



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

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

VOL. 117]

KAAPSTAD, 27 MAART 1975

[No. 4628

CAPE TOWN, 27 MARCH 1975

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 595.

27 Maart 1975.

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

No. 9 van 1975: Wysigingswet op Bantoelewetgewing, 1975.

No. 595.

27 March 1975.

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

No. 9 of 1975: Bantu Laws Amendment Act, 1975.

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

ACT

To amend the Transkei Constitution Act, 1963, so as to further provide for the calculation of the amount payable by way of annual grant from the Consolidated Revenue Fund into the Transkeian Revenue Fund; to amend the Bantu Labour Act, 1964, so as to provide for the accrual of certain moneys, fines and estreated bail to a Bantu Affairs Administration Board managing a district labour bureau, and to emend the text of section 24 (1) with reference to the expression "State"; to amend the Development of Self-government for Native Nations in South-West Africa Act, 1968, so as to provide that voting at an election of members of a legislative council may take place also in the Republic, and to further regulate certain matters concerning a High Court established under that Act; to amend the Bantu Homelands Constitution Act, 1971, so as to further provide for the calculation of the amount payable by way of annual grant from the Consolidated Revenue Fund into the Revenue Fund of an area for which a legislative assembly has been established, and to further regulate certain matters concerning a High Court established under that Act; to amend the Bantu Affairs Administration Act, 1971, so as to empower any Bantu Affairs Administration Board to obtain money by means of a bank overdraft; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 19 March 1975.)*

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

Amendment of
section 52 of
Act 48 of 1963,
as amended by
section 6 of
Act 63 of 1966
and section 7 of
Act 27 of 1970.

1. Section 52 of the Transkei Constitution Act, 1963, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

- "(c) an annual grant, payable from the Consolidated Revenue Fund, of an amount equal to the sum of—
- (i) the amount paid from the Consolidated Revenue Fund into the Transkeian Revenue Fund during the financial year ended 31 March 1974 by way of annual grant in respect of matters the administration of which was transferred to the Government of the Transkei in accordance with this Act;
 - (ii) the amount paid into the Transkeian Revenue Fund in terms of paragraph (d) during the financial year ended 31 March 1974, less the amounts determined in respect of that financial year in terms of subparagraphs (iv) and (v) of this paragraph;

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

WET

Tot wysiging van die Transkeise Grondwet, 1963, ten einde verdere voorsiening te maak vir die berekening van die bedrag wat by wyse van jaarlikse toekenning uit die Gekonsolideerde Inkomstefonds in die Transkeise Inkomstefonds inbetaal word; tot wysiging van die Wet op Bantoe-arbeid, 1964, ten einde te bepaal dat sekere gelde, boetes en verbeurdverklaarde borgtog aan 'n Bantoesake-administrasieraad wat 'n distriktsarbeidsburo bestuur, toeval, en die teks van artikel 24 (1) met betrekking tot die uitdrukking „Staat” te verbeter; tot wysiging van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, ten einde voorsiening te maak dat stemming by 'n verkiesing van lede van 'n wetgewende raad ook in die Republiek kan geskied, en sekere aangeleenthede rakende 'n Hoérhof kragtens daardie Wet ingestel, verder te reël; tot wysiging van die Grondwet van die Bantoe-eiland, 1971, ten einde verdere voorsiening te maak vir die berekening van die bedrag wat by wyse van jaarlikse toekenning uit die Gekonsolideerde Inkomstefonds in die Inkomstefonds van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, inbetaal word, en sekere aangeleenthede rakende 'n Hoérhof kragtens daardie Wet ingestel, verder te reël; tot wysiging van die Wet op die Administrasie van Bantoesake, 1971, ten einde 'n Bantoesake-administrasieraad te magtig om geld deur middel van 'n bankoortrekking te verkry; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1975.)*

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

1. Artikel 52 van die Transkeise Grondwet, 1963, word hierby Wysiging van artikel 52 van Wet 48 van 1963, soos gewysig deur artikel 6 van Wet 63 van 1966 en artikel 7 van Wet 27 van 1970.

„(c) 'n jaarlikse toekenning, betaalbaar uit die Gekonsolideerde Inkomstefonds, van 'n bedrag gelyk aan die som van—

- (i) die bedrag wat gedurende die boekjaar geëindig 31 Maart 1974 by wyse van jaarlikse toekenning uit die Gekonsolideerde Inkomstefonds in die Transkeise Inkomstefonds inbetaal is ten opsigte van aangeleenthede waarvan die administrasie ooreenkomsdig hierdie Wet aan die Regering van die Transkei oorgedra is;
- (ii) die bedrag wat gedurende die boekjaar geëindig 31 Maart 1974 ingevolge paragraaf (d) in die Transkeise Inkomstefonds inbetaal is, min die bedrae ingevolge subparagraphe (iv) en (v) van hierdie paragraaf ten opsigte van daardie boekjaar bepaal;

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

- (iii) in respect of any matter the administration of which was or is transferred to the Government of the Transkei in accordance with this Act and in respect of which no amount is included in the amount referred to in subparagraph (i), 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 in connection with that matter during the financial year preceding the date of the transfer, less 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 during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Transkeian Revenue Fund;
- (iv) an amount determined from time to time by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which, in terms of any Act of Parliament imposing any tax on income, profits or gains (whether such Act was or is passed before or after the commencement of this subparagraph), was levied, during the financial year preceding the date of the determination, by way of taxes on the income, profits or gains of companies (other than companies referred to in paragraph (a) (ii)) derived by such companies from industrial, commercial or other business undertakings carried on by them in the Transkei; and
- (v) an amount determined from time to time by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which accrued to the Consolidated Revenue Fund in terms of any Act of Parliament (whether such Act was or is passed before or after the commencement of this subparagraph), during the financial year preceding the date of the determination, by way of customs, excise and sales duties derived in the Transkei:

Provided that any or all of the amounts referred to in subparagraphs (i), (ii) and (iii) may be adjusted from time to time to the extent determined by the Minister of Bantu Administration and Development in consultation with the Minister of Finance of the Republic, with due regard to such economic and other factors as they may think fit, including any change in the costs of goods and services and any increase or decrease of an amount referred to in subparagraph (iv) or (v).".

Amendment of
section 21 of
Act 67 of 1964.

2. Section 21 of the Bantu Labour Act, 1964, is hereby amended—

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

"(6) Upon the publication of any notice under section 9bis (3) of the Urban Areas Act declaring that

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

- (iii) ten opsigte van enige aangeleentheid waarvan die administrasie ooreenkomstig hierdie Wet aan die Regering van die Transkei oorgedra is of word en ten opsigte waarvan geen bedrag by die in subparagraaf (i) bedoelde bedrag ingesluit is nie, '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 in verband met daar- die aangeleentheid gedurende die boekjaar wat die datum van die oordrag voorafgaan, min die inkomste uit bestaande bronne van inkomste, soos deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Minister van Finansies van die Republiek bepaal, wat gedurende bedoelde boekjaar aan die Gekonsolideerde Inkomstefonds toegeval het en wat ingevolge paragrawe (a) en (b) aan die Transkeiese Inkomstefonds sal toeval;
- (iv) 'n bedrag wat van tyd tot tyd deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Minister van Finansies van die Republiek bepaal word en wat in ooreenstemming is met die bedrag, soos deur genoemde Ministers bereken, wat gedurende die boekjaar wat die datum van die bepaling voorafgaan, ingevolge 'n Parlements-wet wat 'n belasting op inkomste, profyte of winste hef (ongeag of dié Wet voor of na die inwerking-treding van hierdie subparagraaf aangeneem is of word), by wyse van belasting gehef is op die inkomste, profyte of winste van maatskappye (uitgesonderd maatskappye in paragraaf (a) (ii) bedoel) wat deur sodanige maatskappye verkry is uit nywerheids-, handels- of ander sakeonder-nemings wat deur hulle in die Transkei gedryf word; en
- (v) 'n bedrag wat van tyd tot tyd deur die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Minister van Finansies van die Republiek bepaal word en wat in ooreenstemming is met die bedrag, soos deur genoemde Ministers bereken, wat gedurende die boekjaar wat die datum van die bepaling voorafgaan, ingevolge 'n Parlements-wet (ongeag of dié Wet voor of na die inwerkingtreding van hierdie subparagraaf aange-neem is of word) aan die Gekonsolideerde Inkomstefonds toegeval het by wyse van doeane-, aksyns- en verkoopregte wat in die Transkei verkry is:

Met dien verstande dat enigeen van of al die bedrae in subparagrawe (i), (ii) en (iii) bedoel van tyd tot tyd in die mate aangepas kan word wat die Minister van Bantoe-administrasie en -ontwikkeling in oorleg met die Minister van Finansies van die Republiek bepaal met inagneming van die ekonomiese en ander faktore wat hulle goedvind, met inbegrip van enige verandering in die koste van goedere en dienste en enige vermeerdering of vermindering van 'n bedrag in subparagraaf (iv) of (v) bedoel."

2. Artikel 21 van die Wet op Bantoe-arbeid, 1964, word Wysiging van hierby gewysig— artikel 21 van Wet 67 van 1964.

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

„(6) By afkondiging van 'n kennisgewing ingevolge artikel 9bis (3) van die Stadsgebiedewet waarby ver-

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

an urban area as defined in that Act shall no longer be deemed to be a prescribed area, the local labour bureau in such urban area shall cease to exist, and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction.”; and

- (b) by the substitution for subsection (7) of the following subsection:

“(7) The Minister may at any time after consultation with the urban local authority concerned, by notice in the *Gazette* declare a local labour bureau for any prescribed area to be abolished, and thereupon such bureau shall cease to exist and the powers and functions previously exercised or performed by the local labour bureau in such area shall be exercised or performed by the district labour bureau having jurisdiction, and any records kept by such local labour bureau shall be transferred to such district labour bureau.”.

Insertion of
section 22B in
Act 67 of 1964.

3. The following section is hereby inserted in the Bantu Labour Act, 1964, after section 22A:

“Moneys
payable to
district
labour
bureaux.

22B. (1) All moneys which in terms of this Act, or in terms of any regulation other than a regulation relating to a matter dealt with in Chapter IV of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), are payable to a district labour bureau established for the administration area of a Bantu Affairs Administration Board and managed by a district labour officer in the service of that Board as contemplated in section 11 (6) of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), and such fines collected or bail estreated, in connection with offences under this Act or any such regulation, as the Minister may determine in consultation with the Minister of Finance, shall accrue to the Bantu Affairs Administration Board concerned.

(2) Any moneys, fines and estreated bail payable to a district labour bureau which was not established and is not managed as aforesaid, shall be paid into the Consolidated Revenue Fund.”.

Amendment of
section 24 of
Act 67 of 1964,
as amended by
section 14 of
Act 19 of 1970.

4. Section 24 of the Bantu Labour Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person (including the State, with which is included the Railway Administration, the Department of Posts and Telecommunications and any provincial administration) who enters into a contract of employment which is required to be notified under section 8 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), with a Bantu for employment in a prescribed area, or requires such a Bantu in the course of his employment to serve in more than one prescribed area, shall in respect of every Bantu so employed pay to the local labour bureau or, where there is no such bureau, to the district labour bureau within whose area of jurisdiction such Bantu is primarily employed in the course of any month or, where there is a dispute in this regard

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

klaar word dat 'n stadsgebied soos in daardie Wet omskryf nie meer 'n voorgeskrewe gebied geag word nie, hou die plaaslike arbeidsburo in daardie stadsgebied op om te bestaan, en word die bevoegdhede en werksaamhede wat tevore deur die plaaslike arbeidsburo in daardie gebied uitgeoefen of verrig is, deur die regsbevoegde distriksarbeidsburo uitgeoefen of verrig."; en

- (b) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die Minister kan te eniger tyd na oorlegpleging met die betrokke stedelike plaaslike bestuur, by kennisgewing in die *Staatskoerant* verklaar dat 'n plaaslike arbeidsburo vir 'n voorgeskrewe gebied afgeskaf is, en daarop hou daardie buro op om te bestaan en word die bevoegdhede en werksaamhede wat tevore deur die plaaslike arbeidsburo in daardie gebied uitgeoefen of verrig is, deur dieregsbevoegde distriksarbeidsburo uitgeoefen of verrig, en word enige aantekenings deur bedoelde plaaslike arbeidsburo gehou na bedoelde distriksarbeidsburo oorgeplaas.”.

3. Die volgende artikel word hierby in die Wet op Bantoe-arbeid, 1964, na artikel 22A ingevoeg: Invoeging van artikel 22B in Wet 67 van 1964.

,Gelde betaalbaar aan distriks-arbeids-buro's.

22B. (1) Alle gelde wat ingevolge hierdie Wet, of ingevolge enige regulasie behalwe 'n regulasie wat betrekking het op 'n aangeleenthed waарoor Hoofstuk IV van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), handel, betaalbaar is aan 'n distriksarbeidsburo wat vir die administrasiegebied van 'n Bantoesake-administrasieraad ingestel is en deur 'n distriksarbeidsbepampte in daardie raad se diens bestuur word soos in artikel 11 (6) van die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971), beoog, en die boetes ingevorder of borgtог verbeurd verklaar in verband met misdrywe ingevolge hierdie Wet of so 'n regulasie wat die Minister in oorleg met die Minister van Finansies bepaal, val aan die betrokke Bantoesake-administrasieraad toe.

(2) Gelde, boetes en verbeurdverklaarde borgtог wat betaalbaar is aan 'n distriksarbeidsburo wat nie soos voormeld ingestel is en bestuur word nie, word in die Gekonsolideerde Inkomstefonds gestort.”.

4. Artikel 24 van die Wet op Bantoe-arbeid, 1964, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand (met inbegrip van die Staat, waarby die Spoorwegadministrasie, die Departement van Pos- en Telekommunikasiewese en 'n provinsiale administrasie inbegrepe is) wat 'n dienskontrak wat ingevolge artikel 8 van die Bantoe (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet No. 67 van 1952), aangemeld moet word, met 'n Bantoe aangaan vir diensverrigting in 'n voorgeskrewe gebied, of vereis dat so 'n Bantoe in die loop van sy diensverrigting in meer as een voorgeskrewe gebied diens moet doen, moet ten opsigte van elke Bantoe aldus in diens aan die plaaslike arbeidsburo of, waar daar nie so 'n buro bestaan nie, aan die distriksarbeidsburo binne wie seregsgebied bedoelde Bantoe in die loop van enige maand hoofsaaklik diens doen, of, waar daar tussen twee

Wysiging van artikel 24 van Wet 67 van 1964, soos gewysig deur artikel 14 van Wet 19 van 1970.

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

between two or more labour bureaux, to the bureau determined by the Secretary, in addition to any other moneys which may be payable, a monthly fee which shall be at such a rate, not exceeding twenty cents per month, as may be prescribed and which may differ for different areas or for different classes of employment: Provided that no such fee shall be payable by any particular employer in respect of more than one prescribed area in respect of the same Bantu for the same month: Provided further that where any fee is payable by an employer in respect of a class of Bantu referred to in a notice published under section 22 (11) (c) such fee shall be payable to the district labour bureau.”.

Amendment of
section 4 of
Act 54 of 1968.

5. Section 4 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) the election by way of voting at any place, whether in the territory referred to in section 1 or in the Republic, and the designation of the members of a legislative council, the filling of vacancies, and the qualifications of voters and of candidates for such elections;”.

Amendment of
section 17I of
Act 54 of 1968,
as inserted by
section 6 of
Act 20 of 1973.

6. Section 17I of the Development of Self-government for Native Nations in South-West Africa Act, 1968, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The State President may by regulation provide that any law which does not apply to a High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to such High Court or its area of jurisdiction.”; and

(b) by the insertion after subsection (4) of the following subsections:

“(4A) If a judge of the Supreme Court of South Africa who has been seconded in terms of subsection (2) (b) to serve as a judge of any High Court, retires or is removed from office while holding the office of Chief Justice of such High Court in a permanent capacity, his salary shall, for the purposes of calculating his pension, be deemed to be that of a judge president of a provincial division of the said Supreme Court.

(4B) In any law which is in force in the area of jurisdiction of any High Court, save the Supreme Court Act, 1959 (Act No. 59 of 1959), and the Judges' Remuneration and Pensions Act, 1959 (Act No. 73 of 1959), any reference to—

(a) the Supreme Court of South Africa shall be construed as a reference to such High Court; and

(b) the judge president or a judge of a provincial division of the Supreme Court of South Africa, shall be construed as a reference to the Chief Justice or a judge of such High Court, as the case may be.

(4C) The process of any such High Court shall run throughout the territory referred to in section 1 and the Republic and may be served or executed within the jurisdiction of any division of the Supreme Court of South Africa or of any other High Court constituted under an Act of Parliament.”.

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

of meer arbeidsburo's 'n geskil daaromtrent ontstaan, aan die buro deur die Sekretaris bepaal, benewens enige ander betaalbare gelde, 'n maandelikse bedrag betaal wat teen 'n voorgeskrewe skaal, maar hoogstens twintig sent per maand, bereken word, en wat vir verskillende gebiede of vir verskillende kategorieë van werk kan verskil: Met dien verstande dat geen gelde deur 'n bepaalde werkgewer ten opsigte van meer as een voorgeskrewe gebied ten opsigte van dieselfde Bantoe vir dieselfde maand betaalbaar is nie: Met dien verstande voorts dat waar gelde ten opsigte van 'n kategorie van Bantoes bedoel in 'n kennisgewing gepubliseer ingevolge artikel 22 (11) (c) deur 'n werkgewer betaalbaar is, dié gelde aan die distrik arbeidsburo betaal moet word.”.

5. Artikel 4 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

- “(a) die verkiesing by wyse van stemming op enige plek, hetsy in die gebied bedoel in artikel 1 of in die Republiek, en die aanwysing van die lede van 'n wetgewende raad, die vul van vakatures, en die bevoegdheid van kiesers en van kandidate vir sodanige verkiesings.”.

6. Artikel 17I van die Wet op die Ontwikkeling van Selfbestuur vir Naturrellevolke in Suidwes-Afrika, 1968, word hierby gewysig—

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Staatspresident kan by regulasie bepaal dat 'n wet wat nie op 'n Hoērhof of die regssgebied daarvan van toepassing is nie, met die wysings en aanpassings wat hy nodig ag, op bedoelde Hoērhof of die regssgebied daarvan van toepassing is.”; en

- (b) deur na subartikel (4) die volgende subartikels in te voeg:

„(4A) Indien 'n regter van die Hooggereghof van Suid-Afrika wat ingevolge subartikel (2) (b) afgestaan is om as regter van 'n Hoērhof te dien, aftree of van sy amp onthef word terwyl hy die amp van Hoofregter van bedoelde Hoērhof in 'n permanente hoedanigheid beklee, word sy salaris vir die doeleindes van die berekening van sy pensioen geag dié van 'n regter-president van 'n provinsiale afdeling van genoemde Hooggereghof te wees.

(4B) In 'n wet wat in die regssgebied van 'n Hoērhof geld, uitgesonderd die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959), en die Wet op Besoldiging en Pensioene van Regters, 1959 (Wet No. 73 van 1959), word 'n verwysing na—

- (a) die Hooggereghof van Suid-Afrika as 'n verwysing na bedoelde Hoērhof uitgelê; en
(b) die regter-president of 'n regter van 'n provinsiale afdeling van die Hooggereghof van Suid-Afrika, uitgelê as 'n verwysing na die Hoofregter of 'n regter van bedoelde Hoērhof, na gelang van die geval.

(4C) Die prosesstukke van 'n Hoērhof geld dwarsdeur die gebied in artikel 1 bedoel en die Republiek en kan in die regssgebied van enige afdeling van die Hooggereghof van Suid-Afrika of van 'n ander Hoērhof, ingestel kragtens 'n Parlements-wet, bestel of ten uitvoer gelê word.”.

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

Amendment of
section 6 of
Act 21 of 1971.

7. Section 6 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

- "(c) an annual grant, payable from the Consolidated Revenue Fund, of an amount equal to the sum of—
- (i) the amount paid from the Consolidated Revenue Fund into the Revenue Fund during the financial year ended 31 March 1974 by way of annual grant in respect of matters the administration of which was transferred to the Government of the area concerned in accordance with this Act;
 - (ii) the amount paid into the Revenue Fund in terms of paragraph (d) during the financial year ended 31 March 1974, less the amounts determined in respect of that financial year in terms of subparagraphs (iv) and (v) of this paragraph;
 - (iii) in respect of any matter the administration of which was or is transferred to the Government of the area concerned in accordance with this Act and in respect of which no amount is included in the amount referred to in subparagraph (i), 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 in connection with that matter during the financial year preceding the date of the transfer, less the income from existing sources of revenue, as determined by the Minister in consultation with the Minister of Finance of the Republic, which accrued to the Consolidated Revenue Fund during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Revenue Fund;
 - (iv) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which, in terms of any Act of Parliament imposing any tax on income, profits or gains (whether such Act was or is passed before or after the commencement of this subparagraph), was levied, during the financial year preceding the date of the determination, by way of taxes on the income, profits or gains of companies (other than companies referred to in paragraph (a) (ii)) derived by such companies from industrial, commercial or other business undertakings carried on by them in the area concerned; and
 - (v) an amount determined from time to time by the Minister in consultation with the Minister of Finance of the Republic and corresponding to the amount, as calculated by the said Ministers, which accrued to the Consolidated Revenue Fund in terms of any Act of Parliament (whether such Act was or is passed before or after the commencement of this subparagraph), during the financial year preceding the date of the determination, by way of customs, excise and sales duties derived in the area concerned:

Provided that any or all of the amounts referred to in subparagraphs (i), (ii) and (iii) may be adjusted from time to time to the extent determined by the Minister in consultation with the Minister of Finance of the

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

7. Artikel 6 van die Grondwet van die Bantoeuislande, 1971, word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

- „(c) 'n jaarlikse toekenning, betaalbaar uit die Gekonsolideerde Inkomstefonds, van 'n bedrag gelyk aan die som van—
- (i) die bedrag wat gedurende die boekjaar geëindig 31 Maart 1974 by wyse van jaarlikse toekenning uit die Gekonsolideerde Inkomstefonds in die Inkomstefonds inbetaal is ten opsigte van aangeleenthede waarvan die administrasie ooreenkomstig hierdie Wet aan die Regering van die betrokke gebied oorgedra is;
 - (ii) die bedrag wat gedurende die boekjaar geëindig 31 Maart 1974 ingevolge paragraaf (d) in die Inkomstefonds inbetaal is, min die bedrae ingevolge subparagrawe (iv) en (v) van hierdie paragraaf ten opsigte van daardie boekjaar bepaal;
 - (iii) ten opsigte van enige aangeleenthed waarvan die administrasie ooreenkomstig hierdie Wet aan die Regering van die betrokke gebied oorgedra is of word en ten opsigte waarvan geen bedrag by die in subparagraaf (i) bedoelde bedrag ingesluit is nie, '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 in verband met daardie aangeleenthed gedurende die boekjaar wat die datum van die oordrag voorafgaan, min die inkomste uit bestaande bronne van inkomste, soos deur die Minister in oorleg met die Minister van Finansies van die Republiek bepaal, wat gedurende bedoelde boekjaar aan die Gekonsolideerde Inkomstefonds toegeval het en wat ingevolge paragrawe (a) en (b) aan die Inkomstefonds sal toeval;
 - (iv) 'n bedrag wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies van die Republiek bepaal word en wat in ooreenstemming is met die bedrag, soos deur genoemde Ministers bereken, wat gedurende die boekjaar wat die datum van die bepaling voorafgaan, ingevolge 'n Parlements-wet wat 'n belasting op inkomste, profyte of winste hef (ongeag of dié Wet voor of na die inwerkingtreding van hierdie subparagraaf aangeneem is of word), by wyse van belasting gehef is op die inkomste, profyte of winste van maatskappye (uitgesonderd maatskappye in paragraaf (a) (ii) bedoel) wat deur sodanige maatskappye verkry is uit nywerheids-, handels- of ander sakeondernemings wat deur hulle in die betrokke gebied gedryf word; en
 - (v) 'n bedrag wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies van die Republiek bepaal word en wat in ooreenstemming is met die bedrag, soos deur genoemde Ministers bereken, wat gedurende die boekjaar wat die datum van die bepaling voorafgaan, ingevolge 'n Parlements-wet (ongeag of dié Wet voor of na die inwerkingtreding van hierdie subparagraaf aangeneem is of word), aan die Gekonsolideerde Inkomstefonds toegeval het by wyse van doeane-, aksyns- en verkoopregte wat in die betrokke gebied verkry is:

Met dien verstande dat enigeen van of al die bedrae in subparagrawe (i), (ii) en (iii) bedoel van tyd tot tyd in die mate aangepas kan word wat die Minister in oorleg met die Minister van Finansies van die Republiek

Act No. 9, 1975

BANTU LAWS AMENDMENT ACT, 1975.

Amendment of
section 34 of
Act 21 of 1971,
as amended by
section 13 of
Act 7 of 1973.

Republic, with due regard to such economic and other factors as they may think fit, including any change in the costs of goods and services and any increase or decrease of any amount referred to in subparagraph (iv) or (v).”.

8. Section 34 of the Bantu Homelands Constitution Act, 1971, is hereby amended—

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

“(2A) The State President may by regulation provide that any law which does not apply to a High Court or its area of jurisdiction, shall apply, with such amendments and adaptations as he may consider necessary, to such High Court or its area of jurisdiction.”; and

- (b) by the insertion after subsection (2B) of the following subsections:

“(2C) If a judge of the Supreme Court of South Africa who has been seconded in terms of subsection (2) (b) to serve as a judge of any such High Court, retires or is removed from office while holding the office of Chief Justice of such High Court in a permanent capacity, his salary shall, for the purposes of calculating his pension, be deemed to be that of a judge president of a provincial division of the said Supreme Court.

(2D) In any law which is in force in the area of jurisdiction of any High Court, save the Supreme Court Act, 1959 (Act No. 59 of 1959), and the Judges' Remuneration and Pensions Act, 1959 (Act No. 73 of 1959), any reference to—

- (a) the Supreme Court of South Africa shall be construed as a reference to such High Court; and
(b) the judge president or a judge of a provincial division of the Supreme Court of South Africa, shall be construed as a reference to the Chief Justice or a judge of such High Court, as the case may be.

(2E) The process of any such High Court shall run throughout the Republic and the territory of South West Africa and may be served or executed within the jurisdiction of any division of the Supreme Court of South Africa or of any other High Court constituted under an Act of Parliament.”.

Amendment of
section 13 of
Act 45 of 1971.

9. Section 13 of the Bantu Affairs Administration Act, 1971, is hereby amended—

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

“(cA) of moneys obtained by it, with the approval of the Minister and subject to such conditions as he may determine, by means of a bank overdraft from a commercial bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);”; and

- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) of any loans (other than loans contemplated in paragraph (cA)) obtained by it with the approval of the Minister granted in consultation with the Minister of Finance;”.

Short title.

10. This Act shall be called the Bantu Laws Amendment Act, 1975.

WYSIGINGSWET OP BANTOEWETGEWING, 1975.

Wet No. 9, 1975

bepaal met inagneming van die ekonomiese en ander faktore wat hulle goedvind, met inbegrip van enige verandering in die koste van goedere en dienste en enige vermeerdering of vermindering van 'n bedrag in subparagraaf (iv) of (v) bedoel.”.

8. Artikel 34 van die Grondwet van die Bantoeilandse, Wysiging van 1971, word hierby gewysig— artikel 34 van Wet 21 van 1971, soos gewysig deur artikel 13 van Wet 7 van 1973.

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

„(2A) Die Staatspresident kan by regulasie bepaal dat 'n wet wat nie op so 'n Hoërhof of die regssgebied daarvan van toepassing is nie, met die wysings en aanpassings wat hy nodig ag, op bedoelde Hoërhof of die regssgebied daarvan van toepassing is”; en

(b) deur na subartikel (2B) die volgende subartikels in te voeg:

„(2C) Indien 'n regter van die Hooggereghof van Suid-Afrika wat ingevolge subartikel (2) (b) afgestaan is om as regter van so 'n Hoërhof te dien, aftree of van sy amp ontheft word terwyl hy die amp van Hoofregter van bedoelde Hoërhof in 'n permanente hoedanigheid beklee, word sy salaris vir die doeleinnes van die berekening van sy pensioen geag dié van 'n regter-president van 'n provinsiale afdeling van genoemde Hooggereghof te wees.

(2D) In 'n wet wat in die regssgebied van so 'n Hoërhof geld, uitgesonderd die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959), en die Wet op Besoldiging en Pensioene van Regters, 1959 (Wet No. 73 van 1959), word 'n verwysing na—

(a) die Hooggereghof van Suid-Afrika as 'n verwysing na bedoelde Hoërhof uitgelê; en

(b) die regter-president of 'n regter van 'n provinsiale afdeling van die Hooggereghof van Suid-Afrika, uitgelê as 'n verwysing na die Hoofregter of 'n regter van bedoelde Hoërhof, na gelang van die geval.

(2E) Die prosesstukke van so 'n Hoërhof geld dwarsdeur die Republiek en die gebied Suidwes-Afrika en kan in die regssgebied van enige afdeling van die Hooggereghof van Suid-Afrika of van 'n ander Hoërhof, ingestel kragtens 'n Parlements-wet, bestel of ten uitvoer gelê word.”.

9. Artikel 13 van die Wet op die Administrasie van Bantoe-sake, 1971, word hierby gewysig— Wysiging van artikel 13 van Wet 45 van 1971.

(a) deur na paragraaf (c) van subartikel (1) die volgende paragraaf in te voeg:

„(cA) uit geld deur middel van 'n bankoortrekking deur hom van 'n handelsbank soos omskryf in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965), verkry met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy bepaal;”; en

(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) uit lenings (behalwe lenings in paragraaf (cA) beoog) deur hom verkry met die goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies.”.

10. Hierdie Wet heet die Wysigingswet op Bantoe-wetgewing, Kort titel. 1975.