

# OFFICIAL GAZETTE

EXTRAORDINARY  
OF SOUTH WEST AFRICA.

## BUITENGEWONE OFFISIELLE KOERANT

UITGawe OP GESAG.

VAN SUIDWES-AFRIKA.



PUBLISHED BY AUTHORITY.

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Monday, 29th October, 1951.

WINDHOEK

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#### PROCLAMATION

BY THE HONOURABLE PETRUS IMKER HOOGENHOUT,  
ADMINISTRATOR OF SOUTH WEST AFRICA.

No. 56 of 1951.

WHEREAS it is desirable to amend and consolidate the laws in force in the Territory which provide for improved conditions of residence for natives in urban areas and the better administration of native affairs in such areas; for the registration and better control of contracts of service with natives in certain areas and the regulation of the ingress of natives into, and their residence in, such areas; for the restriction and regulation of the possession and use of kaffir beer and other intoxicating liquor by natives in such areas and for other incidental matters.

NOW THEREFORE, under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:

#### DEFINITIONS.

1. In this Proclamation and any regulations, unless the context indicates otherwise —

"accommodate" in relation to an urban area or part thereof, or to any land or premises within an urban area, means to house or provide with lodging; and "accommodation" has a corresponding meaning;

"acquire" in relation to land, means to acquire by purchase, exchange or donation or to hire; and "acquisition" has a corresponding meaning;

"authorised officer" means a magistrate, justice of the peace, a European member of the police, an officer licensed under sub-section (1) of section twenty-one, a registering officer referred to in paragraph (a) of subsection (1) of section twenty-two, and such other officers as may be authorised by the Administrator to demand the production of documents under this Proclamation or the regulations;

"Chief Native Commissioner" means the Chief Native Commissioner of South West Africa;

"coloured person" means any person of mixed European and native descent and shall include any person belonging to the class called Cape Malays;

PROKLAMASIE  
VAN SY EDELE PETRUS IMKER HOOGENHOUT, ADMINISTRATEUR VAN SUIDWES-AFRIKA.

No. 56 van 1951.

NADEMAAL dit wenslik is om daardie wetsbepaling te wysig en saam te vat wat in die Gebied geld en wat voorseen in doelmatiger verblifstoestande vir Inboorlinge in stedelike gebiede, en in die doeltreffender bestuur van inboelingaangeleenthede in sodanige gebiede; en in die registrasie van, en beter beheer oor, dienskontrakte met Inboorlinge en sekere gebiede, en in die reëlings op die binnekoms en verbyvan Inboorlinge in sodanige gebiede; en voorts in die beperking en reëling van dié besit en gebruik van kafferbier en ander bedwelvende drank deur Inboorlinge in sodanige gebiede, en bowendien in verbandhouende angeleenthede;

SO IS DIT dat ek, kragtens en ingevolge die bevoegdheid my verleen, hierby proklameer, verklaar en bekendmaak:

#### WOORDBEPALING.

1. Tensy daar uit die samgeheng 'n ander bedoeling blyk, het die onderstaande uitdrukking in hierdie Proklamasie, en in regulasies daarvolglopend, die onderstaande betekenis: „huisvesting" met betrekking tot 'n stedelike gebied, of gedeelte daarvan, of tot grond of 'n persel binne 'n stedelike gebied, beteken om te herberg of loslos te gee; en „huisvesting" het 'n ooreenkomslike betekenis;
- „werkry" met betrekking tot grond, beteken om te verkry deur aankoop, rull, of skenking, of om te huur; en „verkrywing" het 'n ooreenkomslike betekenis;
- „beämpte" beteken 'n magistraat, 'n vrederegter, 'n blanke polisiedienaar, 'n amptenaar gelisensiceer kragtens sub-artsikel (1) van artikel een-en-twintig, 'n registrasiebeämpte soos bepaal deur paragraaf (a) van sub-artsikel (1) van artikel twee-en-twintig, en elke ander amptenaar wat die Administrator maglik om dokumente op te eis kragtens hierdie Proklamasie of die regulasies;
- „Hoof-naturellekommissaris" beteken die Hoof-naturellekommissaris van Suidwes-Afrika;
- „Kleurling" beteken iemand van gemengde blanke en inboorling-afkoms, en omvat 'n lid van die klas wat Kaapse Maleiers heet;

"interest" in relation to land, includes, in addition to other interests in land, any right under a lease or a mortgage of, or, a servitude or a charge over, land;

"kaffir beer" means —

(a) a drink brewed by natives from grain and containing not more than three per centum by weight of alcohol, and

(b) any other fermented liquor containing not more than three per centum by weight of alcohol which the Administrator may from time to time by notice in the Gazette declare to be kaffir beer: Provided that in very exceptional circumstances the Administrator may authorise a higher alcoholic content;

"location" means any area of land defined and set apart under paragraph (a) of sub-section (1) of section two;

"magistrate" includes an additional magistrate;

"native" means any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition the burden of proof shall be upon such person;

"native commissioner" includes an additional native commissioner;

"native hostel" means any building or group of buildings or huts provided under paragraph (c) of sub-section (1) of section two;

"native village" means any area of land defined and set apart under paragraph (b) of sub-section (1) of section two;

"prescribed" means prescribed under this Proclamation or the regulations;

"regulation" means a regulation made or in force under this Proclamation;

"rural township" means any approved township or township within the meaning of the Townships Ordinance No. 11 of 1928, as amended, which is not situated within or is not an urban area;

"urban area" means an area under the jurisdiction of an urban local authority, and any area declared by the Administrator by notice in the Gazette to be an urban area for the purposes of this Proclamation;

"urban local authority" means any municipal council or village management board and, in an area declared by the Administrator to be an urban area, the magistrate of the district in which such area is situated;

#### RESERVATION OF AREAS AND PROVISION OF ACCOMMODATION FOR NATIVE OCCUPATION.

2. (1) Subject to the approval of the Administrator, any urban local authority may —

(a) define, set apart and lay out one or more areas of land for the occupation, residence and other reasonable requirements of natives, either as extensions of any area already set apart for that purpose or as separate areas;

(b) define, set apart and lay out any portion of a location or any other area of land as an area or areas wherein on such terms and conditions and within such limits as, with the approval of the Administrator, the urban local authority may by regulation prescribe, natives shall be permitted to acquire the lease of lots for the erection thereon of houses or huts for their own occupation;

(c) provide one or more buildings or groups of buildings or huts, within the limits of any location or native village, for the accommodation of natives not living under conditions of family life, on such terms and conditions as, with the approval of the Administrator, the urban local authority may by regulation prescribe;

(d) provide buildings or huts within any location or native village for the accommodation of native families on such terms and conditions as, with the approval of the Administrator, the urban local authority may by regulation prescribe;

(e) require any employer (including the Administration and the Union Railways and Harbours Administration) within the urban area to provide accommodation for any native in his employment in a location;

(f) in accordance with such regulations as may from time to time be prescribed under paragraph (o) of sub-section (1) of section thirty-two require every native, who resides in but is not employed in the urban area, to remove therefrom.

"belang" insake grond, omvat ook, benewens ander grond, 'n reg kragtens 'n huurkontrak betreklike grond, of 'n verband of serwituit of ander beswaring van grond;

"kafferbier" beteken —

(a) 'n drank wat Inboorlinge van graan brou, en wat hoogstens drie persent alkohol per gewig bevat, en wat alkohol per gewig bevat, en wat die Administrateur van tyd tot tyd by kennisgewing in die Offisiële Koerant tot kafferbier verklaar: Met dien versangstindighede 'n hoë alkoholgehalte kan magtig;

"lokasie" beteken 'n terrein bepaal en afgesonder kragtens paragraaf (a) van sub-artikel (1) van artikel twee; "magistraat" omvat 'n bykomende magistraat; "Inboorling" word gebruik as stroeg sinoniem met "Natuur-Afrika. By redelike twyfel of iemand wel 'n Inboorling (Naturel) is, moet so iemand sy inboorlingskap, of die teendeel, self bewys;

"naturellekommissaris" omvat 'n bykomende naturellekommissaris;

"inboorlingtehuis" beteken 'n gebou of 'n groep geboue of hutte ingerig uit hoofde van paragraaf (c) van sub-artikel (1) van artikel twee;

"inboorlingdorp" beteken 'n gebied wat bepaal en gesonders is uit hoofde van paragraaf (b) van sub-artikel (1) van artikel twee;

"voorskryf of aanwys" beteken voorgeskryf of aangewys by hierdie Proklamasie of by die regulasie wat hieruit voortvloe;

"regulasie" beteken 'n regulasie wat uit hierdie Proklamasie voortvloe;

"platteelandse dorp" beteken elke goedgekeurde dorp, of dorp binne die sinsbestek van die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928) soos gewysig, wat egter nog self 'n stedelike gebied is, nog binne so 'n gebied geleë is;

"stedelike gebied" beteken die regsgebied van 'n stedelike plaaslike bestuur, en elke gebied wat die Administrateur, met die oog op hierdie Proklamasie, by kennisgewing in die Offisiële Koerant tot stedelike gebied verklaar;

"stedelike plaaslike bestuur" beteken 'n munisipale raad of dorpsbestuurraad, en (binne 'n gebied wat die Administrateur tot stedelike gebied verklaar) die magistraat van die distrik waarbinne sodanige stedelike gebied geleë is.

#### AFSONDERING VAN TERREINE EN VERSKAFFING VAN HUISVESTING VIR INBOORLINGE.

2. (1) Onderhewig aan die goedkeuring van die Administrateur kan elke stedelike plaaslike bestuur —

(a) een of meer terreine bepaal, afgsonder en aanlê, vir gebruik of bewoning deur Inboorlinge of om ander redelike inboorlingbehoeftes, hetsy as uitbreidings van 'n terrein wat reeds daarvoor afgsonder is, of as afgsonderlike terreine;

(b) 'n gedeelte van 'n lokasie of 'n ander stuk grond bepaal, afgsonder en aanlê, as terrein waarop Inboorlinge toegelaat sal word om erwe vir huis- of hutbou of ander eie gebruik te huur op sodanige bedinge en voorwaardes en binne sodanige perke soos die stedelike plaaslike bestuur met Administrateursgoedkeuring by regulasie voorskryf;

(c) 'n gebou, geboue of 'n klompie geboue of hutte inrig (het sy binne of buite die grense van 'n lokasie of inboorlingdorp) ter huisvesting van haardlose Inboorlinge, op sodanige bedinge en voorwaardes soos die stedelike plaaslike bestuur met Administrateursgoedkeuring by regulasie voorskryf;

(d) geboue of hutte binne 'n lokasie of inboorlingdorp inrig ter huisvesting van inboorlinggesinne op sodanige bedinge en voorwaardes soos die stedelike plaaslike bestuur met Administrateursgoedkeuring by regulasie voorskryf;

(e) enige werkgewer binne die stedelike gebied hoengenaam (die Administrasie van Suidwes-Afrika en die Administrasie van die Unie se Spoorweë en Hawens inklusief) gelas om 'n Inboorling in sy diens te huisves in 'n lokasie;

(f) ooreenkomsdig die regulasies wat van tyd tot tyd kragtens paragraaf (o) van sub-artikel (1) van artikel twee en dertig voorgeskryf word, elke Inboorling wat wel in die stedelike gebied woon, maar nie daar werk nie, gelas om sodanige gebied te verlaat.

(2) The approval of the Administrator under sub-section (1) may be withheld until he is satisfied in regard to the suitability of area and situation of the land set apart and the title thereto, the general plan and lay-out of the location or native village, the situation, nature and dimensions of any building and the provision made for water, lighting, sanitary and other necessary services for the location, native village or hostel, as the case may be.

(3) The Townships Board established under the Townships Ordinance No. 11 of 1928, as amended, shall be consulted before any area is defined and set apart under paragraph (b) of sub-section (1) but otherwise the provisions of the said Ordinance shall not apply in respect of any such area.

(4) The nature and situation of any accommodation provided by an employer under paragraph (e) of sub-section (1) shall be subject to the approval of and to regulation by the urban local authority: Provided that the urban local authority shall itself be bound to conform to any such regulation in respect of all natives employed by it.

(5) The provisions of any law in force in the territory governing the notarial execution of leases of land or the registration of such leases against title deeds shall not apply in respect of any lease entered into between an urban local authority and a native which relates to land situated within an area defined and set apart under paragraph (a) or (b) of sub-section (1) or approved by the Administrator in terms of paragraph (c) of sub-section (1) of section nine for the residence of natives.

#### ADMINISTRATOR'S POWERS WHERE INADEQUATE OR UNSUITABLE ACCOMMODATION IS PROVIDED FOR NATIVES IN URBAN AREAS.

3. (1) Whenever it appears to the Administrator, after a local inquiry held in public by an officer appointed by the Administrator for that purpose, at which the urban local authority and other parties interested shall be entitled to be heard, that the provisions made in the area of any urban local authority for the needs of natives ordinarily employed within that area for normal requirements is inadequate or unsuitable, the Administrator may require that local authority, within such time as may be stated in the notice, to make all or any of the provisions mentioned in section two.

(2) No location, native village or native hostel shall be removed, curtailed or abolished without the consent of the Administrator, and upon such terms and conditions as to compensation and otherwise as he, after consultation with the urban local authority, may direct.

#### POWERS UPON FAILURE OF LOCAL AUTHORITY TO COMPLY WITH REQUIREMENTS MADE UNDER SECTION THREE.

4. (1) Upon the failure of an urban local authority within the time fixed in any notice given under section three or within any extension of that time granted by the Administrator, to comply with any requirement notified under that section, the Administration may, after written notice to the urban local authority, carry out such works and do all such things as may be necessary to give effect to that requirement; and for that purpose the Administrator is hereby authorised to exercise all such rights, powers and authorities as might have been exercised by the urban local authority in that behalf.

(2) At such time as the Administrator may deem fit and subject to such conditions as he may impose, any administration and control vested in him under this section may be vested by him, by written notice to the urban local authority, in the urban local authority concerned.

(3) Any expenditure reasonably incurred by the Administrator under this section in excess of revenue derived from the exercise of the powers vested in him may be recovered by him —

- (a) by action in a competent court against the urban local authority in default; or
- (b) by levying a special rate upon all rateable property within the area of the urban local authority in default; or
- (c) by deduction from any subsidy, grant or other moneys payable out of the Territory Revenue Fund or payable by him to the urban local authority in default;

or by all three or any two of such methods for recovery, and the Administrator's certificate shall be *prima facie* evidence of the amount due by the urban local authority under this section.

(2) Die Administrateur kan kragtens sub-artikel (1), sy goedkeuring weerhou totdat hy genoeg neem met die grootte, ligging en titelbewys van die afgesonderte grond, en met die algemene ontwerp en aanleg van die lokasie of inboorlingdorp, en daarby met die ligging, aard en afmetings van geboue, en voorts met die bestaande water-, lig- en gesondheidsdienste, soos ander noodsaklike dienste vir die lokasie, inboorlingdorp of -tehuis, al na gelang.

(3) Voordat 'n gebied ingevolge paragraaf (b) van sub artikel (1) bepaal en afgesonder word, moet die Dorperaad (gestig ingevolge die Dorpe-Ordonnantie 11 van 1928, soos gewysig), geraadpleeg word, maar andersins geld die bepaling van sodanige Ordonnantie enige sodanige terrein geensins nie.

(4) Die aard en ligging van huisvesting wat 'n werkgever ingevolge paragraaf (e) van sub-artikel (1) verskaf, is onderworpe aan die goedkeuring van, en aan reëling deur, die stedelike plaaslike bestuur: Met dien verstande dat die stedelike plaaslike bestuur self verplig is om 'n sodanige reëling nie te kom betreffende elke Inboorling wat by hom werk.

(5) Die Gebiedsgeldende wetsbepalings op die notariële tenuitvoerlegging van huurkontrakte op grond, of die registrasie van sodanige huurkontrakte teen titelbewyse, betrek geen huurkontrak tussen 'n stedelike plaaslike bestuur en 'n Inboorling insake grond geleë binne 'n terrein bepaal en afgesondert kragtens paragraaf (a) of (b) van sub-artikel (1) of ter bewoning deur Inboorlinge goedkeur deur die Administrateur ingevolge paragraaf (c) van sub-artikel (1) van artikel nege nie.

#### ADMINISTRATEURSBEVOEGDHEDDE INSAKE ONDOELMATICHE INBOORLINGHUISVESTING IN STEDELIKE GEBIEDE.

3. (1) Wanneer ook al 'n Administrateursbeampte 'n stedelike plaaslike bestuur se reëlings ten behoeve van sy gewore Wefksinboorlinge te plaas in die openbaar ondersoek het — die stedelike plaaslike bestuur en ander belanghebbendes kan by so'n ondersoek verhoor word — en die Administrateur dan meer dat sodanige reëlings ondoenigmag is, kan die Administrateur die betrokke plaaslike bestuur gelas om binne 'n aangegewe tydperk een of meer van die stappe te doen waarop artikel twee du.

(2) Geen lokasie, Inboorlingdorp of inboorlingtehuis mag verwyder, verklein of afgeskaf word nie, buiten met Administrateurstoestemming, en dan slegs op sodanige vergoedings- en ander voorwaardes soos die Administrateur stel, ná oorleg met die stedelike plaaslike bestuur.

#### ADMINISTRATEURSBEVOEGDHEDDE WAAR STEDELIKE PLAASLIKE BESTUUR SY VERPLIGTINGS INGEVOLGE ARTIKEL DRIE VERSUIM.

4. (1) Waar 'n stedelike plaaslike bestuur binne die tydperk wat 'n kennissgewing uit hoofde van artikel drie aanstip, of binne 'n verlenging van sodanige tydperk toegestaan deur die Administrateur, versuim om te voldoen aan 'n vereiste ingevolge sodanige artikel, kan die Administrateur, ná skriftelike kennissgewing aan sodanige stedelike plaaslike bestuur, al die nodige uitvoer ter voldoening aan die vereiste; en daarvoer kan die Administrateur elke sodanige reg, mag en bevoegheid uitgeoefen wat die stedelike plaaslike bestuur ter sake sou of moes uitgeoefen het.

(2) Die Administrateur kan, op die tyd en voorwaardes, elke bestuurende of beherende bevoegdheid wat hierdie artikel hom verleen by skriftelike kennissgewing aan 'n stedelike plaaslike bestuur oordra of opnuut verleen.

(3) Gaan die Administrateur redelikwys kragtens hierdie artikel onkoste aan wat sy inkomste uit die uitvoering van sy bevoegdhede oorskry, kan hy sodanige onkoste verhaal deur —

- (a) 'n regsgeding teen die versuimende stedelike plaaslike bestuur in 'n bevoegde hof; of
- (b) die heffing van 'n spesiale belasting op belasbare eiendom binne die gebied van die versuimende stedelike plaaslike bestuur; of
- (c) die betrokke bedrag af te trek van enige onderstands-toekenning- of ander geldie wat uit die Gebiedsinkomstfonds aan die versuimende stedelike plaaslike bestuur sou toegewe het; of die Administrateur kan twee of al drie van die bovennoemde verhaalmiddelle toepas, en uit hoofde van hierdie artikel is sy sertifikaat bewys *prima facie* van die verskuldigde bedrag.

**PROCEDURE WHEN AT REQUEST OF LOCAL AUTHORITY ADMINISTRATOR TAKES OVER ANY LOCATION, ETC.**

(1) Notwithstanding anything contained in this Proclamation or in any other law the Administrator may upon the written request of any urban local authority and if he considers such a course desirable in the public interests take over the administration and control of any native location, native village or native hostel established under the provisions of this Proclamation and subject to the administration and control of such urban local authority and thereupon the Administrator shall, in addition to the powers vested in him by this Proclamation, exercise in respect of such native location, native village or native hostel all such rights powers and authorities and be subject to such duties and obligations as might have been exercised by or are imposed upon such urban local authority under the provisions of this Proclamation.

(2) The Administrator may whenever he deems fit by notice in the *Gazette* re-vest the urban local authority concerned with the administration and control of any such native location, native village or native hostel.

(3) Any expenditure reasonably incurred by the Administrator under this section in excess of the revenue derived from the exercise of the powers vested in him may be recovered by him from the urban local authority concerned in the same manner as it provided in sub-section (3) of the last preceding section and his certificate shall be *prima facie* evidence of the amount due by such urban local authority.

**RESTRICTIONS ON TRANSACTIONS FOR ACQUISITION OF LOTS OR PREMISES IN A LOCATION OR NATIVE VILLAGE.**

(1) Save as is specially provided in this Proclamation, no person other than a native or a company the interest wherein is held exclusively by natives shall enter into any agreement or transaction for the acquisition of any lot or premises situated in a native village or location or of any right to any such lot or premises or of any interest therein or servitude thereover.

(2) Any person who is a party to any attempted acquisition or to any agreement or transaction or to any act or default which is in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and, if any such act or default constituting the offence is a continuing one, the offender shall be liable to a further fine not exceeding five pounds for every day on which the act or default continues.

(3) Notwithstanding anything in this Proclamation contained —

- (a) any coloured persons ordinarily resident in a location recognised by law as a place for the residence of natives in any urban area at the commencement of the Natives (Urban Areas) Proclamation, 1924, and their descendants may reside in such location or, in the event of its removal or abolition, in any native village or location established in such area in place thereof, and as long as they continue so to reside may acquire the lease of lots or rent premises for their own occupation therein;
- (b) where in any urban area there were at the commencement of the Natives (Urban Areas) Proclamation, 1924, coloured persons ordinarily resident in a location recognized by law as a place for the residence of natives, the urban local authority shall, subject to such conditions as may be prescribed, permit coloured persons to reside in any native village or location established in such area and to rent premises for their own occupation therein until such authority has satisfied the Administrator that adequate and suitable accommodation is available for coloured persons elsewhere in such area;
- (c) any coloured person residing in a location as provided for in terms of the foregoing paragraphs, shall during such residence be considered as a native for the purposes of this Proclamation and any regulations issued thereunder;
- (d) any employer required to provide accommodation under the provisions of item (e) of sub-section (1) of section two may, with the approval of the Administrator and solely for the purpose of fulfilling that requirement, enter into an agreement or transaction mentioned in sub-section (1) hereof: Provided that if the lot or premises cease to be used for the purpose indicated above, the ownership thereof or any right thereto or any interest therein or servitude thereover acquired by an employer under any such agreement or

**PROCEDURE BY OORNAME VAN LOKASIES EN DERGE LIKES DEUR DIE ADMINISTRATEUR OP VERSOEK VAN 'N PLAASLIKE BESTUUR.**

(1) Andersluidende bepalinge in hierdie Proklamasie of in enige ander wet ten spyt, kan die Administrateur skriftelike versoeck van 'n stedelike plaaslike bestuur op hy dit bevorderlik ag vir die openbare belang, die administratiewe wat kragtens hierdie Proklamasie, -dorp, of onderhewig is aan administrasie en beheer deur sodanige Administrateur wat sodanige inboorlinglokasie, -dorp, of -steldele plaaslike bestuur, oorneem, en daarna oefen die huis betref elke reg, mag en bevoegdheid uit wat sodanige sou uitgeoefen het, en aanvaar die Administrateur die pliglike bestuur ingeval hierdie Proklamasie onderhewig sou uitgeoefen het.

(2) Die Administrateur kan, na eie goeddunke by kenniging in die *Offisiele Koerier* dat administrasie van, en beheer oor, 'n sodanige inboorlinglokasie, -dorp of -tehuis aan die betrokke stedelike plaaslike bestuur oordra of opnuut verleen.

(3) Gaan die Administrateur redelikerwys kragtens hierdie artikel onkoste aan wat sy inkomste uit die uitoefening van sy bevoegdheede oorskry, kan hy sodanige ekstra onkoste van die betrokke stedelike plaaslike bestuur verhaal net soos sub-artikel (3) van die voorafgaande artikel bepaal, en is sy sertifikaat 'bewys *prima facie* van die bedrag wat die stedelike plaaslike bestuur skuld.

**BEPERKINGS OP OOREENKOMSTE TER VERKRYGING VAN ERWE OF PERSELE IN 'N LOKASIE OF IN BOORLINGDORP.**

(1) Buiten waar hierdie Proklamasie uitdruklik anders luit, mag niemand behalwe 'n Inboorling of 'n maatskappy waarin slegs Inboorlinge belang heet, 'n ooreenkoms of transaksie aangaan ter verkryging van 'n erf of 'n perseel in 'n inboorlingdorp of -lokasie, of van enige reg op sodanige erf of perseel of van enige belang daarin of serwituut daaroor nie.

(2) Elke deelnemer aan 'n poging ter verkryging of aan 'n ooreenkoms of transaksie of aan 'n daad of verstek wat stydig is met hierdie artikel, is skuldig aan 'n misdryf, en is by skuldigbevinding onderhewig aan 'n boete van hoogstens honderd pond en, indien sodanige oortreding daad of verstek voortduur, is die oortreder onderhewig aan 'n bykomende boete van hoogstens vyf pond vir elke dag waarop die daad of verstek voortduur.

(3) Strydig bepalinge in hierdie Proklamasie ten spyt —

- (a) kan Kleurlinge wat by die inwerkingtreding van die „Natuurelen (Stedelike Gebieden) Proklamatie 1924“ in die reël woonagtig was in 'n lokasie wat wettig geld as inboorlingwoonplek in 'n stedelike gebied, en ook hulle afstammelinge, in sodanige lokasie bly woon, en indien sodanige lokasie verwyder of afgeskaf word, in enige inboorlingdorp of -lokasie wat in sodanige gebied in die plek daarvan opgerig word, woon, en kan hulle binne sodanige inboorlingdorp of -lokasie die huur van erwe verkyk of persele ter eie bewoning huur so lank hulle aldus bly woon;
- (b) moet die stedelike plaaslike bestuur van 'n stedelike gebied waarbinne daar by die inwerkingtreding van die „Natuurelen (Stedelike Gebieden) Proklamatie 1924“ Kleurlinge was wat in die reël in 'n lokasie gewoon het wat wettig as inboorlingwoonplek geld, Kleurlinge toelaat, onderhewig aan moontlik voorwaarde, om in enige inboorlingdorp of -lokasie binne sodanige gebied te woon, en om binne sodanige inboorlingdorp of -lokasie persele ter eie bewoning te huur tot tyd en wyl sodanige bestuur die Administrateur oortuig het dat voldoende en geskikte huisvesting elders in sodanige gebied vir Kleurlinge verkrygbaar is;
- (c) elke Kleurling wat in 'n lokasie (soos omskryf in die voorafgaande paragrawe) woon, word gedurende sodanige woon tyd vir die doel van hierdie Proklamasie hierdie en enige regulasies wat moontlik kragtens hierdie Proklamasie aangekondig word, as 'n Inboorling beskou;
- (d) elke werkgever wat ingevolge paragraaf (e) van sub-artikel (1) van artikel *twee* verplig is om huisvesting en verskaf, kan met Administrateursgoedkeuring en te verskaf, ter uitvoering van sodanige vereiste, 'n ooreenkoms ter transaksie genoem in sub-artikel (1) hiervan aangaan: Met dien verstande dat die eiendoms- en elke ander reg op sodanige erf of perseel en elke belang daarin en elke serwituut daaroor wat 'n werkgever uit enige sodanige ooreenkoms of transaksie verkyk,

transaction shall lapse, and such ownership, right, interest, or servitude shall vest in the urban local authority subject to payment of an amount to be agreed upon between the parties or, in default of agreement, an amount to be determined by arbitration in accordance with the law in force relating to arbitration in the Territory.

#### RESTRICTION AS TO RIGHT OF NATIVES TO ACQUIRE LAND IN URBAN AREAS OR RURAL TOWNSHIPS.

7. (1) Subject to the provisions of this section, no native and no association, corporate or unincorporate, in which a native has any interest, shall, except with the approval of the Administrator, given after consultation with the local authority concerned, enter into an agreement or transaction for the acquisition from any person other than a native of any land situated within an urban area or a rural township, or of any right to such land, or of any interest therein or servitude thereover.

(2) Any person who is a party to any attempt at acquisition, or to any agreement or transaction, which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) The provisions of this section shall not prohibit —

(a) the letting of any land in a location or native village; or

(b) the provision of accommodation —

(i) in a location, native village or native hostel; or

(ii) in any mission house, private hostel or similar institution approved by the Administrator in terms of paragraph (b) of sub-section (2) of section nine, or

(c) the acquisition of any land situated within any area approved by the Administrator for the residence of natives in terms of paragraph (c) of sub-section (2) of section nine of any right to any such land or of any interest therein or servitude thereover.

(4) In the application to this section of the provisions of section thirty-five, every reference to the commencement of the Natives (Urban Areas) Proclamation, 1924 (Proclamation No. 34 of 1924), shall be deemed to be a reference to the commencement of this Proclamation.

#### RESTRICTION ON TRANSACTIONS FOR ACQUISITION OF LAND IN CERTAIN AREAS BY PERSONS OTHER THAN NATIVES.

8. (1) Save as is specially provided by this Proclamation, no person other than a native or an association, corporate or unincorporate, in which natives have a controlling interest, shall, except with the approval of the Administrator, given after consultation with the urban local authority concerned, enter into any agreement or transaction for the acquisition from a native or from any association, corporate or unincorporate, in which natives have a controlling interest, of any land or of any right to, or interest in or servitude over any land, which is situated in an area approved by the Administrator for the residence of natives in terms of paragraph (c) of sub-section (2) of section nine, or in an area within the jurisdiction of the local authority which the Administrator has, after consultation with the local authority, declared by notice in the Gazette to be an area predominantly occupied by natives.

(2) (a) The provisions of sub-section (1) shall not apply in respect of a mortgage bond over land the terms and conditions of which conform substantially to and are not more onerous to the mortgagor than those of a specimen mortgage bond which the Administrator shall publish in the Gazette for the purposes of this section as soon as practicable after the coming into operation of this Proclamation.

(b) The Administrator may in like manner from time to time modify the terms and conditions of such specimen bond but without affecting the terms and conditions of any existing mortgage bond.

(3) Any person who is a party to any attempt at acquisition, or to any agreement or transaction, which is in contravention of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(4) In the application to this section of the provisions of section thirty-five, every reference to the commencement of the Natives (Urban Areas) Proclamation, 1924 (Proclamation No. 34 of 1924), shall be deemed to be a reference to the commencement of this Proclamation.

veral sodra sodanige erf of perseel nie meer vir die bogenoemde doel gebruik word nie, en dat sodanige eiendoms- of ander reg, belang, of serwituit by betrekking van 'n bedrag waaroor die partye hul enig, of (by gebrek aan enigheid) 'n bedrag deur arbitrasie bepaal ooreenkoms die Gebiedsgeldende arbitrasiewette verleen word aan die stedelike plaaslike bestuur.

#### BEPERKINGS VAN DIE REG VAN INBOORLINGE OP DIE VERKRYGING VAN GROND IN STEDELIKE GEBOENDEEN IN PLATTELANDSE DORPE.

7. (1) Onderhewig aan die bepaling van hierdie artikel, mag geen Inboorling en geen vereniging (hetys met of sonder regspersoonlikheid), waarby 'n Inboorling belang het, 'n ooreenkoms of transaksie aangaan ter verkryging, deur iemand buiten 'n Inboorling, van grond binne 'n stedelike gebied of plattelandse dorp of van enige reg op sodanige grond, of enige belang daarby of serwituit daaroor nie, buiten met die toestemming van die Administrateur gegee na oorelog met die betrokke plaaslike bestuur.

(2) Elkeen wat deelneem aan 'n poging tot verkryging, of 'n ooreenkoms of transaksie wat strydig is met hierdie artikel, is skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete van hoogstens eenhonderd pond.

(3) Die bepaling van hierdie artikel verbied nie —

(a) die verhuur van grond in 'n lokasie of inboorlingdorp; or

(b) die verskaffing van huisvesting —

(i) in 'n lokasie, inboorlingdorp of inboorlingtehuis; nog

(ii) in 'n sendelng huis, private tehuis, of dergelyke inrigting wat die Administrateur ingevolge paragraaf

(b) van sub-artikel (2) van artikel nege goedkeur; nog

(c) die verkryging van grond geleë binne 'n terrein wat die Administrateur ingevolge paragraaf (c) van sub-artikel (2) van artikel nege ter bewoning deur Inboorlinge goedkeur, nog die verkryging van enige reg op sodanige grond, nog van enige belang daarby of serwituit daaroor nie.

(4) By die toepassing van die bepaling van artikel vyf-en-dertig op hierdie artikel word elke verwysing na die inwerktingreding van die „Naturellen (Stedelike Gebieden) Proklamatie 1924“ (Proklamasie 34 van 1924) gehou vir 'n verwysing na die inwerktingreding van hierdie Proklamasie.

#### BEPERKINGS OP TRANSAKSIES TER VERKRYGING VAN GROND IN SEKERE GEBIEDE DEUR ANDERE BUITEN INBOORLINGE.

8. (1) Behalwe waar hierdie Proklamasie uitdruklik anders bepaal, mag slegs 'n Inboorling of 'n vereniging (met of sonder regspersoonlikheid) waarin Inboorlings heersende belang het, 'n ooreenkoms of transaksie met 'n ander Inboorling of met so 'n vereniging aangaan ter verkryging van grond, of van enige reg op grond, of belang by, of serwituit oor grond geleë op terrein wat die Administrateur ingevolge paragraaf (c) van sub-artikel (2) van artikel nege ter bewoning deur Inboorlinge goedkeur, of geleë binne 'n gebied, onder die regsheer van 'n plaaslike bestuur, wat die Administrateur (na beraad met sodanige bestuur) by kennisgewing in die Offisiële Koerant tot oorweging 'n inboorlingwoonbuurt uitroep, tensy die Administrateur (na beraad met die betrokke stedelike plaaslike bestuur) die ooreenkoms of transaksie goedkeur.

(2) (a) Die bepaling van sub-artikel (1) hierbo sluit 'n grondverband uit waarvan die bedinge en voorwaarde wesenlik ooreenstem met, en wat die verbandhouers hoogstens ewevelle beswáar as, die bedinge en voorwaarde van die voorbeeld-verbandakte wat die Administrateur, met die oog op hierdie artikel, so goet doenlik ná die inwerktingreding van hierdie Proklamasie, in die Offisiële Koerant laat verskyn.

(b) Desgelyks kan die Administrateur van tyd tot tyd die bedinge en voorwaarde van so 'n voorbeeld-verbandakte wissig, maar dan sonder om afskeuk te doen aan die bedinge en voorwaarde van 'n bestaande verbandakte.

(3) Elke deelnemer aan 'n poging tot verkryging, of aan 'n ooreenkoms of transaksie wat strydig is met hierdie artikel, is skuldig aan 'n misdryl, en is by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd pond.

(4) By die toepassing van die bepaling van artikel vyf-en-dertig op hierdie artikel, word elke verwysing na die „Naturellen (Stedelike Gebieden) Proklamatie 1924“ (Proklamasie 34 van 1924) gehou vir 'n verwysing na die inwerktingreding van hierdie Proklamasie.

## SEGREGATION OF NATIVES IN URBAN AREAS.

9. (1) Whenever the Administrator deems it expedient, he may, by notice in the *Gazette*, declare that, from and after a date to be specified therein, all natives within the limits of any urban area or any specified portion thereof other than those exempted under sub-section (2) shall, subject to the provisions of this section, reside in a location, native village or native hostel.

(2) The following natives shall be exempt from the operation of any notice issued under sub-section (1), but any native may be required by an authorised officer to produce proof that he falls within one of the classes hereby exempted, and if upon demand he fails to produce such proof to the officer, he shall *prima facie* be presumed not to be so exempted:

- (a) any native who is at the time actually employed in *bona fide* domestic service and for whom sleeping and sanitary accommodation to the satisfaction of the urban local authority has been provided by his employer. Such native shall be supplied by his employer with a document proving such service;
- (b) any native resident of a mission house, private hostel or similar institution specially approved by the Administrator with the concurrence of the urban local authority concerned, which approval with like concurrence may be withdrawn;
- (c) any native residing in an area within the jurisdiction of the urban local authority which the Administrator, by notice in the *Gazette*, has, with the concurrence of the urban local authority concerned, approved for the residence of natives;
- (d) any other native who has been exempted, either permanently or for a prescribed period, by the urban local authority, unless such exemption is cancelled by the Administrator after consultation with the local authority and an inquiry by the native commissioner of the area within which such native resides, at which inquiry such native shall be entitled to be heard.

(3) Any native (other than a native exempted under sub-section (2) residing outside a location, native village or native hostel in an area proclaimed under sub-section (1), who, after having been served with a written notice, signed by an officer appointed by the urban local authority or by the Administrator for the purpose, calling upon him to take up within a reasonable period, which period shall be clearly stated in the notice and shall be not less than three days from the date of the service of such notice, his residence in a location, native village or native hostel specified in such notice in which accommodation is available for him, resides, after the expiration of the period stated in the notice, outside a location, native village or native hostel in any urban area the whole or any portion whereof has been the subject of a declaration under sub-section (1), shall be guilty of an offence.

(4) Any owner, lessee, occupier or person in charge or control of any premises situate in an area the subject of a declaration under sub-section (1) and not included in any location or native village, who accommodates on those premises any native who is not exempted by or under sub-section (2) or permits him to be so accommodated, shall be guilty of an offence.

If any native resides or is accommodated on any premises, the owner, lessee, occupier or person in charge or control thereof shall be deemed to have accommodated that native on those premises, unless it is proved that he did not know that the native was so residing or was being so accommodated, and that he could not by the exercise of reasonable care have prevented him from so residing or being so accommodated.

(5) (a) The urban local authority having jurisdiction in any area the subject of a declaration under sub-section (1) shall, if the Administrator so directs, by written notice served upon any person who conducts any school or other institution for secular instruction or any entertainment or premises situated within that area and outside a location, native village, native hostel or area approved by the Administrator for residence of natives in terms of paragraph (c) of sub-section (2) mainly for the benefit of natives, direct that person to cease to conduct that school, institution or entertainment elsewhere than within a location, native village, native hostel or area so approved within a period stated in the notice, not being less than six months after service of the notice, and any such person who fails to comply with the directions set forth in any such notice, shall be guilty of an offence: Provided that the Administrator shall, at the request of the owner of the premises on which any such school

## AFSONDERING VAN INBOORLINGE IN STEDELIKE GEBIEDE.

9. (1) Die Administrateur kan na goeddunke by kennisdatum wat daarin staan, elke Inboorling binne die perke van 'n stedelike gebied of 'n bepaalde gedeelte daarvan, buiten of inboorlingtehus moet woon, onderhewig aan die bepaling van hierdie artikel.

(2) Die ondergenoemde Inboorlinge is vrygestel van die werkung van elke kennisgewing wat kragtens sub-artikel (1) uitgereik word, maar 'n gemagtigde kan van 'n Inboorling bewys eis dat hy ressorteer onder 'n kategorie wat hierby vrygestel word, en indien sodanige Inboorling dan geen sodanige bewys kan lewer nie, word daar aangeneem *prima facie* dat hy nie aldus vrygestel is nie:

- (a) elke Inboorling wat toertyds werklik en te goeder trou as huisebiedende optree, en aan wie sy werkgever slaap- en sanitasierewe verskaf het, ten genoeie van die stedelike plaaslike bestuur. Sodanige werkgever moet aan sodanige Inboorling 'n dokument verskaf as bewys van sodanige diens;
- (b) elke Inboorling woonagtig in 'n sendinghuis, private tehuise of soortgelyke inrigting wat die Administrateur uitdruklik goedkeur met instemming van die betrokke stedelike plaaslike bestuur — sodanige goedkeuring en instemming kan teruggetrek word;
- (c) elke Inboorling woonagtig binne 'n gebied onder die regsheer van die stedelike plaaslike bestuur wat die Administrateur by kennisgewing in die *Offisiële Koerant* met instemming van die betrokke stedelike plaaslike bestuur, as woonplek vir Inboorlinge goedkeur het;
- (d) elke ander Inboorling wat óf blywend óf 'n voorgeskrewe tydlynk, deur die stedelike plaaslike bestuur vrygestel is, deur die Administrateur sodanige vrystelling intrek na orleg met die plaaslike bestuur en ná 'n ondersoek deur die naturellekommissaris van die gebied waarin sodanige Inboorling woon, waarby die Inboorling die reg op verhoor het.

(3) Elke Inboorling (buiten 'n Inboorling wat ingevoegde sub-artikel (2) vrygestel is) woonagtig buitekant 'n lokasie, inboorlingdorp of inboorlingtehus binne 'n gebied kragtens sub-artikel (1) geproklameer, wat, nadat 'n skriftelike kennisgewing onderteken deur 'n bepakte wat die stedelike plaaslike bestuur of die Administrateur daartoe aansluit, waarin hy gelas word om binne 'n redelike tydperk — sodanige tydperk moet duidelik in die kennisgewing vermeld word en moet minstens tot drie dae ná die datum van diening van die kennisgewing strek — in 'n lokasie, inboorlingdorp of inboorlingtehus soos in die kennisgewing vermeld waar daar vir hom huisvesting beskikbaar is, te gaan woon, op hom gedien is, ná verstryking van die tydperk soos in die kennisgewing vermeld nog altyd buitekant 'n lokasie, inboorlingdorp of inboorlingtehus woon binne 'n stedelike gebied in sy geheel of gedeeltelik kragtens sub-artikel (1) geproklameer, is skuldig aan 'n oortreding.

(4) Elke eienaar, huurder, bewoner, beheerdeur of oppasser van 'n perseel geleë binne 'n gebied kragtens sub-artikel (1) geproklameer, en nie deel van 'n lokasie of inboorlingdorp nie, wat op sodanige perseel huisvesting verleent aan 'n Inboorling wat kragtens sub-artikel (2) vrygestel is nie) of wat toelaat dat sodanige Inboorling aldus gehuisves word, is skuldig aan 'n oortreding.

Indien 'n Inboorling op 'n perseel woon of bly, word die eienaar, huurder, bewoner, beheerdeur of oppasser van sodanige perseel beskou as die huisvader van sodanige Inboorling, tensy daar bewys gelewer word dat hy nie geweet het dat sodanige Inboorling aldus op die perseel gewoon of gebly het nie; en dat hy sodanige Inboorling nie deur die uitoefening van rede-like sorg kon verhinder het om aldus te woon of te bly nie.

(5) (a) Indien die Administrateur dit eis, moet die stedelike plaaslike bestuur wat regsheer het oor 'n geproklameerde gebied kragtens sub-artikel (1), die hoof van 'n skool of ander inrigting vir nie-kerklike onderrig, of van 'n vermaakklikeheidsoord waaruit Inboorlinge die meeste voordeel trek, geleë op 'n perseel binne sodanige gebied en buitekant 'n lokasie, inboorlingdorp of inboorlingtehus, of binne 'n gebied wat die Administrateur ingevoegde paragraaf (c) van sub-artikel (2) as inboorlingwoonplek goedkeur, deur diening van 'n skriftelike kennisgewing op sodanige hoof, gelas om binne 'n tydperk in die kennisgewing bepaal (wat moet minstens ses maande na diening van die kennisgewing moet strek) die leiding van sodanige skool, inrigting of vermaakklikeheidsoord te staak, behalwe in 'n lokasie, inboorlingdorp, inboorlingtehus of sodanige goedkeurde gebied, en elke een wat versuum om die bepaling van sodanige kennisgewing na te kom, is skuldig aan 'n oortreding: Met dien verstande dat die Administrateur sodanige perseel waarop sodanige

or other institution is being conducted, acquire the said premises: Provided also that the Administrator shall take into consideration the reasonable recreational requirements of natives whose residence is with their employers or who are otherwise exempt from residence in the location, native village or native hostel.

(b) In the absence of agreement as to the price to be paid therefor, such price shall be determined in accordance with the law relating to arbitration in force in the Territory.

(c) In addition to the price paid for such premises, the Administrator may pay to the person or body, to whom such school or institution belongs, such compensation as he may consider to be reasonable for any loss or inconvenience sustained by such person or body as a result of a direction issued under paragraph (a).

(d) The Administrator may, at the request of any person who conducts a church upon premises situated in any area the subject of a declaration under sub-section (1) and outside a location, native village or area approved by the Administrator under paragraph (c) of sub-section (2), if he is satisfied that such person intends to conduct a church in the location or village in lieu of such first-mentioned church, acquire such premises at a price which may include compensation in accordance with the provisions of paragraph (c).

(6) No person shall conduct, on premises situated within any urban area outside a location, native village, native hostel or area approved by the Administrator for residence of natives in terms of paragraph (c) of sub-section (2), any church, school or other institution or any place of entertainment which was not in existence at the commencement of this Proclamation, mainly for the benefit of natives without the approval of the Administrator given with the concurrence of the local authority concerned, which approval may with like concurrence be withdrawn.

(7) No European shall, without the approval of the Administrator given with the concurrence of the local authority concerned, which approval may with like concurrence be withdrawn, reside in any location or native village: Provided that—

(a) any officer of the Department of Native Administration of a local authority; and

(b) any member of the South African Police,

with his family, may, for the better carrying out of his duties as such officer or member, reside in a location or native village without such approval and provided also that due consideration shall be given to the religious, educational and social needs of such location or native village as may make desirable the residence of an accredited European worker.

#### RESTRICTION OF RIGHT OF NATIVES TO ENTER AN URBAN AREA FOR CERTAIN PURPOSES.

10. (1) The Administrator shall, if requested to do so by a resolution adopted by a duly constituted meeting of any urban local authority, by notice in the *Gazette*, declare that from and after a date to be specified therein no native shall enter the urban area under the jurisdiction of that urban local authority for the purpose of seeking or taking up employment or residing therein, otherwise than in accordance with conditions to be prescribed by the Administrator in that notice; and the Administrator may at any time, after consultation with the urban local authority concerned, of his own motion issue any such notice in respect of any urban area.

(2) The Administrator may, if requested to do so by a resolution adopted by a duly constituted meeting of the urban local authority by further notice in the *Gazette*, repeal or suspend the operation of any notice issued by him under sub-section (1) at the request of that urban local authority, and may at any time, after consultation with the urban local authority concerned, if he thinks fit to do so, by further notice in the *Gazette* repeal or suspend the operation of any notice issued by him under sub-section (1) of his own motion.

(3) Any native who contravenes the provisions of any such notice shall be guilty of an offence.

#### INTRODUCTION OF NATIVES INTO URBAN AREAS WHERE REGISTRATION OF NATIVES IS IN FORCE.

11. (1) No person shall introduce any native into any urban area in which the Administrator or the local authority concerned exercises under section twenty-two the powers referred to in paragraph (a) of sub-section (1) of that section, in order that that native shall seek or take up employment therein, without the written permission of an officer assigned for the purpose by the Administrator or the local autho-

skool of ander inrigting bestuur word, op versoek van die eenlaer van sodanige perseel kan aankoop: Met dien verstande voorts dat die Administrateur wel die redelike ontpinningsbehoefte van Inboorlinge wat by hul werkgevers woon of wat andersins vrygestel is van verblyf in die lokasie, 'n inboorlingdorp of inboorlingtehuis, in aanmerking neem.

(b) By gebrek aan 'n kooprys-ooreenkoms, word die prys bepaal ooreenkomstig die Gebiedswette op arbitrasie.

(c) Die Administrateur kan, benewens die bedrag wat vir sodanige perseel betaal is, aan die persoon of liggaam aan wie sodanige skool of inrigting behoort, sodanige vergoedingsbedrag betaal soos hy redelik bevind vir verlies of ongerief wat sodanige persoon of liggaam weens 'n lasgewing ingevolge paragraaf (a) gely het.

(d) Op versoek van iemand wat 'n kerk beheer op 'n perseel geleë binne 'n gebied ingevoige sub-artikel (1) gepklamer, en buite 'n lokasie, inboorlingdorp of 'n gebied wat die Administrateur ingevoige paragraaf (c) van sub-artikel (2) goedkeur, kan die Administrateur by oortuiging dat so iemand wel 'n kerk in die lokasie of dorp in die plek van die eersgenoemde kerk wil beheer, genoemde perseel aankoop teen 'n bedrag wat vergoeding ingevoige paragraaf (c) kan insluit.

(6) Niemand mag op 'n perseel geleë binne 'n stedelike gebied buitekant 'n lokasie, inboorlingdorp, inboorlingtehuis of gebied wat die Administrateur ingevoige paragraaf (c) van sub-artikel (2) as inboorlingwoonplek goedkeur, 'n kerk, skool of ander inrigting, of 'n vermaakklikeheidspiek, wat by die inwerktingrediening van hierdie Proklamasie nog nie bestaan het nie, hoofsaklik ten voordele van Inboorlinge beheer nie, sonder die goedkeuring van die Administrateur, verleen met instemming van die betrokke plaaslike bestuur; sodanige goedkeuring en sodanige instemming kan teruggetrek word.

(7) Geen Blanke mag sonder Administrateursgoedkeuring, gegee met die instemming van die betrokke plaaslike bestuur, — sodanige goedkeuring en sodanige instemming kan teruggetrek word — in 'n lokasie of inboorlingdorp woon nie: Met dien verstande dat —

(a) elke beampie van die Afdeling Inboorling-administrasie van 'n plaaslike bestuur; en

(b) elke lid van die Suid-Afrikaanse Polisie, met sy gesin ter doelmatige ampsvervulling sonder sodanige goedkeuring in 'n lokasie of inboorlingdorp mag woon, en met dien verstande voorts dat die godsdienstige, opvoedkundige en maatskaplike behoeftes van sodanige lokasie of inboorlingdorp dermate aandag geniet dat inwoners daarvan deur 'n erkende blanke werker wenslik is.

#### BEPERKING OF INBOORLING SE REG OM 'N STEDELIKE GEBIED MET BEPAALDE OOGMERKE BINNE TE KOM.

10. (1) Op versoek Ingelyk 'n besluit van 'n behoorlik saamgestelde stedelike plaaslike bestuursvergadering, kan die Administrateur by kennismaking in die *Offisiële Koerant* verklaar dat geen Inboorling vanai en ná die daarin aangegewe datum die regsgebied van die stedelike plaaslike bestuur binne mag kom om daar werk te soek of te aanvaar, of om daar te woon nie, buiten op voorwaarde wat die Administrateur in sodanige kennismaking voorskryf; en die Administrateur kan te eniger tyd na oorleg met die betrokke stedelike bestuur 'n kennismaking wat ingelyk sub-artikel (1) geskied het, uit elke beweging intrek, of die werking daarvan opskort.

(2) Word die Administrateur Ingelyk 'n besluit van 'n behoorlik saamgestelde stedelike plaaslike bestuursvergadering daartoe versoek, kan hy 'n kennismaking wat ingelyk sub-artikel (1) geskied het, by 'n opvolgende kennismaking in die *Offisiële Koerant* intrek of opskort; en die Administrateur kan te eniger tyd na oorleg met die betrokke stedelike bestuur 'n kennismaking wat ingelyk sub-artikel (1) geskied het, uit elke beweging intrek, of die werking daarvan opskort.

(3) Elke Inboorling wat die bepalings van so 'n kennismaking oortree, is skuldig aan 'n misdryf.

#### DIE INVOERING VAN INBOORLINGE IN STEDELIKE GEBIEDE WAAR INBOORLINGE GEREGSTREER MOET WORD.

11. (1) Sonder skriftelike toestemming van 'n beampie (deur die Administrateur of die plaaslike bestuur daartoe aangewys) mag niemand 'n Inboorling in 'n stedelike gebied waaroor die Administrateur of die betrokke plaaslike bestuur kragtens artikel *twee-en-twintig* die bevoegdhede uitvoer waarnaar paragraaf (a) van sub-artikel (1) van hierdie artikel verwys, ten einde sodanige Inboorling binne sodanige stedelike gebied werk te laat soek of aanvaar nie, en so 'n

rity, as the case may be, and no such officer shall grant his permission unless the person introducing the native or any person who employs or intends to employ the native has given security to his satisfaction that if the native does not find employment within a time fixed by him, or at the termination of any contract of employment entered into or that may be entered into by the native, he will be returned to his home or his last place of residence.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

(3) Whenever the Administration or the Union Railways and Harbours Administration has introduced any native who is in its employ or whom it intends to employ into any such urban area, it shall, at the request of the officer so assigned, at its expense, return that native to his home or his last place of residence, if it does not take that native into its employ or if any contract of employment entered into between it and that native has expired or been terminated.

#### REMOVAL OF NATIVES WHO HAVE UNLAWFULLY ENTERED AN URBAN AREA.

12. (1) Any native who has been convicted under subsection (3) of section ten or who has been introduced into any urban area in contravention of the provisions of sub-section (1) of section eleven may be removed from the area to his home or last place of residence under a warrant issued by a magistrate or native commissioner and addressed to any police officer.

(2) A magistrate or native commissioner may, in issuing a warrant under sub-section (1), order that the cost of removal of such native be met from money found in his possession or otherwise belonging to him or accruing to him from any source.

(3) Any person convicted under sub-section (2) of section eleven of having introduced a native into an urban area in contravention of the provisions of sub-section (1) of that section may be required by order of the court which convicted him, made at the time of his conviction or at any time thereafter to pay the costs of the removal of that native under warrant in terms of sub-section (1).

(4) A warrant may be issued under sub-section (1), or an order may be made under sub-section (3), notwithstanding the fact that a penalty has been imposed under this Proclamation or any other law upon the person against whom the warrant is issued or the order is made.

#### RESIDENCE AND CONGREGATION OF NATIVES WITHIN FIVE MILES OF URBAN BOUNDARY.

13. (1) Except with the written approval of the Administrator given after consultation with the local authority concerned and conveyed in writing under the hand of the Chief Native Commissioner, no owner, lessee or occupier of land situated outside an urban area within five miles of the boundary thereof shall allow natives to congregate upon, or any native who is not bona fide in his employ to reside upon, or to occupy any dwelling on, that land; and except in accordance with the approval of the Administrator so conveyed, natives shall not congregate upon, and no native who is not bona fide in the employ of the owner, lessee or occupier of such land shall reside upon or occupy any dwelling on, the land.

(2) The Administrator may, by notice in the Gazette, increase the limit of five miles mentioned in sub-section (1) up to ten miles in the case of any particular urban area.

(3) Any person who contravenes any provision of this section shall be liable on conviction to a fine not exceeding fifty pounds.

(4) The provisions of this section shall be in addition to and not in substitution for the provisions of any law relating to the occupation of or residence upon land by natives.

(5) This section shall not apply to —

- (a) any native who is the registered owner of any such land as is referred to in sub-section (1);
- (b) the wife, minor child, unmarried daughter or bona fide dependant of any native referred to in paragraph (a) or of any native employed exclusively in farming operations by the owner, lessee or occupier of land referred to in sub-section (1), so long as she or he resides with such native, or any widow of such first-mentioned native or minor child of such first-mentioned native residing with the widow;

aangewese beample verleen sy toestemming slegs wanneer die invoerder van die huidige of aanstaande werkgever ten genoegte van die beample sekerheid gestel het dat die Inboorling na sy tuiste of sy jongste woonplek teruggestuur sal ampte vasstel, of na afloop van 'n tydperk wat die bevoorrading aangegaan het, of kan aangaan, nog geen werk gevind het nie.

(2) Elkeen wat die bepalings van sub-artikel (1) oortree, is skuldig aan 'n misdryf.

(3) Wanneer ook al die Administrasie van Suidwes-Afrika of die Unie se Administrasie van Spoorweë en Hawens 'n Inboorling wat in hulle diens is of wat hulle voorname is om in diens te neem, in so 'n stedelike gebied ingevoer het, eie koste sodanige Inboorling na sy tuiste of jongste woonplek terugstuur, indien hulle sodanige Inboorling nie in diens neem nie, of indien 'n dienskontrak tussen hulle en sodanige Inboorling verstryk het of beëindig is.

#### VERWYDERING VAN INBOORLINGE WAT 'N STEDELIKE GEBIED ONWETTIG BINNEGEKOM HET.

12. (1) Elke Inboorling wat kragtens sub-artikel (3) van artikel tien skuldig bevind is, of wat strydig met die bepalings van sub-artikel (1) van artikel elf in 'n stedelike gebied ingevoer is, kan kragtens 'n lasbrief uitgereik deur 'n magistraat of naturelle-kommissaris en gerig aan 'n polisbeample, uit die gebied verwyder word na sy tuiste of sy jongste woonplek.

(2) Elke magistraat of naturelle-kommissaris kan middels 'n lasbrief kragtens sub-artikel (1) beveel dat die koste van die verwydering van sodanige Inboorling gedek word uit geld wat vir hom het, of wat andersins aan hom behoort of hom uit enige bron toekom.

(3) Elkeen wat ingevolge sub-artikel (2) van artikel elf skuldig bevind is dat hy 'n Inboorling in 'n stedelike gebied ingevoer het strydig met die bepalings van sub-artikel (1) van sodanige artikel, kan deur bevel van die vonnisselvende hof, of by sy skuldigbevinding of te eniger tye daarne, gelas word om die koste van die verwydering van sodanige Inboorling kragtens lasbrief ingevolge sub-artikel (1) te dra.

(4) 'n Lasbrief kan kragtens sub-artikel (1), of 'n bevel kragtens sub-artikel (3) uitgereik word, selfs al is dit 'n straf kragtens hierdie Proklamasie of kragtens enige ander wet opgelê aan die persoon teen wie die lasbrief uitgereik is, of toe bevel verleën is.

#### VERBLYF EN VERGADERING VAN INBOORLINGE BINNE VYF MYL VANAF DIE STEDELIKE GRENΣ.

13. (1) Buitin met die skriftelike goedkeuring van die Administrateur, verleen na oorleg met die betrokke stedelike plaaslike bestuur en skriftelike onder die handtekening van die Hoofnaturelle-kommissaris oorgedra, mag geen eiernaar, huurdier of bewoner van grond geleë buitekant 'n stedelike gebied en binne vyf myl van af die grens daarvan, Inboorlinge toelaat om op sodanige grond te vergader, of enige Inboorling wat nie te goeder trou in sy diens is nie toelaat om op sodanige grond te woon, of om 'n woning op sodanige grond te bewoon; en sonder die aldus oorgebragte goedkeuring van die Administrateur mag geen Inboorling op sodanige grond vergader, en mag geen Inboorling wat nie te goeder trou in diens is van die eiernaar, huurdier of bewoner van sodanige grond nie, op sodanige grond woon of 'n woning daarop bewoon nie.

(2) Die Administrateur kan, by kennigsingew in die Offisiële Koerant, die afstand van vyf myl wat sub-artikel (1) vermeld, vir 'n bepaalde stedelike gebied tot tien myl toe verleng.

(3) Elkeen wat 'n bepaling van hierdie artikel oortree, is by skuldigbevinding onderhewig aan 'n boete van hoogstens vyftig pond.

(4) Die bepalings van hierdie artikel geld ewe seer as die bepalings van enige ander wet op die bewoning van, of die verblyf op, grond deur Inboorlinge, en vervang sodanige ander werltelyke geensins nie.

(5) Hierdie artikel geld nie —

- (a) 'n Inboorling wat die geregistreerde eiendaar is van grond genoem in sub-artikel (1) nie;
- (b) die vrou, minderjarige kind, ongehuwde dogter of afhanglike te goeder trou van 'n Inboorling genoem in paragraaf (a) of van 'n Inboorling wat uitsluitend in die boerderybedryf werk by 'n eiendaar, huurdier of bediende van grond genoem in sub-artikel (1) solank sy woon van grond genoem in sub-artikel (1) weduwe van of hy sodanige Inboorling woon, of 'n weduwe van sodanige Inboorling soos eersgenoemde hierbo, of 'n minderjarige kind van 'n Inboorling soos eersgenoemde hierbo wat by sodanige weduwe woon nie;

(c) any native who is the head of a kraal, the inhabitants of which are in the *bona fide* employment of the owner, lessee, or occupier of any such land as is referred to in sub-section (1);

(d) the residence of natives in any native reserve lawfully established, or in any township specially exempted by the Administrator.

(6) In any criminal proceedings under sub-section (1) against an owner, lessee or occupier of land referred to in that sub-section for unlawfully allowing a native to reside upon or to occupy a dwelling on that land, it shall be presumed until the contrary is proved, that such native was not, during the period covered by the charge, in the *bona fide* employ of the accused.

#### POWERS OF LOCAL AUTHORITY IN RESPECT OF ESTABLISHMENT AND MAINTENANCE OF LOCATIONS, NATIVE VILLAGES AND NATIVE HOSTELS.

14. (1) For the purpose of providing, setting apart, establishing, equipping and maintaining any location, native village or native hostel, or of providing services or amenities for the benefit of the natives, whether under this Proclamation or otherwise, any urban local authority may, subject to the approval of the Administrator —

(a) acquire any land or interest in land within or without the urban area deemed by the urban local authority to be necessary. In default of agreement with the owner or the holder of the interest, the provisions of the law in force in the Territory relating to the expropriation of land for public purposes shall apply in respect of such acquisition: Provided that, in determining the amount payable for any land or interest in land so acquired, there shall be allowed not more than the price which may be fairly computed to be the price which would be obtained for such land as between a willing seller and a willing buyer, *plus*, in the case of damage sustained by the owner of such land as a direct result of the expropriation, an amount not exceeding ten per cent. of that price: Provided further that when an urban local authority wishes to acquire land without the urban area, and such land is portion of a farm and such acquisition would unduly interfere with the full and beneficial occupation of the remainder of the said farm the urban local authority shall not be entitled to expropriate such land unless it expropriates such portion of the remainder of the said farm as is reasonable in the circumstances of the case, and in default of agreement the matter shall be decided by arbitration in accordance with the law in force relating to arbitration in the Territory;

(b) borrow moneys on the security of the urban local authority's rates or on the security of any location, native village or native hostel or under any law to provide facilities for the construction of dwellings, or to provide services or amenities for natives, subject to repayment upon such terms and conditions as may be approved;

(c) advance moneys or supply material on credit to approved natives for the construction or acquisition of houses or huts subject to such terms and conditions as may be approved.

(2) Any urban local authority may acquire any land within the area under its jurisdiction or any interest in such land owned or held by a native, and the provisions of paragraph (a) of sub-section (1) shall apply in respect of such acquisition.

(3) Whenever any native residing in an urban area on land of which he is the owner or in which he holds any interest is required under the provisions of this Proclamation to reside elsewhere than on such land the urban local authority exercising jurisdiction shall at his request acquire such land or interest at a price, in default of agreement, to be determined in the manner described in paragraph (a) of sub-section (1).

(4) Notwithstanding anything in any law contained, the cost of any arbitration proceedings in connection with the acquisition of any land or interest in land under sub-section (2) or (3) shall be borne by the urban local authority acquiring such land or interest.

(5) The powers conferred by this section shall be exercised by an urban local authority in accordance with the relevant provisions of any law governing such authority.

(c) 'n Inboorling wat die hoof is van 'n kraal waarvan die inwoners te goeder trou in diens is van die elenaar, huurder of bewoner van grond genoem in sub-artikel (1) nie;

(d) die verbyval van Inboorlinge in 'n inboorlingreservé wat wettig gestig is, of in 'n dorp wat die Administrateur uitdruklik vrystel nie.

(6) By 'n strafproses ingevolge sub-artikel (1) teen 'n elenaar, huurder of bewoner van grond genoem in sodanige sub-artikel, waarin hom ten laste gelê word dat hy 'n Inboorling wedergretelik toegelaat het om op sodanige grond te woon of om 'n woning daarop te bewoon, word daar aangevoeg, totdat die teendeel bewys word, dat sodanige Inboorling gedurende die tydperk wat die akte van beskuldiging vermeld, te goeder trou in diens van die beskuldigde was.

#### BEVOEGDHED VAN PLAASLIKE BESTUUR TEN OPSIGTE VAN DIE STIGTING EN INSTANDHOUING VAN LOKASIES, INBOORLINGDORP EN INBOORLINGTEHUISE.

14. (1) Ter daarstelling, afsondering, stigting, uitrusting, en instandhouding van enige lokasie, inboorlingdorp of inboorlingtehuis, of ter verskaffing van dienste of gerieve aan Inboorlinge, hetsy kragtens hierdie Proklamasie of andersins, kan enige stedelike plaaslike bestuur, onderhewig aan die goedkeuring van die Administrateur:—

(a) na goeddunne van die stedelike plaaslike bestuur grond, of 'n belang by grond geleë binne van buite die grense van die stedelike gebied, verkry. By gemis aan ooreenstemming met die elenaar of die belanghebbende, geld die Gebiedswette op die onteiening van die grond vir openbare gebruik op sodanige verkryging: Met dien verstaande dat, by die bepaling van die bedrag betaalbaar ten opsigte van enige aldus verkreeë grond of belang by grond, daar hoogstens die bedrag van die prys wat redelikerwys bereken sou word vir sodanige grond as koper en verkoper tot ooreenkoms bereid was, toegestaan word, *plus* 'n bedrag van hoogstens tien persent van sodanige prys indien die elenaar van sodanige grond skade ly as regstreeks gevolg van sodanige onteiening: Met dien verstaande voorts dat wanneer 'n stedelike plaaslike bestuur grond buitekant die stedelike gebied wil verkry, en sodanige grond deel van 'n plaas uitmaak, en sodanige verkryging die volle en voordeelige bewoning van die res van sodanige plaas onregmatig sou belemmer, die stedelike plaaslike bestuur sodanige grond nie mag onteien nie, tensy hy sodanige deel van die res van die plaas onteien soos onder die omstandighede redelik is, en by gemis aan ooreenkoms word die saak beslis ooreenkostig die Gebiedswette op arbitrasie;

(b) ged leen teen sekerheid van die belastings van die stedelike plaaslike bestuur, of teen sekerheid van 'n lokasie, inboorlingdorp of inboorlingtehuis, of kragtens 'n wet ter bevordering van woningbou of ter verskaffing van dienste of gerieve aan Inboorlinge, onderhewig aan terugbetaling volgens sodanige bedinge en voorwaardes soos moontlik goedgekeur word;

(c) aan goedgekeurde Inboorlinge geld voorskiet of boustowwe op krediet verskaaf ter oprigting van verkryging van huise of hütte of sodanige bedinge en voorwaardes soos moontlik goedgekeur word.

(2) Elke stedelike plaaslike bestuur kan grond verkry binne sy reggebied of 'n belang by sodanige grond wat aan 'n Inboorling behoort of deur 'n Inboorling gehou word, en die bepaling van paragraaf (a) van sub-artikel (1) geld ten opsigte van sodanige verkryging.

(3) Wanneer 'n Inboorling woonagtig in 'n stedelike gebied op grond waarvan hy die elenaar is, of waarby hy belang het, ingevolge die bepaling van hierdie Proklamasie gelas word om elders te gaan woon, moet die bevoegde stedelike plaaslike bestuur op sy versoek sodanige grond of belang verkry, teen 'n bedrag wat, by ontstentenis van ooreenkoms, bepaal word volgens paragraaf (a) van sub-artikel (1).

(4) Aertsluidende wetsbepalings hoegenaamd ten spyt, dra die stedelike plaaslike bestuur wat grond of 'n belang by grond kragtens die bepaling van sub-artikel (2) of sub-artikel (3) verkry, die koste van arbitrasie-verrigtings in verband met die verkryging van sodanige grond of belang by grond.

(5) 'n Stedelike plaaslike bestuur moet die bevoegdhede wat hierdie artikel verleen uittoefen ooreenkostig die toepaslike bepaling van enige wet hoegenaamd wat sodanige bestuur geld.

(6) When an urban local authority under the provisions of sub-section (1) acquires land without its urban area but within the area of another urban local authority, the Administrator, subject to such conditions as he may prescribe, may declare that such land shall, upon and after such acquisition, cease to be within the jurisdiction of the urban local authority within whose area of jurisdiction it was prior to such acquisition and shall fall in all respects under the jurisdiction of the urban local authority which has acquired it.

#### FENCING OF LOCATIONS, NATIVE VILLAGES AND NATIVE HOSTELS.

15. Subject to the approval of the Administrator, any urban local authority may erect fences around or within any location, native village or native hostel, or around or within any area of land which has been set apart for use by natives or occupation or residence of natives and which is under the administration and control of that authority.

#### VACATION AND DEMOLITION OF CONDEMNED DWELLINGS.

16. (1) Notwithstanding anything in this Proclamation or in any other law, an urban local authority may, if its medical officer of health certifies in writing that a dwelling in any location or native village under its control is so dilapidated, defectively constructed, dirty or verminous as to be injurious or dangerous to health or liable to favour the spread of infectious disease, require every occupant of such dwelling to remove therefrom on one month's notice, and such dwelling on its vacation shall be demolished by the local authority: Provided that when giving such notice the local authority shall offer to every such occupant who is entitled to reside in such location or native village either —

- (a) other adequate housing accommodation at the rent and on the conditions prescribed in respect thereof in the same or any other location or native village under its control; or
- (b) subject to the payment by such local authority of reasonable compensation to such occupant for the loss, if any, sustained by him as a result of such removal or demolition, a site at the rent and on the conditions prescribed in respect thereof, in the same or any other location or native village under its control for the purpose of erecting a dwelling thereon.

(2) Any person who fails to comply with such notice shall be guilty of an offence and upon conviction the court may in addition to inflicting any penalty prescribed under sub-section (1) of section thirty-six order that he be forcibly removed from such dwelling.

#### NATIVE REVENUE ACCOUNT.

17. (1) From and after the commencement of this Proclamation, every urban local authority which has, whether before or after such commencement, set apart any area of land for the occupation and residence of natives, or has under its administration and control any location, native village or native hostel whether established under this Proclamation or not, or which has at any time under section twenty-nine been granted the right to manufacture, sell and supply kaffir beer within its area, shall open and keep an account to be called the native revenue account into which shall be paid —

- (a) all moneys lawfully paid to the urban local authority in respect of fines imposed by any judicial authority for a contravention by any person of any by-law or regulation governing such area, location, native village or native hostel;
- (b) any revenue which may be received from the Administration under the provisions of section eighteen;
- (c) any moneys derived by the urban local authority from the sale of kaffir beer: Provided that all revenue referred to in this paragraph (c) shall be credited to a sub-account of the native revenue account to be called the kaffir beer account;
- (d) the rentals received for trading sites within locations or native villages and the profits accruing from the conduct by the urban local authority of any business within a location or native village; and
- (e) all rents, fees for services and other revenue of any kind whatsoever derived by the urban local authority from occupants or residents of any such area, location, native village or native hostel in respect of their occupation or residence therein.

(6) Wanneer 'n stedelike plaaslike bestuur ingevolge die bepalings van sub-artikel (1) grond verkry wat buite sy stedelike gebied maar binne die gebied van 'n ander stedelike plaaslike bestuur geleë is, kan die Administrateur die voor-tyde van sodanige verkryking en daarna nie meer binne die ressorteer nie, en voortaan in elke opsig onder die regseblie staan van die stedelike plaaslike bestuur wat dit verkry het.

#### OMHEINING VAN LOKASIES, INBOORLINGDORPE, EN INBOORLINGTEHUISE.

15. Met die goedkeuring van die Administrateur kan elke stedelike plaaslike bestuur omheinings ooprig rondom of binne 'n lokasie, inboorlingdorp of inboorlingtehuis, of rondom of op 'n terrein wat afgesonder is ter gebruik, bewoning of verblyf deur Inboorlinge, en wat onder die beheer van sodanige bestuur staan.

#### ONTRUIMING EN SLOPING VAN AFGEKEURDE WONINGS.

16. (1) Andersluidende bepalings in hierdie Proklamasie of in enige ander wet hoegenaamd ten spyt, kan 'n stedelike plaaslike bestuur, indien sy geneeskundige gesondheidsbemantlike skriftelik getuig dat 'n woning in 'n lokasie of inboorlingdorp onder beheer van sodanige bestuur sò vervalle, gebrekig opgerig, vuil of met ongediertes besmet is, dat dit die gesondheid bedreig of enigsins benadeel, of verspreiding van aansteeklike siektes kan bevorder, elke bewoner van sodanige woning gelas om dit binne 'n maand ná kennisgewing te ontruim, en ná ontruiming van sodanige woning moet die plaaslike bestuur dit laat sloop: Met dien verstande dat wanneer die plaaslike bestuur aldus kennis gee, hy aan elke sodanige bewoner wat woonreg in sodanige lokasie of inboorlingdorp het, of —

- (a) ander toereikende huisvesting teen dieselfde huur en op dieselfde voorwaarde moet aanbied in dieselfde of in enige ander lokasie of inboorlingdorp onder sy beheer; of
- (b) 'n persoon teen die huur en op die voorwaarde wat daarvoor voorgeskrif is, in dieselfde of in enige ander lokasie of inboorlingdorp onder sy beheer, moet aanbied ooprigting van 'n woning, herviewig aan die uitbating deur die plaaslike bestuur aan sodanige bewoner van redelike vergoeding vir die verlies wat hy moontlik weens sodanige ontruiming of sloping gely het.

(2) Elk een wat so 'n kennisgewing verontgaan is, skuldig aan 'n misdryf, en die hof kan hom, by skuldgebinding, straf ingevolge sub-artikel (1) van artikel ses-en-dertig, en daarbenewens gelas dat hy selfs met geweld uit sodanige woning verwyder moet word.

#### INKOMSTEREKENING INSAKE INBOORLINGE.

17. (1) Vanaf en ná die inwerkingtreding van hierdie Proklamasie, moet elke stedelike plaaslike bestuur wat, het sy vóór of ná sodanige inwerkingtreding 'n terrein afgesondert het ter verblyf en bewoning deur Inboorlinge, of wat 'n lokasie, inboorlingdorp of inboorlingtehuis onder sy Administrasie en beheer het, hetsy kragtens hierdie Proklamasie gestig, al dan nie, of waaraan daar te eniger tyd ingevolge artikel nege-en-twintig die reg verleen is om binne sy gebied kafferbier te brou, te verkoop en te lever, 'n rekening, genoem die Inboorling-inkomsterekening, instel en hou, waarby inbetal word —

- (a) alle geldige wettig aan die stedelike plaaslike bestuur betaal ten opsigte van boetes deur 'n regterlike gesag opgele weens die oortreding van munisipale wette wat sodanige terrein, lokasie, inboorlingdorp of inboorlingtehuis beheers;
- (b) alle inkomste wat die stedelike plaaslike bestuur moonlik ingevolge die bepalings van artikel *actien* van die Administrasie verkry;
- (c) alle geldie wat die stedelike plaaslike bestuur verkry deur die verkoop van kafferbier: Met dien verstande dat alle inkomste waarop hierdie paragraaf, (c), dui, op krediet van 'n onderrekening, genoem die "kafferbierrekkening", van die Inboorling-inkomsterekening, geplaas word;
- (d) huurgeld ontvang vir handelspersele in lokasies of inboorlingdorp en die winste wat die stedelike plaaslike bestuur slaan uit 'n sakeonderneming wat hy in 'n lokasie of inboorlingdorp dryf; en
- (e) alle huurgeld, gelede vir dienste en ander inkomste van watter aard ook al wat die stedelike plaaslike bestuur vir hul bewoning of verblyf ontvang wat hy in sodanige terrein, lokasie, inboorlingdorp of van persone wat op sodanige terrein, of in sodanige lokasie, inboorlingdorp of inboorlingtehuis woon.

(2) The native revenue account shall be chargeable only with —

- (a) such services as may be rendered by the urban local authority to or in respect of any area of land which has been set apart for use by or occupation or residence of natives or in respect of any location, native village or native hostel under the administration and control of the urban local authority;
- (b) any service which by this Proclamation or any other law may be declared chargeable thereto and
- (c) any service, expenditure or grant which may be certified in writing by the Administrator to be for the benefit or the welfare of the native residents within the area of the urban local authority.

The purchase of grazing ground shall be deemed, for the purposes of this sub-section, to be a service which may be certified by the Administrator as aforesaid.

(3) Any credit or debit balance on any existing account of an urban local authority of a nature similar to the native revenue account or any other asset or liability of a local authority held or incurred in relation to natives shall, if so required or authorised by the Administrator, be transferred to the native revenue account.

(4) The appropriation of moneys from the native revenue account shall not take place otherwise than in accordance with estimates of expenditure which have been passed by the urban local authority, and approved in writing by the Administrator: Provided that before such estimates are passed by the urban local authority, they shall be referred by it to its native advisory board or boards for consideration and report, and any relevant report submitted by such board or boards shall be duly considered by the urban local authority.

(5) Any moneys standing to the credit of a native revenue account and not immediately required for lawfully authorised services may be temporarily invested in such manner, for such time and on such conditions as the Administrator may approve.

(6) Any deficit on the native revenue account may be met by an advance from the general funds of the urban local authority on such terms and conditions as the Administrator may approve.

(7) Nothing in this section contained shall be construed as prohibiting an urban local authority from appropriating, in accordance with the law governing such authority, to the expenditure arising from any location, native village or native hostel, moneys from other sources than the native revenue account, or from supplementing the native revenue account, by moneys from general revenue.

(8) The native revenue account shall be audited in the same manner as the other accounts of the urban local authority are audited; the cost of such audit of the native revenue account shall be borne thereby.

(9) Any fine recovered or bail estreated in respect of a contravention of and any fee collected in connection with any of the following provisions shall accrue to the urban local authority concerned and shall be paid by it into the native revenue account if it is required to open and keep such an account under sub-section (1):

- (a) Sections nine, eleven (if the local authority exercises under section twenty-two the powers referred to in paragraph (a) of sub-section (1) of that section), twenty-eight or sub-section (4) of section twenty-nine or any notice issued under section nine or ten;
- (b) any regulation made under sub-section (1) or (2) or (3) of section thirty-two;
- (c) sections seventy-one and seventy-two of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), as amended, if the contravention in question occurred within an urban area, was committed by a Native and was in respect of the concoctions made from the fermentation of sugar and other substances and known as "kari", "pea-beer" and "ginger-square".

(10) (a) The Administrator may surcharge any urban local authority with the amount of any payment which the Controller and Auditor-General (or other person appointed to audit the accounts of such urban local authority) may certify as having been made from the native revenue account without the Administrator's approval granted under this section.

(2) Die Inboorling-inkomsterekening word slegs belas met —

- (a) elke diens wat die stedelike plaaslike bestuur verstrekan, of betrekende 'n terrein aangesien ter bewoning van verbylyf van Inboorlinge, of ten opsigte van 'n lokasie, inboorlingdorp of inboorlingehuis onder die administrasie en beheer van die stedelike plaaslike bestuur;
- (b) elke diens wat by hierdie Proklamasie of enige ander wet teen sodanige rekening ingebring word, en
- (c) elke diens, uitgawe of toekennung waaromtrent die Administrator skriftelik getuig dat dit die Inboorlingbewoners van die gebied van die stedelike plaaslike bestuur ten bate sal strek.

Die aankoop van weivelde word, met die oog op hierdie sub-artikel, gehou vir 'n diens waaromtrent die Administrator sy getuigskrif gee.

(3) Die batige saldo of die debiet van 'n bestaande rekening van 'n stedelike plaaslike bestuur van dieselfde aard as die Inboorling-inkomsterekening, of enige ander bate of las wat 'n plaaslike bestuur ten opsigte van Inboorlinge opgedoen het, kom, indien die Administrator dit eis of magtig daar toe verleen, by die Inboorling-inkomsterekening tuis.

(4) Die aanwending van geld uit die Inboorling-inkomsterekening geskied slegs ooreenkoms tussen die begroting van uitgawes aangemeen deur die stedelike plaaslike bestuur en skriftelik deur die Administrator goedgekeur: Met dien verstande dat die stedelike plaaslike bestuur sodanige begroting, voordat hy dit aanneem, ter oorweging en verslag moet verwyg na sy Inboorlingadviseerdaad of -rade, en dat dit enige verbandhoudende verslag wat sodanige Raad of Rade uitbring, behoorlik deur die stedelike plaaslike bestuur oorweeg moet word.

(5) Die batige saldo van 'n Inboorling-inkomsterekening wat behoorlik gemagtigde dienste nie onmiddellik nodig nie, kan belê word soos en vir so lank, en op sodanige voorwaarde soos die Administrator goedgekeur.

(6) 'n Tekort in die Inboorling-inkomsterekening kan deur 'n voorskoot uit die algemene fondse van die stedelike plaaslike bestuur gedek word ooreenkomsdig die bedinge en voorwaarde wat die Administrator goedgekeur.

(7) Die bepalings van hierdie artikel verhinder nie 'n stedelike plaaslike bestuur om ooreenkomsdig die wetsbepalings wat sodanige bestuur beheer, geldie uit ander bronne buiten die Inboorling-inkomsterekening aan te wend ter bestryding van die koste wat voortvloei uit 'n lokasie, inboorlingdorp of inboorlingehuis, nog om die Inboorling-inkomsterekening uit algemene inkomste aan te vul nie.

(8) Die Inboorling-inkomsterekening word net soos elke ander stedelike plaaslike bestuursrekening geouditeer, en dra self die koste van so 'n ouditering.

(9) Elke boete wat verhaal word of borgt wat verbeurd verklaar word weens 'n oortreding van enigeen van die onderstaande bepalings, en alle ander gelede wat dienaangaande die ingevorder word, kom die stedelike plaaslike bestuur teé, en die betrokke stedelike plaaslike bestuur stort elke sodanige vordering in sy Inboorling-inkomsterekening as daar ingevolge sub-artikel (1) van hom geëis word dat hy sodanige rekening moet instel en hou; die bedoelde bepalings is:

- (a) artikel nega, elf, (as die stedelike plaaslike bestuur kragtens artikel twee-en-twintig die bevoegdheidte uitoeft waarop paragraaf (a) van sub-artikel (1) van sodanige artikel duif), artikel agt-en-twintig of sub-artikel (4) van artikel nege-en-twintig of enige kennistrekking wat ingevolge artikel nege of artikel tien geskipt;
- (b) enige regulasie uit hoofde van sub-artikels (1), (2) of (3) van artikel twee-en-dertig;
- (c) artikels een-en-sewentig en tweé-en-sewentig van die „Drank Licentie Proklamasie 1920“ (Proklamasie 6 van 1920), soos gewysig, indien 'n Inboorling die betrokke oortreding binne 'n stedelike gebied begaan het, en dit die brousel betref wat deur die gisting van suiker en ander bestanddele gemaakte word en wat „kari“ ertebieber“ en „ginger square“ heet.

(10) (a) As die Kontroleur en Ouditeur-generaal of 'n ander saakgelastigde by die ouditeuring van 'n stedelike plaaslike bestuur se rekenings getuig dat daar 'n bedrag uit die Inboorling-inkomsterekening uitbetaal is sonder Administratoregoedkeuring (verleen uit hoofde van hierdie artikel) kan die Administrator 'n strafvordering van die betrokke stedelike plaaslike bestuur opeis gelyk aan daar die uitbetaalde bedrag.

(b) The amount of any such surcharge shall, within such period as the Administrator may allow, be paid by such urban local authority to the Town Clerk or other official appointed by the urban local authority to receive money on its behalf and shall by such Town Clerk or other official be forthwith paid into the native revenue account.

(c) Upon failure of the urban local authority to pay the surcharge within the period allowed by the Administrator, the Administrator may recover the amount of such surcharge by action in a competent court.

#### DISPOSAL OF REVENUE DERIVED FROM THE REGISTRATION OF CONTRACTS OR FROM THE ISSUE OF LICENCES TO TOGT BOYS OR CASUAL LABOURERS.

18. (1) The revenue derived under this Proclamation from the registration of contracts, or from the issue of licences to togt boys or casual labourers, shall be paid, after due appropriation from the Territory Revenue Fund, into a special fund to be known as the Urban Areas Pass Fees Fund, subject to a deduction by the Administration of a fee of ten per centum to cover costs of collection.

(2) The monies in the fund shall with the approval and on the written authority of the Administrator, be utilised for the following purposes:

- (a) Grants to local authorities for expenditure as from the Native Revenue Account, constituted under section seventeen, on capital works and on special services in locations and native villages for the direct benefit of the natives residing in such locations and native villages.
- (b) Contributions to the cost of capital works and special services carried on in urban areas, but outside the locations and native villages, which said works and services are controlled or maintained by the Administration for the direct benefit of natives.

(3) The records of the fund shall be so maintained by the Accounting Officer of the Territory as to reflect the receipts and payments in respect of each urban area.

(4) The interest earned by and the profits accruing from any investments of the funds monies shall be recorded separately and shall only be utilised for the payments mentioned in paragraph (b) of sub-section (2).

(5) No grant shall be approved which is in excess of the amount standing in the fund's books to the credit of the urban area concerned.

(6) The Administrator may direct that the contributions mentioned in sub-section (2) (b) of this section shall be recorded wholly or partly against the credits of one or more urban areas.

#### RENT CHARGES AND CHARGES FOR SERVICES RENDERED TO LOCATION, ETC., BY URBAN LOCAL AUTHORITY.

19. (1) The rental charged for the occupation of any lot, house, hut or building let for residential purposes in a location or native village or the amount charged for accommodation in a native hostel shall be such as the Administrator may in all the circumstances consider to be fair and reasonable in the case of such location, native village or native hostel.

(2) The charges made by an urban local authority for water, lighting, sanitary and other services rendered to a location, native village or native hostel, or to any inhabitant thereof shall not exceed the ordinary charges made for the like services rendered by the urban local authority in any other portion of its area.

(3) If any native who is in employment resides in a location, native village or native hostel, the urban local authority may give notice to his employer requiring him to pay to it, out of any wages of that native in respect of any period after the notice was given, all rents, fees for services and other charges which may be payable by that native in respect of the residence therein during any such period of that native or any other natives; and whenever any such notice has been given, the employer shall pay to the urban local authority the rents, fees and charges so payable by that native: Provided that the employer shall not be liable so to pay any amount in excess of twenty-five per cent. of the wages of that native in respect of any such period. In this sub-section the expression "employer" includes the Administration and the Union Railways and Harbours Administration.

(b) Die betrokke stedelike plaaslike bestuur moet binne ring stort by die Stadsklerk of 'n ander beampie wat die stedelike plaaslike bestuur aanstaal om namens hom geld te ontvang, en die Stadsklerk of die ander aangestelde beampie moet die bedrag onverwyld in die Inboorling-Inkomsterekeneing stort.

(c) Het die betrokke stedelike plaaslike bestuur loop van die toegestane tydperk die strafvordering na af gestort nie, kan die Administrateur die bedrag middels 'n regding in 'n regsvvoegde hoof verhaal.

#### BESKIKKING OOR INKOMSTE UIT DIE REGISTRASIE VAN HUURKONTRAKTE OF UIT DIE LISENSIERING VAN TOGJONGENS EN LOSWERKERS.

18. (1) Die geldie wat die registrasie van huurkontrakte of die lisensiegewing aan togjongens en loswerkers ingevoige hierdie Proklamasie oplewer, moet eers in die Gebiedsinkomstefonds afgesond word, en dan in 'n spesiale fonds — met naam die Pasgelfonds in Stedelike Gebiede — gestort word. Die Administrasie kan egter tien persent per jaar afstrek ter dekking van die inwordingskoste.

(2) Die Pasgelfonds in Stedelike Gebiede word met die goedkeuring en skriftelike magtiging van die Administrateur soos volg aangewend:

(a) toekennings aan plaaslike besture vir uitgawes uit die Inboorling-Inkomsterekening (ingesel in gevolge artikel sewentien) aan hoofwerke, en aan spesiale dienste in lokasies en inboorlingdorpse ten regstreekse voordeel van die inwoners.

(b) Bydraes tot die koste van hoofwerke en spesiale dienste wat in stedelike gebiede, maar buitekant die lokasies en inboorlingdorpse, uitgevoer word, en wat die Administrasie ten regstreekse voordele van inboorlinge behoer of in die stand hou.

(3) Die Rekenpligtige Amtenaar van die Gebied hou die registers van die Pasgelfonds op so 'n manier dat hulle die kwitname en betalings ten opsigte van elke enkele stedelike gebied weergee.

(4) Die rente wat verdien word deur, en die winste wat voortspruit uit, enige beleggings van die geldie van die Pasgelfonds, word apart aangegeteken, en word gebruik slegs vir die betalings genoem in paragraaf (b) van sub-artikel (2).

(5) Geen toekenning word goedgekeur wat die betrokke stedelike plaaslike bestuur se krediet in die Pasgelfonds se boeke oorskry nie.

(6) Die Administrateur kan gelas dat die bydraes waaroor sub-artikel (2) (b) van hierdie artikel gaan, of geheel of deels aan een of meer stedelike gebiede gekrediteer moet word.

#### HUUR- EN ANDER GELDE VIR STEDELIKE PLAASLIKE BESTURSDIENSTE AAN LOKASIE ENS.

19. (1) Die huurgeld van 'n erf, huis, hut of gebou, wat in 'n lokasie of inboorlingdorp ter bewoning verhuur word, of die herberggeld in 'n inboorlingehuis, bedra soveel soos die Administrateur met inagneming van alle omstandighede redelik en billik ag vir sodanige lokasie, inboorlingdorp of inboorlingehuis.

(2) Die bedrae wat 'n stedelike plaaslike bestuur aanslaan vir die water, verligting, en sanitasie- en ander dienste wat hy lewer aan 'n lokasie, inboorlingdorp of Inboorlingehuis, of aan 'n inwoner van 'n lokasie, inboorlingdorp of inboorlingehuis, mag nooit die gewone bedrae oorskry wat die stedelike plaaslike bestuur in enige ander deel van sy gebied vir dergelike dienste aanslaan nie.

(3) Hou 'n diensoende Inboorling sy verblyf in 'n lokasie, inboorlingdorp of inboorlingehuis, dan kan die stedelike plaaslike bestuur die werkgever van sodanige Inboorlinge kennisgevend gelas om aan die stedelike plaaslike bestuur — uit die loon van sodanige Inboorling ten opsigte van enige tydperk na sodanige kennisgevwing — alle huur of ander geldie te betaal wat sodanige Inboorling skuld vir sy verblyf gedaan het, of vir die verblyf van ander Inboorlinge aldaar gedurende sodanige tydperk; en wanneer kennis aldus deur moet sodanige werkgever die huur- of ander geldie plaaslike bestuur verskuldig, aan die stedelike plaaslike bestuur betaal: Met dien verstande dat die werkgever hoogstens vyf-en-twintig persent van die loon van sodanige Inboorling ten opsigte van sodanige tydperk aldus hoeft te betaal. In hierdie sub-artikel omvat "werkgever" ook die Administrasie van Sudwes-Afrika en die Administrasie van die Unie se Spoorweë en Hawens.

(4) An urban local authority may remit in respect of any resident in a location, native village or native hostel the whole or any portion of any fees and charges for rent, water, sanitary, health, medical and other services, or any consolidation of such services payable by him or his employer in terms of this Proclamation or any regulation.

(5) A warrant of execution against the movable property of any native who has failed to pay any rent, fees or other charges for which he is liable under this Proclamation or any regulation in respect of his residence in a location, native village or native hostel may be issued by the magistrate of the district in which that location, native village or native hostel is situated, if he is satisfied, after inquiry on due notice to such native, who shall have an opportunity of being heard, that the rent, fees or other charges are due by that native. Such a warrant shall be executed in like manner as if it had been issued pursuant to an ordinary judgment of a magistrate's court, except that it shall not be necessary to serve a copy of the warrant upon the native against whose movable property it is directed. The remedy provided by this subsection shall be additional to and not in substitution for any remedies that may be provided by any regulation made under paragraph (p) of sub-section (2) of section thirty-two.

(6) Any moneys recovered under sub-section (5), other than costs incurred in the execution of a warrant issued under the said sub-section, shall be paid into the native revenue account of the urban local authority administering the location, native village or native hostel.

#### NATIVE ADVISORY BOARD.

20. (1) For every location or native village under the control of an urban local authority and, should the Administrator, after consultation with the urban local authority concerned, so direct, for any portion of an urban area in which natives reside, there shall be established by that urban local authority a native advisory board. The board shall consist of not less than three natives resident within the area of jurisdiction of the urban local authority in addition to a chairman, who may be a European. Provided that coloured persons resident in a location or native village shall be eligible as members of the native advisory board for such location or native village until such time as adequate and suitable accommodation is available for coloured persons elsewhere in the urban area. The mode of election or selection of members of such boards, the procedure, the period and conditions of office, and their duties and functions shall be defined by regulations made by the urban local authority under this Proclamation.

(2) (a) A native advisory board shall consider and report upon —

- (i) any regulations which the urban local authority proposes to make or adopt under sub-section (2) or (3) of section thirty-two;
- (ii) any matter referred to it by the Administrator or by the urban local authority;
- (iii) any matter specially affecting the interests of natives in the urban area, upon which the board may consider it useful or desirable to report,

and shall forthwith transmit its report to the local authority or to the Administrator through the local authority, as the circumstances may require.

(b) A native advisory board may also recommend to the urban local authority the making or adoption of any regulations which it considers necessary or desirable in the interest of the natives in the urban area.

(3) Where an urban local authority is required by or under sub-section (1) to establish one or more native advisory boards, no regulation made or adopted by that urban local authority under sub-section (2) or (3) of section thirty-two shall be approved by the Administrator unless it has been referred for consideration to such native advisory board or boards and unless a report made in connection therewith by any such board, within a reasonable period after the regulation was so referred to it, has been duly considered by the local authority.

(4) Copies of any such report shall be transmitted by the local authority to the Administrator when the regulations are submitted to him for approval.

#### OFFICERS FOR MANAGEMENT AND INSPECTION OF NATIVE AFFAIRS IN URBAN AREAS.

21. (1) Every urban local authority shall appoint one or more officers or assign one or more of its officers for the management of any location, native village or native hostel within its area and may, subject to the approval of the Administrator,

(4) 'n Stedelike plaaslike bestuur kan enige inwoner van 'n lokasie, inboorlingdorp of inboorlingtehuis of geheel of deels kwytskeld van geld en ander verskuilige bedrue ten opsigte van huur, waterleverings-, sanitasie-, gesondheids-, geneeskundige- en ander dienste, of van 'n samevoeging van sodanige dienste, wat sodanige inwoner of sy werkgewer ingevolge hierdie Proklamasie of enige regulasie hoogenaamd moet betaal.

(5) Bly 'n Inboorling in gebreke met huur- of ander geldie wat hy ingevolge hierdie Proklamasie of enige regulasie hoogenaam skuld vir sy verblyf in 'n lokasie of inboorlingdorp of -tehuis, kan die magistraat van die distrik waarin sodanige lokasie of inboorlingdorp of -tehuis geleë is, 'n lasbrief van eksekusie op die roerende goed van die betrokke Inboorling uitrek, mits die magistraat na 'n ondersoek volgende op behoorige kenniskewing aan sodanige Inboorling (wat geleentheid tot verhoor kry) oortuig is dat die Inboorling wel die huur- en ander geldie skuld. Sodaanige lasbrief word ten uitvoer gelê presies asof dit gevold geclaan 'n gewone vonnis van 'n magistratshof, buiten dat dit onnodig is om op die Inboorling teen wie se roerende goed sodanige lasbrief gerig is, 'n afskrif daarvan te doen. Die regsmiddel wat hierdie sub-artikel verleen, geld bo en behalwe en nie ter vervanging van regsmiddels verleen 'n regulasie uitgevraagde kragtens paraagraaf (p) van sub-artikel (2) van artikel twee-en-dertig nie.

(6) Alle geldie wat kragtens sub-artikel (5) ingevoerde word, buitekoste aangegeban by die eksekusie van 'n lasbrief uit hoofde van sodanige sub-artikel, word inbetaal op die Inboorling-inkomsterekkening van die stedelike plaaslike bestuur wat sodanige lokasie, inboorlingdorp of inboorlingtehuis beheer.

#### INBOORLINGADVIESRAAD.

20. (1) Vir elke lokasie of inboorlingdorp onder die beheer van 'n stedelike plaaslike bestuur en ook (as die Administrator na orleg met die betrokke stedelike plaaslike bestuur aldus beveel) vir 'n inboorlingwoonbuurt van 'n stedelike gebied stel sodanige stedelike plaaslike bestuur 'n Inboorlingadviesraad in. So 'n raad bestaan uit minstens drie Inboorlinge woonagtig binne die regsgebied van sodanige stedelike plaaslike bestuur, en daarby 'n voorzitter wat 'n Blanke kan wees. Met dien verstande dat Kleurlinge wat in 'n lokasie of inboorlingdorp woon, verklesbaar is as lede van die Inboorlingadviesraad van sodanige lokasie of inboorlingdorp tot tyl en wyl daar elders in die stedelike gebied teoreerlike en geskiede huisvesting vir Kleurlinge beskikbaar is. Die wyse van verkiesing of keuse van die lede van sodanige Raad, die procedure, die ampsduur en -voorraades, en hul pligte en werkzaamhede, word bepaal by regulasies wat die stedelike plaaslike bestuur uit hoofde van hierdie Proklamasie afkondig.

(2) (a) 'n Inboorlingadviesraad oorweeg, en doen verslag oor —

- (i) elke regulasie wat die stedelike plaaslike bestuur kragtens sub-artikel (2) of sub-artikel (3) van artikel twee-en-dertig wil afkondig;
- (ii) elke aangeleentheid wat die Administrateur of die stedelike plaaslike bestuur aan hom opdra;
- (iii) elke aangeleentheid watveral die belang van Inboorlinge in die stedelike gebied raken en waaromtrent die Raad 'n verslag wenslik ag,

en hy rig sy verslag onverwyd aan die plaaslike bestuur of, na gelang van omstandhede, aan die Administrateur middels die plaaslike bestuur.

(b) 'n Inboorlingadviesraad kan ook die afkondiging van regulasies wat sys insiens Inboorlingbelange in die stedelike plaaslike bestuursgebied bevorder by die stedelike plaaslike bestuur aanbeveel.

(3) Waar daar uit hoofde van sub-artikel (1) van 'n stedelike plaaslike bestuur geëis word dat hy een of meer Inboorlingadviesrade moet instel, keer die Administrateur geen regulasies goed wat sodanige stedelike plaaslike bestuur kragtens sub-artikel (2) of (3) van artikel twee-en-dertig afgekondig het nie, tensy dit ter oorweging aan sodanige Inboorlingadviesraad of -rade voorgelê is, en tensy die plaaslike bestuur 'n verslag ter sake, uitgebring deur sodanige Raad, binne 'n redelike tyd na sodanige voorlegging behoorlik oorweeg het.

(4) Wanneer hy die regulasies ter goedkeuring aan die Administrateur voorlê, borg die stedelike plaaslike bestuur ook afskrifte daarvan aan die Administrateur.

#### BEHEER- EN INSPEKSIEBEAMPTES OP INBOORLING-AANGELEENTHEDEN IN STEDELIKE GEBIEDE.

21. (1) Elke stedelike plaaslike bestuur stel een of meer beamples aan of wys een of meer van sy amptenare aan om 'n lokasie, inboorlingdorp of inboorlingtehuis in sy gebied te bestuur, en kan met Administrateursgoedkeuring sy afdeling

appoint one of the officers so appointed or assigned or any other officer for the management of its department of native administration. No officer so appointed or assigned shall assume the duty of such management until he has been licensed as prescribed. The Administrator may, at any time on good cause shown, after reference to the urban local authority concerned, withdraw any licence so granted, whereupon the officer concerned shall cease to perform the duties to which he was so appointed or assigned.

(2) Subject to the provisions of any law or regulation applicable to an urban local authority governing the retirement of its officers on grounds of ill-health or on reaching a prescribed age, the officer appointed in terms of sub-section (1) for the management of its department of native administration and any officer appointed or assigned in terms of that sub-section for the management of a location within its area, whether so appointed or assigned before or after the commencement of this Proclamation, shall not without his consent be removed from his office, or have his salary or other emoluments reduced, unless the Administrator has notified to the local authority his approval: Provided that any urban local authority may suspend any such officer from the duties of his office for incapacity, neglect or misconduct, pending the notification by the Administrator of his approval of the removal from office of that officer, and in the event of such approval being notified the officer shall be deemed to have been removed from office from the date of his suspension.

(3) The Administrator may appoint one or more officers who shall at all reasonable times have the power to inspect and to search for vagrant and idle natives in any location, native village or native hostel, whether established under this Proclamation or not, and any premises within the area of an urban local authority upon which natives are accommodated or employed. It shall be the duty of such officers to confer with the urban local authority and in consultation with the urban local authority to inquire into any matter affecting the well-being and welfare of natives which may come to their notice, and they shall have access at all reasonable times to the books and accounts of any urban local authority within whose area any location, native village or native hostel is situated; or to the registers or records kept by employers of Native labour for the purpose of ascertaining the number of Natives engaged by such employers. Every native commissioner shall be deemed to have been appointed under this sub-section as an officer for the area of his jurisdiction.

(4) An urban local authority, through its officers, shall accord all reasonable facilities to any officer in the execution of his powers and duties under sub-section (3).

(5) An officer exercising any power under sub-section (3) shall when necessary transmit a written report to the Administrator as to the facts ascertained, and the Administrator shall cause a copy of any such report to be transmitted to the urban local authority concerned.

#### PROCLAIMED AREAS AND THE POWERS WHICH MAY BE EXERCISED THEREIN.

22. (1) The Administrator may by notice in the Gazette declare any urban area the local authority of which has, either before or after the commencement of this Proclamation, made or has been required to make any of the provisions mentioned in section two or any area, defined in such notice, in which natives are congregated in large numbers for mining or industrial purposes, to be an area (hereinafter called a proclaimed area) subject to the provisions of this section, and may exercise in respect of that area, or may by the said notice or by any subsequent notice require any urban local authority to exercise in respect of the whole or any part of that area, such of the following powers as may be specified in the said notice or in any subsequent notice —

(a) To require the registration by the employer of every contract of service entered into by a male native, including any such contract already in existence at the date of the proclamation of the area and the payment by the employer in respect of such registration of a fee which may differ in different proclaimed areas, not exceeding two shillings per month; to require employers of such natives to report the termination of such contracts or the desertion from service of such natives, and to require every such native under a contract of service and every employer of such a native to produce on demand to an authorised officer such evidence of the contract as may be prescribed. The registering officer may refuse to register a contract of service if he is satisfied that it is not bona fide. The registration

Inboorling-administrasie opdra aan een van die aldus aangestelde of aangewese amptenaare of aan enige ander amptenaar. Geen aldus aangestelde of aangewese amptenaar aanvaarsy amptplaaslike voordat hy op die voorgeskrewe wyse 'n lystyd en om gegronde redes, ná voorlegging aan die betrokke stedelike plaaslike bestuur, 'n aldus verleende lisensie intrek, en daarna staak die betrokke amptenaar die bestuur waarby hy aldus aangestel of aangewys was.

(2) Onderhewig aan die bepalings van enige wet of regulasie wat 'n stedelike plaaslike bestuur betref, en wat die van die berekening van 'n voorgeskrewe leeftyd reël, mag geen amptenaar wat ingevolge sub-artikel (1) aangestel is om die plaaslike bestuur se afdeling Inboorling-administrasie te be-aangestel of aangewys is om 'n lokasie binne sodanige sub-artikel te bestuur, hetso ky wóór of ná die inwerkingtreding van hierdie Proklamasie aangestel of aangewys is, sonder sy elialis of ander verdienste nie verminder word nie, en mag sy Administrateur sy goedkeuring aan die plaaslike bestuur meegedeel het: Met dien verstande dat elke stedelike plaaslike bestuur so 'n amptenaar van sy amptsplyk kan skors, weens onbevoegdheid, natalityigheid of wangedrag, in afwagting van die kennisgewing van die Administrateur se goedkeuring vir die ontslag van sodanige amptenaar uit sy amp, en dat, by ontvangs van Administrateursgoedkeuring, die amptenaar gehou word vir ontslaan vanaf die skorsingsdag.

(3) Die Administrateur kan een of meer amptenaare aanset wat dan bevoeg is om 'n bepaalde lokasie, inboorlingdorp of -tehuus (opgerig ingevolge hierdie Proklamasie, al dan nie) en elke perseel binne die gebied van 'n stedelike plaaslike bestuur waarop Inboorlinge gehuisves word of werk, te alle redelike tye te ondersoek en om rond- en leeglopende Inboorlinge op te spoor. Sodanige amptenaare moet met die stedelike plaaslike bestuur beraadslaag, en moet in oorelog met die stedelike plaaslike bestuur elke aangeleenthed betreffende Inboorlingewaerlt en -welsyn ondersoek wat hom voordoorn; bowendien het sodanige amptenaare te alle redelike tye die reg van insa op die boeke en rekenings van elke stedelike plaaslike bestuur binne wie se gebied daar 'n inboorlingdorp, -tehuus of lokasie geleë is; of op die registers en boeke van die werkgewers van Inboorlinge ten einde vas te stel hoeveel Inboorlinge sodanige werkgewers in diens het. Uit hoofde van hierdie sub-artikel lêks die naturelle-kommissaris so 'n amptenaar vir sy regsegebied.

(4) Middels sy amptenaare moet 'n stedelike plaaslike bestuur alle redelike hulp verleen aan 'n amptenaar by die uitvoering van die amptstaak wat sub-artikel (3) hom ople.

(5) 'n Amptenaar wat kragtens sub-artikel (3) sy bevoegdheid uitoefen, moet waar nodig 'n skrifstellig verslag deur feite wat hy vassat aan die Administrateur besorg, en die Administrateur verskaf dan 'n afskrif van sodanige verslag aan die betrokke stedelike plaaslike bestuur.

#### GEPROKLAMEERDE GEBIEDE EN REGSMAGTE DAARBINNE.

22. (1) Die Administrateur kan, by kennisgewing in die Offisiële Koerant, 'n stedelike gebied wie se plaaslike bestuur, of voor óf ná die inwerkingtreding van hierdie Proklamasie een of meer van die reëlings getref het waarop artikel tweé duil, of wat aangesé is om dergelyke reëlings te tref, of 'n gebied soos die kennisgewing bepaal waarbinne Inboorlinge getalsterk as myn- en nywerheidswerkers verkeer, tot 'n gebied (hierná genaamd 'n geproklameerde gebied) uitroep wat onderverhewig is aan die bepalings van hierdie artikel. Ook kan die Administrateur ten opsigte van sodanige gebied eliek van die onderverhewe bevoegdheid uitoefen, al na gelang van die kennisgewing se inhoud, of 'n latere kennisgewing s'n; bowendien kan die Administrateur by sodanige kennisgewing, of by 'n latere, sodanige bevoegdhede aan 'n bepaalde stedelike plaaslike bestuur te uitoefening opdra, en dit dan ten opsigte van die geheel of 'n bepaalde deel van sodanige bestuursgebied. Die Administrateur kan, en die stedelike plaaslike bestuur op Administrateurslaagewig, moet —

(a) eis dat elke werkgever elke dienskontrak wat 'n Inboorlingman aangaan, insluitende 'n kontrak wat moontlik bestaan, moet reeds by die proklamering van die gebied daarvoor 'n registreer, en dat sodanige werkgever daarvoor die registrasiegeled moet betaal, wat van geproklameerde gebied tot geproklameerde gebied kan verskil, maar tog hoogs twee sjellings per maand mag bedra; en eis dat sodanige werkgever dit moet aanmeld wanneer dat dienskontrak afgeloop het, of die Inboorling dros; en die dienskontrak afgeloop het, of die Inboorling-dienskontraktant en elke voorts eis dat elke Inboorling-dienskontraktant 'n gemagoordekomstige werkgever, op aanvraag van 'n gemagoordekomstige werkgever, moet lever van die dienskontrak soos moontlik voorgeskryf word. Die Registrasie-regstryer as hy te kan weier om 'n dienskontrak te registréer as hy daarvan oortuig is dat die kontrak nie te goeder trou geskied het nie. Wat betref 'n Inboorlingwerkter (ofte

of a contract of service under this Proclamation shall be regarded, where the native is a native labourer under Proclamation of the Administrator No. 3 of 1917, as amended, as the registration of the native to his employer for the purposes of that Proclamation.

(b) to require every male native entering the proclaimed area, unless specially exempted by regulation, to report his arrival within a prescribed period, to obtain a document certifying that he has or has not obtained permission to be in the proclaimed area, and to produce that document on demand to an authorised officer;

(c) to refuse permission to be in the proclaimed area to any such native —

(i) whenever there is a surplus of native labour available within the proclaimed area as disclosed by any return rendered under section twenty-four or the records of the Administration or the urban local authority;

(ii) if he fails to show that he has complied with the laws relating to the carrying of passes by natives;

(iii) if he appears to the prescribed officer to be under the age of eighteen years, and does not prove the contrary to the satisfaction of the prescribed officer, unless he is accompanied by, coming to, or residing with his parent or guardian in the proclaimed area: Provided that such permission may be granted to any such native who is not so accompanied, if he is coming to approve employment and if the person introducing him or employing him or about to employ him undertakes to return him to his home when required by the prescribed officer to do so and makes a deposit with the prescribed officer to cover the cost of such return when called upon by him to do so: Provided further, that any such native whose parent or guardian cannot readily be found, and who is, in the opinion of the prescribed officer, after reference to a medical officer, physically capable of performing work approved by the native commissioner of the area, may be granted such permission in order that he may accept employment for the performance of such work, pending inquiry by the prescribed officer as to the consent of his parent or guardian;

and to require any native referred to in sub-paragraph (iii) to depart from the urban area or to cause him to be removed to his home;

(d) to prohibit any female native from entering the proclaimed area for the purpose of residing or obtaining employment therein after a date to be specified in any such notice, without a certificate of approval from an officer designated by the urban local authority and one from the magistrate or native commissioner of the district where she resides, and to require any female native who is within the proclaimed area to produce the said certificates on demand by an authorised officer: Provided that —

(i) no such certificate shall be issued to any female native who is under the age of twenty-one years without the consent of her guardian, and

(ii) subject to the necessary accommodation being available, a certificate (which may be for a limited period and may at any time after one month's notice be cancelled by the officer so designated) shall upon application be issued to any female native who produces satisfactory proof that her husband, or in the case of an unmarried female her father, has been resident and continuously employed in the said area for not less than two years;

(e) to require every native who enters the proclaimed area, or who remains in the proclaimed area without entering into employment after the termination of a contract of service, or after the expiration of his licence as a totog or casual labourer, or after discharge from imprisonment, to report to the prescribed officer and to reside at a place to be indicated by that officer until he has found employment and, if he fails to find employment within a period (not being less than seven or more than fourteen days) to be fixed by that officer to depart from the proclaimed area within a period specified by the prescribed officer and not to return within a period specified by him: Provided that natives born and permanently residing in such area shall not

wel „naturel arbeider“ uit hoofde van Administrateursproklamasie 3 van 1917, soos wugsig word die registrasie van 'n dienskontrak ingevolge hierdie proklamasie beskou as die registrasie van sodanige Inboorling by sy werkgever ingevolge Administrateursproklamasie 3 van 1917.

(b) eis dat elke Inboorlingman wat die geproklameerde gebied binnekom, tensy hy uitdruklik by regulasie vrygestel word, binne 'n voorgeskrewe tyd kennis van sy aankoms moet gee, waarna hy dan 'n getuigskrif verkry ten effekte dat verlof tot verblyf binne die geproklameerde gebied aan hom toegestaan is, al dan nie, en eis dat sodanige Inboorling sodanige getuigskrif op aanvraag aan die gemagtigde moet toon;

(c) sodanige Inboorling verblyf binne die geproklameerde gebied belet —

(i) wanneer ook al daar volgens 'n opgaaf verstrekkratjens artikel vier-en-twintig of volgens die register van die Administrasie of van die stedelike plaaslike bestuur 'n oormaat van Inboorlingarbeiders binne die geproklameerde gebied verkeer;

(ii) wanneer sodanige inboorling nie kan bewys dat hy die wetsbegalings op Inboorling-passedrag nagekom het nie; en

(iii) as sodanige Inboorling, volgens die gemagtigde meer, jonger as agtien jaar is, en die Inboorling nie die teendeel van een genoë van die gemagtigde kan bewys nie, tensy sodanige Inboorling egter vergesel is van, of op reis is of, of sy verblyf hou by sy vader of voog in die geproklameerde gebied: Met dien verstande dat sodanige verlof wel aan so 'n onbegeleide Inboorling verleent kan word mits hy 'n goedkeuringsverlof aanvaar, en sy huidge of aanstaande dienswerkgever onderneem om na hom na sy woonplek terug te stuur wanneer 'n gemagtigde dit gelas, en voorts onderneem om 'n bedrag ter dekking van die terugsendingskoste op aanvraag aan die gemagtigde te besorg: Met dien verstande voorts dat sodanige verlof toegestaan kan word aan 'n Inboorling wie se ouer of voog beswaarlik te vindie is en wat, volgens die gemagtigde (na beraad met 'n geneesheer) meer, wel sodanige werk kan doen soos die Naturellekommissaris van die betrokke geproklameerde gebied goedkeur, en dat sodanige Inboorling kan begin werk al word sy ouer of voog nog geseks; en die Administrateur, of die stedelike plaaslike bestuur op Administrateurslasgewing, kan eis dat 'n Inboorling op wie sub-paragraaf (iii) dui, die stedelike gebied moet verlaat, of kan hom na sy woonplek laat verwyder;

(d) verbied dat 'n Inboorlingvrou na 'n datum wat so 'n kennissgewing aangee, die geproklameerde gebied binnekom, met die oog op verblyf of werk, sonder die skriflike goedkeuring van sowel die aangewese beampete van die stedelike plaaslike bestuur én van die Magistraat of die Naturellekommissaris van haar tuisdistrik, en eis dat elke Inboorlingvrou wat binne die geproklameerde gebied verkeer, die voorneemde goedkeuringsgeskrif op aanvraag aan 'n gemagtigde moet toon: Met dien verstande dat —

(i) so 'n goedkeuringsgeskrif slegs met die verlof van haar voog aan 'n Inboorlingvrou jonger as een-en-twintig jaar uitgereik mag word; en dat

(ii) so 'n goedkeuringsgeskrif 'n beperkte termyn kan aanstaan, en dat die aangewese beampete die goedkeuring met kennissgewing van 'n maand te eniger tyd kan intrek; en dat so 'n geskrif op aansoek uitgereik moet word, mits die nodige huisvesting beskikbaar is, aan elke Inboorlingvrou wat bevredigend bewys dat haar egengetoed (of, as sy ongetroud is, haar vader) reeds minstens twee jaar in die betrokke gebied woon, en onafgebroke diens aldaar gelewer het.

(e) Die Administrateur kan, en die stedelike plaaslike bestuur op Administrateurslasgewing, moet voorts eis dat elke Inboorling wat die geproklameerde gebied binnekom, of wat na afloop van 'n dienskontrak, of na verstrykking van sy lisensie as togong of loswerker, of na sy ontslag uit die gevangenis, ledig in die geproklameerde gebied vertoeft, hom by die aangewese beampete moet aanmeld, en (so lank hy ledig is) moet woon waar die aangewese beampete hom aansé, en indien hy na minstens sewe en hoogstens veertien dae (soos die aangewese beampete bepaal nog werkloos is, kan die Administrateur, of die stedelike plaaslike bestuur op Administrateurslasgewing, eis dat so 'n Inboorling uit die betrokke geproklameerde gebied moet vertrek, en dit wel binne 'n tydperk wat die aangewese beampete aangee, en dat die Inboorling dan so lank uit die geproklameerde gebied moet wegby soos die aangewese beampete beveel:

be required to comply with such requirements without the approval of the Administrator and that exemption from such requirements may be allowed in circumstances to be prescribed.

(f) to establish, equip, control and manage such accommodation as may be needed for natives seeking employment in the proclaimed area;

(g) to prohibit any male native from working as a tugt or casual labourer or from carrying on any work as an independent contractor in the proclaimed area unless the prescribed officer has by licence authorised him to do so for a period stated therein, and unless he has paid such licence fees as may be prescribed, and to require any native so working to carry such badge as may be prescribed, and in the manner prescribed, and to take service by the day under such conditions as may be prescribed;

(h) to prohibit any male native who is not under a contract of service from remaining in the urban area for a longer period, not exceeding fourteen days, than is prescribed, unless the prescribed officer has issued to him a certificate of registration authorising him to do so for a period stated therein, and unless he has paid such registration fees as may be prescribed, and to require any native so registered, who is not under a contract of service, to carry such documents as may be prescribed, and to produce them on demand by an authorised officer: Provided that natives born and permanently residing in such area shall not be required to comply with such requirements without the approval of the Administrator.

Provided further, that the wife, minor child or bona fide dependant of any native exempted in terms of sub-section (2), while accompanying or ordinarily residing with such native, and a native entering the proclaimed area for any purpose other than that of seeking or taking up employment therein, and holding such document as may be prescribed, shall be exempt from the provisions of paragraph (e) of this sub-section, but any native entering the proclaimed area for any such purpose shall produce such prescribed document held by him on demand by an authorised officer.

(1) bis. The Administrator may by any notice in which an urban local authority is required to exercise, in respect of the whole or any part of an area referred to in sub-section (1), the powers conferred by that sub-section, or by any subsequent notice, declare that any of the said powers shall, in respect of any class of employers, or natives specified in the notice, be exercised by the Administrator and not by the urban local authority concerned.

(2) The following natives shall be exempt from the provisions of sub-section (1), but any native may be required by an authorised officer to produce proof that he falls within one of the classes hereby exempted, and if upon demand he fails to produce such proof to the officer, he shall *prima facie* be presumed not to be so exempted:

(a) chiefs and headmen approved in such manner as may be prescribed;

(b) native ministers of religion who are marriage officers or who carry and produce on demand to an authorised officer a certificate under the hand of the European minister, priest or missionary in charge of their church in the Territory to the effect that they are whole-time officers of such church; teachers at state-aided educational institutions, members of a police force established by law and members of any profession approved by the Administrator by regulation;

(c) members of the South African Police or Criminal Investigation Department;

(d) prison warders, messengers, interpreters of the various courts of the Territory and other employees of the Administration, while in actual employment;

(e) any native, to whom a certificate of exemption has been granted by the Administrator under the provisions of paragraph (b) of section six of the Native Administration Proclamation, 1922 (Proclamation No. 11 of 1922): Provided that any contract of service entered into by a native so exempted may, with the assent of such native, be registered as provided in paragraph (a) of sub-section (1).

(3) Every person shall be guilty of an offence who —

(a) with intent to deceive makes use, for any purpose whatsoever, of any certificate or document issued under this section or the regulations relating thereto other than his own;

Met dien verstande dat Inboorlinge wat in so 'n gebied gebore is en pal daar woon, vrygestel word van die genoemde vereistes buiten waar die Administrateur anders bepaal en dat sodanige vrystelling onder voorgeskrewe omstandighede verleen kan word; en

(f) sodanige huisvesting daarstel, toerus, beheer en bestuur soos Inboorlinge behoeft wat in die gepromakeerde gebied werk soek; en

(g) verbied dat 'n Inboorling as togjong of loswerker, of as 'n onafhanglike aannemer in die gepromakeerde gebied werk, tensy die aangewese beampte hom met 'n lisensie (wat die duur van sodanige magtiging vermeld) daartoe magtig, en tensy hy die voorgeskrewe lisensiegeld betaal het; en eis dat 'n Inboorling wat aldus werk, 'n voorgeskrewe onderskeidingssteken moet dra, en wel op die voorgeskrewe wyse, en dagwerk op die voorgeskrewe voorwaardes moet aanneem; en

(h) verbied dat 'n Inboorlingman wat geen dienskontrak het nie, langer in die stedelike gebied bly as 'n voorgeskrewe tydperk van hoogstens veertien dae, tensy die aangewese beampte 'n registrasiesertifikaat aan hom uitreik, wat hom magtig om vir 'n tydperk wat sodanige sertifikaat vermeld, in sodanige stedelike gebied te bly, en tensy hy die voorgeskrewe registrasiegeld betaal het; en eis dat 'n aldus geregistreerde Inboorling wat geen dienskontrak het nie, die voorgeskrewe dokumente by hom moet dra en op aanvraag aan 'n gemagtigde moet toon: Met dien verstande dat van Inboorlinge wat in die gepromakeerde gebied is, en pal daar woon, slegs met Administrateursgoedgekeuring geëis mag word dat hulle aan sodanige vereistes voldoen: Met dien verstande voorts dat elke vrou, minderjarige kind, of afhanglike te goeder trou van 'n Inboorling vrygestel ingevalvolle sub-artikel (2) wat sodanige Inboorling vergesel of wat gekwoonlyk by hom woon, en dat elke Inboorling wat die gepromakeerde gebied met 'n ander doel binnekum buiten om daar werk te soek of te aanvaar, en wat die voorgeskrewe bewys besit, vrygestel word van die bepalings van paragraaf (e) van hierdie sub-artikel, maar dat 'n Inboorling wat die gepromakeerde gebied met so 'n doel binnekum, genoemde voorgeskrewe bewys op aanvraag van 'n gemagtigde moet toon.

(1) bis. Die Administrateur kan by enige kennisgewing wat 'n stedelike plaaslike bestuur gelas om ten opsigte van 'n hele of 'n deel van 'n gebied genoem in sub-artikel (1) die bevoegdheid verleen by sodanige sub-artikel of by enige latere kennisgewing uit te oefen, verklar dat enige van die genoemde bevoegdhede ten opsigte van enige klas werkgevers of Inboorlinge wat sodanige kennisgewing aandui voortaan deur die Administrateur uitgeoefen gaan word en nie deur die betrokke stedelike plaaslike bestuur nie.

(2) Die ondergenoemde Inboorlinge word vrygestel van die bepalings van sub-artikel (1) maar 'n gemagtigde kan van enige Inboorling bewys eis dat hy tot een van die hierby genoemde bevoegdhede ten opsigte van enige klas werkgevers of Inboorlinge wat sodanige kennisgewing aandui voortaan deur die Administrateur uitgeoefen gaan word en nie deur wees nie:

(a) kapteins en hoofmannetjies, goedkeur soos voorgeskrewe;

(b) Inboorlinggodsdienstleraars wat huweliksamteneare is of wat 'n sertifikaat dra onder die hand van 'n blanke predikant, priester of sendeling in beheer van hulle kerk in die gebied, te dien effekte dat hulle voltydse dienstenaars van hul kerk is, of op aanvraag van 'n gemagtigde kan verstrek; onderwysers by staatsondersteunde onderwysinrigtings, lede van 'n wetlike polisiemag en lede van elke beroep wat die Administrateur by regulasie goedkeur;

(c) lede van die Suid-Afrikaanse Polisiemag of van die Kriminele Onderzoeksdepartement;

(d) tronkbewaarders, bodes, tolke van die verskeie geregtelike van die Gebied en ander werknekmers van die Administrasie, onderwyl hulle feitlik in diens is;

(e) elke Inboorling aan wie die Administrateur uit hoofde van paragraaf (b) van artikel ses van die "Natuurale Administrasie Proklamasie 1922" (Proklamasie 11 van 1922) 'n vrystellingsertifikaat verleen het: Met dien verstande dat elke dienskontrak wat 'n aldus vrygestelde Inboorling aangaan, met die instemming van sodanige Inboorling volgens voorskrif van paragraaf (a) van sub-artikel (1) geregistreer kan word.

(3) Elkeen wat —

(a) met bedrieglike opset, waarom ook al, gebruik maak van 'n sertifikaat of dokument ingevalvolle hierdie artikel of die desbetrefende regulasies uitgereik, wat nie aan hom behoort nie;

(b) wilfully alters, defaces, destroys or mutilates any certificate issued under this section or the regulations relating thereto, or unlawfully withholds such certificate or document from any person entitled to the possession thereof;

(c) in any way aids or abets any person in the commission of any of the offences described in paragraph (a) or (b).

(4) Every person who counterfeits or forges any certificate or other document or stamp referred to in this section or the regulations relating thereto, and every person who without authority sells or otherwise disposes of any such certificate, document or stamp, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, or to such imprisonment without the option of a fine.

#### POSSESSION OF CERTIFICATES OR DOCUMENTS BY PERSONS OTHER THAN OWNERS.

23. Any person who becomes possessed of any certificate or document issued under section twenty-two or the regulations relating thereto other than his own shall forthwith hand or transmit such certificate or document to such officer as may be prescribed.

#### STATISTICAL RETURNS TO BE RENDERED BY URBAN LOCAL AUTHORITIES TO ADMINISTRATOR.

24. (1) Every urban local authority shall render to the Administrator whenever required a return showing —

- (a) the number and sexes of natives within the urban area and their places of origin;
- (b) the number and sexes of natives employed therein;
- (c) the occupations in which they are employed and the number and sexes employed in each such occupation;
- (d) The number and sexes of natives which, in the opinion of the urban local authority, is necessary to supply the reasonable labour requirements of the urban area;
- (e) the number and sexes of natives within the urban area which the urban local authority considers not necessary for the purposes mentioned in paragraph (d) and desires to have removed;
- (f) particulars of all immovable property within the area of jurisdiction of the urban local authority of which natives are the registered owners,

and embodying such further information as the Administrator may prescribe or require.

(2) One or more officers may be appointed by the urban local authority for the purpose of obtaining information for such return.

(3) An officer so appointed may, in the performance of his duties under this section, enter upon any land or premises within the urban area and obtain access thereto and ask all such questions as are relevant to the information to be rendered, and every person of whom any such question is asked shall answer it to the best of his knowledge and belief.

(4) If any urban local authority fails to render to the Administrator a return in accordance with the provisions of sub-section (1) whenever required, the Administrator may cause to be prepared such return as ought to have been rendered to him by the urban local authority, and he may recover from the urban local authority all costs reasonably incurred by him in connection with the preparation of the return, and, for the purposes of recovering those costs, he may avail himself of any of the methods mentioned in sub-section (3) of section four.

(5) If the Administrator has reason to believe that any such return rendered by an urban local authority is incorrect in any respect, he may cause to be prepared a return showing any of the matters referred to in sub-section (1), and if from this return it appears that the return rendered by the urban local authority was incorrect in any material particular he may recover from the urban local authority all costs reasonably incurred by him in connection with the preparation of the return, and, for the purpose of recovering those costs, he may avail himself of any of the methods mentioned in sub-section (3) of section four.

(6) The Administrator may, out of moneys to be voted by the Legislative Assembly of the Territory for the purpose, make to any local authority a grant not exceeding one-half of the cost incurred by such authority in connection with the preparation of such return.

(b) opsetlik 'n sertifikaat of dokument wat ingevolge hierdie artikel of die desbetreffende regulasies uitgereik is, verander, onleesbaar maak, vernietig of skend, of onwettig so 'n sertifikaat of dokument van 'n geregteigde besitter weerhou; of

(c) enigsins hoegenaamd 'n ander by die pleging van een van die misdrywe wat paragraaf (a) of (b) omskrywe, aandadig of andersins medepelig is,  
— is skuldig aan 'n misdryf.

(4) Elkeen wat 'n sertifikaat of ander dokument of seül genoem in hierdie regulasies námaak of andersins vervals, en lemand wat sonder magtiging daaroor so 'n sertifikaat, dokument of seül verkoop of andersins daaroor beskik, is aan 'n misdryf skuldig, en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond, of by wanbelating, met gevangenisstraf van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

#### BESIT VAN SERTIFIKAATE OF DOKUMENTE DEUR ANDER PERSONE BUITEN DIE EIEAARS.

23. Elkeen wat in besit kom van 'n sertifikaat of dokument uitgerekvolg die artikel twee-en-twintig of die desbetreffende regulasies, wat nie aan hom behoort nie, moet sodanige sertifikaat of dokument onverwyd aangewese beampete inlewer of deurstuur.

#### STEDELIKE PLAASLIKE BESTUUR MOET OFGAAF AAN DIE ADMINISTRATEUR VERSTREK.

24. (1) Elke stedelike plaaslike bestuur moet, wanneer ook al hy daarom gevra word, 'n opgaaf aan die Administrateur verstrek van —

- (a) die getal en geslag van Inboorlinge binne die stedelike gebied en hulle plek van oorsprong;
- (b) die getal en geslag van Inboorlinge wat in die stedelike gebied diens neem;
- (c) die soorte werk wat Inboorlinge verrig, en die getal en geslag van Inboorlinge wat elke sodanige soort werk doen;
- (d) die getal en geslag van Inboorlingwerkers wat die stedelike plaaslike bestuur syens inslens redelikerwys aan arbeidskrakte behoeft;
- (e) die getal en geslag van Inboorlinge binne die stedelike gebied wat die stedelike plaaslike bestuur gesien paragraaf (d), as oortolliges beskou en verwyder wil hè;
- (f) besonderhede van alle onroerende goed binne die reggebied van die stedelike plaaslike bestuur waarvan Inboorlinge die geregistreerde eienaars is,

en wat sodanige nadere gegevens bevat soos die Administrator voorgeskryf of eis.

(2) Die stedelike plaaslike bestuur kan een of meer beampetes aanstel om die vereiste besonderhede te versamel.

(3) 'n sodanige beampete kan by die behoorlike verrigting van sy werkzaamhede uit hoofde van hierdie artikel, grond of persele binne die stedelike gebied betree en toegang daaroor verkry en enige vroe hoegenaamd stel oor die vereiste besonderhede, en elkeen aan wie so 'n vraag gestel word, moet met sy hele kennis en oortuiging daarop antwoord.

(4) Bly 'n stedelike plaaslike bestuur na vereisig in gebeke met 'n opgaaf aan die Administrateur ooreenkomsdig sub-artikel (1), kan die Administrateur die vereiste, maar uitblywende, opgaaf laat opstel, en kan hy alle redelickerwys daarby aangegang koste van die stedelike plaaslike bestuur verhaal, en te dien einde kan hy enige van die metodes genoem in sub-artikel (3) van artikel vier in die werk stel.

(5) Het die Administrateur rede om te vermoed dat so 'n opgaaf wat 'n stedelike plaaslike bestuur verstrekk, in enige opsig hoegenaamd onjuis is, kan hy 'n opgaaf laat opstel wat enige van die statistiese genoem in sub-artikel (1) aangee, en indien die stedelike plaaslike bestuur se opgaaf in enige belangrike opsig onjuis is, kan hy alle redelik aangegang koste in verband met die huisster opgaaf, van die stedelike plaaslike bestuur verhaal, en te dien einde kan hy enige van die metodes genoem in sub-artikel (3) van artikel vier in die werk stel.

(6) Die Administrateur kan, uit geld wat die Wetgewende Vergadering van die Gebied daarvoor bewillig, aan 'n plaaslike bestuur 'n bedrag toekom van hoogstens die helfte van die koste wat sodanige bestuur insake die opgaaf beloop het.

## REMOVAL OF REDUNDANT NATIVES FROM URBAN AREAS.

(1) The Administrator may by notice in the *Gazette* declare any urban area to be an area in respect of which he may, on being satisfied that the number of natives within that area is in excess of the reasonable labour requirements of that area, exercise the following powers —

- (a) require the urban local authority within a specified period to lodge with him a list of the names of the natives who, in its opinion, ought to be removed from the urban area;
- (b) determine which of the natives specified in that list shall be removed from the urban area;
- (c) make provision for the accommodation of the natives so removed who are lawfully domiciled in the Territory;
- (d) notify the urban local authority of the names of the natives to be so removed and of the arrangements made for the accommodation of those of them who are lawfully domiciled in the Territory.

(2) An urban local authority upon receiving notification from the Administrator in terms of paragraph (d) of subsection (1) shall cause written notice to be served upon each native concerned.

(a) calling upon him to remove with his family within a period to be stated in the notice —

- (i) if he is a native lawfully domiciled in the Territory to the place where accommodation has been provided for him and his family under paragraph (c) of sub-section (1); or
- (ii) if he is not a native lawfully domiciled in the Territory, to any place outside the Territory; or
- (iii) to any place to which, in terms of sub-section (3), he may be authorised to remove with his family: Provided that if a native who has been called upon to remove to any place under sub-paragraph (i) proves to the satisfaction of the Administrator that residence at that place will be injurious or dangerous to his health or to the health of any members of his family, the Administrator may direct such native to remove with his family, within such period as the Administrator may allow, to another place which the Administrator after such enquiry as he may deem fit, regards as suitable for the health of such native or such member of his family, where accommodation has been provided for such native and his family under paragraph (c) of sub-section (1);

(b) if he is lawfully domiciled in the Territory, notifying him of the arrangements made for his accommodation and that of his family in terms of paragraph (c) of sub-section (1);

(c) offering to pay to him the reasonable costs of the removal of himself, his family, his movable property and that of his family to any place referred to in paragraph (a): Provided that if the Administrator so directs, in the case of a native who is to remove to a place outside the Territory, the urban local authority shall offer to pay to him only the reasonable costs of removal to a place on the borders of the Territory from which his home may be most conveniently reached.

(3) If any native upon whom a notice has been served under sub-section (2) desires to remove with his family to any place within the Territory other than the place at which provision for his accommodation has been made under paragraph (c) of sub-section (1), the Administrator may, if he is satisfied that suitable accommodation exists for that native and his family at that other place, and that he is permitted to occupy it, authorise him to remove thereto with his family.

(4) If any native fails to comply with the notice served upon him or direction issued to him under sub-section (2), he and his family may be removed from the urban area to the place where accommodation has been provided for him and his family under paragraph (c) of sub-section (1) or to the place to which he has been authorised under sub-section (3) to remove with his family, under a warrant issued by a magistrate or native commissioner and addressed to any police officer, or if he is not lawfully domiciled in the Territory, he and his family may be removed from the Territory under such warrant.

(5) Whenever any native who is the owner of land or has the right to occupy land within any urban area is required to remove or is removed therefrom under the provisions of this section, the urban local authority shall at his request acquire from him that land or that right at a price, in default of agreement, to be determined in the manner described in paragraph (a) of sub-section (1) of section fourteen.

## VERWYDERING VAN OORTOLLIJGE INBOORLINGE UIT STEDELIKE GEBIEDE.

(1) Is die Administrateur daarvan oortuig dat die Inboorling binne 'n stedelike plaaslike bestuursgebied die redelike arbeidsbehoefte daarvan oorskry, kan hy die betrokke gebied by kennisgewing in die *Offisiële Koerant* uitroep tot 'n gebied ten opsigte waarvan hy:

- (a) kan eis dat die stedelike plaaslike bestuur binne 'n bepaalde tydperk hom van 'n naamlyks moet besorg van beoorlinge wat, volgens die bestuur, uit die stedelike gebied verwyder behoort te word;
- (b) kan aandui watter van die sodanig genoemde Inboorlinge uit die stedelike gebied verwyder moet word;
- (c) voorsiening kan maak vir die huisvesting van aldus verwyderde Inboorlinge wat wettig in die Gebied gedomiseer is;
- (d) die stedelike plaaslike bestuur kan verwittig van die name van die Inboorlinge wat aldus verwyder moet word, en van die reëlings wat getref is vir die huisvesting van dié van hulle wat wettig in die Gebied gedomiseer is.

(2) 'n Stedelike plaaslike bestuur moet, by ontvang van 'n Administrateurskennisgewing ingevalle paragraaf (d) van sub-artikel (1), op elke betrokke Inboorling skriftelike kennisgewing laat dien —

- (a) waarby hy aangesê word om binne 'n aangegewe tydperk met sy gesin te vertrek —
  - (i) indien sy domisilie in die Gebied wettig is, na die plek waar daar ingevalle paragraaf (c) van sub-artikel (1) vir hom en sy gesin huisvesting verskaf word; of
  - (ii) indien hy geen wettige domisilie in die Gebied het nie, na enige plek buite die Gebied; of
  - (iii) na enige plek waarheen hy ingevalle sub-artikel (3) gemagtig kan word om met sy gesin te vertrek: Met dien verstande dat indien 'n Inboorling wat ingevalle sub-paragraaf (i) aangesê is om na 'n plek te vertrek, ten geneue van die Administrateur bewys dat die verblý aldaar skadelik of gevarelik sal wees vir sy gesondheid of vir die gesondheid van 'n gesinslid, die Administrateur sodanige Inboorling kan beveel om binne die toegestane tydperk te vertrek na 'n plek wat die Administrateur, na sodanige ondersoek soos hy goedvind, geskik ag vir vir die gesondheid van sodanige Inboorling of sodanige gesinslid, en waar daar ingevalle paragraaf (c) van sub-artikel (1) huisvesting vir sodanige Inboorling en sy gesin verskaf is;

(b) waarby hy, indien hy wettig in die Gebied gedomiseer is, verwittig word van die reëlings wat ingevalle paragraaf (c) van sub-artikel (1) vir sy huisvesting en dié van sy gesin getref word;

(c) waarby aangebied word om hom die redelike verwyderskoste van sy eie persoon, sy gesin, sy roerende goed, en dié van sy gesin tot op 'n plek vermeld in paragraaf (a) te betaal: Met dien verstande dat die stedelike plaaslike bestuur op Administrateurslasgewing moet aanbied — waar 'n Inboorling na 'n plek buite die Gebied moet vertrek — om hom slegs die redelike verwyderskoste te betaal na 'n plek op die Gebiedsgrens vanwaar hy sy tuiste die gerieflikste kan bereik.

(3) Indien 'n Inboorling op wie 'n kennisgewing kragtens sub-artikel (2) gedien is, vry om met sy gesiniewers anders heen in die Gebied te trek as daарheen waar daar ingevalle paragraaf (c) van sub-artikel (1) vir hom en sy gesin huisvesting verskaf word, kan die Administrateur, by oortuiging dat sodanige ander plek geskikte huisvesting vir sodanige Inboorling en sy gesin bied, en dat sodanige Inboorling verlof om daar te woon, sodanige Inboorling magtig om met sy gesin daarheen te trek.

(4) Verontgaasam 'n Inboorling enigsins 'n kennisgewing of 'n bevel, aan hom uitgereik kragtens sub-artikel (2), kan hy en sy gesin uit die stedelike gebied verwyder word na die plek waar daar kragtens paragraaf (c) van sub-artikel (1) huisvesting vir hulle verskaf is, of na die plek waarheen hy ingevalle sub-artikel (3) gemagtig is om met sy gesin te vertrek, kragtens 'n lasbrief gerig aan 'n polisiebeampte deur 'n magistraat of naturellekommissaris of, indien sodanige Inboorling en sy gesin kragtens sodanige lasbrief uit die Gebied verwyder word.

(5) Wanneer 'n Inboorling wat grond besit binne 'n stedelike gebied, of die reg het om sodanige grond te bewoon, ingevalle die bepalings van hierdie artikel op las daarvandaan moet vertrek of verwyder word, moet die stedelike plaaslike bestuur sodanige grond of woonreg op sy versoek van hom verkyk teen 'n prys wat, by gebrek aan ooreenkoms, volgens voorskrif van paragraaf (a) van sub-artikel (1) van artikel veertien bepaal word.

(6) The expenditure other than compensation payable by the urban local authority under sub-section (5) incurred in effecting the removal of any native and any movable property under the provisions of this section shall be defrayed from funds appropriated from time to time by the Legislative Assembly of the Territory for the purpose.

(7) The expenditure incurred in making provision for the accommodation of natives removed under the provisions of this section and in settling them upon the land provided shall be defrayed from the funds appropriated from time to time by the Legislative Assembly of the Territory.

(8) Natives who are not lawfully domiciled in the Territory shall, in so far as it is practicable to do so, be removed from the urban area under the provisions of this section before natives who are lawfully so domiciled are so removed: Provided that the failure to comply with the provisions of this sub-section shall not affect the validity of anything done under the provisions of this section.

#### MANNER OF DEALING WITH IDLE, DISSOLUTE OR DISORDERLY NATIVES IN URBAN AREAS.

26. (1) Whenever in any urban area or in any proclaimed area in terms of section twenty-two any police officer or officer appointed under section twenty-one has reason to believe or suspect that any native within such urban area or proclaimed area —

- (a) is habitually unemployed; or
- (b) has no sufficient honest means of livelihood; or
- (c) is leading an idle, dissolute or disorderly life; or
- (d) has been convicted of a contravention of sub-section (1) of section twenty of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), or of any offence mentioned in the Third Schedule to the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935), other than an offence against the laws for the prevention of the supply of intoxicating liquor to natives or coloured persons; or
- (e) has been convicted more than once of contravening the provisions of either section seventy-one or section seventy-two of the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), as amended, or under sub-section (4) of section twenty-nine of this Proclamation; or
- (f) is a female who, being prohibited under paragraph (d) of sub-section (1) of section twenty-two from entering any area for any purpose mentioned in that paragraph without the certificates prescribed by that paragraph, has entered that area for such a purpose without the said certificates, or, having entered the area, has failed to produce the said certificates on demand by an authorised officer;
- (g) has been required under paragraph (c) or (e) of sub-section (1) of section twenty-two to depart from a proclaimed area and has failed to depart therefrom within the specified time or has returned thereto before the expiration of the specified period;
- (h) has without leave or other lawful cause habitually absented himself during working hours from his employer's premises or other place proper for the performance of his work;

he may without warrant arrest and bring that native or cause him to be brought before a magistrate or native commissioner, who shall require the native to give a good and satisfactory account of himself.

(2) If any native who has been so required to give a good and satisfactory account of himself fails to do so, the magistrate or native commissioner inquiring into the matter may adjudge him to be an idle or disorderly person and may, by warrant addressed to any police officer, order that he be removed from the urban area or proclaimed area, as the case may be, and sent to his home or to a place indicated by the Chief Native Commissioner and that he be detained in custody pending his removal, and that he do not at any time thereafter, or during a period specified in the warrant, enter any urban area or proclaimed area indicated in the warrant except with the written permission of the Chief Native Commissioner.

(3) Any magistrate or native commissioner whose area of jurisdiction extends over the urban area or proclaimed area concerned or any portion thereof may suspend the execution of any such warrant for any period and on any conditions determined by him.

(4) If any native who has been removed from an urban area or proclaimed area under any warrant issued under paragraph (a) of sub-section (2) or who has been sent to an institution under any warrant issued under paragraph (b) of that sub-section, enters any urban area or proclaimed area in contravention of the order contained in the warrant, he

(6) Die koste (behalwe vergoeding ingevalge sub-artikel (5) deur die stedelike plaaslike bestuur betaalbaar, verbonde aan die verwydering ingevalge die bepальings van hierdie artikel van 'n Inboorling en van roerende goed, word betry uit gelde wat die Wetgewende Vergadering van die Gebied van tyd tot tyd daarvoor bewillig.

(7) Die koste in verband met die huisvesting van Inboorlinge wat ingevalge die bepальings van hierdie artikel verwilder is, en vir hul nedersetting op die beskikbaar gestelde grond, word bestry uit fondse wat die Wetgewende Vergadering van die Gebied van tyd tot tyd daarvoor bewillig.

(8) Inboorlinge sonder wettige domisille in die Gebied, word, sover doenlik, ingevalge die bepальings van hierdie artikel uit die stedelike gebied verwyder vóórdat Inboorlinge wat wel wettige domisille het, aldus verwyder word: Met dien verstande dat verontsamming van die bepальings van hierdie sub-artikel geensins die geldigheid aantast van optrede wat op die grondslag van hierdie artikel geskied het nie.

#### OPREDE MET LUI, LOSBANDIGE OF WANOREDELIKE INBOORLINGE IN STEDELIKE GEBIEDE.

26. (1) Wanneer ook al 'n polisiebeampte of 'n beampete aangestel kragtens artikel een-en-twintig in 'n stedelike gebied of in 'n gebied geproklameerde kragtens artikel twee-en-twintig of met rede meer van vermoed dat 'n Inboorling in sodanige stedelike gebied of in 'n geproklameerde gebied —

- (a) gewoonlik sonder werk is; of
- (b) geen voldoende eerlike bestaanmiddele het nie; of
- (c) 'n lule, losbandige of wanoredelike bestaan voer; of
- (d) skuldig bevind is aan 'n oortreding van sub-artikel (1) van artikel twintig van die „Naturelle-administrasie-Proklamasie 1928“ (Proklamasie 15 van 1928), of aan enige oortreding genoem in die Derde Bylae van die „Kriminele Prosesure en Bewyslewering Proklamasie 1935“ (Proklamasie 30 van 1935), buiten 'n oortreding van die wetsbepaling ter voorkoming van die lewering van bedwelmende dranaan Inboorlinge of Kleurlinge; of
- (e) meer as een keer skuldig bevind is aan 'n oortreding van die bepaling van óf artikel een-en- sewentig of artikel twee-en- sewentig van die „Drank Licentie Proklamasie 1920“ (Proklamasie 6 van 1920), soos gewysig, van sub-artikel (4) van artikel negen-en-twintig van hierdie Proklamasie; of
- (f) 'n Inboorlingvrou is vir wie dit kragtens paragraaf (d) van sub-artikel (1) van artikel twee-en-twintig verbode is om sonder die sertifikate wat sodanige artikel voorskryf, 'n gebied binne te kom met 'n doel vermeld in sodanige paragraaf of wat sodanige gebied met sodanige doel sonder sodanige sertifikat binnekomen het, of wat nadat sy sodanige gebied binnekomen het, die genoemde sertifikate op aanvraag van 'n gemagtigde nie kan vertoon nie; of
- (g) kragtens paragraaf (c) of (e) van sub-artikel (1) van artikel twee-en-twintig gelas is om 'n geproklameerde gebied te verlaat, en wat dit binne die bepaalde tyd óf nie gedoen het nie óf vóór verstryking van die bepaalde tyd daarheen teruggekeer het; of
- (h) gewoonlik sonder verlof of ander regmatige rede in sy werktyd wegby van sy diensgewer se perseel of ander plek waar hy na behore moet werk,

dan kan die polisiebeampte of die ander genoemde beampete, sodanige Inboorling sonder lasbrief in hegteenis neem, en hom voor 'n magistraat of naturellekommissaris bring of laat bring, wat goeie en voldoende rekenskap van sy doen en late van sodanige Inboorling kan verel.

(2) As 'n Inboorling wat aldus aangesê is om goeie en voldoende rekenskap te gee, die bevel verontgaan, kan die verhorende magistraat of naturellekommissaris hom tot wanoredelike verklaar, en (by lasbrief gerig aan 'n polisiebeampte) beveel dat hy uit die stedelike gebied of geproklameerde gebied, al na gelang, verwyder moet word en na sy woonplek of na 'n plek wat die Hoof-naturellekommissaris aanwys, gestuur moet word, en dat hy in afwagting van sy verwydering in hegteenis aangehou moet word, en dat hy nooit daarna óf nooit gedurende 'n tydperk wat die lasbrief bepaal, 'n stedelike gebied of geproklameerde gebied wat die lasbrief vermeld, mag binnekomen nie, buiten met die skriftelike toestemming van die Hoof-naturellekommissaris.

(3) Elke magistraat of naturellekommissaris wie se regsgebied oor die betrokke stedelike gebied of geproklameerde gebied, of óor 'n deel daarvan strek, kan die tenuitvoerlegging van sodanige lasbrief opskort vir so lank, en op sodanige voorwaardes soos hy vassel.

(4) As 'n Inboorling wat uit 'n stedelike gebied of 'n geproklameerde gebied ingevalge 'n lasbrief uitgerek kragtens paragraaf (a) van sub-artikel (2) verwyder is, of wat ingevalge 'n lasbrief uitgerek kragtens paragraaf (b) van sodanige sub-artikel na 'n inrigting gestuur is, strydig met die

shall be guilty of an offence, and shall, after he has paid any fine or served any period of imprisonment to which he may have been sentenced, be dealt with under a warrant to be issued in terms of paragraph (a) of that sub-section by a judicial officer of the court which convicted him.

(5) In the investigation of any question arising under sub-section (1) a magistrate or native commissioner shall keep a record of the proceedings and may, in his discretion, summon to his assistance two natives to sit and act with him as assessors in an advisory capacity.

(6) The provisions of the law relating to appeals and to any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under paragraph (b) of sub-section (2) as if such order were a sentence passed by a magistrate's court in a criminal case.

#### CURFEW.

27. (1) The Administrator may, by notice in the *Gazette* at the request of any urban local authority, declare that no native, male or female, shall be in any public place within the area controlled by such authority during such hours of the night as are specified in such notice unless such native be in possession of a written permit signed by his employer or by a person authorised by such employer to issue such a permit to such native or by some person authorised by the urban local authority or the Administrator to issue such permits or by the officer in charge of any police station within such area. Every such permit shall bear the date of issue thereof and the date and hours for which it purports to be available and shall be produced for examination on demand made by any peace officer or authorised officer.

(2) Any person who signs any such permit relating to a native or who issues any such permit to a native shall be guilty of an offence and liable on conviction to the penalties prescribed by section thirty-six (1) unless he —

- (a) is the employer of such native; or
- (b) is authorised by such employer to issue such a permit to such native; or
- (c) has been authorised by an urban local authority or the Administrator to issue such permits and has issued such permit in respect of the area controlled by such local authority or in respect of which he has been authorised by the Administrator to issue such permits; or
- (d) was, when he signed or issued such permit, the officer in charge of a police station in the urban area in respect whereof such permit was issued.

(3) Any native contravening the provisions of any notice issued under sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two pounds, or in default of payment to imprisonment for a period not exceeding one month, and on second or subsequent conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding three months.

(4) A notice under sub-section (1) shall not apply —

- (a) in any location or native village;
- (b) to any native mentioned in paragraphs (a) to (d) inclusive of sub-section (2) of section twenty-two or to any female dependent upon him.

(5) The Administrator may, if he deems fit, at any time by further notice in the *Gazette*, repeal, amend or suspend for any period the operation of any notice issued under sub-section (1).

(6) Any fine recovered in respect of a contravention of any provision of this section or of any notice issued thereunder shall accrue to the urban local authority concerned and shall by it be paid into its native revenue account.

#### PROHIBITION OF INTOXICATING LIQUOR WITHIN LOCATIONS, ETC, AND OF KAFFIR BEER IN URBAN AREAS, SUBJECT TO EXCEPTIONS.

28. (1) Notwithstanding anything in any law contained, no person shall introduce into a location, native village or native hostel any intoxicating liquor as defined in the liquor laws of the Territory and no person shall be in possession of any such liquor within a location, native village or native hostel unless such introduction or possession —

- (a) is supported by the written order of a duly qualified medical practitioner certifying that the liquor is required for medical purposes by the person specified therein; or

bevel in die lasbrief 'n stedelike gebied of 'n gepromakeerde gebied binnekomb, is hy aan 'n misdryf skuldig, en nadat hy 'n moontlike boete betaal het, of moontlike gevangenisstraf uitgedien het, word hy behandel kragtens 'n lasbrief wat 'n regterlike beampte van die vonnisvinnende hof kragtens paagraaf (a) van sodanige sub-artikel uitreik.

(5) By die ondersoek van 'n geval wat ingevolge sub-artikel (1) ontstaan, hou die magistraat of naturellekommissaris notule van die verrigtings, en kan hy na goedunke twee Inboorlinge oproep om die saak as assesseur in raadgewende hoedanighed saam met hom te verhoor.

(6) Die wetsbepalings betreffende appelle en enige soort hersiening in strafsaake, geld met die nodige veranderinge bevel verleen kragtens paragraaf (b) van sub-artikel (2) asof die bevel 'n magistraat se uitspraak in 'n strafsaak was.

#### AANDKLOKREGLEMENT.

27. (1) Die Administrateur kan op versoek van 'n stedelike plaaslike bestuur by kennisgewing in die *Offisiële Koerant* verklar dat geen Inboorling, hetsy man of vrou, gedurende sodanige ure van die dag soos sodanige kennisgewing voorskryf, op 'n openbare plek binne die gebied onder beheer van sodanige bestuur mag verkeer nie, tensy sodanige Inboorling 'n skrifstelflike permit by hom dra wat onderteken is deur sy werkgever of werkgewersgemagtigde of bestuursgemagtigde of Administrateur gemagtigde of deur die bevelhebber van 'n polisiestasie in sodanige gebied. Elke sodanige permit moet die dag van uitreiking aangee, en verminder vir water dag en ure dit bedoel is, en moet op aanvraag van 'n vredesbeampte of ander gemagtigde ter ondersoek vertoon word.

(2) Elke ondertekenaar of uitreiker van 'n Inboorling-permit, is aan 'n misdryf skuldig, en is, by veroordeling, strafbaar soos artikel ses-en-dertig (1) voorgeskryf, tensy hy —

- (a) die werkgever van die betrokke Inboorling is; of
- (b) deur die betrokke Inboorling se werkgever gemagtig is om sodanige permit aan sodanige Inboorling uit te reik; of
- (c) deur 'n stedelike plaaslike bestuur of die Administrateur gemagtig is om sodanige permisse uit te reik, en wat so 'n permit uitgereik het ten opsigte van die gebied onder beheer van die betrokke plaaslike bestuur, of die gebied waarvoor die Administrateur hom gemagtig het om sodanige permisse uit te reik; of
- (d) toe hy sodanige permit uitgereik het, die bevelhebber van 'n polisiestasie was in die stedelike gebied waarvoor sodanige permit uitgereik is.

(3) Elke Inboorling wat die bepalings van 'n kennisgewing uit hoofde van sub-artikel (1) oortree, is skuldig aan 'n misdryf, en is by veroordeling strafbaar met 'n boete van hoogstens twee pond, of (by wanbetaling) met gevangenisstraf van hoogstens een maand, en by 'n tweede of daáropvolgende veroordeling, met 'n boete van hoogstens tien pond, of (by wanbetaling) met gevangenisstraf van hoogstens drie maande.

(4) 'n Kennisgewing kragtens sub-artikel (1) geld nie —

- (a) in 'n lokasie of inboorlingdorp;
- (b) 'n Inboorling genoem in paragrawe (a) tot (d) inklaas van sub-artikel (2) van artikel twee-en-twintig, of enige vroulike afshanklike van hom nie.

(5) Die Administrateur kan, wanneer ook al hy dit doenig kan, by nadere kennisgewing in die *Offisiële Koerant*, 'n kennisgewing afgekondig kragtens sub-artikel (1) herroep of wygnis van die werking daarvan oor enige tydperk hoegenaamd op-skort.

(6) Elke boete wat verhaal word uit skuldigbevinding weens 'n oortreding van 'n bepaling van hierdie artikel of van 'n kennisgewing daarkragtens uitgereik, kom die betrokke stedelike plaaslike bestuur toe, en hy moet dit in sy Inboorlingdorp inkosterekening stort.

VERBOD OP BEDWELMENDE DRANK IN LOKASIES, IN-BOORLINGDORPE EN -TEHUISE, EN OP KAFFER-BIER IN STEDELIKE GEBIEDE, MET UITSONDERINGS.

28. (1) Andersluidende wetsbepalings ten spyt, mag nie mand bedwelmende drank (wat in die Gebleedsdrankwette omskryf word) in 'n lokasie, inboorlingdorp of inboorlingtehuis inbring nie, nogg mag so iemand sodanige drank binne 'n lokasie, inboorlingdorp of inboorlingtehuis by hom hê nie tensy sodanige inbring van besit —

- (a) gesteun word deur 'n doktorsvoorskrif van 'n behoorlik gekwalificeerde geneesheer wat verklaar dat die persoon daarin genoem sodanige drank as medisyne nodig het; of

- (b) is, in the opinion of the officer in charge of the location, native village or native hostel, for sacramental purposes; or  
 (c) is (in the case of kaffir beer) made lawful by reason of the operation in such location or native village of the provisions of section twenty-nine.

(2) No person shall brew, manufacture, introduce, sell, supply or be in possession of kaffir beer in an urban area unless such brewing, manufacture, introduction, sale, supply or possession is authorised under the provisions of section twenty-nine or under any other law, or any amendment thereof.

(3) Any person contravening any provision of this section shall be guilty of an offence and liable on first conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment or to such imprisonment without the option of a fine and on a second or subsequent conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment or to such imprisonment without the option of a fine.

#### EXCLUSIVE MUNICIPAL SUPPLY OF KAFFIR BEER IN CERTAIN CIRCUMSTANCES:

29. (1) The Administrator may, upon the request of a local authority for any urban area, made after reference to the native advisory board or boards in such urban area and in pursuance of a resolution passed at a meeting of which at least seven days' notice had been given and at which not less than two-thirds of the members of such local authority were present, declare by notice in the *Gazette* that, as from a date to be specified therein, such local authority shall have the exclusive right to manufacture, sell and supply kaffir beer within such urban area.

(2) Kaffir beer manufactured by an urban local authority under this section shall be sold, supplied and consumed in no other premises than kaffir beer hall established and controlled by the urban local authority and approved as to its design, dimensions and situation by the Administrator: Provided that the urban local authority may, by resolution passed as in sub-section (1) provided, authorise an officer exercising powers under sub-section (1) of section twenty-one to issue in approved cases written permits for the supply or sale of kaffir beer, not exceeding a maximum quantity to be prescribed, for consumption off the premises.

(3) Kaffir beer referred to in sub-section (1) shall not be sold to male natives under the age of eighteen years or to female natives: Provided that kaffir beer may, subject to such conditions as may be prescribed, be sold to female natives of over the apparent age of twenty-one years in any room other than a room in which kaffir beer is sold also to male natives.

(4) In any area in respect of which a notice has been issued under sub-section (1), any person who manufactures, sells or supplies kaffir beer or who is found within the area in possession of kaffir beer, save under the conditions permitted by sub-section (2), shall be guilty of an offence and liable on conviction for a first offence to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence, to a fine not exceeding fifty pounds or to imprisonment without the option of a fine for a period not exceeding three months or to both such fine and imprisonment.

(5) All expenditure incurred by an urban local authority in connection with the manufacture, sale and supply of kaffir beer under this section shall be debited against, and all receipts from the sale of kaffir beer by that authority shall be credited to, the kaffir beer account.

(6) The provisions of the Sunday Trading Proclamation, 1919 (Proclamation of the Administrator No. 12 of 1919), shall not apply to the sale of kaffir beer in accordance with the provisions of this section.

#### CONTROL BY URBAN LOCAL AUTHORITY OF SUPPLY OF SPROUTED GRAIN IN PERI-URBAN AREA.

30. (1) Notwithstanding anything in any other law contained, the Administrator may, upon the request of an urban local authority, declare by notice in the *Gazette* that as from a date to be specified therein no person shall, either himself or through a servant or agent, sell or supply sprouted grain or crushed or ground sprouted grain to any native within five miles of the boundary of the area of that urban local authority, unless such sale or supply is authorised under a permit issued by the urban local authority: Provided that no such notice shall apply within any area in respect of which any other urban local authority has jurisdiction.

- (b) volgens die beampete aan die hoof van die lokasie, inboorlingdorp of inboorlingtehuis meen, vir godsdienstige plegtighede bestem is; of  
 (c) wat kafferbier betref, ingevolge die bepalings van artikel nege-en-twintig in sodanige lokasie of inboorlingdorp wettig is.

(2) Niemand mag in 'n stedelike gebied kafferbier brou, noggings inbring, nog verkoop, nog lever, tensy sodanige brou, maak, inbring, verkoop, lever of besit gemagtig is ingevolge die bepalings van artikel nege-en-twintig of enige ander wet, of enige wysiging daarvan.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en is by 'n eerste veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond, of (by wanbetaling) met gevangenisstraf van hoogstens drie maande of met beide sodanige boete en gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete, en by 'n tweede of daaropvolgende veroordeling, met 'n boete van hoogstens vyftig pond of (by wanbetaling) met gevangenisstraf van hoogstens ses maande of met beide sodanige boete en gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

#### MUNISIPALE ALLEENREG OP DIE VERSKAFFING VAN KAFFERBIER ONDER SEKERE OMSTANDIGHEDE.

29. (1) Op versoek van 'n plaaslike bestuur van enige stedelike gebied, gedaan na voorlegging aan die Inboorling-advisieraad of -rade in sodanige stedelike gebied, en ingevolge 'n besluit geneem op 'n vergadering waarvan minstens sewe dae kennis gegee is en waarop minstens twee-dertes van die lede van sodanige plaaslike bestuur aanwezig was, kan die Administrateur by kennisgewing in die *Offisiële Koerant* verklaar dat sodanige plaaslike bestuur, vanaf 'n datum genoem in sodanige kennisgewing, die alleenreg het op die maak, verkoop, en levering van kafferbier binne sy stedelike gebied.

(2) Kafferbier uit hoofde van hierdie artikel deur 'n stedelike plaaslike bestuur gemaak, mag verkoop, gelewer en genuttig word slegs in 'n kafferbieroeklaar opgerig en beheer deur die stedelike plaaslike bestuur, en goedgekeur deur die Administrateur wat betrek sy ontwerp, afmetings en ligging: Met dien verstande dat die stedelike plaaslike bestuur by besluit soos sub-artikel (1) bepaal 'n beampete wat bevoegdheid kragtens sub-artikel (1) van artikel een-en-twintig uitoefen, kan magtig om in goedgekeure gevalle skriftelike permitte uit te reik tot levering of verkoop van kafferbier vir gebruik buite die perseel, maar dan nooit meer as die voorgeskrewe maksimum nie.

(3) Kafferbier waarop sub-artikel (1) doel, mag nie aan Inboorlingmans jonger as agtien jaar, nog aan Inboorlingvrouens, verkoop word nie: Met dien verstande dat kafferbier wél, onderhevig aan die bepalings wat voorgeskryf word, in enige kamer buiten dié waarin kafferbier oor aan Inboorlingmans verkoop word, verkoop mag word aan Inboorlingvrouens wat oënskynlik ouer as een-en-twintig jaar is.

(4) Iedereen wat in 'n gebied ten opsigte waarvan 'n kennisgewing kragtens sub-artikel (1) aangekondig is, kafferbier maak, verkoop of lever, of iedereen wat binne die gebied met kafferbier by hom aangeset word, buiten onder die omstandighede wat sub-artikel (2) veroorloof, is skuldig aan 'n misdryf, en is by skuldigbevinding aan 'n eerste oortreding strafbaar met 'n boete van hoogstens twintig pond, en by skuldigbevinding aan 'n tweede of daaropvolgende oortreding met 'n boete van hoogstens vyftig pond, of met hoogstens drie maande gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en gevangenisstraf.

(5) Alle koste wat 'n stedelike plaaslike bestuur in verband met die maak, verkoop en levering van kafferbier uit hoofde van hierdie artikel beloop, kom die kafferbier-rekening ten laste, en elke ontvangs uit kafferbierverkooping deur sodanige bestuur kom die kafferbier-rekening ten late.

(6) Die bepalings van die "Proklamasię op Handeldrijven op Zondag 1919" (Administrateursproklamasie 12 van 1919) geld nie die verkoop van kafferbier uit hoofde van hierdie artikel nie.

#### BEHEER OOR DIE AFSET VAN UITGELOOPTE GRAAN IN DIE OMTREK VAN 'N STEDELIKE GEBIED.

30. (1) Andersluidende wetsbepalings ten spyt, kan die Administrateur op versoek van 'n stedelike plaaslike bestuur by kennisgewing in die *Offisiële Koerant* verklaar dat niemand, nog sy bediende nog sy agent, uitgeleoopte graan in watter vorm ook al binne vyf myl vanaf die gebiedsgrens van sodanige plaaslike bestuur vanaf 'n datum in sodanige kennisgewing aan 'n Inboorling mag verkoop of lever nie, tensy 'n permit van die betrokke plaaslike bestuur sodanige verkoop of levering magtig: Met dien verstande dat so 'n kennisgewing nie 'n gebied onder regbsbeheer van 'n ander stedelike plaaslike bestuur geld nie.

## (2) A permit mentioned in sub-section (1) —

- (a) may be issued or refused at the discretion of the urban local authority;
- (b) shall be subject to such conditions as to the keeping and inspection of records concerning the receipt, manufacture and disposal of stocks (including the furnishing by any person who purchases or acquires such sprouted grain or crushed or ground sprouted grain of his name and address), and as to such other incidental matters as the local authority may deem necessary;
- (c) may at any time be withdrawn by the urban local authority.

(3) An appeal shall lie to the Administrator against the refusal or withdrawal of a permit by the urban local authority, and the Administrator may make such order in regard thereto as he may deem fit.

(4) No native residing on private land within an area, in which a notice issued under sub-section (1) is in operation, shall within that area purchase or otherwise acquire or be in possession of sprouted grain or crushed or ground sprouted grain, except with the written permission of the owner or occupier of that land, which written permission he shall exhibit to every person from whom he so purchases or acquires any such grain.

(5) Any person who contravenes the provisions of a notice issued under sub-section (1) and any native who contravenes the provisions of sub-section (4) shall be guilty of an offence and liable on conviction to the penalties specified in section thirty-six (1).

## TRADING IN LOCATION OR NATIVE VILLAGE.

31. Any urban local authority which has under its administration and control any location, or native village —

- (a) may let sites within the location or native village for trading or business purposes under conditions which shall be prescribed by regulation under paragraph (g) of sub-section (2) of section thirty-two, and, if so directed by the Administrator, after due enquiry at which the urban local authority shall be entitled to be heard, shall on such conditions as the Administrator may prescribe, let sites for those purposes;
- (b) may prohibit or regulate hawking and pedling within the location or native village and in doing so may differentiate between persons of different races and between different classes of hawkers and pedlars;
- (c) may prohibit the carrying on of any business or trade within the location or native village in any other place than a site rented for the purpose of any business or trade:

Provided that —

- (i) no site shall be let under paragraph (a) to a person who is not a native, and no person who is not a native shall be employed on any site so let;
- (ii) the Administrator may authorise the urban local authority to carry on business as a general dealer, butcher, baker and eating-house keeper or to establish and conduct markets or to erect and to let buildings to a native for any such purpose in the location or native village if he is satisfied that such a course is in the interests of the residents of the location or native village. Any urban local authority that carries on business in terms of this section shall keep separate and distinct accounts in the form of a balance sheet, trading account and profit and loss account disclosing fully and fairly all details in relation to such business, and such accounts after detailed audit by the Controller and Auditor-General shall be laid before the council of such authority;
- (iii) the sale and delivery of fresh or skimmed milk in the location or native village shall not be prohibited or restricted under this section.

## REGULATIONS.

32. (1) The Administrator may make regulations, not inconsistent with this Proclamation, as to all or any of the following matters:

- (a) The medical supervision and examination of natives within an urban area or a proclaimed area;
- (b) the proper carrying out of sub-sections (3) and (5) of section nineteen;
- (c) the licensing of officers appointed or assigned under sub-section (1) of section twenty-one;

## (2) 'n Permit waarop sub-artikel (1) doel —

- (a) kan deur die stedelike plaaslike bestuur na goeddunke uitgereik of geweier word;
- (b) moet sodanige voorwaardes nakom op die hou en inset van antekenings op die ontvangs, vervaardiging en afdeur iemand wat sodanige uitgelepte graan in watter vorm ook al koop of andersins verkry en bewendien moet so 'n permit sodanige voorwaardes op sodanige ander verbandhouende aangeleenthede nakom soos die plaaslike bestuur na goeddunke stel;
- (c) kan te eniger tyd deur die stedelike plaaslike bestuur ingetrek word.

(3) Enigemand wat beswaar het teen die stedelike plaaslike bestuur se weiering of intrekking van 'n permit kan hom op die Administrateur beroep, en die Administrateur kan na eie goeddunke 'n desbetreffende bevel uitspreek.

(4) Geen Inboorling woonagtig op privaatgrond in 'n gebied waaraan 'n kennisgewing ingevolge sub-artikel (1) geld, mag binne sodanige gebied uitgelepte graan in watter vorm ook al koop, verkry, of andersins besit nie, buiten met die skriftelike toestemming van die eienaar of bewoner van sodanige grond, en hy moet sodanige skriftelike toestemming vertoon aan elkeen van wie hy sodanige graan aldus koop of verkry.

(5) Elkeen wat die bepalings van 'n kennisgewing beoorlik afgekondig ingevolge sub-artikel (1) oortree, en elke Inboorling wat die bepalings van sub-artikel (4) oortree, is aan 'n misdryf skuldig, en kan by skuldigbevinding ooreenkomsdig artikel ses-en-dertig (1) gestraf word.

## HANDEL IN LOKASIE OF INBOORLINGDORP.

31. Elke stedelike plaaslike bestuur met 'n lokasie of inboorlingdorp onder sy administrasie en beheer kan —

- (a) persele in die lokasie van inboorlingdorp vir handel of ander sake verhuur op voorwaardes wat by regulasie kragtens paragraaf (g) van sub-artikel (2) van artikel twee-en-dertig voorgeskryf moet word, en moet, op Administrateursslageweng en na behoorlike ondersoek waarby die stedelike plaaslike bestuur verhoorreg het, persele vir die genoemde doeleindes verhuur op Administrateursvoorwaarde;
- (b) marskramery en smousery in die lokasie van inboorlingdorp verbied of reïël, en kan daarby onderskei tussen lede van verskillende rasse en tussen verskillende klasse van marskramers en venter;
- (c) verbied dat handel of ander sake in die lokasie van inboorlingdorp gedryf word buiten op 'n perseel wat vir handel of ander sakeondernehmens gehuur is:

Met dien verstande dat —

(i) 'n perseel kragtens paragraaf (a) slegs aan Inboorlinge verhuur mag word en dat slegs Inboorlinge op 'n aldus verhuurde perseel in diens gehou mag word;

(ii) die Administrateur, die stedelike plaaslike bestuur kan magtig om in die lokasie van inboorlingdorp sekere handelaar, slager, bakker, en eetdoen as algemene handelaar, of om daar markte in te stel en te be-koaalhouer, of om daar geboue op te rig en vir 'n dergelyke doel aan Inboorlinge te verhuur, as hy oortuiglike is dat dit die belang van die inwoners van sodanige lokasie van inboorlingdorp bevorder. Elke stedelike plaaslike bestuur wat ingevolge hierdie artikel sake verhuur mag word;

(iii) die verkoop en aflewering van vars of afgeroomde melk in die lokasie van inboorlingdorp nie uit hoofde van hierdie artikel verbied of beperk mag word nie.

## REGULASIES.

32. (1) Met inagneming van hierdie Proklamasie kondig die Administrateur regulasies af, betreffende een of elkeen van die onderstaande aangeleenthede:—

- (a) die geneeskundige toesig oor, en ondersoek van, Inboorlinge in 'n stedelike gebied of 'n geproklameerde gebied;
- (b) die behoorlike uitvoering van sub-artikel (3) en sub-artikel (5) van artikel negentien;
- (c) die lisensiëring van beampies aangestel of aangewys; kragtens sub-artikel (1) van artikel een-en-twintig;

- (d) the duties of officers appointed under sub-section (3) of section twenty-one;
- (e) the exercise of the powers referred to in sub-section (1) of section twenty-two and all matters incidental thereto;
- (f) the nature and management of the accommodation for natives seeking employment in proclaimed areas;
- (g) the conditions under which all contracts of service registered under this Proclamation shall be regulated and enforced, the conduct of native servants in relation to employers and of employers in relation to native servants under such contracts, the restriction of the period of such contracts, the regulation of the circumstances in which deductions may be made from the wages of natives employed under such contracts or the prohibition of such deductions, and generally the control and protection of natives employed under such contracts;
- (h) the summoning and payment of native assessors under sub-section (5) of section twenty-six;
- (i) The powers and duties of the police, or of officers under this Proclamation in respect of entry into and search with or without warrant of any premises on which it is reasonably suspected that kaffir beer is being made, kept, supplied or sold or any native is residing or is being employed or accommodated in contravention of this Proclamation or any regulations;
- (j) the seizure and confiscation of any kaffir beer made, kept or procured in contravention of this Proclamation or any regulations;
- (k) the management and control of the premises or that portion thereof on which kaffir beer is sold or supplied under section twenty-nine and the maintenance of good order therein;
- (l) the composition, the method of manufacture or brewing and the analysis of kaffir beer made, supplied or sold by an urban local authority and the management and control of the breweries of the urban local authority;
- (m) the provision of co-operative arrangements between different local authorities for the manufacture and supply of kaffir beer;
- (n) the facilitating and giving effect to any co-operative arrangement between urban local authorities under section thirty-three;
- (o) prescribing the conditions under which and the procedure where by the removal of natives may be effected by any urban local authority under the provisions of paragraph (f) of sub-section (1) of section two;
- (p) the dissemination of information regarding the demand for, and the available supply of native labour; the proper distribution of native labour; the establishment of native labour exchanges; and the charges to be paid for any service rendered by such exchanges;
- (q) the fees payable in respect of the execution of any warrant issued under sub-section (5) of section nineteen;
- (r) the uniforms to be worn by, and the rates of pay of, police employed by an urban local authority for the control of locations, native villages and native hostels;
- (s) any matter to be prescribed by the Administrator under this Proclamation

and generally for the better carrying out of the objects and purposes of this Proclamation. Different regulations may be made in respect of different areas.

(2) An urban local authority may by resolution passed after at least seven day's notice thereof at a meeting at which not less than two-thirds of its members are present, make or adopt regulations not inconsistent with this Proclamation as to all or any of the following matters:

- (a) The terms and conditions of residence in locations, native villages and native hostels;
- (b) the management and control of locations, native villages and native hostels and of the accommodation provided under paragraph (e) of sub-section (1) of section two and the maintenance of good order, health and sanitation therein;
- (c) the employment of officers and other persons for the management and control of locations, native villages and native hostels and for the carrying out of any services required by this Proclamation or the regulations thereunder to be performed by the urban local authority and the definition of the powers, duties and functions of such officers and other persons, including the supervision by such officers and other persons of the housing of natives residing on private premises outside locations;

- (d) die pligte van beampies aangestel kragtens sub-artikel (3) van artikel een-en-twintig;
- (e) die uitoefening van die bevoegdhede genoem in sub-artikel (1) van artikel twee-en-twintig en alle verbandhoudende aangeleenthede;
- (f) die aard en bestuur van die huisvesting vir Inboorlinge wat in geproklameerde gebiede werk soek;
- (g) die voorwaardes waaronder elke dienskontrak wat kragtens hierdie Proklamasie geregistrer is, gereel en uitgevoer word, die gedrag van Inboorlingbediendes teenoor hul werkgewers en van werkgewers teenoor hul Inboorlingbediendes ingevoerde sodanige kontrakte, die beperking van die duur van sodanige kontrakte, die reëling van die omstandighede waarvolgens kortings kan geskied op lone van Inboorlinge wat ingevoerde sodanige kontrakte in diens is, of die verbod op sodanige kortings, en oor die algemeen, die toegs oor en beskerming van Inboorlinge wat ingevoerde sodanige kontrakte in diens is;
- (h) die dagvaarding en besoldiging van Inboorling-assesore ingevoige sub-artikel (5) van artikel ses-en-twintig;
- (i) die bevoegdhede en pligte van die polisie, of van beampies ingevoige hierdie Proklamasie, betreffende die betreding en deursoeking, hetself met of sonder lasbrief, van persele waarop, na redelike vermoede enstrydig met hierdie Proklamasie of enige regulasies, kafferbier gemaak, voorradig gehou, gelewer of verkoop word of 'n Inboorling woon of in diens is of gehulves word;
- (j) die inbeslagneming en verbeurdverklaring van kafferbier watstrydig met hierdie Proklamasie of met enige regulasies voorradig gehou of verkyf of vervaardig is;
- (k) die beheer van, en toesig oor, sodanige perseel of sodanige gedeelte daarvan waarop kafferbier ingevoige artikel negen-en-twintig verkoop of gelewer word, en die handhawing van die goeie orde daarop;
- (l) die samestelling, die maak- of brouwyse, en die ontleding van kafferbier gemaak, gelewer of verkoop deur 'n stedelike plaaslike bestuur en die beheer van, en toesig oor, die brouerye van die stedelike plaaslike bestuur;
- (m) die daarstelling van koöperatiewe reëlings tussen verskillende plaaslike besture vir die maak en levering van kafferbier;
- (n) die vergemakliking en uitvoering van 'n koöperatiewe reëling tussen stedelike plaaslike besture ingevoige artikel drie-en-dertig;
- (o) die voorskrywing van die voorwaardes waarop, en die prosedure waarsvolgens, 'n stedelike plaaslike bestuur Inboorlinge kragtens die bepalings van paragraaf (1) van sub-artikel (1) van artikel twee kan verwyder;
- (p) die verspreiding van inligting oor die aanvraag na, en die beskikbare voorraad, inboorlingarbeid; die behoorlike verdeling van inboorlingarbeid; die oprigting van inboorling-arbeidsburos; en die geldige betaalbaar vir dienste wat sodanige buro's verrig;
- (q) die geldige betaalbaar vir die ekskusie van 'n lasbrief uit hoofde van sub-artikel (5) van artikel negentien;
- (r) die amptsdrag en salarisstaal van polisiebeampies wat 'n stedelike plaaslike bestuur gebruik te beheer van lokasies, inboorlingdorp of inboorlingtehuise;
- (s) elke aangeleenthed wat die Administrateur by hierdie Proklamasie voorskryf,

en oor die algemeen ter doelmatiger uitvoering van die oogmerke en sin van hierdie Proklamasie. Verskillende regulasies kan ten opsigte van verskillende gebiede afgekondig word.

- (2) 'n Stedelike plaaslike bestuur kan, by besluit aangeenem na minstens sewe dae kennis daarvan op 'n vergadering wat minstens twee-dertes van die lede bywoon, regulerend wat minstens tweedertes van die lede moet word, regulerende wat strook met hierdie Proklamasie, afgondig of ooreenstemmende een of elkeen van die onderstaande aangeleenthede:
- (a) die bedinge en voorwaardes van verblyf in lokasies, inboorlingdorp of inboorlingtehuise;
- (b) die beheer van, en toesig oor, lokasies, inboorlingdorp en inboorlingtehuise, en die huisvesting verskaf ingevoige paragraaf (c) van sub-artikel (1) van artikel twee en die handhawing van die goeie orde, gesondheld en sanitasie daarin;
- (c) die aanstelling van beampies en andere ter bestuur en beheer van lokasies, inboorlingdorp en inboorlingtehuise, en ter uitvoering van dienste wat volgens hierdie Proklamasie op die daaruitvloeiende regulasies deur die stedelike plaaslike bestuur uitgevoer moet word, en die omskrywing van die bevoegdhede, pligte en werkzaamhede van sodanige beampies en ander, insluitende die toesig wat sodanige beampies en ander moet hou oor die huisvesting van Inboorlinge wat op priavapersele buite die lokasies woon;

- (d) the mode of election or selection of members of native advisory boards, the procedure of such boards, the period and conditions of office and the definition of the duties and functions of members of such boards;
- (e) the erection and use of dwellings, buildings and other structures in locations, native villages and native hostels, the removal or destruction of unauthorised or abandoned buildings or structures; and the building of schools and payment of grants in aid of native schools (including night schools);
- (f) the grant of housing loans and the terms and conditions of repayment thereof;
- (g) the allotment of sites in locations or native villages for church, school, trading or business purposes and the conditions of tenure of such sites;
- (h) the establishment, management and control of beer-halls, bioscopes, brick-fields, native servants' registries, institutions for the training of native servants, deposit and remittance agencies, savings banks, hospitals, dispensaries, maternity homes, lodging-houses, baths, wash-houses, recreation buildings or grounds, dance halls, eating-houses and any other institution deemed by the urban local authority to be necessary or advisable in the interests of natives;
- (i) the person by whom and the manner in which any census under this Proclamation shall be taken;
- (j) the prohibition, restriction or regulation of the introduction into or supply or possession in the urban area of sprouted grain or crushed or ground sprouted grain and of the introduction into or supply or possession in any location, native village or native hostel of yeast, sprouted grain or crushed or ground sprouted grain or other fermenting agency capable of being used in the manufacture of intoxicating liquor as defined in the liquor laws of the Territory, and the confiscation of anything which has been the subject of a conviction under any regulation made under this paragraph;
- (k) the regulation, prohibition, or restriction of the keeping of animals in locations, native villages or native hostels, the grazing of stock belonging to natives or to residents in a location or native village on the commonage or any portion of the commonage and the charges to be made in respect of such grazing;
- (l) the prohibition or regulation of the entry into or sojourn in a location, native village or native hostel of any person not resident therein;
- (m) the setting apart for the exclusive use of natives or non-natives or the regulation of the use by natives of any public place or portion of a public place within the area of the urban local authority;
- (n) the prohibition of the carrying by natives of any knob-kieries or other dangerous weapons and the confiscation thereof on conviction for carrying them in contravention of such prohibition;
- (o) tariffs of fees and charges for rent, water, sanitary, health, medical and other services or any consolidation of such services and the collection and recovery of such fees and charges; including provision for the summary sale, without recourse to law, of any building or structure or material from any destroyed building or structure or of other improvements or property on any premises or site in respect of which arrears of rent or other charges are due, and for the summary appropriation of the proceeds of such sale or of such portion thereof as may be necessary, in liquidation of any claim for rent or other charges due by the owner in respect of his site or premises;
- (p) the imposition of penalties in respect of the failure to pay any rents, fees or other charges made or authorised under this Proclamation or the regulations thereunder and the summary ejection from a location, native village or native hostel of any resident failing within a reasonable time of due date to meet his obligations in respect of residence therein;
- (q) the regulation, supervision, control and prohibition of the use of buildings by natives for the purpose of dances, and entertainment at places within the urban area concerned other than locations, native hostels or native villages;
- (r) the conduct, control, supervision and restriction of meetings or assemblies of natives within the urban area: Provided that no such meeting or assembly may by virtue of any such regulation be prohibited except with the special approval of the magistrate after reference to the local police officer and an officer of the urban local authority licensed under sub-section (1) of section twenty-one, and then only if there be reasonable ground for believing that the holding of such meeting may provoke or tend to a breach of the peace;
- (d) die wyse van verkiesing of keuse van lede van Inboorlings-adviserade, die prosedure van sodanige Rade, die pligte en werkzaamhede van sodanige Raadslede;
- (e) die oprigting en gebruik van wonings, geboue en ander bouwerke in lokasies, inboorlingdorp en inboorlinghuise, die verwydering of sloping van onveroorloofde of verlate geboue of bouwerke en die bou van skole en aandskole);
- (f) die toestaan van behuisingslenings en die bedinge en voorwaardes van terugbetaling daarvan;
- (g) die toekenning van persele in lokasies of inboorlingdorp vir kerk-, skool-, handels- of ander sake-doelendies, en die besitvoorwaardes daarop;
- (h) die stigting, bestuur en beheer van bierlokale, bioskope, steenmakkerye, inboorlingbedienende-registrasiekantore, op-leidingskappe, spaarbanke, hospitaal, apteke, kraam-inrigtings, losieshuisse, badhuise, washuise, ontspannings-lokale of -gronde, danssalle, eetlokale, en elke ander inrigting wat, na die stedelike plaaslike bestuur meer, Inboorlingbelange bestendig en bevorder;
- (i) die beampete wat 'n volkstelling ingevoeg hierdie Proklamasie moet opneem, en sy werkwyse;
- (j) die verbod, die beperking, of reëeling insake die invoer of die levering of besit in die stedelike gebied van uitgekoopde graan in watter vorm ook al, en van die invoer, levering of besit in 'n lokasie, inboorlingdorp of inboorlinghuis van gis, uitgekoopde graan in watter vorm ook al, of ander gismiddel ter vervaardiging van bedewemmende drank soos omskryf in die Gebiedsdrankwette en die verbeurdverklaring van enigties waaroor 'n veroordeling geskied het ingevoeg 'n regulasie uit hoofde van hierdie paragraaf;
- (k) die reëeling van, of die verbod van beperking op, die aanhou van diere in lokasies, inboorlingdorp of -tehulse, die weiding van vee behorende aan Inboorlinge of aan lokasiebewoners of Inboorlingdorpeneurs op hul dorpsmeent of 'n deel daarvan, en die betrokke weidingsgelede;
- (l) die verbod op, of reëeling van, die binnekoms of tydelike verblyf in 'n lokasie, inboorlingdorp of -tehuis, van iemand wat daar geen vaste inwoner is nie;
- (m) die afsondering, ter gebruik of slegs deur Inboorlinge óf slegs deur nie-Inboorlinge, van openbare plekke of dele daarvan binne die stedelike plaaslike bestuursgebied;
- (n) die verbod op die dra van knopkieries of ander gevarelike wapens deur Inboorlinge, en die verbeurdverklaring (by 'n veroordeling) van sodanige wapens, waar hullestrydig met sodanige verbod gedra is;
- (o) skale van aanslaggedle vir huur, waterlevering, sanitasie-, gesondesheid-, geneeskundige en ander dienste, of 'n samevoeging van sodanige dienste, en die invordering en verhaling insake sodanige dienste, met inbegrip van die verkoping, op staande voet en sonder regvergaal, van enige gebou, bouwerk, boustout of ge-sloopie geboue of bouwerke, of van ander verbeterings aan, of goedere op, persele waarvan die huur- of ander geldie opeisbaar is, en vir die summiere belasnameing van opbrengste uit sodanige verkoping of van sodanige deel daarvan soos nodig blyk by die tegelde makking van huur-eise en ander bedrae wat die eenlaar op sy erf of perseel skuld;
- (p) die oplegging van strawwe by wanbetaling van huurgeld, aanslae of ander eise gegrond op hierdie Proklamasie of die daaruitvloeiende regulasies, en die summiere uitsetting uit 'n lokasie, inboorlingdorp of inboorlinghuis van 'n inwoner wat 'n redelike tydlang na die vervaldag sy verpligtings betreffende verblyf in sodanige lokasie, inboorlingdorp of -tehuis nog steeds bly versuum;
- (q) die reëeling en beheer van, toesig oor, en verbod op die gebruik van, geboue deur Inboorlinge vir danspartye en vermaaklikhede op plekke binne die betrokke stedelike gebied uitgesonderd lokasies, inboorlingdorp of -tehuis;
- (r) die leiding, beheer en beperking van, en toesig oor, vergaderings of byeenkomste van Inboorlinge binne die stedelike gebied: Met dien verstande dat geen sodanige stedelike gebied: Met dien verstande dat geen sodanige vergadering of byeenkomste kragtens so 'n regulasie verbiед mag word nie, buiten met die spesiale goedkeuring van die magistraat, na referre tot die plaaslike polisiebeampete en tot 'n beampete van die stedelike plaaslike bestuur gelisensleer kragtens sub-artikel (1) plaaslike bestuur gelisensleer kragtens sub-artikel (1) van artikel een-en-twintig, en dan slegs waar daar openlik vermoed kan word dat so 'n vergadering die openbare orde sou belemmer of die vrede sou verstoor;

(s) the management, control and good government of any area within the jurisdiction of the urban local authority approved by the Administrator for the residence of natives in terms of paragraph (c) of sub-section (2) of section nine, and the conditions which may or shall be inserted in the title-deeds or leases of lots or premises situate therein: Provided that no regulation under this paragraph shall render subject to any such conditions any lease entered into before the commencement of such regulation, or the title to any particular piece of land of which the first alienation took place prior to such commencement,

and generally for the better carrying out of the matters and purposes committed to the urban local authority under this Proclamation.

(3) Any urban local authority which has under its administration and control any native village or any area of land set apart for natives in which natives are permitted to acquire the lease of lots shall make regulations providing for the lessee of any lot being permitted to erect his own house or hut thereon. Such regulations shall prescribe the requirements in respect of the design and dimensions of the house or hut and the materials of which it shall be built with which the lessee shall comply.

(4) No regulation made under the authority of sub-section (2) or (3) shall be of force or effect until it has been approved by the Administrator and has been promulgated in the manner prescribed for the promulgation of regulations under the law governing such urban local authority.

(5) Any urban local authority promulgating any regulations under this section shall cause them to be translated into the language or languages used by the native inhabitants of the area of such authority or by any considerable portion of them, and shall arrange that copies of such regulations or summaries thereof shall be in such language or languages be posted in a conspicuous place in any location, native village or native hostel under the control and management of the urban local authority.

(6) In any regulation made under this section, provision may be made for the imposition of penalties for contravention thereof to an extent not exceeding that set out in section thirty-six (1).

(7) The provisions of sub-sections (3) and (4) of section twenty-two shall apply *mutatis mutandis* in respect of any certificate, receipt or other document issued in terms of any regulation made under this section.

#### CO-OPERATION BY NEIGHBOURING URBAN LOCAL AUTHORITIES FOR PURPOSES OF THIS PROCLAMATION.

33. (1) Subject to the approval of the Administrator, any urban local authority may co-operate with any other neighbouring urban local authority or authorities in carrying out or complying with all or any of the provisions of this Proclamation.

(2) Notwithstanding anything contained in this Proclamation, any revenue derived from and any expenditure incurred in connection with any undertaking, in which two or more local authorities co-operate in terms of sub-section (1), may be apportioned amongst the local authorities concerned in such amounts as may be determined by the Administrator after consultation with those local authorities.

#### GENERAL POWERS OF ADMINISTRATOR.

34. (1) If any urban local authority neglects to perform any act which, by or under the provisions of this Proclamation, other than the provisions of paragraph (b) or (c) of sub-section (1) of section fourteen or of section seventeen, it is empowered or required to perform, or performs any such act in such a manner that, in the opinion of the Administrator, effect is not given to the objects and purposes of this Proclamation, the Administrator shall, in addition to any other power specifically conferred upon him in terms of this Proclamation, have power to require such urban local authority, by written notice, to perform such act, or to perform such act forth with the directions of the Administrator set forth in such notice, within a period to be specified in such notice, and if such urban local authority fails to comply with such notice to the satisfaction of the Administrator he may, after written notice to the urban local authority, perform such act and do all such things as may be necessary to give effect to such notice, and shall for that purpose have all the rights and powers which the urban local authority may have in connection with the performance of such act.

(s) die beheer van, toesig oor, en goeie regering van, 'n terrein binne die gebied van die stedelike plaaslike bestuur wat die Administrator ingevolge paraagraaf (c) van sub-artikel (2) van artikel *negc* as inboorlingwoonplek goedgekeur het, en die voorwaarde wat in die titelbewyse of huurkontrakte van erwe of persele daarin geleë kan, of moet, aangegaan is, of 'n bepaalde stuk grond waarvan die eerste vervryeending vóór die genoemde inwerkstreding plaasgevind het, aan sodanige voorwaarde onderworpe mag staan, en oor die algemeen ter doelmatiger uitvoering van die aangeleenthede en doeleindest wat by hierdie Proklamasie aan die stedelike plaaslike bestuur opgedra word.

(3) 'n Stedelike plaaslike bestuur wat beheer en toesig uitoefen oor 'n inboorlingdorp of 'n inboorlingterrein waar Inboorlinge toegelaan word om erwe in huur te verkry, moet regulasies uitvaardig waarby die huurder van 'n erf verlof kan kry om sy eie huis of hut daarop te bou. Sodaanige regulasies stel vereistes betreffende die ontwerp en afmetings van die huis of hut, en die boustowwe waarvan dit gebou moet word, en die huurder moet aan sodanige vereistes voldoen.

(4) 'n Regulasie uit hoofde van sub-artikel (2) of (3) het eers regkskrig wanneer die Administrator dit goedgekeur het, en dit dan ooreenkonsig voorskrif afgekondig is ingevolge die wetsbepalings wat sodanige stedelike plaaslike bestuur beheers.

(5) 'n Stedelike plaaslike bestuur wat regulasies kragtens hierdie artikel afkondig, moet sodanige regulasies laat oorsit in die taal of tale gebruik deur die inboorlinginwoners van die gebied van sodanige bestuur, of deur 'n aansienlike persentasie, en moet toesien dat afskrifte van sodanige regulasies of opsomings daarvan in sodanige taal of tale ooglopend opgeplak word in enige lokasie, inboorlingdorp of -terrein onder die toesig en beheer van sodanige stedelike plaaslike bestuur.

(6) In enige regulasie kragtens hierdie artikel uitvaardig kan daar voorseeing gemaak word vir die oplegging van strawwe vir 'n oortreding daarvan, wat die strawwe bepaal in artikel *ses-en-dertig* (1) egter nie mag oorskry nie.

(7) Die bepalings van sub-artikel (3) en (4) van artikel *twee-en-twintig* geld met die nodige veranderinge op elke sertifikaat, ontvangsbewys of ander dokument uitgereik ingevolge 'n regulasie uitgevaardig kragtens hierdie artikel.

#### SAMEWERKING VAN NABURIGE STEDELIKE PLAASLIKE BESTURE VIR DIE DOELEINDES VAN HIERDIE PROKLAMASIE.

33. (1) Met Administrateursgoedkeuring kan elke stedelike plaaslike bestuur met enige naburige stedelike plaaslike bestuur of besture saamwerk by die uitvoer van nakoming van een of meer van die bepalings van hierdie Proklamasie.

(2) Andersluidende bepalings in hierdie Proklamasie ten spyt, kan alle inkomste verkry uit, en alle onkoste aangegaan in verband met, 'n onderneming waaraan twee of meer plaaslike besture ingevolge sub-artikel (1) saamwerk, onder die betrokke plaaslike besture uitgedeel word in sodanige bedrae soos die Administrator na oorelog met sodanige plaaslike besture bepaal.

#### ALGEMENE BEVOEGDHEDEN VAN ADMINISTRATEUR.

34. (1) As 'n stedelike plaaslike bestuur eniglets nalaat waartoe hy kragtens van ingevolge die bepalings van hierdie Proklamasie (bulten die bepalings van paraagraaf (b) of (c) van sub-artikel (1) van artikel *vcertien*, of van artikel *sewentien*) gemagtig of verplig word, of die só doen dat volgens Administrateursoordeel, die doeleindest van hierdie Proklamasie veryd word, dan het die Administrator, by elke ander bevoegheid wat hierdie Proklamasie uitsluitlik aan hom verleen, ook die bevoegheid om sodanige stedelike plaaslike bestuur by skriftelike kennigsgewing te gelas om dit te doen, of om dit só te doen soos die Administrator in sodanige kennigsgewing voorskrif, binne 'n tydperk wat die kennigsgewing bepaal, en indien so 'n stedelike plaaslike bestuur versuul om ten genevolg van die Administrator aan so 'n kennigsgewing te voldoen, kan die Administrator, na skriftelike kennigsgewing aan die betrokke stedelike plaaslike bestuur die bedoelde taak en al die ander nodige laat uitvoer om aan sodanige kennigsgewing gevolg te gee, en daar toe het die Administrator al die regte en bevoegdhede wat die stedelike plaaslike bestuur desbetrekend besit.

(2) The provisions of sub-section (3) of section four shall mutatis mutandis apply in respect of any expenditure incurred by the Administrator in the exercise of his powers under sub-section (1).

#### SAVINGS.

35. Nothing in this Proclamation shall be construed as —

- (a) invalidating or affecting in any manner whatever any agreement or any transaction for the purchase of land lawfully entered into prior to the commencement of this Proclamation, or as prohibiting any person from purchasing at any sale by order of a competent court any land which was hypothecated by a mortgage bond passed before the commencement of this Proclamation; or
- (b) preventing the acquisition at any time of land or interests in land by devolution or succession on death whether under a will or on intestacy; or
- (c) preventing the due registration in the proper deeds registry, whenever registration is necessary and lawful, of documents giving effect to any such agreement, transaction, devolution or succession as in this section mentioned; or
- (d) preventing a person other than a native who at the commencement of the Natives (Urban Areas) Proclamation, 1924 (Proclamation No. 34 of 1924), was lawfully carrying on any bona fide business, trade or handicraft in any building or permanent structure in a location or native village and who for the purposes of such business, trade or handicraft had acquired interests in the land on which or in the immediate neighbourhood of which such building or permanent structure is erected, from continuing to occupy such building or permanent structure or in the event of the removal or abolition of a location or native village, from occupying premises for the same purpose within any location or native village established in place thereof or from disposing of such interests to a person other than a native, provided such person is approved by the Administrator; or
- (e) preventing any person from lawfully carrying on within any existing location or native village or in the event of its removal or abolition within any location or native village established in place thereof any business duly licensed before the commencement of the Natives (Urban Areas) Proclamation, 1924 (Proclamation No. 34 of 1924), or from carrying on such business under any renewal of such licence; or
- (f) preventing any person from acquiring any limited interest in land for public, mission, education, recreation, trading or industrial purposes, if the acquisition of such interest in land has been sanctioned by the local authority and approved by the Administrator; or
- (g) applying to any accommodation for natives upon any mine or works within the meaning of those terms as defined in section nineteen of Proclamation of the Administrator No. 3 of 1917, as amended, or to any other place for accommodating natives which the Administrator may exclude from its operation.

#### GENERAL.

36. (1) Any person who contravenes any provision of this Proclamation or of any notice issued or regulation made thereunder or who makes default in complying with any provision of this Proclamation with which it is his duty to comply, shall, if no penalty is specially prescribed in this Proclamation or such notice or the regulations for the contravention or default, be liable on first conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two months, to both such fine and imprisonment, or to such imprisonment without the option of a fine, and on a second or subsequent conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, to both such fine and imprisonment or to such imprisonment without the option of a fine.

(2) Notwithstanding anything contained in any law it shall be lawful for any authorised officer to arrest with or without warrant any native reasonably suspected of having contravened any provisions of this Proclamation or any regulation thereunder or of having made default in complying with any provision of this Proclamation with which it is his duty to comply.

(2) Die bepalings van sub-artikel (3) van artikel vier geld met die nodige veranderings op onkoste wat die Administrateur beloop by die uitvoering van sy bevoegdhede kragtens sub-artikel (1).

#### VOORBEHOUDE.

35. Geen bepaling van hierdie Proklamasie het die bedoeling —

- (a) om enigsins hoegaande inbreuk te maak op, of afbreuk te doen aan, die geldigheid van 'n ooreenkoms aangegaan is voor die inwerkingtreding van hierdie Proklamasie, of om enigemand te verbied om op 'n te koop wat beswaar was met 'n verband gepasseer voor die inwerkingtreding van hierdie Proklamasie; of
- (b) om die verkryging te eniger tyd van grond of belangte grond deur erfvolgeling of verkryging na die dood, tensy testamentêr of by versterf, te verhinder nie; of
- (c) om die behoorlike registrasie in die bevoegde Kantoor van Aktes, wanneer ook al registrasie nodig en wettig is, van dokumente wat aan 'n ooreenkoms, transaksie, erfvolgeling of verkryging na die dood gevold wili gee, te verhinder nie; of
- (d) om iemand (buiteni 'n Inboorling) wat by die inwerkingtreding van die "Naturellen (Stedelike Gebieden) Proklamaties 1924" (Proklamasie 34 van 1924) wettig 'n saak, bedryf of ambag te goeder trou in 'n gebou of vaste bouwerk in 'n lokasie of inboorling-dorp uitgeoefen het, en wat daarom belangte verkry het by die grond waarop of in die onmiddellike buurt waarvan sodanige gebou of permanente bouwerk staan, te verhinder om die betrokke gebou of vaste bouwerk te bly bewoon nie, of waar 'n lokasie of inboorling-dorp verwyder of afgeskaf word, om 'n perseel om die selfde doel in 'n nuwe lokasie of inboorling-dorp opgerig in plaas van die oue, te bewoon nie, of om sodanige regte aan iemand buiten 'n Inboorling oor te maak nie,mits die Administrateur so-iemand goedkeur; of
- (e) om iemand te verhinder om in 'n bestaande lokasie of inboorling-dorp, of — waar sodanige lokasie of inboorling-dorp verwyder of afgeskaf word — in die nuwe lokasie of inboorling-dorp wat in die plek daarvan opgerig word, wettig 'n saak te dryf waarwoor hy behoorlik voor die inwerkingtreding van die "Naturellen (Stedelike Gebieden) Proklamaties 1924" (Proklamasie 34 van 1924) 'n lisensie verkry het, of om so 'n saak ingevolge 'n hernuwing van sodanige lisensie voort te sit nie; of
- (f) om iemand te verhinder om 'n beperkte belang by grond vir openbare, sendings-, onderwys-, ontspannings-, handels-, of nywerheidsdoeleindes te verkry nie, as die verkryging van grond deur die stedelike plaaslike bestuur gemagtig en deur die Administrateur goedkeur is; of
- (g) om betrekking te hee nie op huisvesting vir Inboorlinge by 'n myn of by 'n bedryf, volgens die betekenis van genoemde woorde soos bepaal by artikel negentien van Administrateursproklamasie 3 van 1917, soos gewysig, of op enige ander plek ter huisvesting van Inboorlinge wat die Administrateur moontlik van die geldigheid daarvan uitsluit.

#### ALGEMEEN.

36. (1) Iedereen wat 'n bepaling van hierdie Proklamasie of van 'n daaruitvloeiende proklamasie of regulasie oortree, of wat 'n bepaling van hierdie Proklamasie enigsins te kort doen waar hy sodanige bepaling na moet kom, is, indien geen ander straf uitdruklik in hierdie Proklamasie of in sodanige kennissgewing of in die regulasies voorgeskryf word vir sodanige verontsamming nie, by 'n eerste veroordeling strafbaar met 'n boete van hoogstens tien pond, of (by wanbetaling) met gevangenisstraf met of sonder dwangarbeid vir hoogstens twee maande, of met beide sodanige boete en gevangenisstraf of met sodanige gevangenisstraf sonder die keuse van 'n boete, en by 'n tweede of daarop volgende veroordeling, met 'n boete van hoogstens vijftig pond of (by wanbetaling) met gevangenisstraf met of sonder dwangarbeid vir hoogstens drie maande, of met beide sodanige boete en gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

(2) Andersluidende wetsbepalings ten spy, het enige gemagtigde die reg om elke Inboorling wat, volgens redelike vermoede, enige bepaling van hierdie Proklamasie of enige daaruitvloeiende regulasie oortree het, of dat hy 'n bepaling van hierdie Proklamasie enigsins verontsaam het, waar dit sy plig was om aan sodanige bepaling te voldoen, met of sonder lasbrief in hechtenis te neem.

(3) In any proceedings under this Proclamation or any regulations framed thereunder the duplicate service contract filed by the registering officer in terms of sub-regulation (3) of regulation 5 of Government Notice No. 173 of 1924 shall on its mere production be admissible in evidence as *prima facie* proof of the existence of a contract subsisting between the employer and such Native mentioned in such duplicate service contract and of the terms of such contract stated therein.

#### REPEAL OF LAWS.

37. (1) Subject to the provisions of sections *thirty-five* and *thirty-eight*, the laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Whenever a proclaimed area has been declared under sub-section (1) of section *twenty-two* the Administrator may, in any regulation made in respect of such area under paragraph (e) of sub-section (1) of section *thirty-two*, repeal, in respect of its application to such area, so much of any law or regulation as he deems inconsistent with the operation of such regulation.

#### CONTINUATION OF EXISTING LOCATIONS, ETC.

38. (1) Any location established or deemed to have been established under any law repealed by section *thirty-seven*, and any native village or native hostel so established, shall be deemed to have been established under the corresponding provision of this Proclamation.

(2) Any proclamation, regulation, notice, declaration, direction, approval, authority, return, licence, permit, certificate or document issued, renewed, promulgated, made, given or granted, and any other action taken, under any provision of a law repealed by section *thirty-seven*, shall be deemed to have been issued, renewed, promulgated, made, given, granted or taken under the corresponding provision of this Proclamation.

#### SHORT TITLE.

39. This Proclamation shall be called the Natives (Urban Areas) Proclamation, 1951; and shall come into operation from the date of publication in the Gazette.

#### GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 25th day of June, 1951.

P. I. HOOGENHOUT,  
Administrator.

(3) By verrigtinge ingevalle hierdie Proklamasie of daarbyloeiende regulasies is die afskrif van 'n dienskontrak wat die Registrasiebeampte ooreenkomsig sub-artikel (3) van regulasie 5 van Goewermentskennisgewing 173 van 1924 daarop nahou, by blote voorlegging toelaatbaar as bewys *prima facie* dat so 'n dienskontrak tussen di betrokke werkgever en Inboorling bestaan, en dat die bedinge daarvan so is soos die afskrif aandui.

#### HERROEPING VAN WETTE.

37. (1) Onderhewig aan die bepalings van artikels *wyf-en-dertig* en *agt-en-dertig*, word die wette wat die Bylae vermeld, hierby herroep dermate die derde kolom daarvan aandui.

(2) Wanneer ook al 'n gebied uit hoofde van sub-artikel (1) van artikel *twee-en-twintig* geproklameer word, kan die Administrateur, in enige regulasie wat kragtens paragraaf (e) van sub-artikel (1) van artikel *twee-en-dertig* betrefende sodanige gebied afgekondig is, daardie deel van 'n wet of regulasie wat sens insiens onbestaanbaar is met die toepassing van sodanige regulasie herroep ten opsigte van die toepassing daarvan op sodanige gebied.

#### VOORTBESTAAN VAN BESTAANDE LOKASIES ENS.

38. (1) 'n Lokasie wat ingevalle 'n wet wat by die artikel *sewen-en-dertig* herroep word, opgerig is, of geag word opgerig te gewees het en 'n aldus opgerigte Inboorlingdorp of -tehuus, word beskou ingevalle die ooreenstemmende bepaling van hierdie Proklamasie opgerig te gewees het.

(2) Elke proklamasie, regulasie, kennisgewing, verklaring, lasgewing, goedkeuring, magtiging, opgaaf, lisensie, permit, sertifikaat of dokument uitgereik, herno, afgekondig, gemaak, gegee of verleen, en elke ander stap gedoen kragtens en ingevalle enige bepaling van 'n wet wat deur artikel *sewen-en-dertig* herroep word, word gehou vir uitgereik, herno, afgekondig, gemaak, gegee, verleen of gedoen kragtens en ingevalle die ooreenkomstige bepaling van hierdie Proklamasie.

#### KORT TITEL EN INWERKINTREDING.

39. Hierdie Proklamasie heet die Proklamasie op Inboorlinge in Stedelike Gebiede 1951, en tree in werking op die datum van publikasie in die Offisiële Koerant.

#### GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël in Windhoek op hierdie vyf-en-twintigste dag van Junie 1951.

P. I. HOOGENHOUT,  
Administrateur.

## SCHEDULE.

## LAWS REPEALED.

## BYLAE.

## HERROEPE WETSBEPALINGS.

No. and Year.	Title.	Extent of Repeal.	No. en Jaar.	Titel.	Mate van herroeping.
Proclamation No. 33 of 1922.	Curfew Regulations	The whole.	Proklamasie 33 van 1922.	Aandklok Regulaties	Die hele.
Proclamation No. 34 of 1924.	Proclamation, 1922. Natives (Urban Areas) Proclamation, 1924.	The whole.	Proklamasie 34 van 1924.	Proklamatie 1922. Naturellen (Stedelike Gebieden) Proklamatie 1924.	Die heje.
Proclamation No. 4 of 1932.	Natives (Urban Areas) Amendment Proclamation, 1932.	Sections one, two, three, four, five, six, seven, eight, nine, ten, twelve and thirteen.	Proklamasie 4 van 1932.	Naturelle (Stedelike Gebiede) Wysigings-Proklamasie 1932.	Artikel een, twee, drie, vier, vyf, ses, sewe, acht, nege, en tien, twaalf, en dertien.
Proclamation No. 1 of 1935.	Natives (Urban Areas) Amendment Further Amendment Proclamation, 1935.	The whole.	Proklamasie 1 van 1935.	Naturelle (Stedelike Gebiede) Wysiging Verder Wysigings-Proklamasie 1935.	Die hele.
Proclamation No. 7 of 1936.	Natives (Urban Areas) Amendment Proclamation, 1936.	The whole.	Proklamasie 7 van 1936.	Naturelle (Stedelike Gebiede) Wysigingsproklamasie 1936.	Die hele.
Proclamation No. 40 of 1936.	Natives (Urban Areas) Further Amendment Proclamation, 1936.	The whole.	Proklamasie 40 van 1936.	Naturelle (Stedelike Gebiede) Verdere Wysigingsproklamasie 1936.	Die hele.
Proclamation No. 9 of 1937.	Natives (Urban Areas) Amendment Proclamation, 1937.	The whole.	Proklamasie 9 van 1937.	Naturelle (Stedelike Gebiede) Wysigingsproklamasie 1937.	Die hele.
Proclamation No. 1 of 1938.	Natives (Urban Areas) Further Amendment Proclamation, 1938.	The whole.	Proklamasie 1 van 1938.	Naturelle (Stedelike Gebiede) Verdere Wysigingsproklamasie 1938.	Die hele.
Proclamation No. 21 of 1938.	Natives (Urban Areas) Proclamation, 1924, Further Amendment Proclamation, 1938.	The whole.	Proklamasie 21 van 1938.	Verdere Wysigingsproklamasie 1938 op die „Naturellen (Stedelike Gebieden) Proklamatie 1924.”	Die hele.
Proclamation No. 11 of 1943.	Natives (Urban Areas) Amendment Proclamation, 1943.	The whole.	Proklamasie 11 van 1943.	Naturelle (Stedelike Gebiede) Wysigingsproklamasie 1943.	Die hele.
Proclamation No. 8 of 1946.	Natives (Urban Areas) Amendment Proclamation, 1946.	The whole.	Proklamasie 8 van 1946.	Naturelle (Stedelike Gebiede) Wysigingsproklamasie 1946.	Die hele.
Proclamation No. 39 of 1949.	Natives (Urban Areas) Amendment Proclamation, 1949.	The whole.	Proklamasie 39 van 1949.	Wysigingsproklamasie op Naturelle (Stedelike Gebiede) 1949.	Die hele.