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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

ISBN 0 621 00868 0

VOL. 94.] CAPE TOWN, 5TH APRIL, 1973. KAAPSTAD, 5 APRIL 1973. [No. 3845.

DEPARTMENT OF THE PRIME MINISTER.

No. 566. 5th April, 1973.

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

No. 20 of 1973: Development of Self-government for Native Nations in South-West Africa Amendment Act, 1973.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 566. 5 April 1973.

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

No. 20 van 1973: Wysigingswet op die Ontwikkeling van Self-bestuur vir Naturellevolke in Suidwes-Afrika, 1973.

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ACT

To amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to redefine the areas for the different native nations in South-West Africa and to reserve and set apart such areas for the sole use and occupation by natives; to exclude certain matters from the powers of legislative councils; to exempt members of legislative councils from liability for certain acts; to regulate the appointment and dismissal of persons in the service of the governments of the said areas; to provide that the duties, powers, authorities and functions of paramount chiefs, chiefs and headmen shall remain in force; to define the scope of certain laws relating to the registration of vehicles and the licensing of drivers thereof; to regulate, in certain respects, the institution of claims against the governments of the said areas; to make provision for the determination of the official languages of such an area; to make provision for the declaration of any of the said areas as a self-governing area; to make provision for a flag and a national anthem for such a self-governing area; to regulate its executive government and the legislative powers of its legislative council; to provide for the establishment of a high court for any such self-governing area; to regulate certain financial matters in respect of such a self-governing area; and to make provision for the transfer of certain property to the government of such a self-governing area; to extend the legislative powers of the legislative councils established for the said areas; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(*Assented to 30th March,* 1973.)

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

Insertion of heading in Act 54 of 1968 before section 1.

1. The following heading is hereby inserted in the Development of Self-government for Native Nations in South-West Africa Act, 1968 (hereinafter referred to as the principal Act), before section 1:

"CHAPTER 1.

SELF-GOVERNMENT IN NATIVE AREAS.".

Substitution of section 2 of Act 54 of 1968, as amended by section 8 of Act 23 of 1972.

2. The following section is hereby substituted for section 2 of the principal Act:

"Areas for native nations.

2. (1) The following areas shall be areas for the different native nations and are reserved and set apart for the exclusive use of and occupation by natives:

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WET

Tot wysiging van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, ten einde die gebiede vir die verskillende naturellevolke in Suidwes-Afrika te heromskryf en dié gebiede vir die uitsluitlike gebruik en okkupasie deur naturelle te reserveer en af te sonder; sekere aangeleenthede van die bevoegdhede van wetgewende rade uit te sluit; lede van wetgewende rade vry te stel van aanspreeklikheid vir sekere handelinge; die aanstelling en ontslag van persone in diens van die regerings van genoemde gebiede te reël; te bepaal dat die pligte, bevoegdhede, gesag en werksaamhede van hoofkapteins, kapteins en hoofmanne van krag bly; die trefwydte van sekere wette op die registrasie van voertuie en die lisensiëring van bestuurders daarvan te omskryf; in sekere opsigte die instelling van eise teen die regerings van genoemde gebiede te reël; voorsiening te maak vir die bepaling van die amptelike tale van so 'n gebied; voorsiening te maak vir die verklaring van die een of ander van genoemde gebiede tot 'n selfregerende gebied; voorsiening te maak vir 'n vlag en 'n volkslied vir so 'n selfregerende gebied; die uitvoerende gesag daarvan en die wetgewende bevoegdheid van die wetgewende raad daarvan te reël; voorsiening te maak vir die instelling van 'n hoërhof vir so 'n selfregerende gebied; sekere finansiële aangeleenthede ten opsigte van so 'n selfregerende gebied te reël; en voorsiening te maak vir die oordrag van sekere goed aan die regering van so 'n selfregerende gebied; die wetgewende bevoegdheid van die wetgewende rade wat vir genoemde gebiede ingestel is, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 30 *Maart* 1973.)

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

Invoeging van opskrif in Wet 54 van 1968 voor artikel 1.

1. Die volgende opskrif word hierby in die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (hieronder die Hoofwet genoem), voor artikel 1 ingevoeg:

„HOOFSTUK 1.

SELFREGERING IN NATURELLEGEBIEDE.".

Vervanging van artikel 2 van Wet 54 van 1968, soos gewysig deur artikel 8 van Wet 23 van 1972.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

„Gebiede vir naturellevolke.

2. (1) Die volgende gebiede is gebiede vir die verskillende naturellevolke en word gereserveer en afgesonder vir die uitsluitlike gebruik en okkupasie deur naturelle:

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(*a*) Damaraland, consisting of the area defined in Schedule B to Government Notice No. 2428 of 1972;

(*b*) Hereroland, consisting of the areas defined in Schedule B to Government Notice No. 1196 of 1970 and Schedule E to Government Notice No. 2428 of 1972;

(*c*) Kaokoland, consisting of Area 1 defined in Schedule A to Government Notice No. 2428 of 1972;

(*d*) Kavango, consisting of Area 1 defined in Schedule D to Government Notice No. 2428 of 1972;

(*e*) Eastern Caprivi, consisting of the area defined in the Schedule to Government Notice No. 2429 of 1972;

(*f*) Owambo, consisting of the area defined in Schedule C to Government Notice No. 2428 of 1972;

(*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 natives and recognized by the State President by proclamation in the *Gazette* as an area for members of any native nation.

(2) The State President may from time to time by proclamation in the *Gazette* amend the definition of an area referred to in subsection (1) (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*), subject to such amendments or modifications of or additions to any relevant laws as the State President may specify in any such proclamation.

(3) Any land reserved and set apart, at the commencement of the Development of Self-government for Native Nations in South-West Africa Amendment Act, 1973, for the sole use of and occupation by natives and which is part of the Kaokoveld Native Reserve referred to in paragraph (*e*) (1) of Government Notice No. 374 of 1947 of the territory of South-West Africa but which is not included in the area referred to in subsection (1) (*c*), shall be deemed to be withdrawn from reservation and setting apart for the sole use of and occupation by natives.".

Insertion of sections 5A and 5B in Act 54 of 1968.

3. The following sections are hereby inserted in the principal Act after section 5:

"Matters reserved from legislation by legislative councils.

5A. A legislative council shall have no power to make enactments in relation to any subject falling within the following classes of matters, namely—

(*a*) the establishment, control, entry, movement or operations of any full-time or part-time military unit, quasi-military unit or organization of a military character, or of any unit, branch or service of any military organization within the area concerned, or any other military matter of whatever nature;

(*b*) the registration, establishment and control of factories for the manufacture of arms, ammunition or explosives, which shall include—

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(*a*) Damaraland, bestaande uit die gebied omskryf in Bylae B by Goewermentskennisgewing No. 2428 van 1972;

(*b*) Hereroland, bestaande uit die gebiede omskryf in Bylae B by Goewermentskennisgewing No. 1196 van 1970 en Bylae E van Goewermentskennisgewing No. 2428 van 1972;

(*c*) Kaokoland, bestaande uit Gebied 1 omskryf in Bylae A by Goewermentskennisgewing No. 2428 van 1972;

(*d*) Kavango, bestaande uit Gebied 1 omskryf in Bylae D by Goewermentskennisgewing No. 2428 van 1972;

(*e*) Oos-Caprivi, bestaande uit die gebied omskryf in die Bylae by Goewermentskennisgewing No. 2429 van 1972;

(*f*) Owambo, bestaande uit die gebied omskryf in Bylae C by Goewermentskennisgewing No. 2428 van 1972;

(*g*) die ander grond of oppervlakte wat ná die inwerkingtreding van hierdie Wet gereserveer en afgesonder word vir die uitsluitlike gebruik en okkupasie deur naturelle, en wat die Staatspresident by proklamasie in die *Staatskoerant* erken as 'n gebied vir lede van die een of ander naturellevolk.

(2) Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* die omskrywing van 'n gebied bedoel in subartikel (1) (*a*), (*b*), (*c*), (*d*), (*e*) of (*f*) wysig, en wel onderworpe aan die wysigings of aanpassings van of byvoegings by tersaaklike wette wat die Staatspresident in so 'n proklamasie vermeld.

(3) Grond wat by die inwerkingtreding van die Wysigingswet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1973, gereserveer en afgesonder is vir die alleengebruik en besit deur naturelle en deel is van die Kaokoveld-naturellereservaat vermeld in paragraaf (*e*) (1) van Goewermentskennisgewing No. 374 van 1947 van die gebied Suidwes-Afrika maar nie inbegrepe is nie in die gebied vermeld in subartikel (1) (*c*), word geag van reservering en afsondering vir alleengebruik en besit deur naturelle onttrek te wees.".

Invoeging van artikels 5A en 5B in Wet 54 van 1968.

3. Die volgende artikels word hierby in die Hoofwet na artikel 5 ingevoeg:

„Aangeleenthede van wetgewende bevoegdheid van wetgewende rade uitgesluit.

5A. 'n Wetgewende raad is nie bevoeg om maatreëls te maak met betrekking tot 'n onderwerp wat binne die onderstaande klasse aangeleenthede val nie, te wete—

(*a*) die instelling, beheer, binnekoms, beweging of verrigtings van 'n heeltydse of deeltydse militêre eenheid, kwasi-militêre eenheid of organisasie van 'n militêre aard, of van 'n eenheid, tak of diens van 'n militêre organisasie binne die betrokke gebied, of 'n ander militêre aangeleentheid van watter aard ook al;

(*b*) die registrasie, oprigting en beheer van fabrieke vir die vervaardiging van wapens, ammunisie of ontplofbare stowwe, wat insluit—

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(i) gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those already mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

(ii) any fuse, rocket, detonator, cartridge and every adaptation or preparation of an explosive;

(iii) any other substance which the State President may from time to time by proclamation in the *Gazette* declare to be an explosive;

(*c*) the appointment, accrediting and recognition of diplomatic and consular officers and the negotiation, conclusion or ratification of international conventions, treaties and agreements;

(*d*) the control, organization, administration, powers, entry into and presence in the area concerned, of any Police Force of the Republic charged with the maintenance of public peace and order and the preservation of internal security in and the safety of the area concerned and the territory of South-West Africa;

(*e*) postal, telegraph, telephone, radio and television services;

(*f*) railways, harbours, national roads and civil aviation;

(*g*) the entry of persons other than members of the nation concerned into the area concerned;

(*h*) currency, banking and the control of stock exchanges and of financial institutions as defined in section 1 of the Inspection of Financial Institutions Act, 1962 (Act No. 68 of 1962);

(*i*) customs and excise duties and the control and management of customs and excise;

(*j*) the amendment, repeal or substitution of this Act.

Members not liable to proceedings.

5B. No member of a legislative council shall be liable to any legal proceedings by virtue of any matter which he may have brought by petition, draft legislation, resolution, motion or otherwise, or of what he may have said before such legislative council or a select committee thereof or by reason of his vote in such council or such a committee.".

Insertion of sections 6A and 6B in Act 54 of 1968.

4. (1) The following sections are hereby inserted in the principal Act after section 6:

"Appointment and dismissal of persons to vest in executive council.

6A. The appointment and dismissal of persons in the service of the government concerned shall, until such time as the legislative council otherwise prescribes, vest in the executive council, which may delegate such appointment or dismissal to some other authority.

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(i) buskruit, nitrogliserine, dinamiet, skietkatoen, mynkruit, kwikfulminaat of 'n fulminaat van ander metale, gekleurde vuurwerke en enige ander stof, hetsy gelyksoortig aan dié reeds genoem al dan nie, wat gebruik of vervaardig word ten einde 'n praktiese gevolg deur ontploffing of 'n pirotegniese uitwerking teweeg te bring;

(ii) enige lont, vuurpyl, knalpatroon, patroon en elke verwerkte ontplofbare stof of 'n preparaat daarvan;

(iii) enige ander stof wat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* tot 'n ontplofbare stof verklaar;

(*c*) die aanstelling, akkreditering en erkenning van diplomatieke en konsulêre beamptes en die beraadslagings in verband met en die aangaan of bekragtiging van internasionale konvensies, verdrae en ooreenkomste;

(*d*) die beheer, organisasie, administrasie, bevoegdhede, binnegaan van en teenwoordigheid in die betrokke gebied van 'n Polisiemag van die Republiek wat belas is met die handhawing van die openbare vrede en orde en die behoud van binnelandse beveiliging in en die veiligheid van die betrokke gebied en die gebied Suidwes-Afrika;

(*e*) pos-, telegraaf-, telefoon-, radio- en televisiedienste;

(*f*) spoorweë, hawens, nasionale paaie en burgerlike lugvaart;

(*g*) die binnegaan van die betrokke gebied deur ander persone as lede van die betrokke volk;

(*h*) valuta, bankwese en die beheer van effektebeurse en van finansiële instellings soos in artikel 1 van die Wet op Inspeksie van Finansiële Instellings, 1962 (Wet No. 68 van 1962), omskryf;

(*i*) doeane- en aksynsbelasting en die beheer en bestuur van doeane en aksyns;

(*j*) die wysiging, herroeping of vervanging van hierdie Wet.

Lede nie aan gedinge blootgestel nie.

5B. Geen lid van 'n wetgewende raad is blootgestel aan 'n regsgeding uit hoofde van 'n aangeleentheid wat hy by versoekskrif, konsepwetgewing, besluit, voorstel of andersins aan dié wetgewende raad of 'n gekose komitee daarvan voorgelê het of van wat hy in dié raad of so 'n komitee gesê het, of uit hoofde van die wyse waarop hy in dié raad of so 'n komitee gestem het nie.".

4. (1) Die volgende artikels word hierby in die Hoofwet na artikel 6 ingevoeg:

Invoeging van artikels 6A en 6B in Wet 54 van 1968.

„Aanstelling en ontslag van persone berus by uitvoerende raad.

6A. Tot tyd en wyl die wetgewende raad anders voorskryf, berus die aanstelling en ontslag van persone in diens van die betrokke regering by die uitvoerende raad, wat sodanige aanstelling of ontslag aan 'n ander gesag kan delegeer.

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Duties, powers, authorities and functions of paramount chiefs, chiefs and headmen to remain in force.

6B. Notwithstanding anything in this Act contained, the duties, powers, authorities and functions lawfully exercised by paramount chiefs, chiefs and headmen at the date on which the first executive council for an area is constituted, shall remain in force until varied or withdrawn by the competent authority.".

(2) Section 6B of the principal Act, as inserted by subsection (1) of this section, shall be deemed to have come into operation on the date of the coming into operation of the said Act.

Insertion of sections 10A to 10J in Act 54 of 1968.

5. The following sections are hereby inserted in the principal Act after section 10:

"Existing courts to continue.

10A. (1) Notwithstanding anything in this Act contained, every lawfully constituted court having jurisdiction in an area for which a legislative council has been established, on the date upon which the first executive council for that area is constituted, to hear criminal or civil cases of whatever nature or scope or having power of review or of hearing of appeals from inferior courts, shall remain in existence and remain functioning in accordance with its existing constitution and jurisdiction until altered or disestablished by the authority having power to do so.

(2) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928 of the Administrator of the territory of South-West Africa), to establish or disestablish a magistrate's court or a native commissioner's court or to appoint any judicial officer or other officer thereto in an area referred to in subsection (1) shall vest in the member of the executive council concerned, or, as the case may be, in the corresponding officer of such area: Provided that no such court shall be established or disestablished and no such judicial officer or other officer shall be appointed by such member or by any such officer in respect of persons who are not members of the nation concerned, without the approval of the Minister of Bantu Administration and Development.

(3) The State President may by proclamation in the *Gazette* provide that any magistrate's court established in terms of the Magistrates' Courts Act, 1944, or any native commissioner's court established in terms of the Native Administration Proclamation, 1928, in an area referred to in subsection (1) shall with effect from the date mentioned in such proclamation be transferred to the government of the area concerned.

(4) Nothing in this section contained shall be construed as preventing any Minister or officer of the Republic from establishing or disestablishing a magistrate's court in terms of the Magistrates' Courts Act, 1944, or a native commissioner's court in terms of the Native Administration Proclamation, 1928, in any portion of an area referred to in sub-

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Pligte, bevoegdhede, gesag en werksaamhede van hoofkapteins, kapteins en hoofmanne bly van krag.

6B. Ondanks die bepalings van hierdie Wet, bly die pligte, bevoegdhede, gesag en werksaamhede wat op die datum waarop die eerste uitvoerende raad vir 'n gebied saamgestel word, wettiglik deur hoofkapteins, kapteins en hoofmanne uitgeoefen word, van krag totdat dit deur die bevoegde gesag verander of ingetrek word.".

(2) Artikel 6B van die Hoofwet, soos ingevoeg deur subartikel (1) van hierdie artikel, word geag in werking te getree het op die datum van inwerkingtreding van genoemde Wet.

Invoeging van artikels 10A tot 10J in Wet 54 van 1968.

5. Die volgende artikels word hierby in die Hoofwet na artikel 10 ingevoeg:

„Bestaande howe bly voortbestaan.

10A. (1) Ondanks die bepalings van hierdie Wet bly elke wettiglik saamgestelde hof voortbestaan wat in 'n gebied waarvoor daar 'n wetgewende raad ingestel is, op die datum waarop die eerste uitvoerende raad vir daardie gebied saamgestel is, bevoeg is om straf- of siviele sake van welke aard of omvang ook al te verhoor of met betrekking tot laerhowe hersieningsbevoegdheid of die bevoegdheid om appèlle te verhoor, besit, en bly dit in werking ooreenkomstig die bestaande samestelling en jurisdiksie daarvan totdat dit deur die daartoe bevoegde gesag verander of ontbind word.

(2) Die bevoegdheid wat ingevolge die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928 van die Administrateur van die gebied Suidwes-Afrika), aan 'n Minister of aan 'n beampte van die Republiek verleen word om 'n landdroshof of 'n naturellekommissarishof in te stel of af te skaf of om 'n regterlike beampte of ander beampte daarvoor aan te stel in 'n gebied bedoel in subartikel (1), berus by die betrokke lid van die uitvoerende raad of by die ooreenstemmende beampte in dié gebied, na gelang van die geval: Met dien verstande dat so 'n hof nie deur bedoelde lid of so 'n beampte ingestel of afgeskaf word, en so 'n regterlike beampte of ander beampte nie deur hom aangestel word nie, ten opsigte van persone wat nie lede van die betrokke volk is nie, behalwe met die goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling.

(3) Die Staatspresident kan by proklamasie in die *Staatskoerant* bepaal dat 'n landdroshof ingestel ingevolge die Wet op Landdroshowe, 1944, of 'n naturellekommissarishof ingestel ingevolge die Naturelle-administrasie-Proklamasie, 1928, in 'n gebied bedoel in subartikel (1) aan die regering van die betrokke gebied oorgedra word met ingang van 'n datum in die proklamasie vermeld.

(4) Die bepalings van hierdie artikel word nie uitgelê as sou dit 'n Minister of beampte van die Republiek belet om 'n landdroshof ingevolge die Wet op Landdroshowe, 1944, of 'n naturellekommissarishof ingevolge die Naturelle-administrasie-Proklamasie, 1928, in 'n gedeelte van 'n gebied bedoel in subartikel (1) vir die verhoor of

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section (1), for the trial or hearing of cases of persons or between parties who are not members of the nation concerned or any one of whom is not a member of the nation concerned, and any such court may notwithstanding anything contained in either the said Act or the said proclamation, be established in respect of any number of such portions of an area, whether or not constituting a single area.

(5) The jurisdiction of any court transferred to the government of the area concerned in terms of subsection (3), or established in terms of any enactment of the legislative council concerned, shall in respect of persons and area be limited to the extent for which provision has been made in terms of subsection (4).

Courts established in terms of a law of a legislative council, and matters incidental thereto.

10B. (1) (*a*) The jurisdiction, powers, duties and functions of any inferior court established by the competent authority in an area referred to in section 10A (1), in terms of any enactment made by the legislative council in pursuance of the powers conferred upon it by virtue of the provisions of this Act, or of any judicial officer appointed thereto, shall not exceed the jurisdiction, powers, duties and functions in respect of the area for which it has been established, of a magistrate's court established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or, as the case may be, a magistrate appointed under that Act in respect of such a magistrate's court, and any proceedings in any such inferior court or before any such judicial officer, including proceedings in connection with any enactment made by that legislative council, shall, for the purposes of any law in force in the territory of South-West Africa, be deemed to be proceedings in such a magistrate's court, or, as the case may be, before such magistrate: Provided that the Attorney-General of the division of the Supreme Court of South Africa having jurisdiction, may in any particular case direct that proceedings be instituted in, or, if already commenced, be transferred to, any other court, whether within or outside the area concerned, and thereupon the provisions of any applicable law shall apply *mutatis mutandis* as if the direction had been given under section 59 (6) of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963 of the territory of South-West Africa), or, in the case of the Eastern Caprivi, as if the direction had been an authorization under section 85 (6) of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935 of the Administrator of the said territory).

(*b*) Any enactment made by a legislative council in respect of inferior courts may, subject to the provisions of section 10A (4), provide for the amendment or repeal of the Magistrates' Courts Act, 1944, or the provisions of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928 of the Administrator of the territory of South-West Africa), relating to courts, in so far as the said Act or the said provisions apply in the area concerned.

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beregting van sake van persone of tussen partye wat nie lede van die betrokke volk is nie of van wie een nie 'n lid van die betrokke volk is nie, in te stel of af te skaf nie, en so 'n hof kan, ondanks die bepalings van òf genoemde Wet òf genoemde proklamasie, ten opsigte van enige getal van bedoelde gedeeltes van 'n gebied ingestel word, ongeag of dit 'n enkele gebied uitmaak al dan nie.

(5) Die jurisdiksie van 'n hof wat ingevolge subartikel (3) aan die regering van die betrokke gebied oorgedra is of ingevolge 'n maatreël van die betrokke wetgewende raad ingestel is, is, wat betref persone en gebied, beperk in die mate waarvoor daar ingevolge subartikel (4) voorsiening gemaak is.

Howe ingestel ingevolge 'n maatreël van 'n wetgewende raad, en aangeleenthede wat daarmee in verband staan.

10B. (1) (*a*) Die jurisdiksie, bevoegdhede, pligte en werksaamhede van 'n laerhof wat ingestel is deur die bevoegde gesag in 'n gebied bedoel in artikel 10A (1) ingevolge 'n maatreël deur die wetgewende raad gemaak ingevolge die bevoegdhede uit hoofde van die bepalings van hierdie Wet aan hom verleen, of van 'n regterlike beampte daarvoor aangestel, oorskry nie die jurisdiksie, bevoegdhede, pligte en werksaamhede ten opsigte van die gebied waarvoor dit ingestel is, van 'n landdroshof ingestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of 'n landdros wat kragtens daardie Wet ten opsigte van so 'n landdroshof aangestel is nie, na gelang van die geval, en verrigtings in so 'n laerhof of voor so 'n regterlike beampte, met inbegrip van verrigtings in verband met 'n maatreël deur daardie wetgewende raad gemaak, word vir die doeleindes van 'n wet wat in die gebied Suidwes-Afrika van krag is, geag verrigtings in so 'n landdroshof of, na gelang van die geval, voor so 'n landdros te wees: Met dien verstande dat die Prokureur-generaal van die afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid besit, in 'n bepaalde geval kan gelas dat verrigtings ingestel word in, of, indien dit reeds ingestel is, oorgeplaas word na, 'n ander hof, hetsy binne of buite die betrokke gebied, en daarop geld die bepalings van 'n toepaslike wet *mutatis mutandis* asof die lasgewing kragtens artikel 59 (6) van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963 van die gebied Suidwes-Afrika), geskied het, of, in die geval van die Oostelike Caprivi, asof die lasgewing 'n magtiging kragtens artikel 85 (6) van die Kriminele Prosedure en Bewyslewering Proklamasie, 1935 (Proklamasie No. 30 van 1935 van die Administrateur van genoemde gebied), was.

(*b*) 'n Maatreël wat deur 'n wetgewende raad ten opsigte van laerhowe gemaak is, kan, behoudens die bepalings van artikel 10A (4), voorsiening maak vir die wysiging of herroeping van die Wet op Landdroshowe, 1944, of die bepalings van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928 van die Administrateur van die gebied Suidwes-Afrika), met betrekking tot howe, vir sover genoemde Wet of genoemde bepalings in die betrokke gebied geld.

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(2) Any proceedings under any enactment made by a legislative council may, in so far as such enactment applies to members of the nation concerned who are resident outside the area concerned but within the territory of South-West Africa, be instituted against any such a member in any competent court having jurisdiction in the area within which such member may be or may be resident.

(3) Any amount recovered by the Government of the Republic or of the area concerned in any proceedings before an inferior court referred to in subsection (1) or before any other court by virtue of the provisions of subsection (2), not being an amount paid by way of any criminal penalty imposed in such proceedings, shall be paid—

(*a*) in the case of an amount recovered in proceedings in connection with any enactment made by a legislative council or in respect of revenue accruing to a Revenue Fund, into the Revenue Fund; and

(*b*) in any other case, into the Revenue Fund of the territory of South-West Africa,

and an amount so recovered by way of any criminal penalty imposed shall be paid, if the proceedings were heard before an inferior court transferred to the government of the area concerned in terms of section 10A, or established in terms of any enactment of a legislative council, into the Revenue Fund, and in any other case, into the Revenue Fund of the territory of South-West Africa.

Continuation of existing laws.

10C. Subject to the provisions of this Act, all laws which immediately prior to the constitution of the first executive council for an area in terms of section 6, were in force in that area or any portion thereof, shall continue in force until repealed or amended by the competent authority.

Decisions on validity of enactments of a legislative council.

10D. (1) Any provincial or local division of the Supreme Court of South Africa having jurisdiction in an area or portion of an area for which a legislative council has been established, shall be competent to pronounce upon the validity of an enactment of that legislative council.

(2) No magistrate's court or other inferior court shall be competent to pronounce upon the validity of an enactment of a legislative council.

Registration of vehicles and drivers' licences.

10E. (1) No enactment made by a legislative council in respect of the registration of vehicles or the licensing of drivers thereof shall apply with reference to any vehicle registered outside the area concerned or any person licensed outside such area to drive a vehicle, if such vehicle is brought into, or such person enters, the area in question and does not remain therein for a longer period than six consecutive months.

(2) No registration of a vehicle or a licence authorizing the driving thereof shall be required outside the area for which a legislative council has been established in respect of any vehicle registered

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(2) Verrigtings kragtens 'n maatreël wat deur 'n wetgewende raad gemaak is, kan vir sover daardie maatreël van toepassing is op lede van die betrokke volk wat buite die betrokke gebied maar binne die gebied Suidwes-Afrika woon, teen so 'n lid ingestel word in 'n bevoegde hof wat regsbevoegdheid besit in die gebied waarin bedoelde lid is of woon.

(3) 'n Bedrag deur die Regering van die Republiek of van die betrokke gebied verhaal in verrigtings voor 'n laerhof in subartikel (1) bedoel of voor 'n ander hof uit hoofde van die bepalings van subartikel (2), behalwe 'n bedrag betaal by wyse van 'n strafregtelike boete wat in dié verrigtings opgelê is, word gestort—

(*a*) in die geval van 'n bedrag verhaal in verrigtings in verband met 'n maatreël wat deur 'n wetgewende raad gemaak is of ten opsigte van inkomste wat 'n Inkomstefonds toeval, in die Inkomstefonds; en

(*b*) in 'n ander geval, in die Inkomstefonds van die gebied Suidwes-Afrika,

en 'n bedrag aldus verhaal by wyse van 'n strafregtelike boete opgelê, word, indien die verrigtings plaasgevind het voor 'n laerhof wat ingevolge artikel 10A aan die regering van die betrokke gebied oorgedra is of ingevolge 'n maatreël van die wetgewende raad ingestel is, in die Inkomstefonds, en, in 'n ander geval, in die Inkomstefonds van die gebied Suidwes-Afrika gestort.

Voortbestaan van bestaande wette.

10C. Behoudens die bepalings van hierdie Wet, bly alle wette wat onmiddellik voor die samestelling van die eerste uitvoerende raad vir 'n gebied kragtens artikel 6, in dié gebied of 'n gedeelte daarvan van krag was, van krag totdat hulle deur die bevoegde gesag herroep of gewysig word.

Beslissings oor geldigheid van maatreëls van 'n wetgewende raad.

10D. (1) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid besit in 'n gebied of 'n gedeelte van 'n gebied waarvoor 'n wetgewende raad ingestel is, is bevoeg om uitspraak te doen oor die geldigheid van 'n maatreël van daardie wetgewende raad.

(2) Geen landdroshof of ander laerhof is bevoeg om oor die geldigheid van 'n maatreël van 'n wetgewende raad uitspraak te doen nie.

Registrasie van voertuie en bestuurderslisensies.

10E. (1) 'n Maatreël wat deur 'n wetgewende raad ten opsigte van die registrasie van voertuie of die lisensiëring van bestuurders daarvan gemaak is, is nie van toepassing nie met betrekking tot 'n voertuig wat buite die betrokke gebied geregistreer is of iemand wat buite dié gebied gelisensieer is om 'n voertuig te bestuur, indien daardie voertuig in die betrokke gebied ingebring word of so iemand die betrokke gebied binnegaan, en nie vir langer as ses agtereenvolgende maande daarin bly nie.

(2) Die registrasie van 'n voertuig, of 'n lisensie wat die bestuur daarvan magtig, word nie buite die gebied waarvoor 'n wetgewende raad ingestel is, vereis nie ten opsigte van 'n voertuig wat in daardie

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in such area or any person licensed therein to drive such a vehicle, if such vehicle is brought into, or such person enters, any other area within the Republic or the territory of South-West Africa and does not remain outside the first-mentioned area for a longer period than six consecutive months.

Transfer of certain legal and executive powers.

10F. Subject to the provisions of this Act, all rights, powers, authorities, duties, obligations and functions which immediately prior to the date upon which a legislative council is established for any area, were vested by any law in a Minister or in any other person or body in the Republic or the territory of South-West Africa, and which have reference to matters in respect of which that legislative council may make enactments in terms of this Act, shall, as from the said date, be vested in the executive council concerned, or in the person or body, as the case may be, exercising similar powers, authorities and functions in that area or, in the absence of any such person or body, the person or body designated by the last-mentioned council for the purpose: Provided that nothing in this Act shall be construed as preventing any department, institution, board, body or person under the control of the Government of the Republic or the Administration of the said territory of South-West Africa from exercising any power or performing any function or duty in connection with any such matter, subject to such terms and conditions as may be agreed upon by the said Government or the said Administration, as the case may be, and the government of that area.

Administrative control, powers, authorities and functions of executive council.

10G. Subject to the provisions of this Act, the administrative control, powers, authorities and functions which immediately prior to the date upon which a legislative council is established for an area, were vested in or exercised by the State President in relation to matters in respect of which the legislative council concerned may make enactments in terms of this Act, shall be vested in the executive council of the area concerned.

Claims against the government of an area cognizable in competent court.

10H. (1) Any claim against the government of an area which would, if that claim had arisen against a person, be the ground of an action in any competent court, shall be cognizable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the government of that area or out of any wrong committed by any servant of that government acting in his capacity and within the scope of his authority as such servant.

(2) In any action or other proceedings instituted by virtue of the provisions of subsection (1), the member of the executive council responsible for the administration of the department concerned may be cited as nominal defendant or respondent.

(3) No writ of execution or attachment or like process shall be issued against the nominal defendant or respondent in any such action or proceedings or

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gebied geregistreer is of iemand wat daarin gelisensieer is om so 'n voertuig te bestuur, indien dié voertuig in 'n ander gebied binne die Republiek of die gebied Suidwes-Afrika ingebring word of so iemand dit binnegaan, en nie vir langer as ses agtereenvolgende maande buite eersgenoemde gebied bly nie.

Oordrag van sekere regs- en uitvoerende bevoegdhede.

10F. Behoudens die bepalings van hierdie Wet, berus al die regte, bevoegdhede, gesag, pligte, verpligtings en werksaamhede wat onmiddellik voor die datum waarop 'n wetgewende raad vir 'n gebied ingestel word, regtens by 'n Minister of by 'n ander persoon of liggaam in die Republiek of die gebied Suidwes-Afrika berus het, en wat betrekking het op aangeleenthede waaroor dié wetgewende raad ingevolge hierdie Wet maatreëls kan maak, vanaf bedoelde datum by die betrokke uitvoerende raad of die persoon of liggaam, na gelang van die geval, wat soortgelyke bevoegdhede, gesag en werksaamhede in daardie gebied uitoefen of, by ontstentenis van so 'n persoon of liggaam, die persoon of liggaam wat laasgenoemde raad vir die doel aanwys: Met dien verstande dat die bepalings van hierdie Wet nie so uitgelê word dat dit 'n departement, inrigting, raad, liggaam of persoon onder die beheer van die Regering van die Republiek of die Administrasie van genoemde gebied Suidwes-Afrika verhinder om, onderworpe aan die voorwaardes waarop daar tussen genoemde Regering of genoemde Administrasie, na gelang van die geval, en die regering van daardie gebied ooreengekom word, 'n bevoegdheid in verband met so 'n aangeleentheid uit te oefen of 'n werksaamheid of plig in verband daarmee te verrig nie.

Administratiewe beheer, bevoegdhede, gesag en werksaamhede van uitvoerende raad.

10G. Behoudens die bepalings van hierdie Wet, berus die administratiewe beheer, bevoegdhede, gesag en werksaamhede wat onmiddellik voor die datum waarop 'n wetgewende raad vir 'n gebied ingestel word, by die Staatspresident berus het of deur hom uitgeoefen is met betrekking tot aangeleenthede ten opsigte waarvan die betrokke wetgewende raad ingevolge hierdie Wet maatreëls kan maak, by die uitvoerende raad van die betrokke gebied.

Eise teen die regering van gebied is beregbaar in bevoegde hof.

10H. (1) 'n Eis teen die regering van 'n gebied wat, indien daardie eis teen 'n persoon ontstaan het, 'n gedingoorsaak in 'n bevoegde hof sou uitmaak, is deur daardie hof beregbaar, hetsy die eis ontstaan uit 'n kontrak wat wettiglik namens die regering van daardie gebied aangegaan is of uit 'n onregmatige daad wat gepleeg is deur 'n dienaar van daardie regering, terwyl hy in sy hoedanigheid van, en binne die bestek van sy bevoegdheid as, so 'n dienaar gehandel het.

(2) In 'n aksie of ander regsgeding wat uit hoofde van die bepalings van subartikel (1) ingestel word, kan die lid van die uitvoerende raad wat vir die administrasie van die betrokke departement verantwoordelik is, as nominale verweerder of respondent gesiteer word.

(3) Geen lasbrief tot tenuitvoerlegging of beslaglegging of dergelike prosesstuk kan teen die nominale verweerder of respondent in so 'n aksie of regsgeding

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against any property of the government concerned, but the amount, if any, which may be required to satisfy any judgment or order given or made against the nominal defendant or respondent in such action or proceedings may be paid out of the Revenue Fund.

(4) Nothing in this section contained shall affect any provision of any law which—

(*a*) limits the liability of the government of an area or a department thereof in respect of any act or omission of it's servants; or

(*b*) prescribes specified periods within which a claim is to be made in respect of any such liability; or

(*c*) imposes conditions on the institution of any action.

Languages.

10I. (1) English and Afrikaans and one other language used by members of a nation and recognized by the State President by proclamation in the *Gazette* for the purpose, shall be the official languages of the area concerned, and an additional language used by the said members and determined by the executive council for that area by notice in the *Official Gazette*, may also be used for such official purposes as the executive council may so determine.

(2) The use of a language referred to in subsection (1) anywhere in the territory of South-West Africa outside the area concerned, may be authorized by the State President by proclamation in the *Gazette* for purposes connected with the affairs of that area and subject to such conditions as may be specified in the proclamation.

Government Service Commission.

10J. There shall be a government service commission for an area for which a legislative council has been established, consisting of three persons to be appointed by the executive council, with such powers and duties relating to the appointment, conditions of service, discipline, retirement and discharge of public officers and other incidental matters as the legislative council concerned may determine.".

Insertion of new heading and sections 17A to 17R in Act 54 of 1968.

6. The following heading and sections are hereby inserted in the principal Act after section 17:

"CHAPTER 2.

SELF-GOVERNING NATIVE AREAS.

Self-governing areas.

17A. The State President may, after consultation by the Minister of Bantu Administration and Development with a legislative council, by proclamation in the *Gazette* declare that an area referred to in section 2 and for which that legislative council has been established, shall, under the name specified in the proclamation and from a date fixed therein, be a self-governing area in accordance with the provisions of this Act.

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of teen eiendom van die betrokke regering uitgereik word nie, maar die bedrag, as daar is, wat vereis word om te voldoen aan 'n uitspraak of bevel wat teen die nominale verweerder of respondent in so 'n aksie of regsgeding gedoen of uitgereik is, kan uit die Inkomstefonds betaal word.

(4) Die bepalings van hierdie artikel maak geen inbreuk nie op 'n bepaling van 'n wet wat—

(*a*) die aanspreeklikheid van die regering van 'n gebied of 'n departement daarvan ten opsigte van 'n handeling of versuim van sy dienaars beperk; of

(*b*) bepaalde tydperke voorskryf waarin 'n eis ten opsigte van sodanige aanspreeklikheid ingestel moet word; of

(*c*) voorwaardes vir die instelling van 'n aksie oplê.

Tale.

10I. (1) Afrikaans en Engels en een ander taal wat deur die lede van 'n volk gebesig word en deur die Staatspresident by proklamasie in die *Staatskoerant* vir die doel erken is, is die amptelike tale van die betrokke gebied, en 'n bykomende taal wat deur genoemde lede gebesig word en wat die uitvoerende raad vir daardie gebied by kennisgewing in die *Amptelike Koerant* bepaal het, kan ook vir die amptelike doeleindes gebruik word wat die uitvoerende raad aldus bepaal het.

(2) Die gebruik van 'n taal bedoel in subartikel (1) op enige plek in die gebied Suidwes-Afrika buite die betrokke gebied kan deur die Staatspresident by proklamasie in die *Staatskoerant* gemagtig word vir doeleindes wat in verband staan met die sake van daardie gebied, en onderworpe aan die voorwaardes wat in die proklamasie uiteengesit word.

Regeringsdienskommissie.

10J. Daar is 'n regeringsdienskommissie vir 'n gebied waarvoor 'n wetgewende raad ingestel is, bestaande uit drie persone wat deur die uitvoerende raad aangestel word, met die bevoegdhede en pligte betreffende die aanstelling, diensvoorwaardes, dissipline, uitdienstreding en ontslag van openbare beamptes en ander bykomstige aangeleenthede wat die betrokke wetgewende raad bepaal.".

Invoeging van nuwe opskrif en artikels 17A tot 17R in Wet 54 van 1968.

6. Die volgende opskrif en artikels word hierby in die Hoofwet na artikel 17 ingevoeg:

„HOOFSTUK 2.

SELFREGERENDE NATURELLEGEBIEDE.

Selfregerende gebiede.

17A. Die Staatspresident kan na raadpleging deur die Minister van Bantoe-administrasie en -ontwikkeling van 'n wetgewende raad, by proklamasie in die *Staatskoerant* verklaar dat 'n gebied bedoel in artikel 2 en waarvoor daardie wetgewende raad ingestel is, onder die naam in die proklamasie vermeld en vanaf 'n datum daarin bepaal, 'n selfregerende gebied ooreenkomstig die bepalings van hierdie Wet is.

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Flag.

17B. There shall be a Flag for each self-governing area, the design of which shall be approved by the legislative council, and which shall be flown side by side with the National Flag of the Republic at the building where the legislative council holds its sessions, at the principal administrative office and all main district offices of the government of the self-governing area and at such other places in the said area as the said government may determine.

National Anthem.

17C. (1) As soon as the legislative council of a self-governing area deems it expedient, it may submit a recommendation to the State Prssident for a National Anthem for that area.

(2) The State President may by proclamation in the *Gazette* declare a literary work recommended in terms of subsection (1) to be the National Anthem of the area referred to in that subsection.

Executive government of self-governing area.

17D. (1) The executive government of a self-governing area with regard to all matters referred to in the Schedule shall vest in a cabinet which shall consist of a chief minister and other ministers and which shall be constituted from members of the legislative council of that area.

(2) The provisions of this Act, and a proclamation issued in terms of this Act, with regard to an executive council and a member thereof, shall, with reference to a self-governing area, *mutatis mutandis* be construed as if they were provisions with regard to a cabinet and a minister, respectively.

(3) Notwithstanding the provisions of this Act and any proclamation issued in terms of section 4, the Chief Councillor and the Councillors of an Executive Council constituted in terms of such proclamation, shall, from the relevant date referred to in section 17A, be deemed to be the Chief Minister and the Ministers respectively of the area concerned, and shall hold office as such until they are succeeded or replaced in accordance with the provisions of any such proclamation.

(4) The Chief Minister shall, as he deems fit, assign and allocate the responsibility for the control and administration of the different departments, established in terms of section 6, to the various Ministers, and he may allocate the various matters set out in the Schedule to the different departments, and may, if he deems it necessary, re-organize such departments in the interest of better administration after consultation with the Government Service Commission and with the Ministers concerned.

Legislative powers of legislative council of self-governing area.

17E. (1) Subject to the provisions of this Act, the legislative council of a self-governing area shall in respect of the area for which it is established, have power—

(*a*) to make laws not inconsistent with this Act with regard to all matters referred to in the Schedule; and

(*b*) to provide in any such law for the amendment or repeal of any law, including any Act of Parliament in so far as it relates to any such matter and applies in the self-governing area or to a member of the nation concerned resident within the territory of South-West Africa, whether within or outside the area concerned,

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Vlag.

17B. Daar is 'n Vlag vir elke selfregerende gebied, waarvan die ontwerp deur die wetgewende raad goedgekeur word, en wat langs die Nasionale Vlag van die Republiek gehys word by die gebou waar die wetgewende raad sitting hou, by die hoofadministratiewe kantoor en al die vernaamste distrikskantore van die regering van die selfregerende gebied, en by die ander plekke in genoemde gebied wat genoemde regering bepaal.

Volkslied.

17C. (1) Die wetgewende raad van 'n selfregerende gebied kan, so gou hy dit doenlik ag, 'n aanbeveling aan die Staatspresident voorlê vir 'n Volkslied vir daardie gebied.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat 'n literêre werk wat ingevolge subartikel (1) aanbeveel is, die Volkslied is van die gebied bedoel in daardie subartikel.

Uitvoerende gesag van selfregerende gebied.

17D. (1) Die uitvoerende gesag van 'n selfregerende gebied met betrekking tot al die aangeleenthede in die Bylae bedoel, berus by 'n kabinet wat bestaan uit 'n hoofminister en ander ministers en wat saamgestel word uit lede van die wetgewende raad van daardie gebied.

(2) Die bepalings van hierdie Wet, en 'n proklamasie wat ingevolge hierdie Wet uitgevaardig is, met betrekking tot 'n uitvoerende raad en 'n lid daarvan, word met betrekking tot 'n selfregerende gebied *mutatis mutandis* uitgelê asof dit bepalings met betrekking tot onderskeidelik 'n kabinet en 'n minister is.

(3) Ondanks die bepalings van hierdie Wet en 'n proklamasie wat ingevolge artikel 4 uitgereik is, word die Hoofraadslid en Raadslede van 'n Uitvoerende Raad wat ingevolge so 'n proklamasie saamgestel is, vanaf die tersaaklike datum in artikel 17A bedoel, onderskeidelik geag die Hoofminister en die Ministers te wees van die betrokke gebied, en beklee hulle hul ampte as sulks totdat hulle ooreenkomstig die bepalings van so 'n proklamasie opgevolg of vervang word.

(4) Die Hoofminister moet na goeddunke die verantwoordelikheid vir die beheer en administrasie van die verskillende departemente wat ingevolge artikel 6 ingestel is, aan die onderskeie Ministers opdra en toewys, en hy kan die verskillende aangeleenthede in die Bylae vermeld aan die onderskeie departemente toewys, en kan, indien hy dit nodig ag, bedoelde departemente na oorlegpleging met die Regeringsdienskommissie en die betrokke Ministers met die oog op beter administrasie herorganiseer.

Wetgewende bevoegdhede van wetgewende raad van selfregerende gebied.

17E. (1) Behoudens die bepalings van hierdie Wet, is die wetgewende raad van 'n selfregerende gebied ten opsigte van die gebied waarvoor dit ingestel is, bevoeg—

(*a*) om wette te maak wat nie met hierdie Wet strydig is nie met betrekking tot al die aangeleenthede in die Bylae bedoel; en

(*b*) om in so 'n wet vir die wysiging of herroeping van 'n wet, met inbegrip van 'n Wet van die Parlement, voorsiening te maak, vir sover dit betrekking het op so 'n aangeleentheid en van toepassing is in die selfregerende gebied of op 'n lid van die betrokke volk wat in die gebied Suidwes-Afrika woon, hetsy in of buite die betrokke gebied,

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

(2) Where in terms of the Schedule a legislative council is empowered to make laws applicable outside the area for which such legislative council has been established but within the territory of South-West Africa, or in relation to members of the nation concerned who are resident outside that area but within the territory of South-West Africa, such law shall have effect and may contain provisions for the due enforcement thereof in that portion of the territory of South-West Africa which falls outside that area or, as the case may be, in relation to such member in a place within the territory of South-West Africa, irrespective of where he may be or may be resident.

(3) No law made after the commencement of this Act (including an Act of Parliament or an ordinance of the Legislative Assembly for the territory of South-West Africa, but excluding a law made by a legislative council or any such Act or ordinance as is referred to in section 17J (1) (*a*) (ii) or (iii)) and which relates to a matter referred to in subsection (1) shall apply in the area concerned or in relation to a member of the nation concerned in respect of whom a legislative council is empowered to make laws in so far as that matter is concerned.

(4) Nothing in this Act contained shall affect the powers vested in the State President in terms of section 14, to repeal, amend or make laws by proclamation in the *Gazette* in connection with those matters in respect of which legislative powers are not vested in a legislative council by virtue of this section.

(5) A reference in this Act to an enactment made by a legislative council shall be deemed to include a reference to a law made by it.

Assent to and signing of laws of self-governing area.

17F. (1) Every bill passed by a legislative council of a self-governing area shall forthwith, after having been passed, together with such explanatory observations as may be necessary to indicate the scope, effect and reasons for the passing thereof, be submitted through the office of the Commissioner-General to the Minister of Bantu Administration and Development for presentation to the State President for his assent.

(2) (*a*) The State President may on presentation to him of a bill declare that he assents thereto or refer it back to the legislative council for further consideration in the light of such further information and advice as may be given.

(*b*) Where a bill is assented to by the State President, one copy of the bill shall be signed by him.

(3) A return indicating that a bill has been referred back for further consideration shall within a period of seven days after it has been received by the Cabinet, if the legislative council is in session, or, if the legislative council is not in session, within a period of seven days after the date of the opening of the next session of the legislative council, be laid upon the table of the legislative council together with such information and advice as may have been given by the State President.

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en kan verskillende sodanige wette vir verskillende streke of plekke en verskillende kategorieë of groepe persone maak.

(2) Waar 'n wetgewende raad ingevolge die Bylae gemagtig is om wette te maak wat van toepassing is buite die gebied waarvoor dié wetgewende raad ingestel is, maar in die gebied Suidwes-Afrika, of met betrekking tot lede van die betrokke volk wat buite daardie gebied maar in die gebied Suidwes-Afrika woon, geld so 'n wet en kan dit bepalings bevat vir die behoorlike toepassing daarvan in dié gedeelte van die gebied Suidwes-Afrika wat buite daardie gebied geleë is, of met betrekking tot so 'n lid in 'n plek binne die gebied Suidwes-Afrika, na gelang van die geval, ongeag waar hy hom ook al bevind of woon.

(3) Geen wet wat na die inwerkingtreding van hierdie Wet gemaak word (met inbegrip van 'n Wet van die Parlement of 'n ordonnansie van die Wetgewende Vergadering vir die gebied Suidwes-Afrika, maar uitgesonderd 'n wet gemaak deur 'n wetgewende raad of 'n Wet of ordonnansie in artikel 17J (1) (*a*) (ii) of (iii) bedoel) en wat betrekking het op 'n aangeleentheid bedoel in subartikel (1) is van toepassing nie in die betrokke gebied of met betrekking tot 'n lid van die betrokke volk ten opsigte van wie 'n wetgewende raad bevoeg is om wette te maak vir sover dit so 'n aangeleentheid betref.

(4) Die bepalings van hierdie Wet raak nie die bevoegdhede van die Staatspresident ingevolge artikel 14 om by proklamasie in die *Staatskoerant* wette te herroep, te wysig of te maak in verband met die aangeleenthede ten opsigte waarvan wetgewende bevoegdhede nie uit hoofde van hierdie artikel by 'n wetgewende raad berus nie.

(5) 'n Verwysing in hierdie Wet na 'n maatreël wat deur 'n wetgewende raad uitgevaardig is, word geag 'n verwysing in te sluit na 'n wet wat deur dié wetgewende raad gemaak is.

Toestemming tot en ondertekening van wette van selfregerende gebied.

17F. (1) Elke wetsontwerp wat deur 'n wetgewende raad van 'n selfregerende gebied aangeneem is, moet onverwyld nadat dit aangeneem is, tesame met die verduidelikende opmerkings wat nodig is om die omvang, uitwerking en redes vir die aanname daarvan aan te dui, deur bemiddeling van die kantoor van die Kommissaris-generaal aan die Minister van Bantoe-administrasie en -ontwikkeling gestuur word om aan die Staatspresident vir sy toestemming voorgelê te word.

(2) (*a*) Die Staatspresident kan, wanneer 'n wetsontwerp aan hom voorgelê word, verklaar dat hy daarin toestem of dit na die wetgewende raad terugverwys vir verdere oorweging in die lig van die verdere inligting en advies wat gegee word.

(*b*) Waar die Staatspresident sy toestemming tot 'n wetsontwerp verleen, word een eksemplaar van die wetsontwerp deur hom onderteken.

(3) 'n Opgawe wat aandui dat 'n wetsontwerp vir verdere oorweging terugverwys is, word binne sewe dae na ontvangs daarvan deur die Kabinet, indien die wetgewende raad in sessie is, of, as die wetgewende raad nie in sessie is nie, binne sewe dae na die aanvangsdatum van die volgende sessie van die wetgewende raad, in die wetgewende raad ter tafel gelê saam met die inligting en advies wat die Staatspresident gegee het.

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Promulgation and date of coming into operation of laws.

17G. (1) The Cabinet of a self-governing area shall cause every law to which assent has been given to be published in the *Official Gazette*.

(2) A law shall come into operation on the date of its publication in the *Official Gazette*, unless the law itself provides that it shall come into operation on another date or on a date to be fixed by notice thereunder.

(3) A law assented to by the State President and duly promulgated shall, subject to the provisions of this Act, have the force of law.

Enrolment of laws of self-governing area.

17H. (1) As soon as possible after a law has been assented to by the State President, the Cabinet concerned shall cause fair copies of the law, in each of the official languages concerned, to be enrolled of record in the office of the registrar of the division of the Supreme Court of South Africa or the High Court having original jurisdiction in the area in which the building in which the legislative council holds its sessions is situated.

(2) Such copies shall be conclusive evidence of the provisions of the law, and in the case of conflict between the copies thus enrolled, the copy signed by the State President shall prevail.

(3) The validity or coming into operation of any law shall not be affected by failure to cause copies so to be enrolled.

State President may establish a High Court for a self-governing area.

17I. (1) Subject to the provisions of any other Act of Parliament, the State President may in respect of a self-governing area establish a High Court and may make regulations regulating—

(*a*) the constitution of any such High Court;

(*b*) the appointment, remuneration and tenure of office of judges;

(*c*) the area of any such High Court's or any other existing court's jurisdiction;

(*d*) the persons or classes of persons over whom and the matters in relation to which any such High Court or any other existing court shall have or shall not have jurisdiction;

(*e*) any such High Court's or any other existing court's powers of review and hearing of appeals;

(*f*) the appointment, powers and duties of an Attorney-General and other officers of any such High Court;

(*g*) the records to be kept and the practice and procedure in and appearance before any such High Court; and

(*h*) generally, all such other matters as may be deemed necessary to be regulated for or in connection with the constitution and functioning of any such High Court, the matters mentioned in this paragraph not being limited by the matters mentioned in the preceding paragraphs.

(2) (*a*) A High Court shall consist of so many judges as the State President may from time to time determine.

(*b*) The State President may second a judge of the Supreme Court of South Africa, with his concurrence, to serve as a judge of a High Court.

(*c*) The State President may by regulation provide that the provisions of any laws which may at any time apply in respect of judges of the Supreme Court of South Africa, shall also apply in respect of judges of any High Court.

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Afkondiging en datum van inwerkingtreding van wette.

17G. (1) Die Kabinet van 'n selfregerende gebied laat elke wet ten opsigte waarvan toestemming verleen is, in die *Amptelike Koerant* afkondig.

(2) 'n Wet tree in werking op die datum waarop dit in die *Amptelike Koerant* afgekondig word, tensy die Wet self bepaal dat dit in werking tree op 'n ander datum of op 'n datum wat by kennisgewing daarkragtens bepaal moet word.

(3) 'n Wet waarin die Staatspresident toegestem het en wat behoorlik afgekondig is, het regskrag onderworpe aan die bepalings van hierdie Wet.

Registrasie van wette van selfregerende gebied.

17H. (1) So spoedig moontlik nadat die Staatspresident toestemming tot 'n wet verleen het, laat die betrokke Kabinet skoon eksemplare van die wet, in elk van die betrokke amptelike tale, opneem in die register van die kantoor van die griffier van die afdeling van die Hooggeregshof van Suid-Afrika of die Hoërhof wat oorspronklike regsbevoegdheid besit in die gebied waarin die gebou waarin die wetgewende raad sitting hou, geleë is.

(2) Bedoelde eksemplare is afdoende bewys van die bepalings van die wet, en in geval van verskil tussen die eksemplare aldus opgeneem, gee die eksemplaar wat deur die Staatspresident onderteken is, die deurslag.

(3) Die regsgeldigheid of inwerkingtreding van 'n wet word nie geraak deur versuim om eksemplare aldus te laat opneem nie.

Staatspresident kan 'n Hoërhof vir 'n selfregerende gebied instel.

17I. (1) Behoudens die bepalings van 'n ander Wet van die Parlement, kan die Staatspresident ten opsigte van 'n selfregerende gebied 'n Hoërhof instel en kan regulasies uitvaardig ter reëling van—

(*a*) die samestelling van so 'n Hoërhof;

(*b*) die aanstelling, besoldiging en ampsduur van regters;

(*c*) die gebied waarin so 'n Hoërhof of 'n ander bestaande hof regsbevoegdheid besit;

(*d*) die persone of klasse persone oor wie en die aangeleenthede in verband waarmee so 'n Hoërhof of 'n ander bestaande hof regsbevoegdheid besit of nie besit nie;

(*e*) so 'n Hoërhof of 'n ander bestaande hof se bevoegdheid in verband met hersiening en die verhoor van appèlle;

(*f*) die aanstelling, bevoegdhede en pligte van 'n Prokureur-generaal en ander beamptes van so 'n Hoërhof;

(*g*) die aantekenings wat gehou moet word en die praktyk en prosedure van en verskyning voor so 'n Hoërhof; en

(*h*) oor die algemeen, al die ander aangeleenthede waarvan die reëling vir of in verband met die samestelling en funksionering van so 'n Hoërhof nodig geag word, sonder beperking van die aangeleenthede in hierdie paragraaf vermeld deur die aangeleenthede in die voorafgaande paragrawe vermeld.

(2) (*a*) 'n Hoërhof bestaan uit die aantal regters wat die Staatspresident van tyd tot tyd bepaal.

(*b*) Die Staatspresident kan 'n regter van die Hooggeregshof van Suid-Afrika met sy instemming afstaan om as regter van 'n Hoërhof te dien.

(*c*) Die Staatspresident kan by regulasie bepaal dat die bepalings van wette wat te eniger tyd ten opsigte van regters van die Hooggeregshof van Suid-Afrika van toepassing is, ook ten opsigte van regters van 'n Hoërhof sal geld.

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(3) The State President may by regulation provide that any law which applies to the Supreme Court of South Africa or any other court shall also apply, with such amendments and adaptations as he may consider necessary, to the High Court.

(4) Instead of making any regulation under subsection (1) (*g*) the State President may authorize a judge of the Supreme Court of South Africa or a judge of the High Court concerned to make regulations by notice in the *Gazette* regulating any matter mentioned in the said subsection (1) (*g*).

(5) The Appellate Division of the Supreme Court of South Africa shall have the same jurisdiction to hear and determine appeals from any decision of the High Court of a self-governing area as it has in respect of any decisions of courts of any provincial or local division of the said Supreme Court, and the provisions of any law or rules of court applicable in connection with any appeal from a decision of any such provincial or local division shall *mutatis mutandis* apply with reference to any appeal from a decision of such High Court.

Revenue Fund.

17J. (1) As from a date to be determined by the Minister of Bantu Administration and Development there shall be paid into the Revenue Fund of a self-governing area—

(*a*) all moneys payable—

(i) by a member of the nation concerned in respect of taxes, levies and rates imposed by or in terms of a law of the legislative council, except in so far as the legislative council may otherwise determine;

(ii) in terms of an Act of Parliament or an ordinance of the Legislative Assembly of the territory of South-West Africa imposing any tax on incomes, profits or gains (whether such Act or ordinance, as the case may be, was or is passed before or after the commencement of this Act), by any company which is recognized as a private company in terms of the relevant Act or ordinance and is managed and controlled in the area concerned and in which members of the nation concerned have a controlling interest;

(iii) in terms of any Act of Parliament imposing an estate or succession duty (whether such Act was or is passed before or after the commencement of this Act), in respect of the estate of any member of the nation concerned who at the time of his death was ordinarily resident in the area concerned;

(*b*) all revenue and income accruing to the government of the self-governing area, including licence fees, taxes, fees of office, fines, forfeitures, rents and other moneys deriving from or in the course of the administration of those matters in respect of which the legislative council may make laws in terms of this Act, or from any other sources of revenue which may be determined by the State President by proclamation in the *Gazette*, except such revenue and income accruing to a tribal authority;

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(3) Die Staatspresident kan by regulasie bepaal dat 'n wet wat op die Hooggeregshof van Suid-Afrika of 'n ander hof van toepassing is, met die wysigings en aanpassings wat hy nodig ag, ook op 'n Hoërhof van toepassing is.

(4) In stede van 'n regulasie kragtens subartikel (1) (*g*) uit te vaardig, kan die Staatspresident 'n regter van die Hooggeregshof van Suid-Afrika of 'n regter van die betrokke Hoërhof magtig om regulasies by kennisgewing in die *Staatskoerant* uit te vaardig vir die reëling van die een of ander aangeleentheid vermeld in genoemde subartikel (1) (*g*).

(5) Die Appèlafdeling van die Hooggeregshof van Suid-Afrika het dieselfde regsbevoegdheid om appèlle teen beslissings van die Hoërhof van 'n selfregerende gebied te verhoor en daaroor te beslis as wat hy ten opsigte van beslissings van die howe van provinsiale of plaaslike afdelings van genoemde Hooggeregshof het, en die bepalings van die een of ander wet of hofreëls wat in verband met 'n appèl teen 'n beslissing van so 'n provinsiale of plaaslike afdeling van toepassing is, geld *mutatis mutandis* met betrekking tot 'n appèl teen 'n beslissing van bedoelde Hoërhof.

Inkomstefonds.

17J. (1) Vanaf 'n datum wat die Minister van Bantoe-administrasie en -ontwikkeling bepaal, word daar in die Inkomstefonds van 'n selfregerende gebied gestort—

(*a*) al die geld betaalbaar—

(i) deur 'n lid van die betrokke volk ten opsigte van belastings en heffings opgelê deur of ingevolge 'n wet van die wetgewende raad, behalwe vir sover die wetgewende raad anders bepaal;

(ii) ingevolge 'n Wet van die Parlement of 'n ordonnansie van die Wetgewende Vergadering van die gebied Suidwes-Afrika wat 'n belasting hef op inkomstes, profyte of winste (ongeag of dié Wet of ordonnansie, na gelang van die geval, voor of na die inwerkingtreding van hierdie Wet aangeneem is of word), deur 'n maatskappy wat ingevolge die betrokke Wet of ordonnansie as 'n private maatskappy erken word en in die betrokke gebied bestuur en beheer word en waarin lede van die betrokke volk 'n beherende belang het;

(iii) ingevolge 'n Wet van die Parlement wat 'n boedel- of suksessiebelasting hef (ongeag of die Wet voor of na die inwerkingtreding van hierdie Wet aangeneem is of word), ten opsigte van die boedel van 'n lid van die betrokke volk wat ten tyde van sy dood gewoonlik in die betrokke gebied woonagtig was;

(*b*) alle inkomste wat aan die regering van die selfregerende gebied toeval, met inbegrip van lisensiegelde, belastings, kantoorgelde, boetes, verbeurings, huurgeld en ander geld verkry uit of in die loop van die administrasie van die aangeleenthede ten opsigte waarvan die wetgewende raad ingevolge hierdie Wet wette kan maak, of uit ander inkomstebronne wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, behalwe sodanige inkomste wat 'n stamowerheid toeval;

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(c) an annual grant (to be paid from the Consolidated Revenue Fund) of an amount approved by the Minister of Finance of the Republic after consultation with the Controller and Auditor-General and corresponding to the expenditure by the Government of the Republic and the Administration of the territory of South-West Africa in respect of the matters the administration of which is, in accordance with this Act, transferred to the government of the self-governing area, during the financial year preceding the date of the transfer, less—

(i) the income from existing sources of revenue as determined by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic, which accrued to the Consolidated Revenue Fund of the Republic during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Revenue Fund;

(ii) the salaries, allowances, pension contributions and other benefits payable by the Government of the Republic to or in respect of officials of the Republic serving in the area concerned in terms of section 6 (4);

(d) such an additional sum of money as may be appropriated by Parliament for payment out of the Consolidated Revenue Fund into the Revenue Fund for a particular purpose or for the due performance generally of services and duties assigned to the government of the area concerned in terms of this Act.

(2) In respect of the period between the date upon which an area becomes a self-governing area and the relevant date determined under subsection (1), all expenditure in connection with departments and matters in respect of which the legislative council may make laws, shall be met from the source from which it would have been met had this Act not been passed.

(3) For the purposes of this section 'controlling interest' in relation to a private company means—

(a) shares of a value in excess of half the aggregate value of all the shares in the company; or

(b) shares entitling the holders thereof to more than half of its profits or assets; or

(c) shares entitling the holders thereof to a majority or preponderance of votes.

Appropriation of Revenue Fund by legislative council.

17K. A Revenue Fund shall be appropriated by the legislative council for the administration of the self-governing area concerned generally or, in the case of moneys paid over by the Government of the Republic for particular purposes, then for such purposes, in the manner prescribed by this Act, but the legislative council shall not originate or pass any vote, resolution, motion or bill for the appropriation of any part of the Revenue Fund or for the imposition of any tax or impost for any purpose, unless the Minister of Finance of the area concerned

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(*c*) 'n jaarlikse toekenning (wat uit die Gekonsolideerde Inkomstefonds betaal moet word) van 'n bedrag wat deur die Minister van Finansies van die Republiek, na oorlegpleging met die Kontroleur en Ouditeur-generaal, goedgekeur is en wat in ooreenstemming is met die uitgawe deur die Regering van die Republiek en die Administrasie van die gebied Suidwes-Afrika ten opsigte van die aangeleenthede waarvan die administrasie, ooreenkomstig hierdie Wet, aan die regering van die selfregerende gebied oorgedra word, gedurende die boekjaar wat die datum van die oordrag voorafgaan, min—

(i) die inkomste uit bestaande inkomstebronne soos bepaal deur die Minister van Bantoeadministrasie en -ontwikkeling in oorleg met die Minister van Finansies van die Republiek, wat gedurende genoemde boekjaar aan die Gekonsolideerde Inkomstefonds van die Republiek toegeval het en wat ingevolge paragrawe (*a*) en (*b*) aan die Inkomstefonds sal toeval;

(ii) die salarisse, toelaes, pensioenbydraes en ander voordele wat deur die Regering van die Republiek betaalbaar is aan of ten opsigte van beamptes van die Republiek wat ingevolge artikel 6 (4) in die betrokke gebied dien;

(*d*) die bykomende bedrag wat die Parlement bewillig vir betaling uit die Gekonsolideerde Inkomstefonds in die Inkomstefonds vir 'n bepaalde doel of vir die behoorlike uitvoering in die algemeen van dienste en pligte wat ingevolge hierdie Wet aan die regering van die betrokke gebied opgedra is.

(2) Ten opsigte van die tydperk tussen die datum waarop 'n gebied 'n selfregerende gebied word en die toepaslike datum wat kragtens subartikel (1) bepaal is, word alle uitgawes in verband met departemente en aangeleenthede ten opsigte waarvan die wetgewende raad wette kan maak, bestry uit die bron waaruit dit bestry sou gewees het, as hierdie Wet nie aangeneem was nie.

(3) By die toepassing van hierdie artikel beteken 'n ‚beherende belang' met betrekking tot 'n private maatskappy—

(*a*) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al die aandele in die maatskappy; of

(*b*) aandele wat die houers daarvan die reg gee op meer as die helfte van sy winste of bates; of

(*c*) aandele wat die houers daarvan die reg gee op 'n meerderheid of oorwig van stemme.

Bewilliging van Inkomstefonds deur wetgewende raad.

17K. 'n Inkomstefonds word deur die wetgewende raad vir die administrasie van die betrokke selfregerende gebied in die algemeen beskikbaar gestel, of, in die geval van geld wat deur die Regering van die Republiek vir 'n besondere doel oorbetaal is, dan vir daardie doel, op die wyse by hierdie Wet voorgeskryf, maar geen begrotingspos, besluit, voorstel of wetsontwerp vir die beskikbaarstelling van 'n deel van die Inkomstefonds of vir die oplegging van 'n belasting of heffing vir die een of ander doel word in die wetgewende raad aanhangig gemaak of aangeneem nie, tensy die Minister van Finansies van die

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has recommended to the legislative council that provision be made for the specific purpose for which the appropriation is required.

Requirements for witdrawal of moneys from Revenue Fund.

17L. Save as is provided in this Act, no money shall be withdrawn from a Revenue Fund except under an appropriation made by law: Provided that until such appropriation has been made and for a period not exceeding four months after the commencement of a financial year, moneys may be withdrawn from that fund without such appropriation in order to meet expenditure on services in respect of which there has been an appropriation in the immediately preceding financial year or in respect of which provision is made by any law.

Special warrant for issue of moneys.

17M. (1) The Minister of Finance of a self-governing area may, with the approval of the Cabinet, by special warrant under his hand authorize the issue of moneys from the Revenue Fund—

(*a*) to defray unforeseen expenditure of a special character which is not provided for in an appropriation law and which cannot without serious injury to the public interest be postponed until adequate provision can be made therefor by the legislative council; or

(*b*) to meet an excess on any head of expenditure in an appropriation law.

(2) The total sum which the said Minister may authorize under subsection (1) shall not at any time exceed an amount equivalent to one percent of the total amount appropriated in an appropriation law in the financial year in question, and the matter shall be submitted to the legislative council for appropriation of the amount concerned at its next session.

Requirements for issue out of Revenue Fund.

17N. No issue shall be made out of the Revenue Fund, except in pursuance of a warrant signed by the Minister of Finance of the self-governing area concerned.

Annual estimates of revenue and expenditure.

17O. The annual estimates of revenue and expenditure shall, after having been prepared by the Cabinet, be submitted by the Cabinet to the Minister of Bantu Administration and Development who shall, in consultation with the Minister of Finance of the Republic, determine the additional sum of money, if any, required to be appropriated by Parliament towards the expenditure for the ensuing financial year, and shall thereafter be submitted by the Cabinet to the legislative council for appropriation.

Auditing of accounts of self-governing area.

17P. Unless and until otherwise provided for by the legislative council, the Controller and Auditor-General of the Republic shall examine, enquire into and audit the accounts of the government of a self-governing area (including accounts of tribal authorities and such other local institutions of a similar nature in that area as may be agreed upon between the Controller and Auditor-General and the government concerned) and all other statutory bodies in that area, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores, and the provisions of

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betrokke gebied by die wetgewende raad aanbeveel het dat voorsiening gemaak word vir die besondere doel waarvoor die beskikbaarstelling nodig is.

Vereistes vir onttrekking van geld uit Inkomstefonds.

17L. Behalwe soos in hierdie Wet bepaal, word geen geld uit 'n Inkomstefonds onttrek nie, behalwe kragtens 'n bewilliging by wet: Met dien verstande dat tot tyd en wyl so 'n bewilliging gemaak is en vir 'n tydperk van hoogstens vier maande na die aanvang van 'n boekjaar, geld sonder so 'n bewilliging uit daardie fonds onttrek kan word ten einde uitgawes aan dienste te bestry ten opsigte waarvan 'n bewilliging in die onmiddellik voorafgaande boekjaar gemaak is, of ten opsigte waarvan voorsiening by 'n wet gemaak word.

Spesiale volmag vir uitreiking van geld.

17M. (1) Die Minister van Finansies van 'n selfregerende gebied kan, met die goedkeuring van die Kabinet, by spesiale volmag deur hom onderteken die uitreiking van geld uit die Inkomstefonds magtig—

(*a*) om onvoorsiene uitgawes van 'n besondere aard te bestry waarvoor daar nie in 'n begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige nadeel vir die publieke belang uitgestel kan word totdat toereikende voorsiening deur die wetgewende raad daarvoor gemaak kan word nie; of

(*b*) om 'n oorskryding onder 'n uitgawehoof in 'n begrotingswet te bestry.

(2) Die totale bedrag wat genoemde Minister kragtens subartikel (1) kan magtig, mag op geen tydstip 'n bedrag gelykstaande aan een persent van die totale bedrag wat in 'n begrotingswet in die betrokke boekjaar bewillig is, te bowe gaan nie, en die aangeleentheid moet aan die wetgewende raad vir bewilliging van die betrokke bedrag tydens sy eersvolgende sitting voorgelê word.

Vereistes vir onttrekkings uit Inkomstefonds.

17N. Geen uitreiking word uit die Inkomstefonds gemaak nie, behalwe ooreenkomstig 'n volmag wat deur die Minister van Finansies van die betrokke selfregerende gebied onderteken is.

Jaarlikse begroting van inkomste en uitgawe.

17O. Die jaarlikse begroting van inkomste en uitgawe word, nadat dit deur die Kabinet opgestel is, deur die Kabinet voorgelê aan die Minister van Bantoe-administrasie en -ontwikkeling wat in oorleg met die Minister van Finansies van die Republiek die bykomende bedrag, as daar is, bepaal wat ten opsigte van uitgawes vir die volgende boekjaar deur die Parlement bewillig moet word, en word daarna deur die Kabinet aan die wetgewende raad vir bewilliging voorgelê.

Ouditering van rekenings van selfregerende gebied.

17P. Tensy en totdat die wetgewende raad ander voorsiening gemaak het, word die rekenings van die regering van 'n selfregerende gebied (met inbegrip van rekenings van stamowerhede en die ander plaaslike instellings van 'n soortgelyke aard in daardie gebied, waaromtrent die Kontroleur en Ouditeur-generaal en die betrokke regering ooreenkom) en al die ander statutêre liggame in daardie gebied, asook dié van al die rekenpligtige beamptes en al die persone belas met die ontvangs, bewaring of uitreiking van openbare geld, seëls, sekuriteite of voorrade, deur die Kontroleur en Ouditeur-generaal van die

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the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), and the orders, rules and regulations in terms of section 10 or section 61 thereof shall govern the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with this Act: Provided that the provisions of sections 19, 23, 24, 25, 26, 27 and 28 of the said Act, in so far as they affect the granting of credits by the Controller and Auditor-General, shall not apply to the said administration and control of the Revenue Fund: Provided further that whenever in that Act or in any orders, rules or regulations thereunder, the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a department or any official is prescribed as necessary for an act, or any function is to be performed, the relevant provision shall be construed as referring to the legislative council concerned or the appropriate minister, secretary or official of that area.

Transfer of land and other public property to the government of a self-governing area.

17Q. (1) The State President may by proclamation in the *Gazette* direct that as from a date determined by him any land or other public property, including movable property, in a self-governing area, the ownership or control of which is vested in or has been acquired by the Government of the Republic, the Administration of the territory of South-West Africa or the South African Bantu Trust constituted by section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), shall vest in or be transferred to the government of the area concerned subject to the provisions of this Act and such other conditions as may be determined in the said proclamation: Provided that land in the said area shall continue to be administered for the settlement, support, benefit and material and moral welfare of members of the nation concerned.

(2) The State President may exercise the powers conferred by subsection (1) in respect of all land or other public property referred to in that subsection, or exercise those powers from time to time in respect of such land or other public property as he may indicate or in respect of land or other public property other than that indicated by him, and may determine different dates under that subsection in respect of different land or other public property.

(3) As from the date determined in terms of subsection (1) the land or other property concerned shall vest in the government of the self-governing area concerned, without payment of transfer duty, stamp duty or any other fee or charge, but subject to any existing charge, obligation or trust on or over such property or otherwise lawfully affecting it.

(4) The registrar of deeds concerned shall upon production to him of the title deed to any immovable property referred to in subsection (3), endorse the same to the effect that the immovable property therein described is vested in the government concerned and shall make the necessary entries in his registers, and thereupon the said title deed shall serve and avail for all purposes as the title deed of the government concerned to the said property.

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Republiek ondersoek, nagegaan en geouditeer, en die bepalings van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), en die voorskrifte, reëls en regulasies ingevolge artikel 10 of artikel 61 daarvan reël die administrasie en beheer van die Inkomstefonds vir sover dit toegepas kan word en nie met hierdie Wet onbestaanbaar is nie: Met dien verstande dat die bepalings van artikels 19, 23, 24, 25, 26, 27 en 28 van genoemde Wet, vir sover hulle die toestaan van kredits deur die Kontroleur en Ouditeur-generaal aanbetref, nie op genoemde administrasie en beheer van die Inkomstefonds van toepassing is nie: Met dien verstande voorts dat waar in genoemde Wet of in voorskrifte, reëls of regulasies wat daarkragtens uitgevaardig is, die magtiging of goedkeuring van die Parlement, die Tesourie, 'n Minister of die Sekretaris van 'n departement of 'n beampte voorgeskryf word as 'n vereiste vir 'n handeling, of 'n werksaamheid verrig moet word, die betrokke bepaling uitgelê word asof dit na die betrokke wetgewende raad of die gepaste minister, sekretaris of beampte van daardie gebied verwys.

Oordrag van grond en ander openbare eiendom aan die Regering van 'n selfregerende gebied.

17Q. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* gelas dat vanaf 'n datum wat hy bepaal, grond of ander openbare eiendom, met inbegrip van roerende goed, in 'n selfregerende gebied, waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek, die Administrasie van die gebied Suidwes-Afrika of die Suid-Afrikaanse Bantoetrust ingestel by artikel 4 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), berus by of oorgedra word aan die regering van die betrokke gebied onderworpe aan die bepalings van hierdie Wet en die ander voorwaardes wat in genoemde proklamasie bepaal word: Met dien verstande dat grond in genoemde gebied nog vir die nedersetting, onderhoud, voordeel en stoflike en morele welsyn van die lede van die betrokke volk geadministreer moet word.

(2) Die Staatspresident kan die by subartikel (1) verleende bevoegdhede uitoefen ten opsigte van al die grond of ander openbare eiendom bedoel in daardie subartikel, of daardie bevoegdhede van tyd tot tyd uitoefen ten opsigte van die grond of ander openbare eiendom wat hy aandui of ten opsigte van grond of ander openbare eiendom behalwe dié wat hy aandui, en kan verskillende datums kragtens daardie subartikel bepaal ten opsigte van verskillende grond of ander openbare eiendom.

(3) Vanaf die datum bepaal ingevolge subartikel (1) berus die betrokke grond of ander eiendom sonder betaling van hereregte, seëlreg of ander gelde of koste by die regering van die betrokke selfregerende gebied, maar onderworpe aan 'n bestaande las, verpligting of trust wat op of oor dié eiendom rus of wat andersins wettiglik daarop van toepassing is.

(4) By voorlegging aan die betrokke registrateur van aktes van die titelbewys van onroerende goed bedoel in subartikel (3), endosseer hy dit ten effekte dat die onroerende goed wat daarin beskryf word, by die betrokke regering berus en maak hy die nodige inskrywings in sy registers, en daarop dien en geld genoemde titelbewys vir alle doeleindes as die titelbewys van die betrokke regering ten opsigte van genoemde goed.

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Definitions.

17R. In this Act, unless the context otherwise indicates—

(i) 'legislative council' means a legislative council established in terms of section 3; (iv)

(ii) '*Official Gazette*', when used with reference to a self-governing area, means the *Official Gazette* of the self-governing area concerned, and when used with reference to any other area, means the *Gazette*; (i)

(iii) 'Republic' means the Republic of South Africa; (iii)

(iv) 'Revenue Fund' means a revenue fund established in terms of section 9. (ii)".

Insertion of new heading in Act 54 of 1968.

7. The following heading is hereby inserted in the principal Act after section 17R:

"CHAPTER 3.

MISCELLANEOUS PROVISIONS.".

Amendment of Schedule to Act 54 of 1968, as amended by section 9 of Act 23 of 1972.

8. The Schedule to the principal Act 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, but excluding matters relating to education provided by a university or a university college established by or in terms of any Act of Parliament.";

(*b*) by the substitution for item 3 of the following item:
"3. In respect of members of the nation concerned, 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, and the rehabilitation of persons who are dependent on dependence-producing substances as defined in the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971).";

(*c*) by the substitution for item 11 of the following item:
"11. The establishment and administration of and the control over inferior courts and 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 laws or enactments of the legislative council or enactments of a regional authority.";

(*d*) by the insertion after item 18 of the following item:
"18A. The raising of loans, with the prior approval of the Minister of Bantu Administration and Development, given in consultation with the Minister of Finance of the Republic, and on such conditions, if any, as the first-mentioned Minister may, in consultation with the last-mentioned Minister, determine.";

(*e*) by the insertion after item 20K of the following items:
"20L. (*a*) Municipal institutions and tribal, community and regional authorities referred to in section 7, and other local institutions of a similar nature.
(*b*) Institutions or bodies, other than such institutions as are referred to in paragraph (*a*), which have in

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Woordomskrywing.

17R. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

(i) ‚*Amptelike Koerant*', wanneer dit gebruik word met betrekking tot 'n selfregerende gebied, die *Amptelike Koerant* van die betrokke selfregerende gebied, en wanneer dit gebruik word met betrekking tot 'n ander gebied, die *Staatskoerant*; (ii)

(ii) ‚Inkomstefonds' 'n inkomstefonds wat ingevolge artikel 9 ingestel is; (iv)

(iii) ‚Republiek' die Republiek van Suid-Afrika; (iii)

(iv) ‚wetgewende raad' 'n wetgewende raad wat ingevolge artikel 3 ingestel is. (i)".

7. Die volgende opskrif word hierby in die Hoofwet na artikel 17R ingevoeg: **Invoeging van nuwe opskrif in Wet 54 van 1968.**

„HOOFSTUK 3.

DIVERSE BEPALINGS.".

8. Die Bylae by die Hoofwet word hierby gewysig— **Wysiging van Bylae by Wet 54 van 1968, soos gewysig deur artikel 9 van Wet 23 van 1972.**

(*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, maar met uitsluiting van aangeleenthede met betrekking tot onderwys wat verskaf word deur 'n universiteit of universiteitskollege wat by of ingevolge 'n Wet van die Parlement ingestel is.";

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

„3. Ten opsigte van lede van die betrokke volk, welsynsdienste, met inbegrip van kinderwelsyn en welsynskemas vir en betaling van toelaes aan bejaardes, blindes en behoeftiges, en persone wat aan geestelike of liggaamlike gebreke ly, en die rehabilitasie van persone wat afhanklik is van afhanklikheidsvormende stowwe soos omskryf in die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971).";

(*c*) deur item 11 deur die volgende item te vervang:

„11. Die instelling en administrasie van en die beheer oor laerhowe en 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 wette of maatreëls van die wetgewende raad of maatreëls van 'n streeksowerheid.";

(*d*) deur na item 18 die volgende item in te voeg:

„18A. Die aangaan van lenings, met die voorafverkreë toestemming van die Minister van Bantoeadministrasie en -ontwikkeling, verleen in oorleg met die Minister van Finansies van die Republiek, en op die voorwaardes, indien daar is, wat eersgenoemde Minister, in oorleg met laasgenoemde Minister, bepaal.";

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

„20L. (*a*) Munisipale instellings en stam-, gemeenskaps- en streeksowerhede in artikel 7 bedoel en ander plaaslike instellings van 'n soortgelyke aard.

(*b*) Ander instellings of liggame as instellings in paragraaf (*a*) bedoel, wat ten opsigte van een of

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respect of one or more areas (whether contiguous or not) outside the area of jurisdiction of any institution contemplated in that paragraph, authority and functions similar to the authority and functions of any such last-mentioned institution or in respect of the preservation of public health in such area or areas.

20M. The control, organization and administration of such personnel or such part of the Police Force stationed in the area concerned as may have been transferred to the government of an area by the Minister of Police of the Republic, and be charged with the maintenance of law and order, the investigation of any offence or alleged offence, the enforcement of any law and the prevention of crime in the area concerned, to the extent and subject to such conditions as may be determined by the said Minister.

20N. Legal Aid.

20O. From a date determined by the Minister of Bantu Administration and Development, all health matters, including hospitalization of members of the nation concerned.

20P. Entertainment tax in the area concerned.

20Q. The licensing, regulation and control of places of amusement and recreation within the area concerned, and the imposition of a duty upon the licensee in respect of the takings thereat or a charge based upon the payment for admission thereto.

20R. Auction dues in the area concerned.

20S. The restriction, regulation and control of horseracing, the prohibition, restriction, regulation and control of other racing, and the restriction, regulation and control of betting and wagering (whether as to circumstances, locality or premises), the prevention, control and regulation of dissemination of information as to betting within the area concerned, the licensing of any instrument, machine or contrivance commonly known as a totalizator, and the imposition of a duty in respect of the takings thereof upon the licensees.

20T. The establishment, control and management of libraries and library services in respect of members of the nation concerned within the area concerned.

20U. The establishment, control and management within the area concerned of museums, art galleries, herbaria, botanic gardens and similar institutions, and zoological gardens, aquariums, oceanariums, snake parks and similar institutions where live animals are kept for exhibition.

20V. The reservation of places in the area concerned as places of public resort or recreation, or of historical or scientific interest, and the control and management of such places, whether so reserved before or after the commencement of this Act.

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meer gebiede (hetsy aangrensend al dan nie) buite die regsgebied van 'n instelling in daardie paragraaf beoog, bevoegdhede en werksaamhede het wat soortgelyk is aan die bevoegdhede en werksaamhede van so 'n laasgenoemde instelling of ten opsigte van die behoud van die openbare gesondheid in sodanige gebied of gebiede.

20M. Die beheer, organisasie en administrasie van dié personeel of dié deel van die Polisiemag wat in die betrokke gebied gestasioneer is en deur die Minister van Polisie van die Republiek aan die regering van 'n gebied oorgedra is, en belas is met die handhawing van wet en orde, die ondersoek van 'n misdryf of beweerde misdryf, die uitvoering van 'n wet en die voorkoming van misdaad in die betrokke gebied, vir sover en onderworpe aan die voorwaardes deur genoemde Minister bepaal.

20N. Regshulp.

20O. Vanaf 'n datum deur die Minister van Bantoeadministrasie en -ontwikkeling bepaal, alle gesondheidsaangeleenthede, met inbegrip van hospitalisasie van lede van die betrokke volk.

20P. Vermaaklikheidsbelastings in die betrokke gebied.

20Q. Die lisensiëring en reëling van, en die beheer oor, vermaaklikheids- en ontspanningsplekke in die betrokke gebied, en die oplegging van 'n belasting aan die lisensiehouer ten opsigte van die ontvangste aldaar of 'n heffing gegrond op die prys vir toegang daartoe.

20R. Vendusieregte in die betrokke gebied.

20S. Die beperking en reëling van, en beheer oor, perdewedrenne, die instelling van 'n verbod op, die beperking en reëling van, en beheer oor, ander wedrenne, die beperking en reëling van, en beheer oor, weddenskappe (hetsy met betrekking tot omstandighede, plek of persele), die voorkoming van, die beheer oor, en die reëling van, die verspreiding van inligting betreffende weddenskappe binne die betrokke gebied, die lisensiëring van 'n instrument, masjien of toestel wat algemeen bekend is as 'n totalisator, en die oplegging van 'n belasting aan die lisensiehouer ten opsigte van die ontvangste daarvan.

20T. Die instelling van, beheer oor, en bestuur van, biblioteke en bilbioteekdienste ten opsigte van lede van die betrokke volk binne die betrokke gebied.

20U. Die instelling in die betrokke gebied van, beheer daarin oor, en bestuur daarin van, museums, kunsgalerye, herbariums, botaniese tuine en soortgelyke instellings, en dieretuine, akwariums, seeakwariums, slangparke en soortgelyke instellings waar lewendige diere gehou word vir vertoning.

20V. Die afsondering van plekke in die betrokke gebied as plekke van openbare vermaak of openbare ontspanning, of van geskiedkundige of wetenskaplike belang, en die beheer oor en bestuur van sodanige plekke, hetsy voor of na die inwerkingtreding van hierdie Wet aldus afgesonder.

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20W. The establishment, control, management and regulation of cemeteries and crematoria, and the regulation of matters relating to the removal and disposal of dead bodies in the area concerned.

20X. Tourism in the area concerned, including the development of the tourist industry and the development and improvement of travel services to and in, and the accommodation of travellers in, the area concerned.

20Y. Housing schemes for members of the nation concerned in the area concerned."; and

(*f*) by the substitution for item 21 of the following item:

"21. The imposition of penalties for a contravention of or failure to comply with any law or an enactment made by the legislative council or an enactment made by a regional authority, by way of a fine or, in default of payment of the fine, imprisonment or a fine as well as imprisonment, and 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.".

Substitution of long title of Act 54 of 1968.

9. The following long title is hereby substituted for the long title of the principal 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; to make provision for the declaration of any of the said areas for which a legislative council has been established as a self-governing area; and to provide for matters incidental thereto.".

Short title.

10. This Act shall be called the Development of Self-government for Native Nations in South-West Africa Amendment Act, 1973.

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20W. Die aanlê van, beheer oor, en bestuur en reëling van, begraafplase en krematoriums, en die reëling van aangeleenthede in verband met die verwydering van en beskikking oor lyke in die betrokke gebied.

20X. Toerisme in die betrokke gebied, met inbegrip van die ontwikkeling van die toeristebedryf en die ontwikkeling en verbetering van reisdienste na en in, en die huisvesting van reisigers in, die betrokke gebied.

20Y. Behuisingskemas vir lede van die betrokke volk in die betrokke gebied."; en

(*f*) deur item 21 deur die volgende item te vervang:

„21. Die oplê van strawwe weens oortreding van of versuim om te voldoen aan 'n wet of maatreël wat deur die wetgewende raad gemaak is, of 'n maatreël wat deur 'n streeksowerheid gemaak is, by wyse van 'n boete of, by wanbetaling van die boete, gevangenisstraf of 'n boete sowel as gevangenisstraf, en die oplê van dié 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 genoemde 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.".

Vervanging van lang titel van Wet 54 van 1968.

9. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

"Om te bevestig dat sekere gebiede in Suidwes-Afrika gebiede vir die verskillende naturellevolke 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; om voorsiening te maak vir die verklaring van die een of ander van genoemde gebiede waarvoor 'n wetgewende raad ingestel is, tot 'n selfregerende gebied; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.".

Kort titel.

10. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1973.