BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

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Goewermentskennisgewing

Kantoor van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

DEPARTEMENT VAN DIE MINISTERSRAAD

No. AG. 190 — 1982

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem is deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie: —

No. 24 van 1982: Wysigingswet op die Beskerming van die Diamantnywerheid, 1982

Government Notice

Office of the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

DEPARTMENT OF THE COUNCIL OF MINISTERS

No. AG. 190 — 1982

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), is hereby published in terms of section 19 of that Proclamation: —

No. 24 of 1982: Diamond Industry Protection Act, 1982

Wet No. 24, 1982

WYSIGINGSWET OP DIE BESKERMING VAN DIE DIAMANTNYWERHEID, 1982

(Engelse teks deur die Administrateur-generaal onderteken op 30 Desember 1982)

WET

Tot wysiging van die Proklamasie op die Beskerming van die Diamantnywerheid 1939 betreffende woordomskrywings; ten einde sekere verwysings na die Diamantspeurdersafdeling deur verwysings na die Diamanttak van die Suidwes-Afrikaanse Polisie te vervang; om die beperkings met betrekking tot die plek waar die hoofkantoor van die Diamantraad vir Suidwes-Afrika moet wees, op te hef; betreffende die terughouding en ondersoek van posstukke wat ruwe en ongeslypte diamante bevat of vermoedelik bevat; om die persentasie van die koopprys van opgetelde diamante wat aan die vinder daarvan betaal moet word, te verhoog; om die wyses waarop magte tot deursoeking deur genoemde Proklamasie verleen, uitgeoefen moet word, nader te bepaal; om onderskeid met betrekking tot verskillende rasse uit te skakel; om die waarde van eiendom wat met die toestemming van, onderskeidelik, bogenoemde Diamantraad en die Ministersraad vernietig kan word om dit te deursoek vir diamante, te verhoog; om voorsiening te maak vir die oorhandiging van diamante ten aansien waarvan 'n oortreding gepleeg is aan die persoon wat vermoedelik daarop geregtig is indien die hof 'n onbetwisbare vermoede het aangaande die identiteit van sodanige persoon; betreffende die persone wat die Diamantgebiede sonder permitte mag binnegaan in die uitvoering van hulle pligte; en om voorsiening te maak vir verbandhoudende aangeleenthede.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

Wysiging van artikel 1 van Proklamasie 17 van 1939, soos gewysig deur artikel 2 van Proklamasie 17 van 1941 en artikel 1 van Ordonnansie 30 van 1955.

1. Artikel 1 van die Proklamasie op die Beskerming van die Diamantnywerheid 1939 (hieronder die Proklamasie genoem) word hierby gewysig —

(a) deur die volgende omskrywing na die omskrywing van "kleimhouer" in te voeg:

" beteken 'Diamanttak' die Diamanttak van die Suidwes-Afrikaanse Polisie;";

(b) deur die omskrywings van "Diamantspeurder" en "Diamantspeurdersafdeling" te skrap;

DIAMOND INDUSTRY PROTECTION ACT, 1982 Act No. 24, 1982

(English text signed by the Administrator-General on 30 December 1982)

ACT

To amend the Diamond Industry Protection Proclamation, 1939, in relation to definitions; so as to substitute references to the Diamond Branch of the South West African Police for certain references to the Diamond Detective Department; to abolish the restrictions with regard to the place where the head office of the Diamond Board for South West Africa shall be; in relation to the stopping and examination of postal articles containing or suspected of containing rough and uncut diamonds; to increase the percentage of the purchase price of diamonds picked up to be paid to the finder thereof; to determine more closely the manners in which the powers of search conferred by the said Proclamation shall be carried out; to eliminate differences in relation to different races; to increase the value of property that may be destructed on authority of the above-mentioned Diamond Board and the Council of Ministers, respectively, in order to be searched for diamonds; to provide for the delivery of diamonds in respect of which any offence has been committed to the person presumably entitled thereto if the court has an indisputable presumption as to the identity of such person; in relation to the persons who may enter the Diamond Areas without permits in the execution of their duties; and to provide for incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Amendment of section 1 of Proclamation 17 of 1939, as amended by section 2 of Proclamation 17 of 1941 and section 1 of Ordinance 30 of 1955.

1. Section 1 of the Diamond Industry Protection Proclamation, 1939 (hereinafter referred to as the Proclamation), is hereby amended —

(a) by the insertion after the definition of "Claimholder" of the following definition:

" 'Diamond Branch' shall mean the Diamond Branch of the South West African Police;";

(b) by the deletion fo the definitions of "Diamond Detective" and "Diamond Detective Department";

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(c) deur die woorde "of 'n myngebied in die Ordonnansie op Myne, Bedrywe en Minerale 1968 bedoel of 'n toekenningsgebied in genoemde Ordonnansie bedoel" aan die einde van die omskrywing van "veld" by te voeg;

(d) deur die omskrywing van "Hooggeregshof" te skrap; en

(e) deur die volgende omskrywing voor die omskrywing van "produsent" in te voeg:

" beteken 'vredesbeampte' 'n vredesbeampte soos in artikel 1 van ie Strafproseswet, 1977, omskryf;".

Wysiging van artikel 3 van Proklamasie 17 van 1939.

2. Artikel 3 van die Proklamasie word hierby gewysig deur in subartikel (11) die woorde "of die Unie van Suid-Afrika", en die woorde "in die Gebied of die Unie" waar dit die tweede keer voorkom, te skrap.

Wysiging van artikel 4 van Proklamasie 17 van 1939, soos gewysig deur artikel 4 van Proklamasie 17 van 1941 en artikel 1 van Ordonnansie 25 van 1958.

3. Artikel 4 van die Proklamasie word hierby gewysig deur in paragraaf (i) al die woorde na die woord "voorskrywe" te skrap.

Wysiging van artikel 10 van Proklamasie 17 van 1939, soos gewysig deur artikel 2 van Ordonnansie 30 van 1955.

4. Artikel 10 van die Proklamasie word hierby gewysig deur die woorde "Diamantspeurdersafdeling of" te skrap.

Wysiging van artikel 15 van Proklamasie 17 van 1939.

5. Artikel 15 van die Proklamasie word hierby gewysig —

(a) (i) deur in subartikel (1) die woorde "Die Magistraat van enige distrik of enige Kommandant van 'n Polisiepos" deur die woorde " 'n Vredesbeampte" te vervang; en

(ii) deur in genoemde subartikel (1) na die woord "bevattende" die woorde "of na redelike vermoede bevattende" in te voeg; en

(b) deur in subartikel (2) die woorde "die Magistraat of Polisiepos Kommandant, soos die geval mag wees," en "sodanige Magistraat of Polisiepos Kommandant" deur, onderskeidelik, die woorde "die in subartikel (1) bedoelde vredesbeampte" en "sodanige vredesbeampte" te vervang.

Wysiging van artikel 16 van Proklamasie 17 van 1939, soos gewysig deur artikel 2 van Ordonnansie 4 van 1969 en artikel 1 van Wet 15 van 1980.

6. Artikel 16 van die Proklamasie word hierby gewysig deur in subartikel (1) die uitdrukking "10 persent" deur die uitdrukking "33,33 persent" te vervang.

(c) by the addition of the words "or a mining area referred to in the Mines, Works and Minerals Ordinance, 1968, or a grant area referred to in the said Ordinance" at the end of the definition of "Field";

(d) by the deletion of the definition of "High Court"; and

(e) by the insertion before the definition of "Producer" of the following definition:

" 'Peace officer' shall mean a peace officer as defined in section 1 of the Criminal Procedure Act, 1977;".

Amendment of section 3 of Proclamation 17 of 1939.

2. Section 3 of the Proclamation is hereby amended by the deletion in subsection (11) of the words "of the Union of South Africa", and the words "in the Territory or the Union of South Africa" where they occur for the second time.

Amendment of section 4 of Proclamation 17 of 1939, as amended by section 4 of Proclamation 17 of 1941 and section 1 of Ordinance 25 of 1958.

3. Section 4 of the Proclamation is hereby amended by the deletion in paragraph (i) of all the words following the word *"Gazette"*.

Amendment of section 10 of Proclamation 17 of 1939, as amended by section 2 of Ordinance 30 of 1955.

4. Section 10 of the Proclamation is hereby amended by the deletion of the words "the Diamond Detective Department or".

Amendment of section 15 of Proclamation 17 of 1939.

5. Section 15 of the Proclamation is hereby amended —

(a) (i) by the substitution in subsection (1) for the words "any Magistrate or any Post Commander of Police" of the words "any peace officer"; and

(ii) by the insertion in subsection (1) after the word "containing" of the words "or reasonably suspected of containing"; and

(b) by the substitution in subsection (2) for the words "The Magistrate or Post Commander, as the case may be," and "such Magistrate or Post Commander" of the words "The peace officer referred to in subsection (1)" and "such peace officer", respectively.

Amendment of section 16 of Proclamation 17 of 1939, as amended by section 2 of Ordinance 4 of 1969 and section 1 of Act 15 of 1980.

6. Section 16 of the Proclamation is hereby amended by the substitution in subsection (1) for the expression "10 per cent" of the expression "33,33 per cent".

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Wysiging van artikel 17 van Proklamasie 17 van 1939, soos vervang deur artikel 3 van Ordonnansie 30 van 1955.

7. Artikel 17 van die Proklamasie word hierby gewysig —

(a) deur in die opskrif die woord "diamantspeurders" te skrap;

(b) deur in subartikel (1) die woord "diamantspeurder" te skrap;

(c) deur die voorbehoudsbepaling by genoemde subartikel (1) deur die volgende voorbehoudsbepaling te vervang;

"Met dien verstande dat die woord "deursoek" by die toepassing van hierdie subartikel, by en behalwe sy gewone betekenis deursoeking by wyse van 'n X-straalapparaat insluit en, vir sover dit op enige ding betrekking het, ook "aftakel" en "uitmekaar haal" beteken";

(d) deur in subartikel (2) die woord "diamantspeurder" te skrap;

(e) deur in subartikel (3) die woorde "diamantspeurders en" te skrap; en

(f) deur die volgende subartikel by te voeg:

"(4) Die bepalings van hierdie artikel word nie so uitgelê dat dit in enige opsig afbreuk doen aan die bevoegdhede of pligte of kragtens enige ander wet aan 'n vredesbeampte verleen of opgedra nie.".

Wysiging van artikel 19 van Proklamasie 17 van 1939, soos gewysig deur artikel 4 van Proklamasie 25 van 1939, artikel 7 van Proklamasie 17 van 1941 en artikel 1 van Proklamasie 7 van 1950.

8. Artikel 19 van die Proklamasie word hierby gewysig —

(a) deur in subartikel (1) die woorde "inboorling of kleurling" oral waar dit voorkom deur die woord "persoon" te vervang;

(b) deur die voorbehoudsbepaling by genoemde subartikel (1) te skrap; en

(c) deur in subartikel (2) al die woorde wat die woord "maar" voorafgaan deur die volgende woorde te vervang:

"Enige deursoeking bedoel in subartikel (1), (3) of (4) kan by wyse van 'n X-straalapparaat of op enige ander wyse geskied".

Wysiging van artikel 19*bis* van Proklamasie 17 van 1939, soos ingevoeg deur artikel 4 van Ordonnansie 30 van 1955.

9. Artikel 19*bis* van die Proklamasie word hierby gewysig deur die woorde "eenhonderd pond" oral waar dit voorkom deur die woorde "tweeduisend vyfhonderd rand" te vervang.

7. Section 17 of the Proclamation is hereby amended —

Amendment of section 17 of Proclamation 17 of 1939, substituted by section 3 of Ordinance 30 of 1955.

(a) by the deletion in the heading of the words "diamond detectives";

(b) by the deletion in subsection (1) of the words "diamond detective";

(c) by the substitution for the proviso to the said subsection (1) of the following proviso:

"Provided that for the purposes of this subsection "search" in addition to its ordinary meaning shall include search by means of X-ray apparatus and, in so far as it relates to any thing, shall also means to "dismantle" or to "take apart".";

(d) by the deletion in subsection (2) of the words "diamond detective";

(e) by the deletion in subsection (3) of the words "diamond detectives and"; and

(f) by the addition of the following subsection:

"(4) The provisions of this section shall not be construed so as to derogate in any way from the powers or duties conferred upon or imposed on any peace officer by or under any other law.".

8. Section 19 of the Proclamation is hereby amended —

Amendment of section 19 of Proclamation 17 of 1939, as amended by section 4 of Proclamation 25 of 1939, section 7 of Proclamation 17 of 1941 and section 1 of Proclamation 7 of 1950.

(a) by the deletion in subsection (1) of the words "native or coloured" wherever they occur;

(b) by the deletion of the provisio to the said subsection (1); and

(c) by the substitution in subsection (2) for all the words preceding the word "but" of the following words:

"Any search referred to in subsection (1), (3) or (4) may be effected by means of X-ray apparatus or in any other way".

9. Section 19*bis* of the Proclamation is hereby amended by the substitution for the expression "£ 100" wherever it occurs of the words "two thousand five hundred rand".

Amendment of section 19*bis* of Proclamation 17 of 1939, as inserted by section 4 of Ordinance 30 of 1955.

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WYSIGINGSWET OP DIE BESKERMING VAN DIE DIAMANTNYWERHEID, 1982

Wysiging van artikel 20 van Proklamasie 17 van 1939, soos gewysig deur artikel 3 van Ordonnansie 4 van 1969.

10. Artikel 20 van die Proklamasie word hierby gewysig —

(a) deur in subartikel (1) na die woorde "oortuig is van" die woorde "of 'n onbetwisbare vermoede het aangaande" en na die woord "wettiglik" die woorde "of vermoedelik" in te voeg; en

(b) deur in subartikel (2) die woorde "Diamantspeurdersafdeling of deur die" te skrap.

Wysiging van artikel 21 van Proklamasie 17 van 1939.

11. Artikel 21 van die Proklamasie word hierby gewysig deur die woord "Diamantspeurdersafdeling" deur die woord "Diamanttak" te vervang.

Wysiging van artikel 22 van Proklamasie 17 van 1939, soos gewysig deur artikel 5 van Ordonnansie 30 van 1955 en artikel 2 van Ordonnansie 12 van 1961.

12. Artikel 22 van die Proklamasie word hierby gewysig —

(a) deur in subartikel (1) na die woord "persoon" die woorde "behalwe 'n lid van die Suidwes-Afrikaanse Polisie of 'n inspekteur van myne as sodanig aangestel kragtens artikel 4 van die Ordonnansie op Myne, Bedrywe en Minerale 1968 handelende in die uitvoering van sy pligte" in te voeg;

(b) deur in subartikel (3) die woord "Diamantspeurdersafdeling" deur die woord "Diamanttak" te vervang; en

(c) deur subartikel (4) te skrap.

Wysiging van artikel 24 van Proklamasie 17 van 1939.

13. Artikel 24 van die Proklamasie word hierby gewysig —

(a) deur die woorde "aparte registers" en "sodanige registers" deur, onderskeidelik, die woorde "'n register" en "sodanige register" te vervang; en

(b) deur die woorde "blanke en inboorling of kleurling" en "enige diamantspeurder of" te skrap.

Wysiging van artikel 25 van Proklamasie 17 van 1939.

14. Artikel 25 van die Proklamasie word hierby gewysig —

(a) deur in subartikel (1) die woorde "inboorling of kleurling" deur die woord "persoon" te vervang;

(b) deur in subartikel (2) die woorde "inboorling of kleurling" waar dit die eerste keer voorkom, die woorde "behalwe in die geselskap en onder die beheer van 'n blanke persoon", en die woord "blanke" waar dit die laaste keer voorkom, te skrap; en

(c) deur in genoemde subartikel (2) die woorde "inboorling of kleurling" waar dit die laaste keer voorkom deur die woord "persoon" te vervang.

Kort titel.

15. Hierdie Wet heet die Wysigingswet op die Beskerming van die Diamantnywerheid, 1982.

10. Section 20 of the Proclamation is hereby amended —

Amendment of section 20 of Proclamation 17 of 1939, as amended by section 3 of Ordinance 4 of 1969.

(a) by the insertion in subsection (1) after the word "satisfied" of the words "or has an indisputable presumption" and after the word "lawfully" of the words "or presumably"; and

(b) by the deletion in subsection (2) of the words "Diamond Detective Department or by the".

11. Section 21 of the Proclamation is hereby amended by the substitution for the words "Diamond Detective Department" of the words "Diamond Branch".

Amendment of section 21 of Proclamation 17 of 1939.

12. Section 22 of the Proclamation is hereby amended —

Amendment of section 22 of Proclamation 17 of 1939, as amended by section 5 of Ordinance 30 of 1955 and section 2 of Ordinance 12 of 1961.

(a) by the substitution in subsection (1) for the words "into which, except as hereinafter provided, no person shall enter or travel," of the words "into or within which no person other than a member of the South West African Police or an inspector of mines appointed as such under section 4 of the Mines, Works and Minerals Ordinance, 1968, acting in pursuance of his duties shall, except as hereinafter provided, enter, reside or travel,";

(b) by the substitution in subsection (3) for the words "Diamond Detective Department" of the words "Diamond Branch"; and

(c) by the deletion of subsection (4).

13. Section 24 of the Proclamation is hereby amended —

Amendment of section 24 of Proclamation 17 of 1939.

(a) by the substitution for the words "separate registers" and "such registers" of the words "a register" and "such register", respectively; and

(b) by the deletion of the words "white and native or coloured" and "any diamond detective or".

14. Section 25 of the Proclamation is hereby amended —

Amendment of section 25 of Proclamation 17 of 1939.

(a) by the deletion of the words "native or coloured" wherever they occur; and

(b) by the deletion in subsection (2) of the words "save in the company and under the control of a European" and of the word "white".

15. This Act shall be called the Diamond Industry Protection Amendment Act, 1982.

Short title.