

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT



UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

10c

Thursday, 10th September, 1964

WINDHOEK

Donderdag, 10 September 1964

No. 2579

CONTENTS

INHOUD

Page/Bladsy

ACTS—

No. 81/1962 (Republic) Legal Practitioners' Amendment Act, 1962	
No. 61 (Republic) Banking Amendment Act, 1964	
No. 62 (Republic) Building Societies Amendment Act, 1964	
No. 63 (Republic) Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964	
No. 64 (Republic) Police Amendment Act, 1964	
No. 74 (Republic) Admission of Advocates, Act, 1964	
No. 78 (Republic) South African Mint and Coinage Act, 1964	
No. 80 (Republic) General Law Amendment Act, 1964	
No. 81 (Republic) Defence Amendment Act, 1964	
No. 84 (Republic) Pension Laws Amendment Act, 1964	

WETTE—

(Republiek) Wysigingswet op Regspraktisyns, 1962	1025
(Republiek) Bankwysigingswet, 1964	1027
(Republiek) Wysigingswet op Bouverenigings, 1964	1045
(Republiek) Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1964	1056
(Republiek) Wysigingswet op Polisie, 1964	1065
(Republiek) Wet op die Toelating van Advokate, 1964	1070
(Republiek) Wet op die Suid-Afrikaanse Munt en Munte, 1964	1076
(Republiek) Algemene Regswysigingswet, 1964	1082
(Republiek) Wysigingswet op Verdediging, 1964	1085
(Republiek) Wysigingswet op die Pensioenwette, 1964	1089

No. 81, 1962 (Republic).]

ACT

To amend the Attorneys, Notaries and Conveyancers Admission Act, 1934, and the Attorneys' Admission Amendment and Legal Practitioners' Fidelity Fund Act, 1941.

(Afrikaans text signed by the State President.)
(Assented to 22nd 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 *sixteen* of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (4) for the words "If the attorney under whom an articulated clerk has served, has died, or for any other reason discontinued practice, cession of the articles of such clerk shall be deemed to have been validly executed if it is signed on behalf of such attorney" of the words "If cession of the articles of a clerk has been directed in terms of paragraph (c) of the proviso to section *twenty*, cession of such articles shall be deemed to have been validly executed if it is signed on behalf of the attorney concerned".

2. Section *twenty* of the principal Act is hereby amended—

(a) by the substitution for all the words before the proviso to the said section of the words "Subject to the provisions of section *nineteen*, every clerk

No. 81, 1962 (Republiek).]

WET

Tot wysiging van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, en die Toelating van Prokureurs Wysigings- en Regspraktisynsgetrouheidsfonds-wet, 1941.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Junie 1962.)

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

1. Artikel *sestien* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (4) die woorde "Indien die prokureur onder wie 'n ingeskrewe klerk gedien het, oorlede is, of om enige ander rede opgehou het om te praktiseer, word cessie van die leerkontrak van so 'n klerk geag regtens verly te gewees het indien dit namens so 'n prokureur" deur die woorde „Indien cessie van die leerkontrak van 'n klerk ingevolge paragraaf (c) van die voorbehoudsbepaling by artikel *twintig* gelas is, word cessie van die leerkontrak geag regtens verly te gewees het indien dit namens die betrokke prokureur" te vervang.

2. Artikel *twintig* van die Hoofwet word hierby gewysig—

(a) deur al die woorde voor die voorbehoudsbepaling by daardie artikel deur die woorde „Behoudens die bepalings van artikel *negentien* moet elke klerk"

articled to an attorney shall, during the whole term of service specified in the articles of clerkship, be and continue to be in the actual employment of and in the office where such attorney is practising and under his direct personal supervision or under that of his partner or partners or manager, being an attorney, or, in the case of a clerk articled to the State Attorney or to a member of his professional staff, in the employment of the Government and in the office of the said State Attorney or in any branch thereof and under his direct personal supervision or under that of a member of his professional staff.”;

- (b) by the substitution in paragraph (a) of the proviso thereto for the words “fifteen pounds” of the words “fifty rand”;
- (c) by the substitution in paragraph (c) of the proviso thereto for the words “or other similar and sufficient cause” of the words “or any other cause”; and by the substitution in the said paragraph for the word “court” of the words “law society concerned”;
- (d) by the addition to the proviso thereto of the following paragraph:

“(d) one half of any period of absence from the office of such attorney by such clerk as a result of any training undergone by him in the South African Defence Force in terms of section *three* of the Defence Act, 1957 (Act No. 44 of 1957) shall, subject to a maximum period of three months, be deemed to have been served under such articles of clerkship.”.

3. Section *twenty-one* of the principal Act is hereby amended by the addition of the following sub-section:

“(4) An attorney to whom any articled clerk referred to in paragraph (b), (c) or (d) of sub-section (3) is articled, shall pay to such clerk a salary of not less than fifty rand per month from the date on which such clerk becomes entitled to appear in court in terms of the said sub-section.”.

4. Section *thirty* of the principal Act is hereby amended by the substitution for all the words before paragraph (a) of the words “The Minister of Justice may, after consultation with the Chief Justice of South Africa and the presidents of the several law societies and, in the case of regulations made under paragraph (b), (c) or (f), also after consultation with the several universities in South Africa having faculties of law and the Board for the Recognition of Examinations in Law established by section *sixteen* of the Universities Act, 1955 (Act No. 61 of 1955), make regulations for the purpose of determining and prescribing—”.

5. Section *thirty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words “one hundred pounds” of the words “two hundred rand”.

6. Section *thirty-two bis* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “one hundred pounds” of the words “two hundred rand”.

7. Section *thirty-three* of the principal Act is hereby amended—

- (a) by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* For the purposes of sub-sections (1) and (2) the expression ‘books of account’ includes any record or document relating to any estate of a deceased person or any insolvent estate or any estate placed under curatorship in respect of which any attorney, notary or conveyancer is the executor, trustee or curator or which any attorney, notary or conveyancer is administering on behalf of the executor, trustee or curator of that estate.”;

onder leerkontrak by ’n prokureur gedurende die gehele dienstertmyn in die leerkontrak bepaal in die werklike diens en in die kantoor waar daardie prokureur praktiseer en onder sy direkte persoonlike toesig of onder dié van sy vennoot of vennote of bestuurder wat ’n prokureur is, of, in die geval van ’n klerk onder leerkontrak by die Staatsprokureur of by ’n lid van sy professionele personeel, in die diens van die Regering en in die kantoor van bedoelde Staatsprokureur of in ’n tak daarvan en onder sy direkte persoonlike toesig of onder dié van ’n lid van sy professionele personeel, wees en bly:” te vervang;

- (b) deur in paragraaf (a) van die voorbehoudsbepaling daarby die woorde „vyftien pond” deur die woorde „vyftig rand” te vervang;
- (c) deur in paragraaf (c) van die voorbehoudsbepaling daarby die woorde „of ander dergelyke en genoegsame rede” deur die woorde „of enige ander rede” te vervang; en deur in genoemde paragraaf die woord „hof” deur die woorde „betrokke wetsgenootskap” te vervang;
- (d) deur by die voorbehoudsbepaling daarby die volgende paragraaf te voeg:

„(d) een helfte van enige tydperk van afwesigheid van die kantoor van daardie prokureur deur daardie klerk as gevolg van opleiding deur hom ondergaan in die Suid-Afrikaanse Weermag ingevolge artikel *drie* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), geag word, onderworpe aan ’n maksimum van drie maande, onder daardie leerkontrak gedien te gewees het.”.

3. Atrikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

“(4) ’n Prokureur by wie ’n klerk onder leerkontrak bedoel in paragraaf (b), (c) of (d) van sub-artikel (3) onder leerkontrak in diens is, betaal aan sodanige klerk ’n salaris van minstens vyftig rand per maand vanaf die datum waarop sodanige klerk ingevolge bedoelde sub-artikel geregtig word om in die hof te verskyn.”.

4. Artikel *dertig* van die Hoofwet word hierby gewysig deur al die woorde voor paragraaf (a) deur die woorde „Die Minister van Justisie kan na oorleg met die Hoofregter van Suid-Afrika en die presidente van die verskillende wetsgenootskappe en, in die geval van regulasies opgestel kragtens paragraaf (b), (c) of (f), ook na oorleg met die verskillende universiteite in Suid-Afrika met regs fakulteite en die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), regulasies opstel vir die doel om vas te stel en voor te skrywe—” te vervang.

5. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

6. Artikel *twee-en-dertig bis* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

7. Atrikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* By die toepassing van sub-artikels (1) en (2) sluit die uitdrukking „rekeningboeke” enige aantekening of dokument wat betrekking het op ’n boedel van ’n oorlede persoon of ’n insolvente boedel of ’n boedel onder kuratorskap geplaas, ten opsigte waarvan ’n prokureur, notaris of transportbesorger die eksekuteur, trustee of kurator is of wat ’n prokureur, notaris of transportbesorger administreer namens die eksekuteur, trustee of kurator van daardie boedel, in.”;

- (b) by the substitution in sub-section (7) for the words "one hundred pounds" of the words "two hundred rand"; and
- (c) by the addition thereto of the following sub-section:

"(8) Any bank at which any attorney, notary or conveyancer keeps such trust account shall, whenever so required by the council of the law society of the province in which such attorney, notary or conveyancer is practising, furnish to such council a signed certificate of balance certifying the amount standing to the credit (or debit if such be the case) of such trust account in the bank as at such date or dates as may be specified by the council."

11. This Act shall be called the Legal Practitioners' Amendment Act, 1962.

- (b) deur in sub-artikel (7) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang; en
- (c) deur die volgende sub-artikel daarby te voeg:

„(8) Enige bank waar 'n prokureur, notaris of transportbesorger sodanige trustrekening hou, moet, wanneer aldus gelas deur die raad van die wetsgenootskap van die provinsie waarin sodanige prokureur, notaris of transportbesorger praktiseer, aan sodanige raad 'n ondertekende sertifikaat van balans verstrek waarin gesertifiseer word die bedrag wat op krediet (of debiet as dit die geval is) van sodanige trustrekening in die bank staan op die datum of datums wat deur die raad vermeld word."

11. Hierdie Wet heet die Wysigingswet op Regspraktisyns, 1962.

No. 61, 1964 (Republic).]

ACT

To amend the Banking Act, 1942.

*(English text signed by the State President).
(Assented to 16th June, 1964.)*

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 Banking Act, 1942 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in sub-section (1) for the definition of "banking institution" of the following definition:

"'banking institution' or 'institution' means a commercial bank or a discount house or a general bank or a hire-purchase bank or a merchant bank or a savings bank;";

- (b) by the deletion in that sub-section of the definitions of "demand liability", "deposit-receiving institution", "director" and "guarantee deposits", and the insertion in that sub-section in the stead of the said definitions of the following definitions:

"'discount house' means a person whose business consists of discounting or buying and selling or investing in the securities referred to in sub-section (1) of section twenty-two and also of accepting, predominantly against the pledge of such securities, loans repayable on demand or at short notice from the institutions referred to in sub-section (2) of the said section:

'co-operative society' means a co-operative society or co-operative company registered under the laws relating to co-operative societies and co-operative companies;

'general bank' means a person who carries on the business of accepting deposits, but does not include a commercial bank or a hire-purchase bank or a merchant bank or a savings bank;

'hire-purchase bank' means a person who carries on the business of accepting deposits and of whose other business the financing of hire-purchase transactions forms a substantial part;

'Land Bank' means the Land and Agricultural Bank of South Africa;";

- (c) by the substitution in that sub-section for the definition of "liquid assets" of the following definition:

"'liquid assets' means the aggregate amount of—

- (a) Reserve Bank notes and subsidiary coin;
- (b) credit balances with the Reserve Bank;

No. 61, 1964 (Republiek).]

WET

Tot wysiging van die Bankwet, 1942.

*(Engelse teks deur die Staatspresident geteken).
(Goedgekeur op 16 Junie 1964.)*

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

1. Artikel een van die Bankwet, 1942 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in sub-artikel (1) die omskrywing van „bankinstelling” deur die volgende omskrywing te vervang:

„'bankinstelling' of 'instelling' 'n handelsbank of 'n diskontohuis of 'n algemene bank of 'n huurkoopbank of 'n aksepbank of 'n spaarbank;";

- (b) deur in daardie sub-artikel die omskrywings van „onmiddellik opeisbare verpligting”, „depositone-mende instelling”, „direkteur” en „garansiedeposito's” te skrap en die volgende omskrywings in die plek daarvan in daardie sub-artikel in te voeg:

„'diskontohuis' 'n persoon wie se besigheid bestaan uit die verdiskontering of koop en verkoop van of belegging in die in sub-artikel (1) van artikel twee-en-twintig vermelde sekuriteite, en ook uit die aangaan, oorwegend teen verpanding van sodanige sekuriteite, van onmiddellik of met kort kennisgewing opeisbare lenings by die instellings in sub-artikel (2) van bedoelde artikel vermeld;

„'koöperatiewe vereniging' 'n koöperatiewe vereniging of koöperatiewe maatskappy wat ingevolge die wetsbepalings of koöperatiewe verenigings en koöperatiewe maatskappye geregistreer is;

„'algemene bank' 'n persoon wat die neem van deposito's as bedryf uitoefen, maar nie ook 'n handelsbank of 'n huurkoopbank of 'n aksepbank of 'n spaarbank nie;

„'huurkoopbank' 'n persoon wat die neem van deposito's as bedryf uitoefen en van wie se ander besigheid die finansiering van huurkooptransaksies 'n belangrike deel uitmaak;

„'Landbank' die Landbank- en Landboubank van Suid-Afrika;";

- (c) deur in daardie sub-artikel die omskrywing van „likwiede bate” deur die volgende omskrywing te vervang:—

„'likwiede bates' die totaalbedrag aan—

- (a) Reserwebanknote en pasmunt;
- (b) kreditsaldo's by die Reserwebank;

- (c) deposits withdrawable on demand with the National Finance Corporation;
- (d) deposits withdrawable on demand with a banking institution which is required to maintain a reserve balance with the Reserve Bank;
- (e) loans to discount houses repayable on demand;
- (f) Union treasury bills;
- (g) stocks of the Government with a maturity to the latest redemption date of not more than three years;
- (h) bills issued by the Land Bank and advances to the said bank which, at the option of the lender, are convertible into bills;
- (i) debentures of the Land Bank with a maturity of not more than three years;
- (j) acceptances of a banking institution which is required to maintain a reserve balance with the Reserve Bank, not being acceptances of the banking institution concerned itself;
- (k) self-liquidating bills or promissory notes arising out of the movement of goods, with a maturity not exceeding one hundred and twenty days, or six months in the case of agricultural bills, and which are eligible for discount by the Reserve Bank; and
- (l) such other assets as the Registrar may by notice in the *Gazette* approve for the purposes of this definition;”;
- (d) by the insertion in that sub-section after the definition of “liquid assets” of the following definitions:
- “ ‘long-term liability’, in relation to any date, means a liability which is payable after the expiration of at least six months as from that date or which on that date is subject to at least six months’ notice before becoming payable;
- ‘medium-term liability’, in relation to any date, means a liability which is payable after the expiration of a period of not less than thirty days but less than six months as from that date, or which on that date is subject to not less than thirty days’ but less than six months’ notice before becoming payable, and includes savings deposits;
- ‘merchant bank’ means a person carrying on a business of which the acceptance of bills which are eligible for discount by the Reserve Bank forms a substantial part, and who also accepts deposits;”;
- (e) by the substitution in that sub-section for the definition of “Minister” of the following definition: “ ‘Minister’ means the Minister of Finance;”;
- (f) by the insertion in that sub-section after the definition of “Minister” of the following definition: “ ‘National Finance Corporation’ means the National Finance Corporation of South Africa established by section two of the National Finance Corporation Act, 1949 (Act No. 33 of 1949);”;
- (g) by the deletion in that sub-section of the definition of “people’s bank”;
- (h) by the insertion in that sub-section after the definition of “person” of the following definition: “ ‘prescribed investments’ means the aggregate amount of—
- (a) liquid assets;
- (b) deposits with any banking institution which is required to maintain a reserve balance with the Reserve Bank, other than deposits ranking as liquid assets;
- (c) deposits with a permanent building society whose total assets as the end of the last preceding quarter amounted to not less than ten million rand;
- (d) deposits with a local authority within the Union;
- (e) deposits with the National Finance Corporation and loans to discount houses, other than deposits or loans ranking as liquid assets;
- (c) onmiddellik opeisbare deposito’s by die Nasionale Finansiële korporasie;
- (d) onmiddellik opeisbare deposito’s by ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou;
- (e) onmiddellik opeisbare lenings aan diskontohuise;
- (f) Unieskatkiesbewyse;
- (g) effekte van die Regering waarvan die laaste aflosdatum binne drie jaar val;
- (h) wissels deur die Landbank uitgereik en voorskotte aan vermelde bank wat na keuse van die uitlener in wissels omgesit kan word;
- (i) obligasies van die Landbank wat binne drie jaar verval;
- (j) aksepte van ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou, maar nie ook aksepte van die betrokke bankinstelling self nie;
- (k) self-likwiderende wissels of promesses wat uit die beweging van goedere ontstaan, wat binne hoogstens honderd-en-twintig dae of, in die geval van landbouwissels, ses maande verval, en wat deur die Reserwebank verdiskonteer kan word; en
- (l) die ander bates wat die Registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;”;
- (d) deur in daardie sub-artikel na die omskrywing van „likwiede bates” die volgende omskrywings in te voeg:
- „ ‘langtermynverpligting’, met betrekking tot die een of ander datum, ’n verpligting wat na verloop van minstens ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word;
- „ ‘middeltermynverpligting’, met betrekking tot die een of ander datum, ’n verpligting wat na verloop van ’n tydperk van minstens dertig dae maar minder as ses maande vanaf daardie datum betaalbaar is, of wat op daardie datum aan minstens dertig dae maar minder as ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word, en is daarby ook ’n spaardeposito inbegrepe;
- „ ‘akseptebank’ ’n persoon wat ’n bedryf uitoefen waarvan die aksepteer van wissels wat deur die Reserwebank verdiskonteer kan word ’n belangrike deel uitmaak, en wat ook deposito’s neem;”;
- (e) deur in daardie sub-artikel die omskrywing van „Minister” deur die volgende omskrywing te vervang: „ ‘Minister’ die Minister van Finansies;”;
- (f) deur in daardie sub-artikel na die omskrywing van „Minister” die volgende omskrywing in te voeg: „ ‘Nasionale Finansiële korporasie’ die Nasionale Finansiële korporasie van Suid-Afrika ingestel by artikel twee van die Wet op die Nasionale Finansiële korporasie, 1949 (Wet No. 33 van 1949);”;
- (g) deur in daardie sub-artikel die omskrywing van „volksbank” te skrap;
- (h) deur in daardie sub-artikel na die omskrywing van „persoon” die volgende omskrywing in te voeg: „ ‘voorgeskrewe beleggings’ die totaalbedrag aan—
- (a) likwiede bates;
- (b) deposito’s by ’n bankinstelling wat ’n reserwesaldo by die Reserwebank in stand moet hou, behalwe deposito’s wat as likwiede bates geld;
- (c) deposito’s by ’n permanente bouvereniging waarvan die totale bates aan die einde van die jongste voorafgaande kwartaal minstens tien miljoen rand beloop het;
- (d) deposito’s by ’n plaaslike bestuur binne die Unie;
- (e) deposito’s by die Nasionale Finansiële korporasie en lenings aan diskontohuise, behalwe deposito’s of lenings wat as likwiede bates geld;

- (f) stocks of the Government, other than those ranking as liquid assets;
- (g) debentures or stock guaranteed by the Government;
- (h) stocks of and loans to any local authority in the Union;
- (i) debentures or stock of the Rand Water Board or the Electricity Supply Commission;
- (j) debentures of the Land Bank, other than those ranking as liquid assets; and
- (k) such other investments as the Registrar may by notice in the *Gazette* approve for the purposes of this definition;";

- (i) by deletion in that sub-section of the definitions of "loan bank" and "time liability" and the insertion in that sub-section in the stead of those definitions of the following definitions:

"'savings account' means an account which a depositor maintains with a banking institution and in which he may not keep a larger credit balance and from which he may not without the consent of the institution make a withdrawal at shorter notice, in relation to the amount to be withdrawn, than is determined by the rules or articles of the institution;

'savings bank' means a person who carries on the business of accepting deposits and of whose other business the granting of loans against the security of fixed property or surety bonds forms a substantial part;

'savings deposit' means a credit balance in a savings account;

'short-term liability', in relation to any date, means a liability which is payable within thirty days as from that date or which on that date is subject to less than thirty days' notice before becoming payable;

'Treasury' means the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to the Treasury by this Act;";

- (j) by the substitution for sub-section (1)bis of the following sub-section:

"(1)bis A person shall be deemed to be carrying on the business of accepting deposits of money for the purposes of this Act notwithstanding that such deposits are limited to fixed amounts or that certificates or other instruments are issued in respect of any such amounts providing for the repayment to the holder thereof either conditionally or unconditionally of the amounts of the deposits at specified or unspecified dates or for the payment of interest on the amounts deposited at specified intervals or otherwise, or that such certificates are transferable: Provided that the acceptance of moneys against debentures issued in compliance with the provisions of sub-section (3) of section *seventy-seven* of the Companies Act, 1926 (Act No. 46 of 1926), shall not be deemed to be the business of accepting deposits of money for the purposes of this Act.";

- (k) by the substitution for sub-section (2) of the following sub-sections:

"(2) A person shall be deemed to be carrying on the business of accepting deposits for the purposes of this Act—

- (a) if in the opinion of the Registrar he accepts, as a regular feature of his business, deposits from the general public; or
- (b) if he solicits or advertises for such deposits:

Provided that for the purposes of this sub-section—

- (i) employees shall also be deemed to constitute the general public in relation to the person by whom they are employed;
- (ii) deposits shall be deemed to include loans entered into without security or against security

- (f) effekte van die Regering behalwe dié wat as likwiede bates geld;
- (g) obligasies of effekte deur die Regering gewaarborg;
- (h) effekte van en lenings aan 'n plaaslike bestuur in die Unie;
- (i) obligasies of effekte van die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;
- (j) obligasies van die Landbank behalwe dié wat as likwiede bates geld; en
- (k) die ander beleggings wat die Registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;";

- (i) deur in daardie sub-artikel die omskrywings van „leningsbank” en „termynverpligting” te skrap en in die plek van bedoelde omskrywings die volgende omskrywings in daardie sub-artikel in te voeg:

„'spaarrekening' 'n rekening wat 'n deposant by 'n bankinstelling hou en waarop hy nie 'n groter kreditsaldo in stand mag hou, en waaruit hy nie sonder toestemming van die instelling 'n opvraging op korter kennis met betrekking tot die opgevraagde bedrag kan maak, as wat die reëls of statute van die instelling bepaal nie;

'spaarbank' 'n persoon wat die neem van deposito's as bedryf uitoefen en van wie se ander besigheid die verstrek van lenings teen sekerheid van vaste eiendom of van borgaktes 'n belangrike deel uitmaak;

'spaardeposito' 'n kreditsaldo op 'n spaarrekening; 'korttermynverpligting', met betrekking tot die een of ander datum, 'n verpligting wat binne dertig dae vanaf daardie datum betaalbaar is, of wat op daardie datum aan minder as dertig dae kennis van opsegging onderworpe is voordat dit betaalbaar word;

'Tesourie' die Minister of 'n amptenaar van die Departement van Finansies wat deur die Minister gemagtig is om 'n werkzaamheid deur hierdie Wet aan die Tesourie opgedra, te verrig;";

- (j) deur sub-artikel (1)bis deur die volgende sub-artikel te vervang:

„(1)bis 'n Persoon word by die toepassing van hierdie Wet geag die aanneem van deposito's as bedryf uit te oefen al word bedoelde deposito's tot vasgestelde bedrae beperk en al word sertifikate of ander stukke ten opsigte van bedoelde bedrae uitgereik wat voorsiening maak vir die terugbetaling aan die houer daarvan, hetsy voorwaardelik of onvoorwaardelik, van die bedrae van die deposito's op bepaalde of onbepaalde datums of vir die betaling van rente op die gedeponeerde bedrae met bepaalde tussenpose of andersins en al is bedoelde sertifikate oordragbaar: Met dien verstande dat die aanname van geld teen obligasies ter voldoening aan die bepalings van sub-artikel (3) van artikel *sewe-ensewentig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), uitgereik, nie by die toepassing van hierdie Wet die aanneem van deposito's as bedryf geag word nie.";

- (k) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) 'n Persoon word by die toepassing van hierdie Wet geag die neem van deposito's as bedryf uit te oefen—

- (a) indien dit na die Registrateur se oordeel 'n staande kenmerk van sy besigheid is om deposito's van die algemene publiek te neem; of
- (b) indien hy sodanige deposito's werf of daarvoor adverteer:

Met dien verstande dat by die toepassing van hierdie sub-artikel—

- (i) werknemers ook met betrekking tot die persoon by wie hulle in diens is, geag word die algemene publiek uit te maak;
- (ii) deposito's geag word lenings in te sluit wat aangegaan is sonder sekuriteit of teen sekuriteit

which in the opinion of the Registrar is insufficient;

- (iii) a person (including any co-operative society) shall not be deemed to be carrying on such business if he does not at any time hold deposits from more than twenty persons and does not at any time hold deposits amounting in the aggregate to more than five hundred thousand rand; and
- (iv) a co-operative society shall not be deemed to be carrying on such business by reason only of the fact that it borrows money from its members in accordance with the provisions of sub-section (2) *bis*.

(2) *bis* A co-operative society (hereinafter referred to as the society) may borrow money from its members on the following conditions, namely—

- (a) that no loan from any one member shall amount to less than one hundred rand, and for the purposes of this paragraph every successive loan from any particular member shall be regarded as a separate loan;
- (b) that a loan shall not be repaid within twelve months after receipt;
- (c) that the society shall in respect of each loan issue an acknowledgment of debt;
- (d) that every loan shall be negotiated on one or other of the following conditions which shall be recorded in the relevant acknowledgment of debt, namely—
 - (i) that the member shall not have the right to demand repayment, but that the society may after it has held the loan for not less than twelve months, at any time repay such loan upon giving not less than thirty days' prior notice of its intention to repay such loan; or
 - (ii) that the loan shall be repayable at a fixed date to be mentioned in the acknowledgment of debt, but that the board of directors of the society shall have power to defer the repayment if the circumstances of the society as at that date render such deferment necessary, subject to the condition that if the decision of such board is not confirmed at the first succeeding general meeting of the society, the loan shall be repaid within seven days of the date of such meeting.”;

- (1) by the substitution for sub-section (3) of the following sub-section:

“(3) In calculating for the purposes of this Act, the aggregate amount of the paid-up capital and unimpaired reserve funds of any banking institution, provision shall be made to the satisfaction of the Registrar and of the auditor of such institution for the following items and the said aggregate amount reduced accordingly, namely—

- (a) depreciation of assets and bad or doubtful debts (to be calculated at least once in each financial year);
- (b) operating and accumulated losses, including accumulated depreciation and bad debts not yet written off;
- (c) preliminary expenses, representing expenses relating to organization or extension or the purchase of business or goodwill, and including underwriting commission;
- (d) the value of any assets lodged or pledged to secure liabilities incurred under any other law where all the liabilities (including contingent liabilities) so secured are not included in the calculation and where the effect of such lodging or pledging is that such assets are not available for the purpose of meeting the liabilities of the institution to the public under this Act;
- (e) the amount of its investment in the shares of another banking institution.”; and

- (m) by the deletion of paragraph (c) of sub-section (4).

wat volgens die Registrateur se oordeel onvoldoende is;

- (iii) 'n person (met inbegrip van 'n koöperatiewe vereniging) nie geag word sodanige bedryf uit te oefen nie indien hy nie te eniger tyd deposito's van meer as twintig persone het en te eniger tyd in die geheel meer as vyfhonderd-duisend rand aan deposito's het nie; en
- (iv) 'n koöperatiewe vereniging nie bloot op grond van die feit dat hy ooreenkomstig die bepalings van sub-artikel (2) *bis* van sy lede geld leen, geag word sodanige bedryf uit te oefen nie.

(2) *bis* 'n Koöperatiewe vereniging (hieronder die vereniging genoem) kan op die volgende voorwaardes van sy lede geld leen, te wete—

- (a) dat geen lening van 'n individuele lid minder as honderd rand bedra nie, en by die toepassing van hierdie paragraaf word elke opeenvolgende lening van 'n bepaalde lid as 'n afsonderlike lening beskou;
- (b) dat 'n lening nie binne twaalf maande na ontvangs terugbetaal word nie;
- (c) dat die vereniging ten opsigte van elke lening 'n skuldbewys uitreik;
- (d) dat elke lening aangegaan word op die een of die ander van die volgende voorwaardes wat in die betrokke skuldbewys geboekstaaf moet word, te wete—

- (i) dat die lid nie die reg het om terugbetaling te eis nie, maar dat die vereniging te eniger tyd nadat hy die lening vir minstens twaalf maande gehad het, die lening kan terugbetaal na minstens dertig dae kennisgewing vooraf van sy voorneme om dit terug te betaal; of
- (ii) dat die lening op 'n bepaalde in die skuldbewys vermelde datum terugbetaalbaar is, maar dat die raad van direkteure van die vereniging gemagtig is om terugbetaling uit te stel, indien die omstandighede van die vereniging op daardie datum sodanige uitstel noodsaak, onderworpe aan die voorwaarde dat, indien die besluit van bedoelde raad nie by die eersvolgende algemene vergadering van die vereniging bevestig word nie, die lening binne sewe dae na die datum van bedoelde vergadering terugbetaal moet word.”;

- (1) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) By die berekening, by die toepassing van hierdie Wet, van die totaalbedrag van die gestorte kapitaal en onaangetaste reserwefondse van 'n bankinstelling, moet tot bevrediging van die Registrateur en van die ouditeer van bedoelde instelling vir die volgende items voorsiening gemaak en bedoelde totaalbedrag dienoreenkomstig verminder word, te wete—

- (a) waardevermindering van bates en oninbare of twyfelagtige skulde (minstens een maal gedurende elke boekjaar bereken te word);
- (b) bedryfs- en opgehoopte verliese, met inbegrip van opgehoopte waardevermindering en oninbare skulde wat nog nie afgeskryf is nie;
- (c) oprigtingskoste, verteenwoordigende koste ten opsigte van organisasie of uitbreiding of die aankoop van 'n saak of konneksiewaarde, asook garansiekommissie;
- (d) die waarde van bates wat gedeponeer of verpand is om verpligtings wat ingevolge ander wetsbepalings aangegaan is, te verseker, waar al die aldus versekerde verpligtings (met inbegrip van voorwaardelike verpligtings) nie by die berekening ingesluit is nie en waar die uitwerking van so 'n deponering of verpanding is dat daardie bates nie vir die nakoming van die instelling se verpligtings teenoor die publiek volgens hierdie Wet, beskikbaar is nie;
- (e) die bedrag van sy belegging in die aandele van 'n ander bankinstelling.”; en

- (m) deur paragraaf (c) van sub-artikel (4) te skrap.

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

“Exemptions.

2. (1) This Act shall not apply to the Post Office Savings Bank or the Land or the Reserve Bank or the Industrial Development Corporation of South Africa, Limited or the National Finance Corporation or the Public Debt Commissioners, or to any local authority or building society or any Bantu co-operative credit society registered under any proclamation issued under Act No. 29 of 1897 of the Cape of Good Hope or under the Bantu Administration Act (Act No. 38 of 1927): Provided that such exemption shall not apply to any savings department or savings bank or similar deposit-receiving institution established by or in connection with any local authority.

(2) The provisions of sub-section (2) of section *eleven*, and sections *fourteen*, *sixteen*, *seventeen*, *eighteen*, *twenty*, *twenty-one*, *twenty-nine*, *thirty-two*, *thirty-four*, *thirty-five*, *forty-six* and *forty-eight* shall not apply in respect of a general bank which is a board of executors or trust company (not being a private company within the meaning of section *one hundred and four* of the Companies Act, 1926, or any amendment of that section) licensed as such under the Licences Act, 1962 (Act No. 44 of 1962) on or before the thirty-first day of December, 1938, if its deposit liabilities on the first day of July, 1943, did not in the aggregate exceed the sum of its paid-up capital and its unimpaired reserve funds, so long as those deposit liabilities do not at any time thereafter exceed the sum of its paid-up capital and its unimpaired reserve funds.”

3. Section *three* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “sub-section” of the word “section” and the insertion in that sub-section after the word “shall” of the words “save as is otherwise provided in this Act.”

4. The following sections are hereby substituted for sections *four*, *five* and *six* of the principal Act:

“Registration and provisional registration of banking institutions.

4. (1) Any person who intends to carry on the business of any class of banking institution in the Union, may apply to the Registrar for permission to establish such a banking institution, and the Registrar shall grant such permission if the applicant satisfies him that the establishment of such institution will be in the public interest and, where the proposed business is that of a discount house, furnishes proof to him that the Reserve Bank will be prepared to recognize the applicant as a discount house.

(2) An applicant to whom the Registrar has granted permission in terms of sub-section (1) may within the period fixed by the Registrar apply to him in the form prescribed by regulation to be registered provisionally under this Act as a banking institution of the class in question, and shall submit in duplicate with its application—

- (a) its memorandum and articles of association;
- (b) a statement of the address of its head office;
- (c) a statement of the name and address of its chairman and of every director and of its chief executive officer; and
- (d) full particulars of the business it proposes carrying on and of the manner in which it proposes carrying it on.

(3) The application and every document mentioned in sub-section (2) shall be signed

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

„Vrystellings.

2. (1) Hierdie Wet is nie van toepassing nie op die Posspaarbank of die Landbank of die Reserwebank of die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk of die Nasionale Finansiële korporasie of die Staat-skuldkommissaris, of op enige plaaslike bestuur of bouvereniging of ’n koöperatiewe Bantoe krediet-vereniging wat ingevolge ’n proklamasie uitgevaardig kragtens Wet No. 29 van 1897 van die Kaap die Goeie Hoop of kragtens die Bantoe administrasie Wet (Wet No. 38 van 1927) geregistreer is: Met dien verstande dat sodanige vrystelling nie van toepassing is nie op ’n spaardepartement of spaarbank of dergelike deposito-nemende instelling wat opgerig is deur of in verband met ’n plaaslike bestuur.

(2) Die bepalinge van sub-artikel (2) van artikel *elf*, en artikels *veertien*, *sestien*, *sewentien*, *agtien*, *twintig*, *een-en-twintig*, *nege-en-twintig*, *twee-en-dertig*, *vier-en-dertig*, *vyf-en-dertig*, *ses-en-veertig* en *agt-en-veertig* is nie ten opsigte van ’n algemene bank wat ’n eksekuteurskamer of trustmaatskappy (behalwe ’n private maatskappy binne die bedoeling van artikel *honderd-en-vier* van die Maatskappywet, 1926, of ’n wysiging van daardie artikel) is, as sodanige gelisensieer ingevolge die Wet op Lisensies, 1962 (Wet No. 44 van 1962), op of voor die een-en-dertigste dag van Desember 1938, indien sy deposito-verpligtings op die eerste dag van Julie 1943 in geheel nie die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry het nie, van toepassing nie, solank as daardie deposito-verpligtings nie te eniger tyd daarna die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry nie.”

3. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „word” die woorde „behalwe vir sover hierdie Wet anders bepaal” in te voeg, en in die Engelse teks die woord „sub-section” deur die word „section” te vervang.

4. Artikels *vier*, *vyf* en *ses* van die Hoofwet word hierby deur die volgende artikels vervang:

„Registrasie en voorlopige registrasie van bankinstellings.

4. (1) ’n Persoon wat voornemens is om in die Unie die besigheid van ’n bankinstelling van enige klas te dryf, kan by die Registrateur aansoek doen om toestemming om so ’n bankinstelling te stig, en die Registrateur verleen sodanige toestemming indien die applikant hom oortuig dat die stigting van bedoelde instelling in die openbare belang sal wees en, waar die voorgestelde besigheid dié van ’n diskontohuis is, aan hom bewys lewer dat die Reserwebank bereid sal wees om die applikant as ’n diskontohuis te erken.

(2) ’n Applikant aan wie die Registrateur kragtens sub-artikel (1) toestemming verleen het, kan binne die tydperk wat die Registrateur vasstel op die by regulasie voorgeskrewe vorm by hom aansoek doen om ingevolge hierdie Wet as ’n bankinstelling van die betrokke klas voorlopig geregistreer te word, en moet saam met sy aansoek die volgende in tweevoud voorlê, te wete—

- (a) sy akte van oprigting en statute;
- (b) ’n aangifte van die adres van sy hoofkantoor;
- (c) ’n aangifte van die naam en adres van sy voorsitter en van iedere direkteur en van sy hoofuitvoerende beampte; en
- (d) volledige besonderhede van die besigheid wat hy voornemens is om te dryf en van die wyse waarop hy voornemens is om dit te dryf.

(3) Die aansoek en iedere in sub-artikel (2) vermelde dokument moet deur die voor-

by the chairman or the chief executive officer of the applicant.

(4) If the Registrar is satisfied—

- (a) that the business proposed to be carried on is that of a banking institution of the class in respect of which registration is desired;
- (b) that the memorandum and articles of association of the applicant are not inconsistent with this Act and are not undesirable for any reason; and
- (c) that the applicant does not propose to adopt undesirable methods of conducting business,

he shall, subject to the provisions of subsections (6) and (7), and after payment by the applicant of a registration fee of ten rand, register the applicant provisionally as a banking institution of the said class.

(5) A banking institution which is registered provisionally for the first time after the commencement of the Banking Amendment Act, 1964, shall not accept a deposit or grant an advance until it has furnished proof to the Registrar that its paid-up capital and unimpaired reserve funds together amount to not less than the amount prescribed by section *fourteen* or *fifteen*, which-ever is applicable.

(6) The Registrar shall not register an applicant provisionally unless the applicant is a public company incorporated and registered or deemed to have been incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926).

(7) Without prejudice to the generality of the powers conferred upon the Registrar by this section, he may in his discretion refuse to register an applicant provisionally if—

- (a) the direct or indirect control over its affairs by virtue of shareholding, voting powers, power to appoint directors, or otherwise, may in the opinion of the Registrar react to the detriment of its depositors or other creditors; or
- (b) adequate provision does not exist for the conduct of its affairs by a board of directors with a reasonable number of members or satisfactory provision is not made for a quorum of such board; or
- (c) the directors or proposed chief officers, in the opinion of the Registrar, have not had sufficient experience of the management of a banking institution; or
- (d) the applicant proposes to carry on business in a location as defined in the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and the Department of Bantu Administration and Development has recommended that it be not provisionally registered.

(8) The provisional registration of an applicant shall be for a period of twelve months and shall be subject to such conditions and limitations not inconsistent with this Act as the Registrar may consider necessary, but such registration may in the discretion of the Registrar from time to time be renewed, subject to the same or any other or further conditions and limitations, for periods not exceeding twelve months at a time: Provided no banking institution shall remain provisionally registered for an aggregate period exceeding five years.

(9) If a provisionally registered institution becomes fully qualified for registration at any time while it is provisionally registered, by reason of the fact that it has complied

sitter of die hoof-uitvoerende beampte van die applikant geteken wees.

(4) Indien die Registrateur oortuig is—

- (a) dat die besigheid voorgestel om gedryf te word dié is van 'n bankinstelling van die klas ten opsigte waarvan registrasie verlang word;
- (b) dat die akte van oprigting en statute van die applikant nie met hierdie Wet onbestaanbaar is nie en nie om een of ander rede onwenslik is nie; en
- (c) dat die applikant nie voornemens is om by die dryf van die besigheid onwenslike metodes toe te pas nie,

moet hy, behoudens die bepalings van subartikels (6) en (7), en na betaling deur die applikant van 'n registrasiegeld van tien rand, die applikant as 'n bankinstelling van beoelde klas voorlopig registreer.

(5) 'n Bankinstelling wat na die inwerking-treding van die Bankwysigingswet, 1964, vir die eerste keer voorlopig geregistreer word, mag nie 'n deposito neem of 'n lening verstrek nie voordat hy aan die Registrateur bewys voorgelê het dat sy gestorte kapitaal en onaangetaste reserwefondse tesame minstens die by artikel *veertien* of *vyftien* (watter ook al van toepassing is) voorgeskrewe bedrag be-loop.

(6) Die Registrateur registreer nie 'n applikant voorlopig nie, tensy die applikant 'n publieke maatskappy is wat ingevolge die Maatskappywet, 1926 (Wet No. 46 van 1926), met regs persoonlikheid beklee en geregistreer is of geag word met regs persoonlikheid beklee en geregistreer te wees.

(7) Sonder afbreuk aan die algemeenheid van die bevoegdheide by hierdie artikel aan die Registrateur verleen, kan hy na goed-dunke weier om 'n applikant voorlopig te registreer indien—

- (a) die direkte of indirekte beheer oor sy sake uit hoofde van aandeelbesit, stemkrag, bevoegdheid om direkteure aan te stel, of andersins, volgens die Registrateur se oordeel tot nadeel van sy deposante of ander krediteure kan strek; of
- (b) geen voldoende voorsiening vir die bestuur van sy sake deur 'n raad van direkteure met 'n redelike aantal lede bestaan of geen bevredigende voorsiening vir 'n kworum van bedoelde raad gemaak word nie; of
- (c) die direkteure of voorgestelde hoofamp-tenare volgens die Registrateur se oordeel nie voldoende ervaring van die bestuur van 'n bankinstelling gehad het nie; of
- (d) die applikant voornemens is om sake te doen in 'n lokasie soos in die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), omskryf, en die Departement van Bantoe-administrasie en -ontwikkeling aanbeveel het dat dit nie voorlopig geregistreer moet word nie.

(8) Die voorlopige registrasie van 'n applikant is vir 'n tydperk van twaalf maande en is onderworpe aan sodanige voorwaardes en beperkings, wat nie met hierdie Wet onbestaanbaar is nie, as wat die Registrateur nodig ag, maar so 'n registrasie kan na goed-dunke van die Registrateur van tyd tot tyd onderworpe aan dieselfde of enige ander of verdere voorwaardes en beperkings hernieu word vir tydpeke van hoogstens twaalf maande op 'n keer: Met dien verstande dat geen bankinstelling vir langer as vyf jaar in die geheel voorlopig geregistreer bly nie.

(9) Indien 'n voorlopig geregistreeerde instelling te eniger tyd terwyl hy voorlopig registreer is ten volle vir registrasie bevoeg word op grond daarvan dat hy aan enige in-

with any requirements imposed under sub-section (7), the Registrar shall, upon payment of a registration fee of ten rand, register such institution as a banking institution of the class to which it belongs.

(10) If the provisional registration of an institution expires and is not renewed or converted into registration, it shall—

- (a) within a period determined by the Registrar repay all the deposits which it holds; and
- (b) change its name and its memorandum and articles of association within the period and in the manner required by the Registrar.

(11) The Registrar shall issue in respect of every registration or provisional registration a certificate in a form prescribed by regulation.

(12) Any discount house which was in existence at the commencement of the Banking Amendment Act, 1964, shall be deemed to have been registered in terms of this section and shall be entitled on application to receive a certificate of registration from the Registrar accordingly.

5. (1) A banking institution which at the commencement of the Banking Amendment Act, 1964, is registered or provisionally registered as a deposit-receiving institution, a people's bank or a loan bank, shall be deemed to have been registered or provisionally registered in terms of section *four* as substituted by the said Act as a banking institution of the class defined in section *one* which is appropriate to the business carried on by it.

(2) For the purposes of sub-section (1) the Registrar shall, as soon as practicable after the commencement of the said Act, in respect of each such institution determine the class to which it belongs and in writing advise it of the class so determined.

(3) (a) Any such institution which disputes the correctness of the determination made in respect of it by the Registrar, may, within thirty days after receipt of notice of such determination, in writing lodge with the Registrar an objection to that determination.

(b) If no objection is so lodged or if, after an objection has been so lodged, agreement is reached between the Registrar and the institution concerned as to the class to which it belongs, the Registrar shall issue to the institution concerned a certificate of registration in respect of a banking institution of the class to which it belongs as determined by the Registrar or, as the case may be, by agreement between himself and such institution.

(4) (a) Where agreement cannot be reached between the Registrar and such institution as to the class to which any such institution belongs, the matter shall be submitted to the Minister to be dealt with as if it were an appeal under section *three*, and the Minister may thereupon confirm the Registrar's determination or set it aside and himself determine the class to which such institution belongs.

(b) The Minister's decision under paragraph (a) shall be final, and the Registrar shall as soon as practicable after receipt of such decision issue to the institution concerned a certificate of registration in accordance with that decision.

(5) Any certificate of registration required to be issued under this section shall be either a certificate of registration or a certificate of provisional registration, according to whether the institution concerned was

gevolge sub-artikel (7) opgelegde vereistes voldoen het, moet die Registrateur hom by betaling van 'n registrasiegeld van tien rand registreer as 'n bankinstelling van die klas waaronder hy val.

(10) Indien 'n instelling se voorlopige registrasie verstryk en 'nie hernieu of in registrasie omgesit word nie, moet hy—

- (a) binne 'n deur die Registrateur bepaalde tydperk al die deposito's terugbetaal wat hy ontvang het; en
- (b) binne die tydperk en op die wyse wat die Registrateur vereis, sy naam en sy akte van oprigting en statute verander.

(11) Die Registrateur reik ten opsigte van elke registrasie of voorlopige registrasie 'n sertifikaat in die by regulasie voorgeskrewe vorm uit.

(12) 'n Diskontohuis wat by die inwerkingtreding van die Bankwysigingswet, 1964, bestaan het, word geag ingevolge hierdie artikel geregistreer te wees en is geregtig om op aansoek 'n registrasiesertifikaat te dien effekte van die Registrateur te verkry.

5. (1) 'n Bankinstelling wat by die inwerkingtreding van die Bankwysigingswet, 1964, as 'n deposito-nemende instelling, 'n volksbank of 'n leningsbank geregistreer of voorlopig geregistreer is, word geag ingevolge artikel *vier* soos deur daardie Wet vervang, geregistreer of voorlopig geregistreer te wees as 'n bankinstelling van die klas in artikel *een* omskryf wat pas by die besigheid deur hom gedryf.

(2) Vir die doeleindes van sub-artikel (1) bepaal die Registrateur so gou doenlik na die inwerkingtreding van bedoelde Wet, ten opsigte van elk van die betrokke instellings die klas waaronder hy val en stel hy hom skriftelik in kennis van die klas aldus bepaal.

(3) (a) So 'n instelling wat die korrektheid van die bepaling ten opsigte van hom deur die Registrateur gemaak, betwis, kan, binne dertig dae nadat hy van daardie bepaling kennis gekry het, 'n beswaar teen bedoelde bepaling skriftelik by die Registrateur indien.

(b) Indien geen beswaar aldus ingedien word nie, of indien die Registrateur en die betrokke instelling nadat 'n beswaar aldus ingedien is tot 'n ooreenkoms geraak aangaande die klas waaronder die instelling val, reik die Registrateur aan die betrokke instelling 'n registrasiesertifikaat uit ten opsigte van 'n bankinstelling van die klas waaronder hy val soos deur die Registrateur of, na gelang van die geval, by ooreenkoms tussen hom en daardie instelling bepaal.

(4) (a) Indien die Registrateur en bedoelde instelling nie kan ooreenkom omtrent die klas waaronder daardie instelling val nie, word die saak aan die Minister voorgelê om in verband daarmee te handel asof dit 'n appêl ingevolge artikel *drie* is, en die Minister kan daarop die Registrateur se bepaling bekragtig of dit tersyde stel en self die klas bepaal waaronder die instelling val.

(b) Die Minister se beslissing ingevolge paragraaf (a) is afdoende, en die Registrateur moet so gou doenlik na ontvangs van so 'n beslissing aan die betrokke instelling 'n registrasiesertifikaat ooreenkomstig die beslissing uitreik.

(5) 'n Registrasiesertifikaat wat ingevolge hierdie artikel uitgereik moet word, is of 'n sertifikaat van registrasie of 'n sertifikaat van voorlopige registrasie na gelang die betrokke instelling by die inwerkingtreding van

Voortsetting van registrasie van bestaande instellings.

Continuation of registration of existing institutions.

registered or provisionally registered at the commencement of this section.

(6) Sub-section (2) of section *eleven* shall not during the period of twelve months beginning with the commencement of the Banking Amendment Act, 1964, apply in respect of any banking institution to which this section relates.

Name of banking institution and change of name.

6. (1) A banking institution shall not be registered provisionally under a name—

- (a) under which a banking institution has already been registered or provisionally registered; or
- (b) which so nearly resembles the name of an institution already registered or provisionally registered that the one is likely to be mistaken for the other; or
- (c) which in the opinion of the Registrar is likely to mislead the public.

(2) A banking institution shall not use or refer to itself by a name other than the name under which it is registered or provisionally registered or a literal translation thereof which has been approved by the Registrar, or use or refer to itself by an abbreviation of that name unless the Registrar has approved it: Provided that with the consent of the Registrar a banking institution may, in conjunction with its registered name, use or refer to itself by the name of a banking institution with which it has amalgamated or which it has absorbed or, in the case of a change of name, the name by which it was previously known.

(3) (a) A banking institution shall not change its name without the written consent of the Registrar, and the provisions of sub-section (1) shall apply *mutatis mutandis* with reference to a change of the name of a banking institution.

(b) The provisions of this sub-section shall not be construed as authorizing the change of any name without compliance with the requirements of any other law relating to such a change of name.

(4) When a banking institution has changed its name, the Registrar shall at the request of the institution and on payment by it of the amount of five rand, change the name of the institution in his register of banking institutions and issue to the institution a certificate of such change.”.

5. Section *seven* of the principal Act is hereby amended—

- (a) by the deletion of the words “under section *four*, *five*, or *six*” in sub-section (1) and of the proviso to that sub-section; and
- (b) by the deletion in sub-section (2) of the words “in fact”.

6. The following section is hereby inserted in the principal Act after section *seven*:

“Repayment of illegal deposits.

7bis. (1) A person holding deposits which he has obtained by carrying on the business of accepting deposits without being registered or provisionally registered as required by this Act, shall repay such deposits in accordance with the Registrar's directions.

(2) Nothing in sub-section (1) shall relieve any person from liability to criminal proceedings arising out of any contravention of the provisions of this Act.”.

7. Section *nine* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) If any person makes a statement which is false and which he knows to be false, in connection

hierdie artikel geregistreer of voorlopig geregistreer was.

(6) Sub-artikel (2) van artikel *elf* is gedurende die tydperk van twaalf maande beginnende by die inwerkingtreding van die Bankwysigingswet, 1964, nie ten opsigte van 'n bankinstelling waarop hierdie artikel betrekking het, van toepassing nie.

Naam van bankinstelling en verandering van naam.

6. (1) 'n Bankinstelling word nie voorlopig geregistreer met 'n naam—

- (a) waaronder 'n ander bankinstelling reeds geregistreer of voorlopig geregistreer is nie; of
- (b) wat soseer met dié van 'n reeds geregistreerde of voorlopig geregistreerde instelling ooreenkom dat die een moontlik met die ander verwar kan word nie; of
- (c) wat na die oordeel van die Registrateur die publiek moontlik sal mislei nie.

(2) 'n Bankinstelling mag nie 'n ander naam besig of op homself toepas nie as die naam waaronder hy geregistreer of voorlopig geregistreer is of 'n letterlike vertaling daarvan wat die Registrateur goedgekeur het, en mag ook nie 'n verkorting van daardie naam besig of op homself toepas tensy die Registrateur dit goedgekeur het nie: Met dien verstande dat 'n bankinstelling met die toestemming van die Registrateur tesame met sy geregistreerde naam ook die naam van 'n bankinstelling wat met hom saamgesmelt is of wat deur hom geabsorbeer is of, in die geval van 'n verandering van naam, die naam waaronder hy voorheen bekend gestaan het, kan besig of op homself kan toepas.

(3) (a) 'n Bankinstelling verander nie sy naam sonder die skriftelike toestemming van die Registrateur nie, en die bepalings van sub-artikel (1) is *mutatis mutandis* met betrekking tot 'n verandering van 'n bankinstelling se naam van toepassing.

(b) Die bepalings van hierdie sub-artikel word nie uitgelê asof dit die verandering van 'n naam sonder voldoening aan die vereistes van enige ander wetsbepaling met betrekking tot so 'n naamsverandering veroorloof nie.

(4) Wanneer 'n bankinstelling sy naam verander het, verander die Registrateur op versoek van die instelling en by betaling deur die instelling van die bedrag van vyf rand, die naam van die instelling in sy register van bankinstellings en reik hy 'n sertifikaat van die verandering aan die instelling uit.”.

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

- (a) deur die woorde „ingevolge artikel *vier*, *vyf* of *ses*” in sub-artikel (1) en die voorbehoudsbepaling by daardie sub-artikel te skrap; en
- (b) deur in sub-artikel (2) die woord „inderdaad” te skrap.

6. Die volgende artikel word hierby na artikel *sewe* in die Hoofwet ingevoeg:

„Terugbetaling van onwettige deposito's.

7bis. (1) 'n Persoon wat deposito's het wat hy verkry het deur die neem van deposito's as bedryf uit te oefen sonder dat hy volgens voorskrif van hierdie Wet geregistreer of voorlopig geregistreer is, moet dié deposito's ooreenkomstig die Registrateur se opdrag terugbetaal.

(2) Die bepalings van sub-artikel (1) vrywaar geen persoon teen strafregtelike aanspreeklikheid wat uit die oortreding van die bepalings van hierdie Wet ontstaan nie.”.

7. Artikel *nege* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) As iemand bewustelik 'n valse verklaring doen in verband met 'n aansoek om toestemming

with an application for permission to establish a banking institution or in connection with an application for registration or provisional registration or in connection with the renewal of a provisional registration or in reply to a direction in terms of section *eight*, he shall be deemed to be guilty of fraud or *falsitas*.”;

(b) by the deletion in sub-section (2) of the words “under section *four, five or six*”;

(c) by the addition to that sub-section of the following paragraph, the existing sub-section becoming paragraph (a):

“(b) The Registrar may, with the approval of the Minister, cancel the registration of a discount house or suspend such registration on such conditions as he may deem fit to impose, if the Reserve Bank has refused to continue to grant rediscount facilities to such discount house.”;

(d) by the substitution for sub-section (3) of the following sub-section:

“(3) (a) When a banking institution, in the opinion of the Registrar, has ceased to carry on the business of a banking institution of the class in which it is registered or provisionally registered, the Registrar shall by notice in writing call upon that institution to show cause, within a period of not less than thirty days stated in the notice, why its registration or provisional registration shall not be cancelled or, in the case of an institution continuing to carry on banking business, shall not be converted into registration or provisional registration as a banking institution of the appropriate class.

(b) If the institution does not within the period mentioned in paragraph (a), show cause to the satisfaction of the Registrar, he shall cancel the registration of the institution or, in the case of an institution continuing to carry on banking business, convert its registration into registration of a banking institution of the appropriate class.

(c) A cancellation or conversion in terms of paragraph (b) shall take effect one month after the date on which the Registrar has given written notice thereof to the institution concerned, unless within that period the institution appeals to the Minister in terms of section *three* against the Registrar's decision, in which case the cancellation or conversion shall have no force or effect unless and until it has been confirmed by the Minister.

(d) The Minister may after considering any appeal under paragraph (c) confirm the decision of the Registrar or set it aside and substitute any decision which in his opinion the Registrar ought to have given, and any such decision shall be final and shall be carried out in all respects as if it were the Registrar's decision.

(e) When the registration or provisional registration of an institution has been converted into registration in another class in terms of this sub-section, the Registrar shall issue to the institution a certificate of such conversion.”;

(e) by the substitution for sub-section (4) of the following sub-section:

“(4) Whenever it appears from any statement prescribed under this Act which has been furnished to the Registrar by an institution mentioned in sub-section (2) of section *two*, that the deposit liabilities of that institution exceed in the aggregate the sum of its paid-up capital and unimpaired reserve funds, the exemptions which the institution enjoyed in terms of that sub-section shall be deemed to have lapsed with effect from the date of certification of the said statement and the institution shall be deemed to have been registered provisionally in terms of section *four* for a period of twelve months as from that date.”; and

(f) by the deletion of sub-section (5).

om 'n bankinstelling te stig of in verband met 'n aansoek om registrasie of voorlopige registrasie of in verband met die hernuwing van 'n voorlopige registrasie of in antwoord op 'n aansegging kragtens artikel *agt*, word hy geag skuldig te wees aan bedrog of valsheid.”;

(b) deur in sub-artikel (2) die woorde „ingevolge artikel *vier, vyf of ses*” te skrap;

(c) deur die volgende paragraaf by daardie sub-artikel te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

„(b) Die Registrateur kan met die Minister se goedkeuring die registrasie van 'n diskontohuis intrek of dit skors op die voorwaardes wat hy na goeëdunde opleë, indien die Reserwebank geweier het om voort te gaan om herdiskonteringsfasiliteite aan dié diskontohuis te verleen.”;

(d) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) (a) Wanneer 'n bankinstelling volgens die oordeel van die Registrateur nie meer die besigheid van 'n bankinstelling van die klas waarin dit geregistreer of voorlopig geregistreer is, dryf nie, sê die Registrateur die instelling by skriftelike kennisgewing aan om binne 'n in die kennisgewing vermelde tydperk, wat nie minder as dertig dae mag wees nie, redes aan te voer waarom sy registrasie of voorlopige registrasie nie ingetrek moet word of, in die geval van 'n instelling wat voortgaan om bankbesigheid te dryf, nie na registrasie of voorlopige registrasie as 'n bankinstelling van die gepaste klas verander moet word nie.

(b) Indien die instelling nie binne die in paragraaf (a) vermelde tydperk redes aanvoer wat die Registrateur tevrede stel nie, moet hy die instelling se registrasie intrek of, in die geval van 'n instelling wat voortgaan om bankbesigheid te dryf, die registrasie verander na registrasie van 'n bankinstelling van die gepaste klas.

(c) 'n Intrekking of verandering kragtens paragraaf (b) tree in werking een maand na die datum waarop die Registrateur die betrokke instelling skriftelik daarvan kennis gegee het, tensy die instelling binne dié tydperk kragtens artikel *drie* by die Minister appèl aanteken teen die Registrateur se besluit, en in so 'n geval is die intrekking of verandering nietig tensy en totdat dit deur die Minister bekragtig is.

(d) Die Minister kan na oorweging van 'n appèl ingevolge paragraaf (c) die Registrateur se besluit bekragtig of dit tersyde stel en in die plek daarvan enige beslissing gee wat die Registrateur na sy oordeel moes gegee het, en so 'n beslissing is afdoende en word in alle opsigte uitgevoer asof dit die Registrateur se besluit is.

(e) Wanneer die registrasie of voorlopige registrasie van 'n instelling ingevolge hierdie sub-artikel na registrasie in 'n ander klas verander is, reik die Registrateur 'n sertifikaat van die verandering aan die instelling uit.”;

(e) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) Wanneer dit uit 'n kragtens hierdie Wet voorgeskrewe staat wat deur 'n in sub-artikel (2) van artikel *twee* gemelde instelling aan die Registrateur voorgelê is, blyk dat die deposito-verpligtings van daardie instelling in die geheel die som van sy gestorte kapitaal en sy onaangetaste reserwefondse oorskry, word die vrystellings wat die instelling kragtens daardie sub-artikel geniet het, geag met ingang van die datum van sertifisering van bedoelde staat te verval het en word die instelling geag voorlopig geregistreer te wees ingevolge artikel *vier* vir 'n tydperk van twaalf maande van dié datum af.”; en

(f) deur sub-artikel (5) te skrap.

8. Section *eleven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "under section *nine* or *ten*" of the words "or upon the expiry of a provisional registration or upon the change of the name of an institution".

9. Section *twelve* of the principal Act is hereby repealed.

10. The following sections are hereby substituted for sections *thirteen* to *twenty-eight*, inclusive, of the principal Act:

"Returns which banking institutions must render to Registrar.

13. (1) A banking institution shall furnish to the Registrar in duplicate—

- (a) within a period of twenty-one days as from the end of each month of the year, a return in a form prescribed by regulation and certified as correct by its chief executive officer and its chief accounting officer in the Union, containing the information required by the Registrar in order to be able to determine whether the institution maintains the liquid assets, the prescribed investments and the reserve balance with the Reserve Bank required by this Act: Provided that such return shall not be required in the case of a discount house;
- (b) within a period of forty days as from the end of every calendar quarter, a statement in a form prescribed by regulation and certified as aforesaid, of its assets and liabilities as at the close of the last business day of that quarter;
- (c) together with the statement mentioned in paragraph (b), a return in a form prescribed by regulation and certified as aforesaid, containing the information required by the Registrar in order to be able to determine whether the institution maintains the paid-up capital and unimpaired reserve funds and the assets prescribed in section *twenty* required by this Act;
- (d) simultaneously with the sending or submission of any statement of its affairs or any notice, report or other document to its shareholders or members, a copy of every such statement, notice, report or other document and of any auditor's report sent or submitted with any such statement, certified in each case as a true copy by the said chief executive officer;
- (e) within a period of thirty days as from the date of any meeting of its shareholders or members, a copy of the minutes of such meeting, certified as correct by the said chief executive officer; and
- (f) within such period as the Registrar may determine, any additional returns or information which the Registrar may request the institution in writing to furnish.

(2) The regulations referred to in paragraphs (a), (b) and (c) may prescribe different forms for the statements and returns to be furnished by various classes of institutions.

(3) Of the statements furnished to the Registrar by any banking institution in terms of paragraph (b) of sub-section (1) in respect of the four quarters in any calendar year, at least one shall also be certified as true and fair by the auditor of the institution, and, if the Registrar so requires, any other such statement submitted by a particular institution in respect of any calendar year shall likewise be so certified.

8. Artikel *elf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „ingevolge artikel *nege* of *tien*” deur die woorde „of na verstryking van 'n voorlopige registrasie of na 'n verandering van die naam van 'n instelling” te vervang.

9. Artikel *twaalf* van die Hoofwet word hierby herroep.

10. Artikels *dertien* tot en met *agt-en-twintig* van die Hoofwet word hierby deur die volgende artikels vervang:

„Opgawes wat bankinstellings aan Registrateur moet voorleë.

13. (1) 'n Bankinstelling moet die volgende in tweevoud aan die Registrateur verstrek, te wete—

- (a) binne 'n tydperk van een-en-twintig dae vanaf die einde van elke maand van die jaar, 'n opgawe wat in 'n by regulasie voorgeskrewe vorm is en deur sy hoofuitvoerende beampte en sy hoofrekenmeester in die Unie as juis gesertifiseer is en wat die inligting bevat wat die Registrateur nodig het ten einde te kan bepaal of die instelling die likwiede bates, die voorgeskrewe beleggings en die reserwesaldo by die Reserwebank soos deur hierdie Wet vereis, in stand hou: Met dien verstande dat so 'n opgawe nie in die geval van 'n diskontohuis vereis word nie;
- (b) binne 'n tydperk van veertig dae vanaf die einde van elke kalenderkwartaal, 'n staat wat in by regulasie voorgeskrewe vorm en op voormelde wyse gesertifiseer is van sy bates en laste aan die einde van die laaste besigheidsdag in daardie kwartaal;
- (c) tesame met die in paragraaf (b) vermelde staat, 'n opgawe wat in 'n by regulasie voorgeskrewe vorm is en op voormelde wyse gesertifiseer is en wat die inligting bevat wat die Registrateur nodig het ten einde te kan bepaal of die instelling die gestorte kapitaal en onaangetaste reserwefondse en die in artikel *twintig* voorgeskrewe bates soos deur hierdie Wet vereis, in stand hou;
- (d) gelyktydig met die stuur of voorlegging van 'n staat van sy sake of 'n kennisgewing, verslag of ander dokument aan sy aandeelhouders of lede, 'n afskrif van elke sodanige staat, kennisgewing, verslag of ander dokument en van enige ouditeursverslag wat saam met so 'n staat gestuur of voorgelê word, in elke geval deur bedoelde hoofuitvoerende beampte as 'n ware afskrif gesertifiseer;
- (e) binne 'n tydperk van dertig dae vanaf die datum van 'n vergadering van sy aandeelhouders of lede, 'n afskrif van die notule van dié vergadering, deur bedoelde hoofuitvoerende beampte as juis gesertifiseer; en
- (f) binne 'n tydperk wat die Registrateur bepaal enige verdere opgawes of inligting wat die Registrateur skriftelik van die instelling verlang.

(2) Die in paragrafe (a), (b) en (c) bedoelde regulasies kan verskillende vorms voorskryf vir die state en opgawes wat deur verskillende klasse instellings verstrek moet word.

(3) Van die state wat 'n bankinstelling ingevolge paragraaf (b) van sub-artikel (1) ten opsigte van die vier kwartale in 'n kalenderjaar aan die Registrateur verstrek, moet minstens een ook deur die instelling se ouditeur as waar en billik gesertifiseer word, en, indien die Registrateur dit vereis, moet enige ander sodanige staat deur 'n bepaalde instelling ten opsigte van 'n kalenderjaar verstrek, insgelyks aldus gesertifiseer word.

(4) A banking institution shall at all times display in a conspicuous place in every building in the Union in which it carries on business, a copy of its last statement of assets and liabilities compiled in terms of paragraph (b) of sub-section (1).

(5) The Registrar shall compile from the statements furnished to him in terms of paragraph (b) of sub-section (1), quarterly composite statements for the various classes of banking institutions, in such form and containing such particulars as he may deem fit, and publish such composite statements in the *Gazette*.

14. (1) A banking institution (other than a discount house) shall, subject to the provisions of sub-sections (3) and (4), maintain in the Union a paid-up capital and unimpaired reserve funds together amounting to not less than—

- (a) two hundred thousand rand; or
- (b) six per cent of the amount of its liabilities to the public in the Union, other than liabilities under acceptances, plus ten per cent of the latter liabilities as shown in the last preceding quarterly statement furnished to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*,

whichever is the greater: Provided that for the purposes of the application of this sub-section—

- (i) a banking institution may deduct from its aforesaid liabilities, other than liabilities under acceptances, an amount equal to the amount of liquid assets it holds in excess of the amount required by this Act; and
- (ii) a commercial bank may deduct from its aforesaid liabilities, other than liabilities under acceptances, in addition to the amount referred to in paragraph (i), an amount equal to fifty per cent of the remittances in transit.

(2) For the purposes of the application of this section to a commercial bank, a remittance in transit shall mean the amount of a cheque or other order to pay drawn on one of its branches in the Union or on another banking institution in the Union or on the Reserve Bank, with which another branch in the Union of the commercial bank concerned has credited a client or which it has paid out but with which the first-mentioned branch or such other banking institution or the Reserve Bank has not yet debited a client, and includes the amount of a warrant voucher which the commercial bank has paid out but for which it has not yet received repayment from the Secretary to the Treasury.

(3) Any such banking institution which at the commencement of the Banking Amendment Act, 1964, is not complying with the requirements of sub-section (1), shall, subject to the provisions of sub-section (4), maintain in the Union, in relation to its liabilities to the public in the Union (less the deductions allowed under provisos (i) and (ii) to sub-section (1) and liabilities under acceptances), as shown in the last preceding quarterly statement furnished to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*, a paid-up capital and unimpaired reserve funds together amounting to not less than the amount determined as provided in the table set out hereunder, according to the amount of such liabilities, namely—

- (a) the appropriate amount set out in the second column of that table; or

(4) 'n Bankinstelling moet te alle tye op 'n ooglopende plek in elke gebou in die Unie waar hy besigheid dryf 'n afskrif van sy jongste ingevolge paragraaf (b) van sub-artikel (1) opgestelde staat van bates en laste ten toon stel.

(5) Die Registrateur moet uit die state ingevolge paragraaf (b) van sub-artikel (1) aan hom verstrek, vir elke kwartaal samegestelde state vir die onderskeie klasse bankinstellings opstel wat in die vorm is en die besonderhede bevat wat hy goedvind, en bedoelde samegestelde state in die *Staatskoerant* publiseer.

14. (1) 'n Bankinstelling wat nie 'n diskontohuis is nie, moet, behoudens die bepalings van sub-artikels (3) en (4), 'n gestorte kapitaal en onaangetaste reserwefondse in die Unie in stand hou wat tesame nie minder bedra nie as—

- (a) tweehonderdduisend rand; of
- (b) ses persent van die bedrag van sy verpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte, plus tien persent van die bedrag van laasbedoelde verpligtings, soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrek het,

na gelang van watter bedrag die grootste is: Met dien verstande dat by die toepassing van hierdie sub-artikel—

- (i) 'n bankinstelling van sy voormelde verpligtings, behalwe verpligtings uit hoofde van aksepte, 'n bedrag kan aftrek wat gelyk is aan die bedrag wat hy meer aan likwiede bates het as wat ingevolge hierdie Wet vereis word; en
- (ii) 'n handelsbank benewens die in paragraaf (i) vermelde bedrag, van sy voormelde verpligtings, behalwe verpligtings uit hoofde van aksepte, 'n bedrag wat gelyk is aan vyftig persent van die remises in transit, kan aftrek.

(2) By die toepassing van hierdie artikel op 'n handelsbank, beteken 'n remise in transit die bedrag van 'n tjek of ander betaalopdrag op een van sy takke in die Unie of op 'n ander bankinstelling in die Unie of op die Reserwebank getrek, waarmee 'n ander tak in die Unie van die betrokke handelsbank reeds 'n kliënt gekrediteer het of wat hy reeds uitbetaal het, maar waarmee eersbedoelde tak of bedoelde ander bankinstelling of die Reserwebank nog nie 'n kliënt gedebiteer het nie, en ook die bedrag van 'n skatkisorder wat die handelsbank uitbetaal het, maar waarvoor hy nog nie terugbetaling van die Sekretaries van die Tesourie ontvang het nie.

(3) So 'n bankinstelling wat by die inwerkingtreding van die Bankwysigingswet, 1964, nie aan die bepalings van sub-artikel (1) voldoen nie, moet, behoudens die bepalings van sub-artikel (4), in verhouding met sy verpligtings teenoor die publiek in die Unie (min die aftrekkings ingevolge voorbehoudsbepalings (i) en (ii) by sub-artikel (1) toegelaat en verpligtings uit hoofde van aksepte), soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrek het, 'n gestorte kapitaal en onaangetaste reserwefondse in die Unie in stand hou wat tesame nie minder bedra nie as die bedrag volgens voorskrif van onderstaande tabel bepaal aan die hand van die bedrag van bedoelde verpligtings, te wete—

- (a) die gepaste bedrag in die tweede kolom van daardie tabel uiteengesit; of

Minimum capital and reserves.

Minimum kapitaal en reserwes.

(b) the appropriate percentage of the amount of the liabilities aforesaid, set out in the third column of that table, whichever is the greater, together with an additional amount equal to ten per cent of its liabilities under acceptances.

TABLE.

Liabilities to the public as shown in last preceding quarterly statement.	Minimum amount.	Minimum percentage
R	R	
Not exceeding 1,000,000	—	10
Not exceeding 2,000,000	100,000	8
Exceeding 2,000,000	160,000	6

(4) Any such banking institution which at the commencement of the Banking Amendment Act, 1964, is not complying with the requirements of sub-section (1) or (3), shall comply with the latter sub-section within one year thereafter: Provided that as soon as the paid-up capital and unimpaired reserve funds of an institution referred to in sub-section (3) reach the amount of two hundred thousand rand, the said sub-section shall cease to apply in respect of such institution and thereafter sub-section (1) shall apply in respect thereof.

Capital requirement for discount houses.

15. A discount house shall maintain in the Union a paid-up capital and unimpaired reserve funds together amounting to not less than—

- two hundred thousand rand; or
- two per cent of the amount of its liabilities to the public in the Union, as shown in the last preceding quarterly statement furnished by it to the Registrar in terms of paragraph (b) of sub-section (1) of section *thirteen*.

whichever is the greater.

Minimum reserve balance.

16. A banking institution (other than a discount house) whose short-term liabilities to the public in the Union, other than liabilities under acceptances and loans from other banking institutions, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen* exceed the amount of five hundred thousand rand, shall maintain a reserve balance with the Reserve Bank amounting to not less than eight per cent of the said liabilities.

Minimum liquid assets.

17. (1) A banking institution (other than a discount house) shall maintain in the Union liquid assets amounting to not less than the aggregate of—

- thirty per cent of its short-term liabilities to the public in the Union, other than liabilities under acceptances;
- twenty per cent of its medium-term liabilities to the public in the Union, other than liabilities under acceptances;
- five per cent of its long-term liabilities to the public in the Union; and
- ten per cent of its liabilities under acceptances,

as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen*: Provided that for the purposes of this sub-section—

- a commercial bank may effect the deduction referred to in proviso (ii) to sub-section (1) of section *fourteen* from the liabilities referred to in paragraph (a) hereof; and

(b) die gepaste persentasie van die bedrag van vermeldde verpligtings soos in die derde kolom van daardie tabel uiteengesit, na gelang van watter bedrag die grootste is, tesame met 'n addisionele bedrag gelyk aan tien persent van sy verpligtings uit hoofde van aksepte.

TABEL.

Verpligtings teenoor publiek volgens jongste kwartaalstaat.	Minimum bedrag	Minimum persentasie
R	R	
1,000,000 nie te bowe gaande nie	—	10
2,000,000 nie te bowe gaande nie	100,000	8
2,000,000 te bowe gaande	160,000	6

(4) So 'n bankinstelling wat by die inwerkingtreding van die Bankwysigingswet, 1964, nie aan die bepalings van sub-artikel (1) of (3) voldoen nie, moet binne een jaar daarna aan laasgenoemde sub-artikel voldoen: Met dien verstande dat sodra 'n in sub-artikel (3) bedoelde instelling se gestorte kapitaal en onaangetaste reserwefondse die bedrag van tweehonderdduisend rand bereik, vermeldde sub-artikel ten opsigte van hom verval, waarna sub-artikel (1) vir hom geld.

Kapitaalvoorskrif vir diskontohuise.

15. 'n Diskontohuis moet in die Unie 'n gestorte kapitaal en onaangetaste reserwefondse in stand hou wat tesame nie minder bedra nie as—

- tweehonderdduisend rand; of
- twee persent van die bedrag van sy verpligtings teenoor die publiek in die Unie soos aangegee in die jongste kwartaalstaat wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrekk het, na gelang van watter bedrag die grootste is.

Minimum reserwe saldo.

16. 'n Bankinstelling (behalwe 'n diskontohuis) waarvan die korttermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte en lenings van ander bankinstellings, soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrekk het, die bedrag van vyfhonderdduisend rand te bowe gaan, moet 'n reserwesaldo gelyk aan minstens agt persent van vermeldde verpligtings by die Reserwebank in stand hou.

Minimum likwiede bates.

17. (1) 'n Bankinstelling (behalwe 'n diskontohuis) moet in die Unie likwiede bates in stand hou tot 'n bedrag minstens gelyk aan die som van—

- dertig persent van sy korttermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte;
- twintig persent van sy middeltermynverpligtings teenoor die publiek in die Unie, behalwe verpligtings uit hoofde van aksepte;
- vyf persent van sy langtermynverpligtings teenoor die publiek in die Unie; en
- tien persent van sy verpligtings uit hoofde van aksepte,

soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrekk het: Met dien verstande dat by die toepassing van hierdie sub-artikel—

- 'n handelsbank die bedrag in voorbehoudsbepaling (ii) by sub-artikel (1) van artikel *veertien* bedoel, van die in paragraaf (a) hiervan vermeldde verpligtings kan aftrek; en

(ii) a banking institution may deduct from the liabilities referred to in paragraphs (a), (b) and (c) the amounts owing to it in respect of loans made by it against the security of fixed deposits included under the said paragraphs.

(2) The provisions of sub-section (1) shall in respect of a banking institution (other than a commercial bank) existing at the date of commencement of the Banking Amendment Act, 1964, come into operation one year after the said date: Provided that—

- (a) an institution which for reasons acceptable to the Registrar does not yet have, at the end of the said period of one year, the full amount of liquid assets required by the said sub-section, may apply to the Registrar for an extension of that period, and the Registrar may extend it in respect of such institution by not more than twelve months; and
- (b) during the said period of one year or any extension thereof, the institution shall at all times comply with the requirements relating to liquid assets which were applicable to it before the said commencement.

(3) (a) Whenever the Reserve Bank deems it desirable in the national economic interest, it may with the consent of the Treasury from time to time determine—

- (i) that in respect of the institutions of a particular class the percentages mentioned in paragraphs (a) and (b) of sub-section (1) shall be increased to not more than forty and thirty respectively or decreased to not less than twenty and ten respectively; or
- (ii) that every institution of a particular class shall maintain, in addition to the liquid assets required by sub-section (1), supplementary liquid assets in the Union at least equal to percentages prescribed by the Reserve Bank, but not exceeding seventy per cent of the amount by which the short-term liabilities to the public or eighty per cent of the amount by which the medium-term liabilities to the public payable by the institution in the Union (as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of sub-section (1) of section *thirteen*) exceed the amount of such liabilities as at a date determined by the Reserve Bank and stated by the Registrar in a notice in the *Gazette*.

(b) Whenever the Reserve Bank has made a determination in terms of paragraph (a), it shall inform the Registrar thereof in writing, and the Registrar shall as soon as practicable give written notice of the determination to every institution of the class to which the determination applies and cause the determination to be published in the *Gazette*.

(c) Any such determination shall take effect—

- (i) if it provides for a decrease, immediately; or
- (ii) if it provides for an increase, on the first date, in the case of any particular institution, after the expiration of thirty days as from the date of publication of the determination in the *Gazette*, on which its chief executive officer and its chief accounting officer certify a monthly return in respect of the institution in terms of paragraph (a) of sub-section (1) of section *thirteen*.

(ii) 'n bankinstelling van die in paragrawe (a), (b) en (c) bedoelde verpligtings, die bedrae kan aftrek wat aan hom verksuldig is ten opsigte van lenings deur hom toegestaan teen sekerheid van vaste deposito's wat onder daardie paragrawe val.

(2) Die bepalings van sub-artikel (1) tree, ten opsigte van 'n bankinstelling (behalwe 'n handelsbank) wat op die datum van inwerkingtreding van die Bankwysingswet, 1964, bestaan, in werking een jaar na bedoelde datum: Met dien verstande dat—

- (a) 'n instelling wat om redes wat die Registrateur aanneemlik vind, aan die einde van bedoelde tydperk van een jaar nog nie die volle by daardie sub-artikel vereiste bedrag aan likwiede bates besit nie, by die Registrateur om verlenging van daardie tydperk aansoek kan doen, en die Registrateur dit ten opsigte van bedoelde instelling met hoogstens twaalf maande kan verleng; en
- (b) die instelling gedurende bedoelde tydperk van een jaar of 'n verlenging daarvan te alle tye aan die vereistes insake likwiede bates moet voldoen wat voor vermelde inwerkingtreding vir hom geld het.

(3) (a) Wanneer die Reservebank dit in die nasionale ekonomiese belang wenslik ag, kan hy met die toestemming van die Tesourie van tyd tot tyd bepaal—

- (i) dat ten opsigte van die instellings van 'n bepaalde klas die in paragrawe (a) en (b) van sub-artikel (1) vermelde persentasies tot onderskeidelik hoogstens veertig en dertig verhoog of tot onderskeidelik hoogstens twintig en tien verlaag word; of
- (ii) dat elke instelling van 'n besondere klas, benewens die likwiede bates deur sub-artikel (1) vereis, aanvullende likwiede bates in die Unie in stand moet hou wat minstens gelyk is aan persentasies deur die Reserwebank voorgeskryf, maar nie meer as sewentig persent nie van die bedrag waarmee die korttermynverpligtings teenoor die publiek of tagtig persent van die bedrag waarmee die middeltermynverpligtings teenoor die publiek wat deur die instelling in die Unie betaalbaar is (soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* aan die Registrateur verstrek het) die bedrag van sodanige verpligtings oorskry op 'n datum deur die Reserwebank bepaal en deur die Registrateur in 'n kennisgewing in die *Staatskoerant* vermeld.

(b) Wanneer die Reserwebank kragtens paragraaf (a) 'n bepaling gemaak het, stel hy die Registrateur skriftelik daarvan in kennis, en die Registrateur moet so gou doenlik elke instelling van die klas waarop die bepaling betrekking het skriftelik van die bepaling in kennis stel en die bepaling in die *Staatskoerant* laat afkondig.

(c) So 'n bepaling word van krag—

- (i) indien dit vir 'n vermindering voorsiening maak, onmiddellik; of
- (ii) indien dit vir 'n vermeerdering voorsiening maak, vir elke besondere instelling op die eerste datum waarop sy hoofuitvoerende beampte en sy hoofrekenmeester na die verstryking van dertig dae vanaf die datum van publikasie van die bepaling in die *Staatskoerant* 'n maandopgawe ten opsigte van die instelling ingevolge paragraaf (a) van sub-artikel (1) van artikel *dertien* sertifiseer.

date where the depositor concerned has previously instructed it in writing as to the manner in which such deposit or any portion thereof is to be reinvested with the institution.

(2) Where any institution accepts a deposit other than a savings deposit on the condition that the deposit or any portion thereof will be repayable only after notice of an agreed period, the institution shall not repay the deposit or any portion thereof at shorter notice.

(3) (a) A banking institution shall not accept savings deposits from any company with limited liability, except in the case of an association licensed in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926).

(b) The provisions of paragraph (a) shall not apply to savings accounts existing at the commencement of the Banking Amendment Act, 1964: Provided that no further amount other than interest shall be credited to such an account.

(4) (a) A banking institution shall not allow any one person to maintain with it a credit balance on savings account in excess of six thousand rand: Provided that nothing in this sub-section contained shall preclude an institution from crediting interest to a savings account.

(b) Where at the commencement of the Banking Amendment Act, 1964, a savings account shows a credit balance of more than six thousand rand, such balance shall not by reason of the provisions of paragraph (a) be required to be reduced to the said amount: Provided that—

- (i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said amount; and
- (ii) if the balance in such account is at any time reduced to six thousand rand or less, the limit prescribed by paragraph (a) shall also apply to it.

(5) A banking institution shall not grant a loan against the security of a deposit which it or any other banking institution or any building society holds to the credit of the borrower or any other person, at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate payable in respect of such deposit.

(6) Notwithstanding the provisions of sub-sections (1) and (2), an institution may in its discretion repay before due date a fixed deposit or a deposit subject to notice—

- (a) where such deposit forms part of the assets in an insolvent or deceased estate;
- (b) where the depositor has been placed under curatorship;
- (c) where the depositor has been placed under judicial management or in liquidation;
- (d) where the deposit is required by a pension fund to effect deferred pension payments;
- (e) in any case after the expiration of a period of twelve months from the date on which the deposit was made with it or was last reinvested, if the depositor has given it at least thirty day's notice of withdrawal; or
- (f) in such other cases as the Registrar may approve either generally or in any particular case.

(7) Where the limit prescribed by paragraph (a) of sub-section (4) is exceeded as a result of the amalgamation of two or more

terug te betaal nie waar die betrokke deposant hom vooraf skriftelik opdrag gegee het betreffende die wyse waarop die deposito of enige gedeelte daarvan by die instelling herbelê moet word.

(2) Waar 'n instelling 'n deposito, behalwe 'n spaardeposito, neem op die voorwaarde dat die deposito of 'n deel daarvan slegs na kennisgewing van 'n ooreengekome termyn terugbetaalbaar is, mag die instelling die deposito of 'n deel daarvan nie op korter kennisgewing terugbetaal nie.

(3) (a) 'n Bankinstelling neem nie spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid aan nie, behalwe in die geval van 'n vereniging wat kragtens artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), gelisenseer is.

(b) Die bepalings van paragraaf (a) is nie ten opsigte van spaarrekenings wat by die inwerkingtreding van die Bankwysigingswet, 1964, bestaan, van toepassing nie: Met dien verstande, dat geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word nie.

(4) (a) 'n Bankinstelling laat nie 'n enkele persoon toe om 'n kreditsaldo van meer as sesduisend rand op spaarrekening by hom te hou nie: Met dien verstande dat die bepalings van hierdie sub-artikel 'n instelling nie belet om 'n spaarrekening met rente te krediteer nie.

(b) Waar 'n spaarrekening by die inwerkingtreding van die Bankwysigingswet, 1964, 'n kreditsaldo van meer as sesduisend rand het, hoef dié saldo nie op grond van die bepalings van paragraaf (a) tot genoemde bedrag verminder te word nie: Met dien verstande dat—

- (i) geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde bedrag oorskry nie; en
- (ii) indien die saldo op so 'n rekening te eniger tyd tot sesduisend rand of minder daal, die perk by paragraaf (a) voorgeskryf ook op hom van toepassing is.

(5) 'n Instelling mag geen lening teen die sekerheid van 'n deposito wat die lener of 'n ander persoon by hom of by 'n ander bankinstelling of 'n bouvereniging gestort het, verstrek nie teen 'n rentekoers wat nie minstens een persent op die bedrag van die lening hoër is as die rentekoers wat op die betrokke deposito betaalbaar is nie.

(6) Ondanks die bepalings van sub-artikels (1) en (2), kan 'n instelling na goeddunke 'n vaste deposito of 'n deposito wat aan kennisgewing van terugbetaling onderworpe is voor verval dag terugbetaal—

- (a) waar die deposito deel uitmaak van die bates in 'n insolvente of bestorwe boedel;
- (b) waar die deposant onder kuratele geplaas is;
- (c) waar die deposant onder geregtelike bestuur of in likwidasië geplaas is;
- (d) waar die deposito deur 'n pensioenfonds benodig word om uitgestelde pensioenbetalings te maak;
- (e) in enige geval na die verstryking van 'n tydperk van twaalf maande van die datum waarop die deposito by hom gemaak of laas herbelê is, indien die deposant hom minstens dertig dae kennis van opvraging gegee het; of
- (f) in die ander gevalle wat die Registrateur goedkeur, hetsy algemeen of in 'n bepaalde geval.

(7) Waar die perk by paragraaf (a) van sub-artikel (4) voorgeskryf, oorskry word as gevolg van die samesmelting van twee of meer

institutions or the transfer of the assets and liabilities of any institution to another, the provisions of paragraph (b) of sub-section (4) shall *mutatis mutandis* apply as if the savings account in question had been in existence at the commencement of the Banking Amendment Act, 1964.

Limitation of transactions of discount houses.

22. (1) A discount house shall not discount, buy or invest in any securities other than bank acceptances, bank-endorsed bills, Union treasury bills, stocks of the Government with a maturity of three years or less, debentures of the Land Bank with a maturity of three years or less, bills issued by the said bank or other short-term securities or investments approved by the Registrar by notice in the *Gazette*: Provided that—

- (a) a discount house may discount, buy or invest in securities of a nature similar to the aforesaid securities or to the securities so approved, but its holding of securities of the said nature shall at no time constitute more than five per cent of its total assets; and
- (b) the Registrar may at any time instruct a discount house to cease discounting, buying or investing in any particular security acquired by it in terms of paragraph (a), or to dispose of its holdings of such security within a reasonable period.

(2) A discount house shall not effect a loan otherwise than against the pledge of securities referred to in sub-section (1), or from any person other than a banking institution, a building society, a mining house, the Reserve Bank, the Land Bank, the Department of Finance or an institution approved by the Registrar by notice in the *Gazette*: Provided that not more than five per cent of its total loans may at any time consist of loans effected without the aforesaid pledge.

(3) A discount house may make demand deposits with the National Finance Corporation, another discount house or any other institution approved by the Registrar by notice in the *Gazette*: Provided that the said deposits shall not at any time exceed in the aggregate the sum of its paid-up share capital and unimpaired reserve funds as shown in its last preceding quarterly statement.

Banking institutions exempted from certain provisions of Usury Act.

23. (1) In sub-section (1) of section *five* of the Usury Act, 1926 (Act No. 37 of 1926), the words "instrument of debt" shall not include a bill of exchange when such bill is executed or discounted by the Reserve Bank, the Land Bank, the National Finance Corporation or a banking institution.

(2) The provisions of sub-section (1) of section *seven* and sections *eight* and *ten* of the said Act shall not apply to the Reserve Bank, the Land Bank, the National Finance Corporation or a banking institution."

11. Section *twenty-nine* of the principal Act is hereby amended by the insertion after the word "assets" where it occurs for the second time of the words "or the prescribed investment".

12. The following section is hereby substituted for section *thirty* of the principal Act:

"Valuation of securities.

30. For the purposes of sections *seventeen* and *eighteen* a security shall be valued at its market value, as certified by the secretary of the board of Public Debt Commissioners."

Beperking op transaksies van diskontohuise.

instellings, of die oordrag van die bates er laste van een instelling aan 'n ander, is die bepaling van paragraaf (b) van sub-artikel (4) *mutatis mutandis* van toepassing asof die betrokke spaarrekening by die inwerking-treding van die Bankwysigingswet, 1964, bestaan het.

22. (1) 'n Diskontohuis mag nie ander sekuriteite as bankakseptte, bank-geëndosseerde wissels, Unie-skatkiesbewyse, effekte van die Regering wat binne drie jaar of vroeër verval, obligasies van die Landbank wat binne drie jaar of vroeër verval, wissels deur bedoelde bank uitgereik of ander korttermyn-sekuriteite of beleggings wat die Registrateur by kennisgewing in die *Staatskoerant* goedgekeur, verdiskonteer of dit koop of daarin belê nie: Met dien verstande dat—

- (a) 'n diskontohuis sekuriteite soortgelyk van aard aan die voormelde sekuriteite of aan die sekuriteite aldus goedgekeur, mag verdiskonteer of koop of daarin mag belê, maar sy besit aan sekuriteite van sodanige aard mag nie te eniger tyd meer as vyf persent van sy totale bates uitmaak nie; en
- (b) die Registrateur 'n diskontohuis te eniger tyd kan gelas om op te hou om 'n bepaalde sekuriteit wat hy kragtens paragraaf (a) verkry het, te verdiskonteer, te koop of daarin te belê, of om binne redelike tyd sy besit aan so 'n sekuriteit van die hand te sit.

(2) 'n Diskontohuis mag geen lening aangaan nie, behalwe teen verpanding van sekuriteite in sub-artikel (1) vermeld, en ook nie by 'n ander persoon as 'n bankinstelling, 'n bouvereniging, 'n beherende mynmaatskappy, die Reserwebank, die Landbank of die Departement van Finansies of 'n instelling wat die Registrateur by kennisgewing in die *Staatskoerant* goedgekeur het nie: Met dien verstande dat hoogstens vyf persent van sy totale lenings te eniger tyd kan bestaan uit lenings wat hy sonder voormelde verpanding aangegaan het.

(3) 'n Diskontohuis kan onmiddellik opeisbare deposito's maak by die Nasionale Finansiële korporasie, 'n ander diskontohuis of 'n ander instelling wat die Registrateur by kennisgewing in die *Staatskoerant* goedgekeur het: Met dien verstande dat bedoelde deposito's nie te eniger tyd in die geheel die som van sy gestorte aandelekapitaal en onaangetaste reserwefondse, soos in sy jongste voorafgaande kwartaalstaat aangegee, mag oorskry nie.

Baninstellings vrygestel van sekere bepalinge van Woekerwet.

23. (1) In sub-artikel (1) van artikel *vyf* van die Woekerwet, 1926 (Wet No. 37 van 1926), sluit die woord „skuldakte" nie ook 'n wissel in nie waar dié wissel deur die Reserwebank, die Landbank, die Nasionale Finansiële korporasie of 'n bankinstelling verly of verdiskonteer word.

(2) Die bepalinge van sub-artikel (1) van artikel *sewe* en artikels *agt* en *tien* van genoemde Wet is nie op die Reserwebank, die Landbank, die Nasionale Finansiële korporasie of 'n bankinstelling van toepassing nie."

11. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur na die woord „bate" waar dit die tweede maal voorkom die woorde „of die voorgeskrewe belegging" in te voeg.

12. Artikel *dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Waardering van effekte.

30. Vir die doeleindes van artikels *sewentien* en *agtien* word 'n effek teen sy markwaarde gewaardeer, soos deur die sekretaris van die raad van Staatskuldkommissarisse gesertifiseer."

13. The following sections are hereby inserted in the principal Act after section *thirty-two*:

“Banking institutions may not issue bearer shares. **32bis.** A banking institution shall not issue bearer shares.

Commercial banks not to operate through agents. **32ter.** A commercial bank shall not carry on any business in the Union through a person who is not its full-time servant.”

14. Section *thirty-six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “registered or deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), or a banking institution” and of the proviso.

15. Section *thirty-seven* of the principal Act is hereby amended—

- (a) by the deletion of sub-section (2);
- (b) by the deletion in sub-section (3) of the words “or under the said Act No. 29 of 1939” and the words “which is a corporate body”;
- (c) by the deletion of sub-section (6); and
- (d) by the deletion in sub-section (7) of the words “a banking institution registered or deemed to be registered under the said Act No. 29 of 1939 or” and the words “which is a corporate body”.

16. Section *thirty-eight* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (g) of sub-section (1) after the word “appointment” of the words “or withdraw his prior approval of the appointment of any auditor”;
- (b) by the substitution in sub-section (2) for the words “the Minister” of the word “him”; and
- (c) by the substitution for sub-section (7) of the following sub-section:

“(7) Where the auditor of a banking institution is a partnership the appointment of such auditor shall not lapse by reason of a change in the composition of the partnership, as long as not less than half the persons who were partners as at the date when the partnership was last appointed continue to be partners therein.”

17. Section *forty* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) The provisions of sub-sections (1) and (2) of section *ninety bis*, sub-sections (1), (2) and (4) of section *ninety ter* and sub-sections (1) and (2) of section *ninety-nine* of the Companies Act, 1926 (Act No. 46 of 1926), shall, in so far as they can be applied, apply *mutatis mutandis* to every director, manager, secretary or other officer or auditor of a banking institution: Provided that the balance sheet, profit and loss account and reports referred to in the said sub-section shall be furnished to the Registrar in duplicate within three months after the end of the financial year to which they relate.”; and

- (b) by the deletion of sub-section (3).

18. Section *forty-one* of the principal Act is hereby amended by the deletion of the words “which is a corporate body and”.

19. Section *forty-three* of the principal Act is hereby amended by the deletion of the words “which is a corporate body”.

20. Section *forty-four* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “which is a corporate body but which is not registered or deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939)”;
- (b) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* When the provisions of sub-section (1) *bis* of section *one hundred and thirteen* of the said Act No. 46 of 1926 are applied in connection with

13. Die volgende artikels word hierby na artikel *twee-enderdertig* in die Hoofwet ingevoeg:

„Bankinstellings reik nie toonderaandele uit nie. **32bis.** 'n Bankinstelling reik nie toonderaandele uit nie.

Handelsbanke doen nie deur middel van agente sake nie. **32ter.** 'n Handelsbank dryf nie besigheid in die Unie deur iemand wat nie voltyd in sy diens staan nie.”

14. Artikel *ses-enderdertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „wat ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), geregistreer is of as geregistreer beskou word, of 'n bankinstelling” en die voorbehoudsbepaling te skrap.

15. Artikel *sewe-enderdertig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (2) te skrap;
- (b) deur in sub-artikel (3) die woorde „of ingevolge voormelde Wet No. 29 van 1939” en die woorde „wat 'n regs persoon is” te skrap;
- (c) deur sub-artikel (6) te skrap; en
- (d) deur in sub-artikel (7) die woorde „'n bankinstelling wat ingevolge voormelde Wet No. 29 van 1939 geregistreer is of as geregistreer beskou word of” en die woorde „wat 'n regs persoon is” te skrap.

16. Artikel *agt-enderdertig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (g) van sub-artikel (1) na die woord „keur” die woorde „of sy vorige goedkeuring van die aanstelling van 'n ouditeur intrek” in te voeg;
- (b) deur in sub-artikel (2) die woorde „die Minister” deur die woord „hom” te vervang; en
- (c) deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) Waar die ouditeur van 'n bankinstelling 'n vennootskap is, verval die aanstelling van die ouditeur nie op grond van 'n verandering in die samestelling van die vennootskap nie solank minstens die helfte van die persone wat op die datum van die vennootskap se jongste aanstelling vennote daarin was, nog vennote daarin is.”

17. Artikel *veertig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die bepalings van sub-artikels (1) en (2) van artikel *negentig bis*, sub-artikels (1), (2) en (4) van artikel *negentig ter* en sub-artikels (1) en (2) van artikel *nege-en-negentig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing op elke direkteur, bestuurder, sekretaris of ander amptenaar of ouditeur van 'n bankinstelling: Met dien verstande dat die in vermelde sub-artikels bedoelde balansstaat, wins-en-verliesrekening en verslae binne drie maande na die einde van die boekjaar waarop hulle betrekking het in tweevoud aan die Registrateur voorgelê moet word.”; en

- (b) deur sub-artikel (3) te skrap.

18. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „wat 'n regs persoon is en” te skrap.

19. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „met regs persoonlikheid” te skrap.

20. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „wat 'n regs persoon is maar wat nie ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), geregistreer is of as geregistreer beskou word nie” te skrap;
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* By die toepassing van die bepalings van sub-artikel (1)*bis* van artikel *honderd-enderdertien* van bedoelde Wet No. 46 van 1926 ten opsigte van

any banking institution, they shall be construed as if the words 'with the Registrar of Banks and' had been inserted before the words 'with the Master', the words 'Registrar of Banks or the' after the words 'and the', and the words 'Registrar of Banks or the' before the word 'Master' where it appears for the last time.”;

- (c) by the substitution for sub-section (4) of the following sub-sections:

“(4) In the liquidation of a banking institution a contributory shall not have a right of set-off in respect of a debt due to him by the institution.

(4)*bis* Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), no person other than a person recommended by the Registrar shall be appointed by a Master of the Supreme Court as liquidator, provisional liquidator, judicial manager or provisional judicial manager of a banking institution.”; and

- (d) by the addition of the following sub-section:

“(7) An order of court made in the Union and relating to the judicial management or winding-up of a banking institution shall have the same effect in the Territory as it has in the Union, and any such order made in the Territory shall have the same effect in the Union as it has in the Territory.”.

21. Section *forty-five* of the principal Act is hereby amended by the deletion of the words “or the Registrar of Co-operative Societies, as the case may be”.

22. Section *forty-six* of the principal Act is hereby amended by the deletion of sub-section (2).

23. Section *fifty-one* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (2)*bis* of the following sub-sections:

“(1) On payment of a fee of fifty cents, any person may inspect and make a copy of any document furnished to the Registrar by any one banking institution in terms of sub-section (2) of section *four* or sub-section (1) of section *thirteen* or section *thirty-five* or *thirty-seven*.

(2) The Registrar shall furnish any applicant therefor with a photostatic or double-spaced type-written copy of, or extract from, any such document as aforesaid, on payment by the applicant of a fee of fifty cents for every single foolscap page or portion thereof of which the copy or extract consists.

(2)*bis* The Registrar shall furnish any applicant therefor, on payment of a fee of twenty-five cents, with a certified copy of any certificate of registration or provisional registration or any certificate of change of name issued by him.”.

24. Section *fifty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words “*nineteen* or *twenty-eight*” of the words “*sixteen*, *seventeen*, *eighteen* or *twenty*”.

25. Section *fifty-four bis* of the principal Act is hereby amended with effect from the date of commencement thereof 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”.

26. The following section is hereby inserted in the principal Act after section *fifty-four bis*:

“Periodic review of Act.

54*ter*. Before 1st January, 1971, and thereafter from time to time at intervals of not more than ten years, the Minister shall appoint a committee to enquire into and report to him on amendments to this Act which, in the opinion of the committee, have become desirable by virtue of changed circumstances or which the administration of the Act has shown to be desirable.”.

27. The principal Act is hereby amended—

- (a) by the deletion of the following, namely—

’n bankinstelling word hulle uitgelê asof voor die woorde ,by die Meester’ die woorde ,by die Registrateur van Banke en’, na die woorde ,en die’ die woorde ,Registrateur van Banke of die’ en voor die woord ,Meester’, waar dit die laaste keer voorkom die woorde ,Registrateur van Banke of die’ ingevoeg was.”;

- (c) deur sub-artikel (4) deur die volgende sub-artikels te vervang:

“(4) By die likwidasië van ’n bankinstelling is ’n kontribuant nie op skuldvergelyking geregtig ten opsigte van skuld deur die instelling aan hom verskuldig nie.

“(4)*bis* Ondanks die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), word niemand anders as ’n persoon wat die Registrateur aanbeveel het deur ’n Meester van die Hooggeregshof as likwidateur, voorlopige likwidateur, geregtelike bestuurder of voorlopige geregtelike bestuurder van ’n bankinstelling aangestel nie.”; en

- (d) deur die volgende sub-artikel by te voeg:

“(7) ’n Hofbevel in die Unie uitgereik wat op die geregtelike bestuur of likwidasië van ’n bankinstelling betrekking het, het dieselfde uitwerking in die Gebied as in die Unie, en so ’n bevel in die Gebied uitgereik, het dieselfde uitwerking in die Unie as in die Gebied.”.

21. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „na gelang van die geval” en die woorde „of die Registrateur van Koöperatiewe Verenigings” te skrap.

22. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

23. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (2)*bis* deur die volgende sub-artikels te vervang:

“(1) By betaling van die bedrag van vyftig sent kan enigiemand enige dokument wat ingevolge sub-artikel (2) van artikel *vier* of sub-artikel (1) van artikel *dertien* of artikel *vyf-en-dertig* of *sewe-enderdertig* deur ’n bepaalde bankinstelling aan die Registrateur verstrek is, insien en ’n afskrif daarvan maak.

(2) Die Registrateur verstrek aan ’n applikant ’n fotostatiese of met dubbelspasiëring getikte afskrif van of uittreksel uit so ’n voormelde dokument teen betaling deur die applikant van die bedrag van vyftig sent vir elke enkelfoliobladsy of deel daarvan waaruit die afskrif of uittreksel bestaan.

(2)*bis* Die Registrateur verstrek aan ’n applikant teen betaling van ’n bedrag van vyf-en-twintig sent, ’n gesertifiseerde afskrif van enige registrasiesertifikaat of voorlopige registrasiesertifikaat of sertifikaat van naamsverandering deur hom uitgereik.”.

24. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woorde „*negentien* of *agt-en-twintig*” deur die woorde „*sestien*, *sewentien*, *agtien* of *twintig*” te vervang.

25. Artikel *vier-en-vyftig bis* van die Hoofwet word hierby gewysig met ingang van die datum van inwerking-treding daarvan deur in sub-artikel (1) na die woord „Wet” waar dit die eerste keer voorkom die woorde „en enige wysiging daarvan” in te voeg.

26. Die volgende artikel word hierby na artikel *vier-en-vyftig bis* in die Hoofwet ingevoeg:

„Periodieke hersiening van Wet.

54*ter*. Die Minister benoem voor 1 Januarie 1971 en daarna van tyd tot tyd met tussenpose van hoogstens tien jaar ’n komitee om ondersoek in te stel na en aan hom verslag te doen oor wysigings aan hierdie Wet wat, na die komitee se mening, op grond van veranderde omstandighede wenslik geword het, of wat uit die administrasie van die Wet geblyk het wenslik te wees.”.

27. Die Hoofwet word hierby gewysig—

- (a) deur die volgende te skrap, te wete—

- (i) the superscriptions "Chapter II" and "Commercial Banks" appearing immediately above section *thirteen*;
 - (ii) the superscriptions "Chapter III" and "People's Bank" appearing immediately above section *eighteen*;
 - (iii) the superscriptions "Chapter IV" and "Loan Banks" appearing immediately above section *twenty-six*;
 - (iv) the superscriptions "Chapter V" and "Deposit-receiving Institutions" appearing immediately above section *twenty-seven*; and
 - (v) the superscription "Chapter VI" and "General Provisions" appearing immediately above section *twenty-nine*; and
- (b) by the insertion of the following, namely—
- (i) the superscriptions "Chapter II" and "Registration" immediately above section *four*;
 - (ii) the superscriptions "Chapter III" and "Returns" immediately above section *thirteen*;
 - (iii) the superscriptions "Chapter IV" and "Financial Requirements" immediately above section *fourteen*; and
 - (iv) the superscriptions "Chapter V" and "General Provisions" immediately above section *thirty-one*.

28. Sections *eight bis* and *eight ter* of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), are hereby repealed.

29. This Act shall be called the Banking Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 62, 1964 (Republic).]

ACT

To amend the Building Societies Act, 1934.

(*Afrikaans text signed by the State President.*)
(*Assented to 16th June, 1964.*)

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

1. Section *two* of the Building Societies Act, 1934 hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The Minister may similarly appoint an officer to be styled the deputy registrar of building societies who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar."

2. Section *five* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

"(5) No society shall use or refer to itself by a name other than the name under which it is registered or an abbreviation thereof or a literal translation thereof into the other official language of the Union approved by the registrar, but nothing in this sub-section shall be construed as prohibiting the use by any society in whose registered name the expression 'building society', 'permanent', 'terminating', 'mutual', 'bouvereniging', 'permanente', 'tydelike', or 'onderlinge' occurs, of a name which consists of its registered name modified by the substitution therein for the expression in question of the corresponding expression in the other official language of the Union as used in this Act."

- (i) die opskrifte „Hoofstuk II” en „Handelsbanke” wat onmiddellik bo artikel *dertien* verskyn;
 - (ii) die opskrifte „Hoofstuk III” en „Volksbanke” wat onmiddellik bo artikel *agtien* verskyn;
 - (iii) die opskrifte „Hoofstuk IV” en „Leningsbanke” wat onmiddellik bo artikel *ses-en-twintig* verskyn;
 - (iv) die opskrifte „Hoofstuk V” en „Depositonemende Instellings” wat onmiddellik bo artikel *sewe-en-twintig* verskyn; en
 - (v) die opskrifte „Hoofstuk VI” en „Algemene Bepalings” wat onmiddellik bo artikel *nege-en-twintig* verskyn; en
- (b) deur die volgende in te voeg, te wete—
- (i) die opskrifte „Hoofstuk II” en „Registrasie” onmiddellik bo artikel *vier*;
 - (ii) die opskrifte „Hoofstuk III” en „Opgawes” onmiddellik bo artikel *dertien*;
 - (iii) die opskrifte „Hoofstuk IV” en „Finansiële Voorskrifte” onmiddellik bo artikel *veertien*; en
 - (iv) die opskrifte „Hoofstuk V” en „Algemene Bepalings” onmiddellik bo artikel *een-en-dertig*.

28. Artikels *agt bis* en *agt ter* van die Suid-Afrikaanse Reserwebank, 1944 (Wet No. 29 van 1944), word hierby herroep.

29. Hierdie Wet heet die Bankwysigingswet, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

No. 62, 1964 (Republiek).]

WET

Tot wysigings van die Bouverenigingswet, 1934.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 16 Junie 1964.*)

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

1. Artikel *twee* van die Bouverenigingswet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Minister kan insgelyks 'n beampte aanstel, die adjunk-registrateur van bouverenigings genoem, wat onderworpe aan die beheer en voorskrifte van die registrateur, enigiets kan doen wat die registrateur wettiglik kan doen."

2. Artikel *vyf* van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Geen vereniging mag gebruik maak van of na homself verwys by 'n ander naam dan die naam waaronder hy geregistreer is of 'n verkorting daarvan of 'n letterlike vertaling daarvan in die ander amptelike taal van die Unie wat deur die registrateur goedgekeur is nie, maar die bepaling van hierdie sub-artikel word nie so uitgelê dat dit 'n vereniging in die geregistreerde naam waarvan die uitdrukking 'bouvereniging', 'permanente', 'tydelike', 'onderlinge', 'building society', 'permanent', 'terminating', of 'mutual' voorkom, belet om 'n naam te gebruik bestaande uit sy geregistreerde naam wat verander is deur bedoelde uitdrukking daarin deur die ooreenstemmende uitdrukking in die ander amptelike taal van die Unie soos in hierdie Wet gebesig, te vervang nie."

any banking institution, they shall be construed as if the words 'with the Registrar of Banks and' had been inserted before the words 'with the Master', the words 'Registrar of Banks or the' after the words 'and the', and the words 'Registrar of Banks or the' before the word 'Master' where it appears for the last time.";

- (c) by the substitution for sub-section (4) of the following sub-sections:

"(4) In the liquidation of a banking institution a contributory shall not have a right of set-off in respect of a debt due to him by the institution.

(4)*bis* Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), no person other than a person recommended by the Registrar shall be appointed by a Master of the Supreme Court as liquidator, provisional liquidator, judicial manager or provisional judicial manager of a banking institution."; and

- (d) by the addition of the following sub-section:

"(7) An order of court made in the Union and relating to the judicial management or winding-up of a banking institution shall have the same effect in the Territory as it has in the Union, and any such order made in the Territory shall have the same effect in the Union as it has in the Territory."

21. Section *forty-five* of the principal Act is hereby amended by the deletion of the words "or the Registrar of Co-operative Societies, as the case may be".

22. Section *forty-six* of the principal Act is hereby amended by the deletion of sub-section (2).

23. Section *fifty-one* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (2)*bis* of the following sub-sections:

"(1) On payment of a fee of fifty cents, any person may inspect and make a copy of any document furnished to the Registrar by any one banking institution in terms of sub-section (2) of section *four* or sub-section (1) of section *thirteen* or section *thirty-five* or *thirty-seven*.

(2) The Registrar shall furnish any applicant therefor with a photostatic or double-spaced type-written copy of, or extract from, any such document as aforesaid, on payment by the applicant of a fee of fifty cents for every single foolscap page or portion thereof of which the copy or extract consists.

(2)*bis* The Registrar shall furnish any applicant therefor, on payment of a fee of twenty-five cents, with a certified copy of any certificate of registration or provisional registration or any certificate of change of name issued by him."

24. Section *fifty-two* of the principal Act is hereby amended by the substitution in sub-section (5) for the words "*nineteen or twenty-eight*" of the words "*sixteen, seventeen, eighteen or twenty*".

25. Section *fifty-four bis* of the principal Act is hereby amended with effect from the date of commencement thereof 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".

26. The following section is hereby inserted in the principal Act after section *fifty-four bis*:

"Periodic review of Act.

54*ter*. Before 1st January, 1971, and thereafter from time to time at intervals of not more than ten years, the Minister shall appoint a committee to enquire into and report to him on amendments to this Act which, in the opinion of the committee, have become desirable by virtue of changed circumstances or which the administration of the Act has shown to be desirable."

27. The principal Act is hereby amended—

- (a) by the deletion of the following, namely—

'n bankinstelling word hulle uitgelê asof voor die woorde 'by die Meester' die woorde 'by die Registrateur van Banke en', na die woorde 'en die' die woorde 'Registrateur van Banke of die' en voor die woord 'Meester', waar dit die laaste keer voorkom die woorde 'Registrateur van Banke of die' ingevoeg was.";

- (c) deur sub-artikel (4) deur die volgende sub-artikels te vervang:

„(4) By die likwidasië van 'n bankinstelling is 'n kontribuënt nie op skuldvergelyking geregtig ten opsigte van skuld deur die instelling aan hom ver-skuldig nie.

„(4)*bis* Ondanks die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), word niemand anders as 'n persoon wat die Registrateur aanbeveel het deur 'n Meester van die Hooggeregshof as likwidateur, voorlopige likwidateur, geregtelike bestuurder of voorlopige geregtelike bestuurder van 'n bankinstelling aangestel nie."; en

- (d) deur die volgende sub-artikel by te voeg:

„(7) 'n Hofbevel in die Unie uitgereik wat op die geregtelike bestuur of likwidasië van 'n bankinstelling betrekking het, het dieselfde uitwerking in die Gebied as in die Unie, en so 'n bevel in die Gebied uitgereik, het dieselfde uitwerking in die Unie as in die Gebied."

21. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „na gelang van die geval” en die woorde „of die Registrateur van Koöperatiewe Verenigings” te skrap.

22. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

23. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (2)*bis* deur die volgende sub-artikels te vervang:

„(1) By betaling van die bedrag van vyftig sent kan enigiemand enige dokument wat ingevolge sub-artikel (2) van artikel *vier* of sub-artikel (1) van artikel *dertien* of artikel *vyf-en-dertig* of *sewe-enderdertig* deur 'n bepaalde bankinstelling aan die Registrateur verstrek is, insien en 'n afskrif daarvan maak.

(2) Die Registrateur verstrek aan 'n applikant 'n fotostatiese of met dubbelspasiëring getikte afskrif van of uittreksel uit so 'n voormelde dokument teen betaling deur die applikant van die bedrag van vyftig sent vir elke enkelfoliobladsy of deel daarvan waaruit die afskrif of uittreksel bestaan.

(2)*bis* Die Registrateur verstrek aan 'n applikant teen betaling van 'n bedrag van vyf-en-twintig sent, 'n gesertifiseerde afskrif van enige registrasiesertifikaat of voorlopige registrasiesertifikaat of sertifikaat van naamsverandering deur hom uitgereik."

24. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (5) die woorde „*negentien of agt-en-twintig*” deur die woorde „*sestien, sewentien, agtien of twintig*” te vervang.

25. Artikel *vier-en-vyftig bis* van die Hoofwet word hierby gewysig met ingang van die datum van inwerking-treding daarvan deur in sub-artikel (1) na die woord „Wet” waar dit die eerste keer voorkom die woorde „en enige wysiging daarvan” in te voeg.

26. Die volgende artikel word hierby na artikel *vier-en-vyftig bis* in die Hoofwet ingevoeg:

„Periodieke her-siening van Wet.

54*ter*. Die Minister benoem voor 1 Januarie 1971 en daarna van tyd tot tyd met tussenspoos van hoogstens tien jaar 'n komitee om ondersoek in te stel na en aan hom verslag te doen oor wysigings aan hierdie Wet wat, na die komitee se mening, op grond van veranderde omstandighede wenslik geword het, of wat uit die administrasie van die Wet geblyk het wenslik te wees."

27. Die Hoofwet word hierby gewysig—

- (a) deur die volgende te skrap, te wete—

- (i) the superscriptions "Chapter II" and "Commercial Banks" appearing immediately above section *thirteen*;
 - (ii) the superscriptions "Chapter III" and "People's Bank" appearing immediately above section *eighteen*;
 - (iii) the superscriptions "Chapter IV" and "Loan Banks" appearing immediately above section *twenty-six*;
 - (iv) the superscriptions "Chapter V" and "Deposit-receiving Institutions" appearing immediately above section *twenty-seven*; and
 - (v) the superscription "Chapter VI" and "General Provisions" appearing immediately above section *twenty-nine*; and
- (b) by the insertion of the following, namely—
- (i) the superscriptions "Chapter II" and "Registration" immediately above section *four*;
 - (ii) the superscriptions "Chapter III" and "Returns" immediately above section *thirteen*;
 - (iii) the superscriptions "Chapter IV" and "Financial Requirements" immediately above section *fourteen*; and
 - (iv) the superscriptions "Chapter V" and "General Provisions" immediately above section *thirty-one*.

28. Sections *eight bis* and *eight ter* of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), are hereby repealed.

29. This Act shall be called the Banking Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

- (i) die opskrifte „Hoofstuk II” en „Handelsbanke” wat onmiddellik bo artikel *dertien* verskyn;
 - (ii) die opskrifte „Hoofstuk III” en „Volksbanke” wat onmiddellik bo artikel *agtien* verskyn;
 - (iii) die opskrifte „Hoofstuk IV” en „Leningsbanke” wat onmiddellik bo artikel *ses-en-twintig* verskyn;
 - (iv) die opskrifte „Hoofstuk V” en „Depositorenmennende Instellings” wat onmiddellik bo artikel *sewe-en-twintig* verskyn; en
 - (v) die opskrifte „Hoofstuk VI” en „Algemene Bepalings” wat onmiddellik bo artikel *nege-en-twintig* verskyn; en
- (b) deur die volgende in te voeg, te wete—
- (i) die opskrifte „Hoofstuk II” en „Registrasie” onmiddellik bo artikel *vier*;
 - (ii) die opskrifte „Hoofstuk III” en „Opgawes” onmiddellik bo artikel *dertien*;
 - (iii) die opskrifte „Hoofstuk IV” en „Finansiële Voorskrifte” onmiddellik bo artikel *veertien*; en
 - (iv) die opskrifte „Hoofstuk V” en „Algemene Bepalings” onmiddellik bo artikel *een-en-dertig*.

28. Artikels *agt bis* en *agt ter* van die Wet op die Suid-Afrikaanse Reserwebank, 1944 (Wet No. 29 van 1944), word hierby herroep.

29. Hierdie Wet heet die Bankwysigingswet, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

No. 62, 1964 (Republic).]

ACT

To amend the Building Societies Act, 1934.

(Afrikaans text signed by the State President.)
(Assented to 16th June, 1964.)

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

1. Section *two* of the Building Societies Act, 1934 hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The Minister may similarly appoint an officer to be styled the deputy registrar of building societies who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar.”

2. Section *five* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

“(5) No society shall use or refer to itself by a name other than the name under which it is registered or an abbreviation thereof or a literal translation thereof into the other official language of the Union approved by the registrar, but nothing in this sub-section shall be construed as prohibiting the use by any society in whose registered name the expression 'building society', 'permanent', 'terminating', 'mutual', 'bouvereniging', 'permanente', 'tydelike', or 'onderlinge' occurs, of a name which consists of its registered name modified by the substitution therein for the expression in question of the corresponding expression in the other official language of the Union as used in this Act.”

No. 62, 1964 (Republiek).]

WET

Tot wysigings van die Bouverenigingswet, 1934.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1964.)

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

1. Artikel *twee* van die Bouverenigingswet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Minister kan insgelyks 'n beampte aanstel, die adjunk-registrateur van bouverenigings genoem, wat onderworpe aan die beheer en voorskrifte van die registrateur, enigiets kan doen wat die registrateur wettiglik kan doen.”

2. Artikel *vyf* van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Geen vereniging mag gebruik maak van of na homself verwys by 'n ander naam dan die naam waaronder hy geregistreer is of 'n verkorting daarvan of 'n letterlike vertaling daarvan in die ander amptelike taal van die Unie wat deur die registrateur goedgekeur is nie, maar die bepalings van hierdie sub-artikel word nie so uitgelê dat dit 'n vereniging in die geregistreerde naam waarvan die uitdrukking 'bouvereniging', 'permanente', 'tydelike', 'onderlinge', 'building society', 'permanent', 'terminating', of 'mutual' voorkom, belet om 'n naam te gebruik bestaande uit sy geregistreerde naam wat verander is deur bedoelde uitdrukking daarin deur die ooreenstemmende uitdrukking in die ander amptelike taal van die Unie soos in hierdie Wet gebesig, te vervang nie.”

3. Section *twenty-one* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) Any married or unmarried woman who borrows money from any society or guarantees or stands surety for or takes over or assumes responsibility for the payment of the debt of any person to any society shall be deemed to have renounced the benefits of the *Senatusconsultum Velleianum* and the *Authentica si qua mulier*, in so far as they would but for the renunciation have applied.”

4. Section *twenty-two* of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of sub-section (1) of the following paragraph:

“(e) to hold cash and make deposits and investments as authorized by section *twenty-four*.”;

(b) by the deletion of paragraph (e)*bis* of that sub-section; and

(c) by the insertion after paragraph (i) of that sub-section of the following paragraphs:

“(i)*bis* in the case of a permanent society, to grant loans to its employees for the purpose of defraying educational and medical expenses and for such other purposes as may have been approved by the registrar;

(i)*ter* notwithstanding anything contained in the rules of the society, to grant loans to any educational organization or institution approved by the registrar by notice in the *Gazette*;

(i)*quater* to establish or join with other building societies in establishing an insurance company with limited liability, to be registered under the Companies Act, 1926 (Act No. 46 of 1926), the activities of which shall be confined to effecting insurances—

(a) in respect of immovable property mortgaged or to be mortgaged to a society; or

(b) to provide further security for the repayment of any advance made by a society on the security of a mortgage of immovable property; or

(c) in respect of any recognized class of risk against which a society in the conduct of its business normally insures itself:

Provided that—

(i) save with the consent of the Registrar, no person other than a building society shall be the registered or beneficial owner of any share in any such company and that a building society or building societies shall at all times be the registered and beneficial owner or owners of the majority of the shares in such company; and

(ii) the memorandum and articles of association of any such company, or any amendment thereto, shall be subject to the prior approval of the registrar and the registrar of insurance.”

5. The following section is hereby substituted for section *twenty-three* of the principal Act:

“Deposits.

23. (1) A society shall not accept deposits of money subject to withdrawal by cheque, draft or order payable on demand.

(2) A society shall not accept savings deposits from any company with limited liability, except in the case of an association licensed in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926).

(3) The provisions of sub-section (2) shall not apply to savings accounts existing at the commencement of the Building Societies Amendment Act, 1964, but no further amount other than interest shall be credited to any such account.

3. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) 'n Getroude of ongetroude vrou wat geld by 'n vereniging leen of die skuld van enige persoon by 'n vereniging waarborg of daarvoor borgstaan of dit oorneem of aanspreeklikheid vir die betaling daarvan aanvaar, word geag van die voordele van die *Senatusconsultum Velleianum* en die *Authentica si qua mulier* afstand te gedoen het vir sover hulle by ontstentenis van die afstanddoening sou gegeld het.”

4. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur paragraaf (e) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(e) kontant hou en deposito's en beleggings maak soos by artikel *vier-en-twintig* gemagtig.”;

(b) deur paragraaf (e)*bis* van daardie sub-artikel te skrap; en

(c) deur na paragraaf (i) van daardie sub-artikel die volgende paragrafe in te voeg:

„(i)*bis* in die geval van 'n permanente vereniging, lenings aan sy werknemers verstrekk ter bstryding van opvoedkundige en geneeskundige uitgawes en vir die ander doeleindes wat die **registrator goedgekeur** het;

(i)*ter* ongeag enigiets in die reëls van die vereniging vervat, lenings verstrekk aan 'n opvoedkundige organisasie of inrigting deur die registrator by kennisgewing in die *Staatskoerant* goedgekeur;

(i)*quater* alleen of saam met ander bouverenigings 'n versekeringsmaatskappy met beperkte aanspreeklikheid oprig wat kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer moet word en waarvan die bedrywighede beperk moet word tot die daarstelling van versekering—

(a) ten opsigte van onroerende eiendom wat ten gunste van 'n vereniging verhipotekeer is of staan te word; of

(b) om bykomende sekuriteit te voorsien vir die terugbetaling van 'n voorskot deur 'n vereniging teen sekuriteit van 'n verband oor onroerende eiendom verstrekk; of

(c) ten opsigte van enige erkende soort risiko waarteen 'n vereniging homself in die gewone loop van sy besigheid verseker:

Met dien verstande dat—

(i) behalwe met die toestemming van die Registrator, geen ander persoon as 'n bouvereniging die geregistreerde eienaar of die genottrekker ten opsigte van enige aandeel in so 'n maatskappy mag wees nie en dat 'n bouvereniging of bouverenigings te alle tye die geregistreerde eienaar of eienaars en genottrekker of genottrekkers van die meerderheid van die aandele in so 'n maatskappy moet wees; en

(ii) die akte van oprigting en statute van so 'n maatskappy, of enige wysiging daarvan, aan die voorafgaande goedkeuring van die registrator en die registrator van versekeringswese onderworpe is;”;

5. Artikel *drie-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Deposito's.

23. (1) 'n Vereniging neem nie geld op deposito aan wat per tjek, wissel of order by aanvraag onttrek kan word nie.

(2) 'n Vereniging neem nie spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid aan nie, behalwe in die geval van 'n vereniging wat kragtens artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), gelisensieer is.

(3) Die bepalinge van sub-artikel (2) is nie van toepassing op spaarrekenings wat by die inwerkingtreding van die Wysigingswet op Bouverenigings, 1964, bestaan nie, maar so 'n rekening word met geen verdere bedrae, behalwe rente, gekrediteer nie.

(4) A society shall not allow any one person to maintain with it a credit balance on savings account in excess of—

- (a) two thousand rand if the society's total assets as at the close of the last preceding financial year did not exceed five hundred thousand rand; or
- (b) six thousand rand if the said assets at the close of such financial year exceeded five hundred thousand rand:

Provided that nothing in this sub-section contained shall preclude a society from crediting interest to a savings account.

(5) Where the credit balance on a savings account at the commencement of the Building Societies Amendment Act, 1964, exceeds the limit prescribed by sub-section (4) such balance shall not by reason of the provisions of the said sub-section be required to be reduced: Provided that—

- (i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said limit; and
- (ii) if the balance in such account is at any time reduced to below the said limit, such limit shall also apply to it.

(6) Where the limit prescribed by sub-section (4) is exceeded as a result of an amalgamation of two or more societies or the transfer of assets and liabilities of any society to another society, the provisions of sub-section (5) shall *mutatis mutandis* apply as if the savings account in question had been in existence immediately before the commencement of the Building Societies Amendment Act, 1964.

(7) Save with the written consent of the registrar, which may be given either generally or specially, and subject to such conditions as he may prescribe, no society with total assets as set out in any item of the first column in the table hereunder, shall allow any one person to hold fixed deposits exceeding in the aggregate, exclusive of interest, the amount set out opposite that item in the second column of such table:

TABLE.

<i>Total assets as at the close of the last preceding financial year.</i>	<i>Maximum aggregate fixed deposits.</i>
Under R200,000	R15,000
R200,000 and under R500,000	R30,000
R500,000 and under R2,000,000	R60,000
R2,000,000 and under R10,000,000	R90,000
R10,000,000 and under R20,000,000	R120,000
R20,000,000 and over	R150,000

(8) Where funds are deposited for account of a *bona fide trust*, separate accounts may be opened by the same trustee for different trusts, subject in each individual case to the limits prescribed by this section.

(9) A society shall repay a fixed deposit on due date and not earlier, but shall not be required to repay it on due date where the depositor concerned has previously instructed it in writing as to the manner in which the deposit or any portion thereof is to be re-invested with the society.

(10) Notwithstanding the provisions of sub-section (9), a society may in its discretion repay a fixed deposit before due date—

(4) 'n Vereniging laat niemand toe om by hom 'n kreditsaldo op spaarrekening te hou van meer as—

- (a) tweeduisend rand indien die vereniging se totale bates aan die einde van die jongste voorafgaande boekjaar nie meer as vyfhonderdduisend rand bedra het nie; of
- (b) sesduisend rand indien bedoelde bates aan die einde van daardie boekjaar meer as vyfhonderdduisend rand bedra het nie:

Met dien verstande dat die bepalings van hierdie sub-artikel 'n vereniging nie belet om 'n spaarrekening met rente te krediteer nie.

(5) Waar die kreditsaldo op 'n spaarrekening by die inwerkingtrede van die Wysigingswet op Bouverenigings, 1964, die by sub-artikel (4) voorgeskrewe perk oorskry, hoef dit nie op grond van die bepalings van vermeldde sub-artikel verminder te word nie:

Met dien verstande dat—

- (i) so 'n rekening met geen verdere bedrag, behalwe rente, gekrediteer mag word so lank sy kreditsaldo genoemde perk oorskry nie; en
- (ii) indien die saldo van so 'n rekening te eniger tyd benede vermeldde perk daal, dié perk ook daarop van toepassing is.

(6) Waar die perk voorgeskryf by sub-artikel (4) oorskry word as gevolg van die samesmelting van twee of meer verenigings, of die oordrag van bates en laste van een vereniging aan 'n ander, is die bepalings van sub-artikel (5) *mutatis mutandis* van toepassing asof die betrokke spaarrekening onmiddellik voor die inwerkingtrede van die Wysigingswet op Bouverenigings, 1964, bestaan het.

(7) Behalwe met skriftelike toestemming van die registrateur, wat in die algemeen of in bepaalde gevalle verleen kan word, en onderworpe aan die voorwaardes wat hy voorskryf, mag geen vereniging met totale bates soos in 'n item in die eerste kolom van die tabel hieronder uiteengesit, enige persoon toelaat om vaste deposito's te hou wat afgesien van rente in die geheel meer as die bedrag in die tweede kolom van daardie tabel teenoor bedoelde item uiteengesit, beloop nie:

TABEL.

<i>Totale bates by die sluiting van die jongste voorafgaande boekjaar.</i>	<i>Maksimum totale vaste deposito's.</i>
Onder R200,000	R15,000
R200,000 en onder R500,000	R30,000
R500,000 en onder R2,000,000	R60,000
R2,000,000 en onder R10,000,000	R90,000
R10,000,000 en onder R20,000,000	R120,000
R20,000,000 en daarbo	R150,000

(8) Waar fondse op rekening van 'n *bona fide-trust* gedeponeer word, kan afsonderlike rekenings deur dieselfde trustee vir verskillende trusts geopen word, onderworpe in elke afsonderlike geval aan die perke in hierdie artikel voorgeskryf.

(9) 'n Vereniging moet 'n vaste deposito op die vervaldag terugbetaal en nie vroeër nie, maar hoef dit nie op die vervaldag terug te betaal nie waar die betrokke deposant hom vooraf skriftelik opdrag gegee het betreffende die wyse waarop die deposito of enige gedeelte daarvan by die vereniging herbelê moet word.

(10) Ongeag die bepalings van sub-artikel (9), kan 'n vereniging na goeddunke 'n vaste deposito voor vervaldag terugbetaal—

- (a) where the deposit forms part of the assets in an insolvent or a deceased estate;
- (b) where the depositor has been placed under curatorship;
- (c) where the depositor has been placed under judicial management or in liquidation;
- (d) where the deposit is required by a pension fund to effect deferred pension payments;
- (e) in the case of a fixed deposit ceded to the society as collateral security;
- (f) in any case after the expiration of a period of twelve months from the date on which the deposit was made with it or was last re-invested with it if the depositor has given it at least thirty days notice of withdrawal; or
- (g) in such other cases as the registrar may approve either generally or in any particular case.

(11) A society shall not grant a loan against the security of a fixed deposit which it holds to the credit of the borrower at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate payable in respect of such deposit."

6. Section *twenty-three bis* of the principal Act is hereby amended—

- (a) by the deletion of sub-section (2); and
- (b) by the substitution for sub-section (4) of the following sub-section:

"(4) A society shall not pledge any assets as security for loans or overdrafts unless its unencumbered assets apart from assets which have been so pledged amount to not less than the sum of—

- (a) all its liabilities excluding indefinite shares and reserves; and
- (b) the amount of paid-up indefinite share capital and statutory reserve which it is required to maintain in terms of sub-section (1) of section *twenty-five bis*."

7. The following section is hereby substituted for section *twenty-three ter* of the principal Act:

^{Minimum liquid assets.}

23ter. (1) (a) A permanent society shall maintain in the Union in respect of its liabilities to the public (excluding shares for an indefinite period issued by it), liquid assets amounting to not less than the aggregate of—

- (i) fifteen per cent of its short-term liabilities;
- (ii) ten per cent of its medium-term liabilities; and
- (iii) five per cent of its long-term liabilities,

as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*; Provided that in respect of its liabilities in the form of fixed deposits a society may, instead of an amount calculated in accordance with the foregoing provisions of this paragraph maintain liquid assets equal to seven and one-half per cent of the aggregate amount of all such deposits.

(b) The provisions of paragraph (a) shall in respect of a society existing at the date of commencement of the Building Societies Amendment Act, 1964, come into operation one year after the said date: Provided that—

- (i) a society which at the end of the said period of one year for reasons acceptable to the registrar, does not hold the full amount of liquid assets prescribed by paragraph (a), may apply to the registrar for an extension of that period and

- (a) waar die deposito deel uitmaak van die bates van 'n insolvente of bestorwe boedel;
- (b) waar die deposant onder kuratele geplaas is;
- (c) waar die deposant onder geregtelike bestuur of in likwidasië geplaas is;
- (d) waar die deposito deur 'n pensioenfonds benodig word om uitgestelde pensioenbetalings te maak;
- (e) in die geval van 'n vaste deposito wat as kollaterale sekuriteit aan die vereniging gesedeer is;
- (f) in enige geval na die verstryking van 'n tydperk van twaalf maande vanaf die datum waarop die deposito by hom gemaak of laas herbelê is, indien die deposant hom minstens dertig dae kennis van opvraging gegee het; of
- (g) in die ander gevalle wat die registrateur goedkeur, hetsy in die algemeen of in 'n bepaalde geval.

(11) 'n Vereniging verstrek nie 'n lening teen sekuriteit van 'n vaste deposito wat die lener by hom het teen 'n rentekoers wat nie minstens een persent op die bedrag van die lening hoër is as die rentekoers wat op bedoelde deposito betaalbaar is nie."

6. Artikel *drie-en-twintig bis* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (2) te skrap; en
- (b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) 'n Vereniging verpand nie enige bates as sekuriteit vir lenings of oortrekkings nie tensy hy, bo en behalwe bates aldus verpand, onbeswaarde bates besit ten bedrae van nie minder nie as die som van—

- (a) al sy laste, uitgesonderd onbepaalde aandele en reserwes; en
- (b) die bedrag van opbetaalde onbepaalde aandeelkapitaal en statutêre reserwe wat hy ingevolge sub-artikel (1) van artikel *vyf-en-twintig bis* moet hou."

7. Artikel *drie-en-twintig ter* van die Hoofwet word hierby deur die volgende artikel vervang:

^{Minimum likwiede bates.}

23ter. (1) (a) 'n Permanente vereniging moet in die Unie ten opsigte van sy verpligtings teenoor die publiek (uitgesonderd aandele vir 'n onbepaalde termyn deur hom uitgereik) likwiede bates in stand hou tot 'n bedrag van minstens die som van—

- (i) vyftien persent van sy korttermynverpligtings;
- (ii) tien persent van sy middeltermynverpligtings; en
- (iii) vyf persent van sy langtermynverpligtings,

soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrateur verstrek het: Met dien verstande dat 'n vereniging ten opsigte van sy verpligtings in die vorm van vaste deposito's, in plaas van 'n bedrag volgens voorgaande bepalinge van hierdie paragraaf bereken, likwiede bates gelyk aan sewe en 'n halfpersent van die totale bedrag van al daardie deposito's in stand kan hou.

(b) Die bepalinge van paragraaf (a) tree ten opsigte van 'n vereniging wat op die datum van die inwerkingtreding van die Wysigingswet op Bouverenigings, 1964, bestaan, in werking een jaar na vermelde datum: Met dien verstande dat—

- (i) 'n vereniging wat om vir die registrateur aanneemlike redes aan die einde van genoemde tydperk van een jaar nog nie die volle by paragraaf (a) voorgeskrewe bedrag aan likwiede bates besit nie, by die registrateur om verlenging van bedoelde

the registrar may extend it in respect of such society by not more than twelve months; and

- (ii) the society shall during the said period of one year and any extension thereof at all times comply with the requirements relating to liquid assets which were applicable to it prior to the said commencement.

(2) The liabilities of a society as calculated for the purposes of sub-section (1) may be reduced by—

- (a) the amount owing on loans made against the security of deposits or shares in accordance with paragraph (b) of sub-section (1) of section *twenty-four*; and
- (b) the amount of advances made by the State to the society under any State-assisted housing scheme.

(3) A society shall not pledge or otherwise encumber any liquid assets held for the purposes of this section.

(4) For the purposes of this section a security shall be valued at its market value as certified by the secretary of the board of public debt commissioners.”.

8. The following section is hereby inserted in the principal Act after section *twenty-three ter*:

Minimum prescribed investments.

23quater. (1) A permanent society shall maintain prescribed investments to an amount not less than ten per cent of its liabilities to the public inclusive of all classes of shares issued by it but excluding the amount of advances granted but not yet paid out, as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*.

(2) The provisions of sub-sections (3) and (4) of section *twenty-three ter* shall *mutatis mutandis* apply in regard to such investments.”.

9. Section *twenty-four* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) Such portion of the funds of a registered society as is not held in the form of assets ranking as liquid assets or prescribed investments or used for any purpose mentioned in paragraph (i)*bis* or (i)*ter* of sub-section (1) of section *twenty-two*, shall, subject to the provisions of this Act, be invested in one or more of the following forms of security and in no other manner, that is to say—

- (a) subject to the provisions of this section, in advances or readvances to members and others on the security of reducible or fixed term mortgage of urban immovable property situate within the Union;
- (b) in loans to depositors on the security of their deposits with the society and to members on the security of their shares in the society;
- (c) in stock of the National Finance Corporation;
- (d) in shares of any insurance company established in terms of paragraph (i)*quater* of sub-section (1) of section *twenty-two*;
- (e) in the case of a terminating society, on deposit with registered permanent societies or banking institutions registered otherwise than provisionally under the Banking Act, 1942;
- (f) in any other security approved by the registrar by notice in the *Gazette*”;

tydperk aansoek kan doen, en die registrator dit ten opsigte van so 'n vereniging met hoogstens twaalf maande kan verleng; en

- (ii) die vereniging gedurende genoemde tydperk van een jaar en enige verlenging daarvan te alle tye moet voldoen aan die voorskrifte insake likwiede bates wat voor vermelde inwerkingtreeding vir hom gegeld het.

(2) Die verpligtings van 'n vereniging soos vir die doeleindes van sub-artikel (1) bereken, kan verminder word met—

- (a) die bedrag verskuldig op lenings wat ooreenkomstig paragraaf (b) van sub-artikel (1) van artikel *vier-en-twintig* teen die sekuriteit van deposito's of aandele verstrekk is; en
- (b) die bedrag van voorskotte ingevolge 'n Staatsondersteunde behuisingskema deur die Staat aan die vereniging verstrekk.

(3) 'n Vereniging mag nie likwiede bates wat vir die doeleindes van hierdie artikel gehou word, verpand of op 'n ander wyse beswaar nie.

(4) Vir die doeleindes van hierdie artikel, word 'n effek teen sy markwaarde gewaardeer soos deur die sekretaris van die raad van Staatskuldkommissaris se gesertifiseer.”.

8. Die volgende artikel word hierby na artikel *drie-en-twintig ter* in die Hoofwet ingevoeg:

Minimum voorgeskrewe beleggings.

23quater. (1) 'n Permanente vereniging moet voorgeskrewe beleggings in stand hou ten bedrae van minstens tien persent van sy verpligtings teenoor die publiek met inbegrip van alle soorte aandele deur hom uitgereik, maar uitgesonderd die bedrag van voorskotte toegestaan maar nog nie uitbetaal nie, soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrator verstrekk het.

(2) Die bepalinge van sub-artikels (3) en (4) van artikel *drie-en-twintig ter* is *mutatis mutandis* ten opsigte van bedoelde beleggings van toepassing.”.

9. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Daardie deel van die fondse van 'n geregistreerde vereniging wat nie in die vorm van bates wat as likwiede bates of voorgeskrewe beleggings geld, gehou of vir 'n doel genoem in paragraaf (i)*bis* of (i)*ter* van sub-artikel (1) van artikel *twee-en-twintig* gebruik word nie, moet behoudens die bepalinge van hierdie Wet in een of meer van die volgende sekuriteite belê word, en op geen ander wyse nie, te wete—

- (a) onderworpe aan die bepalinge van hierdie artikel, in voorskotte of hervoorskote aan lede en ander persone teen sekuriteit van 'n verminderbare of vastetermyn-verband op stedelike onroerende eiendom geleë binne die Unie;
- (b) in lenings aan deposante teen sekerheid van hulle deposito's, by die vereniging en aan lede teen sekerheid van hulle aandele in die vereniging;
- (c) in aandele van die Nasionale Finansiële Korporasie;
- (d) in aandele van 'n versekeringsmaatskappy opgerig kragtens paragraaf (i)*quater* van sub-artikel (1) van artikel *twee-en-twintig*;
- (e) in die geval van 'n tydelike vereniging, in deposito's by geregistreerde permanente verenigings of bankinstellings wat anders as voorlopig geregistreer is kragtens die Bankwet, 1942;
- (f) in enige ander deur die registrator by kennisgewing in die *Staatskoerant* goedgekeurde sekuriteit.”;

(b) by the substitution for paragraph (b) of sub-section (1) *bis* of the following paragraph:

“(b) The sum total of all advances on each of which there is owing to a society an aggregate sum in excess of fifteen thousand rand shall at no time exceed an amount equivalent to twenty-five per cent of the total assets of the society as at the close of the last preceding calendar quarter.”;

(c) by the substitution for sub-section (3) of the following sub-section:

“(3) A registered permanent society shall not on the security of a reducible mortgage of immovable property advance more than seventy-five per cent of the value reasonably determined of the property hypothecated or the lease or licence ceded and of the costs of transfer of the said property in so far as such costs do not exceed four per cent of the purchase price of such property: Provided that if collateral security is furnished it may advance an amount—

(a) not exceeding the value so determined of the said property, lease or licence; and

(b) not exceeding the sum of—

(i) seventy-five per cent of the value so determined of the said property, lease or licence and the said transfer costs; plus

(ii) the value of the collateral security calculated as provided in sub-section (5):

Provided further that in the case of property which was mortgaged to the society and which has been purchased by it owing to the default of the debtor or which has been sold in execution or upon insolvency or under authority of the debtor granted subsequent to his default under a mortgage bond, a society may, notwithstanding the provisions of this sub-section, lend to a purchaser on the security of a reducible mortgage, an amount not exceeding the amount due to the society by the previous owner at the time of purchase or sale, as the case may be, and previously secured by the mortgage of the said property, plus the aggregate amount of costs and preferent charges incurred by the society in respect of—

(i) legal proceeding instituted by it against such owner for the recovery of any of the moneys due under the mortgage bond resulting from default on the part of such owner;

(ii) obtaining transfer of the property into its name; and

(iii) essential repairs or the installation of sewerage, light or water, or other essential services which it may be legally required to provide at the instance of a local authority or similar body.”;

(d) by the substitution for sub-section (4) of the following sub-section:

“(4) A registered permanent society shall not, on the security of a fixed term mortgage of immovable property advance more than sixty-six and two-thirds per cent of the valuable reasonably determined of the property hypothecated or the lease or licence ceded and of the costs of transfer of the said property in so far as such costs do not exceed four per cent of the purchase price of such property: Provided that if collateral security is furnished, it may advance an amount—

(a) not exceeding the value so determined of the said property, lease or licence; and

(b) not exceeding the sum of—

(i) sixty-six and two-thirds per cent of the value so determined of the said property, lease or licence and the said transfer costs; plus

(b) deur paragraaf (b) van sub-artikel (1) *bis* deur die volgende paragraaf te vervang:

„(b) Die totaalbedrag van alle voorskotte op elkeen waarvan daar in die geheel meer as vyftien-duisend rand aan 'n vereniging verskuldig is, mag te gener tyd 'n bedrag gelyk aan vyf-en-twintig persent van die totale bates van die vereniging by die sluiting van die jongste vooraangaande kalenderkwartaal oorskry nie.”;

(c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) 'n Geregistreeerde permanente vereniging mag nie teen sekerheid van 'n verminderbare verband op onroerende eiendom, meer voorskiet as vyf-en-sewentig persent van die redelik vasgestelde waarde van die verhipotekeerde eiendom of die oorgedraagde huurkontrak of lisensie en van die koste van oordrag van bedoelde eiendom vir sover daardie koste nie vier persent van die koopprys van bedoelde eiendom te bowe gaan nie: Met dien verstande dat indien kollaterale sekerheid gestel word, hy 'n bedrag mag voorskiet—

(a) van hoogstens die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie; en

(b) van hoogstens die som van—

(i) vyf-en-sewentig persent van die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie en bedoelde oordragkoste; plus

(ii) die waarde van die kollaterale sekerheid bereken volgens voorskrif van sub-artikel (5):

Met dien verstande voorts dat in die geval van eiendom wat aan die vereniging verhipotekeer was en wat deur hom ingekoop is weens die versuim van die skuldenaar of wat in eksekusie verkoop is of by insolvensie of kragtens magtiging van die skuldenaar verleen na sy versuim onder 'n verband, 'n vereniging, ondanks die bepaling van hierdie sub-artikel, aan 'n koper teen sekuriteit van 'n verminderbare verband 'n bedrag kan leen wat nie meer is nie as die bedrag verskuldig aan die vereniging deur die vorige eienaar ten tyde van die koop of verkoping, na gelang van die geval, en voorheen verseker deur die verhipotekering van bedoelde eiendom, plus die totaalbedrag van koste en preferente uitgawes deur die vereniging aangegaan ten opsigte van—

(i) geregtelike proses deur hom ingestel teen bedoelde eienaar vir die invordering van enige van die gelde verskuldig onder die verband as gevolg van die versuim aan die kant van bedoelde eienaar;

(ii) die verkryging van transport van die eiendom op sy naam; en

(iii) noodsaaklike reparasies of die aanlê van 'n rioolstelsel, lig of water of ander noodsaaklike dienste wat hy wettiglik verplig kan word om te voorsien op die versoek van 'n plaaslike bestuur of dergelyke liggaam.”;

(d) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) 'n Geregistreeerde permanente vereniging mag nie teen sekerheid van 'n vastetermyn-verband op onroerende eiendom meer voorskiet as ses-en-sestig en twee-derdes persent van die redelik vasgestelde waarde van die verhipotekeerde eiendom of die oorgedraagde huurkontrak of lisensie en van die koste van oordrag van vermeldde eiendom vir sover bedoelde koste nie vier persent van die koopprys van bedoelde eiendom te bowe gaan nie: Met dien verstande dat indien kollaterale sekerheid gestel word, hy 'n bedrag kan voorskiet—

(a) van hoogstens die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie; en

(b) van hoogstens die som van—

(i) ses-en-sestig en twee-derdes persent van die aldus vasgestelde waarde van bedoelde eiendom, huurkontrak of lisensie en bedoelde oordragkoste; plus

- (ii) the value of the collateral security calculated as provided in sub-section (5):

Provided further that the aggregate amount of such advances shall at no time exceed ten per cent of the total assets of the society as at the close of its last financial year: Provided further that no society shall advance money on the security of a fixed term mortgage of immovable property until after the expiry of twelve months from the date upon which it was registered.”; and

- (e) by the addition of the following sub-sections:

“(8) A society shall not during any financial year grant advances or readvances upon the security of the mortgage of immovable property which is or is to be used for business purposes, to an amount exceeding in the aggregate five per cent of the total amount of advances upon the security of the mortgage of immovable property granted by the society during that year.

(9) For the purposes of this section—

- (a) the use of immovable property for the purposes of any building of which more than fifty per cent of the floor area is used for residential purposes or purposes incidental thereto shall not be deemed to constitute use of such immovable property for business purposes; and
- (b) the use of any building for purposes of an hotel or a boarding house or similar business shall not be deemed to constitute use for residential purposes.”.

10. Section *twenty-five* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) A registered society shall not issue any shares other than—

- (a) shares for an indefinite period, which shall be paid-up shares and of which the shareholder shall not be entitled at any time to demand redemption and which the society shall, subject to the provisions of this section, be entitled to redeem after six months' notice to the shareholder;
- (b) fixed period shares, which shall be—
- (i) paid-up shares issued for periods of not less than five years;
- (ii) subscription shares calculated to mature after the expiry of a period of not less than three years,

and of which the shareholder shall not be entitled to demand redemption before the period of issue has expired or the share has matured, as the case may be, and which the society shall not be entitled to redeem before the period of issue has expired or the share has matured, as the case may be: Provided that in regard to the issue of such shares the limitations prescribed in sub-section (7) of section *twenty-three* shall *mutatis mutandis* apply: Provided further that no society shall on or after the date of commencement of the Building Societies Amendment Act, 1964, issue a subscription share to any limited liability company other than an association licensed in terms of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926).”;

- (b) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* A society shall not give notice of its intention to redeem any indefinite share before the expiration of a period of one year from the date of issue of that share.”;

- (c) by the substitution for sub-section (9) of the following sub-section:

- (ii) die waarde van die kollaterale sekerheid bereken volgens voorskrif van sub-artikel (5):

Met dien verstande voorts dat die totale bedrag aan sodanige voorskotte te gener tyd tien persent van die totale bates van die vereniging by die sluiting van sy jongste boekjaar mag oorskry nie: Met dien verstande voorts dat geen vereniging geld teen sekuriteit van 'n vastetermyn-verband op onroerende eiendom mag voorskiet voor die verstryking van twaalf maande vanaf die datum waarop hy geregistreer is nie.”; en

- (e) deur die volgende sub-artikels by te voeg:

„(8) 'n Vereniging maak nie gedurende enige boekjaar voorskotte of hervoorskotte of hervoorskotte teen sekuriteit van verbande op onroerende eiendom wat vir besigheidsdoeleindes aangewend word of staan te word, wat in die geheel vyf persent van die totale bedrag aan voorskotte teen sekuriteit van verbande op onroerende eiendom gedurende daardie jaar deur die vereniging gemaak, te bowe gaan nie.

(9) By die toepassing van hierdie artikel word—

- (a) die gebruik van onroerende eiendom vir die doeleindes van 'n gebou waarvan meer as vyftig persent van die vloeroppervlakte vir woondoeleindes of daarmee in verband staande doeleindes gebruik word, nie geag gebruik van daardie onroerende eiendom vir besigheidsdoeleindes uit te maak nie; en
- (b) die gebruik van 'n gebou vir die doeleindes van 'n hotel, losieshuis of soortgelyke besigheid nie geag gebruik vir woondoeleindes uit te maak nie.”.

10. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Geregistreerde vereniging gee geen ander aandele uit nie as—

- (a) aandele vir 'n onbepaalde termyn, wat opbetaalde aandele moet wees en waarvan die aandeelhouer nie geregtig is om te eniger tyd aflissing te vorder nie en wat die vereniging geregtig is om, behoudens die bepalings van hierdie artikel, na ses maande kennisgewing aan die aandeelhouer, af te los;
- (b) vastetermyn-aandele wat moet wees—
- (i) opbetaalde aandele uitgegee vir termyn van minstens vyf jaar;
- (ii) subskripsie-aandele bereken om na verloop van 'n termyn van minstens drie jaar te verval.

en waarvan die aandeelhouer nie geregtig is om voor verloop van die termyn van uitgifte of voor die vervaldag van die aandeel, na gelang van die geval, aflissing te vorder nie, en wat die vereniging nie geregtig is om voor verloop van die termyn van uitgifte of voor die vervaldag van die aandeel, na gelang van die geval, af te los nie: Met dien verstande dat die beperkings in sub-artikel (7) van artikel *drie-en-twintig* voorgeskryf *mutatis mutandis* van toepassing is op die uitreiking van sodanige aandele Met dien verstande voorts dat geen vereniging op of na die datum van inwerking-treding van die Wysigingswet op Bouverenigings, 1964, 'n subskripsie-aandeel aan 'n ander maatskappy met beperkte aanspreeklikheid as 'n vereniging wat kragtens artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), gelisensieer is, mag uitreik nie.”;

- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* 'n Vereniging mag nie voor die verloop van 'n termyn van een jaar vanaf die datum van uitreiking van 'n onbepaalde aandeel kennis gee van sy voorneme om daardie aandeel af te los nie.”;

- (c) deur sub-artikel (9) deur die volgende sub-artikel te vervang:

“(9) Notwithstanding anything contained in this section the registered owner of any share in a society may upon giving three months' notice obtain redemption of that share if the society then agrees to redeem it: Provided that no such share shall be redeemed before the expiration of a period of eighteen months from the date of acquisition of that share by that shareholder: Provided further the period of eighteen months and the requirement in regard to notice shall not apply—

- (a) in the case of an insolvent or deceased estate of a registered owner;
 - (b) where the registered owner has been notified of the intended reduction of the dividend rate in terms of sub-section (6) of section *twenty-five ter* and he applies for redemption during the period of notice mentioned in the said sub-section;
 - (c) where a shareholder has been placed under curatorship;
 - (d) where the shareholder has been placed under judicial management or in liquidation;
 - (e) in the case of a share ceded to the society as collateral security; or
 - (f) in such other cases as the registrar may approve either generally or in any particular case.”; and
- (d) by the addition of the following sub-sections:

“(17) Notwithstanding the provisions of paragraph (b) of sub-section (1) the board of a society may in its discretion and in the manner and under the circumstances set out in the rules of the society, repay before the date of maturity the aggregate amount of the periodical contributions made in respect of a subscription share and any accrued dividends.

(18) A society shall not grant a loan against the security of any share issued by it at a rate of interest which is not at least one per cent on the amount of such loan higher than the rate of dividend payable on such share.”.

11. Section *twenty-five bis* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) A permanent society shall maintain a paid-up indefinite share capital and statutory reserve together amounting to not less than twenty-five per cent of the sum of its remaining paid-up share capital and of the deposits, loans and overdrafts it may have received but not yet repaid, as shown in the last preceding monthly return furnished by it to the registrar in terms of sub-section (1) of section *forty-four*.”;
- (b) by the deletion of sub-section (2);
- (c) by the substitution in sub-section (3) for the expression “sub-sections (1) and (2)” of the expression “sub-section (1)”;
- (d) by the deletion of sub-section (4); and
- (e) by the deletion of sub-section (6).

12. Section *twenty-five ter* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (3) of the following sub-section:

“(3) Where a society has issued a share prior to the commencement of this section subject to conditions whereby the limits referred to in sub-section (2) may be exceeded, such conditions shall lapse upon the expiry of a period of ten years from the thirty-first day of August, 1959, or upon the death of the person who was the beneficial owner of such share on the thirtieth day of August, 1959, whichever is the earlier date.”;
- (b) by the addition of the following sub-section:

“(6) Where a society has, in terms of its rules, at the time of issue of any indefinite or fixed period

„(9) Ondanks enigiets in hierdie artikel vervat, kan die geregistreerde eienaar van 'n aandeel in 'n vereniging na drie maande kennisgewing, aflossing van daardie aandeel verkry indien die vereniging dan instem om dit af te los: Met dien verstande dat so 'n aandeel nie voor die verloop van 'n termyn van agtien maande vanaf die datum van verkryging van daardie aandeel deur daardie aandeelhouer afgelos mag word nie: Met dien verstande voorts dat die termyn van agtien maande en die vereiste betreffende kennisgewing nie van toepassing is nie—

- (a) in die geval van 'n insolvente of bestorwe boedel van 'n geregistreerde eienaar;
 - (b) waar die geregistreerde eienaar van die voorgenome vermindering van die dividendkoers ooreenkomstig sub-artikel (6) van artikel *vyf-en-twintig ter* verwittig is en hy gedurende die tydperk van die kennisgewing in vermelde sub-artikel genoem, om aflossing aansoek doen;
 - (c) waar 'n aandeelhouer onder voogdyskap geplaas is;
 - (d) waar die aandeelhouer onder geregtelike bestuur of in likwidasië geplaas is;
 - (e) in die geval van 'n aandeel wat as kollaterale sekuriteit aan die vereniging gesedeer is; of
 - (f) in die ander gevalle wat die registrateur in die algemeen of in 'n besondere geval goedkeur.”; en
- (d) deur die volgende sub-artikels by te voeg:

„(17) Ondanks die bepalings van paragraaf (b) van sub-artikel (1), kan die raad van 'n vereniging na goeddunke en op die wyse en in die omstandighede in die statute van die vereniging uiteengesit, die totale bedrag van die periodieke bydraes ten opsigte van 'n subskripsie-aandeel gemaak en enige opgelope diwidende, voor die vervaldag terugbetaal.

(18) 'n Vereniging mag nie teen sekuriteit van 'n aandeel deur hom uitgereik 'n lening verstrek teen 'n rentekoers wat nie minstens een persent op die bedrag van die lening hoër is as die koers waarteen diwidende op bedoelde aandeel betaalbaar is nie.”.

11. Artikel *vyf-en-twintig bis* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Permanente vereniging moet 'n gestorte onbepaalde aandele-kapitaal en statutêre reserwe in stand hou wat tesame nie minder bedra nie as vyf-en-twintig persent van die totaalbedrag van sy oorblywende gestorte aandelekapitaal en van die deposito's, lenings en oortrekkings wat hy ontvang het maar nog nie terugbetaal het nie, soos aangegee in die jongste maandopgawe wat hy ingevolge sub-artikel (1) van artikel *vier-en-veertig* aan die registrateur verstrek het.”;
- (b) deur sub-artikel (2) te skrap;
- (c) deur in sub-artikel (3) die uitdrukking „sub-artikels (1) en (2)” deur die uitdrukking „sub-artikel (1)” te vervang;
- (d) deur sub-artikel (4) te skrap; en
- (e) deur sub-artikel (6) te skrap.

12. Artikel *vyf-en-twintig ter* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Waar 'n vereniging voor die inwerking-treding van hierdie artikel 'n aandeel uitgegee het onderworpe aan voorwaardes waardeur die in sub-artikel (2) bedoelde beperkings oorskry mag word, verval bedoelde voorwaardes by verstryking van 'n tydperk van tien jaar vanaf die een-en-dertigste dag van Augustus 1959 of by die afsterwe van die persoon wat op die dertigste dag van Augustus 1959, die genottrekker van bedoelde aandeel was, na gelang van watter die vroegste datum is.”;
- (b) deur die volgende sub-artikel by te voeg:

„(6) Waar 'n vereniging ooreenkomstig sy statute ten tyde van die uitreiking van 'n onbepaalde

share fixed the rate of dividend payable in respect of that share, the society shall, notwithstanding the terms on which the share has been issued, have the right from time to time to reduce the fixed rate of dividend so payable after giving the shareholder not less than one month's written notice of the intended reduction."

13. The following section is hereby inserted in the principal Act after section *twenty-five ter*:

"Period for maintaining prescribed minima.

25quater. A permanent society shall maintain any minimum amount prescribed by section *twenty-three ter*, *twenty-three quater* or *twenty-five bis* at all times during the period from the date of certification in terms of sub-section (1) of section *forty-four* of the monthly return by reference to which that amount is determined, until the day preceding the date on which the next succeeding monthly return is so certified."

14. Section *twenty-seven ter* of the principal Act is hereby amended by the addition at the end of paragraph (f) of sub-section (1) of the words "or any person in the employ of such an agent".

15. Section *twenty-nine* of the principal Act is hereby amended by the substitution for sub-section (5) of the following sub-section:

"(5) Notice of annual and special general meetings of a society shall be given to all members, the registrar and the auditors of the society in the form and manner prescribed by the rules, and shall specify the day, hour and place and the objects of the meeting, and if any alteration, rescission or addition to the rules is intended to be proposed shall contain a copy of every such alteration, rescission or addition: Provided that in the case of the intended adoption of a new set of rules it shall be sufficient compliance with the foregoing provisions of this sub-section and with any provision in the rules of a society if the notice of the meeting contains a statement to the effect that copies of the proposed new rules are available for inspection at every branch office and agency of the society and available to members on request."

16. Section *thirty* of the principal Act is hereby amended by the substitution for paragraph (d) of sub-section (4) of the following paragraph:

"(d) the number and the aggregate amount of all advances made pursuant to the provisions of paragraph (a) of sub-section (1) of section *twenty-four*, to be classified separately as follows, in terms of the amount owing to the society, namely—

- (i) not exceeding fifteen thousand rand;
- (ii) exceeding fifteen thousand rand but not exceeding twenty thousand rand;
- (iii) exceeding twenty thousand rand but not exceeding forty thousand rand;
- (iv) exceeding forty thousand rand;"

17. Section *thirty-one* of the principal Act is hereby amended by the insertion after sub-section (9) of the following sub-section:

"(9)*bis* Where the auditor of a society is a partnership the appointment of such auditor shall not lapse by reason of a change in the composition of the partnership as long as not less than half the persons who were partners as at the date when the partnership was last appointed continue to be partners therein."

18. The following section is hereby inserted in the principal Act after section *forty bis*:

"Appointment of judicial manager and liquidator.

40ter. Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), as applied by sections *thirty-six* and

of vastetermyn-aandeel die diwendkoers betaalbaar ten opsigte van daardie aandeel vasgestel het, het die vereniging, ongeag die voorwaardes waarop die aandeel uitgereik is, die reg om van tyd tot tyd die vasgestelde diwendkoers aldus betaalbaar te verminder nadat hy minstens een maand skriftelike kennis van die voorgenome vermindering aan die aandeelhouer gegee het."

13. Die volgende artikel word hierby na artikel *vyf-en-twintig ter* in die Hoofwet ingevoeg:

"Tydperk vir nstandhouding van voorgeskrewe minima.

25quater. 'n Permanente vereniging moet enige minimum bedrag by artikel *drie-en-twintig ter*, *drie-en-twintig quater* of *vyf-en-twintig bis* voorgeskryf, in stand hou te alle tye gedurende die tydperk vanaf die datum van sertifisering, ingevolg sub-artikel (1) van artikel *vier-en-veertig*, van die maandopgawe waarvolgens daardie bedrag vasgestel word tot die dag voor die datum waarop die eersvolgende maandopgawe aldus gesertifiseer word."

14. Artikel *sewe-en-twintig ter* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (f) van sub-artikel (1) die woorde „of 'n persoon in die diens van so 'n agent" by te voeg.

15. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Kennis van jaarlikse en buitengewone algemene vergaderings van 'n vereniging moet aan alle lede, die registrateur en die ouditeur van die vereniging in die kragtens die statute voorgeskrewe vorm en wyse gegee word, en moet die dag, uur en plek en die doel van die vergadering vermeld, en indien daar 'n voorneme bestaan om 'n wysiging, herroeping of aanvulling van die statute voor te stel, moet die kennisgewing 'n afskrif van elke sodanige wysiging, herroeping of aanvulling bevat: Met dien verstande dat waar die aanname van 'n nuwe stel statute voorgestel word, daar op genoegsame wyse aan voorgaande bepalings van hierdie sub-artikel en aan enige bepaling in die statute van die vereniging voldoen word indien die kennisgewing van die vergadering 'n verklaring bevat dat afskrifte van die voorgestelde nuwe statute ter insae beskikbaar is by elke takkantoor en agentskap van die vereniging en deur lede op aansoek verkrybaar is."

16. Artikel *dertig* van die Hoofwet word hierby gewysig deur paragraaf (d) van sub-artikel (4) deur die volgende paragraaf te vervang:

- „(d) die getal en die totale bedrag van alle voorskotte wat ooreenkomstig die bepalings van paragraaf (a) van sub-artikel (1) van artikel *vier-en-twintig* toegestaan is, afsonderlik geklassifiseer volgens die bedrag aan die vereniging verskuldig, soos volg, te wete—
- (i) nie meer dan vyftienduisend rand nie;
 - (ii) meer dan vyftienduisend rand maar nie meer dan twintigduisend rand nie;
 - (iii) meer dan twintigduisend rand maar nie meer dan veertigduisend rand nie;
 - (iv) meer dan veertigduisend rand;"

17. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur na sub-artikel (9) die volgende sub-artikel in te voeg:

„(9)*bis* Waar die ouditeur van 'n vereniging 'n vennootskap is, verval die aanstelling van die ouditeur nie op grond van 'n verandering in die samestelling van die vennootskap nie solank minstens die helfte van die persone wat op die datum van die vennootskap se jongste aanstelling vennote daarin was, nog vennote daarin is."

18. Die volgende Artikel word hierby na artikel *veertig bis* in die Hoofwet ingevoeg:

"Aanstelling van geregtelike bestuurder en likwidateur.

40ter. Ondanks die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), soos by artikels *ses-en-dertig* en *veertig* van

forty of this Act, no person other than a person recommended by the registrar shall be appointed by a Master of the Supreme Court as judicial manager, provisional judicial manager, liquidator or provisional liquidator of a building society."

19. Section *sixty-one* of the principal Act is hereby amended—

- (a) by the substitution for the definition of "bank or banker" of the following definition:
 " 'bank' or 'banker' means a banking institution which is registered otherwise than provisionally under the Banking Act, 1942 (Act No. 38 of 1942), and which is required to maintain a reserve balance with the Reserve Bank;";
- (b) by the insertion after the definition of "director" of the following definition:
 " 'discount house' means an institution registered or deemed to be registered as a discount house under the Banking Act, 1942 (Act No. 38 of 1942);";
- (c) by the insertion after the definition of "indefinite share capital" of the following definitions:
 " 'Land Bank' means the Land and Agricultural Bank of South Africa;
 'liquid assets' means the aggregate amount of—
 (a) Reserve Bank Notes and subsidiary coin;
 (b) deposits, withdrawable on demand, with a bank;
 (c) deposits, withdrawable on demand, with the National Finance Corporation;
 (d) loans to discount houses, repayable on demand;
 (e) Union Treasury bills;
 (f) stocks of the Government with a maturity, to the latest redemption date, of not more than three years;
 (g) bills issued by the Land Bank;
 (h) debentures of the Land Bank with a maturity of not more than three years; and
 (i) such other assets as the registrar may by notice in the *Gazette* approve for the purposes of this definition;";
- (d) by the insertion after the definition of "liquidator" of the following definitions:
 " 'long-term liability', in relation to any date, means a liability which is payable after the expiration of at least six months as from that date or which on that date is subject to at least six months' notice before becoming payable;
 'medium-term liability', in relation to any date, means a liability which is payable after the expiration of a period of not less than thirty days but less than six months as from that date, or which on that date is subject to not less than thirty-days' but less than six months' notice before becoming payable, but includes—
 (a) the aggregate net amount a society is committed to pay out in respect of advances granted;
 (b) the aggregate amount of cash deposited with a society in terms of sub-paragraph (iii) of paragraph (d) of sub-section (1) of section *twenty-two*; and
 (c) savings deposits;";
- (e) by the substitution for the definition of "Minister" of the following definition:
 " 'Minister' means the Minister of Finance;";
- (f) by the insertion after the definition of "mortgage of urban immovable property" of the following definition:
 " 'National Finance Corporation' means the National Finance Corporation of South Africa established by section *two* of the National Finance Corporation Act, 1949, (Act No. 33 of 1949);";
- (g) by the insertion after the definition of "prescribed form" of the following definition:
 " 'prescribed investments' means the aggregate amount of—

hierdie Wet toegepas, stel 'n Meester van die Hooggeregshof niemand anders as 'n persoon deur die registrateur aanbeveel as geregtelike bestuurder, voorlopige geregtelike bestuurder, likwidateur of voorlopige likwidateur van 'n bouvereniging aan nie."

19. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig—

- (a) deur die omskrywing van „bank of bankier” deur die volgende omskrywing te vervang:
 „bank’ of bankier’ ’n bankinstelling wat anders as voorlopig geregistreer is kragtens die Bankwet 1942 (Wet No. 38 van 1942), en wat ’n reserwosaldo by die Reserwebank in stand moet hou;”;
- (b) deur na die omskrywing van „direkteur” die volgende omskrywing in te voeg:
 „diskontohuis’ ’n instelling wat kragtens die Bankwet, 1942 (Wet No. 38 van 1942), as ’n diskontohuis geregistreer is of geag word te wees;”;
- (c) deur na die omskrywing van „onbepaalde aandelekapitaal” die volgende omskrywings in te voeg:
 „Landbank’ die Land- en Landboubank van Suid-Afrika;
 ,likwede bates’ die totaalbedrag aan—
 (a) Reserwebanknote en pasmunt;
 (b) onmiddellik opeisbare deposito’s by ’n bank;
 (c) onmiddellik opeisbare deposito’s by die Nasionale Finansiële Korporasie;
 (d) onmiddellik opeisbare lenings aan diskontohuise;
 (e) Unieskatkiesbewyse;
 (f) effekte van die Regering waarvan die laaste aflosdatum binne drie jaar val;
 (g) wissels deur die Landbank uitgereik;
 (h) obligasies van die Landbank wat binne drie jaar verval; en
 (i) die ander bates wat die registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;”;
- (d) deur na die omskrywing van „likwidateur” die volgende omskrywings in te voeg:
 „langtermynverpligting’, met betrekking tot een of ander datum, ’n verpligting wat na verloop van minstens ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word;
 ,middeltermynverpligting’, met betrekking tot een of ander datum, ’n verpligting wat na verloop van ’n tydperk van minstens dertig dae maar minder as ses maande vanaf daardie datum betaalbaar is of wat op daardie datum aan minstens dertig dae maar minder as ses maande kennis van opsegging onderworpe is voordat dit betaalbaar word, maar met inbegrip van—
 (a) die totale netto bedrag wat ’n vereniging moet uitbetaal ten opsigte van voorskotte toegestaan;
 (b) die totale bedrag aan kontant by ’n vereniging ooreenkomstig sub-paragraaf (iii) van paragraaf (d) van sub-artikel (1) van artikel *twee-en-twintig* gedeponeer; en
 (c) spaardeposito’s;”;
- (e) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
 „Minister’ die Minister van Finansies;”;
- (f) deur na die omskrywing van „verband op stedelike onroerende eiendom” die volgende omskrywing in te voeg:
 „Nasionale Finansiële Korporasie’ die Nasionale Finansiële Korporasie van Suid-Afrika ingestel by artikel *twee* van die Wet op die Nasionale Finansiële Korporasie, 1949 (Wet No. 33 van 1949);”;
- (g) deur na die omskrywing van „voorgeskrewe vorm” die volgende omskrywing in te voeg:
 „voorgeskrewe beleggings’ die totaalbedrag aan—

- (a) liquid assets;
- (b) deposits with a bank other than those ranking as liquid assets;
- (c) deposits with a local authority within the Union;
- (d) deposits with the National Finance Corporation and loans to discount houses other than deposits or loans ranking as liquid assets;
- (e) stocks of the Government other than those ranking as liquid assets;
- (f) debentures or stock guaranteed by the Government;
- (g) stocks of and loans to any local authority in the Union;
- (h) debentures or stock of the Rand Water Board or the Electricity Supply Commission;
- (i) debentures of the Land Bank other than those ranking as liquid assets; and
- (j) such other investments as the registrar may by notice in the *Gazette* approve for the purposes of this definition;";

(h) by the insertion after the definition of "regulation" of the following definition:

"'savings account' means an account which a depositor maintains with a building society and in which he may not keep a larger credit balance and from which he may not, save with the consent of the society, make a withdrawal at shorter notice, in relation to the amount to be withdrawn, than is determined by the rules of the society;";

(i) by the substitution for the definition of "savings deposit" of the following definition:

"'savings deposit' means a credit balance in a savings account;"; and

(j) by the insertion after the definition of "shareholder" of the following definition:

"'short-term liability', in relation to any date, means a liability which is payable within thirty days as from that date or which on that date is subject to less than thirty day's notice before becoming payable;";

20. (1) The following section is hereby inserted in the principal Act after section *sixty-two*:

"Application to South-West Africa.

62bis. This Act and any amendment thereof, whensoever it may be or may have been enacted, shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

(b) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Building Societies Amendment Act, 1946 (Act No. 33 of 1946).

21. The following section is hereby inserted in the principal Act after section *sixty-three*:

"Periodic review of Act.

63bis. Before 1st January, 1971, and thereafter from time to time at intervals of not more than ten years, the Minister shall appoint a committee to enquire into and report to him on amendments to this Act which in the opinion of the committee, have become desirable by virtue of changed circumstances or which the administration of the Act has shown to be desirable."

22. The following schedule is hereby substituted for the First Schedule of the principal Act:

"FIRST SCHEDULE.

Prescribed Fees.

For the certificate of registration of a society	R10-00
For the certificate of provisional registration of a society	R10-00
For the certificate of alteration of rules	R1-00
For the certificate of registration of a change of name	R5-00

- (a) likwiede bates;
- (b) deposito's by 'n bank behalwe dié wat as likwiede bates geld;
- (c) deposito's by 'n plaaslike bestuur binne die Unie;
- (d) deposito's by die Nasionale Finansiële korporasie en lenings aan diskontohuise behalwe deposito's of lenings wat as likwiede bates geld;
- (e) effekte van die Regering behalwe dié wat as likwiede bates geld;
- (f) obligasies of effekte deur die Regering gewaarborg;
- (g) effekte van en lenings aan 'n plaaslike bestuur in die Unie;
- (h) obligasies of effekte van die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;
- (i) obligasies van die Landbank behalwe dié wat as likwiede bates geld; en
- (j) die ander beleggings wat die registrateur vir die doeleindes van hierdie omskrywing by kennisgewing in die *Staatskoerant* goedkeur;";

(h) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:

„'spaarrekening' 'n rekening wat 'n deposant by 'n bouvereniging hou en waarop hy nie 'n groter kreditsaldo in stand mag hou en waaruit hy nie sonder toestemming van die vereniging 'n opvraging kan maak op korter kennis, volgens die bedrag opgevra, as wat die statute van die vereniging bepaal nie;";

(i) deur die omskrywing van „spaardeposito” deur die volgende omskrywing te vervang:

„'spaardeposito' 'n kreditsaldo op 'n spaarrekening;"; en

(j) deur na die omskrywing van „aandeelhouer” die volgende omskrywing in te voeg:

„'korttermynverpligting' met betrekking tot een of ander datum, 'n verpligting wat binne dertig dae vanaf daardie datum betaalbaar is of wat op daardie datum aan minder as dertig dae kennis van opsegging onderworpe is voordat dit betaalbaar word;";

20. (1) Die volgende artikel word hierby na artikel *twee-en-sestig* in die Hoofwet ingevoeg:

„Toepassing in Suidwes-Afrika.

62bis. Hierdie Wet en enige wysiging daarvan, wanneer dit ook al aangebring word of is, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word."

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van die Wysigingswet op Bouverenigings, 1946 (Wet No. 33 van 1946), in werking te getree het.

21. Die volgende artikel word hierby na artikel *drie-en-sestig* in die Hoofwet ingevoeg:

„Periodieke her-siening van Wet.

63bis. Die Minister benoem voor 1 Januarie 1971 en daarna van tyd tot tyd met tussenpose van hoogstens tien jaar 'n komitee om ondersoek in te stel na en aan hom verslag te doen oor wysigings van hierdie Wet wat, na die komitee se mening, op grond van veranderde omstandighede wenslik geword het, of wat uit die administrasie van die Wet geblyk het wenslik te wees."

22. Die Eerste Bylae by die Hoofwet word hierby deur die volgende bylae vervang:

„EERSTE BYLAE.

Voorgeskrewe gelde.

Vir die sertifikaat van registrasie van 'n vereniging	R10-00
Vir die sertifikaat van voorlopige registrasie van 'n vereniging	R10-00
Vir die sertifikaat van wysiging van statute.	R1-00
Vir die sertifikaat van registrasie van 'n naamsverandering	R5-00

For the certificate of registration of notice of an amalgamation or transfer of assets and liabilities	R1-00
For a copy of any of the aforementioned certificates	R0-25
For every document required to be authenticated by the registrar, and not chargeable with any other fee	R1-00
For every inspection of documents (whether one or more) referred to in section <i>fifty-five</i> of the Act, relating to one and the same society	R0-50
For any photostatic or double-spaced typewritten copy or extract made by the registrar from any of the documents referred to in section <i>fifty-five</i> of the Act	R0.50
	per single foolscap page or portion of a foolscap page.

For the examination of every copy certified as a true copy of a document in the custody of the registrar when the copy so certified is not made by the registrar (in addition to the fee for the signature of the registrar) R1-00

No fee is payable for any document or copy of a document supplied to a public department.

The registrar may dispense with the fee in cases where he is satisfied that the inspection, copy or extract in question is desired for the purpose of furthering some public interest."

23. This Act shall be called the Building Societies Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by Proclamation in the *Gazette*.

Vir die sertifikaat van registrasie van 'n kennisgewing van samesmelting of van oordrag van bates en laste	R1-00
Vir 'n kopie van enige van voormelde sertifikate	R0-25
Vir elke dokument wat deur die registrateur gewaarmerk moet word en waarvoor geen ander gelde betaalbaar is nie	R1-00
Vir elke besigtiging van dokumente (hetsy een of meer) in artikel <i>vyf-en-vyftig</i> van die Wet vermeld, met betrekking tot een en dieselfde vereniging	R0-50
Vir enige fotostatiese of met dubbelspasiëring getikte kopie of uittreksel deur die registrateur gemaak van enige van die dokumente in artikel <i>vyf-en-vyftig</i> van die Wet vermeld	R0-50
	per enkel folio- bladsy of deel van 'n folio- bladsy.

Vir die ondersoek van elke kopie gesertifiseer as 'n ware kopie van 'n dokument in die bewaring van die registrateur wanneer die kopie aldus gesertifiseer, nie deur die registrateur gemaak is nie (benewens die gelde vir die handtekening van die registrateur) R1-00

Geen gelde is betaalbaar vir enige dokument of kopie van 'n dokument aan 'n Staatsdepartement verskaf nie. Die registrateur kan afsien van die gelde in gevalle waar hy tevrede is dat die betrokke besigtiging, kopie of uittreksel verlang word ter bevordering van een of ander openbare belang."

23. Hierdie Wet heet die Wysigingswet op Bouverenigings, 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

No. 63, 1964 (Republic).]

ACT

To amend the Attorneys, Notaries and Conveyancers Admission Act, 1934, and to provide for matters incidental thereto.

(*English text signed by the State President.*)
(Assented to 17th June, 1964.)

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

1. Section *two* of the Attorneys, Notaries and Conveyancers Admission Act, 1934 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "bank" of the following definition:

"'bank' means a commercial bank registered as such under the Banking Act, 1942 (Act No. 38 of 1942), and any other banking institution which the Minister of Justice has, after consultation with the Minister of Finance and the presidents of the several law societies, by notice in the *Gazette* designated as a bank for the purposes of this Act;" and

(b) by the insertion after the definition of "bank" of the following definitions:

"'banking institution' means a banking institution registered under the Banking Act, 1942;

'building society' means a building society registered under the Building Societies Act, 1934 (Act No. 62 of 1934);"

No. 63, 1964 (Republiek).]

WET

Tot wysiging van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(Goedgekeur op 17 Junie 1964.)

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

1. Artikel *twee* van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „bank” deur die volgende omskrywing te vervang:

„'bank' beteken 'n handelsbank wat as sodanig kragtens die Bankwet, 1942 (Wet No. 38 van 1942), geregistreer is en enige ander bankinstelling wat die Minister van Justisie, na oorlegpleging met die Minister van Finansies en die presidente van die verskillende wetsgeenootskappe, by kennisgewing in die *Staatskoerant* as 'n bank aangewys het vir die doeleindes van hierdie Wet;" en

(b) deur na die omskrywing van „bank” die volgende omskrywings in te voeg:

„'bankinstelling' beteken 'n bankinstelling wat kragtens die Bankwet, 1942, geregistreer is;

'bouvereniging' beteken 'n bouvereniging wat kragtens die Bouverenigingswet, 1934 (Wet No. 62 van 1934), geregistreer is;"

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

"Admission of Attorneys.

4. Any fit and proper person, of or above the age of twenty-one years, who has passed, or is, in terms of the provisions of this Act, exempted from any of the examinations referred to in section *ten* and who has complied with the provisions of this Act in regard to service under articles, may, within a period of two years from the date of the completion of such articles or within the further period allowed by the court in terms of sub-section (3) of section *nineteen*, apply, in the manner prescribed by this Act, to the court to be admitted and enrolled as an attorney, and thereupon the court shall, subject to the provisions of any law, admit and enrol such person as an attorney unless cause to the contrary is shown to its satisfaction: Provided that no person shall be so admitted and enrolled unless the court is satisfied that he is a South African citizen or a person who has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic."

3. Section *five* of the principal Act is hereby amended by the deletion of the words "this part of".

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

(a) by the substitution in the Afrikaans version of paragraph (1) for the word "behoorlike" of the word "gepaste";

(b) by the substitution for sub-paragraph (a) of paragraph (2) of the following sub-paragraph:

"(a) if he has at any time been admitted as an advocate of the Supreme Court of South Africa, that his name was subsequently removed from the roll of advocates on his own application and that for a continuous period of not less than six months immediately before the date of his application for such admission he has in no way been associated or connected with the practice of, or acted directly or indirectly as such an advocate; or"; and

(c) by the substitution in sub-paragraph (b) of paragraph (2) for the words "sections *eight* and *nine*" of the words "section *eight*" and for the words "country, dominion, colony or territory as the case may be, mentioned in the said sections" of the words "country or territory referred to in the said section".

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

"Certain persons exempted from service under articles.

8. (1) Any person lawfully admitted to the Republic for permanent residence therein who is ordinarily resident in the Republic and who has been admitted and enrolled as a solicitor or attorney of the Supreme or High Court of any country or territory approved of for the purposes of this section in any regulations made under section *thirty* shall, if he has practised for at least five years as a solicitor or an attorney, as the case may be, in the country or territory in which he has been so admitted and enrolled, be exempted from service under articles.

(2) Any person who has, in the territory of South West Africa, been admitted and enrolled as an attorney of the South West Africa Division of the Supreme Court of South Africa, shall be exempted from service under articles."

6. The following section is hereby substituted for section *nine* of the principal Act:

"Attorneys practising in certain countries or territories may be admitted to

9. Notwithstanding the provisions of this Act, but subject to the provisions of section *twenty-eight*, any person who has been admitted and enrolled as a solicitor or

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

"Toelating van Prokureurs.

4. Enige geskikte en gepaste persoon van of bo die ouderdom van een-en-twintig jaar wat geslaag het in, of, ingevolge die bepalings van hierdie Wet, vrygestel is van enige van die eksamens bedoel in artikel *tien* en wat voldoen het aan die bepalings van hierdie Wet met betrekking tot diens onder leerkontrak kan, binne 'n tydperk van twee jaar vanaf die datum van voltooiing van so 'n leerkontrak of binne die verdere tydperk deur die hof ingevolge sub-artikel (3) van artikel *negentien* toegelaat, op die in hierdie Wet voorgeskrewe manier, by die hof aansoek doen om as prokureur toegelaat en ingeskryf te word, en, behoudens die bepalings van enige wet, laat die hof dan sodanige persoon as prokureur toe en skryf hom in tensy gronde tot bevrediging van die hof daarteen aangevoer word: Met dien verstande dat niemand aldus toegelaat en ingeskryf word nie tensy die hof oortuig is dat hy 'n Suid-Afrikaanse burger is of 'n persoon is wat wettiglik tot die Republiek vir permanente verblyf daarin toegelaat is en gewoonlik in die Republiek woonagtig is."

3. Artikel *vyf* van die Hoofwet word hierby gewysig deur die woorde „deel van die” te skrap.

4. Artikel sewe van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (1) die woord „behoorlike” deur die woord „gepaste” te vervang;

(b) deur sub-paragraaf (a) van paragraaf (2) deur die volgende sub-paragraaf te vervang:

„(a) indien hy te eniger tyd as 'n advokaat van die Hooggeregshof van Suid-Afrika toegelaat is, dat sy naam daarna op sy eie aansoek van die rol van advokate verwyder is en dat hy vir 'n ononderbroke tydperk van minstens ses maande onmiddellik voor die datum van sy aansoek om sodanige toelating op generlei wyse geassosieer was met of verbonde was aan die praktyk van so 'n advokaat nie, of regstreeks of onregstreeks as so 'n advokaat opgetree het nie; of"; en

(c) deur in sub-paragraaf (b) van paragraaf (2) die woorde „artikels *agt* en *nege*” deur die woorde „artikel *agt*” en die woorde „land, vrygewes, kolonie of gebied, na die geval mag wees, vermeld in genoemde artikels” deur die woorde „land of gebied in genoemde artikel bedoel” te vervang.

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

„Sekere persone van diens onder leerkontrak vrygestel.

8. (1) Iemand wat wettiglik tot die Republiek vir permanente verblyf daarin toegelaat is en gewoonlik in die Republiek woonagtig is en wat toegelaat en ingeskryf is as „solicitor” of prokureur van die Hooggeregshof of Hoëhof van enige land of gebied wat vir die doeleindes van hierdie artikel goedgekeur is in enige regulasies kragtens artikel *dertig* uitgevaardig, word, as hy vir minstens vyf jaar as „solicitor” of prokureur, na gelang van die geval in die land of gebied waarin hy aldus toegelaat en ingeskryf is, gepraktiseer het, van diens onder leerkontrak vrygestel.

(2) Iemand wat in die gebied Suidwes-Afrika as prokureur van die Suidwes-Afrikaafdeling van die Hooggeregshof van Suid-Afrika toegelaat en ingeskryf is, word van diens onder leerkontrak vrygestel."

6. Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

„Prokureurs wat in sekere lande of gebiede praktiseer, kan toegelaat word om in die Re-

9. Ondanks die bepalings van hierdie Wet, maar onderworpe aan die bepalings van artikel *agt-en-twintig*, kan iemand wat toegelaat en ingeskryf is as „solicitor” of pro-

practise in the Republic.

attorney of the Supreme or High Court of any country or territory approved of for the purposes of this section in any regulations made under section *thirty* may be admitted and enrolled as an attorney in the Republic upon satisfying the court—

- (a) that he is a fit and proper person to be admitted and enrolled as an attorney in the Republic;
- (b) that he has been admitted and enrolled as a solicitor or attorney in a country or territory approved of as aforesaid and that no proceedings are pending to have him struck off the roll of solicitors or attorneys or suspended from practice; and
- (c) that he is resident and practising as a solicitor or attorney in the country or territory in which he has been so admitted and enrolled."

7. (1) Section *ten* of the principal Act is hereby amended—

- (a) by the substitution in sub-paragraph (iii) of paragraph (a) for the symbol "(f)" of the expression "(e) of sub-section (1)";
- (b) by the substitution in paragraph (b) for the words "examination referred to in paragraph (a)" of the words "examinations referred to in paragraphs (a), (b) and (c)";
- (c) by the addition at the end of paragraph (b) of the word "and"; and
- (d) by the addition of the following paragraph:

"(c) except in the case of a person referred to in sub-section (1) of section *eight* who has been resident in the Republic for a period of less than two years, passed examinations in the Afrikaans and in the English language certified by the joint matriculation board referred to in section *fifteen* of the Universities Act, 1955 (Act No. 61 of 1955), to be equivalent or superior to one or other of the examinations in the said languages conducted at a matriculation examination referred to in section *thirteen*."

(2) Paragraphs (c) and (d) of sub-section (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

8. The following section is hereby substituted for section *twelve* of the principal Act:

"Examinations to be passed by persons referred to in section 8.

12. (1) Every person who is exempted from service under articles in terms of section *eight* shall, until a date determined by the Minister by notice in the *Gazette* after consultation with the presidents of the several law societies, be exempted from passing the examinations referred to in paragraph (a) of section *ten*: Provided that, except in the case of an attorney of the South West Africa Division of the Supreme Court of South Africa, he may be required to pass such special examination as may be prescribed by regulation made under paragraph (b) of sub-section (1) of section *thirty*.

(2) Any person who is exempted from service under articles in terms of section *eight* may by regulation made under paragraph (c) of sub-section (1) of section *thirty* be exempted from passing any practical examination referred to in paragraph (a), (b) thereof."

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

- (a) by the deletion at the end of sub-paragraph (ii) of paragraph (c) of the word "or"; and
- (b) by the deletion of sub-paragraph (iii) of the said paragraph.

10. Section *nineteen* of the principal Act is hereby amended by the addition of the following sub-sections:

publiek te praktiseer.

kureur van die Hooggeregshof of Hoëhof van enige land of gebied wat vir die doeleindes van hierdie artikel goedgekeur is in enige regulasies kragtens artikel *dertig* uitgevaardig, as prokureur in die Republiek toegelaat en ingeskryf word indien hy die hof oortuig—

- (a) dat hy 'n geskikte en gepaste persoon is om as prokureur in die Republiek toegelaat en ingeskryf te word;
- (b) dat hy as „solicitor" of prokureur toegelaat en ingeskryf is in 'n land of gebied wat goedgekeur is soos voormeld en dat geen verrigtinge hangende is om hom van die rol van „solicitors" of prokureurs te laat skrap of in sy praktyk te skors nie; en
- (c) dat hy in die land of gebied waarin hy aldus toegelaat en ingeskryf is, woonagtig is en daarin as „solicitor" of prokureur praktiseer."

7. (1) Artikel *tien* van die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraaf (iii) van paragraaf (a) die simbool „(f)" deur die uitdrukking „(e) van sub-artikel (1)" te vervang;
- (b) deur in paragraaf (b) die woorde „eksamen bedoel in paragraaf (a)" deur die woorde „eksamens bedoel in paragraawe (a), (b) en (c)" te vervang;
- (c) deur aan die end van paragraaf (b) die woord „en" by te voeg; en
- (d) deur die volgende paragraaf by te voeg:

"(c) behalwe in die geval van 'n in sub-artikel (1) van artikel *agt* bedoelde persoon wat vir 'n tydperk van minder as twee jaar in die Republiek woonagtig was, in eksamens in die Afrikaanse en in die Engelse taal geslaag het wat die in artikel *vyftien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoelde gemeenskaplike matrikulasieraad gesertifiseer het as gelyk aan of hoër as die een of die ander van die eksamens in genoemde tale wat afgeneem word by 'n in artikel *dertien* bedoelde matrikulasië-eksamen."

(2) Paragraaf (c) en (d) van sub-artikel (1) tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

8. Artikel *twaalf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Eksamens waarin in artikel 8 bedoelde persone moet slaag.

12. (1) Elkeen wat ingevolge artikel *agt* van diens onder leerkontrak vrygestel is, is, tot op 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal na oorlegpleging met die presidente van die verskillende wetsgenootskappe, vrygestel van die aflegging van die eksamens bedoel in paragraaf (a) van artikel *tien*: Met dien verstande dat, behalwe in die geval van 'n prokureur van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika, van hom verlang kan word om in die spesiale eksamen te slaag wat voorgeskryf word by regulasie uitgevaardig kragtens paragraaf (b) van sub-artikel (1) van artikel *dertig*.

(2) Iemand wat van diens onder leerkontrak ingevolge artikel *agt* vrygestel is, kan by regulasie kragtens paragraaf (c) van sub-artikel (1) van artikel *dertig* uitgevaardig, vrygestel word van die vereiste om in enige praktiese eksamen, in paragraaf (a), (b) of (c) van artikel *sewe-en-twintig* bedoel of enige gedeelte daarvan, te slaag."

9. Artikel *dertien* van die Hoofwet word hierby gewysig—

- (a) deur aan die end van sub-paragraaf (ii) van paragraaf (c) die woord „of" te skrap; en
- (b) deur sub-paragraaf (iii) van genoemde paragraaf te skrap.

10. Artikel *negentien* van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg:

“(5) Where a person who has served any period under articles of clerkship, which were cancelled or abandoned before completion thereof, has satisfied all the requirements for a degree referred to in the First Schedule or is entitled to be admitted as an advocate by any division of the Supreme Court of South Africa, the court may, on the application of such person made within a period of two years from the last day of the period so served and subject to such conditions as the court may impose, order—

(a) that, for the purposes of this Act, the whole or such part of the period so served as the court deems fit be added to any period served by such person after he satisfied such requirements or became so entitled under articles of clerkship entered into after the first-mentioned articles were cancelled or abandoned and thereafter any period so added shall, for the purposes of his admission and enrolment as an attorney, be deemed to have been served—

(i) after he satisfied such requirements or became so entitled; and

(ii) under the articles entered into after the first-mentioned articles were cancelled or abandoned and continuously with any period served thereunder;

(b) if the period served by such person under the first-mentioned articles of clerkship is equal to or exceeds the period which he would, at the time of the making of the application, be required to serve under articles of clerkship in terms of this Act, that the period so served be considered as adequate service under articles for the purposes of this Act, and thereafter any period so served by such person shall, for the purposes of his admission and enrolment as an attorney be deemed to have been served after and under articles entered into after he satisfied such requirements or became so entitled.

(6) The court may, on the application of any person who is serving under articles of clerkship and who has satisfied all the requirements for a degree referred to in the First Schedule or is entitled to be admitted as an advocate by any division of the Supreme Court of South Africa, and subject to such conditions as the court may impose, order that the whole or any part of the period so served before such person satisfied such requirements or became so entitled, shall, for the purposes of his admission and enrolment as an attorney be regarded as having been served after and under articles entered into after he satisfied such requirements or became so entitled.”

11. Section *twenty-three* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) he has passed or is in terms of regulations made under paragraph (d) of sub-section (1) of section *thirty* exempted from the practical examination referred to in paragraph (d) of section *twenty-seven*.”

12. Section *twenty-four* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) he has passed or is in terms of regulations made under paragraph (d) of sub-section (1) of section *thirty* exempted from the practical examination referred to in paragraph (e) of section *twenty-seven*.”

13. The following section is hereby substituted for section *twenty-seven* of the principal Act:

“Practical examinations.

27. The Judge-President of a provincial division of the Supreme Court of South Africa may, after consultation with the president of the law society concerned, appoint one or more examiners for the purpose of arrang-

„(5) Waar iemand wat enige tydperk gedien het onder 'n leerkontrak wat ingetrek of laat vaar is voordat dit voltooi is, aan al die vereistes vir 'n in die Eerste Bylae bedoelde graad voldoen het of geregtig is om deur enige afdeling van die Hooggeregshof van Suid-Afrika as advokaat toegelaat te word, kan die hof, op aansoek van sodanige persoon gedoen binne 'n tydperk van twee jaar vanaf die laaste dag van die tydperk aldus gedien en onderworpe aan die voorwaardes wat die hof oplê, beveel—

(a) dat, by die toepassing van hierdie Wet, die hele tydperk aldus gedien of dié deel daarvan wat die hof goedvind, bygevoeg moet word by enige tydperk deur sodanige persoon gedien, nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het, onder 'n leerkontrak wat aangegaan is nadat eersgenoemde leerkontrak ingetrek of laat vaar is en daarna word enige tydperk aldus bygevoeg, vir die doeleindes van sy toelating en inskrywing as prokureur, geag gedien te gewees het—

(i) nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het; en

(ii) onder die leerkontrak wat aangegaan is nadat eersgenoemde leerkontrak ingetrek of laat vaar is en aaneenlopend met enige tydperk daaronder gedien;

(b) indien die tydperk wat deur sodanige persoon onder eersgenoemde leerkontrak gedien is, gelyk is aan die tydperk of die tydperk oorskry wat hy, wanneer die aansoek gedoen word, ingevolge hierdie Wet onder leerkontrak sou moet dien, dat die tydperk aldus gedien, by die toepassing van hierdie Wet, as voldoende diens onder leerkontrak beskou moet word en daarna word enige tydperk aldus deur sodanige persoon gedien vir die doeleindes van sy toelating en inskrywing as prokureur geag gedien te gewees het na en onder 'n leerkontrak aangegaan nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het.

(6) Die hof kan, op aansoek van iemand wat onder leerkontrak dien en wat aan al die vereistes vir 'n in die Eerste Bylae bedoelde graad voldoen het of geregtig is om deur enige afdeling van die Hooggeregshof van Suid-Afrika as advokaat toegelaat te word en onderworpe aan die voorwaardes wat die hof oplê, beveel dat die hele of enige deel van die tydperk aldus gedien voordat sodanige persoon aan sodanige vereistes voldoen het of aldus geregtig geword het, vir die doeleindes van sy toelating en inskrywing as prokureur beskou moet word as gedien te gewees het na en onder 'n leerkontrak aangegaan nadat hy aan sodanige vereistes voldoen het of aldus geregtig geword het.”

11. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) hy in die praktiese eksamen bedoel in paragraaf (d) van artikel *sewe-en-twintig* geslaag het of ingevolge regulasies uitgevaardig kragtens paragraaf (d) van sub-artikel (1) van artikel *dertig*, daarvan vrygestel is.”

12. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) hy in die praktiese eksamen bedoel in paragraaf (e) van artikel *sewe-en-twintig* geslaag het of ingevolge regulasies uitgevaardig kragtens paragraaf (d) van sub-artikel (1) van artikel *dertig*, daarvan vrygestel is.”

13. Artikel *sewe-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Praktiese eksamens.

27. Die Regter-president van 'n provinciale afdeling van die Hooggeregshof van Suid-Afrika kan, na oorlegpleging met die president van die betrokke wetsgenootskap, een of meer eksaminatore benoem om ek-

ing, controlling and conducting examinations in respect of—

- (a) the practice and procedure in the Supreme Court of South Africa and in magistrates' courts established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);
- (b) the practical bookkeeping necessary for the keeping of the books of account referred to in sub-section (4) of section *thirty-three*;
- (c) the practice, functions and duties of an attorney;
- (d) the practice, functions and duties of a notary;
- (e) the law, practice and procedure of conveyancing."

14. (1) The following section is hereby inserted after section *twenty-eight* of the principal Act:

"Removal of attorneys from roll.

28bis. Notwithstanding anything to the contrary in any law contained any person who has been admitted and enrolled as an attorney under this Act may be struck off the roll or suspended from practice by the court at the instance of any law society concerned—

- (a) (i) if he has ceased to be a South African citizen; or
 - (ii) in the case of a person who is not a South African citizen, if he has failed to obtain a certificate of naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), within a period of six years from the date upon which he was admitted to the Republic for permanent residence therein, or within such further period as the court may for good cause allow; or
- (b) in the case of a person referred to in sub-section (1) of section *eight* who is exempted from the provisions of paragraph (c) of section *ten*, if he has failed to pass such examinations in the Afrikaans and the English languages as is referred to in the said paragraph within a period of two years after he was admitted and enrolled as an attorney or within such further period as the court may for good cause allow; or
- (c) in the case of a person admitted and enrolled in terms of section *nine*, if it appears to the court that he has ceased to be resident or practising as an attorney or solicitor in the country or territory in which he was admitted and enrolled upon his admission and enrolment in the Republic or if the country or territory in which he was so admitted and enrolled has ceased to be a country or territory approved of for the purposes of section *nine*; or
- (d) if the court is satisfied that he is not a fit and proper person to continue in practice as an attorney."

(2) Sub-paragraph (ii) of paragraph (a) of section *twenty-eight bis* of the principal Act, as inserted by sub-section (1) of this section, shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

15. The following section is hereby substituted for section *thirty* of the principal Act:

"Regulations.

30. (1) The Minister of Justice may, after consultation, except in the case of regulations made under paragraph (g) or (h), with the Chief Justice of South Africa and after consultation with the presidents of the several law societies and, in the case of regulations made under paragraph (b) or (e),

samens te reël, te beheer en af te neem ten opsigte van—

- (a) die praktyk en prosedure in die Hooggeregshof van Suid-Afrika en in landdroshowe ingestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944);
- (b) die praktiese boekhou wat nodig is vir die hou van die in sub-artikel (4) van artikel *drie-en-dertig* bedoelde rekeningboeke;
- (c) die praktyk, funksies en pligte van 'n prokureur;
- (d) die praktyk, funksies en pligte van 'n notaris;
- (e) die wet, praktyk en prosedure van transportbesorging."

14. (1) Die volgende artikel word hierby na artikel *agt-en-twintig* van die Hoofwet ingevoeg:

„Verwydering van prokureurs van rol.

28bis. Ondanks andersluidende westbepalings kan enige persoon wat kragtens hierdie Wet as 'n prokureur toegelaat en ingeskryf is deur die hof van die rol geskrap of in sy praktyk geskors word op instansie van enige betrokke wetsgenootskap—

- (a) (i) indien hy opgehou het om 'n Suid-Afrikaanse burger te wees; of
 - (ii) in die geval van iemand wat nie 'n Suid-Afrikaanse burger is nie, as hy in gebreke gebly het om binne 'n tydperk van ses jaar vanaf die datum waarop hy tot die Republiek toegelaat is vir permanente verblyf daarin, of binne die verdere tydperk wat die hof om gegronde redes toelaat, 'n sertifikaat van naturalisasie ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), te verkry; of
- (b) in die geval van 'n in sub-artikel (1) van artikel *agt* bedoelde persoon wat van die bepaling van paragraaf (c) van artikel *tien* vrygestel is, as hy in gebreke gebly het om in sodanige eksamens in die Afrikaanse en die Engelse tale as wat in genoemde paragraaf bedoel word, te slaag binne 'n tydperk van twee jaar nadat hy as prokureur toegelaat en ingeskryf is of binne die verdere tydperk wat die hof om gegronde redes toelaat; of
- (c) in die geval van iemand wat ingevolge artikel *nege* toegelaat en ingeskryf is, as dit vir die hof blyk dat hy opgehou het om woonagtig te wees of te praktiseer as prokureur of 'solicitor' in die land of gebied waarin hy toegelaat en ingeskryf was tydens sy toelating en inskrywing in die Republiek of as die land of gebied waarin hy aldus toegelaat en ingeskryf was, opgehou het om 'n land of gebied te wees wat vir die doeleindes van artikel *nege* goedgekeur is; of
- (d) indien die hof oortuig is dat hy nie 'n geskikte en gepaste persoon is om voort te gaan om as prokureur te praktiseer nie."

(2) Sub-paragraaf (ii) van paragraaf (a) van artikel *agt-en-twintig bis* van die Hoofwet, soos deur sub-artikel (1) van hierdie artikel ingevoeg, tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

15. Artikel *dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies.

30. (1) Die Minister van Justisie kan na oorlegpleging, behalwe in die geval van regulasies kragtens paragraaf (g) of (h) uitgevaardig, met die Hoofregter van Suid-Afrika en na oorlegpleging met die presidente van die verskillende wetsgenootskappe en, in die geval van regulasies uitgevaardig

also after consultation with the several universities in South Africa having faculties of law and the Board for the Recognition of Examinations in Law established by section *sixteen* of the Universities Act, 1955 (Act No. 61 of 1955), make regulations for the purpose of determining and prescribing—

- (a) the countries or territories which shall be approved of for the purposes of section *eight* or *nine*;
- (b) what examination, if any, in the principles of Roman Dutch law and statute law of the Republic, any person (other than a person who has been admitted and enrolled as an attorney of the South West Africa Division of the Supreme Court of South Africa) referred to in section *eight* shall be required to pass before being admitted and enrolled as an attorney under this Act;
- (c) whether any person referred to in section *eight* shall be exempted from passing or shall be required to pass, any practical examination referred to in paragraph (a), (b) or (c) of section *twenty-seven* or any part thereof before being admitted and enrolled as an attorney under this Act;
- (d) the circumstances under which any person shall, for the purposes of admission as a notary or conveyancer under section *twenty-three* or *twenty-four*, be exempted from passing the practical examination referred to in paragraph (d) or (e) of section *twenty-seven*;
- (e) the degree in law referred to in subparagraph (iii) of paragraph (a) of section *ten* and the requirements for such a degree;
- (f) the rights, duties and powers of a *curator bonis* appointed under sub-section (9) of section *thirty-three*;
- (g) the time when and the manner in which any interest referred to in sub-section (3) of section *thirty-three* shall be paid over to the Fidelity Guarantee Fund referred to in the said sub-section;
- (h) the acts which shall not be performed by any person other than an attorney, notary or conveyancer or an agent referred to in section *twenty-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

(2) Regulations made under paragraph (h) of sub-section (1) may provide for exemptions either temporarily or permanently or partially or wholly from the prohibitions therein contained in respect of particular persons or classes of persons or in respect of any specified matter connected with any act mentioned in such regulations: Provided that no exemption granted permanently shall be cancelled or withdrawn unless such cancellation or withdrawal has been approved by resolution of the Senate and the House of Assembly."

16. Section *thirty-two* of the principal Act is hereby amended—

- (a) by the addition to sub-section (1) of the words "or perform any act which he is in pursuance of any regulations made under paragraph (h) of sub-section (1) of section *thirty* prohibited from performing"; and
- (b) by the insertion after sub-section (1)*bis* of the following sub-section:

"(1)*ter* Notwithstanding anything to the contrary in any law contained, no person other than an advocate of the Supreme Court of South Africa or an attorney or an agent referred to in section *twenty-two* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall appear for or on behalf

kragtens paragraaf (b) of (e), ook na oorslegpleging met die verskillende universiteite in Suid-Afrika met regs fakulteite en die Raad vir die Erkenning van Regseksamens ingestel by artikel *sestien* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), regulasies uitvaardig om vas te stel en voor te skrywe—

- (a) die lande of gebiede wat vir die doeleindes van artikel *agt* of *nege* goedgekeur word;
- (b) in watter eksamen, indien enige, in die beginsels van Romeins-Hollandse reg en statutereg van die Republiek iemand (behalwe 'n persoon wat as prokureur van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika toegelaat en ingeskryf is) in artikel *agt* bedoel, moet slaag voordat hy as prokureur kragtens hierdie Wet toegelaat en ingeskryf word;
- (c) of iemand in artikel *agt* bedoel daarvan vrygestel word om te slaag of moet slaag in enige praktiese eksamen in paragraaf (a), (b) of (c) van artikel *sewe-en-twintig* bedoel of 'n gedeelte daarvan voordat hy kragtens hierdie Wet as prokureur toegelaat en ingeskryf word;
- (d) die omstandighede waaronder iemand, vir die doel van toelating as notaris of transportbesorger ingevolge artikel *drie-en-twintig* of *vier-en-twintig*, daarvan vrygestel word om te slaag in die praktiese eksamen bedoel in paragraaf (d) of (e) van artikel *sewe-en-twintig*;
- (e) die in sub-paragraaf (iii) van paragraaf (a) van artikel *tien* bedoelde graad in regte en die vereistes vir so 'n graad;
- (f) die regte, pligte en bevoegdheede van 'n ingevolge sub-artikel (9) van artikel *drie-en-dertig* aangestelde *curator bonis*;
- (g) die tyd wanneer en die wyse waarop enige in sub-artikel (3) van artikel *drie-en-dertig* bedoelde rente aan die in genoemde sub-artikel bedoelde Getrouheidswaarborg-fonds betaal moet word;
- (h) die handeling wat nie deur enige ander persoon as 'n prokureur, notaris of transportbesorger of 'n in artikel *twee-en-twintig* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), bedoelde wetsagent verrig mag word nie.

(2) Regulasies kragtens paragraaf (h) van sub-artikel (1) uitvaardig, kan voorsiening maak vir tydelike of permanente of gedeeltelike of algehele vrystelling van die verbodsbepalings daarin vervat ten opsigte van bepaalde persone of klasse persone of ten opsigte van enige vermelde aangeleentheid wat in verband staan met enige in sodanige regulasies vermelde handeling: Met dien verstande dat geen vrystelling wat permanent toegestaan is, gekanselleer of ingetrek word nie tensy sodanige kansellering of intrekking by besluit van die Senaat en die Volksraad goedgekeur is."

16. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur by sub-artikel (1) die woorde „of enige handeling verrig wat hy ingevolge enige kragtens paragraaf (h) van sub-artikel (1) van artikel *dertig* uitgevaardigde regulasie verbied is om te verrig nie" te voeg; en
- (b) deur na sub-artikel (1)*bis* die volgende sub-artikel in te voeg:

„(1)*ter* Ondanks andersluidende wetsbepalings, mag geen persoon behalwe 'n advokaat van die Hooggeregshof van Suid-Afrika of 'n prokureur of 'n in artikel *twee-en-twintig* van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), bedoelde wetsagent, vir of na

of any other person in any proceedings or classes of proceedings which are held under the provisions of any law and which have been designated by the Minister of Justice by notice in the *Gazette* after consultation with the presidents of the several law societies."

17. The following section is hereby substituted for section *thirty-three* of the principal Act;

"Trust account and investment of trust moneys.

33. (1) Every practising attorney, notary and conveyancer shall open and keep a separate trust account at a bank, in the Republic and shall deposit therein the moneys held or received by him on account of any person.

(2) (a) Notwithstanding the provisions of sub-section (1), any attorney, notary or conveyancer may invest in a separate savings or other interest-bearing account opened by him with any banking institution or building society, or any institution or class of institution designated by the Minister of Justice by notice in the *Gazette* after consultation with the Minister of Finance and the presidents of the several law societies, any moneys deposited in such trust account which are not immediately required for any particular purpose.

(b) Such savings or other interest-bearing account shall contain a reference to this sub-section.

(3) Any interest on moneys so invested shall be paid over by the attorney, notary or conveyancer concerned to the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund established under the Attorneys' Admission Amendment and Legal Practitioners' Fidelity Fund Act, 1941 (Act No. 19 of 1941), at the time and in the manner prescribed by regulation made under section *thirty*.

(4) Every practising attorney, notary or conveyancer shall keep proper books of account containing particulars and information of any moneys received, held or paid by him for or on account of any person, of any moneys invested by him in terms of sub-section (2) and of any interest on moneys so invested which is paid over or credited to him.

(5) The council of the law society of the province in which any attorney, notary or conveyancer is practising, may, by itself or through its nominee and at its own cost, inspect the books of account of any attorney, notary or conveyancer to satisfy itself that the provisions of sub-sections (1), (3) and (4) are being observed: Provided that if it is found upon such inspection that such attorney, notary or conveyancer has not complied with the provisions of sub-section (1), (3) or (4) such council may recover the cost of such inspection from such attorney, notary or conveyancer.

(6) For the purposes of sub-sections (4) and (5) the expression 'books of account' includes any record or document relating to any moneys invested in terms of sub-section (2), or to any interest referred to in sub-section (3), or to any estate of a deceased person or any insolvent estate or any estate placed under curatorship in respect of which any attorney, notary or conveyancer is the executor, trustee or curator or which any attorney, notary or conveyancer is administering on behalf of the executor, trustee or curator of that estate.

mens enige ander persoon verskyn nie in enige verrigtinge of klasse verrigtinge wat kragtens die bepalings van een of ander wet plaasvind en wat deur die Minister van Justisie, na oorlegpleging met die presidente van die verskillende wetsgenootskappe, by kennisgewing in die *Staatskoerant* aangewys is."

17. Artikel *drie-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Trustrekening en belegging van trustgelde.

33. (1) Elke praktiserende prokureur, notaris en transportbesorger moet 'n aparte trustrekening by 'n bank in die Republiek open en hou en moet daarin die gelde wat hy op rekening van enige persoon hou of ontvang, deponeer.

(2) (a) Ondanks die bepalings van sub-artikel (1), kan 'n prokureur, notaris of transportbesorger enige gelde wat in sodanige trustrekening gedeponeer is en wat nie onmiddellik vir een of ander bepaalde doel nodig is nie in 'n aparte spaar- of ander rentegewende rekening wat deur hom geopen is by enige bank-instelling of bouvereniging of enige instelling of klas instelling wat deur die Minister van Justisie, na oorlegpleging met die Minister van Finansies en die presidente van die verskillende wetsgenootskappe, by kennisgewing in die *Staatskoerant* aangewys is, belê.

(b) Sodanige spaar- of ander rentegewende rekening moet 'n verwysing na hierdie sub-artikel bevat.

(3) Enige rente op gelde aldus belê, moet deur die betrokke prokureur, notaris of transportbesorger betaal word aan die Getrouheidswaarborg-fonds vir Prokureurs, Notarisse en Transportbesorgers wat kragtens die Toelating van Prokureurs Wysigings- en Regspraktisyns-getrouheidsfondswet, 1941 (Wet No. 19 van 1941), gestig is, op die tyd en die wyse voorgeskryf by regulasie kragtens artikel *dertig* uitgevaardig.

(4) Elke praktiserende prokureur, notaris of transportbesorger moet behoorlike rekeningboeke hou wat besonderhede en inligting bevat betreffende enige gelde deur hom ontvang, gehou of betaal vir of op rekening van enige persoon, enige gelde deur hom ingevolge sub-artikel (2) belê en enige rente op gelde aldus belê wat aan hom betaal word of waarmee hy gekrediteer word.

(5) Die raad van die wetsgenootskap van die provinsie waarin enige prokureur, notaris of transportbesorger praktiseer, kan self of deur sy benoemde en op sy eie koste die rekeningboeke van enige prokureur, notaris of transportbesorger ondersoek om homself te oortuig dat die bepalings van sub-artikels (1), (3) en (4) nagekom word: Met dien verstande dat indien by sodanige ondersoek bevind word dat sodanige prokureur, notaris of transportbesorger nie aan die bepalings van sub-artikel (1), (3) of (4) voldoen het nie sodanige raad die koste van sodanige ondersoek op sodanige prokureur, notaris of transportbesorger kan verhaal.

(6) By die toepassing van sub-artikels (4) en (5) sluit die uitdrukking 'rekeningboeke' enige aantekening of dokument in wat betrekking het op enige gelde ingevolge sub-artikel (2) belê, of op enige in sub-artikel (3) bedoelde rente, of op 'n boedel van 'n oorlede persoon of 'n insolvente boedel of 'n boedel onder kuratorskap geplaas, ten opsigte waarvan 'n prokureur, notaris of transportbesorger die eksekuteur, trustee of kurator is of wat 'n prokureur, notaris of transportbesorger namens die eksekuteur, trustee of kurator van daardie boedel administreer.

(7) No amounts standing to the credit of such trust account or savings or other interest-bearing account in any bank, banking institution or building society, or any institution designated in terms of sub-section (2) shall be regarded as forming part of the assets of the attorney, notary or conveyancer concerned and no such amount shall be liable to attachment at the instance of any creditor of such attorney, notary or conveyancer: Provided that any excess remaining after payment of the claims of all persons whose moneys have, or should have, been deposited in such trust account or have been invested in terms of sub-section (2), and of any claim by the Fidelity Guarantee Fund referred to in sub-section (3) in respect of any interest referred to in the said sub-section, shall be deemed to form part of the assets of such attorney, notary or conveyancer.

(8) Upon application made by the law society of the province concerned, and upon good cause shown, the court may prohibit any attorney, notary or conveyancer from operating in any way on his trust account or savings or other interest-bearing account and may appoint a *curator bonis* to control and administer such trust account or savings or other interest-bearing account with such rights, duties and powers, in relation thereto, as the court may deem fit.

(9) (a) Upon the death or insolvency of or the assignment of his estate by an attorney, notary or conveyancer or in the event of an attorney, notary or conveyancer being struck off the roll or being suspended from practice or being declared by a court of competent jurisdiction to be incapable of managing his own affairs, or abandoning his practice, the Master of the Supreme Court having jurisdiction may, upon application made by the law society of the province concerned or by any person having an interest in the trust account or savings or other interest-bearing account of such attorney, notary or conveyancer, appoint a *curator bonis* to control and administer such trust account or savings or other interest-bearing account, with such of the rights, duties and powers prescribed by regulation under paragraph (f) of sub-section (1) of section thirty, as the said Master may deem fit.

(b) Any person aggrieved by a decision of a Master under paragraph (a) may, within thirty days after the decision became known to him, appeal against that decision to the court having jurisdiction, and the court to which appeal is so made may confirm or vary the decision of the Master or give such other decision as in its opinion the Master ought to have given.

(c) Nothing in this sub-section or in sub-section (7) or (8) contained shall be construed as preventing any attorney, notary or conveyancer who was practising in partnership with an attorney, notary or conveyancer referred to in paragraph (a) of this sub-section, from continuing to operate on the trust account or savings or other interest-bearing account of the partnership.

(10) Any bank, banking institution or building society, or any institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall not by reason only of the name or style by which the account is

(7) Geen bedrag wat op krediet van so 'n trust- of spaar- of ander rentegewende rekening in enige bank, bankinstelling- of bouvereniging, of enige ingevolge sub-artikel (2) aangewese instelling staan, word as deel die bates van die betrokke prokureur, notaris of transportbesorger beskou nie, en geen sodanige bedrag kan op instansie van 'n skuldeiser van so 'n prokureur, notaris of transportbesorger in beslag geneem word nie: Met dien verstande dat enige oorskot wat oorbly na betaling van die eise van alle persone wie se gelde in so 'n trustrekening gedeponeer is, of daarin gedeponeer moes gewees het, of ingevolge sub-artikel (2) belê is, en van enige eis van die in sub-artikel (3) bedoelde Getrouheidswaarborg-fonds ten opsigte van enige in genoemde sub-artikel bedoelde rente, geag word deel van die bates van so 'n prokureur, notaris of transportbesorger te wees.

(8) Op aansoek van die wetsgenootskap van die betrokke provinsie en as goeie gronde daarvoor aangevoer word, kan die hof 'n prokureur, notaris of transportbesorger verbied om op enige wyse op sy trust- of spaar- of ander rentegewende rekening te opereer en 'n *curator bonis* aanstel om so 'n trust- of spaar- of ander rentegewende rekening te beheer en te administreer, met die regte, pligte en bevoegdhede met betrekking daartoe wat die hof goedvind.

(9) (a) Indien 'n prokureur, notaris of transportbesorger te sterwe kom of insolvent raak of van sy boedel afstand doen of van die rol geskrap of in sy praktyk geskors word of deur 'n bevoegde hof onbevoeg verklaar word om sy eie sake te bestuur, of sy praktyk laat vaar, kan die Meester van die Hooggereshof wat regsbevoegdheid het, op aansoek van die wetsgenootskap van die betrokke provinsie of van enigiemand wat 'n belang by so 'n prokureur, notaris of transportbesorger se trust- of spaar- of ander rentegewende rekening het, 'n *curator bonis* aanstel om bedoelde trust- of spaar- of ander rentegewende rekening te beheer en te administreer, met die regte, pligte en bevoegdhede voorgeskryf by regulasie kragtens paragraaf (f) van sub-artikel (1) van artikel dertig, wat bedoelde Meester goedvind.

(b) Iemand wat hom veronreg voel deur 'n beslissing van 'n Meester ingevolge paragraaf (a) kan, binne dertig dae na die beslissing aan hom bekend geword het, teen bedoelde beslissing appelleer na die hof wat regsbevoegdheid het, en die hof waarna aldus geappelleer word, kan die beslissing van die Meester bevestig of verander of die ander beslissing gee wat de Meester na sy oordeel behoort te gee het.

(c) Geen bepaling van hierdie sub-artikel of van sub-artikel (7) of (8) word so uitgelê dat dit 'n prokureur, notaris of transportbesorger wat met 'n in paragraaf (a) van hierdie sub-artikel bedoelde prokureur, notaris of transportbesorger in vennootskap gepraktiseer het, belet om voort te gaan om die trust- of spaar- of ander rentegewende rekening van die vennootskap te opereer nie.

(10) 'n Bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, word nie, alleen weens die naam of beskrywing waaronder die rekening bekend staan, geag te weet dat die prokureur, notaris of

distinguished, be deemed to have knowledge that the attorney, notary or conveyancer is not entitled absolutely to all moneys paid or credited to any such account: Provided that nothing in this sub-section contained shall relieve a bank, banking institution or building society, or an institution designated in terms of sub-section (2) from any liability or obligation under which it would be apart from this Act.

(11) Notwithstanding anything in sub-section (10) contained, a bank, banking institution or building society, or an institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall not, in respect of any liability of the attorney, notary or conveyancer to such bank, banking institution, building society or institution, not being a liability arising out of or in connection with any such account, have or obtain any recourse or right, whether by way of set off, counter-claim, charge or otherwise, against moneys standing to the credit of any such account.

(12) Nothing in this section contained shall be construed—

- (a) as depriving any bank, banking institution or building society, or any institution designated in terms of sub-section (2) of any right existing at the commencement of the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964;
- (b) as taking away or affecting any just claim, lien, counterclaim, right of set off or charge of any kind which an attorney, notary or conveyancer may, at common law or under any statute, have against or upon any moneys held or received by him on account of any person;
- (c) as relieving any attorney, notary or conveyancer who has, in terms of sub-section (2), invested any moneys referred to in sub-section (1) of any liability in respect thereof.

(13) Any attorney, notary or conveyancer who contravenes sub-section (1), (3) or (4) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and shall further be guilty of unprofessional conduct and liable to be struck off the roll or suspended from practice.

(14) Any bank, banking institution or building society, or any institution designated in terms of sub-section (2) at which an attorney, notary or conveyancer keeps such trust account or savings or other interest-bearing account shall, whenever so required by the council of the law society of the province in which such attorney, notary or conveyancer is practising, furnish to such council a signed certificate of balance certifying the amount standing to the credit (or debit if such be the case) of such trust account or savings or other interest-bearing account in such bank, banking institution, building society or institution as at such date or dates as may be specified by the council."

18. The First Schedule to the principal Act is hereby amended—

- (a) by the deletion of paragraph 3;
- (b) by the substitution for paragraph 4 of the following paragraph:

"4. In the case of any person who was admitted or was entitled to be admitted as an advocate of the Supreme Court of South Africa or who has satisfied all the requirements

transportbesorger nie geheel en al op alle gelde in enige sodanige rekening betaal of gekrediteer geregtig is nie: Met dien verstande dat geen bepaling van hierdie sub-artikel 'n bank, bankinstelling of bouvereniging of 'n ingevolge sub-artikel (2) aangewese instelling onthef van enige aanspreeklikheid of verpligting waaronder hy afgesien van hierdie Wet sou staan nie.

(11) Ondanks die bepaling van sub-artikel (10), het of verkry 'n bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, ten opsigte van enige aanspreeklikheid van die prokureur, notaris of transportbesorger teenoor sodanige bank, bankinstelling, bouvereniging of instelling wat nie 'n aanspreeklikheid is wat ontstaan het uit of in verband met enige sodanige rekening nie, geen verhaal of reg, hetsy by wyse van skuldvergelyking, teeneis, koste of andersins, op gelde wat op krediet van enige sodanige rekening staan nie.

(12) Geen bepaling van hierdie artikel word so uitgelê—

- (a) dat 'n bank, bankinstelling of bouvereniging, of 'n ingevolge sub-artikel (2) aangewese instelling enige reg wat bestaan by die inwerkingtrekking van die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorger, 1964, ontnem word nie;
- (b) dat enige billike eis, retensiereg, teeneis, reg van skuldvergelyking of koste van enige aard wat 'n prokureur, notaris of transportbesorger kragsins die gemene reg of 'n wet het teen of op enige gelde deur hom op rekening van enige persoon gehou of ontvang, weggeneem of geraak word nie;
- (c) dat 'n prokureur, notaris of transportbesorger wat enige in sub-artikel (1) bedoelde gelde ingevolge sub-artikel (2) belê het van enige aanspreeklikheid ten opsigte daarvan onthef word nie.

(13) Enige prokureur, notaris of transportbesorger wat sub-artikel (1), (3) of (4) oortree, is aan 'n misdryf skuldig en by skuldigebevinding strafbaar met 'n boete van hoogstens tweehonderd rand en is verder aan onprofessionele gedrag skuldig en kan van die rol geskrap of in sy praktyk geskors word.

(14) Enige bank, bankinstelling of bouvereniging, of enige ingevolge sub-artikel (2) aangewese instelling waar 'n prokureur, notaris of transportbesorger sodanige trust- of spaar- of ander rentegewende rekening hou, moet, wanneer aldus gelas deur die raad van die wetsgenootskap van die provinsie waarin sodanige prokureur, notaris of transportbesorger praktiseer, aan sodanige raad 'n ondertekende sertifikaat van balans verstrek waarin gesertifiseer word die bedrag wat op krediet (of debet as dit die geval is) van sodanige trust- of spaar- of ander rentegewende rekening in sodanige bank, bankinstelling, bouvereniging of instelling staan op die datum of datums wat deur die raad vermeld word."

18. Die Eerste Bylae by die Hoofwet word hierby gewysig—

- (a) deur paragraaf 3 te skrap;
- (b) deur paragraaf 4 deur die volgende paragraaf te vervang:

"4. In die geval van enige persoon wat toegelaat is of geregtig was om toegelaat te word as advokaat van die Hooggeregshof van Suid-Afrika of wat aan al die vereistes vir die

for the degree in law prescribed by regulation made under paragraph (e) of sub-section (1) of section *thirty*, the term shall be two years.”; and

- (c) by the substitution for paragraph 6 of the following paragraph:

“6. Subject to the provisions of sections *nineteen* and *thirty-four* in every case any period of service performed prior to the passing of any of the examinations or the obtaining of any degree herein referred to shall be null and of no effect.”.

19. The provisions of the principal Act shall, until a date fixed by the Minister of Justice by notice in the *Gazette* after consultation with the presidents of the law societies mentioned in the definition of “law society” in section *two* of the principal Act, continue to apply, as if this Act had not been passed, in respect of any person referred to in the proviso to section *four* of the principal Act, as substituted by section *two* of this Act, who had before the commencement of this Act enrolled at a university as a student reading for any degree referred to in sub-paragraph (iii) of paragraph (c) of section *thirteen* of the principal Act on the day immediately prior to the date of deletion thereof by section *nine* of this Act and to whom the said provisions would, but for the provisions of this Act, have applied.

20. This Act shall be called the Attorneys, Notaries and Conveyancers Admission Amendment Act, 1964.

No. 64, 1964 (Republic).]

ACT

To amend the Police Act, 1958, and to provide for other incidental matters.

(*Afrikaans text signed by the State President.*)
(Assented to 17th June, 1964.)

BE IN 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 Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—
- by the deletion of the definition of “commanding officer”;
 - by the insertion after the definition of “Commissioner” of the following definitions:
“division” means any area which the Commissioner, acting with the approval of the Minister, determines to be a division for the purposes of this Act,
“divisional commissioner” means any commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner to command a division;”;
 - by the addition to the definition of “member of the Force” of the words “and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, any member of the Police Reserve of Officers or the Reserve Police Force while employed in the Force and any special constable while so employed”;
 - by the deletion of the definition of “Police control area”;
 - by the insertion after the definition of “regulation” of the following definitions:
“Republic” includes the territory of South West Africa;

graad in regte voorgeskryf by regulasie uitgevaardig kragtens paragraaf (e) van subartikel (1) van artikel *dertig* voldoen het, is die tydperk twee jaar.”; en

- (c) deur paragraaf 6 deur die volgende paragraaf te vervang:

“6. Behoudens die bepalings van artikels *negentien* en *vier-en-dertig* is enige tydperk van diens verrig voor die aflegging van een of ander van die eksamens of verkryging van enige graad hierin bedoel in elke geval van nul en gener waarde.”.

19. Tot op 'n datum deur die Minister van Justisie by kennisgewing in die *Staatskoerant* bepaal na oorlegpleging met die presidente van die wetsgenootskappe vermeld in die omskrywing van „wetsgenootskap” in artikel *twee* van die Hoofwet, bly die bepalings van die Hoofwet **van toepassing asof hierdie Wet nie aangeneem is nie**, ten opsigte van enige persoon bedoel in die voorbehoudsbepaling by artikel *vier* van die Hoofwet, soos deur **artikel twee van hierdie Wet vervang**, wat voor die inwerkingtreding van hierdie Wet by 'n universiteit as student ingeskryf het vir 'n graad waarna in sub-paragraaf (iii) van paragraaf (c) van artikel *dertien* van die Hoofwet verwys was op die dag onmiddellik voor die datum van skraping daarvan deur artikel *nege* van hierdie Wet en op wie genoemde bepalings van toepassing sou gewees het as dit nie vir die bepalings van hierdie Wet was nie.

20. Hierdie Wet heet die Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1964.

No. 64, 1964 (Republiek).]

WET

Tot wysiging van die Polisiewet, 1958, en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(Goedgekeur op 17 Junie 1964.)

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

1. Artikel *een* van die Polisiewet, 1958 (hieronder die Hoofwet geneem), word hierby **gewysig**—
- deur die omskrywing van „bevelvoerende offisier” deur die volgende omskrywings te vervang:
„afdeling” ’n gebied wat die Kommissaris met goedkeuring van die Minister as ’n afdeling by die toepassing van hierdie Wet bepaal;
„afdelingskommissaris” ’n offisier met of bo die rang van luitenant-kolonel deur die Kommissaris aangewys om oor ’n afdeling bevel te voer;”;
 - deur by die omskrywing van „die Mag” die woorde „en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, die Polisiereserwe van Offisiere, die Reserwepolisiemag en spesiale konstabels” by te voeg;
 - deur by die omskrywing van „lid van die Mag” die woorde „en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, ’n lid van die Polisiereserwe van Offisiere of die Reserwepolisiemag, terwyl hy in die Mag in diens geneem is, en ’n spesiale konstabel terwyl hy aldus in diens geneem is” by te voeg;
 - deur die omskrywing van „Polisiebeheergebied” te skrap;

"Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in this Act;"

(f) by the addition to the definition of "the Force" of the words "and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, the Police Reserve of Officers, the Reserve Police Force and special constables";

(g) by the deletion of the definition of "Union".

2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Governor-General" of the words "State President".

3. Section *five* of the principal Act is hereby amended by the substitution in paragraph (a) for the word "Union" of the word "Republic".

4. Section *six* of the principal Act is hereby amended by the substitution in sub-section (3) for the word "Crown" of the word "State" and for the word "Union" of the word "Republic".

5. Section *seven* of the principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President" and for the word "Union" wherever it occurs of the word "Republic".

6. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "Governor-General" of the words "State President".

7. Section *nine* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "fifty pounds" of the words "one hundred rand";
- (b) by the substitution in sub-section (2) for the words "five pounds" of the words "ten rand" and for the word "pay" of the words "salary or wages";
- (c) by the substitution for sub-sections (4) and (5) of the following sub-sections:

"(4) Any commissioned officer who sentences any member of the Force under this section, shall forthwith transmit the record of the proceedings in the case to the divisional commissioner of the division in which that member is serving or any other commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner, and such divisional commissioner or other officer may quash the conviction or confirm or reduce the sentence.

(5) No conviction or sentence by a commissioned officer shall have any force or effect unless it has been confirmed and, where a sentence is reduced, the amount of the fine to be paid by the person convicted has been determined by the divisional commissioner or other commissioned officer of or above the rank of lieutenant-colonel concerned."

8. Section *ten* of the principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President".

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

- (a) by the substitution for sub-sections (1) and (2) of the following sub-sections:

"(1) A member of the Force who has been suspended from office, shall not in respect of the period of his suspension be entitled to any salary, wages, allowance, privilege or benefit to which he would otherwise have been entitled as such a member, but the Minister may in his discretion direct that during the period of suspension of such a member, not being a period during which he is serving a term of imprisonment in pursuance of a sentence which is not set aside on appeal, there be paid to him the whole or a portion of his salary or wages and allowances or be granted to him such privileges and benefits as the Minister may direct.

(e) deur die omskrywing van „Unie" deur die volgende omskrywings te vervang:

„,Republiek' ook die gebied Suidwes-Afrika;

,Tesourie' die Minister van Finansies of 'n beamppte in die Departement van Finansies wat deur bedoelde Minister gemagtig is om die een of ander van die werksaamhede wat in hierdie Wet aan die Tesourie opgedra word, te verrig."

2. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang.

3. Artikel *vyf* van die Hoofwet word hierby gewysig deur in paragraaf (a) die woord „Unie" deur die woord „Republiek" te vervang.

4. Artikel *ses* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woord „Unie" deur die woord „Republiek" en die woord „Kroon" deur die woord „Staat" te vervang.

5. Artikel *sewe* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal" waar dit ook al voorkom deur die woord „Staatspresident" en die woord „Unie" waar dit ook al voorkom deur die woord „Republiek" te vervang.

6. Artikel *agt* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Goewerneur-generaal" deur die woord „Staatspresident" te vervang.

7. Artikel *nege* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „vyftig pond" deur die woorde „honderd rand" te vervang;
- (b) deur in sub-artikel (2) die woorde „vyf pond" deur die woorde „tien rand" en die woord „soldy" deur die woorde „salaris of loon" te vervang;
- (c) deur sub-artikels (4) en (5) deur die volgende artikels te vervang:

„(4) 'n Offisier wat 'n lid van die Mag ingevolge hierdie artikel vonnis, stuur onverwyld die relaas van die verrigtinge in die saak aan die afdelingskommissaris van die afdeling waarin daardie lid dien of 'n ander offisier met of bo die rang van luitenant-kolonel deur die Kommissaris aangewys, en bedoelde afdelingskommissaris of ander offisier kan die skuldigbevinding nietig verklaar of die vonnis bekrachtig of verminder.

(5) 'n Skuldigbevinding of vonnis deur 'n offisier is nie van krag nie tensy dit bekrachtig is en, waar 'n vonnis verminder word, die betrokke afdelingskommissaris of ander offisier met of bo die rang van luitenant-kolonel die bedrag van die boete wat die veroordeelde moet betaal, vasgestel het."

8. Artikel *tien* van die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal" waar dit ook al voorkom deur die woord „Staatspresident" te vervang.

9. Artikel *vyftien* van die Hoofwet word hierby gewysig—

- (a) deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

„(1) 'n Lid van die Mag wat in sy amp geskors is, is nie ten opsigte van die tydperk van sy skorsing geregtig op enige salaris, loon, toelae, voorregte of voordeel waarop hy andersins as so 'n lid geregtig sou gewees het nie, maar die Minister kan na goeddunke gelas dat daar gedurende die tydperk van skorsing van so 'n lid, behalwe 'n tydperk waartydens hy gevangenisstraf uitdien ingevolge 'n vonnis wat nie by appèl tersyde gestel is nie, aan hom sy volle salaris of loon en toelae of 'n deel daarvan betaal word of aan hom die voorregte en voordele toegestaan word wat die Minister gelas.

(2) Indien besluit word om 'n lid van die Mag wat in sy amp geskors is, nie te ontslaan nie, word aan daardie lid ten opsigte van die tydperk van sy skorsing, behalwe 'n tydperk van skorsing waartydens hy gevangenisstraf uitgedien het ingevolge 'n vonnis wat nie by appèl tersyde gestel is nie, sy volle salaris of loon en toelae betaal en al die voorregte en voordele verleen waarop hy as 'n lid van die Mag geregtig sou gewees het indien hy nie

(2) If it is decided not to discharged a member of the Force who has been suspended from office, such member shall in respect of the period of his suspension, not being a period of suspension during which he was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal, be paid his full salary or wages and allowances and be granted all the privileges and benefits to which he would but for his suspension have been entitled as a member of the Force: Provided that if such a member is reduced in rank, he shall in respect of such period be paid the salary or wages and allowances applicable to the rank to which he is reduced, but if in respect of such period he was in terms of sub-section (1) paid any salary, wages or allowances in excess of the salary or wages and allowances applicable to the rank to which he is reduced, he shall not be obliged to refund the excess.”;

(b) by the insertion in sub-section (3) after the word “Commissioner” of the words “or any other commissioned officer of or above the rank of lieutenant-colonel”.

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

“(1) A member of the Force who is not a commissioned officer, may be discharged or dismissed from the Force or be reduced in rank if after enquiry in manner prescribed by the regulations, as to his fitness to remain in the Force or to retain his rank, the Commissioner or the divisional commissioner of the division in which such member is serving or any other commissioned officer designated by the Commissioner is of opinion that he is unfit to remain in the Force or to retain his rank, as the case may be.”.

11. Section *nineteen* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

12. Section *twenty-two* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “Governor-General” of the words “State President” and the addition to the said sub-section of the words “or who has rendered exceptional services to the Force”.

13. Section *twenty-three* of the principal Act is hereby amended by the substitution for the words “twenty-five pounds” of the words “fifty rand”.

14. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

15. Section *twenty-five* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “fifty pounds” of the words “one hundred rand”;
- (b) by the substitution in sub-section (2) for the word “pay” of the words “salary, wages” and for the words “twenty-five pounds” of the words “fifty rand”.

16. Section *twenty-six* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”.

17. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words “one hundred pounds” of the words “two hundred rand”.

18. Section *twenty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “fifty pounds” of the words “one hundred rand”.

19. Section *thirty-three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”;
- (b) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) the enrolment, training, promotion, posting, transfer, leave of absence, resignation, dis-

gescors was nie: Met dien verstande dat indien so 'n lid in rang verlaag word, daar ten opsigte van bedoelde tydperk aan hom die salaris of loon en toelaes betaal moet word wat geld vir die rang waartoe hy verlaag word, maar indien ten opsigte van daardie tydperk ingevolge sub-artikel (1) aan hom hoër salaris, loon of toelaes betaal is as die salaris of loon en toelaes wat geld vir die rang waartoe hy verlaag word, is hy nie verplig om die verskil terug te betaal nie.”.

(b) deur in sub-artikel (3) na die woord „Kommissaris” die woorde „of 'n ander offisier met of bo die rang van luitenant-kolonel” in te voeg.

10. Artikel *sewentien* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) 'n Lid van die Mag wat nie 'n offisier is nie, kan uit die Mag ontslaan of afgedank word of in rang verlaag word indien na ondersoek volgens voorskrif van die regulasies aangaande sy geskiktheid om in die Mag te bly of om sy rang te behou, die Kommissaris of die afdelingskommissaris van die afdeling waarin so 'n lid dien of 'n ander offisier deur die Kommissaris aangewys van oordeel is dat hy ongeskik is om in die Mag te bly of, al na die geval, om sy rang te behou.”.

11. Artikel *negentien* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

12. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang en na die woorde „so 'n lid” die woorde „of wat besondere dienste aan die Mag bewys het,” in te voeg.

13. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

14. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

15. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang;
- (b) deur in sub-artikel (2) die woord „soldy” deur die woorde „salaris, loon” en die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

16. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

17. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

18. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

19. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang;
- (b) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
 - „(a) die inlywing, opleiding, bevordering, standplaas, oorplasing, verlof, bedanking, afdanking, ontslag, skorsing of verlagting in rang van lede van die Mag;”;
- (c) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:
 - „(b) *bis* die instelling, bestuur en beheer van 'n fonds om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaal-behandeling van lede van die Mag wat op of na die eerste dag

charge, dismissal, suspension or reduction of members of the Force;”;

- (c) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

“(b)bis the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Force who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Force who died or die on or after the said date, the class of members of the Force or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;”;

- (d) by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

“(c) the numerical establishment and distribution of the Force, the establishment, of police districts and stations, and the conditions of service and the various divisions, branches, grades, ranks, designations and appointments in the Force or in such districts or at such stations;”;

- (e) by the insertion in paragraph (d) of sub-section (1) after the word “recruits” wherever it occurs, of the word “students”;

- (f) by the substitution for paragraph (g) of sub-section (1) of the following paragraph:

“(g) the stoppages to be made from the salaries, wages or allowances of members of the Force;”;

- (g) by the substitution for paragraphs (l) and (m) of sub-section (1) of the following paragraphs:

“(l) the provision of stores, arms, ammunition, saddlery, forage and other articles of equipment and of means of transport and draught or other animals required for the Force, and the care, safe custody and maintenance thereof;

(m) the exercise of their powers and the performance of their duties and functions by members of the Force;”;

- (h) by the substitution for paragraph (p) of sub-section (1) of the following paragraph:

“(p) the dress and clothing of the Force, and the control or disposal of any article of uniform or equipment by any member of the Force;”;

- (i) by the addition to sub-section (1) of the following paragraphs:

“(v) the retention of rank on retirement or resignation from the Force and the award of honorary ranks;

(w) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.”;

- (j) by the substitution for sub-section (2) of the following sub-sections:

“(2) Different regulations may be made with reference to different classes or categories of members of the Force.

(3) Any regulation prescribing improved conditions of service for members of the Force may be made with retrospective effect.

(4) Regulations under paragraph (b)bis of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Force and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.”.

van Januarie, 1964, met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Mag wat op of na bedoelde datum te sterwe gekom het of sterf, die klas van lede van die Mag of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes (indien enige) wat deur enige bepaalde klas van lede van die fonds daartoe gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en verpligtinge van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van die fonds nodig is;”;

- (d) deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(c) die getalsterkte en verspreiding van die Mag, die instelling van polisiedistrikte en -stasies, en die diensvoorwaardes en die verskillende afdelings, takke, grade, range, aanwysings en aanstellings in die Mag of in sodanige distrikte of by sodanige stasies;”;

- (e) deur in paragraaf (d) van sub-artikel (1) na die woord „rekrute” waar dit ook al voorkom die woord „studente” in te voeg;

- (f) deur paragraaf (g) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(g) die aftrekkings wat van die salarisse, lone of toelaes van lede van die Mag gemaak moet word;”;

- (g) deur paragrawe (l) en (m) van sub-artikel (1) deur die volgende paragrawe te vervang:

„(l) die voorsiening van voorrade, wapens, ammunisie, saals en toebehore, voer en ander uitrustingsartikels en van vervoermiddels en trek- of ander diere benodig vir die Mag en die versorging, veilige bewaring en instandhouding daarvan;

(m) die uitoefening van hul bevoegdhede en die verrigting van hul pligte en werksaamhede deur lede van die Mag;”;

- (h) deur paragraaf (p) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(p) die drag en kleding van die Mag en die beheer of beskikking oor uniform- of uitrustingsstukke deur lede van die Mag;”;

- (i) deur die volgende paragrawe by sub-artikel (1) te voeg:

„(v) die behoud van rang by aftrede of bedanking uit die Mag en die toekenning van ererange;

(w) oor die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te verwesentlik;”;

- (j) deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Verskillende regulasies kan uitgevaardig word met betrekking tot verskillende klasse of kategorieë van lede van die Mag.

(3) 'n Regulasie wat verbeterde diensvoorwaardes vir lede van die Mag voorskryf, kan met terugwerkende krag uitgevaardig word.

(4) Regulasies kragtens paragraaf (b)bis van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige, tandheelkundige en hospitaal-behandeling op die grondslag wat kragtens hierdie Wet ten opsigte van lede van die Mag en hul gesinne geld, teen betaling vir bedoelde voordele uit 'n deur of kragtens bedoelde regulasies ingestelde fonds, op die grondslag wat in bedoelde regulasies vermeld word of ooreenkomstig bedoelde regulasies bepaal word.”.

20. Section *thirty-four* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (2) of all the words after the word "Force" where it occurs for the first time;
- (b) by the substitution for sub-sections (3) and (4) of the following sub-sections:

"(3) The Commissioner or any commissioned officer acting under his authority may order any member of the Reserve Police Force to report for service in the Force at a specified time and place and any such member who fails to comply with any such order shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section *nine*.

(4) The Commissioner or any commissioned officer acting under his authority may at any time discharge from the Force any special constable or member of the Reserve Police Force."

21. (1) The following sections are hereby inserted in the principal Act after section *thirty-four*:

"Police Reserve of Officers.

34bis. (1) There is hereby established a Police Reserve of Officers, consisting of all persons who on retirement on pension or resignation from the Force before or after the commencement of the Police Amendment Act, 1964, retained or retain commissioned rank or were or are awarded honorary commissioned rank.

(2) The Commissioner or any commissioned officer acting under his authority may employ any member of the Police Reserve of Officers in the Force and may at any time terminate the services of any such member so employed.

34ter. (1) All members of the Force other than members of the Reserve Police Force who by agreement receive no remuneration for their services, shall be paid salaries, wages or allowances in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) The Commissioner may, subject to the regulations, on the recommendation of the Public Service Commission and with the approval of the Treasury, prescribe conditions of service in respect of the Police Reserve of Officers, the Reserve Police Force and special constables.

(3) Members of the Reserve Police Force who receive no remuneration for their services in the Force, shall not by reason of the fact that they receive no such remuneration be regarded as not being in the service of the State."

(2) The salaries, wages or allowances which would at the commencement of this Act have been payable to persons employed under the principal Act if this Act had not been passed, shall be deemed to be payable to such persons in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(3) Members of the Reserve Police Force established under sub-section (2) of section *thirty-four* of the principal Act, who, prior to the commencement of this Act, when called up for the purpose by a commissioned officer of the South African Police performed any duties which a member of the South African Police could have performed, shall notwithstanding the fact that they received no remuneration for performing such duties, be deemed to have been members of the South African Police while performing such duties.

22. This Act shall be called the Police Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

20. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) al die woorde na die woord „instel" te skrap;
- (b) deur sub-artikels (3) en (4) deur die volgende sub-artikels te vervang:

„(3) Die Kommissaris of 'n offisier wat op sy gesag handel, kan 'n lid van die Reserwepolisiesmag beveel om hom vir diens in die Mag aan te meld op 'n bepaalde tyd en plek en so 'n lid wat in gebreke bly om so 'n bevel na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die in sub-artikel (1) van artikel *nege* voorgeskrewe strawwe.

(4) Die Kommissaris of 'n offisier wat op sy gesag handel, kan te eniger tyd 'n spesiale konstabel of lid van die Reserwepolisiesmag uit die Mag ontslaan."

21. (1) Die volgende artikels word hierby in die Hoofwet na artikel *vier-en-dertig* ingevoeg:

„Polisiereserwe van Offisiere.

34bis. (1) Daar word hierby 'n Polisie-reserwe van Offisiere ingestel, bestaande uit alle persone wat by aftrede met pensioen of bedanking uit die Mag voor of na die inwerkingtreding van die Wysigingswet op Polisie, 1964, offisierrang behou het of behou of aan wie ere-offisierrang toegeken is of word.

(2) Die Kommissaris of 'n offisier wat op sy gesag handel, kan 'n lid van die Polisie-reserwe van Offisiere in die Mag in diens neem en kan te eniger tyd die dienste van so 'n lid wat aldus in diens geneem is, beëindig.

Besoldiging van lede van die Mag en diensvoorwaardes van sekere lede.

34ter. (1) Aan alle lede van die Mag behalwe lede van die Reserwepolisiesmag wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarisse, lone of toelae betaal ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Die Kommissaris kan behoudens die regulasies, op aanbeveling van die Staatsdienskommissie en met goedkeuring van die Tesourie, diensvoorwaardes ten opsigte van die Poliereserwe van Offisiere, die Reserwepolisiesmag en spesiale konstables voorskryf.

(3) Lede van die Reserwepolisiesmag wat geen besoldiging vir hul dienste in die Mag ontvang nie, word nie omrede van die feit dat hulle geen sodanige vergoeding ontvang nie, geag nie in diens van die Staat te wees nie."

(2) Die salarisse, lone of toelae wat by die inwerkingtreding van hierdie Wet aan persone wat kragtens die Hoofwet in diens geneem is, betaalbaar sou gewees het indien hierdie Wet nie aangeneem was nie, word geag aan daardie persone betaalbaar te wees ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(3) Lede van die kragtens sub-artikel (2) van artikel *vier-en-dertig* van die Hoofwet ingestelde Reserwepolisiesmag wat voor die inwerkingtreding van hierdie Wet, toe hulle deur 'n offisier van die Suid-Afrikaanse Polisie daartoe opgeroep was, enige pligte verrig het wat 'n lid van die Suid-Afrikaanse Polisie kon verrig het, word, ondanks die feit dat hulle geen besoldiging vir die verrigting van bedoelde pligte ontvang het nie, geag lede van die Suid-Afrikaanse Polisie te gewees het terwyl hulle bedoelde pligte verrig het.

22. Hierdie Wet heet die Wysigingswet op Polisie, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

No. 74, 1964 (Republic).]

ACT

To provide for the admission of persons to practise as advocates of the Supreme Court of South Africa and for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 18th June, 1964.)

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) "advocate" means an advocate of the Supreme Court; (i)
- (ii) "division" means a division of the Supreme Court; (ii)
- (iii) "enrolled" means enrolled on the roll of advocates; (v)
- (iv) "Minister" means the Minister of Justice; (vi)
- (v) "Republic" includes the territory; (viii)
- (vi) "roll of advocates" means the roll of advocates referred to in section *eight*; (ix)
- (vii) "rules" means rules made or remaining in force in terms of section *forty-three* of the Supreme Court Act, 1959 (Act No. 59 of 1959); (vii)
- (viii) "Supreme Court" means the Supreme Court of South Africa as constituted by section *two* of the Supreme Court Act, 1959 (Act No. 59 of 1959); (iv)
- (ix) "the territory" means the territory of South West Africa, including the area known as the Eastern Caprivi Zipfel and referred to in sub-section (3) of section *three* of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and that portion of the territory of South West Africa known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of that territory. (iii)

2. (1) After the commencement of this Act no person shall be admitted to practise as an advocate save in accordance with the provisions of this Act.

(2) Any application pursuant to the provisions of this Act shall be made in the manner prescribed in the rules.

3. (1) Subject to the provisions of any other law, any division shall admit to practise and authorize to be enrolled as an advocate any person who upon application made by him satisfies the court—

- (a) that he is over the age of twenty-one years and is a fit and proper person to be so admitted and authorized;
- (b) that he is duly qualified;
- (c) that he is a South African citizen or that he has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic;
- (d) in the case of any person who has at any time been admitted to practise as an attorney in any court in the Republic or elsewhere, that his name has been removed from the roll of attorneys on his own application and that for a continuous period of not less than six months immediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as, an attorney, notary or conveyancer in the Republic or elsewhere; and
- (e) in the case of a person who has at any time been a clerk or assistant, whether for remuneration or not, to any person practising as an attorney, notary or conveyancer in the Republic or elsewhere, that for a continuous period of not less than six

No. 74, 1964 (Republiek).]

WET

Om voorsiening te maak vir die toelating van persone as advokate van die Hooggeregshof van Suid-Afrika te praktiseer en vir daarmee in verband staande geleenthede.

(Afrikaanse teks deur die Staatspresident geteken)
(Goedgekeur op 18 Junie 1964.)

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 hierdie Wet—

- (i) „advokaat” ’n advokaat van die Hooggeregshof; (i)
- (ii) „afdeling” ’n afdeling van die Hooggeregshof; (ii)
- (iii) „die gebied” die gebied Suidwes-Afrika, met inbegrip van die gebied bekend as die Oostelike Caprivi Zipfel en vermeld in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), daardie deel van die gebied Suidwes-Afrika bekend staan as die „Rehoboth Gebiet” en wat deur die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied beskryf word; (ix)
- (iv) „Hooggeregshof” die Hooggeregshof van Suid-Afrika soos saamgestel deur artikel *twee* van die Hooggeregshof, 1959 (Wet No. 59 van 1959); (vii)
- (v) „ingeskryf” op die rol van advokate ingeskryf; (v)
- (vi) „Minister” die Minister van Justisie; (vi)
- (vii) „reëls” reëls wat ingevolge artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), uitgevaardig is of van krag bly; (ix)
- (viii) „Republiek” ook die gebied; (v)
- (ix) „rol van advokate” die in artikel *agt* bedoelde rol van advokate. (vi)

2. (1) Na die inwerkingtreding van hierdie Wet word niemand toegelaat om as advokaat te praktiseer nie, behalwe ooreenkomstig die bepalings van hierdie Wet.

(2) ’n Aansoek ingevolge die bepalings van hierdie Wet word op die in die reëls voorgeskrewe manier aan die hof voorgedien.

3. (1) Behoudens enige ander wetsbepalings, moenie ’n persoon toelaat om as advokaat te praktiseer en magtig om as advokaat ingeskryf te word wat hom ’n aansoek deur hom gedoen die hof oortuig—

- (a) dat hy bo die ouderdom van een-en-twintig jaar is en ’n geskikte en gepaste persoon is om aldus ingeskryf te word;
- (b) dat hy behoorlik gekwalifiseer is;
- (c) dat hy ’n Suid-Afrikaanse burger is of dat hy ingetel is tot die Republiek toegelaat is vir permanente verblyf daarin en gewoonlik in die Republiek woonagtig is;
- (d) in die geval van iemand wat te eniger tyd toegelaat is om as prokureur in enige hof in die Republiek of elders te praktiseer, dat sy naam op sy aansoek van die rol van prokureurs verwyder is en dat hy vir ’n ononderbroke tydperk van stens ses maande onmiddellik voor die datum van sy aansoek om aldus toegelaat te word, op gewyse in die Republiek of elders geassosieer was met of verbonde was aan die praktyk van ’n prokureur, notaris of transportbesorger nie, of dat hy streeks of onregstreeks as ’n prokureur, notaris of transportbesorger opgetree het nie; en
- (e) in die geval van iemand wat te eniger tyd toegelaat is teen besoldiging al dan nie, ’n klerk of assistent te wees by iemand wat as prokureur, notaris of transportbesorger in die Republiek of elders praktiseer, dat hy vir ’n ononderbroke tydperk van min

months immediately before the date of his application to be so admitted he has in no way been associated or connected with the practice of, or acted directly or indirectly as a clerk or assistant to an attorney, notary or conveyancer in the Republic or elsewhere.

(2) The following persons shall for the purposes of paragraph (b) of sub-section (1) be deemed to be duly qualified, namely:

(a) Any person who—

(i) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic after pursuing a course of study for that degree of not less than five years which included not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language; or

(ii) after he has satisfied all the requirements for the degree of bachelor of any university in the Republic in any faculty other than the faculty of law after pursuing a course of study for that degree which included not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language or after he has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university; or

(iii) has been admitted by any university in the Republic to the status of the degree of *baccalaureus legum* referred to in sub-paragraph (i) or (ii);

(b) any person who before the commencement of this Act passed any examination or satisfied all the requirements for any degree which in terms of any law repealed by section *thirteen* would immediately before such commencement have entitled him to be admitted to practise as an advocate of any division on compliance with any other requirement of the said law with regard to matters other than such examination or degree;

(c) any person who—

(i) at the commencement of this Act was registered as a student at a university referred to in section *one* of the Admission of Advocates Act, 1921 (Act No. 19 of 1921), and was engaged in a course of study with a view to obtaining a certificate, diploma or degree referred to in the said section; and

(ii) has satisfied all the requirements for the said certificate, diploma or degree and has on or before the thirty-first day of December, 1974, passed the examination in Roman-Dutch law and the statute law of the Republic referred to in section *two* of the said Act or is in terms of the said section not required to pass the examination in both or either of the said subjects;

(d) any person who—

(i) at the commencement of this Act was registered as a student at any university or university college in the Republic for the degree of *baccalaureus legum*; and

(ii) has satisfied all the requirements for the said degree;

(e) any person who—

(i) at the commencement of this Act was registered as a student at any university or university college in the Republic for a degree in any faculty and was engaged in a course of study for such degree, the successful completion of which would in accordance with the regulations of such university or university college then in force, entitle him to be exempted from

ses maande onmiddellik voor die datum van sy aansoek om aldus toegelaat te word, op generlei wyse in die Republiek of elders geassosieer was met of verbonde was aan die praktyk van 'n prokureur, notaris of transportbesorger nie, of regstreeks of onregstreeks as 'n klerk of assistent van 'n prokureur, notaris of transportbesorger opgetree het nie.

(2) By die toepassing van paragraaf (b) van sub-artikel (1) word die volgende persone geag behoorlik gekwalifiseer te wees, naamlik:

(a) 'n Persoon wat—

(i) aan al die vereistes vir die graad *baccalaureus legum* van 'n universiteit in die Republiek voldoen het nadat hy 'n studiekursus vir daardie graad van minstens vyf jaar gevolg het wat minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal ingesluit het; of

(ii) nadat hy aan al die vereistes vir 'n *baccalaureus*-graad van 'n universiteit in die Republiek in 'n ander fakulteit as die regs fakulteit voldoen het nadat hy 'n studiekursus vir daardie graad gevolg het wat minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal ingesluit het, of nadat hy tot die status van so 'n graad deur so 'n universiteit toegelaat is, aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit voldoen het; of

(iii) tot die status van 'n in sub-paragraaf (i) of (ii) bedoelde *baccalaureus legum*-graad deur 'n universiteit in die Republiek toegelaat is;

(b) 'n persoon wat voor die inwerkingtreding van hierdie Wet geslaag het in 'n eksamen of voldoen het aan al die vereistes vir 'n graad wat ingevolge 'n wet wat deur artikel *dertien* herroep is, hom onmiddellik voor daardie inwerkingtreding geregtig sou gemaak het om as advokaat van 'n afdeling toegelaat te word by voldoening aan enige ander vereiste van bedoelde wet met betrekking tot ander aangeleenthede as daardie eksamen of graad;

(c) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n in artikel *een* van die „Toelating van Advokaten Wet, 1921” (Wet No. 19 van 1921), bedoelde universiteit ingeskryf was en besig was met 'n studiekursus met die oog daarop om 'n in daardie artikel bedoelde sertifikaat, diploma of graad te verwerf; en

(ii) aan al die vereistes vir daardie sertifikaat, diploma of graad voldoen het en op of voor die een-en-dertigste dag van Desember 1974 die in artikel *twee* van daardie Wet bedoelde eksamen in die Romeins-Hollandse reg en die wettereg van die Republiek afgelê het of ingevolge daardie artikel nie verplig is om die eksamen in albei of een van voornoemde vakke af te lê nie;

(d) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n universiteit of universiteitskollege in die Republiek vir die graad *baccalaureus legum* ingeskryf was; en

(ii) aan al die vereistes vir daardie graad voldoen het;

(e) 'n persoon wat—

(i) by die inwerkingtreding van hierdie Wet as student by 'n universiteit of universiteitskollege in die Republiek ingeskryf was vir 'n graad in enige fakulteit en besig was met 'n studiekursus vir daardie graad, waarvan die geslaagde voltooiing ooreenkomstig die regulasies van sodanige universiteit of universiteitskollege wat toe gegeld het, hom geregtig sou maak op vrystelling van 'n gedeelte van

a portion of the examination for the degree of *baccalaureus legum*; and

- (ii) has satisfied all the requirements for the said degree and the said degree of *baccalaureus legum*.

(3) The provisions of paragraphs (d) and (e) of sub-section (1) shall not apply to—

- (a) any person referred to in section one of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939), who applies to the Natal Provincial Division or the Durban and Coast Local Division of the Supreme Court to be admitted to practice as an advocate; or
- (b) any person employed in the office of the State Attorney, or in any branch thereof, established under the State Attorney Act, 1957 (Act No. 56 of 1957), or in the office of the State Attorney established under the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South West Africa.

(4) Any person who is admitted and authorized to practise and to be enrolled as an advocate in terms of sub-section (1), shall be enrolled as an advocate on the roll of advocates.

4 (1) Any person whose name appears on the roll of advocates of any division at the commencement of this Act, whether or not the admission or enrolment of any such person as an advocate has been or is subject to any conditions, shall be deemed to have been unconditionally admitted to practise and authorized to be enrolled as an advocate in terms of sub-section (1) of section three, subject to the terms of any order of court whereby any such person has been suspended from practice as an advocate.

(2) Every person who in terms of sub-section (1) is deemed to have been admitted and authorized to practise and to be enrolled as an advocate, shall be enrolled as an advocate on the roll of advocates, and for that purpose the registrar of every division shall as soon as possible after such commencement furnish the Secretary for Justice with the name of every person whose name appears on the roll of advocates of such division and with particulars of the order of court whereby every such person was admitted to practise as an advocate and of any order of court, if any, whereby any such person has been suspended from practice as an advocate.

5. (1) Notwithstanding anything to the contrary in this Act contained but subject to the provisions of any other law, any division may admit to practise and authorize to be enrolled as an advocate any person who upon application made by him satisfies the court—

- (a) that he has been admitted as an advocate of the Supreme or High Court of any country or territory outside the Republic which the Minister has for the purposes of this section designated by notice in the *Gazette* (in this Act referred to as a designated country or territory);
- (b) that he resides and practises as an advocate in the designated country or territory in which he has been so admitted;
- (c) that he is a fit and proper person to be so admitted; and
- (d) that no proceedings are pending or contemplated to have him suspended from practice or to have him struck off the roll of advocates of the said Supreme or High Court.

(2) Any person who is admitted and authorized to practise and to be enrolled as an advocate in terms of sub-section (1), shall be enrolled as an advocate on the roll of advocates.

(3) Any notice published in the *Gazette* under sub-section (1) whereby any country or territory has been designated for the purposes of this section, may at any time be withdrawn by the Minister by a subsequent notice in the *Gazette*, and thereupon any country or territory referred to in such first-mentioned notice shall cease to be a designated country or territory.

die eksamen vir die graad *baccalaureus legum* en

- (ii) aan al die vereistes vir daardie graad en bedoelde graad van *baccalaureus legum* voldoen het.

(3) Die bepalings van paragrawe (d) en (e) van sub-artikel (1) is nie van toepassing nie op—

- (a) 'n in artikel een van die Natalse Advokate en Prokureurs Behoud van Regte Wet, 1939 (Wet No. 27 van 1939), bedoelde persoon wat by die Natalse Provinsiale Afdeling of die Plaaslike Afdeling Durban en Kus van die Hooggeregshof aansoek doen om toegelaat te word om as advokaat te praktiseer; of
- (b) iemand wat in diens is in die kantoor van die Staatsprokureur, of in 'n tak daarvan, kragtens die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), ingestel, of in die kantoor van die Staatsprokureur kragtens die Staatsprokureursproklamasie, 1921 (Proklamasie No. 46 van 1921), van Suidwes-Afrika ingestel.

(4) Iemand wat ingevolge sub-artikel (1) toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf.

4. (1) Iemand wie se naam by die inwerkingtreding van hierdie Wet op die rol van advokate van 'n afdeling verskyn, hetsy die toelating of inskrywing van so iemand as 'n advokaat aan voorwaardes onderworpe was of is aangedien, word geag onvoorwaardelik ingevolge sub-artikel (1) van artikel drie toegelaat te gewees het om as advokaat te praktiseer en gemagtig te gewees het om as advokaat ingeskryf te word, behoudens die bepalings van enige hofbevel waarby so iemand in sy praktyk as advokaat geskors is.

(2) Elke persoon wat ingevolge sub-artikel (1) toegelaat en gemagtig te gewees het om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf, en vir daardie doel moet die griffier van elke afdeling so gou doenlik na daardie inwerkingtreding die naam van elke persoon wie se naam op die rol van advokate van daardie afdeling verskyn en besonderhede van die hofbevel waarby elk sodanige persoon toegelaat is om as advokaat te praktiseer en van enige hofbevel, as daar is, waarby so 'n persoon in sy praktyk as advokaat geskors is, aan die Sekretaris van Justisie verskaf.

5. (1) Ondanks andersluidende bepalings van hierdie Wet maar behoudens enige ander wetsbepalings, kan 'n afdeling 'n persoon toelaat om as advokaat te praktiseer en magtig om as advokaat ingeskryf te word wat by 'n aansoek deur hom gedoen die hof oortuig—

- (a) dat hy toegelaat is as advokaat van die Hooggeregshof of Hoëhof van 'n land of gebied buite die Republiek wat die Minister vir die doeleindes van hierdie artikel by kennisgewing in die *Staatskoerant* aangewys het (in hierdie Wet 'n aangewese land of gebied genoem);
- (b) dat hy in die aangewese land of gebied waarin hy toegelaat is, woonagtig is en as 'n advokaat praktiseer;
- (c) dat hy 'n geskikte en gepaste persoon is om aldu toegelaat te word; en
- (d) dat geen geregtelike stappe aanhangig is of beoog word om hom in sy praktyk te laat skors of om hom van die rol van advokate van daardie Hooggeregshof of Hoëhof te laat skrap nie.

(2) Iemand wat ingevolge sub-artikel (1) toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, word op die rol van advokate as advokaat ingeskryf.

(3) 'n Kennisgewing wat kragtens sub-artikel (1) in die *Staatskoerant* gepubliseer is en waarby 'n land of gebied vir die doeleindes van hierdie artikel aangewys is, kan te eniger tyd deur die Minister by 'n latere kennisgewing in die *Staatskoerant* ingetrok word, en daaronderhou 'n land of gebied wat in die eersbedoelde kennisgewing genoem word, op om 'n aangewese land of gebied te wees.

6. Any person who has been or is deemed to have been admitted to practise as an advocate in terms of any provision of this Act, shall be entitled to practise as an advocate throughout the Republic unless his name has been ordered to be struck off the roll of advocates or unless he is subject to an order suspending him from practise as an advocate.

7. (1) Subject to the provisions of any other law, a court of any division may, upon application, suspend any person from practice as an advocate or order that the name of any person be struck off the roll of advocates—

(a) in the case of a person who was admitted to practise as an advocate in terms of sub-section (1) of section *three* or is deemed to have been so admitted—

(i) if he has ceased to be a South African citizen; or

(ii) in the case of a person who is not a South African citizen, if he has failed to obtain a certificate of naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), within a period of six years from the date upon which before or after the commencement of this sub-paragraph he was admitted to the Republic for permanent residence therein or within such further period as the court either before or after the expiration of the said period for good cause may allow; or

(b) in the case of a person referred to in paragraph (c) of sub-section (2) of section *three* who was admitted to practise as an advocate in terms of sub-section (1) of the said section by virtue of a qualification acquired outside the Republic, if he has failed to pass examinations or tests in the Afrikaans and in the English language certified by a university in the Republic to be equivalent or superior to the examinations or tests in the said languages prescribed for the degree of *baccalaureus legum* referred to in sub-paragraph (i) of paragraph (a) of sub-section (2) of the said section or for the degree of bachelor referred to in sub-paragraph (ii) of the said paragraph within a period of two years after he was so admitted or within such further period as the court either before or after the expiration of the said period for good cause may allow; or

(c) in the case of a person who was admitted to practise as an advocate in terms of section *five*, if it appears to the court that he has ceased to reside or to practise as an advocate in the designated country or territory in which he resided and practised at the time of his admission to practise as an advocate of the Supreme Court or that country or territory has ceased to be a designated country or territory for the purposes of the said section; or

(d) if the court is satisfied that he is not a fit and proper person to continue to practise as an advocate; or

(e) on his own application.

(2) Subject to the provisions of any other law, an application under paragraph (a), (b), (c) or (d) of sub-section (1) for the suspension of any person from practice as an advocate or for the striking off of the name of any person from the roll of advocates may be made by the General Council of the Bar of South Africa or by the Bar Council or the Society of Advocates for the division which made the order for his admission to practise as an advocate or where such person usually practices as an advocate or is ordinarily resident, and, in the case of an application made to a division other than the South West Africa Division of the Supreme Court of South Africa under paragraph (c) of sub-section (1), also by the State Attorney referred to in the State Attorney Act, 1957 (Act No. 56 of 1957), or, in the case of an application made to the last-mentioned division under the said paragraph, also by the State Attorney referred to in the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South West Africa.

6. Iemand wat ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer, is geregtig om oor die hele Republiek as advokaat te praktiseer, tensy daar bevel is dat sy naam van die rol van advokate geskrap word of tensy hy onderworpe is aan 'n bevel wat hom in sy praktyk as advokaat skors.

7. (1) Behoudens enige ander wetsbepalings, kan 'n hof van 'n afdeling, op aansoek, iemand in sy praktyk as advokaat skors of bevel dat die naam van iemand van die rol van advokate geskrap word—

(a) in die geval van iemand wat ingevolge sub-artikel (1) van artikel *drie* toegelaat is om as advokaat te praktiseer of geag word aldus toegelaat te gewees het—

(i) indien hy opgehou het om 'n Suid-Afrikaanse burger te wees; of

(ii) in die geval van 'n persoon wat nie 'n Suid-Afrikaanse burger is nie, indien hy in gebreke gebly het om binne 'n tydperk van ses jaar vanaf die datum waarop hy voor of na die inwerkingtreding van hierdie sub-paragraaf tot die Republiek vir permanente verblyf daarin toegelaat is, of binne die verdere tydperk wat die hof òf voor òf na die verstryking van daardie tydperk om 'n gegronde rede toelaat, 'n sertifikaat van naturalisasie ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), te verkry; of

(b) in die geval van 'n in paragraaf (c) van sub-artikel (2) van artikel *drie* bedoelde persoon wat ingevolge sub-artikel (1) van genoemde artikel toegelaat is om as advokaat te praktiseer uit hoofde van 'n kwalifikasie buite die Republiek verkry, indien hy in gebreke gebly het om binne 'n tydperk van twee jaar nadat hy aldus toegelaat is, of binne die verdere tydperk wat die hof òf voor òf na die verstryking van daardie tydperk om 'n gegronde rede toelaat, te slaag in eksamens of toetse in die Afrikaanse en in die Engelse taal wat 'n universiteit in die Republiek gesertifiseer het as gelyk aan of hoër as die eksamens of toetse in genoemde tale wat voorgeskryf word vir die graad *baccalaureus legum* in sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) van genoemde artikel of vir die *baccalaureus*-graad in sub-paragraaf (ii) van genoemde paragraaf bedoel; of

(c) in die geval van 'n persoon wat ingevolge artikel *vyf* toegelaat is om as advokaat te praktiseer, indien dit vir die hof blyk dat hy opgehou het om te woon of as advokaat te praktiseer in die aangewese land of gebied waarin hy gewoon en gepraktiseer het ten tyde van sy toelating om as advokaat van die Hooggeregshof te praktiseer of dat daardie land of gebied opgehou het om vir die doeleindes van genoemde artikel 'n aangewese land of gebied te wees; of

(d) indien die hof oortuig is dat hy nie 'n geskikte en gepaste persoon is om as advokaat te bly praktiseer nie; of

(e) op sy eie aansoek.

(2) Behoudens enige ander wetsbepalings, kan 'n aansoek kragtens paragraaf (a), (b), (c) of (d) van sub-artikel (1) om die skorsing van iemand in sy praktyk as advokaat of om die skraping van iemand se naam van die rol van advokate, gedoen word deur die Algemene Raad van die Balie van Suid-Afrika, of deur die Balieraad of die Vereniging van Advokate van die afdeling wat die bevel vir sy toelating om as advokaat te praktiseer, gegee het of waar daardie persoon gewoonlik as advokaat praktiseer of gewoonlik woonagtig is, en, in die geval van 'n aansoek kragtens paragraaf (c) van sub-artikel (1) gedoen by 'n afdeling, behalwe die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika, ook deur die Staatsprokureur in die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), bedoel, of, in die geval van 'n aansoek kragtens genoemde paragraaf gedoen by die laasgenoemde afdeling, ook deur die Staatsprokureur in die Staatsprokureursproklamasie, 1921 (Proklamasie No. 46 van 1921), van Suidwes-Afrika bedoel.

(3) Any person having chambers in any place shall be deemed the purposes of sub-section (2) to be a person usually practising in that place.

(4) Any person who has been suspended from practice as an advocate under this Act or any other law, whether before or after the commencement of this Act, shall for the duration of such suspension, and any person whose name has been ordered under this Act or any other law to be struck off the roll of advocates, shall, while his name remains removed from the said roll, not be entitled to practise as an advocate.

(5) Upon receipt of the order of a court of any division whereby the name of any person has been ordered under this Act or any other law to be struck off the roll of advocates, the Secretary for Justice shall cause the name of such person to be removed from the said roll.

8. (1) The Secretary for Justice shall keep a register, to be known as the roll of advocates, in which he shall cause to be recorded—

- (a) the names of all persons deemed in terms of section *four* to have been admitted and authorized to practise and to be enrolled as advocates, and particulars of the orders of court whereby they were admitted to practise as advocates;
- (b) the name of every person admitted and authorized to practise and to be enrolled as an advocate in terms of any provision of this Act, and particulars of the order of court whereby he has been so admitted and authorized;
- (c) particulars of any order of court whereby any such person has been suspended from practice as an advocate, whether such order was made before or after the commencement of this Act, or whereby the name of any such person has been ordered to be struck off the roll of advocates; and
- (d) such other particulars as the Minister may direct.

(2) The registrar of the division which makes an order admitting and authorizing any person to practise and to be enrolled as an advocate or ordering under this Act or any other law that the name of any person be struck off the roll of advocates or suspending under this Act or any other law any person from practice as an advocate, shall immediately after the making of such order forward a certified copy thereof to the Secretary for Justice.

(3) Any document purporting to have been issued by the Secretary for Justice whereby it is certified that any person has been admitted to practise as an advocate or that any person has been suspended from practice as an advocate or that the name of any person has been removed from the roll of advocates, shall on its mere production be *prima facie* proof of the facts stated therein.

9. (1) No person who has not been or is not deemed to have been admitted to practise as an advocate in terms of any provision of this Act or whose name has been removed from the roll of advocates or who is subject to any order suspending him from practice as an advocate, shall in any manner, directly or indirectly, practise as an advocate or hold himself out as, or pretend to be, or make use of any name, title, addition or description implying or tending to induce the belief that he is, an advocate or is recognized by law as such.

(2) No person who has been or is deemed to have been admitted to practise as an advocate in terms of any provision of this Act, shall make over to or share or divide with any person other than a person practising as an advocate any portion of his professional fees, whether by way of partnership, commission, allowance or otherwise.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months with or without the option of a fine, or to both such fine and such imprisonment, and any advocate who contravenes the provisions of sub-section (2) shall, in addition, be guilty of unprofessional conduct and be liable to be

(3) Iemand wat 'n kantoor op 'n plek het, word by die toepassing van subartikel (2) geag iemand te wees wat gewoonlik op daardie plek praktiseer.

(4) Iemand wat hetsy voor of na die inwerkingtreding van hierdie Wet kragtens hierdie Wet of 'n ander wet in sy praktyk as advokaat geskors is, is vir die duur van daardie skorsing, en iemand ten opsigte van wie kragtens hierdie Wet of 'n ander wet beveel is dat sy naam van die rol van advokate geskrap moet word, is terwyl sy naam van genoemde rol verwyder bly, nie geregtig om as advokaat te praktiseer nie.

(5) By ontvangs van die bevel van 'n hof van 'n afdeling waarby kragtens hierdie Wet of 'n ander wet beveel is dat die naam van iemand van die rol van advokate geskrap moet word, laat die Sekretaris van Justisie die naam van daardie persoon van genoemde rol verwyder.

8. (1) Die Sekretaris van Justisie hou 'n register wat as die rol van advokate bekend staan, waarin hy laat aanteken—

- (a) die name van alle persone wat ingevolge artikel *vier* geag word toegelaat en gemagtig te gewees het om as advokate te praktiseer en ingeskryf te word, en besonderhede van die hofbevele waarby hulle toegelaat is om as advokate te praktiseer;
- (b) die naam van elke persoon wat ingevolge 'n bepaling van hierdie Wet toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word, en besonderhede van die hofbevel waarby hy aldus toegelaat en gemagtig is;
- (c) besonderhede van 'n hofbevel waarby enige sodanige persoon in sy praktyk as advokaat geskors is, hetsy die bevel voor of na die inwerkingtreding van hierdie Wet gegee is, of waarby beveel is dat die naam van enige sodanige persoon van die rol van advokate geskrap word; en
- (d) die ander besonderhede wat die Minister gelas.

(2) Die griffier van die afdeling wat 'n bevel gee waarby 'n persoon toegelaat en gemagtig word om as advokaat te praktiseer en ingeskryf te word of waarby kragtens hierdie Wet of 'n ander wet beveel word dat die naam van 'n persoon van die rol van advokate geskrap word of waarby 'n persoon kragtens hierdie Wet of 'n ander wet in sy praktyk as advokaat geskors word, moet onmiddellik nadat die bevel gegee is 'n gesertifiseerde afskrif daarvan aan die Sekretaris van Justisie stuur.

(3) 'n Dokument wat heet deur die Sekretaris van Justisie uitgereik te gewees het en waarby gesertifiseer word dat iemand toegelaat is om as advokaat te praktiseer, of dat iemand in sy praktyk as advokaat geskors is, of dat die naam van iemand van die rol van advokate verwyder is, is by blote voorlegging daarvan *prima facie* bewys van die feite daarin vermeld.

9. (1) Geen persoon wat nie ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer nie, of wie se naam van die rol van advokate verwyder is, of wat onderworpe is aan 'n bevel waarby hy in sy praktyk as advokaat geskors word, mag op enige wyse, regstreeks of onregstreeks, as advokaat praktiseer of hom voordoen of voorgee sodanig te wees of gebruik maak van 'n naam, titel, toevoeging of beskrywing wat stillswyend te kenne gee of die indruk wek dat hy 'n advokaat is of deur die wet as sodanig erken word nie.

(2) Geen persoon wat ingevolge 'n bepaling van hierdie Wet toegelaat is of geag word toegelaat te gewees het om as advokaat te praktiseer, mag enige gedeelte van sy professionele gelde, hetsy by wyse van vennootskap, kommissie of korting of op enige ander manier, oormak aan of deel of verdeel met 'n persoon wat nie 'n persoon is wat as advokaat praktiseer nie.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande met of sonder die keuse van 'n boete, of met sowel sodanige boete as sodanige gevangenisstraf, en 'n advokaat wat die bepalings van sub-artikel (2) oortree, is, daarbenewens, skuldig aan onprofessionele

suspended from practice or to be struck off the roll of advocates.

10. Notwithstanding anything in this Act or in any other law contained, any court of any division may permit an attorney to discharge the functions of an advocate in any proceedings pending before it if there is no advocate available or willing to act.

11. Any power to make rules under the Supreme Court Act, 1959 (Act No. 59 of 1959), shall be deemed to include the power to make rules for giving effect to the provisions of this Act.

12. This Act and any amendment thereof shall apply also in the territory.

13. (1) The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule: Provided that notwithstanding the repeal of the Admission of Advocates Act, 1921 (Act No. 19 of 1921), the rules made under section two of the said Act and in force at the commencement of this Act, shall remain in force until the thirty-first day of December, 1974.

(2) Nothing in this Act contained shall affect the right to practise as an advocate in the Natal Provincial Division or the Durban and Coast Local Division of the Supreme Court of any person referred to in section one of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act No. 27 of 1939).

14. This Act shall be called the Admission of Advocates Act, 1964 and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several provisions of this Act.

gedrag en onderhewig aan skorsing in sy praktyk of aan skrapping van die rol van advokate.

10. 'n Hof van enige afdeling kan, ondanks anders-luidende bepalings van hierdie Wet of van 'n ander wet, 'n prokureur toelaat om in enige verrigtinge wat voor hom aanhangig is, die funksies van 'n advokaat uit te voer as geen advokaat beskikbaar of gewillig is om op te tree nie.

11. Enige bevoegdheid om kragtens die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), reëls uit te vaardig, word geag die bevoegdheid in te sluit om reëls uit te vaardig om aan die bepalings van hierdie Wet gevolg te gee.

12. Hierdie Wet en enige wysiging daarvan is ook in die gebied van toepassing.

13. (1) Die wette vermeld in die Bylae by hierdie Wet word hierby herroep in die mate in die derde kolom van daardie Bylae uiteengesit: Met dien verstande dat ondanks die herroeping van die „Toelating van Advokaten Wet, 1921” (Wet No. 19 van 1921), die reëls wat kragtens artikel twee van genoemde Wet uitgevaardig en by die inwerkingtreding van hierdie Wet van krag is, van krag bly tot die een-en-dertigste dag van Desember 1974.

(2) Die bepalings van hierdie Wet raak nie die reg van 'n in artikel een van die Natalse Advokate en Prokureurs Behoud van Regte Wet, 1939 (Wet No. 27 van 1939), bedoelde persoon om in die Natalse Provinsiale Afdeling of die Plaaslike Afdeling Durban en Kus van die Hooggeregshof as advokaat te praktiseer nie.

14. Hierdie Wet heet die Wet op die Toelating van Advokate 1964, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van die verskeie bepalings van hierdie Wet aldus bepaal kan word.

SCHEDULE.
LAWS REPEALED.

BYLAE.
WETTE HERROEP.

Province or Republic.	No. and year of Law.	Title or subject matter.	Extent of Repeal.
Cape	1832.	Charter of Justice, 1832	So much as is unrepealed.
Cape	Act No. 12 of 1858.	An Act for regulating the admission of Barristers, Attorneys, Notaries and Conveyancers.	So much as is unrepealed.
Cape	Act No. 30 of 1892.	The Legal Practitioners Act, 1892.	So much as is unrepealed.
Natal	Act No. 39 of 1896.	The Supreme Court Act, 1896.	So much as relates to admission and the right to practise before the courts
Orange Free State	Ordinance No. 4 of 1902.	Administration of Justice Ordinance, 1902.	So much as is unrepealed.
Orange Free State	Act No. 39 of 1908.	Admission of Advocates, Attorneys and Medical Practitioners Amendment Act, 1908.	So much as is unrepealed.
Orange Free State	Act No. 14 of 1909.	Advocates Admission Amendment Act, 1909.	The whole.
Transvaal	Proclamation No. 14 of 1902.	Administration of Justice Proclamation, 1902.	So much as relates to admission and the right to practise before the courts

Provinsie of Republiek.	No. en jaar van Wet.	Titel of onderwerp.	In hoeverre herroep.
Kaap	1832.	„Charter of Justice, 1832”	Soveel as wat nie herroep is nie.
Kaap	Wet No. 12 van 1858.	„An Act for regulating the admission of Barristers, Attorneys, Notaries and Conveyancers”.	Soveel as wat nie herroep is nie.
Kaap	Wet No. 30 van 1892.	„The Legal Practitioners Act, 1892”.	Soveel as wat nie herroep is nie.
Natal	Wet No. 39 van 1896.	„The Supreme Court Act, 1896”	Soveel as wat op toelating en die reg om te praktiseer voor die howe betrekking het.
Oranje-Vrystaat.	Ordonnansie No. 4 van 1902.	„Administration of Justice Ordinance, 1902”.	Soveel as wat nie herroep is nie.
Oranje-Vrystaat.	Wet No. 39 van 1908.	„Admission of Advocates, Attorneys and Medical Practitioners Amendment Act, 1908”.	Soveel as wat nie herroep is nie.
Oranje-Vrystaat.	Wet No. 14 van 1909.	„Advocates Admission Amendment Act, 1909”.	Die geheel.
Transvaal	Proklamasie No. 14 van 1902.	„Administration of Justice Proclamation, 1902”.	Soveel as wat op toelating en die reg om te praktiseer voor die howe betrekking het.

South West Africa.	Proclamation No. 21 of 1919.	Administration of Justice Proclamation, 1919.	So much as relates to admission and the right of advocates to practise before the courts except sub-section (10) of section eleven.	Suidwes-Afrika.	Proklamasie No. 21 van 1919.	„Administration of Justice Proclamation, 1919”.	Soveel as wat op toelating en die reg van advokate om te praktiseer voor die hoewe betrekking het, behalwe sub-artikel (10) van artikel elf.
Republic	—	The South Africa Act, 1909.	Section <i>one hundred and fifteen</i> except so much as relates to admission and the right of attorneys to practise before the courts	Republiek.	—	„Zuid-Afrika Wet, 1909”.	Artikel <i>honderden-vyftien</i> behalwe soveel as wat op toelating en die reg van prokureurs om te praktiseer voor die hoewe betrekking het.
Republic	Act No. 19 of 1921.	Admission of Advocates Act, 1921	The whole.	Republiek.	Wet No. 19 van 1921.	„Toelating van Advokaten Wet, 1921”.	Die geheel.
Republic	Act No. 39 of 1946.	Admission of Advocates Amendment Act, 1946.	The whole.	Republiek.	Wet No. 39 van 1946.	Wysigingswet op Toelating van Advokate, 1946.	Die geheel.
Republic	Act No. 10 of 1949.	Admission of Advocates Amendment Act, 1949.	The whole.	Republiek.	Wet No. 10 van 1949.	Wysigingswet op Toelating van Advokate, 1949.	Die geheel.
Republic	Act No. 62 of 1955.	General Law Amendment Act, 1955.	Section <i>thirty-two</i> .	Republiek.	Wet No. 62 van 1955.	Algemene Regswysigingswet, 1955.	Artikel <i>twee-en-dertig</i> .
Republic	Act No. 18 of 1956.	Legal Practitioners Amendment Act, 1956.	Section <i>twenty-three</i> .	Republiek.	Wet No. 18 van 1956.	Wysigingswet op Regspraktisyns, 1956.	Artikel <i>drie-en-twintig</i> .

No. 78, 1964 (Republic).]

ACT

To make provision for the continuation of the South African Mint, for currency, coinage and legal tender and for other incidental matters; and to abolish the Coinage Fund.

(Afrikaans text signed by the State President.)
(Assented to 19th June, 1964.)

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) “director” means the Director of the South African Mint; (ii)
 - (ii) “Minister” means the Minister of Finance; (iv)
 - (iii) “prior law” means the Coinage Act, 1922 (Act No. 31 of 1922) or the Decimal Coinage Act, 1959 (Act No. 61 of 1959); (viii)
 - (iv) “Republican coins” means any coins which have been issued in accordance with any prior law or this Act, and which have not been called in, in pursuance of any prior law or this Act; (vi)
 - (v) “this Act” includes the regulations made or remaining in force under this Act; (iii)
 - (vi) “the mint” means the South African Mint established by section *two* of the South African Mint Act, 1941 (Act No. 16 of 1941); (i)
 - (vii) “Transvaal coins” means any coins which were coined in the mint established at Pretoria by the Government of the late South African Republic in accordance with the provisions of Law No. 14 of 1891 of that Republic, and which have not been called in in pursuance of that law or of the Coinage Act, 1922 (Act No. 31 of 1922) or of this Act; (vii)
 - (viii) “Treasury” means the Department of Finance. (v)

No. 78, 1964 (Republiek).]

WET

Om voorsiening te maak vir die voortsetting van die Suid-Afrikaanse Munt, vir gangbare munte, aanmunting en wettige betaalmiddels, en vir ander aangeleenthede wat daarmee in verband staan; en tot afskaffing van die Muntfonds.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1964.)

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 munt” die Suid-Afrikaanse Munt ingestel deur artikel *twee* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941); (vi)
 - (ii) „direkteur” die Direkteur van die Suid-Afrikaanse Munt; (i)
 - (iii) „hierdie Wet” ook die regulasies wat kragtens hierdie Wet uitgevaardig is of van krag bly; (v)
 - (iv) „Minister” die Minister van Finansies; (ii)
 - (v) „Tesourie” die Departement van Finansies; (viii)
 - (vi) „Republikeinse munte” enige munte wat ooreenkomstig ’n vorige wet of hierdie Wet uitgereik is en wat nie ingevolge ’n vorige wet of hierdie Wet ingetrek is nie; (iv)
 - (vii) „Transvaalse munte” enige munte wat deur die munt ingestel te Pretoria deur die Regering van die voormalige „Zuid-Afrikaanse Republiek” geslaan is ooreenkomstig die bepalinge van Wet No. 14 van 1891 van daardie Republiek, en wat nie ingevolge daardie Wet of die „Munt Wet, 1922” (Wet No. 31 van 1922), of hierdie Wet ingetrek is nie; (vii)
 - (viii) „vorige wet” die „Munt Wet, 1922” (Wet No. 31 van 1922), of die Wet op Desimale Munt, 1959 (Wet No. 61 van 1959). (iii)

CHAPTER I.

THE SOUTH AFRICAN MINT AND ABOLITION OF THE COINAGE FUND.

2. The mint shall be continued under the name of the South African Mint.

3. The mint shall be controlled by an officer called the Director of the South African Mint.

4. The director and such other employees as the Minister deems necessary for the proper performance of the work of the mint shall be appointed by the Minister, subject to the laws governing the public service.

5. (1) The director shall undertake the coining of coins to be issued for use in the Republic, the coining of which is authorized by any law and, if directed to do so by the Minister, the coining of coins to be issued for use in any other State, and shall do all such work, exercise all such powers and perform all such duties as the Minister may require him to do, exercise or perform, whether or not such work, powers or duties are connected with the coining of coins.

(2) Save as provided in section *twenty-two*, the cost of the services referred to in sub-section (1) shall be defrayed from moneys appropriated by Parliament for the purpose.

6. Subject to the provisions of section *seven*, all moneys received at the mint or in payment of services rendered at the mint shall be paid into the Consolidated Revenue Fund.

7. The Minister may pay direct to the Government of any State such portion of the profit derived from the coining at the mint of token coins issued therefrom for use in that State as may be agreed upon between him and that Government.

8. (1) The Coinage Fund referred to in section *eight* of the South African Mint Act, 1941 (Act No. 16 of 1941), shall be abolished as from a date fixed by the Minister.

(2) Notwithstanding the repeal by this Act of section *eight* of the South African Mint Act, 1941, all moneys that would have been paid into and all expenses and deficits that would have been defrayed from the Coinage Fund, if this Act had not been passed, shall, respectively, be paid into and defrayed from the fund until the fund is so abolished.

(3) Any amount standing to the credit of the Coinage Fund on the date upon which the said fund is so abolished, shall be paid into the Consolidated Revenue Fund.

CHAPTER II.

CURRENCY, COINAGE AND LEGAL TENDER.

9. Subject to the provisions of section *sixteen*, the coinage units of the Republic shall be the rand (abbreviated as R) and the cent (abbreviated as c), the cent being one-hundredth part of the rand.

10. The standard weight and the standard fineness of the gold, silver, nickel and bronze coins of the denominations mentioned in the First Schedule to this Act are as specified in that Schedule.

11. (1) The Minister may cause to be made and issued gold, silver, nickel and bronze coins of the denominations set out in the First Schedule to this Act.

(2) The coins to be made and issued under sub-section (1) (excepting the Trojan) shall be of the respective values in comparison with the coins issuable under the Coinage Act, 1922 (Act No. 31 of 1922), as are set out in the table below:

HOOFSTUK I.

DIE SUID-AFRIKAANSE MUNT EN DIE AFSKAF-FING VAN DIE MUNTFONDS.

2. Die munt word onder die naam die Suid-Afrikaanse Munt voortgesit.

3. Die munt word bestuur deur 'n beamppte wat die Direkteur van die Suid-Afrikaanse Munt heet.

4. Die direkteur en die ander beamptes wat die Minister vir die behoorlike verrigting van die werk van die munt nodig ag, word deur die Minister aangestel met inagneming van die wetsbepalings wat die Staatsdiens reël.

5. (1) Die direkteur onderneem die aanmunting van muntstukke wat bestem is om uitgereik te word vir gebruik in die Republiek, en waarvan die aanmunting deur 'n wetsbepaling gemagtig word, en, indien die Minister hom gelas om dit te doen, die aanmunting van muntstukke wat bestem is om uitgereik te word vir gebruik in 'n ander Staat, en verrig alle werk, oefen alle bevoegdhede en voer alle pligte uit wat die Minister hom gelas om te verrig, uit te oefen of uit te voer, hetsy die werk, bevoegdhede of pligte in verband staan met die aanmunting van muntstukke al dan nie.

(2) Behoudens die bepalinge van artikel *twee-entwintig*, word die koste van die in sub-artikel (1) vermelde dienste bestry uit gelde wat die Parlement vir die doel beskikbaar stel.

6. Met inagneming van die bepalinge van artikel *sewe*, word alle gelde wat by die munt of tot betaling van by die munt bewese dienste ontvang word, in die Gekonsolideerde Inkomstefonds gestort.

7. Die Minister kan regstreeks aan die Regering van 'n Staat so 'n deel van die wins verkry uit die aanmunting by die munt van tekenmuntstukke vandaar uitgereik vir gebruik in daardie Staat, betaal as wat tussen hom en daardie Regering ooreengekom word.

8. (1) Die in artikel *agt* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), bedoelde Muntfonds word afgeskaf vanaf 'n datum deur die Minister bepaal.

(2) Ondanks die herroeping deur hierdie Wet van artikel *agt* van die Wet op die Suid-Afrikaanse Munt, 1941, word al die gelde wat in dié Muntfonds gestort en al die koste en tekorte wat daaruit bestry sou geword het as hierdie Wet nie aangeneem was nie, onderskeidelik in die fonds gestort en daaruit bestry totdat die fonds aldus afgeskaf word.

(3) Enige bedrag wat op krediet staan van die Muntfonds op die datum waarop genoemde fonds aldus afgeskaf word, word in die Gekonsolideerde Inkomstefonds gestort.

HOOFSTUK II.

GANGBARE MUNTE, AANMUNTING EN WETTIGE BETAALMIDDELS.

9. Die munteenhede van die Republiek is, behoudens die bepalinge van artikel *sestien*, die rand (wat as R verkort word) en die sent (wat as c verkort word), die sent synde een-honderdste deel van die rand.

10. Die standaardgewig en die standaardfynheid van die munte van goud, silwer, nikkell en brons van die denominasies genoem in die Eerste Bylae by hierdie Wet is soos in daardie Bylae vermeld.

11. (1) Die Minister kan munte van goud, silwer, nikkell en brons van die denominasies in die Eerste Bylae by hierdie Wet uiteengesit, laat vervaardig en uitreik.

(2) Die munte wat kragtens sub-artikel (1) vervaardig en uitgereik kan word (behalwe die Trojan), moet van die onderskeie waardes wees in vergelyking met die munte wat kragtens die „Munt Wet, 1922” (Wet No. 31 van 1922), uitgereik kon word, soos in die tabel hieronder uiteengesit:

TABLE.

Coins issuable under this sub-section.	Values in comparison with coins issuable under the Coinage Act, 1922.
Gold coins —	
Trojan	—
Five rand	Two-and-a-half pounds.
Two rand	Pound.
Rand	Half-pound.
Silver coins —	
Rand	Half-pound.
Two-and-a-half cents	Threepence.
Nickel coins —	
Fifty cents	Crown.
Twenty cents	Florin.
Ten cents	Shilling.
Five cents	Sixpence.
Two-and-a-half cents	Threepence.
Bronze coins —	
Two cents	Twenty-four-tenths of a penny.
Cent	Twelve-tenths of a penny.
Half-cent	Twelve-tenths of a half-penny.

(3) All gold, silver, nickel and bronze coins made and issued under sub-section (1) shall be of the weight and fineness specified in the First Schedule to this Act.

(4) In the making of gold, silver, nickel and bronze coins, a remedy (or variation from the standard weight and the standard fineness specified in the First Schedule to this Act) shall be allowed of an amount not exceeding the amount specified in that Schedule.

12. (1) A tender of payment of money, if made in coins which are Republican coins or Transvaal coins of current weight, shall be legal tender —

- in the case of gold coins, for the payment of any amount;
- in the case of silver coins and nickel coins, for the payment of an amount not exceeding four hundred cents, but for no greater amount;
- in the case of bronze coins, for the payment of an amount not exceeding ten cents, but for no greater amount.

(2) A Republican or Transvaal coin shall be deemed to be not of current weight if it has become diminished in weight by wear or otherwise so as to be of less weight than the weight specified as the least current weight in the First Schedule to this Act or as determined by any proclamation under this Act.

(3) Nothing in this Act shall be construed as preventing any paper currency which under the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), is a legal tender, from being a legal tender.

13. (1) No piece of gold, silver, nickel, copper or bronze or of any other metal or mixed metal, of any value whatever shall be made or issued as a coin or as a token of money, except by the mint or to the order of the Government of the Republic.

(2) Any person who acts in contravention of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

14. Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, in the Republic, shall be made, executed, entered into, done and had according to the coins which are current and are a legal tender in pursuance of this Act, and not otherwise,

TABEL.

Munte wat kragtens hierdie sub-artikel uitgereik kan word.	Waardes in vergelyking met munte wat kragtens die „Munt Wet, 1922”, uitgereik kon word.
Goudmunte—	
Trojaan	—
Vyf rand	Twee-en-'n-half pond.
Twee rand	Pond.
Rand	Halfpond.
Silwermunte—	
Rand	Halfpond.
Twee-en-'n-half sent	Drie pennies.
Nikkelmunte—	
Vyftig sent	Kroon.
Twintig sent	Twee sjielings.
Tien sent	Sjieling.
Vyf sent	Ses pennies.
Twee-en-'n-half sent	Drie pennies.
Bronsmunte—	
Twee sent	Vier-en-twintig-tiendes van 'n pennie.
Sent	Twaalf-tiendes van 'n pennie.
Halfsent	Twaalf-tiendes van 'n half-pennie.

(3) Alle munte van goud, silwer, nikkel en brons wat kragtens sub-artikel (1) vervaardig en uitgereik word, is van die gewig en fynheid wat in die Eerste Bylae by hierdie Wet vermeld word.

(4) By die vervaardiging van munte van goud, silwer, nikkel en brons word 'n remedie (of afwyking van die standaardgewig en die standaardfynheid in die Eerste Bylae by hierdie Wet vermeld), toegelaat van 'n hoeveelheid van hoogstens die hoeveelheid in daardie Bylae vermeld.

12. (1) 'n Aanbod van betaling van geld is 'n wettige aanbod indien gedoen in munte wat Republikeinse munte of Transvaalse munte van gangbare gewig is —

- in die geval van goudmunte, vir die betaling van enige bedrag;
- in die geval van silwermunte en nikkelmunte, vir die betaling van 'n bedrag van hoogstens vierhonderd sent, maar vir geen groter bedrag nie;
- in die geval van bronsmunte, vir die betaling van 'n bedrag van hoogstens tien sent, maar vir geen groter bedrag nie.

(2) 'n Republikeinse of Transvaalse munt word geag nie van gangbare gewig te wees nie indien dit deur slytasie of andersins so in gewig verminder het dat dit van minder gewig is as die gewig wat as die geringste gangbare gewig in die Eerste Bylae by hierdie Wet vermeld word of soos bepaal deur 'n proklamasie ingevolge hierdie Wet.

(3) Niks in hierdie Wet het die bedoeling om enige papiergeld wat kragtens die Wet op die Reserwebank, 1944 (Wet No. 29 van 1944), 'n wettige betaalmiddel is, te belet 'n wettige betaalmiddel te wees nie.

13. (1) Geen stuk goud, silwer, nikkel, koper of brons of ander metaal of vermengde metaal, van welke waarde ook, word as 'n muntstuk of as 'n sinnebeeld van geld vervaardig of uitgereik nie, behalwe deur die munt of volgens bestelling van die Regering van die Republiek.

(2) Iemand wat in stryd met sub-artikel (1) handel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

14. Elke ooreenkoms, verkoop, betaling, wissel, promesse, dokument, en sekuriteit vir geld, en elke transaksie, onderhandeling, aangeleentheid en saak van watter aard ook met betrekking tot geld, of wat die betaling van geld of die aanspreeklikheid om geld te betaal, meebring, wat gemaak, verly, of aangegaan, gedoen of uitgevoer word in die Republiek, word gemaak, verly of aangegaan, gedoen of uitgevoer ooreenkomstig die munte wat gangbare munte en wettige betaalmiddels kragtens hierdie Wet is en op geen ander wyse nie, tensy dit gemaak, verly

unless the same be made, executed, entered into, done or had according to the currency of some foreign State.

15. Any reference in any law, deed, instrument, security for money or other document or in any contract or agreement, whether in writing or not, and any reference in any other manner whatsoever, to an amount determined on the basis of the coins specified in the Schedule to the Coinage Act, 1922 (Act No. 31 of 1922), shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in sub-section (1) of section eleven and in accordance with the respective values of such lastmentioned coins in comparison with the coins specified in that Schedule as set out in sub-section (2) of the said section, and any such reference to an amount determined on the basis of the coins specified in the said sub-sections shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in the said Schedule and in accordance with the said respective values.

16. Notwithstanding anything contained in this Act, all gold, silver and bronze coins made and issued under any prior law, shall, until they are called in in accordance with the provisions of this Act, remain in circulation in all respects as if this Act had not been passed.

CHAPTER III. OFFENCES.

17.(1) Any person who removes from the premises of the mint, without lawful authority or excuse —

- (a) any matrix, master punch, die, collar, piercing and cutting tool, pattern or mould, or any other tool, machine, engine, instrument or thing used or employed in or about the coining of coins or medals, or any useful part of the several matters aforesaid;
- (b) any coin, medal or bullion,

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

(2) For the purposes of this section "bullion" means any gold, silver, nickel, gold alloys, silver alloys, nickel alloys, or bronze or other minting alloys in the form of ingots, bars, strips, sheets, scissel, cuttings, granules, rejected coins or medals, blanks, filings, sweepings, dross, scrap, or wire.

18. (1) Any person who is found in possession of any blank or defective coin or medal of the size, shape and metal composition of any coin or medal that is coined at the mint, and is unable to account satisfactorily for such possession, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(2) For the purposes of this section a coin or medal shall be regarded as defective, if it has been wrongly manufactured, and would accordingly be unfit for issue as a proper coin or medal, in accordance with the standards of manufacture employed at the mint.

19. Any person who fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be, shall be guilty of an offence and liable on conviction to the penalty prescribed by law for the crime of fraud.

CHAPTER IV. MISCELLANEOUS PROVISIONS.

20. (1) The State President may, by proclamation in the *Gazette*, do all or any of the following things:

of aangegaan, gedoen of uitgevoer word ooreenkomstig die gangbare munt van 'n buitelandse Staat.

15. 'n Verwysing in 'n wet, akte, instrument, sekuriteit vir geld of ander dokument of in 'n kontrak of ooreenkoms, hetsy in skrif al dan nie, en 'n verwysing op enige ander wyse hoegenaamd, na 'n bedrag bepaal op grondslag van die munte in die Bylae by die „Munt Wet, 1922" (Wet No. 31 van 1922), vermeld, word uitgelê ook as 'n verwysing na 'n gelyke bedrag bepaal op grondslag van die munte in sub-artikel (1) van artikel *elf* vermeld en ooreenkomstig die onderskeie waardes van laasbedoelde munte in vergelyking met die munte in daardie Bylae vermeld, soos in sub-artikel (2) van genoemde artikel uiteengesit, en so 'n verwysing na 'n bedrag bepaal op grondslag van die munte in bedoelde sub-artikels vermeld, word uitgelê ook as 'n verwysing na 'n gelyke bedrag bepaal op grondslag van die munte in daardie Bylae vermeld en ooreenkomstig bedoelde onderskeie waardes.

16. Ondanks andersluidende bepalings van hierdie Wet, bly alle munte van goud, silwer en brons kragtens 'n vorige wet vervaardig en uitgereik, totdat hulle ooreenkomstig die bepalings van hierdie Wet ingetrek word, in omloop in alle opsigte asof hierdie Wet nie aangeneem was nie.

HOOFSTUK III. MISDRYWE.

17. (1) Iemand wat sonder wettige magtiging of verontskuldiging —

- (a) enige matrys, meesterstempel, stempel, kraagring, deurslaan- en uitsnywerktuig, model of gietvorm, of enige ander werktuig, masjien, enjin, instrument of ding wat gebruik of aangewend word by of in verband met die aanmunting van muntstukke of medaljes, of enige bruikbare deel van die verskeie voormelde onderwerpe;
- (b) enige muntstuk, medalje of muntmetaal,

van die muntperseel verwyder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

(2) By die toepassing van hierdie artikel beteken „muntmetaal" goud, silwer, nikkel, goudalooi, silweralooi, nikkelalooi, of brons of ander aanmuntingsalooi in die vorm van blokke, stawe, stroke, plate, sissel, afknipsels, korrels, afgekeurde muntstukke of medaljes, ongestempelde muntstukke of medaljes, vylsels, veegsels, metaalskuim, skroot of draad.

18. (1) Iemand wat in besit gevind word van 'n ongestempelde of onvolmaakte muntstuk of medalje van die grootte, vorm en metaalsamestelling van 'n muntstuk of medalje wat by die munt aangemunt word, en nie in staat is om 'n bevredigende verklaring van sodanige besit te gee nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand, of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

(2) By die toepassing van hierdie artikel word 'n muntstuk of medalje as onvolmaak beskou indien dit verkeerd vervaardig is, en derhalwe ongeskik sou wees om volgens die vervaardigingstandaarde wat by die munt toegepas word as 'n egte muntstuk of medalje uitgereik te word.

19. Iemand wat op 'n bedrieglike wyse in 'n masjien wat handelsware of dienste verkoop of reisgelde of tolgelde invorder, enigiets insit of gebruik wat bedoel is om deur te gaan vir die muntstuk of die teken van waarde wat die masjien ontwerp is om te ontvang in ruil vir die handelsware, diens, reisgeld of tolgeld, na gelang van die geval, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat regtens vir die misdryf bedrog voorgeskryf word.

HOOFSTUK IV. DIVERSE BEPALINGS.

20. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* al of enige van die volgende dinge doen:

- (a) Determine the dimensions of and design for any Republican coin;
- (b) diminish the amount of remedy allowed by the First Schedule in the case of any Republican coin;
- (c) determine the least current weight of any Transvaal or Republican coin;
- (d) call in Transvaal coins or Republican coins of any date or denomination;
- (e) revoke or alter any such proclamation previously issued.

(2) Every proclamation issued under this section shall come into operation on a date therein specified and shall have effect as if its provisions were enacted in this Act.

21. (1) The State President may make regulations, not inconsistent with this Act —

- (a) concerning the conduct of the business of the mint; and
- (b) prescribing all matters and things which are necessary or convenient to be prescribed for carrying out the purposes of and for giving full effect to this Act.

(2) Any regulations made under any law repealed by this Act and in force at the commencement thereof, shall, in so far as the provisions thereof are not inconsistent with this Act, remain in full force and effect until amended or repealed under this section.

22. Anything to the contrary notwithstanding in the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), the Treasury is hereby empowered to use deposits (as in that Act defined) for the purchase of metals for coinage.

23. Notwithstanding anything to the contrary contained in this Act, the Minister may from time to time authorize the withdrawal from circulation of so many coins as he may deem to be in excess of requirements, and coins withdrawn in accordance with any such authority may be dealt with as if they had been called in in terms of section *twenty* of this Act.

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

25. (1) Subject to the provisions of sub-sections (2), (3) and (4), the laws specified in the Second Schedule to this Act are hereby repealed to the extent set out in the third column thereof.

(2) Any proclamation issued and anything done under any provision of any law repealed by this Act shall be deemed to have been issued or done under the corresponding provision of this Act.

(3) Notwithstanding the repeal of sections *nine* to *fifteen*, inclusive, of the South African Mint Act, 1941 (Act No. 16 of 1941), any provision thereof which at the commencement of this Act applied to or in relation to any person, shall continue to apply to or in relation to that person in all respects as if the said sections had not been repealed.

(4) Notwithstanding the repeal of section *one* of the Decimal Coinage Act, 1959 (Act No. 61 of 1959), the Minister may, until a date fixed by the State President by proclamation in the *Gazette*, continue to cause to be made and issued gold, silver and bronze coins of the denominations set out in the first column of the table in paragraph (a) of sub-section (2) of the said section in all respects as if the said section had not been repealed: Provided that no such coin shall be made after a coin of a corresponding denomination has been made and issued under this Act.

- (a) Die grootte van en die ontwerp vir 'n Republikeinse muntstuk vasstel;
- (b) die remedie deur die Eerste Bylae toegelaat in die geval van 'n Republikeinse muntstuk verminder;
- (c) die geringste gangbare gewig van 'n Transvaalse of Republikeinse muntstuk vasstel;
- (d) Transvaalse muntstukke of Republikeinse muntstukke van enige datum of denominasie intrek;
- (e) enige sodanige proklamasie tevore uitgevaardig, herroep of verander.

(2) Elke proklamasie kragtens hierdie artikel uitgevaardig, tree in werking op 'n datum daarin vermeld, en het regsrag asof die bepalings daarvan in hierdie Wet opgeneem is.

21. (1) Die Staatspresident kan regulasies uitvaardig wat nie met hierdie Wet in stryd is nie —

- (a) wat betref die bestuur van die munt se sake; en
- (b) wat alle aangeleenthede en sake voorskryf wat nodig of dienstig is om voor te skryf ten einde die doeleindes van hierdie Wet uit te voer en om ten volle gevolg aan hierdie Wet te gee.

(2) Regulasies wat kragtens 'n by hierdie Wet herroep wetsbepaling uitgevaardig en by die inwerkingtreding daarvan van krag is, bly, in soverre die bepalings daarvan nie met hierdie Wet strydig is nie, ten volle van krag en in werking totdat hulle kragtens hierdie artikel gewysig of herroep word.

22. Ondanks andersluidende bepalings in die „Openbare Schuld Kommissarissen Wet, 1911" (Wet No. 18 van 1911), word die Tesourie hierby gemagtig om deposito's (soos deur daardie Wet omskryf) aan te wend vir die aankoop van metale vir aanmunting.

23. Ondanks andersluidende bepalings van hierdie Wet, kan die Minister van tyd tot tyd die onttrekking aan omloop magtig van soveel munte as wat hy meer as die behoeftes ag, en met munte ingevolge enige sodanige magtiging onttrek, kan gehandel word asof hulle ingevolge die bepalings van artikel *twintig* van hierdie Wet ingetrek is.

24. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van daardie deel van genoemde gebied wat bekend staan as die Oostelike Caprivi Zipfel en wat in sub-artikel (3) van artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), vermeld word, en ook met betrekking tot alle persone in dié deel van genoemde gebied wat bekend staan as die „Rehoboth Gebiet" en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied omskryf word.

25. (1) Onderworpe aan die bepalings van sub-artikels (2), (3) en (4), word die wette in die Tweede Bylae by hierdie Wet vermeld, hierbo herroep in die mate in die derde kolom daarvan uiteengesit.

(2) 'n Proklamasie uitgevaardig en enigiets gedoen kragtens 'n bepaling van 'n wet wat deur hierdie Wet herroep word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het.

(3) Ondanks die herroeping van artikels *nege* tot en met *vyftien* van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), hou enige bepaling daarvan wat by die inwerkingtreding van hierdie Wet op of met betrekking tot 'n persoon van toepassing was, aan om op of met betrekking tot daardie persoon van toepassing te wees in alle opsigte asof genoemde artikels nie herroep was nie.

(4) Ondanks die herroeping van artikel *een* van die Wet op Desimale Munt, 1959 (Wet No. 61 van 1959), kan die Minister, tot 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, voortgaan om munte van goud, silwer en brons van die denominasies in die eerste kolom van die tabel in paragraaf (a) van sub-artikel (2) van genoemde artikel uiteengesit, te laat vervaardig en uitreik in alle opsigte asof genoemde artikel nie herroep was nie: Met dien verstande dat so 'n munt nie vervaardig mag word nadat 'n munt van 'n ooreenstemmende denominasie kragtens hierdie Wet vervaardig en uitgereik is nie.

26. This Act shall be called the South African Mint and Coinage Act, 1964, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

26. Hierdie Wet heet die Wet op die Suid-Afrikaanse Munt en Munte, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

FIRST SCHEDULE.

Denomination of coin.	Standard Weight. Grams.	Least Current Weight. Grams.	Standard Fineness.	Remedy Allowance.	
				Weight per piece. Grams.	Millesimal Fineness.
Gold:					
Tronjan	33.9305	33.7205	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916.6.	.06512	2
Five rand	19.97014	19.84468		.03240	2
Two rand	7.98805	7.93787		.01296	2
Rand	3.99402	3.96083		.00972	2
Silver:					
Rand	15.0	—	Eight-tenths fine silver, two-tenths alloy; or millesimal fineness 800.	.084	6
Two-and-a-half cents	1.41379	—	Five-tenths fine silver, five-tenths alloy; or millesimal fineness 500.	.0138	8
Nickel:					
Fifty cents	9.5	—	Minimum of 98.00 parts per hundred nickel.	.19	None
Twenty cents	6.0	—		.11	
Ten cents	4.0	—		.07	
Five cents	2.5	—		.05	
Two-and-a-half cents	1.41379	—		.04	
Bronze:					
Two cents	4.0	—	Mixed metal: copper, tin and zinc.	.08	None
Cent	3.0	—		.06	
half-cent	2.0	—		.04	

EERSTE BYLAE.

Denominasie van Munt.	Standaard-gewig. Gramme.	Geringste Gangbare Gewig. Gramme.	Standaardfynheid.	Toegelate Remedie.	
				Gewig per Muntstuk Gramme.	Fynheid per duisend dele.
Goud:					
Trojaan	33.9305	33.7205	Elf-twaalftes fyn goud, een-twaalftede alloori; of per duisend dele, 916.6 fynheid.	.06512	2
Vyf rand	19.97014	19.84468		.03240	2
Twee rand	7.98805	7.93787		.01296	2
Rand	3.99402	3.96083		.00972	2
Silwer:					
Rand	15.0	—	Agt-tiendes fyn silwer, twee-tiendes alloori; of per duisend dele, 800 fynheid.	.084	6
Twee-en-'n-half sent	1.41379	—	Vyf-tiendes fyn silwer, vyf-tiendes alloori; of per duisend dele, 500 fynheid.	.0138	8
Nikkel:					
Vyftig sent	9.5	—	Minimum van 98.00 dele per honderd nikkel.	.19	Geen
Twintig sent	6.0	—		.11	
Tien sent	4.0	—		.07	
Vyf sent	2.5	—		.05	
Twee-en-'n-half sent	1.41379	—		.04	
Brons:					
Twee sent	4.0	—	Gemengde metaal: koper, tin en sink.	.08	Geen
Sent	3.0	—		.06	
Halfsent	2.0	—		.04	

SECOND SCHEDULE.

TWEEDE BYLAE.

No. and year of law.	Title.	Extent of repeal.	No. en jaar van wet.	Titel.	In hoeverre herroep.
Act No. 31 of 1922	Coinage Act, 1922	The whole.	Wet No. 31 van 1922	„Munt Wet, 1922”	Die geheel.
Act No. 16 of 1941	South African Mint Act, 1941	The whole.	Wet No. 16 van 1941	Wet op die Suid-Afrikaanse Munt, 1941	Die geheel.
Act No. 37 of 1943	Finance Act, 1943	Section <i>nineteen</i> .	Wet No. 37 van 1943	Finansiewet, 1943	Artikel <i>negen-tien</i> .
Act No. 34 of 1946	South African Mint Amendment Act, 1946	The whole.	Wet No. 34 van 1946	Wysigingswet op die Suid-Afrikaanse Munt, 1946	Die geheel.

Act No. 57 of 1946	Finance Act, 1946	Section <i>twenty-two</i> .	Wet No. 57 van 1946	Finansiewet, 1946	Artikel <i>twee-en-twintig</i> .
Act No. 4 of 1951	Coinage Amendment Act, 1951	The whole.	Wet No. 4 van 1951	Munt-wysigingswet, 1951	Die geheel.
Act No. 11 of 1952	Coinage Amendment Act, 1952	The whole.	Wet No. 11 van 1952	Munt-wysigingswet, 1952	Die geheel.
Act No. 61 of 1959	Decimal Coinage Act, 1959	Sections <i>one and two</i> .	Wet No. 61 van 1959	Wet op Desimale Munt, 1959	Artikels <i>een en twee</i> .
Act No. 76 of 1961	Finance Act, 1961	Section <i>three</i> .	Wet No. 76 van 1961	Finansiewet, 1961	Artikel <i>drie</i> .
Act No. 77 of 1962	Finance Act, 1962	Section <i>twenty-three</i> .	Wet No. 77 van 1962	Finansiewet, 1962	Artikel <i>drie-en-twintig</i> .

No. 80, 1964 (Republic).]

ACT

To amend the Slums Act, 1934, the National Roads Act, 1935, the Arms and Ammunition Act, 1937, the Deeds Registries Act, 1937, the Prescription Act, 1943, the Magistrates' Courts Act, 1944, the Commissions Act, 1947, the Population Registration Act, 1950, the Suppression of Communism Act, 1950, the Patents Act, 1952, the Wills Act, 1953, the Criminal Procedure Act, 1955, the General Law Amendment Act, 1955, the Group Areas Development Act, 1955, the General Law Amendment Act, 1956, the Group Areas Act, 1957, the Prevention of Corruption Act, 1958, the Prisons Act, 1959, the Stock Theft Act, 1959, the Supreme Court Act, 1959, and the Justices of the Peace and Commissioners of Oaths Act, 1963.

(Afrikaans text signed by the State President.)
(Assented to 20th June, 1964.)

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

14. (1) Section *ten* of the Suppression of Communism Act, 1950, is hereby amended—

- (a) by the substitution in paragraph (a) *ter* of sub-section (1) for the expression "1964" of the expression "1965";
- (b) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(c) While any notice issued under paragraph (a) or paragraph (a) read with paragraph (a) *bis* is in force, the period of the prohibition in question specified in such notice may be extended by a notice under the hand of the Minister addressed and delivered or tendered to the person concerned."

(2) Sub-section (1) shall be deemed to have come into operation on the second day of May, 1963.

15. Section eleven of the Suppression of Communism Act, 1950, is hereby amended by the substitution in paragraph (b) *ter* for the words "undergone any training outside the Republic or obtained any information from a source outside the Republic of the words "and in the Republic or elsewhere, undergone, or attempted, consented or taken any steps to undergo, or incited, instigated, commanded, aided, advised, encouraged or procured any other person to undergo any training, or obtained any information" and the insertion in the said paragraph after the word "undergo" of the words "or attempt, consent or take any steps to undergo, or incite, instigate, command, aid, advise encourage or procure such other person to undergo,".

20. Section *two* of the Wills Act, 1953, is hereby amended—

- (a) by the substitution in sub-paragraph (iv) of paragraph (a) of sub-section (1) for the word "is"

No. 80, 1964 (Republiek).]

WET

Tot wysiging van die Slumswet, 1934, die Wet op Nasionale Paaie, 1935, die Wapens- en Ammunisiewet, 1937, die Registrasie van Aktes Wet, 1937, die Verjaringswet, 1943, die Wet op Landdroshowe, 1944, die Kommissiewet, 1947, die Bevolkingsregistrasiewet, 1950, die Wet op die Onderdrukking van Kommunisme, 1950, die Wet op Patente, 1952, die Wet op Testamente, 1953, die Strafprosedewet, 1955, die Algemene Regswysigingswet, 1955, die Wet op die Ontwikkeling van Groepsgebiede, 1955, die Algemene Regswysigingswet, 1956, die Wet op Groepsgebiede, 1957, die Wet op die Voorkoming van Korrupsie, 1958, die Wet op Gevangenis, 1959, die Wet op Veediefstal, 1959, die Wet op die Hooggeregshof, 1959, en die Wet op Vrederegters en Kommissaris van Ede, 1963.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1964.)

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

14. (1) Artikel *tien* van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig—

- (a) deur in paragraaf (a) *ter* van sub-artikel (1) die uitdrukking „1964” deur die uitdrukking „1965” te vervang;
- (b) deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:

„(c) Terwyl 'n kragtens paragraaf (a) of paragraaf (a) gelees met paragraaf (a) *bis* uitgevaardigde kennisgewing van krag is, kan die in bedoelde kennisgewing bepaalde tydperk van die betrokke verbod verleng word by 'n deur die Minister ondertekende kennisgewing aan die betrokke persoon gerig en aan hom oorhandig aangebied."

(2) Sub-artikel (1) word geag op die tweede dag van Mei 1963 in werking te getree het.

15. Artikel *elf* van die Wet op die Onderdrukking van Kommunisme, 1950, word hierby gewysig deur in paragraaf (b) *ter* die woorde „enige opleiding buite die Republiek ontvang het of uit 'n bron buite die Republiek deur die woorde „en in die Republiek of elders enige opleiding ontvang het, of gepoog, ingewillig of enige stappe gedoen het om enige opleiding te ontvang, of iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om enige opleiding te ontvang, of” te vervang en na die woorde „opleiding ontvang” die woorde „het of gepoog, ingewillig of enige stappe gedoen het om dit te ontvang, of so iemand anders uitgelok, aangestig, beveel, hulp verleen, aangeraai, aangemoedig of verkry het om dit te ontvang,” in te voeg.

20. Artikel *twee* van die Wet op Testamente, 1953, word hierby gewysig —

- (a) deur in sub-paragraaf (iv) van paragraaf (a) van sub-artikel (1) die woorde „elke bladsy” deur d

of the words "other than the page on which it ends, is also" and the insertion in the said sub-paragraph after the word "witnesses" of the words "anywhere on the page";

- (b) by the substitution for sub-paragraph (v) of the said paragraph (a) of the following sub-paragraph:

"(v) if the will is signed by the testator by the making of a mark or by some other person in the presence and by the direction of the testator, a magistrate, justice of the peace, commissioner of oaths or notary public certifies at the end thereof that he has satisfied himself as to the identity of the testator and that the will so signed is the will of the testator, and if the will consists of more than one page, each page other than the page on which it ends, is also signed, anywhere on the page, by the magistrate, justice of the peace, commissioner of oaths or notary public who so certifies;"

21. (1) The following section is hereby substituted for section *eight* of the Wills Act, 1953:

"Application of Act to South West Africa.

8. This Act and any amendment thereof which may be made from time to time shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the Wills Act, 1953.

37. Section *ninety-four* of the Prisons Act, 1959, is hereby amended—

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

(b) *bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Prisons Service who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Prisons Service who died or die on or after the said date, the class of members of the Prisons Service or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;"

- (b) by the insertion after sub-section (1) of the following sub-section:

"(1) *bis* Regulations under paragraph (b) *bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Prisons Service and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.";

- (c) by the deletion in sub-section (2) of the word "such", where it occurs for the first time.

40. The following section is hereby inserted after section *nineteen* of the Supreme Court Act, 1959:

"Reference of particular matters for investigation by referee.

19*bis*. (1) In any civil proceedings any court of a provincial or local division may, with the consent of the parties, refer—

- (a) any matter which requires extensive examination of documents or scientific,

woorde „elke ander bladsy as die bladsy waarop dit eindig, ook" te vervang en na die woorde „onderteken word" die woorde „op enige plek op die bladsy" in te voeg;

- (b) deur sub-paragraaf (v) van genoemde paragraaf (a) deur die volgende sub-paragraaf te vervang:

„(v) indien die testament deur die erflater deur die maak van 'n merk of deur iemand anders in teenwoordigheid en in opdrag van die erflater onderteken word, 'n magistraat, vrederegter, kommissaris van ede of notaris aan die end daarvan sertifiseer dat hy homself oortuig het van die identiteit van die erflater en dat die aldus ondertekende testament die testament van die erflater is, en indien die testament meer dan een bladsy beslaan, elke ander bladsy as die bladsy waarop dit eindig, ook deur die magistraat, vrederegter, kommissaris van ede of notaris wat aldus sertifiseer, onderteken word op enige plek op die bladsy;"

21. (1) Artikel *agt* van die Wet op Testamente, 1953, word hierby deur die volgende artikel vervang:

„Toepassing van Wet op Suidwes Afrika.

8. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)."

(2) Sub-artikel (1) word geag op die datum van inwerkingtreding van die Wet op Testamente, 1953, in werking te getree het.

37. Artikel *vier-en-negentig* van die Wet op Gevangenis, 1959, word hierby gewysig—

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

„(b) *bis* die instelling, bestuur en beheer van 'n fonds om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaalbehandeling van lede van die Gevangenisdiens wat op of na die eerste dag van Januarie 1964 met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Gevangenisdiens wat op of na bedoelde datum te sterwe gekom het of sterf, die klas van lede van die Gevangenisdiens of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes (indien enige) wat deur enige bepaalde klas van lede van die fonds daartoe gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en verpligtinge van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van die fonds nodig is;"

- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1) *bis* Regualsies kragtens paragraaf (b) *bis* van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige, tandheelkundige en hospitaalbehandeling op die grondslag wat kragtens hierdie Wet ten opsigte van lede van die Gevangenisdiens en hul gesinne geld, teen betaling vir bedoelde voordele uit 'n deur of kragtens bedoelde regulasies ingestelde fonds, op die grondslag wat in bedoelde regulasies vermeld word of ooreenkomstig bedoelde regulasies bepaal word.";

- (c) deur in sub-artikel (2) die woorde „So 'n regulasie" deur die woorde „'n Regulasie" te vervang.

40. Die volgende artikel word hierby na artikel *negentig* van die Wet op die Hooggeregshof, 1959, ingevoeg:

„Verwysing van bepaalde aangeleenthede vir ondersoek deur skeidsregter.

19*bis*. (1) 'n Hof van 'n provinsiale of plaaslike afdeling kan, in 'n siviele geding, met die toestemming van die partye—

- (a) enige aangeleentheid wat 'n uitgebreide ondersoek van dokumente of wetenskap-

technical or local investigation which in the opinion of the court cannot be conveniently conducted by it; or

- (b) any matter which relates wholly or in part to accounts; or
- (c) any other matter arising in such proceedings, for enquiry and report to a referee, and the court may adopt the report of any such referee, either wholly or in part, and either with or without modifications, or may remit such report for further enquiry or report or consideration by such referee, or make such other order in regard thereto as may be necessary or desirable.

(2) Any such report or any part thereof which is adopted by the court, whether with or without modifications, shall have effect as if it were a finding by the court in the civil proceedings in question.

(3) Any such referee shall for the purpose of such enquiry have such powers and shall conduct the enquiry in such manner as may be prescribed by a special order of court or by rules of court.

(4) For the purpose of procuring the attendance of any witness (including any witness detained in custody under any law) and the production of any document or thing before a referee, an enquiry under this section shall be deemed to be civil proceedings.

- (5) (a) Any person summoned to appear and give evidence or produce any document or thing before a referee, who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the referee from further attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any document or thing in his possession or custody or under his control, which he was summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.
- (b) Any person who after having been sworn or having made affirmation, gives false evidence before a referee at an enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(6) Any referee shall be entitled to such remuneration as may be prescribed by the rules of court or, if no such remuneration has been so prescribed, as the court may determine, and to any reasonable expenditure incurred by him for the purposes of the enquiry, and any such remuneration and expenditure shall be taxed by the taxing master of the court and shall be costs in the cause."

41. Section *twenty* of the Supreme Court Act, 1959, is hereby amended by the substitution for paragraph (d) of sub-section (3)*bis* of the following paragraph:

"(d) by one parent against the other for interim access to a child when a matrimonial action between the parents is pending or is about to be instituted."

like, tegniese of plaaslike ondersoek verg wat na die oordeel van die hof nie gereedelik deur die hof ingestel kan word nie; of

- (b) enige aangeleentheid wat geheel en al of gedeeltelik op rekeninge betrekking het; of
- (c) enige ander aangeleentheid wat uit bedoelde geding voortspruit,

vir ondersoek en verslag na 'n skeidsregter verwys, en die hof kan die verslag van so 'n skeidsregter in sy geheel of gedeeltelik aanvaar, met of sonder wysigings, of kan so 'n verslag vir verdere ondersoek of verslag of oorweging deur bedoelde skeidsregter terugverwys, of 'n ander bevel ten opsigte daarvan uitvaardig wat nodig of wenslik is.

(2) So 'n verslag of enige deel daarvan wat deur die hof aanvaar word, hetsy met of sonder wysigings, het die uitwerking van 'n bevinding van die hof in die betrokke siviele geding.

(3) So 'n skeidsregter het vir die doeleindes van bedoelde ondersoek die bevoegd-hede en behartig die ondersoek op die wyse wat by 'n spesiale hofbevel of by die hofreëls voorgeskryf word.

(4) Vir die doeleindes van die verkryging van die aanwesigheid van 'n getuie (met inbegrip van 'n getuie wat kragtens 'n wetsbepaling in hegtenis gehou word) en die oorlegging van 'n dokument of saak voor 'n skeidsregter, word 'n ondersoek kragtens hierdie artikel 'n siviele geding geag.

- (5) (a) Iemand wat gedagvaar is om voor 'n skeidsregter te verskyn en getuie af te lê of 'n dokument of saak oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die skeidsregter hom verloor gee om nie meer aanwesig te wees nie, of weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eedaflegging of die aflê van 'n plegtige verklaring, in gebreke bly om 'n vraag aan hom gestel volledig en op bevredigende wyse te beantwoord of wat in gebreke bly om 'n dokument of saak in sy besit of bewaring of onder sy beheer, en tot oorlegging waarvan hy gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

- (b) Iemand wat na eedaflegging of die aflê van 'n plegtige verklaring valse getuie-nis voor 'n skeidsregter by 'n ondersoek aflê, met die wete dat die getuie-nis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die regtens voorgeskrewe strawwe vir meined.

(6) 'n Skeidsregter is geregtig op die besoldiging wat by die hofreëls voorgeskryf word of, indien geen sodanige besoldiging aldus voorgeskryf is nie, wat die hof bepaal, en op enige redelike uitgawes deur hom vir die doeleindes van die ondersoek aangeaan, en sodanige besoldiging en uitgawes word deur die takseermeester van die hof getakseer en is koste in die geding."

41. Artikel *twintig* van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur paragraaf (d) van subartikel (3)*bis* deur die volgende paragraaf te vervang:
„(d) deur een ouer teen die ander om tussentydse toegang tot 'n kind wanneer 'n huweliksgeding tussen die ouers aanhangig is of op die punt staan om ingestel te word."

42. Section *forty-three* of the Supreme Court Act, 1958, is hereby amended by the insertion after paragraph (c) of sub-section (3) of the following paragraph:

“(c)*bis* the practice and procedure in connection with the reference of any matter to a referee in terms of section *nineteen bis* and the remuneration payable to any such referee;”.

47. This Act shall be called the General Law Amendment Act, 1964.

42. Artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959, word hierby gewysig deur na paragraaf (c) van sub-artikel (3) die volgende paragraaf in te voeg:

„(c)*bis* die praktyk en prosedure in verband met die verwysing van 'n aangeleentheid na 'n skeidsregter ingevolge artikel *negentien bis* en die besoliging aan so 'n skeidsregter betaalbaar;”.

47. Hierdie Wet heet die Algemene Regswysigingswet, 1964.

No. 81, 1964.]

ACT

To amend the Defence Act, 1957.

(English text signed by the State President.)
(Assented to 24th June, 1964.)

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-one* of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the word “of”, where it occurs for the first time, of the words “sub-paragraph (ii) of paragraph (c) of sub-section (2) of section *twenty-two* and”; and
- (b) by the insertion after the word “under” in the proviso of the words “sub-paragraph (i) of”.

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

- (a) by the substitution for paragraph (c) of sub-section (2) of the following paragraph:

“(c) Any exemption board appointed under section *sixty-eight* may, notwithstanding anything to the contrary in this sub-section contained, in any particular case on grounds of educational or vocational training or ill-health or such other grounds as it may deem sufficient—

- (i) authorize the deferment of any period of continuous training or of a portion of any such period but in such a manner that the continuous training to which the member concerned is liable, shall be completed not later than three years after the date on which his continuous training would but for any such deferment, have been completed; or
- (ii) in consultation with a prescribed officer, direct that the service of the member concerned in the Citizen Force be terminated forthwith and that he be enrolled with a commando in terms of section *thirty-five*.”; and

- (b) by the addition of the following sub-section:

“(7) The provisions of section *sixty-nine* shall *mutatis mutandis* apply in respect of the performance by a board appointed under section *sixty-eight* of its functions under paragraph (c) of sub-section (2) of this section.”.

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

- (a) by the insertion in sub-section (3) after the word “shall”, where it occurs for the second time, of the words “subject to the provisions of paragraph (c) of sub-section (4),”;
- (b) by the substitution for paragraph (c) of sub-section (4) of the following paragraph:

“(c) Any exemption board appointed under section *sixty-eight* may, notwithstanding anything

No. 81, 1964 (Republiek).]

WET

Tot wysiging van die Verdedigingswet, 1957.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Junie 1964.)

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

1. Artikel *een-en-twintig* van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur na die woord „van”, waar dit die eerste maal voorkom, die woorde „sub-paragraaf (ii) van paragraaf (c) van sub-artikel (2) van artikel *twee-en-twintig* en” in te voeg; en
- (b) deur na die woord „kragtens” in die voorbehoudsbepaling die woorde „sub-paragraaf (i) van” in te voeg.

2. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(c) Enige kragtens artikel *agt-en-sestig* benoemde vrystellingsraad kan, ondanks andersluidende bepalings in hierdie sub-artikel, in enige besondere geval op grond van opvoedkundige of beroepsopleiding of swak gesondheid of ander gronde wat hy genoegsaam ag—

- (i) magtiging verleen vir die uitstel van enige tydperk van ononderbroke opleiding of van 'n gedeelte van enige sodanige tydperk maar op so 'n wyse dat die ononderbroke opleiding waartoe die betrokke lid verplig kan word, nie later voltooi word nie as hoogstens drie jaar na die datum waarop sy ononderbroke opleiding, by ontstentenis van so 'n uitstel, voltooi sou gewees het; of
- (ii) in oorlog met 'n voorgeskrewe offisier, gelas dat die betrokke lid se diens in die Burgermag onverwyld beëindig word en dat hy ingevolge artikel *vyf-en-dertig* by 'n kommando ingeskryf word.”; en

- (b) deur die volgende sub-artikel by te voeg:

„(7) Die bepalings van artikel *nege-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van die verrigting deur 'n vrystellingsraad benoem kragtens artikel *agt-en-sestig* van sy werksaamhede kragtens paragraaf (c) van sub-artikel (2) van hierdie artikel”.

3. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (3) na die woord „is”, waar dit die eerste maal voorkom, die woorde „behoudens die bepalings van paragraaf (c) van sub-artikel (4),” in te voeg;
- (b) deur paragraaf (c) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(c) Enige kragtens artikel *agt-en-sestig* benoemde vrystellingsraad kan, ondanks andersluidende

to the contrary in this sub-section contained, in any particular case on grounds of educational or vocational training or ill-health or such other grounds as it may deem sufficient—

- (i) authorize the deferment of any period of continuous training or of a portion of any such period but in such a manner that the continuous training to which the person concerned is liable, shall be completed within a period of not more than seven years reckoned from the date on which he commenced his whole-time training; or
- (ii) in consultation with a prescribed officer, direct that the service of the person concerned in the Citizen Force be terminated forthwith and that he be enrolled with a commando in terms of section *thirty-five*.”; and

(c) by the addition of the following sub-section:

“(5) The provisions of section *sixty-nine* shall *mutatis mutandis* apply in respect of the performance by a board appointed under section *sixty-eight* of its functions under paragraph (c) of sub-section (4) of this section.”.

4. Section *thirty-five* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Every citizen whose name is required to be included but has not been drawn in a ballot held in terms of Chapter VIII, every citizen whose name has been drawn in such a ballot but who has not been allotted for training in the Citizen Force and any citizen in respect of whom an exemption board appointed under section *sixty-eight*, has in terms of section *twenty-two*, *twenty-three* or *seventy bis* directed that he be enrolled with a commando, shall, unless he is medically unfit for military service or entitled under sub-section (3) of section *ninety-seven* to exemption from serving in a combatant capacity, or unless there be other prescribed cause for exemption (which may include the lack of facilities for training in the area in which he is resident), be liable to be enrolled in accordance with regulations as a member of a commando after he has attained his eighteenth year, and shall if so enrolled serve therein for four consecutive years unless he is sooner discharged: Provided that any service which a citizen in respect of whom any such exemption board has directed that he be so enrolled with a commando, has rendered in the Citizen Force, shall be deemed to be service in a commando in terms of this section.”.

5. Section *fifty-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Members of the Permanent Force Reserve shall be liable to undergo such training as may be prescribed: Provided that the period of such training shall not exceed one hundred and five days during any period of five years or thirty days in any one year which extends from the first day of January to the last day of December.”.

6. Section *sixty-three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) during the period from the first day of January to the thirty-first day of March of the year in which he will attain the age of sixteen years; or”;

- (b) by the substitution in paragraph (b) of sub-section (1) for the word “month”, wherever it occurs, of the word “period”;
- (c) by the substitution in sub-section (2) for the word “January” of the word “March” and for the word “seventeenth” of the word “sixteenth”; and
- (d) by the substitution in sub-section (4) for the word “seventeen” of the word “sixteen”.

bepalings in hierdie sub-artikel, in enige besondere geval op grond van opvoedkundige of beroepsopleiding of swak gesondheid of ander gronde wat hy genoegsaam ag—

- (i) magtiging verleen vir die uitstel van enige tydperk van ononderbroke opleiding of van ’n gedeelte van enige sodanige tydperk maar op so ’n wyse dat die ononderbroke opleiding waartoe die betrokke persoon verplig kan word, voltooi word binne ’n tydperk van nie meer as sewe jaar bereken vanaf die datum waarop hy begin het met sy voltydse opleiding; of
- (ii) in oorleg met ’n voorgeskrewe offisier gelas dat die betrokke persoon se diens in die Burgermag onverwyld beëindig word en dat hy ingevolge artikel *vyf-en-dertig* by ’n kommando ingeskryf word.”; en

(c) deur die volgende sub-artikel by te voeg:

„(5) Die bepalinge van artikel *nege-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van die verrigting deur ’n vrystellingsraad benoem kragtens artikel *agt-en-sestig* van sy werksaamhede kragtens paragraaf (c) van sub-artikel (4) van hierdie artikel.”.

4. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Iedere burger wie se naam by ’n loting ooreenkomstig Hoofstuk VIII gehou, ingesluit moet word, maar nie getrek is nie, iedere burger wie se naam by so ’n loting getrek is maar wat nie vir opleiding in die Burgermag ingedeel is nie en iedere burger ten opsigte van wie ’n kragtens artikel *agt-en-sestig* benoemde vrystellingsraad ingevolge artikel *twee-en-twintig*, *drie-en-twintig* of *sewentig bis* gelas het dat hy by ’n kommando ingeskryf word, kan, tensy hy geneeskundig ongeskik is vir militêre diens of ingevolge sub-artikel (3) van artikel *seuen-en-negentig* geregtig is op vrystelling van diens in vegtende hoedanigheid of tensy daar ander voorgeskrewe redes vir vrystelling (waaronder gebrek aan fasiliteite vir opleiding in die gebied waarin hy woon, kan insluit) bestaan, in ooreenstemming met regualsies nadat hy sy agtiende jaar bereik het, as lid van ’n kommando ingeskryf word en moet, indien hy aldus ingeskryf word, vir vier agtereenvolgende jare daarin dien, tensy hy eerder ontslaan word: Met dien verstande dat enige diens wat ’n burger ten opsigte van wie so ’n vrystellingsraad gelas het dat hy aldus by ’n kommando ingeskryf word, in die Burgermag gelewer het geag word diens in ’n kommando ingevolge hierdie artikel te wees.”.

5. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Lede van die Staandemagreserwe kan verplig word om die opleiding wat voorgeskryf mag word te ondergaan: Met dien verstande dat die tydperk van sodanige opleiding nie honderd-en-vyf dae gedurende enige tydperk van vyf jaar of dertig dae in enige jaar wat strek van die eerste dag van Januarie tot die laaste dag van Desember oorskry nie.”.

6. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) gedurende die tydperk vanaf 1 Januarie tot 31 Maart van die jaar waarin hy sestien jaar oud word; of”;

- (b) deur in paragraaf (b) van sub-artikel (1) die woorde „maand”, oral waar dit voorkom, deur die woorde „tydperk” te vervang;
- (c) deur in sub-artikel (2) die woord „Januarie” deur die woord „Maart” en die woord „sewentiende” deur die woord „sestiende” te vervang; en
- (d) deur in sub-artikel (4) die woord „sewentien” deur die woord „sestien” te vervang.

7. Section *sixty-five* of the principal Act is hereby amended by the substitution in sub-section (3) of the words "not later than the first day of March in every year," of the words "in every year".

8. Section *sixty-six* of the principal Act is hereby repealed.

9. Section *sixty-seven* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister may appoint the number of persons to be enrolled for training in the Citizen Force in any year."

10. Section *sixty-eight* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "for deferment or for exclusion from any provisional ballot list prepared under section *sixty-six*" of the words "in terms of section *sixty-nine* for deferment of or exemption from training".

11. The following section is hereby substituted for section *sixty-nine* of the principal Act:

"Application for deferment of or exemption from training, and procedure of exemption boards.

69. (1) Application for deferment of or exemption from training may be made by a citizen whose name has been drawn in a ballot referred to in section *seventy* but whose training in the Citizen Force has not commenced, or by some interested person on his behalf, either with or without his consent, and any such application shall be lodged in writing with the chairman of any board appointed under section *sixty-eight*.

(2) The board concerned shall make such investigations in connection with any application under sub-section (1) as it may consider necessary, and for that purpose the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section *one* thereof, shall apply with reference to the board, and in the application of the said provisions the reference in section *three* of that Act to the secretary of a commission shall be construed as a reference to the registering officer.

(3) The Minister of Labour may make such rules, not inconsistent with this Act, as he may deem necessary for regulating the procedure and the conduct of the business of boards appointed under section *sixty-eight*."

12. Section *seventy* of the principal Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) In order to select the number of citizens mentioned in sub-section (2) of section *sixty-seven*, the registering officer shall each year prepare a ballot list for each magisterial district in which shall be entered the name of every citizen whose registered address is in that district, and who—

(a) has applied for registration in terms of sub-section (1) or (2) of section *sixty-three* and has not been included in any previous ballot list; or

(b) is in his sixteenth year or older but not older than twenty-five years, and was required but, to the knowledge of the registering officer, failed to comply with the provisions of section *sixty-three*,

and take a ballot of the citizens whose names appear on those lists."

(b) by the substitution in sub-section (2) for the words "on the final ballot lists" of the words "of the citizens concerned"; and

(c) by the substitution for sub-section (3) of the following sub-section:

"(3) A percentage of names to be determined by the Minister from time to time in excess of the said number shall be drawn in

7. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „nie later nie as die eerste dag van Maart in iedere jaar,” deur die woorde „in iedere jaar” te vervang.

8. Artikel *ses-en-sestig* van die Hoofwet word hierby herroep.

9. Artikel *sewe-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Minister kan die getal persone bepaal wat in enige jaar vir opleiding in die Burgermag ingeskryf moet word."

10. Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „om uitstel of om weglating uit 'n kragtens artikel *ses-en-sestig* opgestelde voorlopige lotingslys" deur die woorde „ingevolge artikel *nege-en-sestig*, om uitstel of vrystelling van opleiding" te vervang.

11. Artikel *nege-en-sestig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Aansoek om uitstel of vrystelling van opleiding, en procedure van vrystellingsrade.

69. (1) Aansoek om uitstel of vrystelling van opleiding kan deur 'n burger wie se naam getrek is in 'n loting vermeld in artikel *sewentig* maar wie se opleiding in die Burgermag nog nie begin het nie, of, met of sonder sy toestemming, deur 'n belanghebbende namens hom gedoen word, en so 'n aansoek moet skriftelik ingedien word by die voorsitter van enige raad benoem kragtens artikel *agt-en-sestig*.

(2) Die betrokke raad stel in verband met 'n aansoek kragtens sub-artikel (1) die ondersoek in wat hy nodig ag, en vir daardie doel geld die bepalinge van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe artikel *een* daarvan, met betrekking tot die raad, en by die toepassing van gemelde bepalinge word die verwysing in artikel *drie* van daardie Wet na die sekretaris van 'n kommissie as 'n verwysing na die registrasie-beampte uitgelê.

(3) Die Minister van Arbeid kan reëls uitvaardig wat nie met hierdie Wet onbestaanbaar is nie en wat hy nodig ag om die prosedure van rade kragtens artikel *agt-en-sestig* benoem, en die wyse waarop hul sake verrig word, te reël."

12. Artikel *sewentig* van die Hoofwet word hierby gewysig—

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Ten einde die in sub-artikel (2) van artikel *sewe-en-sestig* bedoelde getal burgers uit te soek, stel die registrasie-beampte iedere jaar vir elke landrostdistrik 'n lotingslys op waarin die naam aangeteken word van elke burger wie se aangetekende adres in daardie distrik is en wat—

(a) ingevolge sub-artikel (1) of (2) van artikel *drie-en-sestig* om registrasie aansoek gedoen het, en nie in 'n vorige lotingslys opgeneem is nie; of

(b) in sy sestiende jaar of ouer is maar nie ouer as vyf-en-twintig jaar is nie en verplig was, maar na die wete van die registrasie-beampte versuim het, om aan die bepalinge van artikel *drie-en-sestig* te voldoen,

en gaan hy oor tot 'n loting onder die burgers wie se name op daardie lys voorkom."

(b) deur in sub-artikel (2) die woorde „op die eindlotingslyste" deur die woorde „van die betrokke burgers" te vervang; en

(c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) 'n Persentasie name wat van tyd tot tyd deur die Minister bepaal word, bo en behalwe bedoelde getal, word getrek om enige

order to make good any loss likely to be caused by reason of the fact that persons drawn in the ballot may subsequently be found medically unfit or otherwise unsuitable for training, or by reason of the fact that deferment of or exemption from training is granted to such persons under section *seventy bis* or reason of the exemption of persons from training in terms of section *seventy-four bis*."

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

"Powers of exemption board in regard to application for deferment of or exemption from training.

70bis. (1) Any board appointed under section *sixty-eight* which has considered an application in terms of section *sixty-nine* for deferment of or exemption from training, may, with due regard to any general instructions issued by the Minister of Labour, grant such application where in its opinion such deferment or exemption is justified—

- (a) in order to prevent the interruption of the course of educational studies of the citizen concerned; or
- (b) by reason of the nature and extent of such citizen's domestic obligations or any circumstances connected with any trade, profession or business in which he is engaged; or
- (c) on the ground of physical defects or mental incapacity on the part of such citizen; or
- (d) on the ground that such citizen is being compulsorily detained in an institution:

Provided that—

- (i) no application shall be granted except where the board is satisfied that undue hardship would otherwise be caused or that it is in the public interest that the application be granted;
- (ii) the board may in its discretion, if it is so satisfied, grant deferment of or exemption from training irrespective of whether or not the application is for such deferment or exemption; and
- (iii) the board may, instead of granting deferment of or exemption from training, in any case at any time and in consultation with a prescribed officer, direct if the citizen concerned has been allotted to the Citizen Force, that his allotment thereto be terminated forthwith and that he be enrolled with a commando in terms of section *thirty-five*.

(2) The provisions of this section shall not derogate from the provisions of subparagraph (ii) of paragraph (a) of sub-section (1) of section *seventy-four bis*."

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

"(1) Subject to the provisions of sub-section (1) of section *fifty-nine*, all persons required to be enrolled for training in terms of this Chapter, shall be allotted to the Citizen Force in such manner as may be prescribed: Provided that —

- (a) no citizen who has so been allotted shall be compelled to commence his training before he is in his eighteenth year;
- (b) persons who have been accepted for training in terms of section *sixty-five* shall, as far as possible, have preference in the choice of the units in which they wish to serve; and
- (c) persons who *bona fide* belong and adhere to any recognized religious denomination by the tenets whereof its members may not partici-

verlies aan te vul wat waarskynlik sal ontstaan deurdat persone wat by die loting getrek word, later geneeskundig of andersins ongeskik vir opleiding bevind word of omdat uitstel of vrystelling van opleiding aan sodanige persone toegestaan word kragtens artikel *sewentig bis*, of vanweë die vrystelling van persone van opleiding ingevolge artikel *vier-en-sewentig bis*."

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

„Bevoegdheid van vrystellingsraad met betrekking tot aansoek om uitstel of vrystelling van opleiding.

70bis. (1) 'n Raad benoem kragtens artikel *agt-en-sestig* wat 'n aansoek ingevolge artikel *nege-en-sestig* om uitstel of vrystelling van opleiding oorweeg het, kan, met behoorlike inagneming van enige algemene opdragte deur die Minister van Arbeid uitgereik, sodanige aansoek toestaan indien, volgens sy oordeel, sodanige uitstel of vrystelling geregverdig is—

- (a) om 'n onderbreking in die opvoedingstudiekursus van die betrokke burger te voorkom; of
- (b) vanweë die aard en omvang van bedoelde burger se huishoudelike verpligtings of enige omstandighede verbonde aan 'n bedryf, beroep of besigheid waarmee hy besig is; of
- (c) op grond van liggaamsgebreke of swaksinnigheid van bedoelde burger; of
- (d) op grond daarvan dat bedoelde burger onder dwang in 'n inrigting aangehou word:

Met dien verstande dat—

- (i) geen aansoek toegestaan word nie behalwe waar die raad oortuig is dat buitensporige ontbering anders veroorsaak sou word of dat dit in die openbare belang is dat die aansoek toegestaan word;
- (ii) die raad na goeddunke, indien hy aldus oortuig is, uitstel of vrystelling van opleiding kan toestaan ongeag of dit 'n aansoek om sodanige uitstel of vrystelling is; en
- (iii) die raad in enige geval, in plaas van uitstel of vrystelling van opleiding toe te staan, te eniger tyd in oorleg met 'n voorgeskrewe offisier kan gelas, indien die betrokke burger by die Burgermag ingedeel is, dat sy indeling daarby onverwyld beëindig word en dat hy ingevolge artikel *vyf-en-dertig* by 'n kommando ingeskryf word.

(2) Die bepalings van hierdie artikel doen nie afbreuk aan die bepalings van subparagraaf (ii) van paragraaf (a) van subartikel (1) van artikel *vier-en-sewentig bis* nie."

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

„(1) Behoudens die bepalings van sub-artikel (1) van artikel *nege-en-vyftig*, word alle persone wat ooreenkomstig hierdie Hoofstuk vir opleiding ingeskryf moet word, by die Burgermag ingedeel op die wyse wat voorgeskryf mag word: Met die verstande dat—

- (a) geen burger wat aldus ingedeel is verplig word om met sy opleiding te begin voordat hy in sy agtiende jaar is nie;
- (b) persone wat ooreenkomstig artikel *vyf-en-sestig* vir opleiding aangeneem is, sover moontlik voorkeur geniet by die keuse van die eenhede waarin hulle wil dien; en
- (c) persone wat *bona fide* aan 'n erkende kerkgenootskap, volgens die leerstellings waarvan sy lede nie aan oorlog mag deelneem nie, behoort

pate in war, shall undergo such training as will enable them to render service in the defence of the Republic in a non-combatant capacity.”.

15. Section *eighty-seven* of the principal Act is hereby amended—

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

“(f) *bis* the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Permanent Force who retired or retire on pension on or after the first day of January, 1964, and their families, and of the families of members of the said Force who died or die on or after the said date, the class of members of the said Force or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;” and

(b) by the insertion after sub-section (2) of the following sub-section:

“(2) *bis* Regulations under paragraph (f) *bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Permanent Force and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations.”.

16. Section *eighty-nine* of the principal Act is hereby amended by the addition at the end of sub-section (3) of the following words: “and liable on conviction to imprisonment for a period not exceeding fifteen years”.

17. In respect of any citizen who attains the age of seventeen years in the year following upon the commencement of this Act, the provisions of the principal Act shall apply as if sections *six, seven, eight, nine, ten, eleven, twelve, thirteen* and *fourteen* of this Act had not been enacted.

18. This Act shall be called the Defence Amendment Act, 1964.

No. 84, 1964.]

ACT

To amend the War Pensions Act, 1942, the Parliamentary Service and Administrators' Pensions Act, 1951, the Government Service Pensions Act, 1955, the Pension Laws Amendment Act, 1956, the War Special Pensions Act, 1962, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, the Disability Grants Act, 1962, the Associated Institutions Pension Fund Act, 1963, and the Parliamentary Service Pensions Amendment Act, 1963; to prescribe the date on which any person shall be deemed to attain the prescribed age for retirement in certain circumstances; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 24th June, 1964.)

en dit aanhang, sodanige opleiding ondergaan as wat hulle in staat sal stel om in nie-veg-tende hoedanigheid diens ter verdedging van die Republiek te doen.”.

15. Artikel *sewe-en-tagtig* van die Hoofwet word hierby gewysig—

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

“(f) *bis* die instelling, bestuur en beheer van 'n fonds om voorsiening te maak vir geneeskundige, tandheekkundige en hospitaalbehandeling van lede van die Staande Mag wat op of na die eerste dag van Januarie 1964 met pensioen afgetree het of aftree, en hul gesinne, en van die gesinne van lede van genoemde Mag wat op of na genoemde datum gesterf het of sterf, die klas lede van genoemde Mag of ander persone wat lede van die fonds is of kan word, die skaal of totale bedrag van bydraes indien daar is) wat tot die fonds deur enige besondere klas lede daarvan gelewer moet word, die beëindiging van lidmaatskap van die fonds, die regte, voorregte en pligte van lede van die fonds, en oor die algemeen alle aangeleenthede wat redelikerwys noodsaaklik is vir die reëling en werking van sodanige fonds;” en

(b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

“(2) *bis* Regulasies kragtens paragraaf (f) *bis* van sub-artikel (1) kan voorsiening maak vir voordele ten opsigte van mediese, tandheekkundige en hospitaalbehandeling op die grondslag wat ten opsigte van lede van die Staande Mag en hul gesinne kragtens hierdie Wet van toepassing is, onderworpe aan betaling vir sodanige voordele, uit 'n fonds ingestel by of kragtens sodanige regulasies, op die grondslag vermeld in of bepaal ooreenkomstig sodanige regulasies.”.

16. Artikel *nege-en-tagtig* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (3) die volgende woorde by te voeg: „en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar”.

17. Ten opsigte van 'n burger wat sewentien jaar oud word in die jaar wat volg op die inwerkingtreding van hierdie Wet, geld die bepalings van die Hoofwet asof artikels *ses, sewe, agt, nege, tien, elf, twaalf, dertien* en *veertien* van hierdie Wet nie aangeneem was nie.

18. Hierdie Wet heet die Wysigingswet op Verdedging, 1964.

No. 84, 1964.]

WET

Tot wysiging van die Oorlogspensioenwet, 1942, die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, die Regeringsdiens-pensioenwet, 1955, die Wysigingswet op die Pensioenwette, 1956, die Wet op Spesiale Oorlogspensioene, 1962, die Ouderdomspensioenwet, 1962, die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, die Wet op Ongeskiktheidstoelaes, 1962, die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, en die Wysigingswet op Pensioene vir Parlementsdiens, 1963; om die datum voor te skryf waarop iemand onder sekere omstandighede geag word die voorgeskrewe leeftyd vir uitdienstreding te bereik; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Junie 1964.)

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

28. Section *ten* of the Parliamentary Service Pensions Amendment Act, 1963, is hereby amended by the substitution in sub-section (1) and in sub-section (2) for the words "the termination of his pensionable service under the Pensions Act" of the words "he has ceased to be a Parliamentary member."

29. Section *thirteen* of the Parliamentary Service Pensions Amendment Act, 1963, is hereby amended by the addition at the end thereof of the following sub-section:

"(7) (a) If any person to whom sub-section (2) applies, was in terms of the applicable pensions ordinance and by reason of the fact that he ceased to be a member of a provincial council, the Legislative Assembly of South West Africa or an executive committee, paid an amount equal to the aggregate of the amounts which had been paid by him or deducted from his salary or allowance under that ordinance, he shall repay the said amount to the revenue fund from which it was paid.

(b) Any contributions or other amounts which were due by any such person under any provision of the applicable pensions ordinance on the date of termination of his pensionable service under such ordinance, but which were unpaid on that date, shall notwithstanding anything to the contrary contained in the said ordinance, be paid by him to the revenue fund to which they were due in terms of that ordinance.

(c) (i) Any amount which is due by any person in terms of paragraph (a) or (b) may, if he so desires, be deducted from his salary or allowance by the responsible accounting officer in monthly instalments at the rate of not less than six rand per mensem, and shall be paid to the revenue fund to which it is due.

(ii) Such amount shall for the purposes of sub-section (5) of section *four*, paragraph (b) of section *six*, sub-section (2) of section *seven* and sub-section (4) of section *ten*, be deemed to be an amount due in terms of sub-section (4) of section *two*."

30. The following section is hereby inserted in the Parliamentary Service Pensions Amendment Act, 1963, after section *thirteen*:

"Option to become subject to Chapter II.

13bis. (1) Any person who is a member of the Senate or the House of Assembly on the date of commencement of the Pension Laws Amendment Act, 1964, and who is in receipt of or entitled to any pension under the Legislative Assembly and Executive Committee Members' Pensions Ordinance, 1961 (Ordinance No. 29 of 1961), of South-West Africa, by virtue of the fact that he is an 'ex-member' as defined in section *one* of that Ordinance, may elect in writing within ninety days of the said date of commencement to be subject to the provisions of Chapter II.

(2) If such person makes an election in terms of sub-section (1) the said pension shall cease to be payable to him and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of that pension in respect of any period as from the date of commencement of the Pension Laws Amendment Act, 1964.

(3) If such person does not make an election in terms of sub-section (1)—

(a) contributions shall cease to be deducted from his allowance or salary under the Pensions Act and any contributions which have been so deducted shall be repaid to him; and

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

28. Artikel *tien* van die Wysigingswet op Pensioene vir Parlementsdiens, 1963, word hierby gewysig deur in sub-artikel (1) en in sub-artikel (2) die woorde „sy pensioengewende diens ingevolge die Pensioenwet geëindig het” deur die woorde „hy opgehou het om ’n Parlementêre lid te wees” te vervang.

29. Artikel *dertien* van die Wysigingswet op Pensioene vir Parlementsdiens, 1963, word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(7) (a) Indien aan iemand op wie sub-artikel (2) van toepassing is, ingevolge die toepaslike pensioenordnansie en uit hoofde van die feit dat hy opgehou het om ’n lid van ’n provinsiale raad, die Wetgewende Vergadering van Suidwes-Afrika of ’n uitvoerende komitee te wees, ’n bedrag gelyk aan die totaal van die bedrae wat ingevolge daardie ordnansie deur hom betaal of van sy salaris of toelae afgetrek is, betaal is, moet hy gemelde bedrag aan die inkomstefonds waaruit dit betaal is, terugbetaal.

(b) Enige bydraes of ander bedrae wat, ingevolge ’n bepaling van die toepaslike pensioenordnansie, op die datum van beëindiging van sy pensioengewende diens ingevolge bedoelde ordnansie deur so iemand verskuldig was, maar op daardie datum nog nie betaal is nie, moet, ondanks andersluidende bepalings van daardie ordnansie, deur hom aan die inkomstefonds waaraan dit ingevolge bedoelde ordnansie verskuldig was, betaal word.

(c) (i) ’n Bedrag wat ingevolge paragraaf (a) of (b) deur iemand verskuldig is, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar van sy salaris of toelae afgetrek word in maandelikse paaieimente van minstens ses rand per maand en moet aan die inkomstefonds waaraan dit verskuldig is, betaal word.

(ii) By die toepassing van sub-artikel (5) van artikel *vier*, paragraaf (b) van artikel *ses*, sub-artikel (2) van artikel *sewe* en sub-artikel (4) van artikel *tien*, word bedoelde bedrag geag ’n bedrag te wees wat ingevolge sub-artikel (4) van artikel *twee* verskuldig is."

30. Die volgende artikel word hierby na artikel *dertien* in die Wysigingswet op Pensioene vir Parlementsdiens, 1963, ingevolge:

„Keuse om aan Hoofstuk II onderhewig te wees.

13bis. (1) Iemand wat op die datum van inwerkingtreding van die Wysigingswet op die Pensioenwette, 1964, ’n lid van die Senaat of die Volksraad is en wat ingevolge die Ordonnansie op Pensioene aan Lede van die Wetgewende Vergadering en die Uitvoerende Komitee, 1961 (Ordonnansie No. 29 van 1961), van Suidwes-Afrika, ’n pensioen ontvang of daarop geregtig is uit hoofde van die feit dat hy ’n „oudlid” is soos in artikel *een* van daardie Ordonnansie omskryf, kan binne negentig dae vanaf bedoelde datum van inwerkingtreding skriftelik kies om aan die bepalings van Hoofstuk II onderhewig te wees.

(2) Indien so iemand ingevolge sub-artikel (1) ’n keuse uitoefen, word die betaling aan hom van bedoelde pensioen gestaak en moet hy aan die betrokke inkomstefonds enige bedrag terugbetaal wat vir enige tydperk vanaf die datum van inwerkingtreding van die Wysigingswet op die Pensioenwette, 1964, ten opsigte van daardie pensioen aan hom betaal is.

(3) Indien so iemand nie ingevolge sub-artikel (1) ’n keuse uitoefen nie—

(a) word geen verdere bydraes ingevolge die Pensioenwet van sy toelae of salaris afgetrek nie en word enige bydraes wat aldus afgetrek is aan hom terugbetaal; en

- (b) unless he makes an election in terms of sub-section (4), neither he nor his widow shall be entitled to a pension or any other benefit under the Pensions Act.
- (4) (a) If any person to whom sub-section (3) applies and who is not the holder of a specified office on the date of commencement of the Pension Laws Amendment Act, 1964, thereafter becomes the holder of such an office, he may elect in writing within ninety days of the date on which he becomes the holder of such an office, to be subject to the provisions of Chapter II as from the last-mentioned date.
- (b) If any person to whom sub-section (3) applies and who is the holder of a specified office on the date of commencement of the Pension Laws Amendment Act, 1964, becomes the holder of any other specified office after the said date of commencement, he may elect in writing within ninety days of the date on which he becomes the holder of the other specified office, to be subject to the provisions of Chapter II as from the last-mentioned date.
- (c) If any such person makes an election in terms of paragraph (a) or (b)—
- (i) any pension to which he is entitled under a pension ordinance shall cease to be payable to him and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the date on which he became the holder of the specified office or the other specified office, as the case may be; and
- (ii) contributions shall be deducted from his salary or allowance under the Pensions Act, as from the date on which he became the holder of the specified office or the other specified office, as the case may be.
- (5) If any person to whom sub-section (1) applies makes an election in terms of that sub-section or sub-section (4)—
- (a) he shall pay to the Consolidated Revenue Fund an amount calculated at the rate of six rand for each month of the period of his service as a member of the Legislative Assembly of the territory of South-West Africa;
- (b) such service shall for the purposes of this Act be deemed to be 'pensionable service under the applicable pensions ordinance' as defined in section *one*; and
- (c) notwithstanding anything to the contrary contained in sub-section (1) of section *eleven*, any pension or other benefit which in terms of Chapter II becomes payable in respect of such service, shall be paid out of moneys appropriated by Parliament for the purpose.
- (6) (a) Any amount which becomes due by any person in terms of paragraph (a) of sub-section (5) may, if he so desires, be deducted from his allowance or salary by the responsible accounting officer in monthly instalments at the rate of not less than six rand per mensem and shall be paid to the Consolidated Revenue Fund.
- (b) Such amount shall, for the purposes of sub-section (5) of section *four*, paragraph (b) of section *six*, sub-section (2) of section *seven* and sub-section (4) of
- (b) tensy hy ingevolge sub-artikel (4) 'n keuse uitoefen, is nóg hy nóg sy weduwee op 'n pensioen of ander voordeel ingevolge die Pensioenwet geregtig.
- (4) (a) Indien iemand op wie sub-artikel (3) van toepassing is en wat op die datum van inwerkingtreding van die Wysigingswet op die Pensioenwette, 1964, nie die bekleër van 'n bepaalde amp is nie, daarna die bekleër van so 'n amp word, kan hy binne negentig dae vanaf die datum waarop hy die bekleër van so 'n amp word, skriftelik kies om vanaf laasbedoelde datum aan die bepalings van Hoofstuk II onderhewig te wees.
- (b) Indien iemand op wie sub-artikel (3) van toepassing is en wat op die datum van inwerkingtreding van die Wysigingswet op die Pensioenwette, 1964, die bekleër van 'n bepaalde amp is, na bedoelde datum van inwerkingtreding die bekleër van 'n ander bepaalde amp word, kan hy binne negentig dae vanaf die datum waarop hy die bekleër van die ander bepaalde amp word, skriftelik kies om vanaf laasgenoemde datum aan die bepalings van Hoofstuk II onderhewig te wees.
- (c) Indien so iemand ingevolge paragraaf (a) of (b) 'n keuse uitoefen—
- (i) word die betaling van enige pensioen waarop hy ingevolge 'n pensioenordonnansie geregtig is, gestaak, en moet hy aan die betrokke inkomstefonds enige bedrag terugbetaal wat vir enige tydperk vanaf die datum waarop hy die bekleër van die bepaalde amp of die ander bepaalde amp, na gelang van die geval, geword het, ten opsigte van daardie pensioen aan hom betaal is;
- (ii) word bydraes ingevolge die Pensioenwet vanaf die datum waarop hy die bekleër van die bepaalde amp of die ander bepaalde amp, na gelang van die geval, geword het, van sy salaris of toelae afgetrek.
- (5) Indien iemand op wie sub-artikel (1) van toepassing is, ingevolge daardie sub-artikel of sub-artikel (4) 'n keuse uitoefen—
- (a) betaal hy aan die Gekonsolideerde Inkomstefonds 'n bedrag bereken teen ses rand vir elke maand van die tydperk van sy diens as lid van die Wetgewende Vergadering van die gebied Suidwes-Afrika;
- (b) word sodanige diens by die toepassing van hierdie Wet geag, pensioengewende diens ingevolge die toepaslike pensioenordonnansie' te wees soos in artikel *een* omskryf; en
- (c) word enige pensioen of ander voordeel wat ooreenkomstig Hoofstuk II ten opsigte van sodanige diens betaalbaar word, ondanks die bepalings van sub-artikel (1) van artikel *elf*, betaal uit gelde deur die Parlement vir die doel bewillig.
- (6) (a) 'n Bedrag wat ingevolge paragraaf (a) van sub-artikel (5) deur iemand verskuldig word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar van sy toelae of salaris afgetrek word in maandelikse paaielemente van minstens ses rand per maand, en moet in die Gekonsolideerde Inkomstefonds gestort word.
- (b) By die toepassing van sub-artikel (5) van artikel *vier*, paragraaf (b) van artikel *ses*, sub-artikel (2) van artikel *sewe* en sub-artikel (4) van artikel *tien*, word

section *ten*, be deemed to be an amount due in terms of sub-section (4) of section *two*."

32. (1) Section one shall be deemed to have come into operation on the sixth day of September, 1939.

(2) Sections *two, three, four, five, ten, eleven and twelve* shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a pension or allowance was payable under the War Pensions Act, 1942, or the War Special Pensions Act, 1962, and shall for that purpose be deemed to have come into operation on that date.

(3) Sub-sections (2), (4), (7) and (9) of section twelve of the Parliamentary Service and Administrators' Pensions Act, 1951, as substituted by section *six* of this Act, shall be deemed to have come into operation on the first day of July, 1956.

(4) Section *seven* shall be deemed to have come into operation on the first day of January, 1964.

(5) Section nine shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a bonus was payable in terms of section *thirty-four* of the Pension Laws Amendment Act, 1956, and shall for that purpose be deemed to have come into operation on that date.

(6) Sections *thirteen to twenty-five*, inclusive, shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a pension or grant was payable in terms of the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962 or the Disability Grants Act, 1962 and shall for that purpose be deemed to have come into operation on that date: Provided that any special allowance paid to any such person in terms of section *eight bis* of the Old Age Pensions Act, 1962, section *six bis* of the Blind Persons Act, 1962, section *three bis* of the War Veterans' Pensions Act, 1962, or section *eleven bis* of the Disability Grants Act, 1962, as the said sections existed prior to their repeal by this Act, in respect of any period subsequent to the thirty-first day of March, 1964, shall be set off against any benefit payable to that person in terms of any of the said Acts, as amended by this Act, in respect of the same period.

(7) Section *twenty-eight* shall be deemed to have come into operation on the twelfth day of July, 1963.

(8) Section *thirty-one* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

33. This Act shall be called the Pension Laws Amendment Act, 1964.

bedoelde bedrag geag 'n bedrag te wees wat ingevolge sub-artikel (4) van artikel *twee* verskuldig is."

32. (1) Artikel *een* word geag op die sesde dag van September 1939 in werking te getree het.

(2) Artikels *twee, drie, vier, vyf, tien, elf en twaalf* geld ten opsigte van elke persoon wat op die eerste dag van April 1964 in lewe was en aan wie op of na daardie datum 'n pensioen of toelae ingevolge die Oorlogspensioenwet, 1942, of die Wet op Spesiale Oorlogspensioene 1962, betaalbaar was, en word vir dié doel geag op daardie datum in werking te getree het.

(3) Sub-artikels (2), (4) (7) en (9) van artikel *twaalf* van die Wet op Pensioene vir Parlementsdienst Administrateurs, 1951, soos vervang deur artikel *ses* van hierdie Wet, word geag op die eerste dag van Julie 1956 in werking te getree het.

(4) Artikel *sewe* word geag op die eerste dag van Januarie 1964 in werking te getree het.

(5) Artikel *nege* geld ten opsigte van elke persoon wat op die eerste dag van April 1964 in lewe was en aan wie op of na daardie datum 'n bonus ingevolge artikel *vier-en-dertig* van die Wysigingswet op die Pensioenwette, 1956, betaalbaar was, en word vir dié doel geag op daardie datum in werking te getree het.

(6) Artikels *dertien* tot en met *vyf-en-twintig* geld ten opsigte van elke persoon wat op die eerste dag van April 1964 in lewe was en aan wie op of na daardie datum 'n pensioen of toelae ingevolge die Ouderdomspensioenwet, 1962 die Wet op Blindes, 1962, die Wet op Oudstryderspensioene, 1962, of die Wet op Ongeskiktheids-toelae, 1962, betaalbaar was, en word vir dié doel geag op daardie datum in werking te getree het: Met dien verstande dat 'n spesiale toelae wat ingevolge artikel *agttien* van die Ouderdomspensioenwet, 1962, artikel *ses bis* van die Wet op Blindes, 1962, artikel *drie bis* van die Wet op Oudstryderspensioene, 1962, of artikel *elf bis* van die Wet op Ongeskiktheidstoelae, 1962, soos bedoelde artikels voor die herroeping daarvan deur hierdie Wet bestaan het, aan so iemand betaal is ten opsigte van 'n tydperk na die een-en-dertigste dag van Maart 1964, verrekend word teen enige voordeel wat ingevolge enigeen van bedoelde Wette, soos deur hierdie Wet gewysig, ten opsigte van dieselfde tydperk aan daardie persoon betaalbaar is.

(7) Artikel *agttien* word geag op die twaalfde dag van Julie 1963 in werking te getree het.

(8) Artikel *een-en-dertig* tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

33. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1964.