Service Act, 1960, whatever the age of retirement applicable to him may be; or
 - (c) one-sixtieth in the case of all other members,

Amendment of section 17 of Act 39 of 1960, as amended by section 17 of Act 62 of 1961, section 8 of Act 18 of 1966 and section 5 of Act 23 of 1967.

for each year of the period of membership of the New Fund, based on the annual average of the pensionable emoluments for the period of four years immediately preceding retirement, or the annual average of the pensionable emoluments for the whole period of membership of the New Fund, whichever is the greater: Provided that no annuity shall be granted to any person unless contributions have been made

Wysiging van artikel 6 van Wet 22 van 1960, soos gewysig deur artikel 47 van Wet 6 van 1965.

3. Artikel 6 van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig deur die eerste voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat behalwe met die uitdruklike magtiging van die Hoofbestuurder 'n sertifikaat van vaste diens nie van 'n dienaar met meer as vyf jaar ononderbroke diens weerhou mag word nie:”.

Wysiging van artikel 13 van Wet 22 van 1960, soos gewysig deur artikel 13 van Wet 62 van 1961 en artikels 49 en 60 van Wet 6 van 1965.

4. Artikel 13 van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig—

(a) deur subparagraaf (i) van paragraaf (c) van subartikel (4) deur die volgende subparagraaf te vervang:

„(i) 'n bedrag wat verkry word deur aan die jaarlikse gemiddelde van die oorlede persoon se pensioengewende emolumente oor die vier jaar wat onmiddellik voorafgegaan het aan die datum van sy ontslag of bedanking, na gelang van die geval, 'n bedrag by te voeg wat gelykstaan met vyf persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooide jaar ten opsigte waarvan hy bygedra het: Met dien verstande dat by die vasstelling van sodanige jaarlikse gemiddelde, die pensioengewende emolumente waarop die oorlede persoon ten opsigte van sy diens tot en met die vasgestelde datum bygedra het, geag word met tien persent verhoog te wees, en dat sy pensioengewende emolumente ten opsigte van sy diens na die vasgestelde datum geag word nie minder te wees nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog; of”; en

(b) deur na paragraaf (a) van subartikel (6) die volgende paragraaf in te voeg:

„(aA) Subartikel (4) soos gewysig deur artikel 13 (1) (a) en (b) van die Wysigingswet op Spoorweg- en Hawewette, 1961 (Wet No. 62 van 1961), is van toepassing met betrekking tot die dood van iedereen aan wie 'n jaargeld toegeken is ingevolge subartikel (1) van hierdie artikel, wie se ontslag of bedanking van krag geword het na die vasgestelde datum soos bepaal in subartikel 4(c)*bis* van hierdie artikel maar op of voor die een-en-dertigste dag van Maart 1968 en wat op of na die eerste dag van April 1968 te sterwe gekom het of kom.”.

Wysiging van artikel 17 van Wet 39 van 1960, soos gewysig deur artikel 17 van Wet 62 van 1961, artikel 8 van Wet 18 van 1966 en artikel 5 van Wet 23 van 1967.

5. Artikel 17 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Jaargeld word bereken teen die skaal van—

(a) een-vyftigste in die geval van 'n lid op wie die bepaling van artikel 16 (1) (d) van die Wet op Spoorweg- en Hawediens, 1960, van toepassing is, wat ook al die op hom toepaslike aftreeleef tyd mag wees; of

(b) een vyf-en-vyftigste in die geval van 'n lid wat 'n betrekking beklee wat genoem word in artikel 16 (1) (c) of (e) van die Wet op Spoorweg- en Hawediens, 1960, wat ook al die op hom toepaslike aftreeleef tyd mag wees; of

(c) een-sestigste in die geval van alle ander lede, vir elke jaar van die tydperk van lidmaatskap van die Nuwe Fonds, gebaseer op die jaarlikse gemiddelde van die pensioengewende emolumente vir die tydperk van vier jaar wat uitdienstreding onmiddellik voorafgaan, of die jaarlikse gemiddelde van die pensioengewende emolumente vir die hele tydperk van lidmaatskap van die Nuwe Fonds, na gelang van watter die hoogste is: Met dien verstande dat geen jaargeld aan iemand toegeken mag word nie tensy bydraes deur of ten behoeve van hom gestort is ten opsigte

by him, or on his behalf, in respect of a period of ten years or more; and provided further that the member is in other respects qualified for such an annuity.”.

6. Section 19 of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended by the substitution for the final proviso of the following proviso: Amendment of section 19 of Act 39 of 1960.

“Provided further that if the period of re-employment is less than four years, the annuity shall be based on the average pensionable emoluments for the full period of re-employment.”.

7. Section 30 of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended by the substitution for subparagraph (i) of subsection (3) (a) of the following subparagraph: Amendment of section 30 of Act 39 of 1960, as amended by section 20 of Act 62 of 1961, section 8 of Act 54 of 1964 and section 65 of Act 6 of 1965.

“(i) in the case of a deceased member who had contributed to the New Fund in respect of a period of one year or longer: an amount arrived at by adding to twice the annual average of such member’s pensionable emoluments for the last four years of his service, or for the actual period in respect of which he contributed if that period was less than four years, an amount equal to ten per cent of such annual average in respect of each complete year in respect of which he contributed; or”.

8. Section 31 of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended— Amendment of section 31 of Act 39 of 1960, as amended by section 66 of Act 6 of 1965.

(a) by the substitution for subsection (6) of the following subsection:

“(6) The preceding provisions of this section shall apply in relation to the death of every such annuitant as is referred to in subsection (1) who ceased to be a member of the New Fund on or after the first day of April, 1968, and whose death occurred or occurs on or after that date.”; and

(b) by the addition to subsection (7) of the following paragraph:

“(c) who ceased to be a member of the New Fund on or after the first day of March, 1956, but before the first day of April, 1968, and who died or dies after the thirty-first day of March, 1959, this section, as it existed immediately prior to the first day of April, 1968, shall continue to apply.”.

9. Sections 4, 5, 6, 7 and 8 shall be deemed to have come into operation on the first day of April, 1968. Commencement of sections 4, 5, 6, 7 and 8.

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

11. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1968. Short title.

van 'n tydperk van tien jaar of langer; en met dien verstande voorts dat die lid in ander opsigte vir so 'n jaargeld gekwalifiseerd is."

Wysiging van artikel 19 van Wet 39 van 1960.

6. Artikel 19 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig deur die laaste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat indien die tydperk van herindiensneming minder as vier jaar is, die jaargeld op die gemiddelde pensioengewende emolumente vir die volle tydperk van herindiensneming gebaseer word."

Wysiging van artikel 30 van Wet 39 van 1960, soos gewysig deur artikel 20 van Wet 62 van 1961, artikel 8 van Wet 54 van 1964 en artikel 65 van Wet 6 van 1965.

7. Artikel 30 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig deur subparagraaf (i) van subartikel (3) (a) deur die volgende subparagraaf te vervang:

„(i) in die geval van 'n oorlede lid wat tot die Nuwe Fonds bygedra het ten opsigte van 'n tydperk van een jaar of langer: 'n bedrag wat verkry word deur aan twee maal die jaarlikse gemiddelde van so 'n lid se pensioengewende emolumente vir die laaste vier jaar van sy diens, of vir die werklike tydperk waarvoor hy bygedra het as daardie tydperk korter as vier jaar was, 'n bedrag by te voeg wat gelykstaan met tien persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooidde jaar ten opsigte waarvan hy bygedra het; of"

Wysiging van artikel 31 van Wet 39 van 1960, soos gewysig deur artikel 66 van Wet 6 van 1965.

8. Artikel 31 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig—

(a) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die voorgaande bepalings van hierdie artikel is van toepassing met betrekking tot die dood van elke sodanige jaargeldtrekker as wat in subartikel (1) bedoel word, wat op of na die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees en op of na daardie datum te sterwe gekom het of kom.";

(b) deur die volgende paragraaf by subartikel (7) te voeg:

„(c) wat op of na die eerste dag van Maart 1956 maar voor die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees en wat na die een-en-dertigste dag van Maart 1959 te sterwe gekom het of kom, bly hierdie artikel, soos dit onmiddellik voor die eerste dag van April 1968 bestaan het, van toepassing."

Inwerkingtreding van artikels 4, 5, 6, 7 en 8.

9. Artikels 4, 5, 6, 7 en 8 word geag op die eerste dag van April 1968 in werking te getree het.

Toepassing van Wet op Suidwes-Afrika.

10. Hierdie Wet is ook op die gebied Suidwes-Afrika van toepassing.

Kort titel.

11. Hierdie Wet heet die Tweede Wysigingswet op Spoorweg- en Hawewette, 1968.

No. 70, 1968.]

ACT

To repeal the Registration of Firms Act, 1906, of Natal, and the Beef Export Bounties Act, 1923; to amend the Liquor Act, 1928; the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965; the Attorneys, Notaries and Conveyancers Admission Act, 1934; the Protection of Names, Uniforms and Badges Act, 1935; the Bantu Trust and Land Act, 1936; the Matrimonial Causes Jurisdiction Act, 1939; the Land Bank Act, 1944; the South African Reserve Bank Act, 1944; the Magistrates' Courts Act, 1944; the Soil Conservation Act, 1946; the South African Tourist Corporation Act, 1947; the Rents Act, 1950; the Suppression of Communism Act, 1950; the Criminal Procedure Act, 1955; the Animal Diseases and Parasites Act, 1956, and the General Law Amendment Act, 1956; to repeal the Special Justices of the Peace Act, 1957; to amend the Public Service Act, 1957; the Prisons Act, 1959, and the Extradition Act, 1962; to repeal section 34 of the General Law Further Amendment Act, 1962; to amend the Reciprocal Enforcement of Maintenance Orders Act, 1963; the Gambling Act, 1965; the Hotels Act, 1965; the Agricultural Credit Act, 1966, and the Removal of Restrictions Act, 1967; and to validate Proclamation No. R.123 of 1967.

*(English text signed by the State President.)
(Assented to 19th June, 1968.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. So much of the Registration of Firms Act, 1906, of Natal as is unrepealed, is hereby repealed. Repeal of Act 35 of 1906 (Natal).
2. The Beef Export Bounties Act, 1923, is hereby repealed. Repeal of Act 12 of 1923.
3. The following section is hereby substituted for section 45bis of the Liquor Act, 1928 (hereinafter referred to as the principal Act): Substitution of section 45bis of Act 30 of 1928, as inserted by section 5 of Act 85 of 1964.

“Certain 45bis. (1) No licence for the sale of liquor licences not to be transferred without authority of Minister or person acting under his directions. (other than a foreign liquor licence or a wine farmer's licence) granted or renewed under this Act in respect of premises situated in an area other than a prohibited area as defined in section 53 shall be transferred to any person unless the chairman of a licensing board or a licensing board, as the case may be, recommends the application for such transfer to the Minister and the Minister or any person acting under his directions, authorizes such chairman or board to approve of such transfer: Provided that no such authority shall be required—

(a) in the case of a transfer of a licence from an employee of a company, society, partnership or

No. 70, 1968.]

WET

Om die „Registration of Firms Act, 1906”, van Natal, en die „Beestevlees Uitvoerpriem Wet, 1923”, te herroep; tot wysiging van die Drankwet, 1928; die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1965; die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934; die Beskerming van Name, Uniforms en Wapens Wet, 1935; die Bantoetrust en -grond Wet, 1936; die Wet op Regsbevoegdheid in Matrimoniale Regsake, 1939; die Landbankwet, 1944; die Wet op die Suid-Afrikaanse Reserwebank, 1944; die Wet op Landdroshowe, 1944; die Grondbewaringswet, 1946; die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947; die Wet op Huurgelde, 1950; die Wet op die Onderdrukking van Kommunisme, 1950; die Strafproseswet, 1955; die Wet op Dieresiektes en -parasiete, 1956, en die Algemene Regswysigingswet, 1956; om die Wet op Spesiale Vrederegters, 1957, te herroep; tot wysiging van die Staatsdienswet, 1957; die Wet op Gevangnisse, 1959, en die Wet op Uitlewering, 1962; om artikel 34 van die Verdere Algemene Regswysigingswet, 1962, te herroep; tot wysiging van die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963; die Wet op Dobbelary, 1965; die Wet op Hotelle, 1965; die Wet op Landboukrediet, 1966, en die Wet op Opheffing van Beperkings, 1967; en om Proklamasie No. R.123 van 1967 geldig te verklaar.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1968.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Herroeping van Wet 35 van 1906 (Natal).

1. Soveel van die „Registration of Firms Act, 1906”, van Natal as wat nie herroep is nie, word hierby herroep.

Herroeping van Wet 12 van 1923.

2. Die „Beestevlees Uitvoerpriem Wet, 1923”, word hierby herroep.

Vervanging van artikel 45bis van Wet 30 van 1928, soos ingevoeg deur artikel 5 van Wet 85 van 1964.

3. Artikel 45bis van die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Sekere lisensies word nie sonder magtiging van Minister of persoon wat op sy gesag handel, oorgedra nie.

45bis. (1) Geen lisensie vir die verkoop van drank (behalwe 'n buitelandse dranklisensie of 'n wynboer-lisensie) ingevolge hierdie Wet verleen of vernuwe in verband met 'n gebou in 'n ander streek as 'n in artikel 53 omskrewe verbode streek geleë, mag aan iemand oorgedra word nie tensy die voorsitter van 'n lisensieraad, of 'n lisensieraad, na gelang van die geval, die aanvraag om die oordrag by die Minister aanbeveel en die Minister of iemand wat op sy gesag handel, daardie voorsitter of raad magtig om die oordrag toe te staan: Met dien verstande dat so 'n magtiging nie nodig is nie—

(a) in die geval van 'n oordrag van 'n lisensie van 'n dienaar van 'n maatskappy, vereniging,

other association of persons to another employee of the same company, society, partnership or other association of persons; or

- (b) in the case of a transfer of a licence to any person other than such employee, if the chairman of the licensing board or the licensing board, as the case may be, is satisfied that such person and, if he is the agent or nominee of any other person or of a private company or partnership, that other person or private company or partnership and every shareholder or partner of such private company or partnership, as the case may be, have no financial interest in the liquor trade in the Republic, other than a financial interest in the business or undertaking in respect of which the licence in question has been issued.

(2) The Minister or any person acting under his directions, shall not withhold any authority under subsection (1) unless he is of opinion, after he has afforded the applicant an opportunity to make representations to him within such period as he may determine, that the transfer of the licence might give rise to or aggravate a monopolistic condition detrimental to the public interest in the liquor trade or any branch thereof.

(3) The decision of the Minister or any person acting under his directions on any application referred to in subsection (1) shall be final.”.

4. Section 75 of the principal Act is hereby amended by the substitution for the second proviso to paragraph (f) of subsection (2) of the following proviso:

Amendment of section 75 of Act 30 of 1928, as substituted by section 58 of Act 88 of 1963 and amended by section 10 of Act 85 of 1964.

“Provided further that if a condition has been imposed under subsection (1) (b) (i) of section 78 in respect of the supply of liquor to any particular class of persons under a bar licence or a wine and malt liquor licence or an hotel liquor licence in respect of premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), an area for the occupation by members of the white group, liquor shall be sold and delivered by the holder of such licence to the particular class of persons concerned only during such hours (being not earlier than ten o'clock in the morning or later than half-past eleven o'clock at night) as the Minister may, on the recommendation of the National Liquor Board made after enquiry in terms of section 118ter, direct or, if the Minister does not so direct, as may be determined by the authority granting or renewing the licence;”.

5. The following section is hereby inserted in the principal Act after section 100sex:

Insertion of section 101 in Act 30 of 1928.

“Prohibition of sale or supply of liquor to certain persons by the holders of on-consumption licences granted or renewed in respect of premises situated in certain areas. 101. (1) If after having obtained a report and recommendation of the National Liquor Board made after an enquiry under section 118ter, the Minister is of the opinion—

- (a) that the sale or supply of liquor to coloured or Asiatic persons for consumption on premises situated in an area declared under the Group Areas Act, 1966 (Act No. 36 of 1966), to be an area for occupation by members of the white group, gives rise to undesirable conditions in such area; or
- (b) that sufficient provision exists for the sale or supply of liquor to coloured or Asiatic persons in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the coloured group, the Malay group, the Indian group or the Chinese group, he may—

vennootskap of ander assosiasie van persone aan 'n ander dienaar van dieselfde maatskappy, vereniging, vennootskap of ander assosiasie van persone; of

- (b) in die geval van die oordrag van 'n lisensie aan 'n ander persoon as so 'n dienaar, indien die voorsitter van die lisensieraad of die lisensieraad, na gelang van die geval, oortuig is dat sodanige persoon en, indien hy die agent of benoemde van enige ander persoon of van 'n privaat maatskappy of vennootskap is, daardie ander persoon of privaat maatskappy of vennootskap en iedere aandeelhouer of vennoot van sodanige privaat maatskappy of vennootskap, na gelang van die geval, geen ander geldelike belang in die drankhandel in die Republiek as 'n geldelike belang in die besigheid of onderneming ten opsigte waarvan die betrokke lisensie uitgereik is, het nie.

(2) Die Minister of iemand wat op sy gesag handel weerhou nie 'n magtiging ingevolge subartikel (1) nie tensy hy van oordeel is, nadat hy die applikant geleentheid gegee het om verhoër te word binne die tydperk wat hy bepaal, dat die oordrag van die lisensie 'n vir die openbare belang skadelike monopolistiese toestand in die drankhandel of 'n vertakking daarvan sou kon laat ontstaan of vererger.

(3) Die besluit van die Minister of 'n persoon wat op sy gesag handel, oor 'n in subartikel (1) bedoelde aanvraag is afdoende."

Wysiging van artikel 75 van Wet 30 van 1928, soos vervang deur artikel 58 van Wet 88 van 1963 en gewysig deur artikel 10 van Wet 85 van 1964.

4. Artikel 75 van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling by paragraaf (f) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat indien 'n voorwaarde kragtens subartikel (1) (b) (i) van artikel 78 opgelê is ten opsigte van die verstrekking van drank aan 'n bepaalde klas persone kragtens 'n kantienlisensie of 'n wyn- en bierlisensie of 'n hoteldranklisensie ten opsigte van 'n gebou geleë in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, drank deur die houder van bedoelde lisensie aan die betrokke bepaalde klas persone verkoop en afgelewer word slegs gedurende die tye (wat nie vroeër as tienuur in die more of later as half-twaalfuur in die aand is nie) wat die Minister, op aanbeveling van die Nasionale Drankraad gedoen na ondersoek ingevolge artikel 118ter, gelas of, indien die Minister nie aldus gelas nie, wat vasgestel word deur die gesag wat die lisensie verleen of vernuwe;”.

Invoeging van artikel 101 in Wet 30 van 1928.

5. Die volgende artikel word hierby in die Hoofwet na artikel 100sex ingevoeg:

„Verbod op die verkoop of verstrekking van drank aan sekere persone deur die houters van binne-verbruik-lisensies verleen of vernuwe ten opsigte van geboue in sekere gebiede geleë.

101. (1) Indien die Minister nadat hy 'n verslag en aanbeveling van die Nasionale Drankraad, gedoen na ondersoek ingevolge artikel 118ter, verkry het, van oordeel is—

- (a) dat die verkoop of verstrekking van drank aan kleurlinge of Asiate vir gebruik in 'n gebou wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966), as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, aanleiding tot ongewenste toestande in bedoelde gebied gee; of
- (b) dat voldoende voorsiening bestaan vir die verkoop of verstrekking van drank aan kleurlinge of Asiate in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, verklaar is as 'n gebied vir okkupasie deur lede van die gekleurde groep, die Maleiergroep, die Indiërgroep of die Chinese groep,

kan hy—

- (i) in a case referred to in paragraph (a), by notice under his hand delivered or tendered to the holder of the licence granted or renewed in respect of the premises concerned, prohibit such holder, as from a date specified in the notice, from selling or supplying liquor to coloured or Asiatic persons for consumption on such premises; or
 - (ii) in a case referred to in paragraph (b), by notice in the *Gazette*, prohibit, as from a date specified in the notice, all holders of on-consumption licences granted or renewed in respect of premises situated in an area declared under the Group Areas Act, 1966, to be an area for occupation by members of the white group as well as within the district within which the area referred to in the said paragraph is situated, from selling or supplying liquor to coloured or Asiatic persons for consumption on those premises.
- (2) The decision of the Minister to prohibit the sale or supply of liquor under subsection (1) shall be final.”.

6. The following section is hereby inserted in the principal Act after section 118*bis*: Insertion of section 118*ter* in Act 30 of 1928.

“Enquiries by the National Liquor Board.

118*ter*. (1) The National Liquor Board (hereafter in this section referred to as the board) shall conduct an enquiry into any matter referred to it for enquiry by the Minister.

(2) The chairman of the board or, in his absence, any member of the board appointed by the Minister to preside at an enquiry under this section may, for the purposes of the enquiry, summon, in the manner in which a person may be subpoenaed to appear before a magistrate’s court in a criminal trial, any person to give evidence at the enquiry or to produce thereat any book, document or thing which may, in the opinion of the chairman of the board or of such member be relevant to the subject matter of the enquiry.

(3) The board may call and examine any person present at the enquiry, whether or not such person has been summoned under subsection (2) to attend the enquiry, and may inspect and retain for such period as it may deem fit any book, document or thing the production of which was required under the said subsection or produced to it at such enquiry.

(4) (a) The board may direct any person to give his evidence at the enquiry on oath or affirmation.

(b) The chairman of the board or the member of the board presiding at the enquiry, as the case may be, may administer an oath to, or accept an affirmation from, any person appearing before the board to give evidence or to produce any book, document or thing.

(5) In connection with the giving of evidence or the production of any book, document or thing at such enquiry, the law relating to privilege as applicable to a witness giving evidence or summoned to produce a book, document or thing in criminal proceedings in a magistrate’s court shall apply.

(6) The board may, in its discretion, order that no person whose presence is not necessary shall be present at the enquiry.

(7) Any person attending an enquiry in pursuance of a subpoena referred to in subsection (2) shall be entitled to an allowance as if he were attending criminal proceedings as a witness for the State.

(8) Any person who—

- (i) in 'n in paragraaf (a) bedoelde geval, by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan die houer van die lisensie wat ten opsigte van die betrokke gebou verleen of vernuwe is, bedoelde houer verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan kleurlinge of Asiate vir gebruik in bedoelde gebou te verkoop of te verstrek; of
 - (ii) in 'n in paragraaf (b) bedoelde geval, by kennisgewing in die *Staatskoerant* alle houers van binneverbruiklisensies wat verleen of vernuwe is ten opsigte van geboue wat geleë is in 'n gebied wat kragtens die Wet op Groepsgebiede, 1966, as 'n gebied vir okkupasie deur lede van die blanke groep verklaar is, sowel as binne die distrik waarin die in genoemde paragraaf bedoelde gebied geleë is, verbied om, vanaf 'n in die kennisgewing bepaalde datum, drank aan kleurlinge of Asiate vir gebruik in daardie geboue te verkoop of te verstrek.
- (2) Die beslissing van die Minister om die verkoop of verstrekking van drank kragtens subartikel (1) te verbied is afdoende."

Invoeging van artikel 118ter in Wet 30 van 1928.

6. Die volgende artikel word hierby in die Hoofwet na artikel 118bis ingevoeg:

„Onder-
soeke deur
die
Nasionale
Drankraad.

118ter. (1) Die Nasionale Drankraad (hieronder in hierdie artikel die raad genoem) moet ondersoek instel na enige aangeleentheid wat deur die Minister na hom vir ondersoek verwys word.

(2) Die voorsitter van die raad of, in sy afwesigheid, 'n lid van die raad wat deur die Minister aangestel is om by 'n ondersoek ingevolge hierdie artikel voor te sit, kan, met die oog op die ondersoek, enige persoon op die wyse waarop 'n persoon as getuie gedagvaar kan word om by 'n strafverhoor voor 'n magistratuurshof te verskyn, dagvaar om by die ondersoek getuienis af te lê of 'n boek, stuk of saak oor te lê wat, na die voorsitter van die raad of bedoelde lid se oordeel, op die onderwerp van die ondersoek betrekking het.

(3) Die raad kan 'n by die ondersoek aanwesige persoon oproep en ondervra, hetsy bedoelde persoon kragtens subartikel (2) gedagvaar is om by die ondersoek aanwesig te wees al dan nie, en kan enige boek, stuk of saak waarvan die oorlegging kragtens genoemde subartikel vereis is of wat by bedoelde ondersoek aan die raad oorgelê is, inspekteer en vir dié tydperk hou wat die raad goedvind.

(4) (a) Die raad kan iemand gelas om by die ondersoek sy getuienis onder eed of ná bevestiging af te lê.

(b) Die voorsitter van die raad of die lid van die raad wat by die ondersoek voorsit, na gelang van die geval, kan aan 'n persoon wat voor die raad verskyn om getuienis af te lê of om 'n boek, stuk of saak oor te lê, 'n eed oplê of van hom 'n bevestiging aanneem.

(5) In verband met die affê van getuienis of die oorlegging van 'n boek, stuk of saak by so 'n ondersoek, is die reg op privilegie van toepassing wat van toepassing is op 'n getuie wat in 'n strafsak in 'n magistratuurshof getuienis aflê of gedagvaar is om 'n boek, stuk of saak in so 'n strafsak oor te lê.

(6) Die raad kan na goeë dunske gelas dat geen persoon wie se aanwesigheid nie nodig is nie, by die ondersoek aanwesig mag wees nie.

(7) 'n Persoon wat by 'n ondersoek aanwesig is uit hoofde van 'n in subartikel (2) bedoelde dagvaarding, is op 'n toelae geregtig asof hy by 'n strafsak as getuie vir die Staat aanwesig is.

(8) 'n Persoon wat—

- (a) having been summoned under subsection (2) to give evidence at an enquiry, fails to attend at the time and place specified in the subpoena, or fails to remain in attendance until the conclusion of the enquiry or until he is excused by the chairman or member of the board presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or
- (b) having been called under subsection (3) and directed by the chairman or member of the board presiding at the enquiry to do so, refuses to be sworn or to make an affirmation as a witness, or, having been so called and sworn or made affirmation, refuses to testify, or refuses or fails to answer fully and satisfactorily any question lawfully put to him,

shall, unless he proves that he has a just excuse for his failure or refusal, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) Any person who, after having been sworn or having made affirmation, gives false evidence before the board at an enquiry on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(10) Any person who wilfully interrupts the proceedings at an enquiry under this section or who wilfully hinders or obstructs the board or any member of the board in the performance of its or his functions at such enquiry shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(11) Any holder of a licence granted or renewed under this Act who has a substantial interest in any matter referred to the board for enquiry under this section shall be entitled to appear at such enquiry and to be represented thereat by counsel or an attorney.

(12) The provisions of subsections (6), (8) and (9) of section 118*bis* shall *mutatis mutandis* apply to an enquiry held by the board under this section.

(13) Subject to the provisions of this section, any enquiry under the said section shall be conducted in such manner and subject to such rules as the board may deem fit.

(14) The board shall, as soon as possible after the conclusion of an enquiry, make such report and recommendation to the Minister as it may deem fit.”.

7. The following section is hereby inserted in the principal Act after section 131:

“Permit for conveyance of liquor.

132. (1) The Minister may by notice under his hand delivered or tendered to any holder of an off-consumption licence or to a licensee who has in terms of section 64 or 71*bis* been granted authority to sell liquor for consumption off the licensed premises, prohibit such holder or licensee for any period specified in that notice, from conveying or causing to be conveyed at any one time any liquor in quantities exceeding two gallons, unless

Insertion of section 132 in Act 30 of 1928.

- (a) nadat hy kragtens subartikel (2) gedagvaar is om getuienis by 'n ondersoek af te lê, in gebreke bly om aanwesig te wees op die in die dagvaarding bepaalde tyd en plek, of in gebreke bly om aanwesig te bly tot by afloop van die ondersoek of totdat die voorsitter of lid van die raad wat by die ondersoek voorsit, hom verlof gegee het om nie langer aanwesig te wees nie, of in gebreke bly om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy volgens 'n dagvaarding moet oorlê; of
- (b) nadat hy kragtens subartikel (3) opgeroep is en deur die voorsitter of lid van die raad wat by die ondersoek voorsit, aangesê is om dit te doen, weier om as getuie die eed of 'n plegtige verklaring af te lê, of nadat hy aldus opgeroep is en na eedaflegging of die aflê van 'n plegtige verklaring, weier om getuienis af te lê of weier om in gebreke bly om 'n vraag wettiglik aan hom gestel, ten volle en op bevredigende wyse te beantwoord,

is, tensy hy bewys dat hy 'n voldoende verskoning vir sy versuim of weiering het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

(9) 'n Persoon wat, nadat hy die eed of 'n plegtige verklaring afgelê het, valse getuienis voor die raad by 'n ondersoek na enige aangeleentheid aflê, met die wete dat die getuienis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe strawwe vir meined.

(10) 'n Persoon wat die verrigtinge by 'n ondersoek kragtens hierdie artikel opsetlik verstoort of die raad of 'n lid van die raad by die verrigting van sy werksaamhede by so 'n ondersoek opsetlik hinder of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.

(11) 'n Houer van 'n lisensie kragtens hierdie Wet verleen of vernuwe wat 'n wesenlike belang het by enige aangeleentheid wat na die raad vir ondersoek kragtens hierdie artikel verwys is, is geregtig om by bedoelde ondersoek te verskyn en om deur 'n advokaat of prokureur verteenwoordig te word.

(12) Die bepalinge van subartikels (6), (8) en (9) van artikel 118*bis* is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge hierdie artikel deur die raad gehou.

(13) Behoudens die bepalinge van hierdie artikel, word 'n ondersoek ingevolge bedoelde artikel gehou op die wyse en behoudens die reëls wat die raad goedvind.

(14) Die raad moet so spoedig moontlik na die afloop van 'n ondersoek die verslag en aanbeveling aan die Minister doen wat die raad goedvind."

Invoeging van artikel 132 in Wet 30 van 1928.

7. Die volgende artikel word hierby in die Hoofwet na artikel 131 ingevoeg:

„Permit vir die vervoer van drank.

132. (1) Die Minister kan by wyse van 'n deur hom ondertekende kennisgewing oorhandig of aangebied aan enige houer van 'n buiterveerbruik-lisensie of aan enige lisensiehouer aan wie ingevolge artikel 64 of 71*bis* magtiging verleen is om drank vir verbruik buite die gelisensieerde gebou te verkoop, bedoelde houer of lisensiehouer verbied om vir die in die kennisgewing bepaalde tydperk enige drank in hoeveelhede van meer as twee gellings

he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to convey such liquor or to cause such liquor to be conveyed.

(2) A member of the police force holding a rank designated under subsection (1) may, subject to an appeal to the Commissioner of Police, whose decision shall be final, in his discretion, refuse to issue any such permit.

(3) No notice delivered or tendered to any holder of an off-consumption licence or to a licensee under subsection (1) shall apply to the conveyance of any liquor from the licensed premises of such holder or licensee to the licensed premises of any other licensee or to or from authorized places of storage determined in terms of section 79ter.”.

8. The following section is hereby substituted for section 134 of the principal Act:

“Prohibition of delivery and introduction of liquor in or into certain areas.

134. (1) No holder of any off-consumption licence, no licence holder authorized under section 64 or 71bis to sell liquor for consumption off the licensed premises, and no holder of an authority under section 100sex authorized to sell liquor for consumption off the premises described in the authority shall by himself, his servant or agent deliver or cause to be delivered any liquor to any person within—

- (a) a Bantu residential area defined, set apart and laid out or deemed to have been defined, set apart and laid out under section 2 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or
- (b) a township established by the Minister of Bantu Administration and Development under the provisions of any law relating to the settlement of Bantu,

who is not the holder of an authority granted or renewed under section 100bis.

(2) Subject to the provisions of subsection (1), no person other than the holder of an authority under section 100bis, shall by himself, his servant or agent at any one time introduce liquor in quantities exceeding two gallons into a Bantu residential area or township referred to in subsection (1), unless he is in possession of a permit in the prescribed form issued by a member of the police force holding a rank designated by the Commissioner of Police and authorizing him to do so.

Substitution of section 134 of Act 30 of 1928, as amended by section 13 of Act 72 of 1961 and section 20 of Act 63 of 196

9. Section 162 of the principal Act is hereby amended by the insertion after paragraph (b)bis of subsection (1) of the following paragraph:

“(b)ter conveys or causes to be conveyed any liquor in quantities exceeding two gallons in contravention of a notice delivered or tendered to him under section 132 (1);”.

Amendment of section 162 of Act 30 of 1928, as amended by section 15 of Act 72 of 1961 and section 102 of Act 88 of 1963.

10. Section 163 of the principal Act is hereby amended by the addition of the following paragraph:

“(d) sells or supplies liquor to a coloured or Asiatic person in contravention of a notice issued under section 101.”.

Amendment of section 163 of Act 30 of 1928, as amended by section 103 of Act 88 of 1963.

11. Section 164 of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph:

“(c) in contravention of the provisions of section 134, delivers or causes to be delivered any liquor to any person within a Bantu residential area or township referred to in that section;”.

Amendment of section 164 of Act 30 of 1928, as amended by section 16 of Act 72 of 1961 and section 104 of Act 88 of 1963.

op 'n keer te vervoer of te laat vervoer, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang beklee, uitgereik is en wat hom magtig om bedoelde drank te vervoer of te laat vervoer.

(2) 'n Lid van die polisiemag wat 'n kragtens subartikel (1) aangewese rang beklee, kan, onderworpe aan 'n appèl na die Kommissaris van Polisie, wie se beslissing afdoende is, na goeëdunke die uitreiking van so 'n permit weier.

(3) Geen kennisgewing wat kragtens subartikel (1) aan 'n houer van 'n buiteverbruik-lisensie of aan 'n lisensiehouer oorhandig of aangebied is, is van toepassing op die vervoer van enige drank vanaf die gelisensieerde gebou van bedoelde houer of lisensiehouer na die gelisensieerde gebou van 'n ander lisensiehouer of na of vanaf gemagtigde opbergingsplekke bepaal ingevolge artikel 79*ter* nie."

Vervanging van artikel 134 van Wet 30 van 1928, soos gewysig deur artikel 13 van Wet 72 van 1961 en artikel 20 van Wet 63 van 1962.

8. Artikel 134 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op aflewering en invoering van drank in sekere gebiede.

134. (1) Geen houer van 'n buiteverbruik-lisensie, geen lisensiehouer wat ingevolge artikel 64 of 71*bis* gemagtig is om drank vir gebruik buite die gelisensieerde gebou te verkoop, en geen houer van 'n magtiging kragtens artikel 100*sex* wat gemagtig is om drank vir gebruik buite die in die magtiging omskrewe gebou te verkoop, mag self of deur sy bediende of verteenwoordiger enige drank aflewer of laat aflewer aan iemand binne—

(a) 'n Bantoe-woongebied bepaal, afgesonder en aangelê of geag bepaal, afgesonder en aangelê te wees ingevolge artikel 2 van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945); of

(b) 'n dorp gestig deur die Minister van Bantoe-administrasie en -ontwikkeling kragtens die bepalings van enige wet met betrekking tot die vestiging van Bantoes, wat nie die houer van 'n kragtens artikel 100*bis* verleende of vernude magtiging is nie.

(2) Behoudens die bepalings van subartikel (1), mag niemand anders as die houer van 'n magtiging kragtens artikel 100*bis*, self of deur sy bediende of verteenwoordiger drank in groter hoeveelhede as twee gelling op 'n keer in 'n in subartikel (1) bedoelde Bantoe-woongebied of dorp invoer nie, tensy hy in besit is van 'n permit in die voorgeskrewe vorm wat deur 'n lid van die polisiemag wat 'n deur die Kommissaris van Polisie aangewese rang beklee, uitgereik is en wat hom daartoe magtig.

Wysiging van artikel 162 van Wet 30 van 1928, soos gewysig deur artikel 15 van Wet 72 van 1961 en artikel 102 van Wet 88 van 1963.

9. Artikel 162 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (b)*bis* van subartikel (1) in te voeg:

„(b)*ter* in stryd met 'n kennisgewing wat kragtens artikel 132 (1) aan hom oorhandig of aangebied is, drank in hoeveelhede van meer as twee gelling vervoer of laat vervoer;”.

Wysiging van artikel 163 van Wet 30 van 1928, soos gewysig deur artikel 103 van Wet 88 van 1963.

10. Artikel 163 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(d) in stryd met 'n kragtens artikel 101 uitgereikte kennisgewing, drank aan 'n kleurling of Asiaat verkoop of verstrekk.”.

Wysiging van artikel 164 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 72 van 1961 en artikel 104 van Wet 88 van 1963.

11. Artikel 164 van die Hoofwet word hierby gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:

„(c) in stryd met die bepalings van artikel 134, drank aan iemand binne 'n in daardie artikel bedoelde Bantoe-woongebied of dorp aflewer of laat aflewer;”.

12. Section 166 of the principal Act is hereby amended by the substitution for paragraph (p) of the following paragraph:
 “(p) in contravention of the provisions of section 134, introduces any liquor into any Bantu residential area or township referred to in that section;”.
- Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956, section 10 of Act 58 of 1957, section 17 of Act 72 of 1961, section 20 of Act 63 of 1962, section 10 of Act 89 of 1962, section 106 of Act 88 of 1963, section 18 of Act 85 of 1964, section 36 of Act 70 of 1965 and section 10 of Act 98 of 1965.
13. Section 168 of the principal Act is hereby amended—
- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:
 “(aA) if the contravention is of a provision of section 164 (c), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding six months;” ; and
- (b) by the substitution for paragraph (b) of the said subsection of the following paragraph:
 “(b) if the contravention is of the provisions of section 100bis (8) or section 100sex (7) or of a provision of section 166 (d), (f), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) or (u), to a fine not exceeding two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months;”.
- Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, section 43 of Act 61 of 1956, section 18 of Act 72 of 1961, section 20 of Act 63 of 1962, section 12 of Act 89 of 1962 and section 108 of Act 88 of 1963.
14. Section 17 of the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965, is hereby repealed with effect from the date of promulgation of the said Act.
- Repeal of section 17 of Act 26 of 1965.
15. (1) Section 18 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) No attorney shall have or retain any clerk under articles unless such attorney is actually practising the profession of attorney either on his own account or as a partner in a firm of attorneys or as State Attorney or as one of the three most senior professional assistants in the office of the State Attorney at Pretoria or as professional assistant in charge of any branch of the said office or as senior professional assistant to such professional assistant in charge of such branch and has—
- (i) if he is an attorney so practising on his own account or as a partner in a firm of attorneys, so practised continuously for a period of three years immediately prior to taking such clerk under articles;
- (ii) if he is the State Attorney or any professional assistant as aforesaid, practised the profession of attorney in the office of the State Attorney or any branch thereof continuously for a period of three years immediately prior to taking such clerk under articles.”.
- (2) Subsection (1) shall be deemed to have come into operation on the date of commencement of the Attorneys, Notaries and Conveyancers Admission Act, 1934.
- Amendment of section 18 of Act 23 of 1934, as amended by section 1 of Act 22 of 1949, section 2 of Act 31 of 1957 and section 6 of Act 67 of 1967.
16. Section 27 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the addition of the following subsection:
- Amendment of section 27 of Act 23 of 1934,

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956, artikel 10 van Wet 58 van 1957, artikel 17 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 10 van Wet 89 van 1962, artikel 106 van Wet 88 van 1963, artikel 18 van Wet 85 van 1964, artikel 36 van Wet 70 van 1965 en artikel 10 van Wet 98 van 1965.

Wysiging van artikel 168 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 41 van 1934, artikel 12 van Wet 35 van 1956, artikel 43 van Wet 61 van 1956, artikel 18 van Wet 72 van 1961, artikel 20 van Wet 63 van 1962, artikel 12 van Wet 89 van 1962 en artikel 108 van Wet 88 van 1963.

Herroeping van artikel 17 van Wet 26 van 1965.

Wysiging van artikel 18 van Wet 23 van 1934, soos gewysig deur artikel 1 van Wet 22 van 1949, artikel 2 van Wet 31 van 1957 en artikel 6 van Wet 67 van 1967.

Wysiging van artikel 27 van Wet 23 van 1934,

12. Artikel 166 van die Hoofwet word hierby gewysig deur paragraaf (p) deur die volgende paragraaf te vervang:

„(p) in stryd met die bepalings van artikel 134, drank in 'n daardie artikel bedoelde Bantoewoongebied of dorp invoer;”.

13. Artikel 168 van die Hoofwet word hierby gewysig—
(a) deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:

„(aA) as dit 'n oortreding is van 'n bepaling van artikel 164 (c), met 'n boete van hoogstens tweehonderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande;” en

(b) deur paragraaf (b) van bedoelde subartikel deur die volgende paragraaf te vervang:

„(b) as dit 'n oortreding is van die bepalings van artikel 100bis (8) of artikel 100sex (7) of van 'n bepaling in artikel 166 (d), (f), (i), (i)bis, (i)ter, (j), (k), (l), (o), (p) of (u), met 'n boete van hoogstens twee honderd pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.”.

14. Artikel 17 van die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1965, word hierby herroep met ingang van die datum van afkondiging van genoemde Wet.

15. (1) Artikel 18 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen prokureur mag 'n klerk onder leerkontrak in diens hê of hou nie tensy so 'n prokureur werklik die professie van prokureur uitoefen, hetsy vir eie rekening of as vennoot in 'n prokureursfirma of as Staatsprokureur of as een van die drie mees senior professionele assistente in die kantoor van die Staatsprokureur te Pretoria of as professionele assistent wat oor 'n tak van genoemde kantoor toesig het of as senior professionele assistent van sodanige professionele assistent wat oor so 'n tak toesig het en—

(i) indien hy 'n prokureur is wat aldus vir eie rekening of as vennoot in 'n prokureursfirma praktiseer, vir 'n tydperk van drie jaar onmiddellik voordat sodanige klerk onder leerkontrak geneem word of is, onafgebroke aldus gepraktiseer het;

(ii) indien hy die Staatsprokureur of 'n professionele assistent soos voormeld is, in die kantoor van die Staatsprokureur of 'n tak daarvan vir 'n tydperk van drie jaar onmiddellik voordat sodanige klerk onder leerkontrak geneem word, onafgebroke die professie van prokureur uitgeoefen het.”.

(2) Subartikel (1) word geag op die datum van inwerking-treding van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, in werking te getree het.

16. Artikel 27 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) No examination shall be conducted under subsection (1) in respect of any person unless he satisfies the examiners concerned that he has complied with the provisions of this Act in regard to service under articles or that he is serving under articles and has so served for a continuous period of not less than six months or that he is, under the provisions of this Act, exempt from service under articles.”

as substituted by section 11 of Act 67 of 1967.

17. Section 32 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

Amendment of section 32 of Act 23 of 1934, as amended by section 3 of Act 19 of 1941, section 5 of Act 81 of 1962 and section 16 of Act 63 of 1964.

(a) by the substitution for all the words preceding the proviso to subsection (5) of the following words:

“(5) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand for each offence;” and

(b) by the substitution for paragraph (e) of the said proviso of the following paragraph:

“(e) any attorney, notary or conveyancer makes known in such manner as may be approved by the law society of the province in which he practises that he does such work;”

18. Section 32*bis* of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution in subsection (1) for the words “two hundred” of the words “five hundred” and for the word “three” of the word “six”.

Amendment of section 32*bis* of Act 23 of 1934, as inserted by section 4 of Act 19 of 1941 and amended by section 6 of Act 81 of 1962.

19. Section 11*ter* of the Protection of Names, Uniforms and Badges Act, 1935, is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 11*ter* of Act 23 of 1935, as inserted by section 1 of Act 3 of 1967.

“(a) any regulation made thereunder and in force at the commencement of the said Protection of Names, Uniforms and Badges Amendment Act, 1967; and”

20. Section 13 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956, section 3 of Act 41 of 1958, section 16 of Act 42 of 1964 and section 18 of Act 55 of 1965.

“(3) (a) The provisions of sections 3 to 14, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of the expropriation of land in terms of subsection (1) or (2) of this section: Provided that in the case of land held in trust for a Bantu tribe or community the individual members of which are not described in the title deed, notice to such tribe or community and to the individual members thereof shall be deemed to have been given in accordance with the provisions of subsection (1) of section 4 of the said Act if the members of such tribe or community present at a public meeting convened by the Bantu Affairs Commissioner for the purpose, be informed by the Bantu Affairs Commissioner of the proposed expropriation and the other particulars which a notice is in terms of the provisions of subsection (3) of the last-mentioned section required to contain: Provided further that if the whereabouts of any person to whom notice is to be given in accordance with the provisions of subsection (1) of the said section 4 is not readily ascertainable by the Minister of Agriculture, such notice shall be deemed to be given if the Bantu Affairs Commissioner causes a notice complying with the provisions of subsection (3) of the said section 4 to be posted up at his office and at the post office in which the inhabitants of

soos vervang deur artikel 11 van Wet 67 van 1967.

„(3) Geen eksamen word kragtens subartikel (1) ten opsigte van iemand afgeneem nie tensy hy die betrokke eksaminatore oortuig dat hy aan die bepalings van hierdie Wet met betrekking tot diens onder leerkontrak voldoen het of dat hy onder leerkontrak dien en aldus vir 'n ononderbroke tydperk van minstens ses maande gedien het, of dat hy kragtens die bepalings van hierdie Wet van diens onder leerkontrak vrygestel is.”.

Wysiging van artikel 32 van Wet 23 van 1934, soos gewysig deur artikel 3 van Wet 19 van 1941, artikel 5 van Wet 81 van 1962 en artikel 16 van Wet 63 van 1964.

17. Artikel 32 van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig—

(a) deur al die woorde wat die voorbehoudsbepaling by subartikel (5) voorafgaan deur die volgende woorde te vervang:

„(5) Enige persoon wat die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd rand vir elke misdryf.”; en

(b) deur paragraaf (e) van bedoelde voorbehoudsbepaling deur die volgende paragraaf te vervang:

„(e) 'n prokureur, notaris of transportbesorger op die wyse goedgekeur deur die wetsgenootskap van die provinsie waarin hy praktiseer, bekend maak dat hy sulke werk verrig;”.

Wysiging van artikel 32bis van Wet 23 van 1934, soos ingevoeg deur artikel 4 van Wet 19 van 1941 en gewysig deur artikel 6 van Wet 81 van 1962.

18. Artikel 32bis van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, word hierby gewysig deur in subartikel (1) die woord „tweehonderd” deur die woord „vyfhonderd” en die woord „drie” deur die woord „ses” te vervang.

Wysiging van artikel 11ter van Wet 23 van 1935, soos ingevoeg deur artikel 1 van Wet 3 van 1967.

19. Artikel 11ter van die Beskerming van Name, Uniforms en Wapens Wet, 1935, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) enige regulasie daarkragtens uitgevaardig en van krag by die inwerkingtreeding van genoemde Wysigingswet op die Beskerming van Name, Uniforms en Wapens, 1967; en”.

Wysiging van artikel 13 van Wet 18 van 1936, soos gewysig deur artikel 7 van Wet 17 van 1939, artikel 2 van Wet 18 van 1954, artikel 5 van Wet 73 van 1956, artikel 3 van Wet 41 van 1958, artikel 16 van Wet 42 van 1964 en artikel 18 van Wet 55 van 1965.

20. Artikel 13 van die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) (a) Die bepalings van artikels 3 tot en met 14 van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* van toepassing ten opsigte van onteiening van grond ingevolge subartikel (1) of (2) van hierdie artikel: Met dien verstande dat in die geval van grond wat besit word in trust vir 'n Bantoestam of -gemeenskap waarvan die individuele lede nie in die titelbewys beskrywe word nie, kennis aan sodanige stam of gemeenskap en die individuele lede daarvan ooreenkomstig die bepalings van subartikel (1) van artikel 4 van genoemde Wet geag word gegee te gewees het indien die lede van sodanige stam of gemeenskap wat teenwoordig is op 'n openbare vergadering vir dié doel deur die Bantoesakekommissaris byeengeroep, deur die Bantoesakekommissaris van die voorgenome onteiening en die ander besonderhede wat 'n kennisgewing ingevolge die bepalings van sub-artikel (3) van laasgenoemde artikel moet bevat, verwittig is: Met dien verstande voorts dat indien die Minister van Landbou nie die verblyfplek van enige persoon aan wie kennis ooreenkomstig die bepalings van subartikel (1) van genoemde artikel 4 gegee moet word, geredelik kan vasstel nie, sodanige kennis geag word gegee te wees aan dié persoon indien die Bantoesakekommissaris 'n kennisgewing wat aan die bepalings van subartikel (3) van genoemde artikel 4 voldoen, laat aanbring by sy kantoor en by die poskantoor

the area, wherein the land in question is situated, are served in the ordinary course of business, and, if the boundaries of such land are readily ascertainable on the spot, on any door of any building on such land, or, if there is no building on the land, at any conspicuous place thereon.

- (b) In any case contemplated in the first or the second proviso to paragraph (a) the written certificate of the Bantu Affairs Commissioner to the effect that the provisions of the relevant proviso have been complied with shall be conclusive proof of such notice to such tribe or community and the members thereof, or to such person, as the case may be, and the date of the meeting in question or the date on which the notice was posted up at the office of the Bantu Affairs Commissioner, as the case may be, shall for the purpose of the said Act be deemed to be the date of such notice."

21. Section 1 of the Matrimonial Causes Jurisdiction Act, 1939, is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

"(1A) A provincial or local division of the Supreme Court of South Africa shall have jurisdiction to try an action for divorce or restitution of conjugal rights instituted by a wife against her husband who is not domiciled in the Republic, if immediately before her marriage the wife was a South African citizen or was domiciled in the Republic, and she was ordinarily resident in the Republic for the period of one year immediately preceding the date on which the proceedings are instituted."; and

- (b) by the addition of the following subsection:

"(3) Any issue in proceedings relating to an action referred to in subsection (1A) shall be determined in accordance with the law which would be applicable if both parties were domiciled in the Republic at the time of the proceedings."

Amendment of section 1 of Act 22 of 1939, as amended by section 6 of Act 37 of 1953.

22. (1) The following section is hereby substituted for section 7ter of the Matrimonial Causes Jurisdiction Act, 1939: "Application 7ter. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968)."

- (2) Subsection (1) shall be deemed to have come into operation on the eighteenth day of October, 1953.

Substitution of section 7ter of Act 22 of 1939, as inserted by section 1 of Act 17 of 1943.

23. The Matrimonial Causes Jurisdiction Act, 1939, is hereby amended by the substitution for the word "Union", wherever it occurs, of the word "Republic".

Substitution for the word "Union" of the word "Republic" in Act 22 of 1939.

24. Section 10 of the Land Bank Act, 1944, is hereby amended by the insertion after subsection (1) of the following subsection:

- "(1)bis. In addition to the salary mentioned in subsection (1), such further remuneration may be paid to every member of the board, out of the funds of the bank, as the Minister may deem fit."

Amendment of section 10 of Act 13 of 1944, as amended by section 1 of Act 10 of 1952, section 3 of Act 47 of 1959, section 3 of Act 46 of 1965 and section 1 of Act 5 of 1968.

waarin in die gewone loop van sake die inwoners van die gebied bedien word waarin die betrokke grond geleë is, en, indien die grense van dié grond geredelik ter plaatse vasgestel kan word, op enige deur van enige gebou op dié grond of, as daar geen gebou op die grond is nie, op enige opvallende plek daarop.

- (b) In 'n geval beoog in die eerste of die tweede voorbehoudsbepaling by paragraaf (a) is die skriftelike sertifikaat van die Bantoesakekommissaris ten effekte dat die bepalings van die betrokke voorbehoudsbepaling nagekom is, afdoende bewys van bedoelde kennisgewing aan sodanige stam of gemeenskap en die lede daarvan, of aan sodanige persoon, na gelang van die geval, en word by die toepassing van genoemde Wet die datum van die betrokke vergadering of die datum waarop die kennisgewing by die Bantoesakekommissaris se kantoor aangebring is, na gelang van die geval, geag die datum van die kennisgewing te wees."

Wysiging van artikel 1 van Wet 22 van 1939, soos gewysig deur artikel 6 van Wet 37 van 1953.

21. Artikel 1 van die Wet op Regsbevoegdheid in Matrimoniële Regsake, 1939, word hierby gewysig—

- (a) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika het regsbevoegdheid om 'n regsvoordering vir egskeiding of herstel van huweliksregte te verhoor wat ingestel word deur 'n vrou teen haar eggenoot wat nie binne die Republiek gedomisileer is nie, indien die vrou onmiddellik voor haar huwelik 'n Suid-Afrikaanse burger was of binne die Republiek gedomisileer was, en sy gewoonlik binne die Republiek woonagtig was vir die tydperk van een jaar wat die datum waarop die geding ingestel word onmiddellik voorafgaan.”; en

- (b) deur die volgende subartikel by te voeg:

„(3) Enige geskilpunt in verrigtinge wat op 'n subartikel (1A) bedoelde regsvoordering betrekking het, word beslis ooreenkomstig die reg wat van toepassing sou gewees het indien beide partye ten tyde van die verrigtinge binne die Republiek gedomisileer was.”.

Vervanging van artikel 7ter van Wet 22 van 1939, soos ingevoeg deur artikel 1 van Wet 17 van 1943.

22. (1) Artikel 7ter van die Wet op Regsbevoegdheid in Matrimoniële Regsake, 1939, word hierby deur die volgende artikel vervang:

„Toepassing op Suidwes-Afrika. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968).”.

- (2) Subartikel (1) word geag op 18 Oktober 1953 in werking te getree het.

Vervanging van die woord „Unie” deur die woord „Republiek” in Wet 22 van 1939.

23. Die Wet op Regsbevoegdheid in Matrimoniële Regsake, 1939, word hierby gewysig deur die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang.

Wysiging van artikel 10 van Wet 13 van 1944, soos gewysig deur artikel 1 van Wet 10 van 1952, artikel 3 van Wet 47 van 1959, artikel 3 van Wet 46 van 1965 en artikel 1 van Wet 5 van 1968.

24. Artikel 10 van die Landbankwet, 1944, word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

- „(1)bis Benewens die in subartikel (1) bedoelde salaris, kan daar aan elke lid van die raad die verdere vergoeding uit die fondse van die bank betaal word wat die Minister goedvind.”.

25. The First Schedule to the South African Reserve Bank Act, 1944, is hereby amended by the deletion of the expression "of which £..... is held outside the Union.".

Amendment of First Schedule to Act 29 of 1944, as substituted by section 6 of Act 45 of 1956.

26. Section 4 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 4 of Act 32 of 1944, as amended by section 5 of Act 40 of 1952.

"(4) Any process issued out of any court may be served or executed by the messenger of the court appointed for the area within which such process is to be served or executed."

27. Section 7 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following proviso:

Amendment of section 7 of Act 32 of 1944, as substituted by section 1 of Act 8 of 1967.

"Provided that the said Secretary may order that the records of a court for any regional division shall be so preserved at such a place or places within that division as he may from time to time determine."

28. (1) Section 14 of the Magistrates' Courts Act, 1944, is hereby amended—

Amendment of section 14 of Act 32 of 1944, as amended by section 10 of Act 40 of 1952.

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister may appoint for every court a person or two or more persons as a messenger or messengers of such court subject, in the case of any such person who is not an officer of the public service, to such conditions, including the payment of remuneration and allowances, as the Minister may determine.";

(b) by the insertion after the said subsection (1) of the following subsection:

"(1A) A messenger appointed under subsection (1) or deemed to have been appointed thereunder, shall perform the duties and exercise the powers of a messenger only within the area of jurisdiction of the court for which he has been so appointed or is deemed to have been so appointed or, if the Minister or any person authorized thereto by him so directs, within the area determined by the Minister or such person, as the case may be."; and

(c) by the addition at the beginning of subsection (2) of the following paragraph, the existing subsection becoming paragraph (b):

"(a) Whenever the Minister has appointed an officer of the public service as a messenger of any court, he may appoint so many officers of the said service as deputy-messengers of that court as he may deem fit."

(2) Any appointment made under section 14 (1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), prior to its substitution by subsection (1) of this section, shall be deemed to have been made under the said section 14 (1) as so substituted.

29. Section 15 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 15 of Act 32 of 1944, as amended by section 11 of Act 40 of 1952 and section 2 of Act 19 of 1963.

"(1) (a) Whenever process of the court in a civil case is to be served or executed within any area for which no messenger has been appointed, and whenever process of any court in a criminal case is to be served, a member of the police force shall be as qualified to serve or execute all such process and all other documents in such a case as if he had been duly appointed messenger.

(b) The fees payable in respect of or in connection with any such service to a messenger shall in any such case

Wysiging van Eerste Bylae by Wet 29 van 1944, soos vervang deur artikel 6 van Wet 45 van 1956.

25. Die Eerste Bylae by die Wet op die Suid-Afrikaanse Reserwebank, 1944, word hierby gewysig deur die uitdrukking „waarvan £..... buite die Unie gehou word” te skrap.

Wysiging van artikel 4 van Wet 32 van 1944, soos gewysig deur artikel 5 van Wet 40 van 1952.

26. Artikel 4 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Prosesstukke uit 'n hof uitgereik kan gedien of ten uitvoer gelê word deur die geregsbode van die hof wat aangestel is vir die gebied waarin sodanige prosesstukke gedien of ten uitvoer gelê moet word.”

Wysiging van artikel 7 van Wet 32 van 1944, soos vervang deur artikel 1 van Wet 8 van 1967.

27. Artikel 7 van die Wet op Landdroshowe, 1944, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat genoemde Sekretaris kan gelas dat die stukke van 'n hof vir 'n streek-afdeling aldus by die plek of plekke in daardie streek-afdeling wat hy van tyd tot tyd bepaal, bewaar word.”

Wysiging van artikel 14 van Wet 32 van 1944, soos gewysig deur artikel 10 van Wet 40 van 1952.

28. (1) Artikel 14 van die Wet op Landdroshowe, 1944, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan vir elke hof 'n persoon of twee of meer persone as geregsbode of geregsbodes van sodanige hof aanstel onderworpe, in die geval van so 'n persoon wat nie 'n amptenaar van die Staatsdiens is nie, aan die voorwaardes, met inbegrip van die betaling van besoldiging en toelaes, wat die Minister bepaal.”;

(b) deur na genoemde subartikel (1) die volgende subartikel in te voeg:

„(1A) 'n Geregsbode wat kragtens subartikel (1) aangestel is of geag word daarkragtens aangestel te gewees het, vervul die pligte van 'n geregsbode en oefen die bevoegdhede van 'n geregsbode uit slegs binne die regsgebied van die hof waarvoor hy aldus aangestel is of geag word aldus aangestel te gewees het of, indien die Minister of iemand deur hom daartoe gemagtig, aldus gelas, binne dié gebied wat die Minister of so iemand, na gelang van die geval, bepaal.”; en

(c) deur aan die begin van subartikel (2) die volgende paragraaf by te voeg, terwyl die bestaande subartikel paragraaf (b) word:

„(a) Wanneer die Minister 'n amptenaar van die Staatsdiens as 'n geregsbode van 'n hof aangestel het, kan hy soveel amptenare van bedoelde diens, as adjunk-geregsbodes van daardie hof aanstel, as wat hy goedvind.”.

(2) 'n Aanstelling gedoen kragtens artikel 14 (1) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), vóór die vervanging daarvan deur subartikel (1) van hierdie artikel, word geag gedoen te gewees het kragtens genoemde artikel 14 (1) soos aldus vervang.

Wysiging van artikel 15 van Wet 32 van 1944, soos gewysig deur artikel 11 van Wet 40 van 1952 en artikel 2 van Wet 19 van 1963.

29. Artikel 15 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Wanneer prosesstukke van die hof in 'n siviele saak gedien of ten uitvoer gelê moet word binne 'n gebied waarvoor geen geregsbode aangestel is nie, en wanneer prosesstukke van enige hof in 'n strafsak gedien moet word, dan is 'n lid van die polisiemag ewe bevoeg om alle sodanige prosesstukke en alle ander stukke in so 'n saak te dien of ten uitvoer te lê asof hy behoorlik as geregsbode aangestel was.

(b) Die gelde wat ten opsigte van of in verband met so 'n diening aan 'n geregsbode betaalbaar is, word in so 'n

be chargeable but shall be paid into the Consolidated Revenue Fund.”.

30. Section 65 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The notice shall be served on the debtor by the messenger in any manner prescribed by the rules for the service of process generally.

Amendment of section 65 of Act 32 of 1944, as substituted by section 15 of Act 40 of 1952 and amended by section 1 of Act 14 of 1954, section 20 of Act 50 of 1956 and section 10 of Act 19 of 1963.

31. The following section is hereby substituted for section 93bis of the Magistrates' Courts Act, 1944:

“Transfer of proceedings to court of a regional division. 93bis. Notwithstanding anything to the contrary in any law contained, the judicial officer presiding at the trial of or who convicts any person being tried before a court which is not a court of a regional division shall, if it appears that the trial may more properly be conducted before the court of a regional division or that the imposition of a sentence in terms of section 334quat (2) or 335 (2) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), would have been competent if such person had been so convicted by the court of a regional division, or when the public prosecutor so requests, as the case may be, stop the trial or, if such person has been convicted, set aside his finding in respect of such person and of any other person convicted after having been tried jointly with such firstmentioned person, and the proceedings shall thereupon be commenced afresh before the court of the regional division concerned.”.

Substitution of section 93bis of Act 32 of 1944, as inserted by section 23 of Act 40 of 1952.

32. Section 1 of the Soil Conservation Act, 1946, is hereby amended by the substitution for the definition of “urban area” of the following definition:

“‘urban area’ means the area of a local authority established for any particular township or city, and includes any area subdivided into erven or lots and public open spaces and streets bounded by such erven or lots or spaces, but does not include any commonage in any such area, or any other piece of land therein not less than ten morgen in extent.”.

Amendment of section 1 of Act 45 of 1946, as amended by section 1 of Act 6 of 1949, section 1 of Act 37 of 1960, section 1 of Act 31 of 1964 and section 1 of Act 15 of 1967.

33. The following section is hereby inserted in the South African Tourist Corporation Act, 1947, after section 9:

“Delegation of powers by the board. 9A. (1) The board may, with the approval of the Minister and subject to the conditions determined by the board, delegate in writing any of its functions, duties or powers under this Act or any regulation to one or more of its members or to one or more of its employees.

(2) The board shall not be divested of a function, duty or power delegated under subsection (1) to any person.”.

Insertion of section 9A in Act 54 of 1947.

34. Section 3 of the Rents Act, 1950, is hereby amended by the substitution for subparagraph (ii) of subsection (1) (b) of the following subparagraph:

“(ii) if any amount allowable in terms of paragraph (e), (h) or (j) of the said definition suffers an increase, such increase may be added to the rent;”.

Amendment of section 3 of Act 43 of 1950.

35. Section 33 of the Rents Act, 1950, is hereby amended by the addition to subsection (1A) of the following paragraph:

“(d) any rent charged on the relevant fixed date for any dwelling, garage, parking space or business premises

Amendment of section 33 of Act 43 of 1950, as amended by section 6

geval in rekening gebring, maar word in die Gekonsolideerde Inkomstefonds gestort.”.

Wysiging van artikel 65 van Wet 32 van 1944, soos vervang deur artikel 15 van Wet 40 van 1952 en gewysig deur artikel 1 van Wet 14 van 1954, artikel 20 van Wet 50 van 1956 en artikel 10 van Wet 19 van 1963.

30. Artikel 65 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die kennisgewing word deur die geregsbode aan die skuldenaar op 'n wyse wat deur die reëls vir die bestelling van prosesstukke in die algemeen voorgeskryf word, bestel.”.

Vervanging van artikel 93bis van Wet 32 van 1944, soos ingevoeg deur artikel 23 van Wet 40 van 1952.

31. Artikel 93bis van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Verplasing 93bis. Ondanks andersluidende wetsbepalings, moet die regterlike amptenaar wat by die verhoor van 'n persoon voorsit of 'n persoon skuldig bevind wat voor 'n hof wat nie die hof van 'n streekafdeling is nie verhoor word, indien dit blyk dat die verhoor meer paslik voor die hof van 'n streekafdeling kan plaasvind, of dat die oplegging van 'n straf ingevolge artikel 334quat (2) of 335 (2) van die Strafproseswet, 1955 (Wet No. 56 van 1955), geoorloof sou gewees het indien sodanige persoon deur die hof van 'n streekafdeling aldus skuldig bevind was of wanneer die openbare aanklaer dit versoek, na gelang van die geval, die verhoor staak of, indien sodanige persoon skuldig bevind is, sy bevinding ten opsigte van sodanige persoon en van enige ander persoon wat, nadat hy tesame met sodanige eersgenoemde persoon verhoor was, skuldig bevind is, ter syde stel, en die verrigtinge begin daarop weer van nuuts af voor die hof van die betrokke streekafdeling.”.

Wysiging van artikel 1 van Wet 45 van 1946, soos gewysig deur artikel 1 van Wet 6 van 1949, artikel 1 van Wet 37 van 1960, artikel 1 van Wet 31 van 1964 en artikel 1 van Wet 15 van 1967.

32. Artikel 1 van die Grondbewaringswet, 1946, word hierby gewysig deur die omskrywing van „stadsgebied” deur die volgende omskrywing te vervang:

„stadsgebied’ die gebied van 'n plaaslike bestuur wat vir 'n bepaalde dorp of stad ingestel is, en ook 'n gebied wat onderverdeel is in erwe of persele en publieke ope ruimtes en strate wat begrens word deur sodanige erwe of persele of ruimtes, maar nie ook meentgrond in enige sodanige gebied, of 'n ander stuk grond daarin wat minstens tien morges groot is nie.”.

Invoeging van artikel 9A in Wet 54 van 1947.

33. Die volgende artikel word hierby in die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, na artikel 9 ingevoeg:

„Delegasie 9A. (1) Die raad kan met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat die raad bepaal, van sy werksaamhede, plig of bevoegdheid deur die raad. die raad bepaal, van sy werksaamhede, plig of bevoegdheid kragtens hierdie Wet of 'n regulasie aan een of meer van sy lede of aan een of meer van sy werknemers skriftelik delegeer.

(2) Die raad is nie ontdoen van 'n werksaamheid, plig of bevoegdheid wat kragtens subartikel (1) aan iemand gedelegeer is nie.”.

Wysiging van artikel 3 van Wet 43 van 1950.

34. Artikel 3 van die Wet op Huurgelde, 1950, word hierby gewysig deur subparagraaf (ii) van subartikel (1) (b) deur die volgende subparagraaf te vervang:

„(ii) indien 'n bedrag toelaatbaar ooreenkomstig paragraaf (e), (h) of (j) van bedoelde omskrywing 'n vermeerdering ondergaan, kan sodanige vermeerdering by die huur gevoeg word;”.

Wysiging van artikel 33 van Wet 43 van 1950, soos gewysig deur artikel 6 van

35. Artikel 33 van die Wet op Huurgelde, 1950, word hierby gewysig deur by subartikel (1A) die volgende paragraaf te voeg:

„(d) word huur wat op die toepaslike vasgestelde datum gevra is, vir 'n woning, motorhuis, motorstaanplek of

in respect of which the provisions of this section have been so declared applicable, shall be deemed to be rent determined by the rent board therefor.”

of Act 53 of 1951, section 7 of Act 47 of 1964, section 13 of Act 98 of 1965, section 9 of Act 54 of 1966 and section 5 of Act 102 of 1967.

36. Section 10 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for paragraph (a)ter of subsection (1) of the following paragraph:

“(a)ter Subject to the provisions of paragraph (a)quat, the provisions of paragraph (a)bis shall lapse on the 30th June, 1969.”

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962, section 4 of Act 37 of 1963, section 14 of Act 80 of 1964, section 3 of Act 97 of 1965, section 1 of Act 8 of 1966 and section 6 of Act 102 of 1967.

37. Section 5 of the Criminal Procedure Act, 1955, is hereby amended by the insertion of the following subsection after subsection (3):

“(3A) Whenever for any reason any attorney-general is absent or unable to carry out the functions of his office or whenever the office of an attorney-general becomes vacant, the State President may appoint any fit and proper officer of the public service to act in the place of such attorney-general during his absence or incapacity, or to act in the vacant office until the vacancy is filled, as the case may be.”

Amendment of section 5 of Act 56 of 1955, as substituted by section 45 of Act 68 of 1957 and amended by section 1 of Act 92 of 1963.

38. Section 27 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for the second proviso to subsection (1) of the following proviso:

“Provided further that if the said period of forty-eight hours expires on a Saturday, Sunday or public holiday or before four o'clock in the afternoon on the next day, not being a Saturday, Sunday or public holiday, it shall be deemed to expire at four o'clock in the afternoon on such next day.”

Amendment of section 27 of Act 56 of 1955, as amended by section 1 of Act 96 of 1965 and section 7 of Act 102 of 1967.

39. Section 108bis of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever any person has been arrested on a charge of having committed any offence referred to in Part IIbis of the Second Schedule, the attorney-general may, if he considers it necessary in the interest of the administration of justice or the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or he has been discharged.”

Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961 and amended by section 17 of Act 76 of 1962, section 9 of Act 37 of 1963, section 23 of Act 80 of 1964, section 6 of Act 96 of 1965 and section 9 of Act 9 of 1968.

40. Section 259 of the Criminal Procedure Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever a public prosecutor causes an accused person to be summoned (otherwise than in terms of section 351 (8)), to appear in an inferior court upon a charge of having committed any offence and he has reasonable grounds for believing that the court which will try the said charge will, on convicting the accused, not impose a sentence of imprisonment or whipping or a fine exceeding twenty-five pounds, he may attach to such summons to be

Amendment of section 259 of Act 56 of 1955.

Wet 53 van 1951,
artikel 7 van
Wet 47 van 1964,
artikel 13 van
Wet 98 van 1965,
artikel 9 van
Wet 54 van 1966
en artikel 5 van
Wet 102 van 1967.

Wysiging van
artikel 10 van
Wet 44 van 1950,
soos gewysig deur
artikel 7 van
Wet 15 van 1954,
artikel 8 van
Wet 76 van 1962,
artikel 4 van
Wet 37 van 1963,
artikel 14 van
Wet 80 van 1964,
artikel 3 van
Wet 97 van 1965,
artikel 1 van
Wet 8 van 1966
en artikel 6 van
Wet 102 van 1967.

Wysiging van
artikel 5 van
Wet 56 van 1955,
soos vervang deur
artikel 45 van
Wet 68 van 1957
en gewysig deur
artikel 1 van
Wet 92 van 1963.

Wysiging van
artikel 27
van Wet 56 van
1955, soos
gewysig deur
artikel 1 van
Wet 96 van
1965 en artikel 7
van Wet 102
van 1967.

Wysiging van
artikel 108*bis* van
Wet 56 van 1955,
soos ingevoeg
deur artikel 4 van
Wet 39 van 1961
en gewysig deur
artikel 17 van
Wet 76 van 1962,
artikel 9 van
Wet 37 van 1963,
artikel 23 van
Wet 80 van 1964,
artikel 6 van
Wet 96 van 1965
en artikel 9 van
Wet 9 van 1968.

Wysiging van
artikel 259 van
Wet 56 van 1955.

besigheidspersoneel ten opsigte waarvan die bepalings van hierdie artikel aldus van toepassing verklaar is, geag huur te wees wat deur die huurraad daarvoor vasgestel is."

36. Artikel 10 van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur paragraaf (a)ter van subartikel (1) deur die volgende paragraaf te vervang:

„(a)ter Behoudens die bepalings van paragraaf (a)quat, hou die bepalings van paragraaf (a)bis op 30 Junie 1969 op om van krag te wees."

37. Artikel 5 van die Strafproseswet, 1955, word hierby gewysig deur na subartikel (3) die volgende subartikel in te voeg:

„(3A) Wanneer 'n prokureur-generaal om die een of ander rede afwesig is of nie in staat is om sy ampswerk-saamhede te verrig nie of wanneer die amp van 'n prokureur-generaal vakant raak, kan die Staatspresident 'n geskikte beampte in die staatsdiens aanstel om gedurende die afwesigheid of onvermoë van die prokureur-generaal in sy plek op te tree of om in die vakante amp waar te neem totdat die vakature aangevul word, na gelang van die geval."

38. Artikel 27 van die Strafproseswet, 1955, word hierby gewysig deur die tweede voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande voorts dat indien genoemde tydperk van agt-en-veertig uur op 'n Saterdag, Sondag of openbare vakansiedag of voor vieruur namiddag op die eersvolgende dag wat nie 'n Saterdag, Sondag of openbare vakansiedag is nie verstryk, dit geag word om vieruur namiddag op sodanige eersvolgende dag te verstryk."

39. Artikel 108*bis* van die Strafproseswet, 1955, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer iemand in hegtenis geneem is op 'n aanklag dat hy 'n in Deel II*bis* van die Tweede Bylae bedoelde misdryf gepleeg het, kan die prokureur-generaal, indien hy dit in belang van die regspleging of die veiligheid van die publiek of die handhawing van die openbare orde nodig ag, 'n bevel uitreik dat so iemand nie voordat vonnis gevel of hy ontslaan word, op borgtog of andersins vrygelaat mag word nie."

40. Artikel 259 van die Strafproseswet, 1955, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer 'n staatsaanklaer 'n beskuldigde anders as ingevolge artikel 351 (8) laat dagvaar om in 'n laerhof te verskyn op 'n aanklag dat hy 'n misdryf gepleeg het en hy redelike gronde het om te vermoed dat die hof wat bedoelde aanklag sal verhoor, nie by skuldigbevinding van die beskuldigde gevangenisstraf of lyfstraf of 'n boete van meer as vyf-en-twintig pond sal opleë nie, kan hy 'n deklarasievorm vir ondertekening deur die beskuldigde aan bedoelde dagvaarding heg om saam daarmee aan

served therewith upon the accused, a form of declaration for signature by the accused, wherein the latter admits having committed the offence, expresses his intention of pleading guilty to the charge and agrees to be convicted of the offence charged upon his plea of guilty without the calling of any evidence in support of the charge.”.

41. The following section is hereby inserted in the Criminal Procedure Act, 1955, after section 333*bis*: Insertion of section 333*ter* in Act 56 of 1955.

“Ante-dating of sentences. 333*ter*. Whenever any sentence of imprisonment imposed on any person on conviction of an offence is set aside on appeal or review by a competent court and any other sentence of imprisonment is thereafter imposed on such person in respect of such offence, such other sentence may, if the court imposing it is satisfied that such person has served any part of such firstmentioned sentence of imprisonment, be antedated to a date specified by the court which is not earlier than the date on which such firstmentioned sentence was imposed, and thereupon such other sentence shall be deemed to have been imposed on the date so specified.”.

42. The following section is hereby substituted for section 5 of the Animal Diseases and Parasites Act, 1956: Substitution of section 5 of Act 13 of 1956.

“Disposal of animals and infectious things which in the Minister’s opinion were unlawfully introduced into the Republic. 5. (1) If there is found within the Republic—
 (a) any animal or infectious thing which, in the opinion of the Minister, was introduced or came into the Republic in contravention of the provisions of this Act, or of a law repealed by this Act; or
 (b) any animal which, in the opinion of the Minister was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),
 he may confiscate it or cause it to be destroyed or otherwise disposed of, as he may deem fit.
 (2) If any officer, authorized person or police officer on reasonable grounds believes or suspects that—
 (a) any animal or infectious thing was introduced or came into the Republic in contravention of the provisions of this Act or of a law repealed by this Act; or
 (b) any animal was produced by, from or by means of an animal or infectious thing referred to in paragraph (a),
 he may seize it and detain it pending the Minister’s decision, under subsection (1), as to its disposal.”.

43. (1) The following section is hereby substituted for section 5 of the General Law Amendment Act, 1956: Substitution of section 5 of Act 50 of 1956.

“Formalities in respect of donations. 5. No donation concluded after the commencement of this Act shall be invalid merely by reason of the fact that it is not registered or notarially executed: Provided that no executory contract of donation entered into after the commencement of this Act shall be valid unless the terms thereof are embodied in a written document signed by the donor or by a person acting on his written authority granted by him in the presence of two witnesses.”.

(2) Subsection (1) shall be deemed to have come into operation on the twenty-second day of June, 1956.

44. The Special Justices of the Peace Act, 1957, is hereby repealed. Repeal of Act 19 of 1957.

die beskuldigde bestel te word waarin laasgenoemde erken dat hy die misdryf gepleeg het, sy voorneme te kenne gee om op die aanklag skuldig te pleit en toestem om aan die ten laste gelegde misdryf op sy pleit van skuldig, skuldig bevind te word sonder dat getuienis ter stawing van die aanklag aangevoer word."

Invoeging van artikel 333ter in Wet 56 van 1955.

41. Die volgende artikel word hierby in die Strafproseswet, 1955, na artikel 333bis ingevoeg:

„Vervroeging van die datums van vonnisse.

333ter. Wanneer 'n vonnis van gevangenisstraf wat iemand by skuldigbevinding aan 'n misdryf opgelê is, by appèl of hersiening deur 'n bevoegde hof ter syde gestel word en bedoelde persoon daarna 'n ander vonnis van gevangenisstraf ten opsigte van sodanige misdryf opgelê word, kan die datum van bedoelde ander vonnis, indien die hof wat dit oplê oortuig is dat bedoelde persoon 'n gedeelte van sodanige eersgenoemde vonnis van gevangenisstraf uitgedien het, vervroeg word tot 'n deur die hof bepaalde datum wat nie vroeër is nie as die datum waarop sodanige eersgenoemde vonnis opgelê is, en bedoelde ander vonnis word daarop geag op die aldus bepaalde datum opgelê te gewees het."

Vervanging van artikel 5 van Wet 13 van 1956.

42. Artikel 5 van die Wet op Diersiektes en -parasiete, 1956, word hierby deur die volgende artikel vervang:

„Beskikking oor diere en besmetlike dinge wat, na die mening van die Minister, onwettig in die Republiek ingebring is.

5. (1) Wanneer daar in die Republiek—

(a) 'n dier of besmetlike ding gevind word wat na die mening van die Minister in stryd met die bepalings van hierdie Wet, of van 'n wet wat deur hierdie Wet herroep is, die Republiek ingebring is of daarin gekom het; of

(b) 'n dier gevind word wat, na die mening van die Minister, deur, uit of deur middel van 'n in paragraaf (a) bedoelde dier of besmetlike ding voortgebring is,

kan hy, volgens hy goed ag, dit konfiskeer of van kant laat maak of andersins daarvoor laat beskik.

(2) Wanneer 'n beampte, 'n gemagtigde persoon of polisiebeampte op redelike gronde van mening is dat—

(a) 'n dier of besmetlike ding in stryd met die bepalings van hierdie Wet of van 'n wet deur hierdie Wet herroep, die Republiek ingebring is of daarin gekom het; of

(b) 'n dier voortgebring is deur, uit of deur middel van 'n in paragraaf (a) bedoelde dier of besmetlike ding,

kan hy beslag daarop lê en, hangende die beslissing van die Minister, ingevolge subartikel (1), wat betref die beskikking daarvoor, dit hou."

Vervanging van artikel 5 van Wet 50 van 1956.

43. (1) Artikel 5 van die Algemene Regswysigingswet, 1956, word hierby deur die volgende artikel vervang:

„Formaliteite ten opsigte van skenkings.

5. Geen skenking wat na die inwerkingtreding van hierdie Wet aangegaan word, is bloot op grond van die feit dat dit nie geregistreer of notarieel verly is, ongeldig nie: Met dien verstande dat geen skenkingskontrak waaronder nog gepresteer moet word en wat na die inwerkingtreding van hierdie Wet aangegaan word, geldig is nie, tensy die bepalings daarvan beliggaam is in 'n skriftelike dokument wat onderteken is deur die skenker of iemand wat handel op sy skriftelike gesag wat deur hom in die teenwoordigheid van twee getuies verleen is."

(2) Subartikel (1) word geag op die twee-en-twintigste dag van Junie 1956 in werking te getree het.

Herroeping van Wet 19 van 1957.

44. Die Wet op Spesiale Vrederegters, 1957, word hierby herroep.

45. Section 4 of the Public Service Act, 1957, is hereby amended by the substitution for paragraph (a) of subsection (12A) of the following paragraph:

Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 63 of 1967 and section 1 of Act 17 of 1968.

“(a) to retain a member of the Commission in his office beyond the age at which he shall, in accordance with subsection (12), vacate his office or retire, he may be so retained from time to time, for further periods which shall not exceed in the aggregate two years;”.

46. Section 1 of the Prisons Act, 1959, is hereby amended—

Amendment of section 1 of Act 8 of 1959, as amended by section 1 of Act 75 of 1965.

(a) by the substitution for the definition of “Commissioner” of the following definition:

“‘Commissioner’ means the Commissioner of Prisons appointed under section 4 (1);”;

(b) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Prisons;”;

(c) by the substitution for the definition of “commissioned officer” of the following definition:

“‘commissioned officer’ means a commissioned officer appointed as such under section 4 (1).”.

47. The following section is hereby substituted for section 3 of the Prisons Act, 1959:

Substitution of section 3 of Act 8 of 1959.

3. The Commissioner shall, under the direction and control of the Minister, be in charge of the Prisons Department.”.

48. The following section is hereby substituted for section 4 of the Prisons Act, 1959:

Substitution of section 4 of Act 8 of 1959

4. (1) The State President may from time to time appoint by commission a commissioned officer, to be styled the Commissioner of Prisons, and such other commissioned officers as he may deem necessary.

(2) The State President may, subject to the provisions of this Act, discharge or retire any such commissioned officer or reduce him in rank.”.

49. Section 55 of the Prisons Act, 1959, is hereby amended—

Amendment of section 55 of Act 8 of 1959.

(a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) The Commissioner or any other commissioned officer acting under his authority may, in the manner prescribed by regulation, charge any commissioned officer with misconduct and request him to submit, within the period and in the manner so prescribed, a written admission or denial of the charge, and any written explanation which he may wish to offer in regard to the alleged misconduct.

(2) (a) After the expiration of the period aforesaid, the Minister or, if authorized thereto by the Minister either specially in a particular case or generally, the Commissioner may appoint a board of enquiry to investigate the charge in question.

(b) A board of enquiry shall consist of one or more persons who—

(i) in the case of a board appointed by the Minister, shall be commissioned officers of rank equal to or higher than that of the officer charged, or magistrates;

(ii) in the case of a board appointed by the Commissioner, shall be such commissioned officers.”; and

(b) by the substitution for subsection (6) of the following subsection:

“(6) (a) After having considered the evidence adduced at the enquiry and having afforded the officer charged, or his legal adviser, an opportunity

- Wysiging van artikel 4 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 63 van 1967 en artikel 1 van Wet 17 van 1968.
45. Artikel 4 van die Staatsdienswet, 1957, word hierby gewysig deur paragraaf (a) van subartikel (12A) deur die volgende paragraaf te vervang:
 „(a) om 'n lid van die Kommissie in sy amp in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (12) sy amp moet neerlê of moet aftree, kan hy aldus van tyd tot tyd in diens gehou word vir verdere tydperke wat altesaam nie twee jaar te bowe mag gaan nie;”.
- Wysiging van artikel 1 van Wet 8 van 1959, soos gewysig deur artikel 1 van Wet 75 van 1965.
46. Artikel 1 van die Wet op Gevangenis, 1959, word hierby gewysig—
 (a) deur die omskrywing van „Kommissaris” deur die volgende omskrywing te vervang:
 „„Kommissaris” die Kommissaris van Gevangenis kragtens artikel 4 (1) aangestel;”;
 (b) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
 „„Minister” die Minister van Gevangenis;” en
 (c) deur die omskrywing van „offisier” deur die volgende omskrywing te vervang:
 „„offisier” ’n offisier as sodanige aangestel kragtens artikel 4 (1);”.
- Vervanging van artikel 3 van Wet 8 van 1959.
47. Artikel 3 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:
 „Kommissaris staan aan die hoof van die Departement van Gevangenis.
 3. Die Kommissaris staan, behoudens die voorskrifte en beheer van die Minister, aan die hoof van die Departement van Gevangenis.”.
- Vervanging van artikel 4 van Wet 8 van 1959.
48. Artikel 4 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:
 „Aanstelling en ontslag van offisiere.
 4. (1) Die Staatspresident kan van tyd tot tyd by kommissie ’n offisier, wat as die Kommissaris van Gevangenis bekend staan, en die ander offisiere wat hy nodig ag, aanstel.
 (2) Die Staatspresident kan, met inagneming van die bepalinge van hierdie Wet, so ’n offisier ontslaan of afdank of hom in rang verlaag.”.
- Wysiging van artikel 55 van Wet 8 van 1959.
49. Artikel 55 van die Wet op Gevangenis, 1959, word hierby gewysig—
 (a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:
 „(1) Die Kommissaris of ’n ander offisier wat op sy gesag handel, kan op die by regulasie voorgeskrewe wyse ’n offisier weens wangedrag aankla en hom versoek om binne die tydperk en op die wyse aldus voorgeskryf, ’n skriftelike erkenning of ontkenning van die aanklag, en ’n skriftelike verduideliking wat hy in verband met die beweerde wangedrag wil aanbied, voor te lê.
 (2) (a) Na verstryking van voormelde tydperk, kan die Minister of, indien daartoe deur die Minister gemagtig, hetsy spesiaal in ’n besondere geval of algemeen, die Kommissaris ’n raad van ondersoek aanstel om die betrokke aanklag te ondersoek.
 (b) ’n Raad van ondersoek bestaan uit een of meer persone wat—
 (i) in die geval van ’n raad deur die Minister aangestel, offisiere met dieselfde of hoër rang as die aangeklaagde offisier, of landdroste is;
 (ii) in die geval van ’n raad deur die Kommissaris aangestel, sodanige offisiere is.”; en
 (b) deur subartikel (6) deur die volgende subartikel te vervang:
 „(6) (a) Na oorweging van die getuienis by die ondersoek aangevoer en nadat die aangeklaagde offisier of sy regsverteenvoerder die geleentheid

of addressing the board of enquiry, the board shall find the said officer guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the officer charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

- (b) A commissioned officer found guilty of misconduct may, within such period and in such manner as may be prescribed by regulation, appeal to the Minister against the finding of the board of enquiry and make representations in writing to the Minister in regard to the imposition of punishment.
- (c) The board of enquiry shall, and the Commissioner may, make recommendations to the Minister in regard to any punishment which may be imposed upon a commissioned officer found guilty.
- (d) The Minister may, after considering the record of the proceedings before the board of enquiry, the recommendations of the board and of the Commissioner and the grounds of appeal of and any representations made by the officer charged—
 - (i) direct that no further action be taken in the matter; or
 - (ii) direct that the officer concerned be cautioned or reprimanded; or
 - (iii) impose a fine not exceeding one hundred rand, which may be recovered by way of stoppages from the salary or allowances of the officer concerned; or
 - (iv) direct that the matter be referred to the State President, who may thereupon take any steps provided for in section 4 (2)."

50. Section 68 of the Prisons Act, 1959, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 68 of Act 8 of 1959, as amended by section 20 of Act 75 of 1965.

"(1) The Commissioner may—

- (a) if the total period of imprisonment to be served by a prisoner under one or more sentences does not exceed four months; or
- (b) if the total period of imprisonment to be served by a prisoner under one or more sentences exceeds four months but does not exceed two years, with the approval of the Minister; or
- (c) on the authority of the State President or of the Minister granted, under any provision of any law, in respect of a prisoner serving any period of imprisonment,

and irrespective of whether the imprisonment was imposed with the option of a fine or without any such option, release such prisoner before the expiration of the period in question on parole for such period and under such supervision and on such conditions as shall be specified in the warrant of release: Provided that the Commissioner may, in a case contemplated in paragraph (a), at any time, and, in a case contemplated in paragraph (b) or (c), on the authority of the Minister, alter the provision in such warrant as to supervision and alter or cancel any such conditions."

51. Section 93 of the Prisons Act, 1959, is hereby amended— Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 1965.

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister may delegate any of the powers vested in him by this Act (except sections 6 (2), 16 (1), 19 (2) and 20) to the Commissioner."; and

(b) by the substitution for subsection (3) of the following subsection:

- gebied is om die raad van ondersoek toe te spreek, vind die raad bedoelde offisier skuldig of onskuldig aan die wangedrag hom ten laste gelê en verwittig hom van die bevinding van die raad: Met dien verstande dat indien die aangeklaagde offisier ingevolge 'n versoek kragtens subartikel (1) of teenoor die raad erken dat hy aan die betrokke wangedrag skuldig is, hy skuldig bevind kan word sonder dat getuienis aangevoer is.
- (b) 'n Offisier wat aan wangedrag skuldig bevind word, kan binne die tydperk en op die wyse by regulasie voorgeskryf, teen die bevinding van die raad van ondersoek na die Minister appelleer en skriftelike vertoë met betrekking tot strafoplegging tot die Minister rig.
- (c) Die raad van ondersoek moet, en die Kommissaris kan, by die Minister aanbevelings doen met betrekking tot die straf wat 'n offisier wat skuldig bevind is, opgelê kan word.
- (d) Die Minister kan, na oorweging van die relaas van die verrigtinge voor die raad van ondersoek, die aanbevelings van die raad en van die Kommissaris, en die appèlgronde van en vertoë gerig deur die aangeklaagde offisier—
- (i) gelas dat geen verdere stappe in verband met die saak gedoen word nie; of
 - (ii) gelas dat die betrokke offisier gewaarsku of berispe word; of
 - (iii) 'n boete van hoogstens eenhonderd rand oplê, wat by wyse van aftrekkings van die salaris of toelaes van die betrokke offisier verhaal kan word; of
 - (iv) gelas dat die saak na die Staatspresident verwys word, wat daarop enige van die in artikel 4 (2) bepaalde stappe kan doen.”.

Wysiging van artikel 68 van Wet 8 van 1959, soos gewysig deur artikel 20 van Wet 75 van 1965.

50. Artikel 68 van die Wet op Gevangenis, 1959, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- „(1) Die Kommissaris kan—
- (a) indien die totale tydperk van gevangenisstraf wat deur 'n gevangene ingevolge een of meer vonnisse uitgedien moet word nie meer as vier maande is nie; of
 - (b) indien die totale tydperk van gevangenisstraf wat deur 'n gevangene ingevolge een of meer vonnisse uitgedien moet word meer as vier maande is, maar nie meer as twee jaar is nie, met die goedkeuring van die Minister; of
 - (c) met die magtiging van die Staatspresident of van die Minister kragtens die een of ander wetsbepaling verleen ten opsigte van 'n gevangene wat enige tydperk van gevangenisstraf uitdien, en ongeag of die gevangenisstraf met die keuse van 'n boete opgelê is of sonder so 'n keuse, sodanige gevangene voor die verstryking van die betrokke tydperk op parool vrylaat vir dié tydperk en onder dié toesig en op dié voorwaardes wat in die lasbrief vir vrylating vermeld word: Met dien verstande dat die Kommissaris, in 'n geval in paragraaf (a) beoog, te eniger tyd, en, in 'n geval in paragraaf (b) of (c) beoog, met die magtiging van die Minister, die voorsiening in so 'n lasbrief betreffende toesig kan verander en enige sodanige voorwaardes kan verander of kanselleer.”.

Wysiging van artikel 93 van Wet 8 van 1959, soos gewysig deur artikel 23 van Wet 75 van 1965.

51. Artikel 93 van die Wet op Gevangenis, 1959, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan enige van die bevoegdhede by hierdie Wet (behalwe artikels 6 (2), 16 (1), 19 (2) en 20) aan hom verleen, aan die Kommissaris deleger.”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) The Commissioner may delegate any of the powers delegated to him under subsection (1) to any other commissioned officer of or above the rank of brigadier designated by him.”.

52. The following section is hereby substituted for section 96 of the Prisons Act, 1959: Substitution of section 96 of Act 8 of 1959.

“Applica-
tion of
Act to
South-
West
Africa.

96. The State President may, by proclamation in the *Gazette* and subject to such conditions, modifications, exceptions and additions as he may specify in such proclamation, apply the provisions of this Act and of any amendment thereof to the territory of South-West Africa including that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory and also that portion of the said territory known as the ‘Eastern Caprivi Zipfel’ referred to in section 38 of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), and he may in like manner amend or repeal any such proclamation.”.

53. (1) Section 2 of the Extradition Act, 1962, is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph: Amendment of section 2 of Act 67 of 1962, as amended by section 18 of Act 93 of 1963.

“(c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought or that no such person shall be so detained or tried without the consent of the Minister.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of May, 1968.

54. Section 19 of the Extradition Act, 1962, is hereby amended by the substitution for all the words preceding the proviso to the said section of the following words: Amendment of section 19 of Act 67 of 1962, as amended by section 19 of Act 93 of 1963.

“No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought, unless such foreign State consents thereto:”.

55. Section 34 of the General Law Further Amendment Act, 1962, is hereby repealed. Repeal of section 34 of Act 93 of 1962.

56. Section 2 of the Reciprocal Enforcement of Maintenance Orders Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 2 of Act 80 of 1963.

“(1) This Act shall apply in respect of any country or territory designated by the State President by proclamation in the *Gazette*.”.

57. The Schedule to the Gambling Act, 1965, is hereby amended with effect from the date of commencement of that Act by the substitution in the first column thereof under the heading “South-West Africa” for the expression “Ordinance No. 20 of 1952” of the expression “Ordinance No. 19 of 1952”. Amendment of the Schedule to Act 51 of 1965.

„(3) Die Kommissaris kan enige van die bevoegdhede kragtens subartikel (1) aan hom gedelegeer, aan 'n ander offisier, met of bo die rang van brigadier, wat hy aanwys, delegeer.”.

Vervanging van artikel 96 van Wet 8 van 1959.

52. Artikel 96 van die Wet op Gevangenis, 1959, word hierby deur die volgende artikel vervang:

„Toepassing van wet op Suidwes-Afrika.

96. Die Staatspresident kan by proklamasie in die *Staatskoerant* en onderworpe aan die voorwaardes, wysigings, uitsonderings en byvoegings wat hy in die proklamasie vermeld, die bepalings van hierdie Wet en van enige wysigings daarvan op die gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde gebied bekend as die 'Rehoboth Gebied' soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf en ook daardie gedeelte van genoemde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, van toepassing maak en hy kan op dergelike wyse so 'n proklamasie wysig of herroep.”.

Wysiging van artikel 2 van Wet 67 van 1962, soos gewysig deur artikel 18 van Wet 93 van 1963.

53. (1) Artikel 2 van die Wet op Uitlewering, 1962, word hierby gewysig deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

„(c) tensy deur die wette van die vreemde Staat of deur die ooreenkoms voorsiening gemaak word dat niemand wat aan daardie Staat uitgelewer word, tot tyd en wyl hy na die Republiek teruggestuur is of die geleentheid gehad het om daarheen terug te keer, in die vreemde Staat aangehou of verhoor mag word weens 'n misdryf voor sy uitlewering gepleeg, behalwe die misdryf ten opsigte waarvan uitlewering aangevra was nie of dat geen sodanige persoon sonder die toestemming van die Minister aldus aangehou of verhoor mag word nie.”.

(2) Subartikel (1) word geag op 1 Mei 1968 in werking te getree het.

Wysiging van artikel 19 van Wet 67 van 1962, soos gewysig deur artikel 19 van Wet 93 van 1963.

54. Artikel 19 van die Wet op Uitlewering, 1962, word hierby gewysig deur al die woorde wat die voorbehoudsbepaling by bedoelde artikel voorafgaan deur die volgende woorde te vervang:

„Niemand wat deur 'n vreemde Staat ooreenkomstig 'n uitleweringsooreenkoms aan die Republiek uitgelewer is, mag, tot tyd en wyl hy na die vreemde Staat teruggestuur is of 'n geleentheid gehad het om daarheen terug te keer, in die Republiek aangehou of verhoor word weens 'n misdryf voor sy uitlewering gepleeg, behalwe die misdryf ten opsigte waarvan uitlewering aangevra was nie, tensy die vreemde Staat daartoe instem:”.

Herroeping van artikel 34 van Wet 93 van 1962.

55. Artikel 34 van die Verdere Algemene Regswysigingswet, 1962, word hierby herroep.

Wysiging van artikel 2 van Wet 80 van 1963.

56. Artikel 2 van die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Hierdie Wet is van toepassing ten opsigte van enige land of gebied deur die Staatspresident by proklamasie in die *Staatskoerant* aangewys.”.

Wysiging van die Bylae by Wet 51 van 1965.

57. Die Bylae by die Wet op Dobbelaar, 1965, word hierby met ingang van die datum van inwerkingtreding van daardie Wet gewysig deur in die eerste kolom daarvan onder die hoof „Suidwes-Afrika” die uitdrukking „Ordonnansie No. 20 van 1952” deur die uitdrukking „Ordonnansie No. 19 van 1952” te vervang.

58. Section 1 of the Hotels Act, 1965, is hereby amended by the substitution for the definition of "accommodation establishment" of the following definition: Amendment of section 1 of Act 70 of 1965.

"'accommodation establishment' means any premises wherein or whereon the business of supplying lodging and one or more meals per day for reward is or is intended to be conducted;"

59. Section 33 of the Hotels Act, 1965, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 33 of Act 70 of 1965.

"(a) As from a prescribed date, which shall not be before the thirty-first day of December, 1968, no person shall use or cause or allow to be used in respect of or in relation to any premises wherein or whereon the business of supplying lodging or other accommodation, whether with or without meals, is conducted or managed by him and which is not registered as an hotel under this Act, the designation or term 'hotel', 'motel', 'botel' or any other designation or term which the Minister may, on the recommendation of the board, specify by notice in the *Gazette*, in regard to its name or style or general description in any context or in any medium whatsoever."

60. The following section is hereby substituted for section 45 of the Agricultural Credit Act, 1966: Substitution of section 45 of Act 28 of 1966.

45. Notwithstanding anything to the contrary in any other law contained, no duty, tax or fees shall be payable by the State or any person to whom assistance is rendered, in respect of anything done or any transaction (including the purchase of immovable property with money obtained by way of assistance) under this Act, or in respect of any document required in connection with anything so done or any such transaction: Provided that if assistance is rendered to any person for the purchase of immovable property in respect of which the date of acquisition by him, as determined in accordance with the definition of 'date of acquisition' in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949), is a date more than six months prior to the date of such person's application for assistance, such purchase shall for the purpose of the levying and payment of transfer duty in terms of that Act, not be regarded as a transaction under this Act."

61. Section 2 of the Removal of Restrictions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 84 of 1967.

"(2) The provisions of subsection (1) shall not apply in respect of any condition of title affecting rights to minerals or any condition imposed under the provisions of section 5 (3) of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, or of section 16 (3) of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or of section 2 (2) of the Physical Planning and Utilization of Resources Act, 1967 (Act No. 88 of 1967), or in respect of any condition specifically prohibiting or restricting the sale or supply of intoxicating liquor or the sale, lease or occupation of any land to or by a non-white person, except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or a local authority."

62. Proclamation No. R.123 of 1967 issued by the State President under section 5 (2) of the Population Registration Act, 1950 (Act No. 30 of 1950), and published in *Government* Validation of Proclamation No. R.123 of 1967.

Wysiging van artikel 1 van Wet 70 van 1965.

58. Artikel 1 van die Wet op Hotelle, 1965, word hierby gewysig deur die omskrywing van „huisvestingsinrigting” deur die volgende omskrywing te vervang:

„„huisvestingsinrigting’ enige perseel waarin of waarop die besigheid om huisvesting en een of meer etes per dag teen vergoeding te verskaf, gedryf word of na voorneme gedryf gaan word;”.

Wysiging van artikel 33 van Wet 70 van 1965.

59. Artikel 33 van die Wet op Hotelle, 1965, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Vanaf ’n voorgeskrewe datum, wat nie vroeër is nie as die een-en-dertigste dag van Desember 1968, mag niemand ten opsigte van of in verband met enige perseel waarin of waarop die besigheid van voorsiening van huisvesting of ander akkommodasie met of sonder maaltye deur hom gedryf of bestuur word en wat nie ingevolge hierdie Wet as ’n hotel geregistreer is nie, die benaming of uitdrukking ‚hotel’, ‚motel’, ‚botel’ of enige ander benaming of uitdrukking wat die Minister, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* aandui, gebruik of laat gebruik of toelaat dat dit gebruik word met betrekking tot sy naam of betiteling of algemene beskrywing in enige sinsverband of in enige medium hoegenaamd nie.”.

Vervanging van artikel 45 van Wet 28 van 1966.

60. Artikel 45 van die Wet op Landboukrediet, 1966, word hierby deur die volgende artikel vervang:

„Vrystelling van regte, belastings en gelde.

45. Ondanks andersluidende wetsbepalings is geen reg, belasting of gelde deur die Staat of ’n persoon aan wie bystand verleen word, ten opsigte van ’n handeling of transaksie (met inbegrip van die aankoop van onroerende goed met geld by wyse van bystand verkry) kragtens hierdie Wet, of ten opsigte van ’n stuk wat in verband met so ’n handeling of transaksie vereis word, betaalbaar nie: Met dien verstande dat indien bystand aan iemand verleen word vir die aankoop van onroerende goed ten opsigte waarvan die datum van verkryging deur hom, soos vasgestel ooreenkomstig die omskrywing van ‚datum van verkryging’ in artikel 1 van die Wet op Hereregte, 1949 (Wet No. 40 van 1949), ’n datum meer as ses maande voor die datum van sodanige persoon se aansoek om bystand is, daardie aankoop, vir die doeleindes van die heffing en betaling van hereregte ingevolge daardie Wet, nie as ’n transaksie kragtens hierdie Wet beskou word nie.”.

Wysiging van artikel 2 van Wet 84 van 1967.

61. Artikel 2 van die Wet op Opheffing van Beperkings, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepaling van subartikel (1) is nie van toepassing nie ten opsigte van ’n titelvoorwaarde wat die reg op minerale raak of ’n voorwaarde wat ingevolge die bepaling van artikel 5 (3) van die ‚Townships Amendment Act, 1908’ (Wet No. 34 van 1908), van Transvaal, of van artikel 16 (3) van die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), of van artikel 2 (2) van die Wet op Fisiese Beplanning en Benutting van Hulpbronne, 1967 (Wet No. 88 van 1967), opgelê is, of ten opsigte van ’n voorwaarde wat die verkoop of verskaffing van bedwelkende drank of die verkoop, verhuur of okkupasie van grond aan of deur ’n nie-blanke spesifiek verbied of beperk behalwe vir sover so ’n voorwaarde betrekking het op die okkupasie van grond wat deur die Staat of ’n plaaslike owerheid vir openbare doeleindes gebruik word of bestem is vir gebruik vir sodanige doeleindes.”.

Geldigverklaring van Proklamasie No. R.123 van 1967.

62. Proklamasie No. R.123 van 1967 wat deur die Staatspresident kragtens artikel 5 (2) van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), uitgevaardig is en wat in die

Gazette Extraordinary No. 1753 of the twenty-sixth day of May, 1967, and all the provisions of the said Proclamation are hereby validated.

63. This Act shall be called the General Law Amendment Act, 1968, and sections 3 to 13 inclusive and sections 26, 28, 29 and 49 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of each of those sections or the different provisions thereof.

Buitengewone Staatskoerant No. 1753 van die ses-en-twintigste dag van Mei 1967 afgekondig is, en al die bepalings van genoemde Proklamasie word hierby geldig verklaar.

Kort titel en
inwerking-
treding.

63. Hierdie Wet heet die Algemene Regswysigingswet, 1968, en artikels 3 tot en met 13 en artikels 26, 28, 29 en 49 tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en verskillende datums kan ten opsigte van elk van daardie artikels of verskillende bepalings daarvan aldus vasgestel word.