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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 539. 30 Maart 1972.

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

No. 23 van 1972: Wysigingswet op Bantoewetgewing, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 539. 30th March, 1972.

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

No. 23 of 1972: Bantu Laws Amendment Act, 1972.

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Wet No. 23, 1972 WYSIGINGSWET OP BANTOEWETGEWING, 1972.

WET

Tot wysiging van die Bantoe-administrasie Wet, 1927, ten einde die bepaling dat iedere Bantoesakekommissaris in die Transvaal die bevoegdheid besit om huwelike te voltrek, te herroep; en te bepaal dat 'n meerderjarige Bantoevrouspersoon nie in die provinsies Natal en Transvaal sonder die toestemming van haar vader of wettige voog in die huwelik mag tree nie; tot wysiging van die Bantoetrust en -grond Wet, 1936, ten einde die omvang van die oopgestelde gebiede uit te brei; tot wysiging van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954, ten einde voorsiening te maak vir die vertolking van die woord „Bantoe" en sekere uitdrukkings waarvan dié woord 'n deel uitmaak; tot wysiging van die Transkeise Grondwet, 1963, ten einde aan die Wetgewende Vergadering van die Transkei die bevoegdheid te verleen om wette ten opsigte van gevangenisse vir Bantoes en ten opsigte van motortransport te maak; tot wysiging van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, ten einde die name van sekere gebiede in die gebied Suidwes-Afrika te verander en die bevoegdhede van wetgewende rade uit te brei; tot wysiging van die Tweede Wysigingswet op Bantoewetgewing, 1970, ten einde die oordrag van sekere goed van die Staat of die administrasie van Suidwes-Afrika na 'n Bantoe-wetgewende owerheid, wetgewende raad, wetgewende vergadering, uitvoerende raad, kabinet of regering verder te reël; tot wysiging van die Wet op Pensioene vir Bantoe-owerheidsdiens, 1971, ten einde voorsiening te maak vir verdere delegering van bevoegdhede deur sekere beamptes; tot wysiging van die Grondwet van die Bantoetuislande, 1971, ten einde die bevoegdhede van wetgewende vergaderings wat daarin vermeld word, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 28 *Maart* 1972.)

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 38 van 1927, soos vervang deur artikel 2 van Wet 21 van 1943 en gewysig deur artikel 19 van Wet 56 van 1949, artikel 19 van Wet 54 van 1952, artikel 1 van Wet 79 van 1957, artikel 6 van Wet 46 van 1959 en artikel 9 van Wet 46 van 1962.

1. Artikel 2 van die Bantoe-administrasie Wet, 1927, word hierby gewysig deur subartikel (4) te skrap.

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ACT

To amend the Bantu Administration Act, 1927, so as to repeal the provision that every Bantu Affairs Commissioner in the Transvaal shall have the power to solemnize marriages; and to provide that a Bantu female, who is of age, shall not, in the provinces of Natal and the Transvaal, enter into a marriage without the consent of her father or legal guardian; to amend the Bantu Trust and Land Act, 1936, so as to increase the extent of the released areas; to amend the South-West Africa Native Affairs Administration Act, 1954, so as to provide for the interpretation of the word "Bantu" and certain expressions of which that word forms a part; to amend the Transkei Constitution Act, 1963, so as to empower the Legislative Assembly of the Transkei to make laws in relation to prisons for Bantu persons, and in relation to motor carrier transportation; to amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to change the names of certain areas in the territory of South-West Africa and to extend the powers of legislative councils; to amend the Second Bantu Laws Amendment Act, 1970, so as further to regulate the transfer of certain property from the State or the administration of South-West Africa to a Bantu authority, legislative council, legislative assembly, executive council, cabinet or government; to amend the Bantu Authorities' Service Pensions Act, 1971, so as to provide for further delegation of powers by certain officers; to amend the Bantu Homelands Constitution Act, 1971, so as to extend the powers of legislative assemblies referred to therein; and to provide for matters connected therewith.

(*Afrikaans text signed by the State President.*)
(*Assented to 28th March*, 1972.)

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 Bantu Administration Act, 1927, is hereby amended by the deletion of subsection (4). Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943 and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957, section 6 of Act 46 of 1959 and section 9 of Act 46 of 1962.

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Wet No. 23, 1972 WYSIGINGSWET OP BANTOEWETGEWING, 1972.

Invoeging van artikel 22*ter* in Wet 38 van 1927.

2. Die volgende artikel word hierby in die Bantoe-administrasie Wet, 1927, na artikel 22*bis* ingevoeg:

„Toestemming tot huwelik van Bantoevrouspersoon.

22*ter*. (1) Behoudens die bepalings van hierdie artikel, mag 'n huweliksbevestiger nie 'n huwelik waarby 'n meerderjarige Bantoevrouspersoon 'n party is, in die provinsie Natal of Transvaal voltrek nie, tensy haar vader of wettige voog (met inbegrip van 'n voog ingevolge Bantoereg en -gebruik) skriftelike toestemming tot dié huwelik verleen het en sodanige toestemming aan die huweliksbevestiger verstrek is.

(2) Indien die Minister of iemand deur die Minister in die algemeen of ten opsigte van 'n bepaalde gebied daartoe gemagtig, na behoorlike ondersoek oortuig is dat 'n Bantoevrouspersoon bedoel in subartikel (1) nie 'n vader of sodanige voog het nie of dat haar vader of sodanige voog sy toestemming dat sy in die huwelik tree op 'n onredelike wyse weerhou of dat sy om die een of ander gegronde rede nie in staat is om die toestemming van haar vader of sodanige voog dat sy in die huwelik tree, te verkry nie, kan die Minister of so iemand na goeddunke skriftelike toestemming aan haar verleen om met 'n bepaalde persoon te trou.

(3) Ondanks die bepalings van subartikel (2), kan 'n Bantoevrouspersoon bedoel in subartikel (1) by 'n regter van die Hooggeregshof van Suid-Afrika aansoek doen om toestemming om met 'n bepaalde persoon te trou, en bedoelde regter kan die aansoek toestaan indien hy van oordeel is dat weiering van sodanige toestemming teen die belange van daardie vrouspersoon sal wees.

(4) Die bepalings van hierdie artikel doen nie afbreuk nie aan die bepalings van 'n regsreël met betrekking tot die voltrekking van huwelike.".

Wysiging van Eerste Bylae by Wet 18 van 1936, soos gewysig deur artikel 11 van Wet 73 van 1956, artikel 12 van Wet 46 van 1962, artikel 5 van Wet 76 van 1963 en artikel 37 van Wet 42 van 1964.

3. (1) Die Eerste Bylae by die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur die volgende gebied by Deel I te voeg:

„GEBIED No. 55.

DISTRIK MAFEKING.

Omskrywing.—Die gebied wat bestaan uit die volgende plase: Hartebeest Laagte Maf. Q. 2–30, Knowle Park Maf. Q. 2–22, Drumard Maf. Q. 2–23, Westwood Park Maf. Q. 3–31, Heathfield Maf. Q. 2–28, New Park Maf. Q. 2–24, Roslin Maf. Q. 2–25, Trumpeters Post Maf. Q. 2–26, Oak Lands Maf. Q. 2–27 en Bugler's Post Maf. Q. 2–29.".

(2) Grond inbegrepe by Gebied No. 55 van Deel I van die Eerste Bylae by die Bantoetrust en -grond Wet, 1936, wat deur die Suid-Afrikaanse Bantoetrust verkry is of heet deur hom verkry te gewees het vóór die byvoeging van genoemde gebied by genoemde Deel I deur subartikel (1) van hierdie artikel, word, vir die doeleindes van verkryging daarvan deur genoemde Trust, geag te alle ter sake tye grond te gewees het wat inbegrepe was in die oopgestelde gebiede bedoel in artikel 2 van genoemde Wet.

Invoeging van artikel 3A in Wet 56 van 1954.

4. Die volgende artikel word hierby in die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954, na artikel 3 ingevoeg:

„Uitleg van sekere uitdrukkings in verband met sekere

3A. (1) 'n Verwysing in 'n wet wat van krag is in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, of in 'n dokument, met betrekking tot 'n aangeleentheid in sodanige gebied, na—

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Insertion of section 22*ter* in Act 38 of 1927.

2. The following section is hereby inserted in the Bantu Administration Act, 1927, after section 22*bis:*

"Consent to marriage of Bantu female.

22*ter*. (1) Subject to the provisions of this section, a marriage officer shall not in the province of Natal or the Transvaal solemnize a marrige to which a Bantu female who is of age, is a party, unless her father or legal guardian (including a guardian in terms of Bantu law and custom) has granted written consent to that marriage and such consent has been furnished to the marriage officer.

(2) If the Minister or any person authorized thereto by the Minister, either generally or in respect of a particular area, is after proper enquiry satisfied that a Bantu female referred to in subsection (1) has no father or such guardian or that her father or such guardian unreasonably withholds his consent to her entering into a marriage or that for any other good reason she is unable to obtain the consent of her father or such guardian to her entering into a marriage, the Minister or such person may in his discretion grant written consent to her to marry a specified person.

(3) Notwithstanding the provisions of subsection (2), a Bantu female referred to in subsection (1) may apply to a judge of the Supreme Court of South Africa for consent to marry a specified person, and that judge may grant the application if he is of opinion that refusal of such consent will be contrary to the interests of that female.

(4) The provisions of this section shall not derogate from the provisions of any rule of law relating to the solemnization of marriages.".

Amendment of First Schedule to Act 18 of 1936, as amended by section 11 of Act 73 of 1956, section 12 of Act 46 of 1962, section 5 of Act 76 of 1963 and section 37 of Act 42 of 1964.

3. (1) The First Schedule to the Bantu Trust and Land Act, 1936, is hereby amended by the addition to Part I of the following area:

"AREA NO. 55.

DISTRICT OF MAFEKING.

Description.—The area comprising the following farms: Hartebeest Laagte Maf. Q. 2–30, Knowle Park Maf. Q. 2–22, Drumard Maf. Q. 2–23, Westwood Park Maf. Q. 3–31, Heathfield Maf. Q. 2–28, New Park Maf. Q. 2–24, Roslin Maf. Q. 2–25, Trumpeters Post Maf. Q. 2–26, Oak Lands Maf. Q. 2–27 and Bugler's Post Maf. Q. 2–29.".

(2) Any land comprised in Area No. 55 of Part I of the First Schedule to the Bantu Trust and Land Act, 1936, and acquired or purporting to have been acquired by the South African Bantu Trust prior to the addition, by subsection (1) of this section, of the said area to the said Part I, shall, for the purposes of acquisition thereof by the said Trust, be deemed at all relevant times to have been land included in the released areas referred to in section 2 of the said Act.

Insertion of section 3A in Act 56 of 1954.

4. The following section is hereby inserted in the South-West Africa Native Affairs Administration Act, 1954, after section 3:

"Construction of certain expressions in connec-

3A. (1) Any reference in any law in force in the territory, including the Eastern Caprivi Zipfel, or in any document, with reference to any matter in such territory, to—

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ampstitels en die woord ‚Bantoe'.

(*a*) 'n Hoofbantoesakekommissaris of 'n Assistent-hoofbantoesakekommissaris word as 'n verwysing na onderskeidelik 'n hoofnaturellekommissaris of 'n assistent-hoofnaturellekommissaris uitgelê;

(*b*) 'n Bantoesakekommissaris, Addisionele Bantoesakekommissaris of Assistent-Bantoesakekommissaris word as 'n verwysing na onderskeidelik 'n naturellekommissaris, addisionele naturellekommissaris of assistent-naturellekommissaris uitgelê;

(*c*) 'n Bantoe word as 'n verwysing na 'n naturel uitgelê;

en 'n woord of uitdrukking in so 'n wet of in 'n dokument met betrekking tot so 'n aangeleentheid, en wat in verband staan met 'n ampsbekleër in enige van die voorafgaande paragrawe vermeld, of 'n Bantoe, word dienooreenkomstig uitgelê.

(2) Tensy uit die bepalings van 'n wet of dokument 'n ander bedoeling blyk, het die woord ‚naturel', vir die doeleindes van die toepassing van subartikel (1) (*c*), die betekenis wat daaraan gegee is in artikel 25 van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied.".

Vervanging van opskrif by Deel VII van Wet 48 van 1963.

5. Die Transkeise Grondwet, 1963, word hierby gewysig deur die opskrif by Deel VII deur die volgende opskrif te vervang:

„ REGSPLEGING EN GEVANGENISSE.

Regspleging.".

Invoeging van nuwe opskrif en artikel 50A in Wet 48 van 1963.

6. Die volgende opskrif en artikel word hierby in die Transkeise Grondwet, 1963, na artikel 50 ingevoeg:

„*Gevangenisse.*

Gevangenisse.

50A. (1) 'n Verwysing in 'n wet na 'n gevangenis wat ingestel is of geag word ingestel te wees ingevolge die Wet op Gevangenisse, 1959 (Wet No. 8 van 1959) (hieronder 'n gevangenis van die Republiek genoem), word uitgelê as sou dit ook 'n verwysing behels na 'n gevangenis wat ingevolge genoemde Wet of 'n wet van die Wetgewende Vergadering deur 'n instansie van die Transkei ingestel is (hieronder 'n gevangenis van die Transkei genoem).

(2) 'n Veroordeelde Bantoepersoon wat tot gevangenisstraf gevonnis is en wat die opgelegde vonnis of 'n deel daarvan nog moet uitdien, kan—

(*a*) indien hy in 'n gevangenis van die Republiek aangehou word, op die gesag van die Minister van Gevangenisse van die Republiek en met die instemming van die Minister van die Transkei wat verantwoordelik is vir die bestuur van gevangenisse, van daardie gevangenis oorgeplaas word na 'n gevangenis van die Transkei wat laasgenoemde Minister aangedui het;

(*b*) indien hy in 'n gevangenis van die Transkei aangehou word, op die gesag van die Minister van die Transkei bedoel in paragraaf (*a*), en met die instemming van die Minister van Gevangenisse van die Republiek, van daardie gevangenis oorgeplaas word na 'n gevangenis van die Republiek wat laasgenoemde Minister aangedui het,

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tion with certain official titles and the word 'Bantu'.

(*a*) a Chief Bantu Affairs Commissioner or an Assistant Chief Bantu Affairs Commissioner shall be construed as a reference to a chief native commissioner or an assistant chief native commissioner, respectively;

(*b*) a Bantu Affairs Commissioner, an Additional Bantu Affairs Commissioner or an Assistant Bantu Affairs Commissioner shall be construed as a reference to a native commissioner, an additional native commissioner or an assistant native commissioner, respectively;

(*c*) a Bantu shall be construed as a reference to a native;

and any word or expression in any such law or in any document with reference to any such matter, and connected with the holder of an office referred to in any of the preceding paragraphs or a Bantu shall be construed accordingly.

(2) Unless a contrary intention appears from the provisions of any law or a document, the word 'native' for the purpose of the application of subsection (1) (*c*), shall have the meaning assigned thereto in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory.".

Substitution of heading to Part VII of Act 48 of 1963.

5. The Transkei Constitution Act, 1963, is hereby amended by the substitution for the heading to Part VII of the following heading:

"ADMINISTRATION OF JUSTICE AND PRISONS.

Administration of Justice.".

Insertion of new heading and section 50A in Act 48 of 1963.

6. The following heading and section are hereby inserted in the Transkei Constitution Act, 1963, after section 50:

"*Prisons.*

Prisons.

50A. (1) A reference in any law to a prison established or deemed to have been established in terms of the Prisons Act, 1959 (Act No. 8 of 1959) (hereinafter referred to as a prison of the Republic), shall be construed as including a reference to a prison which has in terms of the said Act or a law of the Legislative Assembly been established by an authority of the Transkei (hereinafter referred to as a prison of the Transkei).

(2) A convicted Bantu person who has been sentenced to imprisonment and is still liable to serve the sentence imposed or part thereof may—

(*a*) if he is detained in a prison of the Republic, be transferred on the authority of the Minister of Prisons of the Republic and with the concurrence of the Minister of the Transkei responsible for the administration of prisons, from that prison to a prison of the Transkei indicated by the last-mentioned Minister;

(*b*) if he is detained in a prison of the Transkei, be transferred on the authority of the Minister of the Transkei referred to in paragraph (*a*), and with the concurrence of the Minister of Prisons of the Republic, from that prison to a prison of the Republic indicated by the last-mentioned Minister,

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en daarop word sodanige persoon in die gevangenis waarheen hy oorgeplaas is, aangehou, en word daar met hom gehandel in iedere opsig asof, en is hy onderworpe aan die wette waaraan hy onderworpe sou gewees het indien, hy ingevolge genoemde vonnis in laasgenoemde gevangenis opgeneem was.

(3) Sonder om afbreuk te doen aan die bepalings van artikels 65 en 67, bly die Wet op Gevangenisse, 1959, ook van toepassing in die distrikte vermeld in artikel 2 van hierdie Wet asof artikel 7 (1) (*a*) van die Wysigingswet op Bantoewetgewing, 1972, nie aangeneem was nie.

(4) Die Minister van Gevangenisse van die Republiek kan by kennisgewing in die *Staatskoerant* verklaar dat 'n gevangenis wat ingestel is of geag word ingestel te wees deur 'n instansie in die Republiek kragtens die Wet op Gevangenisse, 1959, in 'n distrik vermeld in artikel 2 van hierdie Wet, uitgesonderd 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie, geag word, onderworpe aan die voorwaardes in die kennisgewing vermeld, ingestel te wees deur 'n instansie in die Transkei kragtens genoemde Wet of 'n wet van die Wetgewende Vergadering op gevangenisse, en daarop word dié gevangenis geag aldus ingestel te wees.".

Wysiging van Eerste Bylae by Wet 48 van 1963, soos gewysig deur artikel 4 van Wet 36 van 1968, artikel 9 van Wet 27 van 1970 en artikel 12 van Wet 49 van 1970.

7. (1) Deel B van die Eerste Bylae by die Transkeise Grondwet, 1963, word hierby gewysig—

(*a*) deur na item 4 die volgende item in te voeg:

„4A. Behoudens die bepalings van artikel 50A van hierdie Wet, die instelling, afskaffing, bestuur en beheer van gevangenisse, vir Bantoes, in die distrikte vermeld in artikel 2, uitgesonderd 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.";

(*b*) deur item 12 deur die volgende item te vervang:

„12. Die reëling en beheer van padverkeer, met inbegrip van die lisensiëring en beheer van voertuie en die bestuurders van voertuie in die Transkei, maar met uitsondering van alle aangeleenthede wat in die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), behandel word."; en

(*c*) deur na item 12 die volgende item in te voeg:

„12A. Motortransport in die distrikte vermeld in artikel 2, uitgesonderd 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie: Met dien verstande dat indien die Motortransportwet, 1930 (Wet No. 39 van 1930), in die Transkei van toepassing bly, daar ingevolge artikel 6 (2) van genoemde Wet geen appèl na die Raad daarin vermeld is nie.".

(2) Ondanks die bepalings van paragraaf (*c*) van subartikel (1) bly die Motortransportwet, 1930 (Wet No. 39 van 1930), van toepassing ten opsigte van 'n sertifikaat of vrystelling daarkragtens verleen voor die inwerkingtreding van genoemde paragraaf, maar so 'n verleende sertifikaat of vrystelling bly nie geldig nie na die 30ste Junie wat onmiddellik op sodanige inwerkingtreding volg.

Wysiging van artikel 2 van Wet 54 van 1968.

8. Artikel 2 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, word hierby gewysig—

(*a*) deur paragraaf (*d*) deur die volgende paragraaf te vervang:

„(*d*) Kavango, bestaande uit die Okavango-gebied vermeld in Proklamasie No. 32 van 1937 van die gebied Suidwes-Afrika;"; en

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and thereupon such person shall be detained in the prison to which he has been transferred and be dealt with in every respect as if, and shall be subject to the laws to which he would have been subject if, he had been received in the last-mentioned prison in terms of the said sentence.

(3) Without prejudice to the provisions of sections 65 and 67, the Prisons Act, 1959, shall also continue to apply in the districts mentioned in section 2 of this Act as if section 7 (1) (*a*) of the Bantu Laws Amendment Act, 1972, had not been enacted.

(4) The Minister of Prisons of the Republic may by notice in the *Gazette* declare that a prison established or deemed to have been established by an authority in the Republic under the Prisons Act, 1959, in any district mentioned in section 2 of this Act, excluding any area in the district of Matatiele or Port St. Johns which is not a Bantu area, shall, subject to such conditions as may be specified in such notice, be deemed to have been established by an authority in the Transkei under the said Act or a law of the Legislative Assembly relating to prisons, and thereupon such prison shall be deemed to have been so established.".

Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968, section 9 of Act 27 of 1970 and section 12 of Act 49 of 1970.

7. (1) Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended—

(*a*) by the insertion after item 4 of the following item:

"4A. Subject to the provisions of section 50A of this Act, the establishment, disestablishment, administration and control of prisons, for Bantu persons, in the districts mentioned in section 2, excluding any area in the district of Matatiele or Port St. Johns which is not a Bantu area.";

(*b*) by the substitution for item 12 of the following item:

"12. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles in the Transkei, but excluding all matters dealt with in the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942).";

and

(*c*) by the insertion after item 12 of the following item:

"12A. Motor carrier transportation in the districts mentioned in section 2, excluding any area in the district of Matatiele or Port St. Johns which is not a Bantu area: Provided that if the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), continues to apply in the Transkei, there shall be no appeal in terms of section 6 (2) of the said Act to the Board referred to therein.".

(2) Notwithstanding the provisions of paragraph (*c*) of subsection (1), the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), shall continue to apply in respect of any certificate or exemption granted thereunder prior to the commencement of the said paragraph, but any certificate or licence so granted shall not continue to be valid after the 30th June immediately following upon such commencement.

Amendment of section 2 of Act 54 of 1968.

8. Section 2 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended—

(*a*) by the substitution for paragraph (*d*) of the following paragraph:

"(*d*) Kavango, consisting of the Okavango area referred to in Proclamation No. 32 of 1937 of the territory of South-West Africa;"; and

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(*b*) deur paragraaf (*f*) deur die volgende paragraaf te vervang:

„(*f*) Owambo, bestaande uit die gebied vermeld in regulasie 1 van Proklamasie No. 27 van 1929 van die gebied Suidwes-Afrika;".

Wysiging van Bylae by Wet 54 van 1968.

9. Die Bylae by die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, word hierby gewysig—

(*a*) deur item 2 deur die volgende item te vervang:

„2. Aangeleenthede wat ten doel het die bevordering van die onderwys en kultuur, met inbegrip van die instelling, instandhouding, bestuur en beheer van opvoedkundige inrigtings en koshuise.";

(*b*) deur item 8 deur die volgende item te vervang:

„8. Boerdery- en landboumetodes oor die algemeen, met inbegrip van die bestryding van dieresiektes.";

(*c*) deur na item 8 die volgende items in te voeg:

„8A. Vis- en wildbeskerming.

8B. Die behoud van plante en diere en die uitroeiing van ongediertes.";

(*d*) deur item 9 deur die volgende item te vervang:

„9. Bosbou."; en

(*e*) deur na item 20 die volgende items in te voeg:

„20A. Bedwelmende drank.

20B. Die aanstelling, bevoegdhede, pligte en werksaamhede van vrederegters en kommissarisse van ede.

20C. Die beskerming van lewe, persone en eiendom en die voorkoming van dieremishandeling.

20D. Die bereddering van bestorwe boedels, die verlyding van testamente en aangeleenthede rakende erfopvolging ten opsigte van lede van die betrokke naturellevolk.

20E. Nedersettings, registrasie van aktes en opmetings, maar nie ook trigonometriese opmetings nie.

20F. Die reëling en beheer van padverkeer, met inbegrip van die lisensiëring en beheer van voertuie en die bestuurders van voertuie, maar met uitsondering van alle aangeleenthede wat in die Motortransportwet, 1930 (Wet No. 39 van 1930), of die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), behandel word.

20G. Geboortes, sterftes, huwelike en gebruiklike verbindings ten opsigte van lede van die betrokke naturellevolk.

20H. Die verdeling van bestaande naturellestamme, die samesmelting van naturellestamme, die stigting van nuwe naturellestamme, en die erkenning, aanstelling, afsetting en ontslag, met die vooraf verkreë goedkeuring van die Staatspresident, van hoofkapteins, kapteins en, ten opsigte van Owambo, ook van hoofmanne, en die diensvoorwaardes, tug, aftreding en pensioenering van hoofkapteins, kapteins en hoofmanne.

20I. Die stigting van dorpe met die vooraf verkreë goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling, en die instandhouding en bestuur van dorpe vir lede van die betrokke naturellevolk.

20J. Die instelling, met die instemming van die Minister van Bantoe-administrasie en -ontwikkeling, van openbare feesdae ter vervanging van openbare feesdae ingestel by of ingevolge die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952).

20K. Die registrasie en beheer van honde.".

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(*b*) by the substitution for paragraph (*f*) of the following paragraph:

"(*f*) Owambo, consisting of the area referred to in regulation 1 of Proclamation No. 27 of 1929 of the territory of South-West Africa;".

Amendment of Schedule to Act 54 of 1968.

9. The Schedule to the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended—

(*a*) by the substitution for item 2 of the following item:

"2. Matters having as their object the advancement of education and culture, including the establishment, maintenance, management and control of educational institutions and hostels.";

(*b*) by the substitution for item 8 of the following item:

"8. Farming and agricultural methods in general, including the combating of animal diseases.";

(*c*) by the insertion after item 8 of the following items:

"8A. Fish and game preservation.

8B. The conservation of flora and fauna and the destruction of vermin.";

(*d*) by the substitution for item 9 of the following item:

"9. Forestry."; and

(*e*) by the insertion after item 20 of the following items:

"20A. Intoxicating liquor.

20B. The appointment, powers, duties and functions of justices of the peace and commissioners of oaths.

20C. The protection of life, persons and property and the prevention of cruelty to animals.

20D. The administration of deceased estates, the execution of wills and matters relating to succession in respect of members of the native nation in question.

20E. Land settlement, registration of deeds and surveys, but excluding trigonometrical surveys.

20F. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles, but excluding all matters dealt with in the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942).

20G. Births, deaths, marriages and customary unions in respect of members of the native nation in question.

20H. The division of existing native tribes, the amalgamation of native tribes, the constitution of new native tribes, and the recognition, appointment, deposition and dismissal, with the prior approval of the State President, of paramount chiefs, chiefs and, in respect of Owambo, also of headmen, and the conditions of service, discipline, retirement and pensioning of paramount chiefs, chiefs and headmen.

20I. The establishment of townships with the prior approval of the Minister of Bantu Administration and Development, and the maintenance and administration of townships for members of the native nation in question.

20J. The establishment, with the concurrence of the Minister of Bantu Administration and Development, of public holidays in substitution for public holidays established by or in terms of the Public Holidays Act, 1952 (Act No. 5 of 1952).

20K. The registration and control of dogs."

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Wet No. 23, 1972 WYSIGINGSWET OP BANTOEWETGEWING, 1972.

Vervanging van artikel 12 van Wet 27 van 1970.

10. Artikel 12 van die Tweede Wysigingswet op Bantoewetgewing, 1970, word hierby deur die volgende artikel vervang:

„Oordrag van goed aan sekere Bantoeliggame.

12. (1) Behoudens die bepalings van subartikel (2), kan die Minister van Bantoe-administrasie en -ontwikkeling van tyd tot tyd gelas dat goed waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek, 'n provinsiale administrasie of die administrasie van die gebied Suidwes-Afrika en wat na die oordeel van genoemde Minister in verband staan met die werksaamhede van 'n owerheid, wetgewende raad, wetgewende vergadering, uitvoerende raad, kabinet of regering wat ingevolge die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), of die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), ingestel, erken of saamgestel is, berus by of oorgedra word aan so 'n owerheid, raad, vergadering, kabinet of regering wat hy aanwys.

(2) Geen lasgewing word ingevolge subartikel (1) uitgereik nie behalwe met die instemming van die Minister van Finansies en, in die geval van goed waarvan die eiendomsreg of beheer berus by of verkry is deur 'n provinsiale administrasie of die administrasie van die gebied Suidwes-Afrika, ook van die betrokke administrateur, en iedere sodanige lasgewing is onderworpe aan die voorwaardes (indien daar is) wat die Minister van Bantoe-administrasie en -ontwikkeling met sodanige instemming bepaal.

(3) Die beampte aan die hoof van 'n registrasiekantoor van aktes waarin onroerende goed geregistreer is waarop 'n lasgewing kragtens subartikel (1) betrekking het, moet by voorlegging aan hom van die titelbewys van dié goed en 'n verklaring deur die Sekretaris van Bantoe-administrasie en -ontwikkeling onderteken dat daardie goed ingevolge subartikel (1) berus by of oorgedra is aan 'n liggaam wat daarin bedoel word, die oorgang of oordrag op genoemde titelbewys aanteken, en gepaste inskrywings van die oorgang of oordrag in die stukke in sy kantoor doen.".

Wysiging van artikel 7 van Wet 6 van 1971.

11. (1) Artikel 7 van die Wet op Pensioene vir Bantoe-owerheidsdiens, 1971, word hierby gewysig—

(*a*) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) So 'n Sekretaris kan met goedkeuring van die Minister 'n bevoegdheid wat by hierdie Wet aan sodanige Sekretaris verleen word, of wat kragtens subartikel (1) aan hom gedelegeer word, aan 'n ander beampte van die Staatsdiens delegeer."; en

(*b*) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) So 'n Sekretaris kan met die goedkeuring van die Minister 'n ander beampte van die Staatsdiens magtig om 'n funksie of plig waar te neem of uit te voer wat aan sodanige Sekretaris by hierdie Wet toevertrou of opgedra word of wat hy kragtens subartikel (1) gemagtig word om waar te neem of uit te voer.".

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Substitution of section 12 of Act 27 of 1970.

10. The following section is hereby substituted for section 12 of the Second Bantu Laws Amendment Act, 1970:

"Transfer of property to certain Bantu bodies.

12. (1) Subject to the provisions of subsection (2), the Minister of Bantu Administration and Development may from time to time direct that any property, the ownership or control of which is vested in or has been acquired by the Government of the Republic, a provincial administration or the administration of the territory of South-West Africa and which, in the opinion of the said Minister, is connected with the functions of any authority, legislative council, legislative assembly, executive council, cabinet or government established, recognized or constituted in terms of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), or the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), shall vest in or be transferred to any such authority, council, assembly, cabinet or government designated by him.

(2) No direction shall in terms of subsection (1) be issued, except with the concurrence of the Minister of Finance and, in the case of property the ownership or control of which is vested in or has been acquired by a provincial administration or the administration of the territory of South-West Africa, also of the administrator concerned, and any such direction shall be subject to such conditions (if any) as the Minister of Bantu Administration and Development may with such concurrence determine.

(3) The officer in charge of a deeds registry in which is registered any immovable property to which a direction under subsection (1) relates, shall, on production to him of the title deeds of such property and a statement signed by the Secretary for Bantu Administration and Development that such property has vested in or been transferred in terms of subsection (1) to a body referred to therein, endorse the vesting or transfer on the said deeds and make suitable entries of the vesting or transfer in the records in his office.".

Amendment of section 7 of Act 6 of 1971.

11. (1) Section 7 of the Bantu Authorities' Service Pensions Act, 1971, is hereby amended—

(*a*) by the substitution for subsection (2) of the following subsection:

"(2) Any such Secretary may with the approval of the Minister delegate any of the powers conferred by this Act on such Secretary, or which may under subsection (1) be delegated to him, to any other officer of the public service."; and

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

"(3) Any such Secretary may with the approval of the Minister authorize any other officer of the public service to perform any of the functions or duties which are by this Act entrusted to or imposed on such Secretary, or which he may under subsection (1) be authorized to perform.".

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(2) Subartikel (1) word geag op 17 Maart 1971 in werking te getree het.

Wysiging van Bylae 1 by Wet 21 van 1971.

12. Bylae 1 by die Grondwet van die Bantoetuislande, 1971, word hierby gewysig deur na item 30 die volgende item in te voeg:

„30A. Die instelling, met die instemming van die Minister van Bantoe-administrasie en -ontwikkeling, van openbare feesdae ter vervanging van openbare feesdae ingestel by of ingevolge die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952).".

Kort titel en inwerkingtreding.

13. (1) Hierdie Wet heet die Wysigingswet op Bantoewetgewing, 1972, en artikels 1, 2, 5, 6 en 7 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) bepaal word ten opsigte van die verskillende artikels daarin vermeld.

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(2) Subsection (1) shall be deemed to have come into operation on the seventeenth March, 1971.

Amendment of Schedule 1 to Act 21 of 1971.

12. Schedule 1 to the Bantu Homelands Constitution Act, 1971, is hereby amended by the insertion after item 30 of the following item:

"30A. The establishment, with the concurrence of the Minister of Bantu Administration and Development, of public holidays in substitution for public holidays established by or in terms of the Public Holidays Act, 1952 (Act No. 5 of 1952).".

Short title and commencement.

13. (1) This Act shall be called the Bantu Laws Amendment Act, 1972, and sections 1, 2, 5, 6, and 7 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of the different sections mentioned therein.