

Bibliotek

OFFICIAL GAZETTE

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OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIELE KOERANT

UITGawe OP GESAG.

VAN SUIDWES-AFRIKA.



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No. 45, 1962 (Republic).]

ACT

To amend the Aviation Act, 1923.

(Afrikaans text signed by the State President.)
(Assented to 7th May, 1962.)

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

1. Section one of the Aviation Act, 1923 (hereinafter referred to as the principal Act), is hereby amended by the deletion in sub-section (1) of the words "and ratified by the Government of the Union on the first day of March, 1947".

2. Section two of the principal Act is hereby amended—

(a) by the insertion in paragraph (b) before the word "session", wherever it occurs, of the word "ordinary"; and

(b) by the deletion of paragraph (c).

3. Section three of the principal Act is hereby amended—

No. 45, 1962 (Republiek).]

WET

Tot wysiging van die „Luchtvaartwet, 1923”.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Mei 1962.)

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

1. Artikel een van die „Luchtvaartwet, 1923” (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woorde „en door die Regering van die Unie bekragtigd op die eerste dag van Maart 1947.” te skrap.

2. Artikel twee van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) voor die woorde „zitting”, orale waar dit voorkom, die woorde „gewone” in te voeg; en

(b) deur paragraaf (c) te skrap.

3. Artikel drie van die Hoofwet word hierby gewysig—

- (a) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:
- "(b)*bis* the issue, by a person and in the circumstances prescribed, of an order directing —
- any aircraft intending to land at an aerodrome to observe a specified flight path during holding, approach and landing;
 - any aircraft intending to land at a particular aerodrome not to land at such aerodrome but to proceed to another aerodrome specified; and
 - any aircraft to observe, upon take-off at an aerodrome, a specified climb-out flight path until the assigned flight altitude is attained;";
- (b) by the addition at the end of sub-paragraph (ii) of paragraph (c)*bis* of the said sub-section of the words "the parking of vehicles therein, the demarcation of places and the imposition of fees for such parking, the manner of payment of such fees, and the meaning of the word 'park' for the purposes of this sub-paragraph";
- (c) by the insertion in sub-paragraph (vi) of the said paragraph (c)*bis*, after the word "trading", of the words "or carrying on any occupation";
- (d) by the addition at the end of sub-paragraph (viii) of the said paragraph (c)*bis* of the words "and the person who shall decide during which periods those charges shall be payable";
- (e) by the insertion in sub-paragraph (xiii) of the said paragraph (c)*bis* before the word "liquid" of the words "oil and";
- (f) by the deletion in paragraph (f) of the said sub-section (1) of the words "or goods or passengers may be conveyed by aircraft";
- (g) by the addition at the end of paragraph (m) of the said sub-section of the words "including the prevention of nuisance due to noise or vibration originating from the operation of machinery in aircraft on or above aerodromes, whether by the installation in aircraft or on aerodromes of means for the prevention of such noise or vibration, or otherwise";
- (h) by the insertion after the said paragraph (m) of the following paragraph:
- "(m)*bis* the order in which aircraft may be requisitioned and the holders of flight crew licences issued in terms of this Act may be called out in terms of sub-section (1) of section five, the carrying out of any air search and rescue operations, and the rate at which compensation is to be paid by the State in respect of any aircraft requisitioned and the calling out of any person for the purpose of such operations;";
- (i) by the insertion in paragraph (n) of the said sub-section (1) after the word "whom" of the words "and to whom"; and
- (j) by the insertion in sub-section (1)*ter* after the word "fees" of the words "rates of compensation" and after the word "such" of the words "fees or".

4. Section four of the principal Act is hereby amended —

- by the substitution in sub-section (1) for the word "may" of the word "shall";
- by the insertion in paragraph (b) of sub-section (2), after the word "periods", of the words "of not less than two years";
- by the substitution for paragraph (b) of sub-section (3) of the following paragraph:

"(b) matters arising out of the application in the Republic of the Convention or any other convention relating to aviation which applies or is to be applied in the Republic;";

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

- (a) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:
- „(b)*bis* het uitreiken, door een persoon en onder omstandigheden te worden voorgeschreven, van een bevel waarbij gesteld wordt —
- dat een luchtvaartuig dat voorbereid is bij een aerodrome te landen, zich bij het wachten, nadelen en landen aan een aangegeven vliegbaan houdt;
 - dat een luchtvaartuig dat voorbereid is bij een blezonder aerodrome te landen, niet bij dat aerodrome lande maar naar een ander aangegeven aerodroom ga; en
 - dat een luchtvaartuig zich bij opstijging bij een aerodrome aan een aangegeven klimvlieghoede bereikt wordt;".
- (b) deur aan die end van sub-paragraaf (ii) van paragraaf (c)*bis* van genoemde sub-artikel die volgende woerde by te voeg: „het parkeren van ruitwagen daarin, het afbakenen van staanplaatsen en het opleggen van gelden voor zodanige parkeren, de wijze van betaling van zodanige gelden, en de betekenis van het woord 'parkeren' bij het toepassen van deze sub-paragraaf";
- (c) deur in sub-paragraaf (vi) van genoemde paragraaf (c)*bis*, na die woord „doen", die woerde „of een bedrijf uitoefenen" in te voeg;
- (d) deur aan die end van sub-paragraaf (viii) van genoemde paragraaf (c)*bis* die volgende woerde by te voeg: „en de persoon door wie bepaald word gedurende welke tijden perken die gelden betaalbaar zijn";
- (e) deur in sub-paragraaf (xiii) van genoemde paragraaf (c)*bis* voor die woord „vloeibare" die woerde „olie en" in te voeg;
- (f) deur in paragraaf (f) van genoemde sub-artikel (1) die woerde „of goederen of passagiers per luchtvaartuig vervoerd mogen worden," te skrap;
- (g) deur aan die end van paragraaf (m) van genoemde sub-artikel die volgende woerde by te voeg: „insluitende het beletten van hinder en overlast ten gevolge van geraas of vibratie voortspruitende uit de werking van machinerie in luchtvaartuigen op of boven aerodromes, hetzij door het installeer in luchtvaartuigen of op aerodromes van middelen om geraas of vibratie van die aard te voorkomen, of anderszins";
- (h) deur na genoemde paragraaf (m) die volgende paragraaf in te voeg:
- „(m) de orde waarin ingevolge sub-artikel (1) van artikel vijf luchtvaartuigen gerekwirreerd en houders van ingevolge deze Wet uitgeruste vliegpersoneellicenties opgeroepen kunnen worden, de uitvoering van opsporings- en reddingswerkzaamheden uit de lucht, en de tarie waartegen de Staat ten opzichte van een luchtvaartuig gerekwirreerd en iemand opgeroepen voor zodanige werkzaamheden vergoeding moet betalen;".
- (i) deur in paragraaf (n) van genoemde sub-artikel (1), na die woord „wie", die woerde „en aan wie" in te voeg; en
- (j) deur in sub-artikel (1)*ter* na die woord „gelden", waar dit die eerste maal voorkom, die woerde „tarief van vergoeding" in te voeg.
4. Artikel vier van die Hoofwet word hierby gewysig —
- deur in sub-artikel (1) die woord „kan" deur die woord „moet" te vervang;
 - deur in paragraaf (b) van sub-artikel (2), na die woord „tijdenperken", die woerde „van niet minder dan twee jaren" in te voeg;
 - deur paragraaf (b) van sub-artikel (3) deur die volgende paragraaf te vervang:

„(b) zaken voortvloecendende uit die toepassing in de Republiek van de Konventie of een andere konventie betreffende de luchtvaart die in de Republiek van toepassing is of toegepast staat te worden;".

 - deur paragraaf (d) van genoemde sub-artikel deur die volgende paragraaf te vervang:

- "(d) the progress and development of civil aviation in the Republic and research into matters pertaining to civil aviation;" and
 (e) by the substitution in the said sub-section for the words "flying and" of the words "or incidental to flying or".

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

"Requisitioning of aircraft and calling out of night crews for air search and rescue operations."

5. (1) The Minister or any person authorized thereto by the Minister may at any time requisition any civil aircraft and call out any holder of flight crew licence issued in terms of this Act for air search and rescue operations, subject to the payment of compensation at such rate as may be prescribed.

(2) If any air search and rescue operations are undertaken by the State in connection with any occurrence caused by the negligent or other unlawful act or omission of any person, the Minister may recover from such person the whole or any portion of the expenses incurred by the State in connection with such operations, according as he may determine after consultation with the Minister of Finance.

(3) Any person who without lawful reason refuses or fails to comply with any order or instruction made or given by virtue of the provisions of sub-section (1), shall be guilty of an offence."

6. Section six of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of all the words after the word "land", where it occurs for the second time; and
 (b) by the addition of the following sub-sections:

"(4) The provisions of section *seventy-eight* of the Defence Act, 1957 (Act No. 44 of 1957), shall, if necessary, apply in connection with the acquisition in terms of this section of any land and interests in and rights to and over land, as if such land, interests or rights were required for defence purposes.

(5) The provisions of any law governing the granting of authority for the issue of any licence for the carrying on of any trade or occupation, for the carrying on of which a licence is required in terms of any regulation made under sub-paragraph (vi) of paragraph (e)*bis* of sub-section (1) of section *three*, shall not apply to or in respect of any aerodrome established and maintained in terms of this section."

7. The following section is hereby inserted in the principal Act after section *six bis*:

"Establishment of aerodromes on undermined or certain other land."

7. Notwithstanding the provisions of section *eight* no aerodrome shall be established—

- (a) on any undermined ground or within a distance of three hundred feet from any undermined ground or any open mine excavation unless, in the opinion of the Government Mining Engineer, such aerodrome could be used with safety;
 (b) on any ground which in the opinion of the Minister of Mines may be required for purposes of mining or prospecting for minerals, except—
 (i) in the case of an aerodrome contemplated in sub-section (1) of section *six*, after consultation with the Minister of Mines; or
 (ii) in the case of any other aerodrome, with the approval of the said Minister."

8. Section *eight* of the principal Act is hereby amended by the substitution for the word "erection" of the word "establishment" and the deletion of the word "actual".

„(d) de vordering en ontwikkeling van burgerlike luchtvaart in die Republiek en navorsing ten opzichte van zaken die op burgerlike luchtvaart betrekking hebben;" en
 (e) deur in genoemde sub-artikel die woorde „het vliegen en" te vervang deur die woorde „of behorende bij het vliegen of".

5. Artikel *vijf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Niewersien van luchtvaartuitgaven en oproepen van vliegpersoneel voor vliegings- en reddingswerkzaamheden uit die lucht."

5. (1) De Minister of een door hem daartoe gemachtigde persoon kan onderworpen aan betaling van vergoeding tegen een voorgeschreven tarief te eniger tyd een burgerlike luchtvaartulg rekwiere en een houder van een ingevalle deze Wet uitgebrekte vliegpersoneelcentrale oproepen voor opsporings- en reddingswerkzaamheden uit die lucht.

(2) Indien opsporings- en reddingswerkzaamheden uit die lucht deur die Staat ondernomen worden in verband met een voorval veroorzaakt doer een natalige of andere onwettige daad of verzuim van een of ander persoon, kan de Minister die kosten in verband met die werkzaamhede doer die Staat opgelopen of deel van die kosten, al naar hij na beraadseling met die Minister van Finansieën bepaalt, op die persoon verhalen.

(3) Hij die zonder wettige reden weigert of in gebreke blijft aan een uit krachte van de bepalingen van sub-artikel (1) gegeven bevel of opdracht te voldoen, is aan een misdrijf schuldig."

6. Artikel *six* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) al die woorde na die woorde „verkrijgen" te skrap; en
 (b) deur die volgende sub-artikels by te voeg:

„(4) Die bepalingen van artikel *agt-en-zeventig* van die „Verdedigingswet, 1957" (Wet No. 44 van 1957), zijn, indien nodig, van toepassing in verband met die verkrijging ingevalle dit artikel van grond en belangen in en rechten tot of over grond, alsof zodanige grond, belangen of rechten voor verdedigingsdoeleinden vereist waren.

(5) De wetsbepalingen op het verlenen van machtiging tot die uitreiling van een licentie om zaken te doen of een bedrijf uit te oefenen, voor het doen of uitoefen waarvan ingevalle een reguliere krachtes sub-paragraaf (vi) van paragraaf (c)*bis* van subartikel (1) van artikel *drie* uitgevaaardigd, een licentie vereist wordt, vindt geen toepassing op of ten opzichte van een aerodroom ingevalle dit artikel opgericter en in stand gehouwen."

7. Die volgende artikel word hierby in die Hoofwet na artikel *six bis* ingevoeg:

„Oprichting van aerodromes op ondermijnde of sterk anders aarde grond."

7. Ondanks die bepalingen van artikel *acht*, mag geen aerodroom worden opgericht—

- (a) op ondermijnde grond of binnek een afstand van drie honderd voet vanaf ondermijnde grond of een open mijntuitgraving, tenzij dat aerodroom naar het oordeel van die Staatsmijnenieur met veiligheid gebruik sou kunnen worden;
 (b) op grond die naer het oordeel van die Minister van Mijnwezen voor mijnbouw of het prospekeren voor mineralen nodig word mag, behalve—
 (i) in die geval van een in sub-artikel (1) van artikel *zes* beoogd aerodroom, na beraadseling met die Minister van Mijnwezen; of
 (ii) in die geval van een ander aerodroom, met die goedkeuring van geneemde Minister".

8. Artikel *agt* van die Hoofwet word hierby gewysig deur die woorde „werkelike" te skrap.

9. Section *ten* of the principal Act is hereby amended—

- (a) by the substitution in the last sentence of subsection (2) for all the words after the word "by" of the words "a member of the South African Police"; and
- (b) by the substitution in sub-section (3) for the words "or justices of the peace by the Inquest Act, 1919" of the words "by the Inquest Act, 1959 (Act No. 58 of 1959)".

10. Sections *eleven*, *twelve* and *thirteen* of the principal Act are hereby repealed.

11. Section *fourteen* of the principal Act is hereby amended by the insertion in sub-section (2) after the word "court", where it occurs for the last time, of the words "or the commissioner of patents, as the case may be".

12. Section *fifteen* of the principal Act is hereby amended by the substitution in sub-section (1) for all the words preceding the word "Provided" of the following words: "If the owner, pilot-in-command or person in charge of any aircraft commits any offence under this Act from or in respect of that aircraft or if reasonable suspicion exists that such an offence has been committed or attempted or is about to be committed or attempted from or in respect of any aircraft by the owner, pilot-in-command or person in charge thereof, any member of the South African Police or any officer of the South African Defence Force may, pending the trial of the charge, detain the aircraft in question, and any person who, knowing that any aircraft is being so detained, removes or causes to be removed such aircraft, shall be guilty of an offence.".

13. The following section is hereby inserted in the principal Act after section *fifteen*:

"*Acta van vinnige toepassing op personeel van vliegtuig en possessie van vliegtuig en voorwerpe van vuurwapens, geweerlike wapens of explosieven in vliegtuig, en valske alegasjons in regard thereto.*

15bis. (1) Any person who while any aircraft is in flight—

- (a) by force or threat of force and without lawful reason seizes control or exercises control of such aircraft; or
- (b) assaults or wilfully interferes with any member of the personnel of such aircraft in the performance of his duties,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

(2) Any person who while in any aircraft which is being used for the conveyance for reward of passengers or cargo, has in his possession any fire-arm or any dangerous weapon as defined in section *ten* of the General Law Amendment Act, 1949 (Act No. 54 of 1949), or any explosives as defined in section *one* of the Explosives Act, 1956 (Act No. 26 of 1956), without the permission of the pilot-in-command or the owner or any person acting under the authority of the owner of such aircraft, shall be guilty of an offence and liable on conviction to a fine not exceeding eight hundred rand or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(3) Any person who falsely alleges that any other person is about to commit an offence in contravention of sub-section (1) or (2), shall be guilty of an offence and liable on conviction to a fine not exceeding four thousand rand or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

(4) For the purposes of sub-section (1) "personnel" includes the pilot-in-command of and any other person assigned to duty on an aircraft".

9. Artikel *tien* van die Hoofwet word hierby gesyg—

- (a) deur in die laaste sin van sub-artikel (2) al die woorde na die woorde "door" deur die woorde "een lid van die Zuid-Afrikaanse Politie gedien" te vervang; en
- (b) deur in sub-artikel (3) die woorde "of vrederechters volgens die Wet op Lijkschouwingen, 1919" te vervang deur die woorde "volgens die Wet op Geegtelike Doodsondersoek, 1959" (Wet No. 58 van 1959)".

10. Artikels *elf*, *twaalf* en *dertien* van die Hoofwet word hierby herroep.

11. Artikel *veertien* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woorde "hof", waar dit die laaste maal voorkom, die woorde "of die kommissaris van patenten, al naar het geval," in te voeg.

12. Artikel *vijftien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) al die woorde voor die woorde "Met dien verstande" deur die volgende woorde te vervang: "Indien die eienaar of gezagvoerende vliegenier van of die persoon belast met het toezicht over een luchtvaartuig uit of met betrekking tot dat luchtvaartuig een overtreding van deze Wet begaat, of indien er redelike vermoeden bestaat dat zulk een overtreding of een poging daartoe uit of met betrekking tot een luchtvaartuig door die eienaar of gezagvoerende vliegenier daarvan of die persoon belast met het toezicht daarover begaan of gedaan is of begaan of gedaan staat te worden, kan ieder lid van die Zuid-Afrikaanse Politie of iedere officier van die Zuid-Afrikaanse Verdedigingsmacht hangende de be rechtiging van die klacht het betrokken luchtvaartuig aan houden, en hij die, kennis hebbende van zodanige aanhouding van een luchtvaartuig, dat luchtvaartuig verwijderd of doet verwijderen, is aan een misdrif schuldig".

13. Die volgende artikel word hierby in die Hoofwet na artikel *vijftien* ingevoeg:

Gewelddadene tezenoor personeel van vliegtuig en luchtvaartuigen en bevat van vuurwapens, geværlike wapens of ontplofbare stoffen in luchtvaartuigen, en valske beweringen in verband daarmee.

15bis. (1) Hij die terwyl een luchtvaartuig in vlieg is—

- (a) door geweld of drelgemaal van gewelden zonder wetlike rede beheer over dat luchtvaartuig overneem of uitoefent; of
- (b) een lid van het personeel van dat luchtvaartuig bij de verrichting van zijn plichten aanrande of opzettelk hldert, is aan een misdrif schuldig en bij veroordeling strafbaar met gevangenisstraf voor een tijelperk van ten hoogste tien jaren.

(2) Hij die terwyl hij in een luchtvaartuig is dat voor het vervoer van passagiers of goederen tegen vergoeding gebruik wordt, zonder die toestemming van de gezagvoerende vliegenier of die eienaar of een persoon handelende op gezag van die eienaar van dat luchtvaartuig, een vuurwapen of een geværlike wapen zoals omschreven in artikel *vier* van die Algemene Regslysingswet, 1949" (Wet No. 54 van 1949), of ontplofbare stof zoals omschreven in artikel *een* van de, Wet op Ontplofbare Stowwe, 1956" (Wet No. 26 van 1956). In zijn bezit heeft, is aan een misdrif schuldig en bij veroordeling strafbaar met een boete van ten hoogste acht honderd rand of met gevangenisstraf voor een tijelperk van ten hoogste een jaar of met beide zodanige boete en zodanige gevangenisstraf.

(3) Hij die valsellk beweert dat die een of andere persoon op het punt staat een misdrif ingevolge subartikel (1) of (2) te plegen, is aan een misdrif schuldig en bij veroordeling strafbaar met een boete van ten hoogste vier duizend rand of met gevangenisstraf voor een tijelperk van ten hoogste vijf jaren of met beide zodanige boete en zodanige gevangenisstraf.

(4) Bij de toepassing van sub-artikel (1) wordt onder "personeel" inbegrepen de gezagvoerende vliegenier van een luchtvaartuig en elke andere persoon voor dienst daarop toegewezen."

14. Section sixteen of the principal Act is hereby amended by the deletion in sub-section (1) of the words "or of the rules made under that Convention."

15. (1) Section eighteen of the principal Act is hereby amended —

- (a) by the deletion in sub-section (1) of the words "proclamation or";
- (b) by the substitution in sub-section (1)*bis* for the word "pilot" of the word "pilot-in-command"; and
- (c) by the substitution for sub-section (2) of the following sub-section:

"(2) The provisions of this Act and of the Convention shall not apply to aircraft or aerodromes belonging to the Department of Defence or for the time being in use exclusively by the South African Defence Force, or to any person employed on or in connection with such aircraft or aerodromes, irrespective of whether such person is so employed in a military or civil capacity: Provided that the Minister, after consultation with the Minister of Defence, may by notice in the *Gazette* apply to any such aircraft, aerodromes or person any of the said provisions with or without modification."

(2) Any proclamation issued under sub-section (2) of section eighteen of the principal Act prior to the substitution thereof by paragraph (c) of sub-section (1) of this section, shall remain in force until repealed by a notice issued under the said sub-section (2) as so substituted.

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

"Expenditure and revenue under this Act. 19.(1) All expenditure incurred in the administration of this Act and the carrying out and giving effect to the provisions of the Convention shall be defrayed out of moneys appropriated by Parliament for the purpose.

(2) All moneys received under this Act or the Convention shall be paid into the Consolidated Revenue Fund."

17. Section twenty of the principal Act is hereby amended —

- (a) by the insertion before the definition of "aerodrome" of the following definition:

"'accident' includes any occurrence declared by regulation to constitute an accident;"

- (b) by the substitution for the definitions of "aerodrome", "aircraft" and "Convention" of the following definitions:

"'aerodrome' means a defined area on any land, water or building intended to be used either wholly or in part for the arrival, departure or movement of aircraft, and includes any building, installation or equipment within any such area which is intended so to be used;

"'aircraft' means any vehicle that can derive support in the atmosphere from the reactions of the air;

"'Convention' means the Convention on International Civil Aviation drawn up at Chicago on the seventh day of December, 1944, and includes any amendments thereto and additions thereto ratified and proclaimed in accordance with the provisions of paragraph (b) of section 140;";

- (c) by the insertion after the definition of "Convention" of the following definition:

"'flight path' means the line of an aircraft's passage through the air;"

- (d) by the insertion after the definition of "regulation" of the following definitions:

"'Republic' includes any territory in respect of which Parliament is competent to legislate; "South African aircraft" means an aircraft registered in the Republic;" and

- (e) by the substitution for the definitions of "Union" and "Union aircraft" of the following definitions:

14. Artikel sesien van die Hoofwet word hierby gewysig deur die woorde „of van die krachtes die Konventie gemaakte regels,” te skrap.

15. (1) Artikel agtien van die Hoofwet word hierby gewysig —

- (a) deur in sub-artikel (1) die woorde „proklamatories of“ te skrap;
- (b) deur in sub-artikel (1)*bis* die woorde „bestuurder“ deur die woorde „gezagvoerende vliegenier“ te vervang; en
- (c) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

"(2) De bepalingen van deze Wet en van de Konventie zijn niet van toepassing op luchtaartulgten of aerodrooms behorende aan het Departement van Verdediging of alsdan in uitstuitend gebruik door de Zuid-Afrikaanse Verdedigingsmacht, of op een persoon in diens op of in verband met zodanige luchtaartulgten of aerodrooms, onverschillig of die persoon in een militaire of burgerlike hoedanigheid aldus in dienst is: Met dien verstande dat die Minister na beraadslagting met die Minister van Verdediging bij kennisgeving in de Staatskoerant een of meer van genoemde bepalingen met of sonder wijziging op zulk een luchtaartulgten, aerodroom of persoon kan toepassen."

(2) 'n Proklamasie kragtens sub-artikel (2) van artikel agtien van die Hoofwet uitgevaardigd vóór die vervanging daarvan deur paraagraaf (c) van sub-artikel (1) van hierdie artikel, bly van krag totdat dit herroep word deur 'n kennisgeving uitgereik kragtens genoemde sub-artikel (2) soos aldus vervang.

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

"Uitgaven en inkomsten kontrakteerde konveniente Wet." 19. (1) Alle uitgaven aangegaan bij de uitvoering van deze Wet en ten einde die bepalingen van die Konventie na te komen daarnaar gevolg te geven, worden uit door het Parlement daartoe bewilligde gelden betaald.

(2) Alle krachtes deze Wet of de Konventie ontvangen gelden worden in het Geconsolideerd Inkomstefonds gestort."

17. Artikel twintig van die Hoofwet word hierby gewysig —

- (a) deur voor die omskrywing van „aerodroom“ die volgende omskrywing in te voeg:
„ongeluk“ ook een voorval dat bij regulatie een ongeluk verklaard word;”;
- (b) deur die omskrywings van „aerodroom“, „luchtaartulg“ en „Konventie“ deur die volgende omskrywings te vervang:

„aerodroom“ een bepaalde terrein op grond, water of een gebouw dat bestemd is in 't geheel of ten dele voor het landen, vertrekken of bewegen van luchtaartulgten gebruik te worden, en ook voor zodanig gebruik bestemde gebouwen of installasies of uitrusting binne zulk een terrein;

„luchtaartulg“ een voertuig dat uit die reactie van die lucht in die atmosfeer steun kann;

„Konventie“ die Konventie inzake Internationale Burgerlike Luchtaartulg opgesteld te Chicago op die zevende dag van December 1944, en ook alle overeenkomstig die bepalingen van paraagraaf

- (b) van artikel tweec bekrachtigde en geproclameerde wijzigingen daarvan en blyvoegingen daartoe;”;

- (c) deur na die omskrywing van „Konventie“ die volgende omskrywing in te voeg:

„vliegbaar“ die richting van die vaart van een luchtaartulg door die lucht;”;

- (d) deur na die omskrywing van „regulatie“ die volgende omskrywings in te voeg:

„Republiek“ ook een gebied ten opzichte waarvan het Parlement bevoegd is wetten te maken; „Zuid-Afrikaanse luchtaartulg“ een luchtaartulg dat in die Republiek geregistreerd is;” en

- (e) deur die omskrywings van „Unie“ en „Unie luchtaartulg“ deur die volgende omskrywings te vervang:

"'Union' means the Republic;
"Union aircraft" means South African aircraft."

18. The following sections are hereby inserted in the principal Act after section twenty:

*Indemnification
of State and
certain State
employees.*

20bis. Notwithstanding any legal provision to the contrary the State and its officers and employees acting in the performance of their duty shall not be liable for —

- (a) any loss or damage caused by the death of or injury to any person while conveyed in any aircraft owned, operated or chartered by the State through its Department of Transport or while entering or mounting or being in such aircraft for the purpose of being conveyed in it or while being in or alighting from such aircraft after having been conveyed in it, if that person was not so conveyed or to be conveyed in the performance of his duty as an officer or employee of the State; or
- (b) any loss or damage to any goods conveyed in such aircraft otherwise than in the interest of the State.

20ter. This Act shall bind the State.".

*Act binding
on State.*

19. This Act shall be called the Aviation Amendment Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

No. 46, 1962 (Republic).]

ACT

To amend the Natives Taxation and Development Act, 1925, the Native Administration Act, 1927, the Native Trust and Land Act, 1936, the Bantu Authorities Act, 1951, the South West Africa Native Affairs Administration Act, 1954, and the Bantu Investment Corporation Act, 1959, and to provide for a change of the names or official titles of certain institutions and the holders of certain offices.

*(English text signed by the State President.)
(Assented to 7th May, 1962.)*

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

1. The following section is hereby inserted in the Natives Taxation and Development Act, 1925 (hereinafter referred to as the principal Act), after section five:

*Deductions
from emolu-
ments due to
Bantu employ-
ees.*

5bis. Notwithstanding anything to the contrary contained in any other law but subject to such conditions as may be prescribed, any person may at the request of a Bantu in his employ retain, for the payment of any tax or rate to which such Bantu is liable under this Act, such amount of the emoluments due to such Bantu in respect of such employment as may be requested by him".

2. Section nine of the principal Act is hereby amended by the substitution in sub-section (2) for the words "the magistrate of the district" of the words "the native commissioner of the area", and for the word "district", where it occurs for the second time, of the word "area".

3. Section eleven of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a), (b), (c) and (f) of sub-section (1) of the following paragraphs:

"'Unie' de Republiek;
"Unie luchtvaartuig" Zuid-Afrikaanse luchtvaartuig".

18. Die volgende artikels word hierby in die Hoofwet na artikel twintig ingevoeg:

*Vrijmaking van
Staat en zekere
werkneemers van
Staat.*

20bis. Ondanks andersluitende rechtsbeperkingen zijn de Staat en zijn ambtenaren en werkneemers handelende bij het verrichten van hun plichten niet aansprakelijk voor—

- (a) verlies of schade veroorzaakt door de dood of bezering van een persoon terwijl hij vervoerd wordt in een luchtvaartuig behorende aan of in bedrijf gehouden of gehuurd door de Staat door middel van zijn Departement van Vervoer, of terwijl hij zulk een luchtvaartuig binnegaat of bestigt of daarin is ten einde daarvan vervoerd te worden, of terwijl hij in zulk een luchtvaartuig is of daarvan afstapt nadat hij daarin vervoerd is geworden, indien die persoon niet bij de verrichting van zijn plichten als een ambtenaar of werknemer van de Staat aldus vervoerd werd of stond te worden; of
- (b) verlies van of schade aan goederen in zulk een luchtvaartuig vervoerd anders dan in het belang van de Staat.

20ter. Deze Wet bindt de Staat.".

*Wet bindend
op Staat.*

19. Hierdie Wet heet die Wysigingswet op Lugvaart, 1962, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant vasstel.

No. 46, 1962 (Republiek).]

WET

Tot wysiging van die „Natuurle Belasting en Ontwikkeling Wet, 1925”, die Natuurle-administrasie Wet, 1927, die Natuurletrust en -grond Wet, 1936, die Wet op Bantoe-overhede, 1951, die Wet op die Administrasie van Natuurlesse in Suidwes-Afrika, 1954, en die Wet op die Bantoe-belegging-korporasie, 1959, en om voorsiening te maak vir verandering van die name of ampstitele van sekere instellings en ampsbekleers.

*(Engelse teks daur die Staatspresident geteken.)
(Goedgekeur op 7 Mei 1962.)*

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

1. Die volgende artikel word hierby in die „Natuurle Belasting en Ontwikkeling Wet, 1925” (hieronder die Hoofwet genoem), na artikel vyf ingevoeg:

*Aftrekkingen
van emolu-
ments aan een Bantoe
werknemer
verskuifd.*

5bis. Nietgetegenstaande andersluitende wetsbepalingen, maar onderworpe aan die voorgeschrewe voorwaarden, kan iemand op verzoek van een Bantoe in zijn dienst, van die emolumenter aan die Bantoe ten opsigte van die dienst verschuldigd, een bedrag die hij verzoek, weerhoudan voor die betaling van belasting door die Bantoe krachtern deze Wet verschuldigd."

2. Artikel nege van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „de magistraat van het distrik” deur die woorde „de naturelle-kommisaris van het gebied”, en die woord „distrik”, waar dit die tweede maal voorkom, deur die woord „gebied” te vervang.

3. Artikel elf van die Hoofwet word hierby gewysig—

- (a) deur paragraue (a), (b), (c) en (f) van sub-artikel (1) deur die volgende paragraue te vervang:

- "(a) the Transkeian Territorial Authority established by Proclamation No. 180 of 1956;
- (b) the District Council of Glen Grey;
- (c) any council deemed to have been established under the Native Affairs Act, 1959 (Act No. 55 of 1959);
- (d) any Bantu authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), and approved by the Minister; and
- (e) any Bantu authority, council or board established under any other law and approved by the Minister;"; and
- (b) by the deletion of sub-section (3).

4. Section twelve of the principal Act is hereby amended by the substitution in paragraph (b) for the words "the councils or boards" of the words "any authority, council or board".

5. Section fifteen of the principal Act is hereby amended —

- (a) by the insertion in sub-section (2) after the word "section" of the words "and every amount collected in respect of a fine imposed for a failure to pay any such rate"; and
- (b) by the addition thereto of the following sub-section:

"(3) The Secretary for Bantu Administration and Development may authorize any Bantu authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or of Proclamation No. 180 of 1956, or any other Bantu authority or council or board established under any other law, or any chief, headman or other person to collect any rate levied under this section."

6. Section sixteen of the principal Act is hereby amended —

- (a) by the insertion after paragraph (a) of sub-section (1) of the following paragraph:
"(a)bis the form of receipts and certificates to be issued in connection with any tax or rate provided for in this Act, and the manner in which such receipts or certificates shall be dealt with;";
- (b) by the substitution for paragraph (b) of the said sub-section of the following paragraph:
"(b) the powers, duties and functions of any authority, council, board or person referred to in sub-section (3) of section fifteen or in section seventeen ter, and the furnishing of security or the provision of fidelity bonds, in connection with the collection of any tax or rate imposed or levied under this Act;";
- (c) by the insertion in paragraph (h) of the said sub-section after the words "payments to" of the word "authorities";
- (d) by the insertion after paragraph (i) of the said sub-section of the following paragraph:
"(j) the retention of moneys in terms of section five bis, the accounting for and payment of moneys so retained to a receiver, and the recovery from any person of moneys so retained by him;"; and
- (e) by the substitution for sub-section (2) of the following sub-section:

"(2) Different regulations may be made in respect of male and female Bantu, and in respect of different areas, different classes of taxpayers, or different authorities, councils, boards or persons referred to in this Act.".

7. The following section is hereby inserted in the principal Act after section seventeen bis:

17ter. The Minister may out of moneys appropriated by Parliament for the purpose, pay to any authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or of Proclamation No. 180 of 1956, or to any Bantu authority, council or board established under any other law, such remuneration for services rendered in connection with the collection of any tax

- "(a) de 'Transkeise Gebiedsowerheid' bij Proklamatie No. 180 van 1956 ingesteld;
- (b) de Distrikstraad van Glen-Grey;
- (c) een raad geacht ingesteld te zijn krachtens de 'Wet op Naturellesake, 1959' (Wet No. 55 van 1959);
- (d) een Bantoe overheid krachtens de 'Wet op Bantocowerhede, 1951' (Wet No. 68 van 1951), ingesteld en door die Minister goedgekeurd;
- (e) een Bantoe overheid, raad of bestuursraad krachtens een andere wet ingesteld en door die Minister goedgekeurd;"; en
- (b) deur sub-artikel (3) te skrap.

4. Artikel *twaalf* van die Hoofwet word hierby gewysig deur in paragraaf (b) die woorde „de raden of bestuursraden“ deur die woorde „een overheid, raad of bestuursraad“ te vervang.

5. Artikel *vyfteen* van die Hoofwet word hierby gewysig —

- (a) deur in sub-artikel (2) na die woord „artikel“ die volgende woorde in te voeg: „en ieder bedrag geïnd ten opzichte van een boete opgelegd wegens een verzuim om die belasting te betalen“; en
- (b) deur die volgende sub-artikel daarby te voeg:

„(3) De Sekretaris voor Bantoe Administrasie en Ontwikkeling kan een Bantoe overheid ingesteld krachtens die bepalingen van die 'Wet op Bantocowerhede, 1951' (Wet No. 68 van 1951), of van Proklamatie No. 180 van 1956, of een andere Bantoe overheid of raad of bestuursraad ingesteld krachtens een andere wet, of een kapitein, hoofdman of ander persoon machtigen een belasting geheven krachtens dit artikel te innen.“.

6. Artikel *sestien* van die Hoofwet word hierby gewysig —

- (a) deur na paragraaf (a) van sub-artikel (1) die volgende paragraaf in te voeg:
„(a)bis de vorm van kwitanties en certifikaten uitgereikt te worden in verband met een belasting waaroor deze Wet voorziening maakt, en de wijze waarop met die kwitanties of certifikaten gehandeld wordt;“;
- (b) deur paragraaf (b) van genoemde sub-artikel deur die volgende paragraaf te vervang:
„(b) de bevoegdheden, plichten en werkzaamheden van een overheid, raad, bestuursraad of persoon in sub-artikel (3) van artikel *vijfien* of in artikel *seventeen ter*, vermeld, en de verstrekking van sekuriteit of de voorziening van getrouwheidswaarborgen, in verband met het innen van een belasting krachtens deze Wet opgelegd of geheven;“;
- (c) deur in paragraaf (h) van genoemde sub-artikel na die woord „aan“ die woord „overheden“ in te voeg;
- (d) deur na paragraaf (i) van genoemde sub-artikel die volgende paragraaf in te voeg:
„(j) de weerhouding van gelden ingevolge artikel *vijf bis*, het rekenchap geven en de betaling van gelden aldus weerhouden aan een ontvanger, en het verhaal op een persoon van gelden aldus door hem weerhouden;“;
- (e) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Verschillende regulaties kunnen gemaakte worden ten opzichte van manlike en vrouwelike Bantoe, en ten opzichte van verschillende gebieden, verschillende klassen belastingbetaalsters, of verschillende overheden, raden, bestuursraden of personen in deze Wet vermeld.“.

7. Die volgende artikel word hierby in die Hoofwet na artikel *seventeen bis* ingevoeg:

Vergoeding voor bijstand bij het innen van belasting. 17ter. De Minister kan uit gelden door het Parlement voor die doel bewilligd aan een overheid ingesteld krachtens die bepalingen van die 'Wet op Bantocowerhede, 1951' (Wet No. 68 van 1951), of van Proklamatie No. 180 van 1956, of aan een Bantoe overheid, raad of bestuursraad ingesteld krachtens een andere wet, zodanige vergoeding betalen voor diensten geleverd in ver-

imposed under this Act as may be determined by him in consultation with the Minister of Finance."

8. Section nineteen of the principal Act is hereby amended —

- (a) by the insertion after the definition of "assessing officer" of the following definition: "Bantu" has the same meaning as "native"; and
- (b) by the insertion after the definition of "receiver" of the following definition: "Secretary for Bantu Administration and Development" includes any Deputy Secretary and any Under Secretary of the Department of Bantu Administration and Development;".

9. (1) Section two of the Native Administration Act, 1927, is hereby amended —

- (a) by the substitution in sub-section (5) for the words "Native Affairs or the Under Secretary for Native Affairs" of the words "Bantu Administration and Development" or a Deputy Secretary or an Under Secretary of the Department of Bantu Administration and Development";
- (b) by the substitution in sub-section (6) for the words "Native Affairs or the Under Secretary for Native Affairs" of the words "Bantu Administration and Development" and for the words "Native Affairs", where they occur for the third time of the words "Bantu Administration and Development";
- (c) by the insertion in the said sub-section (6) after the word "post", where it occurs for the first time, of the words "or when the post is vacant or for an area in respect of which there is ordinarily no such post"; and
- (d) by the insertion in sub-section (8) —
 - (i) after the word "post" of the words "or when the post is vacant or there is ordinarily no such post in respect of the tribe, location or natives in question"; and
 - (ii) after the words "any headman" of the words "or acting chief or acting headman".

(2) Anything purporting to have been done under section two of the Native Administration Act, 1927, prior to its amendment by sub-section (1) of this section and which can lawfully be done under the said section two as so amended, shall be deemed to have been lawfully done.

10. The following section is hereby inserted in the Native Administration Act, 1927, after section twenty-two:

"Regulations in regard to registration of customary unions.

- 22bis. (1) The State President may make regulations —
- (a) providing for the registration of customary unions and of the annulment or dissolution of customary unions;
 - (b) prescribing the requirements to be complied with and the information to be furnished before any customary union or the annulment or dissolution thereof may be registered;
 - (c) prescribing the person who may cause a customary union or the annulment or dissolution thereof to be registered;
 - (d) prescribing when and the manner in which a customary union or the annulment or dissolution thereof may be registered;
 - (e) providing for the appointment of official witnesses to officiate at ceremonies in connection with the contracting, annulment or dissolution of customary unions;
 - (f) prescribing the powers, functions and duties of any Bantu Authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or Procla-

band met het innen van belasting krachtes deze Wet opgelegd, als door hem in overleg met de Minister van Financieën bepaald wordt".

8. Artikel negentien van die Hoofwet word hierby gewysig —

- (a) deur na die omskrywing van „aanslagbeampte” die volgende omskrywing in te voeg: „Bantoe een, ‘naturel’”; en
- (b) deur na die omskrywing van „ontvanger” die volgende omskrywing in te voeg: „Sekretaris voor Bantoe Administrasie en Ontwikkeling“ ook een Adjunkt-Sekretaris en een Ondersekretaris van het Departement van Bantoe Administrasie en Ontwikkeling.”.

9. (1) Artikel twee van die Naturelle-administrasie Wet, 1927, word hierby gewysig —

- (a) deur in sub-artikel (5) die woorde „Naturellesake of die Ondersekretaris van Naturellesake,” te vervang deur die woorde „Bantoe-administrasie en -ontwikkeling“ of ’n Adjunkt-sekretaris of ’n Ondersekretaris van die Departement van Bantoe-administrasie en -ontwikkeling.”;
- (b) deur in sub-artikel (6) die woorde „Naturellesake of die Ondersekretaris van Naturellesake“ deur die woorde „Bantoe-administrasie en -ontwikkeling“ en die woorde „Naturellesake“, waar dit die derde maal voorkom, deur die woorde „Bantoe-administrasie en -ontwikkeling“ te vervang;
- (c) deur in genoemde sub-artikel (6) na die woorde „betrekkings“, waar dit die eerste maal voorkom, die volgende woorde in te voeg: „of wanneer die betrekking vakant is of vir ’n gebied ten opsigte waarvan daar gewoonlik nie so ’n betrekking is nie“; en
- (d) deur in sub-artikel (8) —
 - (i) na die woorde „betrekkings“ die volgende woorde in te voeg: „of wanneer die betrekking vakant is of daar gewoonlik nie so ’n betrekking ten opsigte van die betrokke stam, lokasie of naturelle is nie“; en
 - (ii) na die woorde „aangestelde hoofman“ die woorde „of waarnemende kaptein of waarnemende hoofman“ in te voeg.

(2) Eniglets wat heet gedoen te wees kragtens artikel twee van die Naturelle-administrasie Wet, 1927, vóór die wysiging daarvan deur sub-artikel (1) van hierdie artikel en wat wettiglik gedoeno sou kan word kragtens genoemde artikel twee soos aldus gewysig, word geag wettiglik gedoeno te wees.

10. Die volgende artikel word hierby in die Naturelle-administrasie Wet, 1927, na artikel twee-en-twintig ingevoeg:

„Regulations met betrekking tot registratie van gebruiklike verbindings,

- 22bis. (1) Die Staatspresident kan regulasies uitvaardig —
- (a) wat voorsiening maak vir die registrasie van gebruiklike verbindings en van die nietigverklaring of ontbinding van gebruiklike verbindings;
 - (b) wat die vereistes voorskryf waaraan voldoen moet word, en die inligting wat verstrekk moet word, voordat ’n gebruiklike verbinding of die nietigverklaring of ontbinding daarvan geregistreer kan word;
 - (c) wat voorskryf wie ’n gebruiklike verbinding of die nietigverklaring of ontbinding daarvan kan laat registreer;
 - (d) wat voorskryf wannear en die wyse waarop ’n gebruiklike verbinding of die nietigverklaring of ontbinding daarvan geregistreer kan word;
 - (e) wat voorsiening maak vir die aanstelling van ampelike getuies om op te tree by seremonies in verband met die aangaan, nietigverklaring of ontbinding van gebruiklike verbindings;
 - (f) wat die bevoegdhede, werkzaamhede en pligte voorskryf van ’n Bantoe-owerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951).

mation No. 180 of 1956, and of any chief or his deputy, any headman or official witness in connection with the contracting, annulment or dissolution of any customary union;

- (g) providing for the issue of a certificate of the registration of a customary union or of the annulment or dissolution thereof, and prescribing the form of any such certificate, the fees to be paid therefor and the probative value thereof;
- (h) generally as to any matter which he considers necessary or expedient to provide for or prescribe to bring about an effective system of registration of customary unions, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may under sub-section (1) be made in respect of different areas or different customs."

11. Section *ten* of the Native Trust and Land Act, 1936, is hereby amended by the insertion after sub-section (2) of the following sub-section:

"(2)bis The provisions of paragraph (g) of sub-section (1) of section *eight* of the principal Act shall not apply in respect of the acquisition of land by the Trust in terms of sub-section (1) of this section."

12. Part I of the First Schedule to the Native Trust and Land Act, 1936, is hereby amended by the substitution for the description of Area No. 34, district of East London, of the description set out in the Schedule to this Act.

13. Section *nine* of the Bantu Authorities Act, 1951, is hereby amended by the addition at the end of paragraph (c) of sub-section (1) of the words "and every amount collected in respect of a fine imposed for a failure to pay such levy".

14. (1) Section *four* of the South West Africa Native Affairs Administration Act, 1954, is hereby amended by the substitution for sub-section (5) of the following subsection:

"(5) There shall be paid annually, out of and as a charge on the Consolidated Revenue Fund, into the Fund to the credit of such account, referred to in subsection (4), as the Minister may determine, an amount equal to the amount represented by the symbol *b* in section *six*, together with such further amount as Parliament may in any year appropriate for the purpose."

(2) The provisions of sub-section (1) shall come into operation on the 1st day of April, 1962.

15. Section *one* of the Bantu Investment Corporation Act, 1959, is hereby amended —

(a) by the deletion of the word "and" at the end of paragraph (a) of the definition of "Bantu areas"; and

(b) by the addition to the said definition of the following paragraph:

"(c) any urban area or any rural township, as defined in section *one* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), which is surrounded by or adjoining land in an area referred to in paragraph (a), and which is declared by the Minister to be a Bantu area for the purposes of this Act;".

16. (1) Any reference in any law or document to —

(a) the Department of Native Affairs shall be construed as a reference to the Department of Bantu Administration and Development;

(b) the Minister of Native Affairs shall be construed as a reference to the Minister of Bantu Administration and Development;

of Proklamasie No. 180 van 1956, en van 'n kaptein of sy gevoldmagtige, 'n hoofman of amptelike getuie in verband met die aangaan, nietigverklaring of onbinding van 'n gebruiklike verbin-

- (g) wat voorsiening maak vir die uitreiking van 'n sertifikaat van die registrasie van 'n gebruiklike verbinning of van die nietigverklaring of onbinding daarvan, en wat die vorm van sodanige sertifikate, die gelde wat daarvoor betaalbaar is en die bewyskrag daarvan voorskryf;
- (h) oor die algemeen, betreffende enige aangeleenthed wat hy nodig of dienstig ag om voorsiening voor te maak of voor te skryf om 'n doelmatige stelsel van registrasie van gebruiklike verbindings te bewerkstellig en die algemeenheid van die bevoegdheede by hierdie paragraaf verleen, word nie beperk deur die bepalings van die voorafgaande paragrawe nie.

(2) Verskillende regulasies kan ten opsigte van verskillende gebiede of verskillende gewoontes kragtens sub-artikel (1) uitgevaardig word."

11. Artikel *tien* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur na sub-artikel (2) die volgende subartikel in te voeg:

"(2)bis Die bepalings van paragraaf (g) van sub-artikel (1) van artikel *agt* van die Hoofwet is nie van toepassing nie ten opsigte van die verkryging van grond deur die Trust ingevolge sub-artikel (1) van hierdie artikel."

12. Deel I van die Eerste Bylae by die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur die omskrywings van Gebied No. 34, distrik Oos-Londen, te vervang deur die omskrywing uiteengesit in die Bylae by hierdie Wet.

13. Artikel *nege* van die Wet op Bantoe-oewerhede, 1951, word hierby gewysig deur aan die end van paragraaf (c) van sub-artikel (1) die volgende woorde by te voeg: "en iedere bedrag gein ten opsigte van 'n boete opeleë weens 'n versuum om so 'n heffing te betaal".

14. (1) Artikel *vier* van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954, word hierby gewysig deur sub-artikel (5) deur die volgende subartikel te vervang:

"(5) Daar moet jaarliks uit die Gekonsolideerde Inkomstefonds en ten laaste daarvan, in die Fonds, op krediet van 'n rekening, in sub-artikel (4) vermeld, wat die Minister bepaal, 'n bedrag gestort word gelyk aan die bedrag deur die simbool *b* in artikel *ses* voorgestel, behalwe nog dié verdere bedrag wat die Parlement in enige jaar daarvor bewillig het".

(2) Die bepalings van sub-artikel (1) tree in werking op 1 April 1962.

15. Artikel *een* van die Wet op die Bantoe-beleggingskorporasie, 1959, word hierby gewysig —

(a) deur die woorde "en" aan die end van paragraaf (a) van die omskrywing van "Bantoegebiede" te skrap; en

(b) deur die volgende paragraaf by genoemde omskrywing te voeg:

"(c) 'n stadsgebied of 'n plattelandse dorp, soos omskryf in artikel *een* van die Naturele Stadsgebiede Konsolidasiewet, 1945 (Wet No. 25 van 1945), wat omsluit word deur of grens aan grond in 'n gebied vermeld in paragraaf (a), en wat die Minister 'n Bantoegebied vir die doeleindes van hierdie Wet verklaar".

16. (1) *In Verwyssing in wet of dokument na —*

(a) die Departement van Naturellesake word as 'n verwysiging na die Departement van Bantoe-administrasie en ontwikkeling uitgelê;

(b) die Minister van Naturellesake word as 'n verwysing na die Minister van Bantoe-administrasie en ontwikkeling uitgelê;

- (c) the Secretary for Native Affairs shall be construed as a reference to the Secretary for Bantu Administration and Development;
- (d) the Native Affairs Commission shall be construed as a reference to the Bantu Affairs Commission;
- (e) a chief native commissioner or an assistant chief native commissioner shall be construed as a reference to a Chief Bantu Affairs Commissioner or an Assistant Chief Bantu Affairs Commissioner, respectively;
- (f) the director of native labour, the assistant director of native labour or an additional director of native labour, shall be construed as a reference to the Director of Bantu Labour, the Assistant Director of Bantu Labour or an Additional Director of Bantu Labour, respectively;
- (g) the Director of the Native Affairs Central Reference Bureau shall be construed as a reference to the Director of the Bantu Reference Bureau;
- (h) a native commissioner, an additional native commissioner or an assistant native commissioner shall be construed as a reference to a Bantu Affairs Commissioner, an Additional Bantu Affairs Commissioner or an Assistant Bantu Affairs Commissioner, respectively;
- (i) the Native Affairs Central Reference Bureau shall be construed as a reference to the Bantu Reference Bureau;
- (j) a native appeal court shall be construed as a reference to a Bantu Appeal Court;
- (k) a native divorce court shall be construed as a reference to a Bantu Divorce Court; and
- (l) a court of a native commissioner shall be construed as a reference to a court of a Bantu Affairs Commissioner;

and any word or expression in any law or document connected with an institution or the holder of an office referred to in any of the preceding paragraphs shall be construed accordingly.

(2) The provisions of paragraphs (a), (b) and (c) of sub-section (1) shall apply also in connection with any law in force in the territory of South West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, referred to in section three of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

17. This Act shall be called the Native Laws Amendment Act, 1962.

SCHEDULE

Description.

The area falling within the following limits but excluding therefrom any land acquired by the State in its Railways and Harbours Administration:

From the north-eastern beacon of Mctsho location in a south-eastern direction along the southern boundary of farm No. 324 and farm No. 325 to the north-western beacon of Lot No. A2; thence in a south-south-eastern direction to the south-western beacon of Lot No. D2; thence in an eastern direction along the northern boundary of farm No. 107, farm No. 106 and farm No. 103, to the north-eastern beacon of farm No. 103 as originally surveyed; thence in a south-south-western direction to the south-western beacon of Lot D of Umdanzani; thence in an eastern direction to the north-western beacon of farm No. 98; thence along the western boundary of the said farm No. 98 to the most northern beacon of Lot A of Umdanzani; thence in a south-western direction along the north-western boundary of the said Lot A of Umdanzani to the most south-eastern beacon of farm No. 103; thence along the southern boundary of farm No. 103, farm No. 106 and farm No. 107 to the south-western beacon of the said farm No. 107; thence in a southern direction to the most north-western beacon of farm No. 108; thence along the north-eastern boundary of farm No. 109 to the most northern beacon of the said farm No. 109 on the southern bank of the Klaabaat river; thence along

- (c) die Sekretaris van Naturellesake word as 'n verwysing na die Sekretaris van Bantoe-administrasie en ontwikkeling uitgelê;
- (d) die „Kommissie van Naturellezaken“ of Naturellesakekommissie word as 'n verwysing na die Bantoesakekommissie uitgelê;
- (e) 'n Hoofnaturellekommissaris word as 'n Assistent-hoofnaturellekommissaris of 'n Assistent-hoofbantoesakekommissaris uitgelê;
- (f) die Directeur van Naturelle-arbeid, die Assistent-directeur van Naturellelarbeid of 'n Addisionele Directeur van Naturellelarbeid word as 'n verwysing na onderskeidelik die Directeur van Bantoe-arbeid, die Assistent-directeur van Bantoe-arbeid of 'n Addisionele Directeur van Bantoe-arbeid uitgelê;
- (g) die Directeur van die Sentrale Bewysburo vir Naturellesake word as 'n verwysing na die Directeur van die Bantoebewysburo uitgelê;
- (h) 'n naturellekommissaris, addisionele naturellekommissaris of assistent-naturellekommissaris word as 'n verwysing na onderskeidelik 'n Bantoesakekommissaris, Addisionele Bantoekommissaris of Assistentbantoesakekommissaris uitgelê;
- (i) die Sentrale Bewysburo vir Naturellesake word as 'n verwysing na die Bantoebewysburo uitgelê;
- (j) 'n naturelle-appelhof word as 'n verwysing na 'n Bantoe-appelhof uitgelê;
- (k) 'n naturelle-egskeldingshof word as 'n verwysing na 'n Bantoe-egskeldingshof uitgelê; en
- (l) 'n naturellekommissarishof word as 'n verwysing na 'n Bantoesakekommissarishof uitgelê;

en 'nwoord of uitdrukking in 'n wet of dokument wat in verband staan met 'n instelling of 'n amptskleir in enige van die voorafgaande paragrawe vermeld, word dienooreenkomsdig uitgelê.

(2) Die bepalings van paragrawe (a), (b) en (e) van sub-artikel (1) is ook van toepassing in verband met 'n wet van krag in die gebied Suidwes-Afrika met inbegrip van dié gedeelte daarvan bekend as die Oostelike Caprivi Zipfel vermeld in artikel drie van die Wysigingswet van Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).

17. Hierdie Wet heet die Wysigingswet op Natuerlewetgewing, 1962.

BYLAE.

Omskrywing.

Die gebied wat binne die volgende grense lê maar met uitsluiting van grond verkry deur die Staat in sy Spoerweg- en Hawensadministrasie:

Van die noordoostelike baken van Mctsho lokasie in 'n suidoosteelike rigting langs die suidelike grens van plaas No. 324 en plaas No. 325 tot by die noordwestelike baken van Lot No. A2; vandaar in 'n suid-suidoosteelike rigting tot by die suidwestelike baken van Lot No. D2; vandaar in 'n oosteelike rigting langs die noordelike grens van plaas No. 107, plaas No. 106 en plaas No. 103 tot by die noordoostelike baken van plaas No. 103 soos oorspronklik opgemet; vandaar in 'n suid-suidwestelike rigting tot by die suidwestelike baken van Lot D van Umdanzani; vandaar in 'n oosteelike rigting tot by die noordwestelike baken van plaas No. 98; vandaar langs die westelike grens van gemelde plaas No. 98 tot by die mees noordelike baken van Lot A van Umdanzani; vandaar in 'n suidwestelike rigting langs die noordwestelike grens van gemelde Lot A van Umdanzani tot by die mees suidoosteelike baken van plaas No. 103; vandaar al langs die suidelike grens van plaas No. 103, plaas No. 106 en plaas No. 107 tot by die suidwestelike baken van gemelde plaas No. 107; vandaar in 'n suidelike rigting tot by die mees noordwestelike baken van plaas No. 108; vandaar al langs die noordoostelike grens van plaas No. 109 tot by die mees noordelike baken van gemelde plaas No. 109 op die suidelike oewer van die Klaabaatrivier; vandaar al langs die noordelike grens van plaas No.

the northern boundary of farm No. 109 and farm No. 110 to a point at the junction of the Klaaat river and the Mootsho river; thence along the middle of the said Mootsho river to the most south-eastern beacon of Mootsho location and thence along the eastern boundary of Mootsho location to the point of commencement".

No. 53, 1962 (Republic).]

ACT

To provide for a moratorium in certain circumstances for the protection of certain persons undergoing nine months continuous compulsory training in the Citizen Force; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 21st May, 1962.)

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

1. (1) So much of the provisions of sub-section (2) of section eight and sections nine and eleven of the Defence Special Pensions and Moratorium Act, 1940, of section one of the said Act in so far as it relates to those sections and of sub-sections (5), (6), (7) and (10) of section five of the Public Welfare Acts, 1914—1919 (except paragraphs (e) and (g) of the said sub-section (5)), as is no longer in operation is hereby revived, and the said provisions shall, subject to the provisions of sub-section (2) of this section, apply *mutatis mutandis* with reference to persons undergoing nine months continuous compulsory training in the Citizen Force as a result of their names having been drawn in a ballot referred to in section seventy of the Defence Act, 1957 (Act No. 44 of 1957), the said provisions of the said section five so to apply subject to the provisions of the said section nine.

(2) In the application of the said provisions in terms of sub-section (1) any reference —

- (a) to an assessor shall be construed as a reference to an officer of the Department of Commerce and Industries appointed as such for the purpose of those provisions by the Secretary of that Department;
- (b) to the committee appointed in terms of sub-regulation (4) of regulation 2 of the regulations promulgated by Proclamation No. 201 of 1939, shall be construed as a reference to a board of appeal consisting of two or more members appointed by the Minister of Economic Affairs;
- (c) to the defence forces shall be construed as a reference to the Citizen Force;
- (d) to military service shall be construed as a reference to nine months continuous compulsory training contemplated in sub-paragraph (i) of paragraph (b) of sub-section (2) of section twenty-two of the Defence Act, 1957 (Act No. 44 of 1957);
- (e) to a volunteer shall be construed as a reference to any person who during any portion of the period referred to in paragraph (f), is undergoing or has undergone such training, as the context may require, as a result of his name having been drawn in a ballot referred to in section seventy of the Defence Act, 1957 (Act No. 44 of 1957);
- (f) to the war or the present war shall be construed as a reference to the period from and including the fifteenth day of June, 1961, to a date to be fixed by the State President by proclamation in the *Gazette*;
- (g) in sub-section (2) of section eight of the Defence Special Pensions and Moratorium Act, 1940, to sub-section (1) of that section and the provisions mentioned in that sub-section, shall be construed

109 en plaas No. 110 tot by 'n punt by die samevlei van die Klaaatrivier en die Mootshorivier; vandaar langs die middellyk van gemelde Mootshorivier tot by die mees suidoostelike baken van Mootsho-lokasie en vandaar langs die oostelike grens van Mootsho-lokasie tot by die punt van aanvang".

No. 53, 1962 (Republiek).]

WET

Om voorsiening te maak vir 'n moratorium onder sekere omstandighede ter beskerming van sekere persone wat nege maande ononderbroke verpligte opleiding in die Burgermag ondergaan; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Mei 1962.)

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

1. (1) Dié deel van die bepalinge van sub-artikel (2) van artikel *agt* en artikels *nege* en *elf* van die Verdediging Spesiale Pensioen- en Moratoriumwet, 1940, van artikel een van genoemde Wet vir sover dit op dié artikels betrekking het, en van sub-artikels (5), (6), (7) en (10) van artikel *vijf* van die „Openbare Welzijn Wetten, 1914—1919“ (behalwe paragraawe (e) en (g) van genoemde sub-artikel (5)), wat nie meer in werking is nie, word hierby weer in werking gestel, en genoemde bepalinge is, behoudens die bepalinge van sub-artikel (2) van hierdie artikel, *mutatis mutandis* van toepassing met betrekking tot persone wat nege maande ononderbroke verpligte opleiding in die Burgermag ondergaan as gevolg daarvan dat hulle name in 'n in artikel *seventig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), bedoelde loting getrek is genoemde bepalinge van genoemde artikel *vijf* aldus van toepassing te wees onderworpe aan die bepalinge van genoemde artikel *nege*.

(2) By die toepassing van genoemde bepalinge ingevolge sub-artikel (1) word 'n verwysing —

- (a) na 'n assessor uitgelê as 'n verwysing na 'n beambte van die Departement van Handel en Nywerheid wat sodanig vir die doelendes van daardie bepalinge deur die Sekretaris van dié Departement aangestel is;
- (b) na die komitee aangestel ingevolge sub-regulasië (4) van regulasië 2 van die Proklamasie No. 201 van 1939 uitgevaardigde regulasiës, uitgelê as 'n verwysing na 'n appélaat bestaande uit twee of meer lede deur die Minister van Ekonomiese Sake benoem;
- (c) na die verdedigsmagte uitgelê as 'n verwysing na die Burgermag;
- (d) na militêre diens uitgelê as 'n verwysing na nege maande ononderbroke verpligte opleiding boog in sub-paragraaf (i) van paragraaf (b) van sub-artikel (2) van artikel *twee-en-twintig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957);
- (e) na 'n vrywilliger uitgelê as 'n verwysing na lemand wat gedurende 'n deel van die tydperk in paragraaf (f) vermeld, sodanige opleiding ondergaan of ondergaan het, na gelang die slegsverband vereis, as gevolg daarvan dat sy naam in 'n in artikel *seventig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), bedoelde loting getrek is;
- (f) na die oorlog of „de tegenvoerige oorlog“ uitgelê as 'n verwysing na die tydperk vanaf en met inbegrip van die vyftiende dag van Junie 1961 tot 'n datum wat die Staatspresident by proklamasie in die *Staatskroon* vasstel;
- (g) In sub-artikel (2) van artikel *agt* van die Verdediging Spesiale Pensioen- en Moratoriumwet, 1940, na sub-artikel (1) van daardie artikel en die bepalinge in dié sub-artikel genoem, uitgelê as 'n verwysing

- as a reference to sub-section (1) of this section and the provisions mentioned therein respectively;
- (h) in subsection (1) of section nine of the said Act to section eight thereof shall be construed as a reference to this section;
- (i) to the Governor-General shall be construed as a reference to the State President; and
- (j) to the Union shall be construed as a reference to the Republic.

2. This Act shall also apply in the territory of South West Africa.

3. This Act shall be called the Moratorium Act, 1962.

No. 54, 1962 (Republic).]

ACT

To amend the Admission of Persons to the Union Regulation Act, 1913.

(English text signed by the State President.)
(Assented to 21st May, 1962.)

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

1. The provisions of the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), and the regulations made thereunder shall apply *mutatis mutandis* to aerodromes, aircraft and persons who enter the Republic by aircraft.

2. This Act shall be called the Admission of Persons to the Union Regulation Amendment Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 62, 1962 (Republic).]

ACT

To amend the Railway Board Act, 1916; the Railways and Harbours Pensions Amendment Act, 1941; the Railway Construction Act, 1956; the Railways and Harbours Control and Management (Consolidation) Act, 1957; and the Railways and Harbours Service Act, 1960; and to provide for certain incidental matters.

(English text signed by the State President.)
(Assented to 29th May, 1962.)

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

1. Section three of the Railway Board Act, 1916, is hereby amended by the substitution in paragraph (e) of sub-section (1) for the word "five" of the word "ten".

2. (1) The following section is hereby substituted for section three of the Railways and Harbours Pensions Amendment Act, 1941:

3. (1) If a person mentioned in section two has served as aforesaid during any such period as is mentioned in paragraph (a), (b) or (c) of sub-section (2) he shall, subject to the provisions of sub-section (3) of section four, be entitled to such benefit as is provided for in whichever of the said paragraphs is applicable in his case: Provided that in no case shall the benefit payable to any such

Scale of annuities or gratuities.

na onderskeidelik sub-artikel (1) van hierdie artikel en die bepaling daarin genoem;

(h) In sub-artikel (1) van artikel nege van genoemde Wet na artikel agt daarvan, uitgelê as 'n verwysing na hierdie artikel;

(i) na die Gouverneur-generaal uitgelê as 'n verwysing na die Staatspresident; en

(j) na die Unie uitgelê as 'n verwysing na die Republiek.

2. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

3. Hierdie Wet heet die Moratoriumwet, 1962.

No. 54, 1962 (Republiek).]

WET

Tot wysiging van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913”.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Mei 1962.)

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

1. Die bepaling van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913” (Wet No. 22 van 1913), en die regulasies daarkragsen uitgevaardig, is *mutatis mutandis* van toepassing op lughawens, lugvaartuile en persone wat die Republiek met 'n lugvaartuig binnekom.

2. Hierdie Wet heet die Wysigingswet op Reëling van die Toelating van Persone tot die Unie, 1962, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant vasstel.

No. 62, 1962 (Republiek).]

WET

Tot wysiging van die „Spoorwegraad Wet, 1916”; die Wysigingswet op Spoorweg- en Hawepsloene, 1941; die Spoorwegaanlegwet, 1956; die Konsolidaaslewet op die Beheer en Bestuur van Spoorwé en Hawens, 1957; en die Wet op Spoorweg- en Hawedienste, 1960; en om vry sekere verbandhoudende aangeleenthede voorseening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1962.)

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

1. Artikel drie van die „Spoorwegraad Wet, 1916”, word hierby gewysig deur in paragraaf (e) van sub-artikel (1) die woord „vijf” deur die woord „tien” te vervang.

2. (1) Artikel drie van die Wysigingswet op Spoorweg- en Hawepsloene, 1941, word hierby deur die volgende artikel vervang:

3. (1) As 'n in artikel twee bedoelde persoon soos voormeld gedien het gedurende so 'n tydperk as wat in paragraaf (a), (b) of (c) van sub-artikel (2) vermeld word, is hy geregtig, onderworpe aan die bepaling van sub-artikel (3) van artikel vier, op die voordeel waarvoor voorseening gemaak word in daardie een van genoemde paragraewe wat in sy geval van toepassing is: Met dien verstande dat die voordeel wat aan so 'n persoon betaalbaar is, in geen geval minder mag

person be less than it would have been had the Railways and Harbours Acts Amendment Act, 1962, not been passed.

(2) If such person has served as aforesaid during a period of —

- (a) five years or longer, but less than fifteen years, he shall be entitled to a gratuity equal to three-quarters of the aggregate of his emoluments for the last thirteen weekdays of his service for which he earned full emoluments, in respect of each year of his service;
- (b) fifteen years or longer, but less than twenty-five years, he shall be entitled to an annuity not exceeding one-half of his average annual emoluments during the last ten years of his service, calculated upon the following scale:

Emoluments on the date immediately preceding the date of retirement: Amount of annuity:

at the rate of —

- (i) one rand forty-two cents or more per day three rand fifty cents per annum in respect of each year of his service;
- (ii) less than one rand forty-two cents per day three rand per annum in respect of each year of his service;

or, at his request and with the concurrence of the General Manager, to a gratuity equal to one-eighteenth of his average annual emoluments during the last ten years of his service, in respect of each year of service: Provided that for the purpose of calculating such gratuity the said average annual emoluments shall be determined in the manner provided in sub-section (3);

- (c) twenty-five years or longer, he shall be entitled to an annuity calculated upon the following scale:

Emoluments on the date immediately preceding the date of retirement: Amount of annuity:

at a rate of —

- (i) one rand forty-two cents or more per day five rand fifty cents per annum in respect of each year of his service, not exceeding forty years;
- (ii) less than one rand forty-two cents per day four rand fifty cents per annum in respect of each year of his service, not exceeding forty years;

wees nie as wat dit sou gewees het as die Wysligingswet op Spoorweg- en Hawewette, 1962, nie aangeneem was nie.

(2) As so iemand gedien het soos voormal gedurende 'n tydperk van —

- (a) vyf jaar of langer, maar minder as vyf-tien jaar, is hy geregtig op 'n gratifikasie gelykstaande met drie-kwart van sy totale besoldiging vir die laaste dertien weeksdie van sy diens waarvoo hy volle besoldiging verden het, ten opsigte van elke jaar van sy diens;

- (b) vyftien jaar of langer, maar minder as vyf-en-twintig jaar, is hy geregtig op 'n jaargeld van hoogsens die helfte van sy gemiddelde jaarlike besoldiging gedurende die laaste tien jaar van sy diens bereken volgens die volgende skaal:

Besoldiging op die datum wat die datum van uit-diensstreding onmiddellik voorafgaan: Jaargeld

teen 'n skaal van —

- (i) een rand twee-en-veertig sent of meer per dag drie rand vyftig sent per jaar ten opsigte van elke jaar van sy diens;

- (ii) minder as een rand twee-en-veertig sent per dag drie rand per jaar ten opsigte van elke jaar van sy diens;

of, op sy versoek en met die instemming van die Hoofbestuurder, op 'n gratifikasie gelykstaande met een-agtende van sy gemiddelde jaarlike besoldiging gedurende die laaste tien jaar van sy diens, ten opsigte van elke jaar van sy diens: Met dien verstande dat by die berekening van so 'n gratifikasie, bedoelde gemiddelde jaarlike besoldiging volgens voorskrif van sub-artikel (3) vasgestel word;

- (c) vyf-en-twintig jaar of langer, is hy geregtig op 'n jaargeld bereken volgens die volgende skaal:

Besoldiging op die datum wat die datum van uit-diensstreding onmiddellik voorafgaan: Jaargeld

teen 'n skaal van —

- (i) een rand twee-en-veertig sent of meer per dag vyf rand vyftig sent per jaar ten opsigte van elke jaar van sy diens, maar nie meer as veertig jaar nie;

- (ii) minder as een rand twee-en-veertig sent per dag vier rand vyftig sent per jaar ten opsigte van elke jaar van sy diens, maar nie meer as veertig jaar nie;

or to an annuity equal to two-thirds of his average annual emoluments during the last ten years of his service, whichever is the less; or, at his request and with the concurrence of the General Manager, to a gratuity equal to one-twelfth of his average annual emoluments during the last ten years of his service, in respect of each year of his service, not exceeding forty years: Provided that for the purpose of calculating such gratuity the said average annual emoluments shall be determined in the manner provided in sub-section (3).

(3) For the purpose of calculating the gratuity referred to in paragraphs (b) and (c) of sub-section (2), the average annual emoluments of the person concerned during the last ten years of his service shall be determined by dividing by ten the sum of —

(a) one and one-third of the total emoluments earned by him during that part of the said period of ten years which preceded the fixed date; and

(b) three-quarters of the total emoluments earned by him during the remaining part of the said period of ten years.

(4) For the purposes of this section, 'fixed date' means —

(i) in relation to an officer, or an employee paid on a calendar month basis, the first day of April, 1961; or

(ii) in relation to an employee other than one referred to in paragraph (i), the sixteenth day of March, 1961."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1961, in the case of officers and of employees paid on a calendar month basis, and on the sixteenth day of March, 1961, in the case of all other employees.

3. (1) Section four of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the substitution in sub-section (1) for the word "one-quarter" of the word "three sixteenth".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1961, in the case of officers and of employees paid on a calendar month basis, and on the sixteenth day of March, 1961, in the case of all other employees.

4. (1) The Schedule to the Railway Construction Act, 1956, is hereby amended by the substitution of the following for the description, approximate length and estimated cost of the first line of railway, and the description of the second line of railway, mentioned in that Schedule:

<i>Description of line.</i>	<i>Approximate length</i>	<i>Estimated cost</i>
	Miles	£
1. From Woltemade to Nyanga. (Province of the Cape of Good Hope).	7.7	2,459,610
2. From a point on the existing line between Bellville and Kuils River at 13 miles 65 chains, to a junction with the new line from Woltemade to Nyanga (referred to in item 1 of this Column) at 7 miles 38 chains, including a connection approximately 28 chains in length, to afford an additional link with that line. (Province of the Cape of Good Hope)."		

of op 'n jaargeld gelykstaande met tweederdes van sy gemiddelde jaarlike besoldiging gedurende die laaste tien jaar van sy diens, na gelang van watter die minste is; of, op sy versoek en met die instemming van die Hoofbestuurder, op 'n gratifikasie gelykstaande met een-twaalfde van sy gemiddelde jaarlike besoldiging gedurende die laaste tien jaar van sy diens, ten opsigte van elke jaar van sy diens maar nie meer as veertig jaar nie: Met dien verstande dat by die berekening van so 'n gratifikasie, bedoelde gemiddelde jaarlike besoldiging volgens voorskrif van sub-artikel (3) vasgestel word.

(3) By die berekening van die gratifikasie bedoel in paragrafe (b) en (c) van sub-artikel (2), word die gemiddelde jaarlike besoldiging van die betrokke persoon gedurende die laaste tien jaar van sy diens vasgestel deur die som van —

(a) een en een-derde van die totale besoldiging wat hy verdien het gedurende daardie gedeelte van genoemde tydperk van tien jaar wat die vasgestelde datum voorafgegaan het; en

(b) drie-kwart van die totale besoldiging wat hy gedurende die oorblywende gedeelte van genoemde tydperk van tien jaar verdien het, met tien te verdeel.

(4) By die toepassing van hierdie artikel beteken 'vasgestelde datum' —

(i) met betrekking tot 'n amptenaar, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word, die eerste dag van April 1961; of

(ii) met betrekking tot 'n ander werksman as een wat in paragraaf (i) bedoel word, die sesde dag van Maart 1961".

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1961 in die geval van amptenaare en van werksmannes wat op grondslag van 'n kalendermaand besoldig word, en op die sesde dag van Maart 1961 in die geval van alle ander werksmannes.

3. (1) Artikel vier van die Wysigingswet op Spoerweg- en Hawepensiöne, 1941, word hierby gewysig deur in sub-artikel (1) die woord "een-kwart" deur die woord „drle-sestendies" te vervang.

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1961 in die geval van amptenaare en van werksmannes wat op grondslag van 'n kalendermaand besoldig word, en op die sesde dag van Maart 1961 in die geval van alle ander werksmannes.

4. (1) Die Bylae by die Spoerweegaanlegwet, 1956, word hierby gewysig deur die beskrywing, benaderde lengte en geraamde koste van die eerste spoorlyn, en die beskrywing van die tweede spoorlyn, in daardie Bylae vermeld, deur die volgende te vervang:

<i>Beskrywing van lyn.</i>	<i>Benaderde lengte.</i>	<i>Geraamde koste.</i>
	Myl.	£
1. Van Woltemade na Nyanga. (Provinse Kaap de Goeie Hoop).	7.7	2,459,610
2. Van 'n punt op die bestaande lyn tussen Bellville en Kuilsrivier by 13 myl 65 ketting, tot by 'n aansluiting met die nuwe lyn van Woltemade na Nyanga (in item 1 van hierdie kolom bedoel) by 7 myl 38 ketting, met inbegrip van 'n verbindingslyn nagenoeg 28 ketting lank, om 'n addisionele aansluiting met daardie lyn daar te stel. (Provinse Kaap de Goeie Hoop)."		

(2) Any expenditure incurred in connection with the construction and equipment of the first line of railway mentioned in the Schedule to the said Railway Construction Act, 1956, as amended by sub-section (1), shall, together with any expenditure incurred in connection with the construction and equipment of any portion thereof prior to the commencement of this Act, not exceed in the aggregate the amount shown in the third column of the said Schedule, as amended by sub-section (1), opposite the description of the said line.

5. Section one of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended —

(a) by the insertion, after the definition of the expression "Administration's jurisdiction" in sub-section (1), of the following definition:

"(ii)*bis* 'Bantu beer' means —

- (a) the drink generally known as kaffir beer and commonly brewed by Bantu from kaffir corn or millet or other grain; and
- (b) any other fermented liquor which the State President may from time to time, by Proclamation in the *Gazette*, declare to be Bantu beer; ((ii)*bis*); and

(b) by the substitution, in the definition of the expression "intoxicating liquor" in that sub-section, for the word "Kaffir" of the word "Bantu".

6. Section three of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended —

(a) by the insertion of the following paragraph after paragraph (jj) of sub-section (1):

"(jj)*bis* the sale or supply of intoxicating liquor to Bantu servants and the brewing of Bantu beer in terms of section *sixty bis*";

(b) by the substitution, in sub-section (6), for the words "this Act and of such harbour and quarantine regulations" of the words "such harbour regulations", and by the deletion in the proviso to the said sub-section of the words "this Act and of".

7. Section twenty-six of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for sub-section (4) of the following sub-section:

"(4) (a) Any person who delivers goods upon a railway and, in any consignment note, waybill or other document which under this Act he is required to deliver in respect of those goods, wilfully makes a false statement as to the nature, quantity, weight or measurement of such goods, or as to the purpose for which the goods are intended to be used after having been transported, 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 such imprisonment.

(b) If in any such document there be any understatement of the quantity, weight or measurement of the goods, or any misdescription of their nature, the Administration may, irrespective of any person's liability under sub-section (3) and whether the understatement or misdescription was wilful or not —

(i) if the understatement or misdescription is detected before the transport of the goods has commenced, refuse to carry the goods except upon payment of freight at such special rate, not exceeding double the ordinary rate, as the Administration may specifically fix; or

(ii) if the understatement or misdescription has led to the goods being charged for at less than the proper rate, recover from any person who was responsible for the understatement or misdescription, whether or not according to the contract of carriage that person was

(2) Die uitgawe wat beloop word in verband met die aanleg en uitrusting van die eerste spoorlyn vermeld in die Bylae by genoemde Spoorwegaanlewet, 1956, soos deur sub-artikel (1) gewysig, mag tesame met die uitgawe wat voor die inwerkingtreding van hierdie Wet in verband met die aanleg en uitrusting van enige gedeelte daarvan beloop is, altesaam nie meer bedra nie as die som wat in die derde kolom van bedoelde Bylae, soos deur sub-artikel (1) gewysig, teenoor die beskrywing van daardie lyn vermeld word.

5. Artikel een van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hiermee gewysig —

(a) deur die volgende woordomskrywing na die omskrywing van die uitdrukking „bagasie“ in sub-artikel (1) in te voeg:

"(ii)*bis* 'Bantoebler' —

(a) die drank wat algemeen bekend staan as kafferbier en wat gewoonlik deur Bantoes van kafferkorng of giers of ander graan gebrou word; en

(b) enige ander gegiste drank wat die Staats-president van tyd tot tyd, by proklamasie in die *Staatskoerant*, verklaar Bantoebler te wees; ((ii)*bis*); en

(b) deur in die omskrywing van die uitdrukking „sterk drank“ in genoemde sub-artikel, die uitdrukking „kafferbier“ deur die uitdrukking „Bantoebler“ te vervang.

6. Artikel drie van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig —

(a) deur die volgende paragraaf na paragraaf (jj) van sub-artikel (1) in te voeg:

"(jj)*bis* die verkoop of verskaffing van sterk drank aan Bantoeideneare en die brou van Bantoebler ooreenkomsdig artikel *sestig bis*,"

(b) deur in sub-artikel (6) die woorde „hierdie Wet en van die hawe- en kwarantynregulasies“ te vervang deur die woorde „die haweregulasies“, en deur in die voorbehoudbepaling by genoemde sub-artikel die woorde „hierdie Wet en van“ te skrap.

7. Artikel ses-en-twintig van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:

"(4) (a) Iemand wat goedere by 'n spoorweg bring en in 'n vrabrig, geleibrief of ander dokument wat hy ingevolge hierdie Wet verplig is om ten opsigte van daardie goedere af te gee, opsetlik 'n valse verklaring doen omtrent die aard, hoeveelheid, gewig of afmetings van sodanige goedere, of omtrent die doel waarvoor dit die voorname is om die goedere te gebruik nadat dat vervoer is, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetalung, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf.

(b) Indien in so 'n dokument die hoeveelheid, gewig of afmetings van die goedere te laag opgegee of die aard daarvan verkeerd beskryf is, kan die Administrasie, afgesien van die aanspreeklikheid van enigiemand kragtens sub-artikel (3) en onverskillig of die te lae opgawe of verkeerde beskrywing opsetlik geskied het al dan nie —

(i) indien die te lae opgawe of verkeerde beskrywing bespreek word voordat die vervoer van die goedere 'n aanvang geneem het, weier om die goedere te vervoer behalwe by betaling van spoorvrag teen 'n spesiale tarief wat bepaalde is deur die Administrasie vasgestel word maar wat nie meer as dubbel die gewone tarief mag wees nie; of

(ii) indien die te lae opgawe of verkeerde beskrywing daartoe geleid het dat 'n laer tarief as die juiste vir die vervoer van die goedere bereken is, op enige persoon wat vir die te lae opgawe of verkeerde beskrywing verantwoordelik was, onverskillig of daardie persoon kragtens die vervoerkontrak in die eerste plek vir die be-

responsible for the payment of the freight in the first instance, a sum which, together with any amount already paid in respect of freight, is equal to twice the ordinary rate of freight:

Provided that the Administration may waive or, as the case may be, refund the whole or portion of any such excess charge if it is satisfied that the understatement or misdescription was not wilfully made or given.

(c) If in consequence of any statement, contained in any such document as aforesaid, that the goods to which the document relates are intended for use for a particular purpose, such goods have been transported at a rate lower than that applicable to goods of the same description not intended for such use, and it thereafter appears that the said goods have not been used for that purpose or that the conditions governing the transport of the goods at such lower rate have otherwise not been complied with, the Administration shall be entitled to recover from any person who has had the benefit of such lower rate, whether or not according to the contract of carriage such person was responsible for the payment of the freight in the first instance, a sum which, together with any amount already paid in respect of freight, is equal to twice the ordinary rate of freight: Provided that the Administration may waive or, as the case may be, refund the whole or a portion of any such excess charge if such person satisfies the Administration that the statement aforesaid was made in good faith and that the goods were not used for the specified purpose, or that the said conditions were not complied with, through circumstances beyond that person's control."

8. The following section is hereby inserted after section sixty of the Railways and Harbours Control and Management (Consolidation) Act, 1957:

*Section 60bis
Sale of intoxicating liquor to Bantu servants of the Administration.*

60bis. (1) Notwithstanding anything in any other law contained, but subject to the provisions of sub-sections (3) and (4), the Administration may —

- (a) sell or supply intoxicating liquor or any particular kind of intoxicating liquor to any Bantu servant of the age of eighteen years or more, in any building or room forming part of a compound or hostel maintained by the Administration for the accommodation of its Bantu servants and approved by the Minister for the purposes of this section;
- (b) undertake the brewing of any Bantu beer required for the purposes of sale or supply to Bantu servants in terms of paragraph (a).

(2) Any Bantu servant referred to in sub-section (1) may purchase liquor from the Administration and may possess liquor sold or supplied to him in terms of that subsection.

(3) The sale or supply of intoxicating liquor in terms of sub-section (1) shall be for consumption only in the building or room in which the sale or supply takes place, and such sale or supply, as well as the brewing of Bantu beer in terms of that sub-section, shall be subject to any applicable regulation.

(4) If any such compound or hostel is situated within the area of jurisdiction of a local authority which, in terms of any law, has the right or has been permitted to brew, sell and supply Bantu beer, and such local authority is able and willing to supply the Administration with as much Bantu beer as it requires for the purpose of sale or supply in such compound or hostel in terms of sub-

taling van die spoorvrag verantwoordelik was al dan nie, 'n bedrag verhaal wat, tesame met enige bedrag wat reeds ten opsigte van spoorvrag betaal is, gelykstaan met twee maal die gewone vragprys:

Met dien verstande dat die Administrasie van sodanige hoër vordering in geheel of gedeeltelik afstand kan doen of, na gelang van die geval, sodanige hoër vordering in geheel of gedeeltelik kan terugbetaal, indien die Administrasie oortuig is dat die lae opgawe van verkeerde beskrywing nie opsetlik geskied het nie.

(c) Indien as gevolg van 'n verklaring, vervat in so 'n dokument soos voormeld, dat die goedere waarop die dokument betrekking het, bestem vir gebruik vir 'n bepaalde doel, sodanige goedere vervoer is teen 'n laer tarief as dié van toepassing op goedere van dieselfde soort wat nie vir sodanige gebruik bestem is nie, en dit daarna blyk dat genoemde goedere nie vir daardie doel gebruik is nie of dat die voorwaarde waaronder die goedere teen sodanige laer tarief vervoer is andersins nie nagekom is nie, het die Administrasie die reg om op enige persoon wat die voordeel van sodanige laer tarief ontvang het, onverskillig of hy kragtens die vervoerkontrak in die eerste plek vir die betaling van die spoorvrag verantwoordelik was al dan nie, 'n bedrag te verhaal wat, tesame met enige bedrag wat reeds ten opsigte van spoorvrag betaal is, gelykstaan met twee maal die gewone vragprys: Met dien verstande dat die Administrasie van sodanige hoër vordering in geheel of gedeeltelik afstand kan doen of, na gelang van die geval, sodanige hoër vordering in geheel of gedeeltelik kan terugbetaal, indien so 'n persoon die Administrasie oortuig dat die voorvalle verklaring te goeder trou gedoen is en dat die goedere nie vir die bepaalde doel gebruik is nie, of dat genoemde voorwaarde nie nagekom is nie, vanwee omstandighede buite daardie persoon se beheer."

8. Die volgende artikel word hierby na artikel *sestig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, ingevoeg:

Verkoop van sterk drank aan Bantoedenaar van die Administrasie.

60bis. (1) Ondanks enige andersluidende wetsbepalings, maar onderworpe aan die bepalings van sub-artikels (3) en (4), kan die Administrasie —

- (a) sterke drank of 'n bepaalde soort sterke drank aan 'n Bantoedenaar wat agtien jaar oud of ouer is, verkoop of verskaf in 'n gebou of kamer wat deel uitmaak van 'n kampong of hostel wat deur die Administrasie vir die huisvesting van sy Bantoedenaars aangehou word en wat deur die Minister vir die doeleindes van hierdie artikel goedgekeur is;
- (b) die brou onderneem van alle Bantoebier wat vir die doel van verkoop of verskaffing aan Bantoedenaars ingevolge paraagraaf (a) benodig word.

(2) In sub-artikel (1) bedoelde Bantoedenaars kan drank van die Administrasie koop en kan in besit wees van drank wat ingevolge daardie sub-artikel aan hom verkoop of verskaf is.

(3) Die verkoop of verskaffing van sterke drank ingevolge sub-artikel (1) geskied net vir verbruik in die gebou of kamer waarin die verkoop of verskaffing plaasvind, en sodanige verkoop of verskaffing sowel as die brou van Bantoebier ingevolge daardie sub-artikel, is onderworpe aan enige toepaslike regulasie.

(4) Indien so 'n kampong of hostel geleë is binne die reggebied van 'n plaaslike bestuur wat ingevolge een of ander wet die reg het of vergunning ontvang het om Bantoebier te brou, te verkoop en te verskaf, en so 'n plaaslike bestuur in staat en bereid is om die Administrasie te voorsien van soveel Bantoebier as wat hy nodig het vir die doel van verkoop of verskaffing in so 'n kampong

section (1), the Administration shall, if that local authority so requires, obtain from that local authority all the Bantu beer which it requires for the aforementioned purpose, and the price to be paid for such beer and the conditions relating to the supply thereof shall, in the absence of agreement between the Administration and the local authority, be determined and, if need be, redetermined from time to time, by the Minister of Bantu Administration and Development.

(5) The net profits derived by the Administration from the sale of intoxicating liquor in terms of sub-section (1) shall be paid to the Benevolent Fund and the Railway Institutes Fund referred to in section *thirty-four* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), in such proportions as the Minister may direct, and shall be applied to the purposes of those funds in such manner as in the opinion of the Administration will best serve the interests of its non-European servants.

(6) Any servant who is employed in connection with the sale or supply of intoxicating liquor to Bantu servants in terms of sub-section (1) and who knowingly sells or supplies liquor to any person to whom or at a time when or under circumstances whereunder it may not lawfully be supplied under the provisions of sub-section (1) or (3) or of any applicable regulation, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or both such fine and such imprisonment.

(7) For the purposes of this section the expression 'Bantu' shall mean a Native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950)."

9. Section *sixty-four* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution, in paragraph (a) of the proviso to sub-section (3), for the word "or" of the word "and".

10. Section *four* of the Railways and Harbours Service Act, 1960, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) (a) After the commencement of the Railways and Harbours Acts Amendment Act, 1962, no person shall be appointed in a permanent capacity or on probation or in a temporary capacity to any office or post in the Service unless such person is a citizen of the Republic of South Africa and is of good character and free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper performance of his duty or to render necessary his retirement therefrom earlier than the prescribed age of retirement: Provided that a person other than a South African citizen who at the date of commencement of the said Act is in the employment of the Administration —

- (i) in a casual capacity or under contract, or
- (ii) in a temporary capacity,

may nevertheless at any time prior to the first day of January, 1966, be appointed to an office or post in the Service, in the first-mentioned case, in a temporary or permanent capacity or on probation, or in the last-mentioned case, on probation or in a permanent capacity, even though he is not a citizen of the Republic of South Africa, provided he has remained in the employment of the Administration continuously between the said date of commencement and the date of his appointment.

of hostel ingevolge sub-artikel (1), moet die Administrasie, as daardie plaaslike bestuur dit verlang, van daardie plaaslike bestuur al die Bantoebier verkry wat hy vir die voormalde doel nodig het, en by ontstentenis van 'n ooreenkoms tussen die Administrasie en die plaaslike bestuur, word die prys wat vir sodanige bier betaal moet word en die voorwaarde betreffende die levering daarvan, vasgestel en, indien nodig, van tyd tot tyd hervangestel, deur die Minister van Bantoe-administrasie en -ontwikkeling.

(5) Die netto winste wat deur die Administrasie verkry word uit die verkoop van sterk drank ingevolge sub-artikel (1), word betaal aan die Hulpfonds en die Spoorweg-instituutfonds bedoel in artikel *vier-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), in sulke dele as wat die Minister gelas, en word aangewend vir die doelindes van daardie fondse op so 'n wyse as wat, na die mening van die Administrasie, die belang van sy nie-blanke dienare die beste sal dinne.

(6) 'n Dienaar wat in verband met die verkoop of verskaffing van sterk drank aan Bantoedienare ingevolge sub-artikel (1) werkzaam is, en wat willels en wetens drank verkoop of verskaaf aan 'n persoon aan wie of op 'n tyd wanneer of onder omstandighede waaronder dit ingevolge die bepalings van sub-artikel (1) of (3) of van 'n toepaslike regulasie, nie wettiglik verskaaf mag word nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbelating, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

(7) By die toepassing van hierdie artikel beteken die uitdrukking 'Bantoe' 'n Natuursoos ormskryf in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)."

9. Artikel *vier-en-sestig* van die Konsolidasiwet op die Beheer en Bestuur van Spoerwe en Hawens, 1957, word hierby gewysig deur die woord „of“ in paragraaf (a) van die voorbehoudsbepaling by sub-artikel (3) deur die woord „en“ te vervang.

10. Artikel *vier* van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

"(1) (a) Na die inwerkingtreding van die Wysigingswet op Spoorweg- en Hawediens, 1962, mag niemand in 'n vaste hoedanigheid of op proef of in 'n tydelike hoedanigheid in 'n betrekking of pos in die Dienis aangestel word nie tensy so lemand 'n burger van die Republiek van Suid-Afrika is en tensy so lemand 'n goeie sedelike karakter het en nie aan 'n geestes- of liggaamlike gebrek, siekte of swakheid ly nie wat allig die behoorlike uitvoering van sy pligte sou kon belemmer of sy uitdienstreding vroeër as die voorgeskrewe afreeftyd sou noodaak: Met dien verstande dat lemand anders as 'n Suid-Afrikaanse burger wat op die datum van inwerkingtreding van bedoelde Wet —

(i) in 'n los hoedanigheid of onder kontrak, of
(ii) in 'n tydelike hoedanigheid,
by die administrasie in diens is, nietemin te eniger tyd voor die eerste dag van Januarie 1966 in 'n betrekking of pos in die Dienis aangestel kan word, in eersledene geval, in 'n tydelike of vaste hoedanigheid of op proef, of in laasbedoelde geval, op proef of in 'n vaste hoedanigheid, selfs al is hy nie 'n burger van die Republiek van Suid-Afrika nie, mits hy tussen bedoelde datum van inwerkingtreding en die datum van sy aansetting voortdurend by die Adminstrasie in diens gesbly het.

(b) For the purposes of paragraph (a) the expression "person other than a South African citizen" means a British subject including a citizen of the Commonwealth of Australia, the Dominion of Canada, the Dominion of New Zealand, the Federation of Rhodesia and Nyasaland or the Republic of Ireland."

11. (1) Section fourteen of the Railways and Harbours Service Act, 1960, is hereby amended by the insertion in the proviso to sub-section (3), after the words "for any" of the words "other", and after the words "or for" of the words "any other".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1960.

12. This Act, with the exception of section four, shall apply to the Territory of South West Africa.

13. This Act shall be called the Railways and Harbours Acts Amendment Act, 1962.

No. 66, 1962 (Republic).]

ACT

To provide for the further continuation of certain regulations made under section one bis of the War Measures Act, 1940, or promulgated by proclamations validated by section two of the said Act.

*(Afrikaans text signed by the State President.)
(Assented to 13th June, 1962.)*

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

1. Section one of the War Measures Continuation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the expression "1962" of the expression "1965".

2. The Schedule to the principal Act is hereby amended by the deletion of item 7.

3. This Act shall be called the War Measures Continuation Amendment Act, 1962.

No. 67, 1962 (Republic).]

ACT

To provide for the extradition of persons accused or convicted of certain offences and for other incidental matters.

*(English text signed by the State President.)
(Assented to 13th June, 1962.)*

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

1. In this Act, unless the context otherwise indicates —

- (i) "associated State" means any foreign State in respect of which section six applies; (v)
- (ii) "extradition agreement" means an agreement in force or deemed to be in force under section two; (iv)
- (iii) "foreign State" includes any foreign territory; (vi)
- (iv) "magistrate" includes an additional magistrate and an assistant magistrate and, in relation to the area in the territory of South West Africa beyond the

(b) By die toepassing van paragraaf (a) be- teken dat uitdrukking iemand anders as 'n Suid-Afrikaanse burger, 'n Britse onderdaan met Inbegrip van 'n burger van die Gemenebes van Australië, die Dominium van Kanada, die Dominium van Nieu-Seeland, die Federasie van Rhodesië en Njassaland of die Republiek van Ierland."

11. (1) Artikel veertien van die Wet op Spoorweg-Hawediens, 1960, word hierby gewysig deur in die voorbehoedsbepaling by sub-artikel (3) die woorde „langer tydperk“ te vervang deur die woorde „ander tydperk wat langer is“ en deur die woorde „enige ander“ na die woorde „of vir“ in te voeg.

(2) Sub-artikel (1) word geag op die eerste dag van Julie 1960 in werking te getree het.

12. Hierdie Wet, met uitsondering van artikel vier, is op die gebied Suidwes-Afrika van toepassing.

13. Hierdie Wet heet die Wysligingswet op Spoorweg-Hawewette, 1962.

No. 66, 1962 (Republic).]

WET

Om voorsiening te maak vir die verdere voortsetting van sekere regulasies uitgevaardig kragtens artikel een bis van die Wet op Oorlogsmaatreëls, 1940, of aangekondig by proklamasies deur artikel twee van genoemde Wet bekragtig.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Junie 1962.)*

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

1. Artikel een van die Wet op die Voortsetting van Oorlogsmaatreëls, 1956 (hiernonder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die uitdrukking „1962“ deur die uitdrukking „1965“ te vervang.

2. Die bylae by die Hoofwet word hierby gewysig deur item 7 te skrap.

3. Hierdie Wet heet die Wysligingswet op die Voortsetting van Oorlogsmaatreëls, 1962.

No. 67, 1962 (Republic).]

WET

Om voorsiening te maak vir die uitiewering van persone wat weens sekere misdrywe beskuldig word of skuldig bevind is en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Junie 1962.)*

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

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken —

- (i) „die Republiek“ ook die gebied Suidwes-Afrika;
- (ii) „landdros“ ook 'n addisionele landdros en 'n assistent-landdros en, met betrekking tot die streek in die gebied Suidwes-Afrika buite die Polisileone, soos in artikel drie van die Verbode Geblede Proklamasie, 1928 (Proklamasie No. 26 van 1928 van daardie geblede), omskryf, 'n naturellekommissaris, 'n assistent-naturellekommissaris en 'n beampie

Police Zone, as defined in section *three* of the Prohibited Areas Proclamation, 1928 (Proclamation No. 26 of 1928 of that territory), a native commissioner, an assistant native commissioner and any officer in charge of native affairs; (ii)

(v) "Minister" means the Minister of Justice; (iii)

(vi) "the Republic" includes the territory of South West Africa. (i)

2. (1) The State President may, on such conditions as he may deem fit, but subject to the provisions of this Act, enter into an agreement with any foreign State providing for the surrender on a reciprocal basis of persons accused or convicted of the commission within the jurisdiction of the Republic or such State or any territory under the sovereignty or protection of such State, of offences specified in such agreement and may likewise agree to any amendment of such agreement.

(2) The offences so specified shall be limited to acts, including acts of omission, which if committed in the Republic would be punishable therein as an offence.

(3) No such agreement or any amendment thereof shall be of any force or effect —

(a) until it has been published by the State President by proclamation in the *Gazette*; or

(b) after the publication of a like proclamation that it is no longer in force; or

(c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought.

(4) Any arrangement made with any foreign State which, by virtue of the provisions of the Extradition Acts, 1870 to 1906 of the Parliament of the United Kingdom as applied in the Republic, was in force in respect of the Republic immediately prior to the date of commencement of this Act, shall be deemed to be an agreement entered into and published on the said date by the State President under this section.

3. (1) Any person accused or convicted of an offence included in an extradition agreement and committed within the jurisdiction of a foreign State party to such agreement, shall, subject to the provisions of this Act, be liable to be surrendered to such State in accordance with the terms of such agreement, whether or not the offence was committed before or after the commencement of this Act or before or after the date upon which the agreement comes into operation and whether or not a court in the Republic has jurisdiction to try such person for such offence.

(2) Any person accused or convicted of an offence contemplated by sub-section (2) of section *two* and committed within the jurisdiction of a foreign State not a party to an extradition agreement shall be liable to be surrendered to such foreign State, if the State President has in writing consented to his being so surrendered.

4. (1) Subject to the terms of any extradition agreement any request for the surrender of any person to a foreign State shall be made to the Minister by a person recognized by the Minister as a diplomatic or consular representative of that State or by any Minister of that State communicating with the Minister through diplomatic channels existing between the Republic and such State.

(2) Any such request received in terms of an extradition agreement by any person other than the Minister shall be handed to the Minister.

(3) The provisions of sub-sections (1) and (2) do not apply in respect of a request for the endorsement for execution of a warrant of arrest under section *six*.

5. (1) Any magistrate may, irrespective of the whereabouts or suspected whereabouts of the person to be

belas met naturellesake; (iv)

(iii) "Minister" die Minister van Justisie; (v)

(iv) "uitleveringsooreenkoms" 'n ooreenkoms wat kragtens artikel *twec* van krag is of geag word van krag te wees; (ii)

(v) „verbonde Staat" 'n vrye Staat ten opsigte waarvan artikel *ses* van toepassing is; (i)

(vi) „vrye Staat" ook 'n vrye Staat gebied. (iii)

2. (1) Die Staatspresident kan, op die voorwaarde wat hy goed ag, maar behoudens die bepalings van hierdie Wet, met 'n vrye Staat 'n ooreenkoms aangaan wat voorsteling maak vir die uitlevering op 'n wederkerige basis van persone beskuldig of skuldig bevind weens die pleeg binne die reggebied van die Republiek of so 'n Staat of 'n gebied onder die oppergesag of beskerming van daardie Staat, van misdryf sou in die ooreenkoms bepaal en kan insgekyk toestem tot 'n wysiging van so 'n ooreenkoms.

(2) Die aldus bepaalde misdryf word beperk tot dade, asoek dade van versuum, wat indien in die Republiek gepleeg, daarin as 'n misdryf strafbaar sou wees.

(3) Geen sodanige ooreenkoms of 'n wysiging daarvan is van krag nie —

(a) tot tyd en wyl dit deur die Staatspresident by proklamasie in die *Staatskoerant* aangekondig is; of

(b) na afkondiging van so 'n proklamasie dat dit nie meer van krag is nie; of

(c) tensy die wete van die vrye Staat of deur die ooreenkoms voorsiening gemaakte word dat niemand wat aan daardie Staat uitgelewer word, tot tyd en wyl hy na die Republiek teruggestuur is of die geleenthede gehad het om daarheen terug te keer, in die vrye Staat aangehou van verhoor mag word weens 'n misdryf voor sy uitlevering gepleeg, behalwe die misdryf ten opsigte waarvan uitlevering aangevra was nie.

(4) Enige reëlings getref moet 'n vrye Staat wat uit hoofde van die bepalings van die "Extradition Acts, 1870 to 1906" van die Parlement van die Verenigde Koninkryk soos in die Republiek van toepassing gemaak, ten opsigte van die Republiek van krag was onmiddellik voor die datum van inwerkingtreding van hierdie Wet, word geag 'n ooreenkoms te wees wat op geneoemde datum deur die Staatspresident kragtens hierdie artikel aangegaan en aangekondig is.

3. (1) Iemand beskuldig of skuldig bevind weens 'n misdryf wat deur 'n uitleveringsooreenkoms beoog word en wat binne die reggebied van 'n vrye Staat, 'n party by die ooreenkoms, gepleeg is, kan, behoudens die bepalings van hierdie Wet, aan die vrye Staat ooreenkomsdig die bepalings van die ooreenkoms uitgelewer word, hetsy die misdryf voor of na die inwerkingtreding van hierdie Wet of voor of na die datum waarop die ooreenkoms van krag word, gepleeg is al dan nie en hetsy 'n hof in die Republiek bevoeg is om soemand weens die misdryf te verhoor al dan nie.

(2) Iemand beskuldig of skuldig bevind weens 'n misdryf by sub-artikel (2) van artikel *twec* beoog en gepleeg binne die reggebied van 'n vrye Staat wat nie 'n party by 'n uitleveringsooreenkoms is nie, kan aan daardie Staat uitgelewer word indien die Staatspresident skriftelik toestemming verleen het dat hy aldus uitgelewer kan word.

4. (1) Behoudens die bepalings van 'n uitleveringsooreenkoms word 'n versoek om uitlevering van lemand aan 'n vrye Staat aan die Minister gerig deur lemand deur die Minister as 'n diplomatieke of konsulere verteenwoordiger van daardie Staat erken of deur 'n Minister van daardie Staat wat met die Minister langs bestaande diplomatiële kanale tussen die Republiek en daardie Staat in verbinding tree.

(2) So 'n versoek wat ooreenkomsdig 'n uitleveringsooreenkoms deur lemand anders as die Minister ontvang word, word aan die Minister oorhandig.

(3) Die bepalings van sub-artikels (1) en (2) is nie ten opsigte van 'n versoek om endossement vir die tenuitvoerlegging van 'n lasbrief vir inligtenisneming kragtens artikel *six* van toepassing nie.

5. (1) 'n Landdros kan, afgesien van waar iemand wat gearresteerd moet word hom bevind of dit vermoed

arrested, issue a warrant for the arrest of any person —

(a) upon receipt of a notification from the Minister to the effect that a request for the surrender of such person to a foreign State has been received by the Minister; or

(b) upon such information of his being a person liable to be surrendered to a foreign State, as would in the opinion of the magistrate justify the issue of a warrant for the arrest of such person, had it been alleged that he committed an offence in the Republic.

(2) Any warrant issued under this section shall be in the form and shall be executed in the manner as near as may be as prescribed in respect of warrants of arrest in general by or under the laws of the Republic relating to criminal procedure.

6. Whenever an extradition agreement with any foreign State in Africa provides for the endorsement for execution of warrants of arrest on a reciprocal basis, any magistrate to whom is produced a warrant issued in such State for the arrest of any person alleged to be a person liable to be surrendered to such State, may, irrespective of the whereabouts or suspected whereabouts of the person to be arrested, endorse such warrant for execution in the Republic, if he is satisfied that it was lawfully issued, whereupon it shall be executed in the same manner as a warrant issued under section five.

7. (1) Any magistrate may issue a warrant for the further detention of any person arrested without warrant under any law of the Republic providing for the arrest without warrant of persons liable to be apprehended under any law relating to extradition.

(2) Such a warrant for the further detention of any person may be issued upon such information of his being a person liable to be surrendered to a foreign State, as would in the opinion of the magistrate justify the issue of a warrant for the arrest of such person, had it been alleged that he committed an offence in the Republic.

8. Any magistrate who, under paragraph (b) of subsection (1) of section five or under section seven, issues a warrant for the arrest or further detention of any person other than a person alleged to have committed an offence in an associated State, shall forthwith furnish the Minister with particulars relating to the issue of such warrant.

9. (1) Any person detained under a warrant of arrest or a warrant for his further detention, shall, as soon as possible be brought before a magistrate in whose area of jurisdiction he has been arrested, whereupon such magistrate shall hold an enquiry with a view to the surrender of such person to the foreign State concerned.

(2) Subject to the provisions of this Act the magistrate holding the enquiry shall proceed in the manner in which a preparatory examination is to be held in the case of a person charged with having committed an offence in the Republic and shall, for the purposes of holding such enquiry, have the same powers, including the power of committing any person for further examination and of admitting to bail any person detained, as he has at a preparatory examination so held.

(3) Any deposition, statement on oath or affirmation taken, whether or not taken in the presence of the accused person, or any record of any conviction or any warrant issued in a foreign State, or any copy or sworn translation thereof, may be received in evidence at any such enquiry if authenticated in the manner foreign documents may be authenticated to enable them to be produced in any court in the Republic or in the manner provided for in the extradition agreement concerned.

(4) At any enquiry relating to a person alleged to have committed an offence —

(a) in a foreign State other than an associated State, the provisions of section ten shall apply;

word dat hy lêom bevind, 'n lasbrief vir die inhegtenisneming van iemand uitrek —

(a) by ontvangs van 'n kenniggewing van die Minister ten effelte dat 'n versoek om uitlevering van so iemand aan 'n vreemde Staat deur die Minister ontvag is; of

(b) op grond van sodanige inligting dat hy iemand is wat aan 'n vreemde Staat uitgelewer kan word, as wat na die oordeel van die landdros die uitreiking van 'n lasbrief vir die inhegtenisneming van so iemand sou regverdig indien dit beweer was dat hy 'n misdryf in die Republiek gepleeg het.

(2) 'n Lasbrief kragtens hierdie artikel uitgereik moet in die vorm wees en moet uitgevoer word op die wyse so na doenlik soos dit ten opsigte van lasbriele vir inhegtenisneming oor die algemeen deur of kragtens die wette van die Republiek met betrekking tot strafproses voorgeskryf word.

6. Wanneer 'n uitleweringsooreenkoms met 'n vreemde Staat in Afrika vir die endossoering vir die tenuitvoerlegging van lasbriele vir inhegtenisneming op 'n wederkerige basis voorsiening maak, kan 'n landdros aan wie 'n lasbrief voorgelyk word wat in so 'n Staat uitgereik is vir die inhegtenisneming van iemand wat na bewering aan daardie Staat uitgelewer kan word, die lasbrief vir tenuitvoerlegging in die Republiek endosseer, afgesien van waar die persoon wat gearresteer moet word hom bevind of dit vermoed word dat hy hom bevind, indien die landdros oortuig is dat dit wettig en uitgereik is, en daarna word dit uitgevoer op dieselfde wyse soos 'n lasbrief kragtens artikel vyf uitgereik.

7. (1) 'n Landdros kan 'n lasbrief uitrek vir die verdere aanhouding van iemand wat sonder lasbrief in hechtenis geneem is kragtens 'n wet van die Republiek wat voorsiening maak vir die inhegtenisneming sonder lasbrief van persone wat kragtens 'n wet met betrekking tot uitlevering in hechtenis geneem kan word.

(2) So 'n lasbrief vir die verdere aanhouding van iemand kan uitgereik word op grond van sodanige inligting dat hy iemand is wat aan 'n vreemde Staat uitgelewer kan word, as wat na die oordeel van die landdros die uitreiking van 'n lasbrief vir die inhegtenisneming van so iemand sou regverdig indien dit beweer was dat hy 'n misdryf in die Republiek gepleeg het.

8. 'n Landdros wat kragtens paragraaf (b) van sub-artikel (1) van artikel vyf of kragtens artikel sewe 'n lasbrief uitrek vir die inhegtenisneming of verdere aanhouding van iemand anders as iemand wat na bewering 'n misdryf in 'n verbonde Staat gepleeg het, versetrek terselfdurens versuim aan die Minister besonderhede met betrekking tot die uitreiking van die lasbrief.

9. (1) Iemand aangehou kragtens 'n lasbrief vir inhegtenisneming van 'n lasbrief vir sy verdere aanhouding, word so spoedig doenlik gebring voor 'n landdros in wie se reggebied hy in hechtenis geneem is, en daarna hou die landdros 'n ondersoek met die oog op die uitlevering van so iemand aan die betrokke vreemde Staat.

(2) Behoudens die bepalinge van hierdie Wet gaan die landdros wat die ondersoek hou, voort op die wyse waarop 'n voorlopige ondersoek gehou moet word in die geval van iemand wat aangekla word weens die pleeg van 'n misdryf in die Republiek en het hy by die ondersoek dieselfde bevoegdheid, met inbegrip van die bevoegdheid om iemand vir verdere ondersoek te verwys en om iemand wat aangehou word, op borgtig vry te laat, as wat hy het by 'n voorlopige ondersoek aldus gehou.

(3) Getuenis of 'n beeldige of plegtige verklaring afgelê, hetby in die aanwezigheid van die beskuldigde persoon afgelê al dan nie, of 'n rekord van 'n skuldigheidsbevinding of 'n lasbrief in 'n vreemde Staat uitgereik, of 'n afskrif of geswore vertaling daarvan, kan as bewys by so 'n verhoor aanvaar word, indien gewaarmerk op die wyse waarop vreemde stuklike gewaarmerk kan word ten einde in 'nhof in die Republiek oorgelê te kan word of op wyse waarvoor in die betrokke uitleweringsooreenkoms voorsiening gemaak word.

(4) By 'n ondersoek moet betrekking tot iemand wat na bewering 'n misdryf gepleeg het —

(a) in 'n ander vreemde Staat as 'n verbonde Staat, is die bepalinge van artikel tien van toepassing;

(b) in an associated State, the provisions of section twelve shall apply.

10. (1) If upon consideration of the evidence adduced at the enquiry the magistrate finds that the person brought before him is liable to be surrendered to the foreign State concerned and, in the case where such person is accused of an offence, that there would be sufficient reason for putting him on trial for the offence, had it been committed in the Republic, the magistrate shall issue an order committing such person to prison to await the Minister's decision with regard to his surrender, at the same time informing such person that he may within fifteen days appeal against such order to the Supreme Court.

(2) If the magistrate finds that the evidence does not warrant the issue of an order of committal or that the required evidence is not forthcoming within a reasonable time, he shall discharge the person brought before him.

(3) The magistrate issuing the order of committal shall forthwith forward to the Minister a copy of the record of the proceedings together with such report as he may deem necessary.

11. The Minister may order any person committed to prison under section ten to be surrendered to any person authorised by the foreign State to receive him.

12. (1) If upon consideration of the evidence adduced at the enquiry the magistrate finds that the person brought before him is liable to be surrendered to the associated State concerned, the magistrate shall, subject to the provisions of sub-section (2), issue an order for his surrender to any person authorized by such associated State to receive him at the same time informing him that he may within fifteen days appeal against such order to the Supreme Court.

(2) If the magistrate is of opinion that by reason of the trivial nature of the offence or by reason of the surrender not being required in good faith or in the interests of justice, or that for any other reason it would, having regard to the distance, the facilities for communication and to all the circumstances of the case, be unjust or unreasonable or too severe a punishment to surrender the person required to be surrendered either at all or until the expiration of a certain period, the magistrate may discharge such person or order that he shall not be surrendered until after the expiration of a period stated in such order or may make such other order as to the magistrate seems just.

(3) If the magistrate finds that the evidence does not warrant the issue of an order under sub-section (1) or that the required evidence is not forthcoming within a reasonable time, he shall discharge the person brought before him.

13. (1) Any person against whom an order has been issued under section ten or twelve may within fifteen days after the issue thereof, appeal against such order to the provincial or local division of the Supreme Court having jurisdiction.

(2) On appeal such division may make such order in the matter as it may deem fit.

14. No order for the surrender of any person shall be executed —

- (a) before the period allowed for an appeal under section thirteen has expired, unless he has in writing waived his right of appeal;
- (b) before such an appeal has been disposed of;
- (c) if upon such an appeal his discharge from custody is ordered;
- (d) in the case of a person charged or convicted of an offence in the Republic, until the charge has been disposed of and any sentence which may have been imposed in respect of such offence has been executed;
- (e) in the case of an order of the Minister, if after the expiration of two months —
 - (i) after the issue of an order of committal under section ten, where no appeal has been or is to be heard under section thirteen; or
 - (ii) after an appeal under section thirteen has been dismissed,

(b) in 'n verbonde Staat, is die bepaling van artikel twaalf van toepassing.

10. (1) Indien die landdros by oorweging van die getuenis aangevoer by die ondersoek bevind dat die persoon wat voor hom gebring is aan die betrokke vreemde Staat uitgelewer kan word en, in die gevall waar die persoon weens 'n misdryf beskuldig word, dat daar voldoende rede sou bestaan om hom weens die misdryf op verhoor te stel, indien dit in die Republiek gepleeg was, reik die landdros 'bevel uit vir verwysing van daardie persoon tot gevangenisiting in afwagting van die besluit van die Minister met betrekking tot sy uitlewing, en deel daardie persoon terselfdertyd mee dat hy binne vyftien dae na die Hooggereghof teen die bevel kan appelleer.

(2) Indien die landdros bevind dat die getuenis nie die uitreiking van 'n verwysingsbevel regverdig nie of dat die nodige getuenis nie binne 'n redelike tyd beskikbaar gestel word nie, ontslaan hy die persoon wat voor hom gebring is.

(3) Die landdros wat die verwysingsbevel uitreik, stuur onverwyd aan die Minister 'n afskrif van die notule van die verrygtige asook so 'n verslag as wat hy nodig ag.

11. Die Minister kan beveel dat iemand wat kragtens artikel tien tot gevangenisiting verwys is, uitgelewer word aan iemand wat deur die vreemde Staat gemagtig is om hom te ontvang.

12. (1) Indien die landdros by oorweging van die getuenis aangevoer by die ondersoek bevind dat die persoon wat voor hom gebring is aan die betrokke verbonde Staat uitgelewer kan word, reik die landdros, behoudens die bepaling van sub-artikel (2), 'n bevel uit vir sy uitlewing aan iemand wat deur die verbonde Staat gemagtig is om hom te ontvang en deel hom terselfdertyd mee dat hy binne vyftien dae na die Hooggereghof teen die bevel kan appelleer.

(2) Indien die landdros die mening toegedaan is dat weens die nietige aard van die misdryf omdat die uitlewing nie te goeder trou of in belang van die regstelling aangevra word nie, of dat om 'n ander rede dit, met ingeneming van die afstand, die verkeersgeriewe en al die omstandighede van die geval, onbillig of onredelik is om te drastiese straf sou wees om die persoon wat uitgelewer staan te word ooit of voordat 'n bepaalde tydperk verstryk het, uit te lewer, kan die landdros daardie persoon ontslaan of beveel dat hy nie voor die verstrykking van 'n in die bevel vermeld tydperk uitgelewer word nie of kan die landdros 'n ander bevel uitreik wat hy billik ag.

(3) Indien die landdros bevind dat die getuenis nie die uitreiking van 'n bevel kragtens sub-artikel (1) regverdig nie of dat die nodige getuenis nie binne 'n redelike tydperk beskikbaar gestel word nie, ontslaan hy die persoon wat voor hom gebring is.

13. (1) Iemand teen wie 'n bevel kragtens artikel van twaalf uitgereik is, kan binne vyftien dae na die uitreiking daarvan, teen die bevel appelleer by die provinsiale of plaaslike afdeling van die Hooggereghof wat met regsbevoegdheid in die saak bekleed is.

(2) By appèl kan so 'n afdeling so 'n bevel in die saak gee as wat hy goed ag.

14. Geen bevel vir die uitlewing van iemand word ten uitvoer gelê nie —

- (a) voor die verstrykking van die tydperk wat ingevolge artikel dertien vir 'n appèl toegelaat word, tensy hy skriflik van sy reg tot appèl afstand gedaan het;
- (b) voordat so 'n appèl afgehandel is;
- (c) indien by so 'n appèl sy ontslag uit hechtenis beveel word;
- (d) in die geval van iemand wat weens 'n misdryf in die Republiek aangekla of skuldig bevind is, voordat die aanklag afgehandel is en 'n vonnis wat ten opsigte van so 'n misdryf opgele is, uitgevoer is nie;
- (e) in die geval van 'n bevel deur die Minister, indien na die verstrykking van twee maande —
 - (i) na die uitreiking van 'n verwysingsbevel kragtens artikel tien, waar geen appèl kragtens artikel dertien aangehoor is of moet word nie; of
 - (ii) na 'n appèl ingevoerde artikel dertien van die hand gewys is,

any provincial or local division of the Supreme Court has upon application made after reasonable notice to the Minister, ordered his discharge from custody on the ground that there is not sufficient cause for his further detention;

- (f) in the case of an order of a magistrate, if after the expiration of one month after the order becomes operative, any provincial or local division of the Supreme Court has upon application made after reasonable notice to the Minister, ordered his discharge from custody on the ground that there is not sufficient cause for his further detention.

15. The Minister may at any time order the cancellation of any warrant for the arrest of any person issued or endorsed under this Act, or the discharge from custody of any person detained under this Act, if he is satisfied that the offence in respect of which the surrender of such person is or may be sought, is an offence of a political character or that the surrender of such person will not be sought.

16. (1) Any person ordered to be surrendered under this Act may be removed from the Republic in the custody of the person authorized to receive him and if he escapes while being so removed he may be arrested without warrant by any person.

(2) Any person who —

- (a) while being so removed, escapes or attempts to escape from custody; or
- (b) rescues or attempts to rescue from custody any person being so removed,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

17. (1) Any attorney-general or any person delegated by him or any public prosecutor may appear at any enquiry held under this Act.

(2) Any attorney-general or any person delegated by him may appear at any proceedings in the Supreme Court under this Act.

18. The Minister may make regulations prescribing forms of notices, warrants, recognizances, orders and other forms to be used for the purposes of this Act.

19. No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought.

20. The Minister or, in the case of any person surrendered for trial or detention in the territory of South West Africa, the Administrator thereof may at the request of any person surrendered to the Republic return such person to the foreign State in or on his way to which he was arrested, if —

- (a) in the case of a person accused of an offence, criminal proceedings against him are not instituted within six months after his arrival in the Republic; or
- (b) he is acquitted of the offence for which his surrender was sought.

21. (1) Any person entering and passing through the Republic in custody by virtue of any warrant or order lawfully issued in any foreign State, shall during his passage through the Republic be deemed to be in lawful custody if —

- (a) the warrant or order was issued in an associated State; or
 - (b) the Minister has, at the request of the foreign State in which the warrant or order was issued, authorized such passage in custody.
- (2) A certificate by the Minister that any such warrant or order was lawfully issued, shall be conclusive proof of that fact.

'n provinsiale of plaaslike afdeling van die Hoogereghof op aansoek gedoen na redelike kennisgewing aan die Minister, sy ontslag uit hegtenis beveel het op grond daarvan dat daar nie voldoende rede vir sy verdere aanhouding bestaan nie;

- (f) in die geval van 'n bevel deur 'n landdros, indien na verstrykking van 'n maand nadat die bevel in werking tree, 'n provinsiale of plaaslike afdeling van die Hoogereghof op aansoek gedoen na redelike kennisgewing aan die Minister, sy ontslag uit hegtenis beveel het op grond daarvan dat daar nie voldoende rede vir sy verdere aanhouding bestaan nie.

15. Die Minister kan te eniger tyd gelas dat 'n kragtens hierdie Wet uitgereikte of geëindigde lasbrief vir die inhegtenisneming van iemand gekanselleer word, of dat iemand kragtens hierdie Wet aangehou, uit hegtenis ontslaan word, indien hy oortuig is dat die misdryf ten opsigte waarvan die uitlewering van so iemand aangevra of aangevra mag word, 'n misdryf van 'n politieke aard is of dat die uitlewering van so iemand nie aangevra sal word nie.

16. (1) Iemand ten opsigte van wie 'n bevel uitgereik is dat hy kragtens hierdie Wet uitgelewer moet word, kan uit die Republiek verwyder word in hegtenis van die persoon wat gemagtig is om hom te ontvang en indien hy onvlug terwyl hy aldus verwyder word, kan hy deur enigmeland sonder lasbrief in hegtenis geneem word.

(2) Iemand wat —

- (a) terwyl hy aldus verwyder word, uit hegtenis onsnap of 'n poging aanwend om daaruit te onsnap; of
- (b) iemand wat aldus verwyder word, uit hegtenis bevry of 'n poging aanwend om hom daaruit te bevry,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

17. (1) 'n Prokureur-generaal of iemand deur hom aangestel of 'n staatsaanklaer kan verskyn by 'n onderzoek kragtens hierdie Wet gehou.

(2) 'n Prokureur-generaal of iemand deur hom aangestel, kan verskyn by enige verrigtinge in die Hoogereghof ingevolge hierdie Wet.

18. Die Minister kan regulasies uitvaardig wat vorms van kennigsstellings, lasbriewe, borgaktes, beveile en ander vorms voorskryf vir gebruik by die toepassing van hierdie Wet.

19. Niemand wat deur 'n vreemde Staat ooreenkomsig 'n uitleweringssooreenkoms aan die Republiek uitgelewer is, mag, tot tyd en wyl na die vreemde Staat teruggestuur is of 'n geleentheid gehad het om daarheen terug te keer, in die Republiek aangehou of verhoor word weens 'n misdryf voor sy uitlewering gepleeg, behalwe die misdryf ten opsigte waarvan uitlewering aangevra was nie.

20. Die Minister of, in die geval van iemand uitgelewer vir verhoor of aanhouding in die gebied Suidwes-Afrika, die Administrateur daarvan, kan iemand wat aan die Republiek uitgelewer is op sy versoek terugstuur na die vreemde Staat waarin of op weg waarheen hy in hegtenis geneem is, indien —

- (a) in die geval van iemand wat weens 'n misdryf beskuikend word, 'n strafsaak teen hom nie binne ses maande na sy aankoms in die Republiek ingestel word nie; of
- (b) hy vrygesprek word weens die misdryf waarvoor sy uitlewering aangevra was.

21. (1) Iemand wat die Republiek in hegtenis kragtens 'n lasbrief of bevel wettiglik in 'n vreemde Staat uitgereik, binnekom of daardeur gaan, word gedurende sy deurgang deur die Republiek geag in wettige bewaring te wees indien —

- (a) die lasbrief of bevel in 'n verbonde Staat uitgereik is; of
- (b) die Minister op versoek van die vreemde Staat waarin die lasbrief of bevel uitgereik is, sodanige deurgang in hegtenis gemagtig het.

(2) 'n Sertifikaat deur die Minister dat so 'n lasbrief of bevel wettiglik uitgereik is, is afdoende bewys van daardie feit.

22. (1) This Act shall apply also in the territory of South West Africa, including that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of that territory, and the Eastern Caprivi Zipfel referred to in sub-section (3) of section three of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).

(2) All expenditure incurred in connection with the extradition of persons arrested in the said territory or in connection with the return of persons surrendered to the Republic for trial or detention in the said territory, shall be paid out of the territory revenue fund established under section thirty-six of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925).

23. The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof.

24. This Act shall be called the Extradition Act, 1962.

SCHEDULE LAWS REPEALED

Country or Province	No. and year of Law	Title or subject matter	Extent of Repeal
United Kingdom	1870 to 1906	Extradition Acts, 1870 to 1906	In so far as they apply in the Republic, except section twenty-four of the Extradition Act, 1870 and section five of the Extradition Act, 1873
"	44 and 45 Vict. c. 69 (1881)	Fugitive Offenders Act, 1881	In so far as it applies in the Republic, except section fifteen
Cape	Act No. 6 of 1895	Extradition Transit Act, 1895	The whole
Natal	Law No. 6 of 1877	Extradition Law, Natal 1877	The whole
"	Law No. 13 of 1882	Extradition Law, 1882	The whole
"	Law No. 6 of 1892	Extradition Law, 1892	The whole
"	Act No. 3 of 1895	Extradition Act, 1895	The whole
"	Act No. 4 of 1896	Amendment of the Extradition Act, 1895	The whole
"	Act No. 13 of 1906	To provide for the more convenient administration of the Fugitive Offenders Act, 1881, of the Imperial Parliament	The whole
Transvaal	Proclamation No. 25 of 1901	Fugitive Offenders	The whole
South West Africa	Proclamation No. 26 of 1920	Fugitive Offenders and Neighbouring Territories Evidence Proclamation, 1920	Part I.
Republic	Act No. 27 of 1912	Administration of Justice Act, 1912	Section twenty-eight
"	Government Notice No. 696 of 1913	Order-in-Council-Extradition	The whole

22. (1) Hierdie Wet is van toepassing ook in die gebied Suidwes-Afrika, en ook in daardie gedeelte van die gebied bekend as die "Rehoboth Gebiet" en genoemde gebied vermeld in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied, en in die Oostelike Caprivi Zipfel vermeld in sub-artikel (3) van artikel drie van die Wysligswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951).

(2) Alle uitgawes aangegaan in verband met die uitlevering van persone in genoemde gebied in hechtenis geneem of in verband met die terugstuur van persone aan die Republiek uitgegee vir verhoor of aanhouding in genoemde gebied, word betaal uit die inkomstefonds van die gebied ingestel kragtens artikel ses-en-dertig van die "Zuidwes-Afrika Konstitusie Wet, 1925" (Wet No. 42 van 1925).

23. Die wette in die Bylae vermeld word hierby herroep in die mate in die vierde kolom daarvan uiteengesit.

24. Hierdie Wet heet die Wet op Uitlevering, 1962.

BYLAE WETTE HERROEP

Land of Provinssie	No. en jaar van Wet	Titel of onderwerp	In hoeverre herroep
Verenigde Koninkryk	1870 tot 1906	"Extradition Acts, 1870 to 1906"	Vir sover dit in die Republiek van toepassing is, behalwe artikel vier-en-twintig van die "Extradition Act, 1870" en artikel vyf van die "Extradition Act, 1873"
"	44 en 45 Vict. H. 69 (1881)	"Fugitive Offenders Act, 1881"	Vir sover dit in die Republiek van toepassing is, behalwe artikel vyfien
Kaap	Wet No. 6 van 1895	"Extradition Transit Act, 1895"	Die geheel
Natal	Wet No. 6 van 1877	"Extradition Law, Natal 1877"	Die geheel
"	Wet No. 13 van 1882	"Extradition Law, 1882"	Die geheel
"	Wet No. 6 van 1892	"Extradition Law, 1892"	Die geheel
"	Wet No. 3 van 1895	"Extradition Act, 1895"	Die geheel
"	Wet No. 4 van 1896	Wysliging van die "Extradition Act, 1895"	Die geheel
"	Wet No. 13 van 1906	Om voorstelling te maak vir gerelieverde administrasie van die "Fugitive Offenders Act, 1881" van die Imperiale Parlement	Die geheel
Transvaal	Proklamasie No. 25 van 1901	Voortvlugtige oortreders	Die geheel
Suidwes-Afrika	Proklamasie No. 26 van 1920	"Voortvlugtige Overtreders en Naburige Gebieden Getuigenis Proklamaties, 1920"	Deel I.
Republiek	Wet No. 27 van 1912	"Wet op de Rechtspleging, 1912"	Artikel agt-en-twintig
"	Geewernmentsknigsweling No. 696 van 1913	"Besluit-in-Rade-Uitlevering"	Die geheel

"	Proclamation No. 133 of 1913	South Africa: The whole Fugitive Offenders Order-in-Council, 1913	"	Proklamasie No. 133 van 1913	Zuid-Afrika Voortvluchtige Misdadigers Bevel-in-Rade, 1913"	Die geheel	
"	Act No. 13 of 1926	Fugitive Criminals (Further Provision) Act, 1926	The whole	"	Wet No. 13 van 1926	Voortvluchtige Misdadigers (Verdere Voorsienings) Wet, 1926	Die geheel
"	Proclamation No. 78 of 1934	Extradition (South West Africa) Proclamation, 1934	The whole	"	Proklamasie No. 78 van 1934	Uitleverings (Suidwes-Afrika) Proklamasie, 1934	Die geheel
"	Act No. 8 of 1936	Extradition Act, 1936	The whole	"	Wet No. 8 van 1936	Wet op Uitlevering, 1936	Die geheel

No. 68, 1962 (Republiek).]

ACT

To provide for the inspection of the affairs of financial institutions and for matters incidental thereto.

(English text signed by the State President.
(Assented to 14th June, 1962.)

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

1. In this Act, unless the context indicates otherwise—

- (i) "auditor", in relation to a financial institution, means the person appointed as auditor of that institution under the Act concerned; (vii)
- (ii) "financial institution" means a building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934), or a banking institution registered under the Banking Act, 1942 (Act No. 38 of 1942), or an insurer registered under the Insurance Act, 1943 (Act No. 27 of 1943), and includes an agent for brokers or underwriters at Lloyds, or a management company registered under the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), or a unit trust scheme as defined in the lastmentioned Act, or a pension fund organization registered under the Pension Funds Act, 1956 (Act No. 24 of 1956), or a friendly society registered under the Friendly Societies Act, 1956 (Act No. 25 of 1956); (ii)
- (iii) "inspector" means a person appointed as an inspector or temporary inspector under section two; (v)
- (iv) "local auditor", in relation to a financial institution, means the person appointed as local auditor of that institution under the Act concerned; (viii)
- (v) "Minister" means the Minister of Finance; (vi)
- (vi) "registrar", in relation to a financial institution registered under—
 - (a) the Building Societies Act, 1934 (Act No. 62 of 1934), means the registrar of building societies appointed under section two of that Act;
 - (b) the Banking Act, 1942 (Act No. 38 of 1942), means the Registrar of Banks appointed under section three of that Act;
 - (c) the Insurance Act, 1943 (Act No. 27 of 1943), means the Registrar of Insurance appointed under section two of that Act;
 - (d) the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), means the Registrar of Unit Trust Companies appointed under section two of that Act;
 - (e) the Pension Funds Act, 1956 (Act No. 24 of 1956), means the Registrar of Pension Funds appointed under section three of that Act;

No. 68, 1962 (Republiek).]

WET

Om voorsiening te maak vir die inspeksie van die sake van finansiële instellings en vir aangeleenthede wat daarvan in verband staan.

(Engelse teks deur die Staatspresident geteken.
(Goedgekeur op 14 Junie 1962.)

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

- 1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
 - (i) „die betrokke Wet” die Wet waarkragtens die betrokke finansiële instelling geregistreer is of geag word geregistreer te wese van waarkragtens hy opgawes of state aan die registrateur moet verstrek en ook die daarkragtens uitgevaardigde regulasies; (ix)
 - (ii) „finansiële instelling” ‘n bouvereniging wat kragtens die Wet op Bouverenigings, 1934 (Wet No. 62 van 1934), geregistreer is, of ‘n bankinstelling wat kragtens die Bankwet, 1942 (Wet No. 38 van 1942), geregistreer is, of ‘n versekeringsmaatskappy wat kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreer is, en ook ‘n agent van makelaars of versekeraars van Lloyds, of ‘n bestuursmaatskappy wat kragtens die Wet op Beheer van Effekteetrustskemas, 1947 (Wet No. 18 van 1947), geregistreer is, of ‘n effekteetrustskema soos in laasgenoemde Wet omskryf, of ‘n pensioenfondsgorganisasie wat kragtens die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is, of ‘n onderlinge hulpvereniging wat kragtens die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer is; (ii)
 - (iii) „Gebied“ die Gebied Suidwes-Afrika; (viii)
 - (iv) „geregistreer”, met betrekking tot ‘n finansiële instelling, ook voorlopig geregistreer; (vii)
 - (v) „inspekteur” ‘n persoon wat kragtens artikel tweec as ‘n inspekteur van tydelike inspekteur aangestel is; (iii)
 - (vi) „Minister” die Minister van Finansies; (v)
 - (vii) „ouditeur”, met betrekking tot ‘n finansiële instelling, die persoon wat kragtens die betrokke Wet as plaaslike ouditeur van daardie instelling aangestel is; (i)
 - (viii) „plaaslike ouditeur”, met betrekking tot ‘n finansiële instelling, die persoon wat kragtens die betrokke Wet as plaaslike ouditeur van daardie instelling aangestel is; (iv)
 - (ix) „registrator”, met betrekking tot ‘n finansiële instelling geregistreer kragtens—
 - (a) die Wet op Bouverenigings, 1934 (Wet No. 62 van 1934), die registrateur van bouverenigings wat kragtens artikel tweec van daardie Wet aangestel is;

(f) the Friendly Societies Act, 1956 (Act No. 25 of 1956), means the Registrar of Friendly Societies appointed under section four of that Act:

Provided that for the purposes of this definition an agent for brokers or underwriters at Lloyds shall be deemed to be an insurer registered under the Insurance Act, 1943 (Act No. 27 of 1943); (ix)

(vii) "registered", in relation to a financial institution, includes provisionally registered; (iv)

(viii) "Territory" means the Territory of South West Africa; (iii)

(ix) "the Act concerned" means the Act under which the financial institution concerned is registered or deemed to be registered or under which it is required to render returns or statements to the registrar and includes the regulations framed thereunder; (i)

(x) "valuator", in relation to a financial institution, registered under the Insurance Act, 1943 (Act No. 27 of 1943), the Pension Funds Act, 1956 (Act No. 24 of 1956), or the Friendly Societies Act, 1956 (Act No. 25 of 1956), respectively, bears the meaning assigned thereto in the Act concerned. (x).

2. (1) Subject to the laws governing the public service, there shall from time to time be appointed persons as inspectors under this Act.

(2) Whenever he considers it necessary to do so, the registrar may, with the approval of the Minister, appoint a person who is not in the full-time employ of the State, as a temporary inspector to assist the registrar or an inspector referred to in sub-section (1) with an inspection under this Act of the affairs or any part of the affairs of a financial institution or of any person, partnership or company not registered as a financial institution.

(3) Before the registrar appoints a temporary inspector under sub-section (2) he shall take all reasonable steps to ensure that the person he appoints will be able to report objectively and impartially on the affairs of the financial institution, person, partnership or company concerned.

(4) A temporary inspector appointed under sub-section (2) shall for the purpose of any inspection for which he has been appointed have all the powers and duties of an inspector under this Act.

(5) Every inspector and every temporary inspector so appointed shall be furnished with a certificate signed by the registrar stating that he has been appointed as an inspector or temporary inspector under this Act.

3. (1) The registrar may at any time inspect the affairs or any part of the affairs of a financial institution or instruct an inspector to carry out such an inspection and may in particular carry out such an inspection or cause such an inspection to be carried out —

(a) if the financial institution has failed to render a return or statement prescribed by or under the Act concerned within the period prescribed by or under such Act; or

(b) if the financial institution, after having rendered an incorrect or incomplete return or statement prescribed by or under the Act concerned, has not corrected or completed that return or statement within a period of thirty days as from the date upon which the registrar called upon it in writing to correct or complete such return or statement; or

(c) if the financial institution has not within a period determined by the registrar (which period shall not be less than thirty days as from the date upon which the registrar required it in writing to furnish such information), fully and satisfactorily furnished the registrar with information which the registrar

(b) die Bankwet, 1942 (Wet No. 38 van 1942), die Registrateur van Banke wat kragtens artikel drie van daardie Wet aangestel is;

(c) die Versekeringswet, 1943 (Wet No. 27 van 1943), die Registrateur van Versekeringswese wat kragtens artikel twee van daardie Wet aangestel is;

(d) die Wet op Beheer van Effektetrustskemas, 1947 (Wet No. 18 van 1947), die Registrateur van Effekte-trustmaatskappye wat kragtens artikel twee van daardie Wet aangestel is;

(e) die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), die Registrateur van Pensioenfondse wat kragtens artikel drie van daardie Wet aangestel is;

(f) die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), die Registrateur van Onderlinge Hulpverenigings wat kragtens artikel vier van daardie Wet aangestel is:

Met dien verstande dat vir die doeleindes van hierdie woordomskrywing 'n agent van makelaars van versekeraaars van Lloyds geag word 'n kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreerde versekeraar te wees; (vi)

(x) „waardeerdeer”, met betrekking tot 'n finansiële instelling wat onderskeidelik kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), of die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer is, dieselfde as wat dit in die betrokke Wet beteken. (x)

2. (1) Met ingangneming van die wette op die Staatsdiens word daar van tyd tot tyd persone aangestel as inspekteurs ingevolge hierdie Wet.

(2) Wanneer hy dit nodig ag om dit te doen, kan die registrateur, met die goedkeuring van die Minister, 'n persoon wat nie in die voltydse diens van die Staat is nie, as 'n tydelike inspekteur aanstel om die registrateur of 'n in sub-artikel (1) bedoelde inspekteur met 'n inspeksie kragtens hierdie Wet van die sake of enige deel van die sake van 'n finansiële instelling van 'n persoon, vennootskap of maatskappy wat nie as 'n finansiële instelling geregistreer is nie, te help.

(3) Voordat die registrateur 'n tydelike inspekteur kragtens sub-artikel (2) aanstel, moet hy alle redelike stappe doen om te verseker dat die persoon wat hy aanstel in staat sal wees om objektief en onpartydig oor die sake van die betrokke finansiële instelling, persoon, vennootskap of maatskappy verslag te doen.

(4) 'n Tydelike inspekteur kragtens sub-artikel (2) aangestel, het vir die doel van 'n inspeksie waarvoor hy aangestel is al die bevoegdhede en pligte van 'n inspekteur ingevolge hierdie Wet.

(5) Elke inspekteur en elke tydelike inspekteur wat aldus aangestel word, moet van 'n sertifikatuur wat deur die registrateur onderteken is, voorsien word waarin gemeld word dat hy as 'n inspekteur of tydelike inspekteur ingevolge hierdie Wet aangestel is.

3. (1) Die registrateur kan te eniger tyd die sake of enige deel van die sake van 'n finansiële instelling inspekteer of aan 'n inspekteur opdrag gee om sodanige inspeksie uit te voer en kan in die besonder so 'n inspeksie uitvoer of laat uitvoer —

(a) indien die finansiële instelling versuim het om 'n opgawe of staat wat by of kragtens die betrokke Wet voorgeskryf is, In te dien blnne die tydperk wat deur kragtens daardie Wet voorgeskryf is: of

(b) indien die finansiële instelling, nadat hy 'n onjuiste of onvolledige opgawe of staat wat by of kragtens die betrokke Wet voorgeskryf is, Ingediend het, nie daardie opgawe of staat verbeter of voltooi het nie binne 'n tydperk van dertig dae vanaf die datum waarop die registrateur hom skriftelik aangesê het om daardie opgawe of staat te verbeter of te voltooi; of

(c) indien die finansiële instelling nie binne 'n tydperk deur die registrateur bepaal (welke tydperk nie minder as dertig dae mag wees nie vanaf die datum waarop die registrateur skriftelik sodanige inligting van hom gevra het) aan die registrateur inligting wat die registrateur kragtens die betrokke

was entitled under the Act concerned to require it to furnish; or

- (d) if any return furnished by the financial institution to the registrar shows that the financial institution has failed to comply with any material provision of the Act concerned; or
- (e) if the auditor, local auditor or valuator of the financial institution reports to the registrar in terms of the Act concerned that an irregularity or undesirable practice in the conduct of the financial institution's business was reported to the financial institution and was not corrected within the period prescribed by or under the said Act or if no such period is prescribed by or under the said Act, within a period of thirty days from the date upon which the irregularity or undesirable practice was reported to the institution by the auditor, local auditor or valuator; or
- (f) if any person has applied for such an inspection and has supported such application by such evidence as the registrar may require for the purpose of showing that the applicant has good reason for requiring the inspection.

(2) Any person who has applied for an inspection of a financial institution may, with the approval of the Minister, be required by the registrar to furnish such security as the registrar may deem satisfactory and sufficient to defray the remuneration of and all expenses necessarily incurred by any temporary inspector who may be appointed in terms of sub-section (2) of section two.

4. (1) In order to carry out an inspection under section three the registrar or an inspector may —

- (a) at any time during normal office hours without previous notice, enter any premises occupied by a financial institution and require the production to him of any or all of the financial institution's securities, books, records, accounts or documents;
- (b) search any premises occupied by a financial institution for any moneys, securities, books, records, accounts or documents;
- (c) open or cause to be opened any strongroom, safe or other container in which he suspects any moneys, securities, books, records, accounts or documents of a financial institution are kept;
- (d) examine and make extracts from and copies of all securities, books, records, accounts and documents of a financial institution or, against a full receipt issued by him for such securities, books, records, accounts or documents, remove such securities, books, records, accounts or documents temporarily from the premises of the financial institution for that purpose;
- (e) require an explanation of any entries in the books, records, accounts or documents of a financial institution;
- (f) against a full receipt issued by him, seize any such securities, books, records, accounts or documents of a financial institution as in his opinion may afford evidence of any offence or irregularity;
- (g) retain any such seized securities, books, records, accounts or documents for as long as they may be required for any criminal or other proceedings.

(2) In carrying out an inspection under section three the registrar or an inspector may examine under oath in relation to the business of a financial institution any person who is or formerly was a director, auditor, local auditor, attorney, valuator, agent, servant, employee, member, debtor, creditor, policy-holder or shareholder of the financial institution and he may administer an oath or affirmation to any such person for the purpose of that examination: Provided that the person examined, whether under oath or not, may have his legal adviser present at the examination.

Wet geregtig was om van hom te eis, volledig en op bevredigende wyse verstrek het nie; of
(d) indien uit 'n opgawe wat deur die finansiële instelling aan die registrateur verstrek is, blyk dat die finansiële instelling versium het om aan 'n bepaling van wesenlike belang van die betrokke Wet te voldoen; of

- (e) indien die ouditeur, plaslike ouditeur of waardeerdeur van die finansiële instelling aan die registrateur ingevoige die betrokke Wet rapporteer dat 'n onreëlmatigheid of ongewenste praktyk in die bestuur van die besigheid van die finansiële instelling aan die finansiële instelling gerapporteer is en nie binne die tydperk by of kragtens bedoelde Wet voorgeskryf, of indien geen sodanige tydperk by of kragtens bedoelde Wet voorgeskryf word nie, binne 'n tydperk van dertig dae vanaf die datum waarop die onreëlmatigheid of ongewenste praktyk aan die instelling deur die ouditeur, plaslike ouditeur of waardeerdeur gerapporteer is, verbeter is nie; of
- (f) indien iemand om so 'n inspeksie aansoek gedoen het en daardie aansoek gestuur het met sodanige getuenis as wat die registrateur mag vereis vir die doel om te bewys dat die applikant 'n goeie rede het om die inspeksie te verlang.

(2) Iernand wat om 'n inspeksie van 'n finansiële instelling aansoek gedoen het, kan, met die goedkeuring van die Minister, deur die registrateur aangesê word om die sekerheid wat die registrateur bevredigend en voldoende beskou, te stel vir die betaling van die besoldiging van en alle uitgawes noodsakelikwys aangegaan deur 'n tydelike inspektleur wat ingevoige sub-artikel (2) van artikel twee aangestel mag word.

4. (1) Ten einde 'n inspeksie kragtens artikel drie uit te voer, kan die registrateur of 'n inspektleur —

- (a) te eniger tyd gedurende normale kantoorure sonder voorafgaande kennisgewing enige perseel deur 'n finansiële instelling gebruik, betree en die oorlegging aan hom van enige van of al die finansiële instelling se sekuriteite, boeke, aantekenings, rekenings of dokumente eis;
- (b) enige perseel deur 'n finansiële instelling gebruik, deursoek vir geld, sekuriteite, boeke, aantekenings, rekenings of dokumente;
- (c) enige brandkluis, brandkas of ander houer waarin hy vermoed dat geld, sekuriteite, boeke, aantekenings, rekenings of dokumente van 'n finansiële instelling gehou word, oopmaak of laat oopmaak;
- (d) alle sekuriteite, boeke, aantekenings, rekenings en dokumente van 'n finansiële instelling ondersoek en uitteksels daaruit en afskrifte daarvan maak of, teen uitbreking deur hom van 'n volledige kwitansie vir sodanige sekuriteite, boeke, aantekenings, rekenings of dokumente, bedoelde sekuriteite, boeke, aantekenings, rekenings of dokumente tydelik van die perseel van die finansiële instelling verwyn vir daardie doel;
- (e) 'n verduideliking vra van enige inskrywing in die boeke, aantekenings, rekenings of dokumente van 'n finansiële instelling;
- (f) teen uitbreking deur hom van 'n volledige kwitansie, beslag lê op enige sekuriteite, boeke, aantekenings, rekenings of dokumente van 'n finansiële instelling wat na sy mening bewys mag lewer van enige misdryf of onreëlmatigheid;
- (g) enige sodanige sekuriteite, boeke, aantekenings, rekenings of dokumente waarop beslag gelê is, gehou vir solank hulle vir enige strafsaak of ander verrigtings benodig mag word.

(2) Wanneer hy 'n inspeksie kragtens artikel drie uitvoer, kan die registrateur of 'n inspektleur enige persoon wat 'n direkteur, ouditeur, plaslike ouditeur, prokureur, waardeerdeur, agent, dienaar, werknemer, lid, skuldenaar, skuldeiser, polishouer of aandeelhouer van 'n finansiële instelling is of voorheen was, onder oed ondersoek met betrekking tot die besigheid van die finansiële instelling, en kan hy vir die doel van daardie ondervraging so 'n persoon 'n ed of bevestiging ople: Met dien verstande dat die persoon wat ondervra word, hetsy onder ed of nie, sy regadviseur by die ondervraging teenwoordig mag hê.

(3) Any person referred to in sub-section (2) shall, when he is requested by the registrar or an inspector to do so, produce to the registrar or such inspector every security, book, record, account or document of the financial institution to which he has access and shall give the registrar or an inspector, at his request, any information at his disposal relating to the affairs of the financial institution.

(4) An inspector may, with the written authority of the registrar, also inspect the securities, books, records, accounts or documents of any person, partnership or company in which or in the business of which the financial institution the affairs of which are being inspected, has a direct or indirect interest, and the provisions of sub-sections (1), (2) and (3) shall apply *mutatis mutandis* in respect of such inspection.

(5) An inspector shall on demand produce the certificate of his appointment as an inspector or temporary inspector furnished to him by the registrar under sub-section (5) of section two or the written authority granted to him by the registrar under sub-section (4) of this section.

(6) The financial institution whose securities, books, records, accounts or documents have been seized under paragraph (f) of sub-section (1) or its lawful representative shall be entitled to examine, make entries in and make extracts from them during office hours under such supervision as the registrar or an inspector may determine.

5. When an inspector has completed his inspection he shall prepare a report thereon which he shall submit to the registrar and if the inspection was carried out by the registrar he shall likewise prepare a report thereon and the registrar shall transmit a copy of every such report to the financial institution concerned.

6. (1) If the Minister has reason to suspect that any person, partnership or company which is not registered as a financial institution, is carrying on the business of a financial institution, he may direct the registrar to inspect or cause to be inspected the affairs or any part of the affairs of such person, partnership or company with a view to establishing whether or not the business of a financial institution is being carried on by such person, partnership or company.

(2) The provisions of sections four and five shall apply *mutatis mutandis* in respect of such an inspection.

7. The remuneration of and all expenses necessarily incurred by a temporary inspector appointed under sub-section (2) of section two in connection with an inspection of the affairs of a financial institution, person, partnership or company carried out by him shall be borne by the State: Provided that the Minister may in his discretion recover such remuneration and expenses in whole or in part from that financial institution, person, partnership or company if the inspection proved to have been necessary: Provided further that the Minister may in his discretion recover such remuneration and expenses in whole or in part from the person who applied for the inspection if the inspection proved to have been unnecessary.

8. (1) Any person carrying out an inspection under this Act shall preserve, or aid in preserving, secrecy with regard to all matters that may come to his knowledge in the performance of his duties and shall not communicate any such matter to any person whatsoever save to the registrar or the financial institution, person, partnership or company concerned or its lawful representative or on an order of a court of law: Provided that any information obtained by the registrar in the course of an inspection under this Act or from a report by an inspector may be used by the registrar or his staff in connection with any financial institution, person, partnership or company: Provided further that if the registrar has reason to believe that an offence or irregularity affecting any State Department has been committed, he may convey information regarding such offence or irregularity to the department concerned.

(2) Subject to the provisions of sub-section (1), every member of the staff of the registrar shall preserve, or aid in preserving, secrecy with regard to all matters

(3) Enige persoon in sub-artikel (2) bedoel, moet wanneer hy deur die registrator of 'n inspekteur gevra word om dit te doen, elke sekuriteite, boek, aantekenings, rekenings of dokumente inspekteer van enige persoon, vennootskap of maatskappy waarin of in die besigheid waarvan die finansiële instelling wie se sake geïnspekteur word, 'n direkte of indirekte belang het, en die bepalings van sub-artikels (1), (2) en (3) is *mutatis mutandis* ten opsigte van so 'n inspeksie van toepassing.

(4) Met die skriftelike magtiging van die registrator kan 'n inspekteur ook die sekuriteite, boeke, aantekenings, rekenings of dokumente inspekteer van enige persoon, vennootskap of maatskappy waarin of in die besigheid waarvan die finansiële instelling wie se sake geïnspekteur word, 'n direkte of indirekte belang het, en die bepalings van sub-artikels (1), (2) en (3) is *mutatis mutandis* ten opsigte van so 'n inspeksie van toepassing.

(5) 'n Inspekteur toon op versoek die sertifikaat van sy aanstelling as 'n inspekteur of tydelike inspekteur wat deur die registrator ingevolge sub-artikel (5) van artikel tweee aan hom verskaf is of die skriftelike magtiging wat deur die registrator ingevolge sub-artikel (4) van hierdie artikel aan hom verleen is.

(6) Die finansiële instelling op wie se sekuriteite, boeke, aantekenings, rekenings of dokumente kragtens paragraaf (f) van sub-artikel (1) beslag gelê is, of sy wettige verteenwoordiger, is geregtig om gedurende kantoordeur sodanige toesig as wat die registrator of 'n inspekteur mag bepaal, hulle te ondersoek, inskrywings daarin en uittreksels daaruit te maak.

5. Wanneer 'n inspekteur sy inspeksie voltooi het, moet hy 'n verslag daaroor opstel wat hy aan die registrator moet stuur en indien die inspeksie deur die registrator uitgevoer is, moet hy insgelyk 'n verslag daaroor opstel en die registrator moet 'n afskrif van elke sodanige verslag aan die betrokke finansiële instelling stuur.

(1) Indien die Minister rede het om te verhoed dat 'n persoon, vennootskap of maatskappy wat nie as 'n finansiële instelling geregistreer is nie, die besigheid van 'n finansiële instelling dryf, kan hy die registrator gelas om die sake of enige deel van die sake van so 'n persoon, vennootskap of maatskappy te inspekteer te laat inspekteer met die doel om vas te stel of die besigheid van 'n finansiële instelling deur so 'n persoon, vennootskap of maatskappy gedryf word al dan nie.

(2) Die bepalings van artikels vier en vyf is *mutatis mutandis* ten opsigte van so 'n inspeksie van toepassing.

7. Die besoldiging van en alle koste noodsaklikerwys aangegaan deur 'n tydelike inspekteur kragtens sub-artikel (2) van artikel tweee aangestel in verband met 'n inspeksie van die sake van 'n finansiële instelling, persoon, vennootskap of maatskappy deur hom uitgevoer, word deur die Staat gedra: Met dien verstande dat die Minister na goeddunk sodanige besoldiging en koste op daardie finansiële instelling, persoon, vennootskap of maatskappy in sy geheel of ten dele kan verhaal indien die inspeksie blyk nodig te gewees het: Met dien verstande voorts dat die Minister na goeddunk sodanige besoldiging en koste op die persoon wat om die inspeksie aansoek gedoen het, in sy geheel of ten dele kan verhaal indien die inspeksie blyk onnodig te gewees het.

8. (1) Enige persoon wat 'n inspeksie kragtens hierdie Wet uitvoer, moet ten aansien van alle sake wat in die vervulling van sy pligte tot sy kennis kom, gehemelhouding bewaar of help bewaar, en mag nie so 'n saak aan enigelemdaad hoegenaamd, behalwe aan die registrator of die betrokke finansiële instelling, persoon, vennootskap of maatskappy of sy wettige verteenwoordiger of op 'n bevel van 'n gereghof, meeceil nie: Met dien verstande dat enige inligting deur die registrator verkry in die loop van 'n ondersoek kragtens hierdie Wet of uit 'n verslag van 'n inspekteur, deur die registrator of sy personeel gebruik kan word in verband met enige finansiële instelling, persoon, vennootskap of maatskappy: Met dien verstande voorls dat indien die registrator rede het om glo dat 'n misdryf of onreëlmagtigheid rakende 'n Staatsdepartement begaan is, hy inligting aangaande daardie misdryf of onreëlmagtigheid aan die betrokke departement kan oordra.

(2) Behoudens die bepalings van sub-artikel (1), moet elke lid van die registrator se personeel gehemelhouding bewaar of help bewaar ten aansien van alle sake

that may come to his knowledge in the performance of his official duties from any report by the registrar or an inspector.

9. (1) Any person who —

- (a) when requested by the registrar or an inspector to take an oath or to make an affirmation, refuses to do so; or
- (b) without any lawful excuse refuses or fails to answer to the best of his ability any question relating to the affairs of a financial institution, person, partnership or company, even though the answer may tend to incriminate the said person, which the registrar or an inspector in the exercise of his powers or the performance of his duties has put to him; or
- (c) wilfully gives any false information to the registrar or an inspector; or
- (d) refuses or fails to comply to the best of his ability with any reasonable request made to him by the registrar or an inspector in the exercise of his powers or the performance of his duties; or
- (e) wilfully hinders the registrar or an inspector in the exercise of his powers or the performance of his duties; or
- (f) contravenes section eight,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Any person who, having taken an oath or made an affirmation before the registrar or an inspector, knowingly makes any false statement in relation to any matter which is the subject of the inspection, shall be deemed to be guilty of perjury.

10. This Act shall apply also in the Territory.

11. (1) The following section is hereby substituted for section *fifty-five ter* of the Building Societies Act, 1934, section *forty-two* of the Banking Act, 1942, section *twenty-nine* of the Insurance Act, 1943, section *twenty-five* of the Unit Trusts Control Act, 1947, section *twenty-five* of the Pension Funds Act, 1956, and section *thirty-two* of the Friendly Societies Act, 1956:

Powers of inspection.

(1) In addition to the powers and duties conferred or imposed upon him by this Act, the registrar shall have all the powers and duties conferred or imposed upon him by the Inspection of Financial Institutions Act, 1962.

(2) Any reference in this Act to an inspection or investigation made under this section shall be construed as a reference to an inspection made under the Inspection of Financial Institutions Act, 1962."

(2) Section *thirty-two* of the Pension Funds Act, 1956, and section *forty-three* of the Friendly Societies Act, 1956, are hereby amended by the deletion in sub-section (2) of each of the said sections of the words "sub-sections (3) to (5), inclusive, of".

(3) Any action taken under any of the sections referred to in sub-section (1) prior to the repeal and substitution effected by the said sub-section, shall be deemed to have been taken under the corresponding provisions of this Act.

12. This Act shall be called the Inspection of Financial Institutions Act, 1962.

wat in die uitvoering van sy ampelike pligte tot sy kennis mag kom uit 'n verslag van die registrator of 'n inspekteur.

9. (1) Enige persoon wat —

- (a) wanneer hy deur die registrator of 'n inspekteur versoeck word om 'n eed of 'n bevestiging af te lewer om dit te doen; of
- (b) sonder wettige verskoning weier of versuim om enige vraag met betrekking tot die sake van 'n finansiële instelling, persoon, vennootskap of maatskappy wat die registrator of 'n inspekteur in die uitvoering van sy bevoegdheede of die uitvoering van sy pligte aan hom gestel het, na die beste van sy vermoë te beantwoord, selfs al sou die antwoord daarop bedoelde persoon aan strafregtelike vergolging kan blootstaan; of
- (c) opsetlik vasele inligting aan die registrator of 'n inspekteur verstrek; of
- (d) weier of versuim om na die beste van sy vermoë aan 'n redelike versoek deur die registrator of 'n inspekteur in die uitvoering van sy bevoegdheede of die uitvoering van sy pligte aan hom gedoen te voldoen; of
- (e) opsetlik die registrator of 'n inspekteur in die uitvoering van sy bevoegdheede of die uitvoering van sy pligte hinder; of
- (f) artikel *agt* oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangersstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangerisaf.

(2) Iemand wat, nadat die registrator of 'n inspekteur hom 'n eed of bevestiging opgeleg het, wetens 'n vase verklaring doen met betrekking tot die saak waaroor die inspeksie gaan, word geag aan meinede skuldig te wees.

10. Hierdie Wet is ook in die Gebied van toepassing.

11. (1) Artikel *wijf-en-vyftig ter* van die Wet op Bouverenigings, 1934, artikel *twee-en-veertig* van die Bankwet, 1942, artikel *nege-en-twintig* van die Versekeringswet, 1943, artikel *vijf-en-twintig* van die Wet op Beheer van Effekte-trustskemas, 1947, artikel *wijf-en-twintig* van die Wet op Pensioenfondse, 1956, en artikel *twee-en-dertig* van die Wet op Onderlinge Hulpverenigings, 1956, word hierby deur die volgende artikel vervang:

Inspekteur-bevoegdheide.

(1) Benewens die bevoegdheide en pligte aan hom deur hierdie Wet verleen of opgeleg, het die registrator al die bevoegdheide en pligte aan hom verleen of opgeleg deur die Wet op Inspeksie van Finansiële Instellings, 1962."

(2) Enige verwysing in hierdie Wet na 'n inspeksie of ondersoek kragtens hierdie artikel gedoено, word uitgelê as 'n verwysing na 'n inspeksie gedoено kragtens die Wet op Inspeksie van Finansiële Instellings, 1962".

(2) Artikel *twee-en-dertig* van die Wet op Pensioenfondse, 1956, en artikel *drie-en-veertig* van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur in sub-artikel (2) van elk van genoemde artikels die woorde „sub-artikels (3) tot en met (5)" te skrap.

(3) Enige stappe gedoено kragtens enige van die in sub-artikel (1) genoemde artikels voor die herroeping en vervanging wat deur genoemde sub-artikel bewerkstellig is, word geag kragtens die ooreenstemmende bepaalings van hierdie Wet gedoено te gewees het.

12. Hierdie Wet heet die Wet op Inspeksie van Finansiële Instellings, 1962.

No. 69, 1962 (Republiek).]

ACT

To amend the Admission of Persons to the Union Regulation Act, 1913, the Companies Act, 1926, the Aliens Act, 1937, the Aliens Registration Act, 1939, the Work Colonies Act, 1949, the South African Citizenship Act, 1949, the Population Registration Act, 1950, the Merchant Shipping Act, 1951, the Diplomatic

Tot wysiging van die „Wet tot Regeling van die Toelating van Personen tot die Unie, 1913", die Maatskappwyet, 1926, die Wet op Vreemdelinge, 1937, die Wet op Registrasie van Vreemdelinge, 1939, die Wet op Werkkolonies, 1949, die Wet op Suid-Afrikaanse Burger-skap, 1949, die Bevolkingsregistrasiewet, 1950, die

WET

Privileges Act, 1951, the Departure from the Union Regulation Act, 1955, the Land Settlement Act, 1956, and the Children's Act, 1960, and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 15th June, 1962.)

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

1. Section twenty-four of the Admission of Persons to the Union Regulation Act, 1913, is hereby amended by the substitution for sub-section (2) of the following subsection:

- "(2) The Minister may, in his discretion —
 (a) exempt any person or class of persons from all or any of the provisions of paragraph (b) or (c) of sub-section (1);
 (b) exclude from any exemption granted to a class of persons under paragraph (a), any person belonging to that class; and
 (c) withdraw any exemption granted under paragraph (a) to any class of persons or to any person, whether as an individual or as a member of a class of persons."

2. Section thirty bis of the Admission of Persons to the Union Regulation Act, 1913, is hereby amended, with effect from the date of commencement thereof, by the insertion after the word "Act" of the words "and any amendment thereof" and the addition at the end thereof of the words "including that portion thereof known as the Eastern Caprivi Zipfel".

3. Sections four and four bis of the Companies Act, 1926, are hereby amended by the insertion in each of those sections before the words "of Letters Patent" of the words "has, before the commencement of section three of the Commonwealth Relations Act, 1962, been formed in pursuance".

4. Section fifteen of the Companies Act, 1926, is hereby amended by the substitution in paragraph (d) of sub-section (2) for the words "a State within the British Empire or in some part of His Majesty's Dominions" of the words "the Republic".

5. Section two hundred and twenty-nine of the Companies Act, 1926, is hereby amended by the deletion in the definition of "foreign country" of the words "whether the same is or is not included in the British Empire or is or is not a British Protectorate".

6. Section one of the Aliens Act, 1937, is hereby amended by the deletion in the definition of "alien" of the words "a natural born British subject or".

7. Section two of the Aliens Act, 1937, is hereby amended by the substitution for the word "section", where it occurs for the first time, of the words "sections seven bis and", and the insertion after the word "enter", where it occurs for the first time, of the words "or be in".

8. Section four of the Aliens Act, 1937, is hereby amended by the insertion in sub-section (5) after the word "therein" of the words "or who has been permitted under section five to sojourn temporarily in the Union".

9. Section five of the Aliens Act, 1937, is hereby amended —

- (a) by the substitution in sub-section (1) for all the words after the word "permit", where it occurs for the first time, of the following:

- "(a) to enter the Union and to sojourn therein temporarily; or
 (b) if he is already in the Union, to sojourn therein temporarily,

for such purposes, during such period, and on such conditions as have been likewise prescribed and as are set forth in the permit"; and

Handelskeepvaartwet, 1951, die Wet op Diplomatiëke Voorregte, 1951, die Wet tot Reëling van Vertrek uit die Unie, 1955, die Nederstellingswet, 1956, en die Kinderwet, 1960, en om voorsiening te maak vir aan geleenthede wat daarmee in verband staan.

(Afrikaans text deur die Staatspresident geteken.)
(Goedgekeur op 15 Junie 1962.)

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

1. Artikel vier-en-twintig van die „Wet tot Regeling van die Toelating van Personen tot die Unie, 1913”, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

- „(2) De Minister kan te zijner beoordeling —
 (a) iemand of een klasse van personen van al de bepalingen of enige van die bepalingen van paraagraaf (b) of (c) van sub-artikel (1) vrijstellen;
 (b) iemand tot een klasse van personen behorende aan een vrijstelling krachtens paragraaf (a) aan die klasse van personen verleend, uitzonderen; en
 (c) een vrijstelling krachtens paragraaf (a) aan een klasse van personen van aan iemand, hetzij as een individu of als een lid van een klasse van personen, verleend, intrekken.”.

2. Artikel dertig bis van die „Wet tot Regeling van die Toelating van Personen tot die Unie, 1913”, word hierby gewysig, met ingang vanaf die datum van inwerkingtreding daarvan, deur na die woord „Wet” die woorde „enige wijziging ervan” in te voeg en na die woord „Zuidwest-Afrika” die woorde „met inbegrip van dat gedeelte ervan bekend as de Oostelike Caprivi Zipfel.” in te voeg.

3. Artikels vier en vier bis van die Maatskappywet, 1926, word hierby gewysig deur in elkeen van daardie artikels voor die woord „patentbrief” die woorde „voor die inwerkingtreding van artikel drie van die Wet op Statebondsbetrekkinge, 1962, opgerig is ingevolge 'n' in te voeg.

4. Artikel vyftien van die Maatskappywet, 1926, word hierby gewysig deur in paragraaf (d) van sub-artikel (2) die woorde „n Staat binne die Britse Ryk of in een of ander deel van Sy Majestelt se gebied” deur die woorde „die Republiek” te vervang.

5. Artikel tweehonderd negen-en-twintig van die Maatskappywet, 1926, word hierby gewysig deur in die omskrywing van „vreemde land” die woorde „hetsey dit al dan nie blinne die Britse Ryk val of al dan nie 'n Britse Protektoraat is” te skrap.

6. Artikel een van die Wet op Vreemdelinge, 1937, word hierby gewysig deur in die omskrywing van „vreemdeling” die woorde „n gebore Britse onderdaan of” te skrap.

7. Artikel twee van die Wet op Vreemdelinge, 1937, word hierby gewysig deur die woord „artikel”, waar dit die eerste maal voorkom, deur die woorde „artikels sewe bis en” te vervang, en deur na die woord „blnnekom” die woorde „of hom daarin ophou” in te voeg.

8. Artikel vier van die Wet op Vreemdelinge, 1937, word hierby gewysig deur in sub-artikel (5) na die woord „hou” die woorde „of aan wie kragtens artikel vyf vergunning verleen is om hom tydelik in die Unie op te hou” in te voeg.

9. Artikel vyf van die Wet op Vreemdelinge, 1937, word hierby gewysig —

- (a) deur in sub-artikel (1) al die woorde na die woord „uitrelik” deur die volgende te vervang:
 ..(a) om die Unie blinne te kom en hom daarin tydelik op te hou; of
 (b) indien hy alreeds in die Unie is, om hom daarin tydelik op te hou,
 vir die doeleindes, solank as en op die voorwaarde wat deur regulasies bepaal is en en in die permit vermeld word.; en

(b) by the insertion in sub-section (2) after the word "accompanies" of the words "or resides with".

10. Section six of the Aliens Act, 1937, is hereby amended by the insertion in sub-section (2) after the word "Union" of the words "or who became an alien while in the Union".

11. The following section is hereby inserted in the Aliens Act, 1937, after section seven:

"Exemption from provisions of Act."

7bis. (1) Notwithstanding anything in this Act contained, the Minister or any person to whom the Minister has delegated his powers under this sub-section, may exempt any person or class of persons from all or any of the provisions of this Act (other than those of section nine) for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister or the said person may impose.

(2) The Minister or the said person may exclude from any exemption granted to a class of persons under sub-section (1) any person belonging to that class.

(3) The Minister may withdraw any exemption granted under sub-section (1) to any class of persons or to any person, whether as an individual or as a member of a class of persons.

12. Section thirteen bis of the Aliens Act, 1937, is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof".

13. (1) Any person who, while he is in the Republic, becomes an alien as contemplated in the Aliens Act, 1937 (Act No. 1 of 1937), as a result of the amendment of that Act by section six of this Act, shall as from the first day of January, 1963, or such later date as the Minister of the Interior may by notice in the *Gazette* determine, be deemed, for the purposes of the said Aliens Act, 1937, to be an alien who is in the Republic for the purpose of temporary sojourn therein, unless he makes, before such date, in the presence of an officer or employee in the public service designated by the said Minister, a declaration in the form prescribed by the said Minister by notice in the *Gazette*, that he is in the Republic for the purpose of permanent residence therein.

(2) The officer or employee in whose presence any such declaration is made, shall —

(a) if the person concerned is in possession of a passport, endorse thereon that he is entitled to reside permanently in the Republic; or

(b) if the person concerned is not in possession of a passport, issue to him a certificate to the effect that he is so entitled.

(3) Any passport so endorsed or certificate issued in terms of sub-section (2) shall for all purposes be deemed to be a permit to enter the Republic issued under section four of the said Aliens Act, 1937.

(4) This section shall also apply in the territory of South West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, and for the purposes of this section "Republic" includes the said territory.

14. Section one of the Aliens Registration Act, 1939, is hereby amended by the deletion in the definition of "alien" of the words "a natural born British subject or".

15. Section twenty of the Aliens Registration Act, 1939, is hereby amended by the deletion of paragraph (d).

16. Section twenty-three of the Aliens Registration Act, 1939, is hereby amended, with effect from the date of commencement thereof, by the insertion after the word "thereunder" of the words "and any amendment thereof" and the insertion after the word "Africa" of the words "including that portion thereof known as the Eastern Caprivi Zipfel".

17. Section thirty-three of the Work Colonies Act, 1949, is hereby amended by the deletion in sub-section (1) of the word "British".

(b) deur aan die end van sub-artikel (2) die woord „of by hom woon“ by te voeg.

10. Artikel ses van die Wet op Vreemdelinge, 1937, word hierby gewysig deur in sub-artikel (2) na die word „het“ die woord „of wat 'n vreemdeling geword het terwyl in die Unie aanwesig“ in te voeg.

11. Die volgende artikel word hierby na artikel sewe in die Wet op Vreemdelinge, 1937, ingevoeg:

"Vrystelling van bepaling van Wet."

7bis. (1) Ondanks die bepaling van hierdie Wet, kan die Minister of enige persoon aan wie die Minister sy bevoegdheid kragtens hierdie sub-artikel oorgedra het, enige persoon of klas persone vrystel van al of enige van die bepalinge van hierdie Wet (behalve die bepalinge van artikel nege) vir 'n bepaalde of onbepaalde tydperk en of onvooraardelik of op die voorwaardes wat die Minister of bedoelde persoon oplik.

(2) Die Minister of bedoelde persoon kan iemand wat aan 'n klas persone behoort van 'n vrystelling wat kragtens sub-artikel (1) aan daardie klas persone verleen, is uitsonder.

(3) Die Minister kan enige vrystelling wat kragtens sub-artikel (1) aan 'n klas persone van aan iemand, hetself as 'n individu of as 'n lid van 'n klas persone, verleen, is intrek".

12. Artikel dertien bis van die Wet op Vreemdelinge, 1937, word hierby gewysig deur na die word „Wet“ die woord „en enige wysiging daarvan“ in te voeg.

13. (1) Enige persoon wat, terwyl hy in die Republiek is, 'n vreemdeling, soos beoog in die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), word, as gevolg van die vrystelling van daardie Wet deur artikel ses van hierdie Wet, word vanaf die eerste dag van Januarie 1963, of so'n later datum as wat die Minister van Binnelandse Sake by kennissgewing in die Staatskoerant bepaal, by die toepassing van bedoelde Wet op Vreemdelinge, 1937, geag 'n vreemdeling te wees wat in die Republiek is met die doel om hom tydelik daarin op te hou, tensy hy, voor daardie datum, in die teenwoordigheid van 'n beampie of werkneemster in die Staatsdiens deur bedoelde Minister aangeweys, 'n verklaring, in die vorm deur bedoelde Minister in die Staatskoerant voorgeskryf, maak dat hy in die Republiek is met die doel om hom blywend daarin te vestig.

(2) Die beampie of werkneemster in wie se teenwoordigheid enige sodanige verklaring gemaak word, moet —

(a) indien die betrokke persoon in besit van 'n paspoort is, daarop endosseer dat hy geregtig is om hom blywend in die Republiek te vestig; of

(b) indien die betrokke persoon nie in besit van 'n paspoort is nie, aan hom 'n sertifikaat uitleek ten effekte dat hy aldus geregtig is.

(3) 'n Paspoort aldus geëndosseer of sertifikaat uitgereikt ingevolge sub-artikel (2), word vir alle doeleindes goeg 'n kragtens artikel vier van bedoelde Wet op Vreemdelinge, 1937, uitgereikte permit om die Republiek binne te kom, te wees.

(4) Hierdie artikel is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte daarvan wat as die Oostelike Caprivi Zipfel bekend is, en by die toepassing van hierdie artikel beteken „Republiek“ ook bedoelde gebied.

14. Artikel een van die Wet op Registrasie van Vreemdelinge, 1939, word hierby gewysig deur in die omskrywing van „vreemdeling“ die woord „gebore Britse onderdaan“ te skrap.

15. Artikel twintig van die Wet op Registrasie van Vreemdelinge, 1939, word hierby gewysig deur paragraaf (d) te skrap.

16. Artikel drie-en-twintig van die Wet op Registrasie van Vreemdelinge, 1939, word hierby gewysig, met ingang vanaf die datum van inwerkingtreding daarvan, deur na die word „uitgevaardig“ die woord „en enige wysiging daarvan“ in te voeg en na die word „Suidwes-Afrika“ die woord „met inbegrip van dié gedeelte daarvan wat as die Oostelike Caprivi Zipfel bekend is,“ in te voeg.

17. Artikel drie-en-dertig van die Wet op Werkkolonies, 1949, word hierby gewysig deur in sub-artikel (1) die woord „Britse“ te skrap.

18. Section one of the South African Citizenship Act, 1949, is hereby amended by the deletion in the definition of "alien" in sub-section (1) of the words "a citizen of a Commonwealth country or a citizen of the Republic of Ireland".

19. Section eight of the South African Citizenship Act, 1949, is hereby repealed.

20. Section ten of the South African Citizenship Act, 1949, is hereby amended —

- (a) by the substitution in paragraph (d) of sub-section (1) for the word "five" of the word "four";
- (b) by the substitution in sub-section (3) *ter* for the word "four" of the word "three";
- (c) by the insertion after sub-section (4) of the following sub-section:

"(4)*bis*. The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to any person who is not already a South African citizen and —

- (a) who, or whose father or paternal grandfather or paternal great-grandfather, was born prior to the first day of September, 1900, in any part of South Africa included in the Union, or was a burgher of the late South African Republic or of the late Orange Free State Republic at any time prior to that date; and
- (b) who satisfies the Minister that he has been lawfully admitted to the Union for permanent residence therein;";
- (d) by the substitution in paragraph (a) of sub-section (6) for the word "three" of the word "two";
- (e) by the substitution in paragraph (b) of the said sub-section for the word "three" of the word "two"; and
- (f) by the substitution in sub-section (8) for the word "five" of the word "four".

21. The following section is hereby substituted for section sixteen of the South African Citizenship Act, 1949:

"Renunciation of citizenship."

16. (1) A South African citizen who also has the citizenship or nationality of a country other than the Union, may make a declaration in the prescribed form renouncing his South African citizenship.

(2) The Minister shall upon receipt by him cause to be registered in the manner prescribed every declaration made under this section and thereupon the person who made the declaration shall cease to be a South African citizen: Provided that the Minister may refuse to cause any declaration made in terms of this section to be registered while the Union is at war with any other country.

(3) Whenever a person ceases under sub-section (2) to be a South African citizen, his minor children shall also cease to be South African citizens if the other parent of such children is not, or does not remain, a South African citizen.

(4) A child who has ceased to be a South African citizen under sub-section (3) and who is resident in the Union or has returned to the Union for permanent residence therein, may within one year after attaining the age of twenty-one years, make a declaration in the prescribed form that he wishes to resume South African citizenship, and upon registration of the declaration in the prescribed manner, shall resume his former South African citizenship."

22. Section nineteen of the South African Citizenship Act, 1949, is hereby amended by the insertion in sub-section (8) after the word "section", where it occurs for the second time, of the words "nineteen *bis* or".

23. Section nineteen *bis* of the South African Citizenship Act, 1949, is hereby amended —

18. Artikel een van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby gewysig deur in die omstrywing van „vreemdeeling“ in sub-artikel (1) die woorde „'n burger van 'n Statebondsland of 'n burger van die Republiek Ierland“ te skrap.

19. Artikel acht van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby gewysig.

20. Artikel tien van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby gewysig —

- (a) deur in paragraaf (d) van sub-artikel (1) die woord „vyf“ deur die woord „vier“ te vervang;
- (b) deur in sub-artikel (3) *ter* die woord „vier“ deur die woord „drie“ te vervang;
- (c) deur na sub-artikel (4) die volgende sub-artikel in te voeg:

„(4)*bis*. Die Minister kan, ondanks die bepalings van sub-artikel (1), op aansoek in die voorgeskrewe vorm, 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger toeken aan iemand wat nie alreeds 'n Suid-Afrikaanse burger is nie en —

- (a) wat, of wie se vader of grootvader of oorgrootvader aan vaderskant, in 'n deel van Suid-Afrika wat in die Unie opgeneem is, gebore is voor die eerste dag van September 1900, of te eniger tyd voor daardie datum 'n staatsburger van die gewese Suid-Afrikaanse Republiek of van die gewese Republiek Oranje-Vrystaat was; en
- (b) wat die Minister oortuig dat hy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is;“;
- (d) deur in paragraaf (a) van sub-artikel (6) die woord „drie“ deur die woord „twee“ te vervang;
- (e) deur in paragraaf (b) van bedoelde sub-artikel die woord „drie“ deur die woord „twee“ te vervang; en
- (f) deur in sub-artikel (8) die woord „vyf“ deur die woord „vier“ te vervang.

21. Artikel ses teen van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby deur die volgende artikel vervang:

"Afstand van burgerkap."

16. (1) 'n Suid-Afrikaanse burger wat ook die burgerskap of nasionaliteit van 'n ander land as die Unie besit, kan 'n verklaring in die voorgeskrewe vorm afle waarin hy afgaan doen van sy Suid-Afrikaanse burgerkap.

(2) Die Minister laat by ontwangs deur hom iedere verklaring wat ingevolge hierdie artikel afgelê word op die voorgeskrewe wyse registreer en daarop hou die persoon wat die verklaring afgelê het op om 'n Suid-Afrikaanse burger te wees: Met dien verstande dat die Minister kan weier om enige verklaring wat ingevolge hierdie artikel afgelê word, te laat registreer terwyl die Unie in 'n staat van oorlog met 'n ander land verkeer.

(3) Wanneer iemand ingevolge sub-artikel (2) ophou om 'n Suid-Afrikaanse burger te wees,hou sy minderjarige kinders ook op om Suid-Afrikaanse burgers te wees indien die ander ouer van sodanige kinders nie 'n Suid-Afrikaanse burger is of bly nie.

(4) 'n Kind wat ingevolge sub-artikel (3) opgehou het om 'n Suid-Afrikaanse burger te wees en wat in die Unie woonagtig is of na die Unie vir permanente verblyf daarin teruggekeer het, kan binne een jaar nadat hy die ouerdom van een-en-twintig jaar bereik het, 'n verklaring in die voorgeskrewe vorm afle dat hy verlang om Suid-Afrikaanse burgerskap terug te neem, en by registrasie van die verklaring op die voorgeskrewe wyse herneem hy sy vorige Suid-Afrikaanse burgerkap.“

22. Artikel negentien van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby gewysig deur in sub-artikel (8) na die woord „artikel“ waar dit die tweede maal voorkom, die woorde „negentien bis of“ in te voeg.

23. Artikel negentien *bis* van die Wet op Suid-Afrikaanse Burgerkap, 1949, word hierby gewysig —

- (a) by the addition at the end of paragraph (b) of sub-section (1) of the word "or";
- (b) by the addition to the said sub-section of the following paragraph:
 - "(c) who has also the citizenship or nationality of a country other than the Union, has at any time after the thirtieth day of May, 1963, performed some voluntary act which, in the opinion of the Minister, indicates that such citizen has made use of his citizenship or nationality of that other country.;" and
- (c) by the addition of the following sub-section:
 - "(3) The Minister may, in such cases as he deems fit, withdraw any order made under sub-section (1) and thereupon the person concerned shall, with effect from such date as the Minister may direct, resume the form of South African citizenship of which he was deprived by that order."

24. Section *thirty-seven* of the South African Citizenship Act, 1949, is hereby amended by the deletion of the words "registration or".

25. Section *thirty-nine* of the South African Citizenship Act, 1949, is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

"(2) The Minister shall lay a copy of any list referred to in paragraph (b) of sub-section (1) on the Table of the Senate and of the House of Assembly within fourteen days after publication of such list in the *Gazette* if Parliament is in ordinary session or if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session."

26. Section *forty* of the South African Citizenship Act, 1949, is hereby amended by the deletion in paragraph (a) of the words "registration or".

27. The following Schedule is hereby substituted for the First Schedule to the South African Citizenship Act, 1949:

FIRST SCHEDULE.

OATH OF ALLEGIANCE.

I. A.B., do hereby declare on oath that I unreservedly renounce all allegiance and fidelity to any foreign State or Head of State of whom I have heretofore been a citizen or a subject, or to any other External Authority to whom I have heretofore owed any form of allegiance; that I will be faithful to the Republic of South Africa, observe its laws, promote all that which will advance it and oppose all that may harm it. So Help Me God!"

28. (1) Where an application for a certificate of registration as a South African citizen was made under the South African Citizenship Act, 1949 (Act No. 44 of 1949), before the date of commencement of section *nineteen* but was not disposed of before that date and the person to whom such application relates satisfies the Minister that at the date of the application he complied with the requirements of section *eight* of the said Act or would have complied with those requirements if the provisions of sub-section (7) of section *ten* of the said Act had been incorporated in the said section *eight*, the Minister may, notwithstanding the provisions of sub-section (1) of the said section *ten*, grant to the person concerned a certificate of naturalization as a South African citizen.

(2) A person to whom a certificate of naturalization has been granted under sub-section (1) shall, with effect from the date of the issue of the certificate, be a South African citizen by naturalization.

29. (1) Sections *eighteen* to *twenty-eight*, inclusive, shall apply also in the territory of South West Africa, including that portion thereof known as the Eastern Caprivi Zipfel, and in the Prince Edward Islands.

(2) The South African Citizenship Amendment Act, 1961 (Act No. 64 of 1961), shall apply also in that portion of the territory of South West Africa known as the Eastern Caprivi Zipfel.

- (a) deur aan die end van paragraaf (b) van sub-artikel (1) die woord „of“ by te voeg;
- (b) deur bedoelde sub-artikel die volgende paragraaf te voeg:
 - "(c) wat ook die burgerskap of nasionaliteit van 'n ander land as die Unie besit, te eniger tyd na die dertigste dag van Mei 1963, een of ander vrywillige handeling verrig het wat, volgens die oordeel van die Minister, aandui dat daardie burger van sy burgerskap met nasionaliteit van daardie ander land gebruik gemaak het.;" en
- (c) deur die volgende sub-artikel by te voeg:
 - "(3) Die Minister kan, in die gevalle wat hy goedvind, enige bevel kragtens sub-artikel (1) uitgereik, intrek en daarop herneem die betrokke persoon die deur daardie bevel ontneemde vorm van Suid-Afrikaanse burgerskap met ingang van die datum wat die Minister gelas."

24. Artikel *seve-en-dertig* van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig deur die woorde „registrasie of“ te skrap.

25. Artikel *nege-en-dertig* van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

"(2) Die Minister moet 'n afskrif van enige in paragraaf (b) van sub-artikel (1) bedoelde lys in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na publikasie van sodanige lys in die Staatskoerant as die Parlement in gewone sessie is, of, as die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie."

26. Artikel *veertig* van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig deur in paragraaf (a) die woorde „registrasie of“ te skrap.

27. Die Eerste Bylae by die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby deur die volgende Bylae vervang:

EERSTE BYLAE.

EED VAN GETROUHEID.

Ek, A.B., verklaar hierby onder eed dat ek onvoorwaardelik afstand doen van alle trou en getrouheld aan enige vreemde staat of hoof van 'n staat waarvan ek tot hier toe 'n burger of onderdaan was, of aan enige ander eksterne gesag waaraan ek tot hier toe enige vorm van trou verskuldig was; dat ek getrou aan die Republiek van Suid-Afrika sal wees, sy wette sal gehoorzaam, alles sal bevorder wat hom tot voordeel strek en alles sal bestry wat hom kan skaad. So Help My God".

28. Waar 'n aansoek om 'n sertifikaat van registrasie as 'n Suid-Afrikaanse burger gedoen is ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), voor die datum van inwerkingtreding van artikel *negentien* maar nie vir daardie datum aangehandel is nie dan die persoon op wie die aansoek betrekking het, die Minister oortuig dat hy, op die datum van die aansoek, aan die vereistes van artikel *agt* van bedoelde Wet voldoen het of aan daardie vereistes sou voldoen het indien die bepaling van sub-artikel (7) van artikel *tien* van bedoelde Wet in bedoelde artikel *agt* opgeneem was, kan die Minister, ondanks die bepaling van sub-artikel (1) van bedoelde artikel *tien*, aan die betrokke persoon 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger toeken.

(2) Iemand aan wie 'n sertifikaat van naturalisasie kragsarts sub-artikel (1) toegeweek is, is vanaf die datum van die uitreiking van die sertifikaat 'n Suid-Afrikaanse burger deur naturalisasie.

29. (1) Artikels *agtien* tot en met *agt-en-twintig* is ook in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte daarvan wat as die Oostelike Caprivi Zipfel bekend is, en in die Prins Edward-eiland van toepassing.

(2) Die Wysligswet op Suid-Afrikaanse Burgerskap, 1961 (Wet No. 64 van 1961), is ook in dié gedeelte van die gebied Suidwes-Afrika wat as die Oostelike Caprivi Zipfel bekend is van toepassing.

(3) Sub-section (2) shall be deemed to have come into operation at the commencement of the South African Citizenship Amendment Act, 1961.

30. Section *twenty-one* of the Population Registration Act, 1950, is hereby amended —

- (a) by the insertion in paragraph (d) of sub-section (1) after the word "area" of the words "or who enter or have entered the Union for a temporary purpose"; and
- (b) by the deletion of sub-sections (2), (3), (4), (5) and (6).

31. Section *two* of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended —

- (a) by the deletion in sub-section (1) of the definition of "Commonwealth ship";
 - (b) by the substitution in the definition of "foreign country" in the said sub-section for the words "member of the Commonwealth" of the words "treaty country";
 - (c) by the substitution in the definition of "foreign ship" in the said sub-section for the word "Commonwealth" of the word "treaty";
 - (d) by the deletion in the said sub-section of the definition of "part of the Commonwealth";
 - (e) by the substitution for paragraphs (a), (b) and (c) of the definition of "proper officer" in the said sub-section of the following paragraphs:—
 - "(a) at a place in the Republic, the chief officer of customs; or
 - (b) at a place outside the Republic but within a treaty country, in the following order:
 - (i) a consular representative of the Republic; or
 - (ii) a diplomatic representative of the Republic;
 - (iii) the person who, in terms of the law in force in the treaty country, is entrusted with the function or charged with the duty to which reference is made in the provision of this Act in which the expression occurs; or
 - (iv) a consular representative of a treaty country (other than the Republic); or
 - (v) a diplomatic representative of a treaty country (other than the Republic); or
 - (c) at a place outside any treaty country, the person, and in the order, indicated, in sub-paragraphs (i), (ii), (iv) and (v) of paragraph (b); or
 - (d) at a place outside the Republic, where there is no proper officer as defined in paragraph (b) or (c), any master of a South African ship who is specially authorized in writing to act as proper officer by the Secretary, but only in relation to the functions and duties in respect of which, and subject to the conditions subject to which, he has been so authorized to act;";
 - (f) by the insertion in the said sub-section after the definition of "timber cargo regulations" of the following definitions:
- "'treaty country', in relation to any provision of this Act, means the Republic and any country, including any colony, protectorate or territory subject to the authority or under the suzerainty of such country or any territory over which a mandate or trusteeship is exercised by such country, which is a party to any bilateral treaty or agreement entered into by the Republic in connection with any matter dealt with in such provision;
- "'treaty ship' means a ship registered at any place in a treaty country under the relative laws in force at that place or any ship which by the law of a treaty country is recognized as a ship belonging to that treaty country"; and
- (g) by the deletion of sub-section (2).

(3) Sub-artikel (2) word geag by die inwerkingtreding van die Wysigingswet op Suid-Afrikaanse Burgerkaps, 1961, in werking te getree het.

30. Artikel *een-en-twintig* van die Bevolkingsregisterwet, 1950, word hierby gewysig —

- (a) deur in paragraaf (d) van sub-artikel (1) na die woord „het“ die woorde „of die Unie vir 'n tydelike doel binnekombinnek kom het“ in te voeg; en
- (b) deur sub-artikels (2), (3), (4), (5) en (6) te skrap.

31. Artikel *twee* van Handelskeepvaartwet, 1951 (hiervan die Hoofwet genoem), word hierby gewysig —

- (a) deur paragrawe (a), (b) en (c) van die omskrywing van „bevoegde beampte“ in sub-artikel (1) deur die volgende paragrawe te vervang:
 - “(a) by 'n plek in die Republiek, die hoofdoceameampte; of
 - (b) by 'n plek buite die Republiek maar in 'n verdragland, in die volgende volgorde:
 - (i) 'n konsulêre verteenwoordiger van die Republiek; of
 - (ii) 'n diplomatische verteenwoordiger van die Republiek; of
 - (iii) die persoon aan wie kragtens die wet wat in die verdragland van krag is, die werkzaamhede toevertrou is of die plig opgedeel is waarna verwys word in die bepaling van hierdie Wet waarin die uitdrukking voorkom; of
 - (iv) 'n konsulêre verteenwoordiger van 'n verdragland (behalwe die Republiek); of
 - (v) 'n diplomatische verteenwoordiger van 'n verdragland (behalwe die Republiek); of
 - (c) by 'n plek buite enige verdragland, die persoon, en die volgorde, in sub-paragrawe (i), (ii), (iv) en (v) van paragraaf (b) aangedui; of
 - (d) by 'n plek buite die Republiek waar daar geen bevoegde beampte soos in paragraaf (b) of (c) omskryf, is nie, enige gesagvoerder van 'n Suid-Afrikaanse skip wat spesial skriftelik gemagtig is deur die Sekretaris om as bevoegde beampte op te tree, maar slegs met betrekking tot die werkzaamhede en pligte ten opsigte waarvan, en onderworpe aan die voorwaardes onderworpe waaraan, hy aldus gemagtig is om op te tree;";
- (b) deur in bedoelde sub-artikel die omskrywing van „deel van die Statebond“ te skrap;
- (c) deur in bedoelde sub-artikel die omskrywing van „Statebondskip“ te skrap;
- (d) deur in bedoelde sub-artikel na die omskrywing van „veiligheidsuitrusting-vrystellingsertifikaat“ die volgende omskrywing in te voeg:
 - „verdragland“, met betrekking tot enige bepaling van hierdie Wet, die Republiek en enige land, met inbegrip van enige kolonie, protektoraat of gebied onder die gesag of susereiniteit van sodanige land of 'n gebied waaroor 'n mandaat- of kuratorskap uitgeoefen word deur sodanige land, wat 'n party is by enige tweesydig verdrag of ooreenkoms deur die Republiek aangegaan in verband met enige aangeleenthed waarmee in sodanige bepaling gehandel word;
 - „verdragskip“ 'n skip geregistreer op enige plek in 'n verdragland kragtens die betrokke wette wat op daardie plek van krag is, of 'n skip wat volgens die wet van 'n verdragland erken word as 'n skip wat aan daardie verdragland behoort;";
 - (e) deur in die omskrywing van „vreemde land“ in bedoelde sub-artikel die woorde „lid is van die Statebond“ deur die woorde „n verdragland is“ te vervang;
 - (f) deur in die omskrywing van „vreemde skip“ in bedoelde sub-artikel die woorde „Statebondskip“ deur die woorde „verdragskip“ te vervang; en
 - (g) deur sub-artikel (2) te skrap.

32. Section *three* of the principal Act is hereby amended with effect from the date of commencement thereof —

- (a) by the insertion in sub-section (1) after the word "Act", where it occurs for the first time, of the words "and any amendment thereof"; and
- (b) by the insertion in sub-section (2) after the word "Act" of the words "and any amendment thereof".

33. Section *eleven* of the principal Act is hereby amended —

- (a) by the substitution in paragraph (b) of sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)"; and
- (b) by the substitution in paragraph (c) of the said sub-section for the words "part of the Commonwealth and having their principal place of business within the Commonwealth" of the words "treaty country and having their principal place of business in any treaty country".

34. Section *twenty-nine* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "part of the Commonwealth" of the words "treaty country".

35. Section *thirty-one* of the principal Act is hereby amended by the substitution for the words "part of the Commonwealth", wherever they occur of the words "treaty country", and for the words "that part" of the words "that treaty country".

36. Section *sixty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) and in sub-section (3) for the words "country which is a member of the Commonwealth" of the words "treaty country".

37. Section *seventy-three* of the principal Act is hereby amended by the substitution in sub-section (4) for the words "Commonwealth ship" of the words "treaty ship", for the words "that part of the Commonwealth", where they occur for the first time, of the words "the treaty country", and for the words "part of the Commonwealth", where they occur for the second time, of the words "treaty country".

38. Section *seventy-four* of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso:

"Provided that a citizen of a foreign country who holds a certificate of competency issued in terms of this Act shall not be deemed to be duly certificated for reemployment on board a treaty ship, except in such cases and on such conditions as the Minister may, by notice in the *Gazette*, specify."

39. Section *seventy-seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

40. Section *seventy-nine* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any person who —

- (a) is a South African citizen or a citizen of a treaty country (other than the Republic) and is the holder of an uncancelled certificate of competency issued under the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925); or
- (b) is a South African citizen and is the holder of an uncancelled certificate of competency issued by a competent authority of a country which is a member of the British Commonwealth of Nations,

may apply to the Minister for the grant to him of a certificate of competency under this Act."

32. Artikel *drie* van die Hoofwet word hierby gewysig, met ingang vanaf die datum van inwerkingtreding daarvan —

- (a) deur in sub-artikel (1) na die woord „Wet”, waar dit die eerste maal voorkom, die woorde „en enige wysiging daarvan” in te voeg; en
- (b) deur in sub-artikel (2) na die woord „Wet” die woorde „en enige wysiging daarvan” in te voeg.

33. Artikel *elf* van die Hoofwet word hierby gewysig —

- (a) deur in paragraaf (b) van sub-artikel (1) die woorde „land (behalwe die Unie) wat lid is van die Statebond” deur die woorde „verdragland (behalwe die Republiek)” te vervang; en
- (b) deur in paragraaf (c) van bedoelde sub-artikel die woorde „deel van die Statebond van krag is, ingestel in hul vernaamste besigheidsplek in die Statebond het” deur die woorde „verdragland van krag is, ingestel in en hul vernaamste besigheidsplek in 'n verdragland het” te vervang.

34. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „deel van die Statebond” deur die woorde „verdragland” te vervang.

35. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „deel van die Statebond”, oral waaraan hulle voorkom, deur die woorde „verdragland” en die woorde „daardie deel” deur die woorde „daardie verdragland” te vervang.

36. Artikel *wyf-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) en in sub-artikel (3) die woorde „land wat lid is van die Statebond” deur die woorde „verdragland” te vervang.

37. Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (4) die woorde „statebond-skilp” deur die woorde „verdragskip”, die woorde „daardie deel van die Statebond”, waar hulle die eerste maal voorkom, deur die woorde „die verdragland”, en die woorde „deel van die Statebond”, waar hulle die tweede maal voorkom, deur die woorde „verdragland” te vervang.

38. Artikel *vier-en-sewentig* van die Hoofwet word hierby gewysig deur by sub-artikel (1) die volgende voorbehoudsbepaling te voeg:

„Met dien verstande dat 'n burger wat 'n vreemde land wat 'n bekwaamheidsertifikaat hou wat kragtens hierdie Wet uitgereik is, nie as beoorlik gediplomeerd beskou word vir diens aan boord van 'n verdragskip nie, behalwe in die gevalle en op die voorwaardes wat die Minister by kennisseling in die *Staatskoerant* bepaal.”

39. Artikel *sewe-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „land (behalwe die Unie) wat lid is van die Statebond” deur die woorde „verdragland (behalwe die Republiek)” te vervang.

40. Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

"(1) Enige persoon wat —

- (a) 'n Suid-Afrikaanse burger of 'n burger van 'n verdragland (behalwe die Republiek) is en die houer is van 'n ongekanselleerde bekwaamheidsertifikaat uitgereik kragtens die *Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925* (Wet No. 45 van 1925); of

- (b) 'n Suid-Afrikaanse burger is en die houer is van 'n ongekanselleerde bekwaamheidsertifikaat uitgereik deur 'n bevoegde gesag van 'n land wat 'n lid van die Britse Statebond is,

kan by die Minister aansoek doen om aan hom 'n bekwaamheidsertifikaat kragtens hierdie Wet toegeken te ken.”

41. Artikel *drie-en-tigtig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „as hy oortuig is dat geen geskikte houer van 'n certifikaat van die vereiste graad kragtens hierdie Wet toegeken of in

this Act or referred to in section eighty-four or recognized under section three hundred and fifty-four is available, he" of the words "the Minister", and for the word "Commonwealth" of the word "treaty".

42. Section eighty-four of the principal Act is hereby amended by the addition to sub-section (1) of the following proviso:

"Provided that such certificates of competency held by citizens of a foreign country shall not continue in force for purposes of employment of the holders on board a treaty ship, except in such cases and on such conditions as the Minister may, by notice in the *Gazette*, specify."

43. Section ninety of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

44. Section ninety-three of the principal Act is hereby amended by the substitution in sub-paragraph (a) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

45. Section one hundred and fourteen of the principal Act is hereby amended by the substitution in sub-section (3) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

46. Sections one hundred and seventy-five and one hundred and seventy-six of the principal Act are hereby amended by the substitution in sub-section (1) of each of those sections for the word "Commonwealth", wherever it occurs, of the word "treaty".

47. Section one hundred and seventy-seven of the principal Act is hereby amended by the substitution for the word "Commonwealth", wherever it occurs, of the word "treaty".

48. Section two hundred and eighteen of the principal Act is hereby amended by the substitution for the words "part of the Commonwealth outside the Union" of the words "treaty country (other than the Republic)", and for the words "part of the Commonwealth", where they occur for the second time, and where they occur for the third time, of the words "treaty country".

49. Section two hundred and twenty-two of the principal Act is hereby amended by the substitution in sub-section (2) for the words "Commonwealth ship" of the words "treaty ship", for the words "that part of the Commonwealth", where they occur for the first time, of the words "the treaty country", and for the words "part of the Commonwealth", where they occur for the second time, of the words "treaty country".

50. Section two hundred and twenty-two of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic) or his employment has, in any special case, been authorized by the Postmaster-General".

51. Section two hundred and sixty-two of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (3) for the words "Commonwealth ship" of the words "treaty ship", and for the words "that part of the Commonwealth" of the words "the treaty country".

52. Section two hundred and sixty-four of the principal Act is hereby amended —

(a) by the substitution in paragraph (a) of sub-section (3) for the words "part of the Commonwealth" of the words "treaty country"; and

(b) by the substitution in paragraph (b) of the said sub-section for the word "Commonwealth" of the word "treaty".

53. Section two hundred and sixty-six of the principal Act is hereby amended by the substitution in sub-section (2) for the words "part of the Commonwealth" of the

artikel vier-en-tagting bedoel of kragtens artikel drie-honderd vier-en-vyftig erken beskikbaar is nie," te skrap en deur in bedoelde sub-artikel die woord „Statebondskip" deur die woord „verdragskip" te vervang.

42. Artikel vier-en-tagting van die Hoofwet word hierby gewysig deur by sub-artikel (1) die volgende voorbehoudsbeplaging te voeg:

„Met dien verstande dat sodanige bekwaamheidsertifikate wat gehou word deur burgers van 'n vreemde land nie van krag bly vir die doel van diens deur die hours aan boord van 'n verdragskip nie, behalwe in die gevalle en op die voorwaarde wat die Minister by kennigsgeving in die *Staatskoerant* bepaal."

43. Artikel negentig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „land (behalwe die Unie) wat lid is van die Statebond" deur die woorde „verdragland (behalwe die Republiek)" te vervang.

44. Artikel drie-en-negentig van die Hoofwet word hierby gewysig deur in sub-paragraaf (iii) van paragraaf (a) die woorde „land (behalwe die Unie) wat lid is van die Statebond" deur die woorde „verdragland (behalwe die Republiek)" te vervang.

45. Artikel honderd-en-veertig van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „land (behalwe die Unie) wat lid is van die Statebond" deur die woorde „verdragland (behalwe die Republiek)" te vervang.

46. Artikels honderd vyf-en-seentig en honderd ses-en-seentig van die Hoofwet word hierby gewysig deur in sub-artikel (1) van elk van daardie artikels die woord „Statebondskip", oral waar dit voorkom, deur die woord „verdragskip" te vervang.

47. Artikel honderd sewe-en-seentig van die Hoofwet word hierby gewysig deur die woord „Statebondskip", oral waar dit voorkom, deur die woord „verdragskip" te vervang.

48. Artikel tweehonderd-en-agting van die Hoofwet word hierby gewysig deur die woord „deel van die Statebond buitekant die Unie" deur die woord „verdragland (behalwe die Republiek)" en die woord „deel van die Statebond", waar hulle die tweede maal voorkom en waar hulle die derde maal voorkom, deur die woord „verdragland" te vervang.

49. Artikel tweehonderd een-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Statebondskip" deur die woord „verdragskip", die woord „daardie deel van die Statebond", waar hulle die eerste maal voorkom, deur die woord „die verdragland", en die woord „deel van die Statebond", waar hulle die tweede maal voorkom, deur die woord „verdragland" te vervang.

50. Artikel tweehonderd twee-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „land (behalwe die Unie) wat lid is van die Statebond" deur die woord „verdragland (behalwe die Republiek)" of die gebruik van hom, in 'n spesiale geval, deur die Posmeester-generaal gemagtig is" te vervang.

51. Artikel tweehonderd twee-en-sestig van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (3) die woord „Statebondskip" deur die woord „verdragskip", en die woord „daardie deel van die Statebond" deur die woord „die verdragland" te vervang.

52. Artikel tweehonderd vier-en-sestig van die Hoofwet word hierby gewysig —

(a) deur in paragraaf (a) van sub-artikel (3) die woorde „deel van die Statebond" deur die woord „verdragland" te vervang; en

(b) deur in paragraaf (b) van bedoelde sub-artikel die woord „Statebondskip" deur die woord „verdragskip" te vervang.

53. Artikel tweehonderd ses-en-sestig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „deel van die Statebond" deur die woord „verdragland"

words "treaty country", and for the words "that part" of the words "that treaty country".

54. Sections *three hundred and twenty-one and three hundred and twenty-two* of the principal Act are hereby amended by the substitution in each of those sections for the words "Commonwealth ship" of the words "treaty ship", and for the words "part of the Commonwealth" of the words "treaty country".

55. Section *three hundred and twenty-seven* of the principal Act is hereby amended —

- (a) by the substitution in sub-section (2) for the words "part of the Commonwealth outside the Union", wherever they occur, of the words "treaty country (other than the Republic)", and for the words "part of the Commonwealth", where they occur for the fourth time and anywhere thereafter, of the words "treaty country"; and
- (b) by the substitution in sub-section (3) for the words "member of the Commonwealth", wherever they occur, of the words "treaty country".

56. Section *three hundred and thirty-nine* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country which is a member of the Commonwealth" of the words "treaty country", and for the words "country (other than the Union) which is a member of the Commonwealth" of the words "treaty country (other than the Republic)".

57. Section *three hundred and forty-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "country which is a member of the Commonwealth" of the words "treaty country", and for the words "outside the Commonwealth" of the words "outside any treaty country".

58. The following section is hereby substituted for section *three hundred and fifty-three* of the principal Act:

"Acts done by courts and functionaries of the Republic in relation to ships other than South African ships."

352. Whenever any law enacted before or after the coming into operation of this section and in force in any treaty country (other than the Republic) provides that any court or functionary of the Republic may or shall exercise any authority or perform any act in relation to ships registered or entitled to be registered in that treaty country, their owners, masters, seamen, or apprentice-officers, such court or functionary may exercise any such authority or perform any such act, and all things done by such court or functionary under this section shall have the same effect as if that law had been enacted in the Republic.

59. The following section is hereby substituted for section *three hundred and fifty-three* of the principal Act:

"Acts done by courts and functionaries of other countries in relation to South African ships."

353. (1) Every provision of this Act which purports to require any court or functionary of any treaty country (other than the Republic) or any person other than a South African citizen to exercise any authority or perform any act outside the Republic in relation to South African ships, their owners, masters, seamen or apprentice-officers shall be construed as being permissive only and to mean that any such court or functionary or person is thereby empowered so to exercise such authority or perform such act.

(2) If any court or functionary of any treaty country (other than the Republic) exercises any authority or performs any act in relation to any ship registered or entitled to be registered in the Republic, her owner, master, seamen or apprentice-officers, which by any statutory enactment in force in that treaty country such court or functionary is empowered to exercise or perform, all things done outside the Republic by such court or functionary in accordance with the said enactment shall have the same effect as if they had been done in accordance with an Act of the Parliament of the Republic, provided the

en die woorde „daardie deel” deur die woorde „daardie verdragland” te vervang.

54. Artikel *drie-honderd een-en-twintig en drie-honderd twee-en-twintig* van die Hoofwet word hierby gewysig deur in elkeen van daardie artikels die woord „Statebondskip” deur die woord „verdragskip”, en die woorde „deel van die Statebond” deur die woord „verdragland” te vervang.

55. Artikel *drie-honderd sewe-en-twintig* van die Hoofwet word hierby gewysig —

- (a) deur in sub-artikel (2) die woorde „deel van die Statebond uitkant die Unie”, oral waar hulle voorkom, deur die woorde „verdragland (behalwe die Republiek)”, en die woorde „deel van die Statebond”, waar hulle die vierde maal en enige plek daarna voorkom, deur die woord „verdragland” te vervang; en
- (b) deur in sub-artikel (3) die woorde „lid van die Statebond”, oral waar hulle voorkom, deur die woorde „n verdragland” te vervang.

56. Artikel *drie-honderd nege-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „land wat lid is van die Statebond” deur die woord „verdragland”, en die woerde „land (behalwe die Unie) wat lid is van die Statebond” deur die woorde „verdragland (behalwe die Republiek)” te vervang.

57. Artikel *drie-honderd een-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woerde „land wat lid is van die Statebond” deur die woord „verdragland”, en die woerde „buite die Statebond” deur die woerde „buite enige verdragland” te vervang.

58. Artikel *drie-honderd twee-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

"Handeling verrig deur hawe en ampsbekleerders en ampsbekleerders in verband met 'n skip wat nie Suid-Afrikaanse skepe is nie."

352. Wanneer 'n wet wat voor of na die inwerkingtreding van hierdie artikel gemaak is, en wat in 'n verdragland (behalwe die Republiek) van krag is, bepaal dat 'n hof of ampsbekleerder van die Republiek enige gesag of enige daad moet of kan uitoefen of verrig ten aansien van skepe geregistreer of geregistrig om geregistreer te word in daardie verdragland, hul eienaars, gesagvoerders, seelui of leerling-offisiere kan bedoelde hof of ampsbekleerder enige sodanige gesag uitoefen of enige sodanige daad verrig, en alle dinge deur bedoelde hof of ampsbekleerder kragtens hierdie artikel gedoen, het diesselfde regsgesvolge asof daardie wet in die Republiek gemaak was."

59. Artikel *drie-honderd drie-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

353. (1) Elke bepaling van hierdie Wet wat heet 'n hof of ampsbekleerder van enige verdragland (behalwe die Republiek) of enige ander persoon as 'n Suid-Afrikaanse burger te gelas om enige gesag uit te oefen of enige handeling te verrig buite die Republiek in verband met Suid-Afrikaanse skepe, hul eienaars, gesagvoerders, seelui of leerling-offisiere, word uitgelê asof dit slegs veroorlowend is en beteken dat enige sodanige hof of ampsbekleerder of persoon daarby gemagtig word om aldus sodanige gesag uit te oefen of sodanige handeling te verrig.

(2) As 'n hof of ampsbekleerder van enige verdragland (behalwe die Republiek) enige gesag uitoefen of enige handeling verrig in verband met 'n skip wat in die Republiek geregistreer is of geregistrig is om aldus geregistreer te word, sy eienaar, gesagvoerder, seelui of leerling-offisiere, wat bedoelde hof of ampsbekleerder deur 'n wetlike bepaling wat van krag is in daardie verdragland gemagtig is om uit te oefen of te verrig, het alle dinge wat gedoen word buite die Republiek deur bedoelde hof of ampsbekleerder volgens bedoelde bepaling, diesselfde regsgesvolge asof hulle gedoen is ooreenkomsdig 'n Wet van die Parlement van die Republiek mits die Minister

Minister has generally or in the particular case requested that the courts or functionaries of that treaty country shall exercise such authority or perform such act or has in manner prescribed by regulation recognized the exercise of the authority or the performance of the act or adopted any decision made in the exercise of the authority."

60. The following section is hereby substituted for section *three hundred and fifty-four* of the principal Act:

"Recognition of certificates of competency or qualification granted in other treaty countries.

354. (1) If provision is made by the laws in force in any treaty country (other than the Republic) for the grant of certificates of competency or qualification similar to those referred to in this Act, and the Minister is

(a) that the conditions under which any such certificates are granted in that treaty country require standards of competency not lower than those required for the grant under this Act of corresponding certificates; and

(b) that certificates of competency or qualification granted under this Act are accepted in that treaty country in lieu of the corresponding certificates granted under the laws of that treaty country,

he may by notice in the *Gazette* declare that any certificate of competency or qualification granted under the laws in force in that treaty country and specified in that notice shall for the purposes of this Act be recognized as equivalent to a certificate of competency or qualification granted under this Act and specified in the notice.

(2) Whenever the provisions of this Act require that a person employed in any capacity on board any ship shall be the holder of a specified certificate of competency or qualification granted under this Act, any person employed in that capacity shall, if he is the holder of a certificate recognized under subsection (1) as equivalent to the first-mentioned certificate or to a certificate of higher grade granted under this Act, and still in force, be deemed to be duly certificated under this Act".

61. Section one of the Diplomatic Privileges Act, 1951, is hereby amended —

(a) by the substitution in the definition of "diplomatic agent" for the words "an ambassador, high commissioner, envoy extraordinary and minister plenipotentiary, a minister resident or a chargé d'affaires" of the words "ambassador, high commissioner, envoy extraordinary and minister plenipotentiary, minister resident, chargé d'affaires or accredited diplomatic representative";

(b) by the substitution in the definition of "local authority" for the words "paragraph (vi) of section eighty-five of the South Africa Act, 1909" of the words "paragraph (f) of sub-section (1) of section eighty-four of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)"; and

(c) by the substitution in the definition of "Minister" for the word "External" of the word "Foreign".

62. Sections *four* and *five* of the Diplomatic Privileges Act, 1951, are hereby amended by the substitution in the case of each of those sections in sub-section (4) for the word "External" of the word "Foreign".

63. Section *eight* of the Diplomatic Privileges Act, 1951, is hereby amended by the substitution for the words "Embassy or Legation or a High Commissioner's Office or residence" of the words "embassy or legation or the

oor die algemeen of in die besondere geval versoek het dat die howe of ampsbekleërs van daardie verdragland bedoelde gesag uitoefen of bedoelde handeling verrig of op by regulasie voorgeskrewe wyse die uitoefening van die gesag of die verrigting van die handeling erken het of 'n beslissing wat by die uitoefening van die gesag gedoen is, aanvaar het".

60. Artikel *driehonderd vier-en-vyftig* van die Hoofwet word hierby deur die volgende artikel vervang:

354. (1) As voorsiening gemaak word deur die wette wat in 'n verdragland (behalwe die Republiek) van krag is vir die toekenning van soortgelyke bekwaamheid- of bevoegdheidsertifikate as dié wat in hierdie Wet genoem word, en die Minister oortuig is —

(a) dat die voorwaarde waaronder enige sodanige sertifikate in daardie verdragland toegeken word, 'n pell van bekwaamheid vereis wat nie laer is as dié wat v/r die toekenning van dergelike sertifikate kragtens hierdie Wet vereis word nie; en

(b) dat bekwaamheid- of bevoegdheidsertifikate wat kragtens hierdie Wet toegeken word, in daardie verdragland aanvaar word in die plek van dergelike sertifikate kragtens die wette van daardie verdragland toegeken,

kan hy by kennisgewing in die Staatskoerant verklaar dat 'n bekwaamheid- of bevoegdheidsertifikat wat verleen word kragtens die wette wat in daardie verdragland van krag is, en wat in daardie kennisgewing vermeld word, by die toepassing van hierdie Wet erken word as gelykwaardig met 'n bekwaamheid- of bevoegdheidsertifikat wat kragtens hierdie Wet toegeken word, en wat in die kennisgewing vermeld word.

(2) Wanneer die bepalings van hierdie Wet vereis dat 'n persoon wat in een of ander hoedanigheid aan boord van 'n skip diens doen, die besitter moet wees van 'n bepaalde bekwaamheid- of bevoegdheidsertifikat kragtens hierdie Wet toegeken, word enige wat in daardie hoedanigheid diens doen, geag behoorlik gediplomeerd te wees ingevalle hierdie Wet as hy die besitter is van 'n sertifikaat wat kragtens sub-artsikel (1) erken is as gelykwaardig met ersongoenende sertifikaat of met 'n kragtens hierdie Wet toegekende sertifikaat van hoër graad wat nog geldig is".

61. Artikel *een* van die Wet op Diplomatieke Voorregte, 1951, word hierby gewysig —

(a) deur in die omskrywing van „diplomatieke agent“ die woorde „n ambassadeur, 'n hoë kommissaris, 'n buitengewone gesant en gevoldmagtige minister, 'n resident-minister of 'n saakgelastigde“ deur die woorde „ambassadeur, hoë kommissaris, buitengewone gesant en gevoldmagtige minister, ministerresident, saakgelastigde of geakkrediteerde diplomatieke verteenwoordiger“ te vervang;

(b) deur in die Engelse teks in die omskrywing van „Minster“ die woorde „External“ deur die woorde „Foreign“ te vervang; en

(c) deur in die omskrywing van „plaaslike overheid“ die woorde „paragraaf (vi) van artikel *vyf-en-tigtyig* van die Zuid-Afrika Wet, 1909“ deur die woorde „paragraaf (f) van sub-artsikel (1) van artikel *vier-en-tigtyig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)“ te vervang.

62. Artikels *vier* en *vyf* van die Wet op Diplomatieke Voorregte, 1951, word hierby gewysig deur in die geval van die Engelse teks van elkeen van daardie artikels in sub-artsikel (4) die woorde „External“ deur die woorde „Foreign“ te vervang.

63. Artikel *agt* van die Wet op Diplomatieke Voorregte, 1951, word hierby gewysig deur na die woorde

office or residence of a high commissioner or other diplomatic agent".

64. Sections *two, three, four and six* of the Departure from the Union Regulation Act, 1955, are hereby amended by the deletion in each of those sections of the words "other than a place in the territory of Basutoland, Bechuanaland or Swaziland".

65. Section *seven* of the Departure from the Union Regulation Act, 1955, is hereby amended —

- (a) by the deletion of the words "other than a place in the territory of Basutoland, Bechuanaland or Swaziland";
- (b) by the deletion of the proviso thereto.

66. Section *ten* of the Departure from the Union Regulation Act, 1955, is hereby amended by the insertion after the word "Act" of the words "and any amendment thereof" and the addition at the end thereof of the words "including that portion thereof known as the Eastern Caprivi Zipfel".

67. Section *twenty-five* of the Land Settlement Act, 1956, is hereby amended —

- (a) by the addition at the end of paragraph (a) of sub-section (1) of the word "and";
- (b) by the deletion of paragraph (b) of the said sub-section;
- (c) by the substitution in paragraph (c) of the said sub-section for the words "any other" of the word "an"; and
- (d) by the deletion of sub-section (2).

68. Section *sixty-seven* of the Land Settlement Act, 1956, is hereby amended by the deletion in paragraph (a) of sub-section (1) of the words "who is a South African citizen or a citizen of a Commonwealth country or the Republic of Ireland".

69. Section *fifty-one* of the Children's Act, 1960, is hereby amended —

- (a) by the substitution in sub-section (1) for the word "British" of the word "other"; and
- (b) by the substitution in paragraph (b) of sub-section (2) for the words "a British" of the words "any other".

70. Section *fifty-three* of the Children's Act, 1960, is hereby amended by the deletion in paragraph (a) of sub-section (1) of the word "British".

71. Sections *sixty-four, sixty-five and sixty-six* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and all the other sections shall be deemed to have come into operation on the thirty-first day of May, 1962.

72. This Act shall be called the Commonwealth Relations Act, 1962.

"kommissaris" die woorde „of ander diplomatieke agente“ in te voeg.

64. Artikel *twee, drie, vier en ses* van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig deur in elkeen van daardie artikels die woorde „behalwe 'n plek in die gebied Bosoetoland, Betsjoeana-land of Swasiland“ te skrap.

65. Artikel *sewe* van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig —

- (a) deur die woorde „behalwe 'n plek in die gebied Bosoetoland, Betsjoeana-land of Swasiland.“ te skrap; en
- (b) deur die voorbehoudbepaling daarby te skrap.

66. Artikel *tien* van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig deur na die woorde „Wet“ die woorde „en enige wysiging daarvan“ in te voeg en na die woorde „Suidwes-Afrika“ die woorde „met ingryp van die drie gedeelte daarvan wat as die Oosteike Caprivi Zipfel bekend is“, in te voeg.

67. Artikel *vyf-en-twintig* van die Nedersettingswet, 1956, word hierby gewysig —

- (a) deur aan die end van paragraaf (a) van sub-artikel (1) die woorde „en“ by te voeg;
- (b) deur paragraaf (b) van bedoelde sub-artikel te skrap;
- (c) deur in paragraaf (c) van bedoelde sub-artikel die woorde „ander“ te skrap; en
- (d) deur sub-artikel (2) te skrap.

68. Artikel *seve-en-sestig* van die Nedersettingswet, 1956, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „wat 'n Suid-Afrikaanse burger of 'n burger van 'n Gemenebesland of die Republiek Ierland is,“ te skrap.

69. Artikel *een-en-vyftig* van die Kinderwet, 1960, word hierby gewysig —

- (a) deur in sub-artikel (1) die woorde „Britse“ deur die woorde „ander“ te vervang; en
- (b) deur in paragraaf (b) van sub-artikel (2) die woorde „n Britse“ deur die woorde „enige ander“ te vervang.

70. Artikel *drie-en-vyftig* van die Kinderwet, 1960, word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „Britse“ te skrap.

71. Artikels *vier-en-sestig, vyf-en-sestig en ses-en-sestig* tree in werklig op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vastel, en al die ander artikels word geag op die een-en-dertigste dag van Mei 1962 in werklig te getree het.

72. Hierdie Wet heet die Wet op Statebondsbetrekkinge, 1962.