

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITENGEWONE



OFFISIELE KOERANT

VAN SUIDWES-AFRIKA

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The following Proclamation by the State President of the Republic of South Africa is published for general information.

H. P. F. GOUS,
Secretary for South West Africa.

Administrator's Office,
Windhoek

Die volgende Proklamasie van die Staatspresident van die Republiek van Suid-Afrika word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek

PROCLAMATION

No. R. 242, 1977

AMENDMENT OF THE SOUTH-WEST AFRICA CONSTITUTION ACT, 1968

Under section 38 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby amend section 14 of the said Act by the substitution for subsection (1) of the following subsection:

"(1) The Assembly shall continue for a period of five years from the date of its first meeting after each general election and shall not be subject to dissolution save by effluxion of time."

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of September, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.
By Order of the State President-in-Council:
B. J. VORSTER.

PROKLAMASIE

No. R. 242, 1977

WYSIGING VAN DIE WET OP DIE KONSTITUSIE VAN SUIDWES-AFRIKA, 1968

Kragtens artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), wysig ek hierby artikel 14 van genoemde Wet deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die vergadering bly in stand vir 'n tydperk van vyf jaar vanaf die datum van sy eerste byeenkoms na elke algemene verkiesing en word nie ontbind nie behalwe deur tydsverloop."

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-en-twintigste dag van September Eenduisend Negehonderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.
Op las van die Staatspresident-in-rade:
B. J. VORSTER.

subsection (9) of the words "or (if the urban local authority under the provisions of section *twenty-two* exercises the powers referred to in paragraph (a) of subsection (1) of that section) section *ten, ten bis or eleven*".

Amendment of section 18 of Proclamation 56 of 1956, as amended by section 3 of Ordinance 21 of 1953 and section 2 of Ordinance 4 of 1955

7. Section 18 of the Urban Areas Proclamation is hereby amended —

- (a) by the substitution in subsection (1) for the words "special fund to be known as the Urban Areas Pass Fees Fund" of the words "fund to be known as the Urban Areas Special Fund"; and
- (b) by the substitution for the words "Pasgelffonds in Stedelike Gebiede" and "Pasgelffonds" wherever they occur in the Afrikaans text of subsections (2), (3), (4) and (5), of the words "Spesiale Fonds".

Substitution of section 22 of Proclamation 56 of 1951

8. (1) The following section is hereby substituted for section 22 of the Urban Areas Proclamation:

"Proclaimed areas

22. (1) The Administrator-General may by notice in the *Official Gazette* declare any urban area, or any area defined in such notice in which there is a large number of natives, to be a proclaimed area for the purposes of this Proclamation, the regulations and any other relevant law.

(2) The Administrator-General may —

- (a) establish, equip, control and manage such accommodation as may be needed for natives seeking employment in any proclaimed area;
- (b) in the notice referred to in subsection (1) or in a subsequent notice in the *Official Gazette*, require any urban local authority to exercise any or all of the powers conferred upon him by paragraph (a) of this subsection in respect of the whole or any part of a proclaimed area.".

(2) Any notice published under the said section 22 before its substitution by subsection (1) of this section, shall, in so far as it could be published under that section as so substituted, be deemed to be a notice published under that section as so substituted.

die woorde "of (as die stedelike plaaslike bestuur kragtens artikel *twee-en-twintig* die bevoegdhede uitoefen waarop paragraaf (a) van subartikel (1) van sodanige artikel dui) artikels *tien, tien bis of elf*" te skrap.

Wysiging van artikel 18 van Proklamasie 56 van 1951, soos gewysig deur artikel 3 van Ordonnansie 21 van 1953 en artikel 2 van Ordonnansie 4 van 1955

7. Artikel 18 van die Stadsgebiedeproklamasie word hierby gewysig —

- (a) deur in subartikel (1) die woorde "spesial fonds — met die naam die Pasgelffonds in Stedelike Gebiede —" deur die woorde "fonds wat die Spesiale Fonds vir Stedelike Gebiede heet" te vervang; en
- (b) deur die woorde "Pasgelffonds in Stedelike Gebiede" en "Pasgelffonds" waar hulle ook al in subartikels (2), (3), (4) en (5) voorkom, deur die woorde "Spesiale Fonds" te vervang.

Vervanging van artikel 22 van Proklamasie 56 van 1951

8. (1) Artikel 22 van die Stadsgebiedeproklamasie word hierby deur die volgende artikel vervang:

"Geproklameerde gebiede

22. (1) Die Administrateur-generaal kan by kennisgewing in die *Offisiële Koerant* enige stedelike gebied of enige gebied in sodanige kennisgewing omskryf waarin daar 'n groot aantal naturelle is, tot 'n geproklameerde gebied verklaar vir die doeleindes van hierdie Proklamasie, die regulasies en enige ander tersaaklike wet.

(2) Die Administrateur-generaal kan —

- (a) huisvesting wat nodig is vir naturelle wat in 'n geproklameerde gebied werk soek, oprig, toerus, beheer en bestuur;
- (b) in die kennisgewing in subartikel (1) bedoel of in 'n latere kennisgewing in die *Offisiële Koerant*, van 'n stedelike plaaslike bestuur vereis dat hy enige van of al die bevoegdhede wat by paragraaf (a) aan die Administrateur-generaal verleen word, moet uitoefen ten opsigte van die geheel of 'n gedeelte van 'n geproklameerde gebied."

(2) 'n Kennisgewing wat kragtens genoemde artikel 22 afgekondig is voor die vervanging daarvan deur subartikel (1) van hierdie artikel, word, vir sover dit kragtens daardie artikel soos aldus vervang afgekondig sou kon word, geag kragtens daardie artikel soos aldus vervang, afgekondig te wees.

Repeal of section 23 of Proclamation 56 of 1951

9. Section 23 of the Urban Areas Proclamation is hereby repealed.

Amendment of section 24 of Proclamation 56 of 1951

10. Section 24 of the Urban Areas Proclamation is hereby amended by the deletion in paragraph (e) of subsection (1) of the words "and desires to have removed."

Repeal of sections 25 to 27 of Proclamation 56 of 1951

11. Sections 25, 26 and 27 of the Urban Areas Proclamation are hereby repealed.

Amendment of section 32 of Proclamation 56 of 1951

12. Section 32 of the Urban Areas Proclamation is hereby amended —

- (a) by the deletion of paragraphs (e), (g), (h) and (o) of subsection (1);
- (b) by the deletion in paragraph (1) of subsection (2) of the words "prohibition or";
- (c) by the substitution in paragraph (r) of subsection (2) for the words "magistrate after reference to the local police officer and an officer of the urban local authority licensed under subsection (1) of section twenty-one" of the word "Administrator-General";
- (d) by the insertion after subsection (5) of the following subsection —

"(5) *bis* (a) No regulation made under this section shall be valid in so far as it requires any native to carry or to produce on demand to an authorised officer any document which such native is in terms of this Proclamation or any regulation required to hold or obtain.

(b) The provisions of paragraph (a) shall not apply to any regulation requiring the production to any authorised officer on demand made by him in or on any building or land which constitutes, or forms part of, accommodation premises owned or controlled by an urban local authority, of any document which a native is in terms of any regulation required to hold or obtain in connection with his or any other native's residence or presence in or on, or occupation of, those premises."

Herroeping van artikel 23 van Proklamasie 56 van 1951

9. Artikel 23 van die Stadsgebiedeproklamasie word hierby herroep.

Wysiging van artikel 24 van Proklamasie 56 van 1951

10. Artikel 24 van die Stadsgebiedeproklamasie word hierby gewysig deur in paragraaf (e) van subartikel (1) die woorde "en verwyder wil hê" te skrap.

Herroeping van artikels 25 tot 27 van Proklamasie 56 van 1951

11. Artikels 25, 26 en 27 van die Stadsgebiedeproklamasie word hierby herroep.

Wysiging van artikel 32 van Proklamasie 56 van 1951

12. Artikel 32 van die Stadsgebiedeproklamasie word hierby gewysig —

- (a) deur paragrawe (e), (g), (h) en (o) van subartikel (1) te skrap;
- (b) deur in paragraaf (1) van subartikel (2) die woorde "verbod op, of" te skrap;
- (c) deur in paragraaf (r) van subartikel (2) die woorde "magistraat, na referre tot die plaaslike polisiebeampte en tot 'n beampete van die stedelike plaaslike bestuur gelisensiéer kragtens subartikel (1) van artikel *twee-en-twintig*" deur die woorde "Administrateur-generaal" te vervang;
- (d) deur na subartikel (5) die volgende subartikel in te voeg:

"(5) *bis* (a) Geen regulasie kragtens hierdie artikel gemaak is geldig nie vir sover dit van 'n naturel vereis dat hy 'n stuk wat hy ingevolge hierdie Proklamasie of 'n regulasie moet hou of verkry, by hom moet dra of aan 'n gemagtigde beampete op aanvraag moet toon.

(b) Die bepalings van paragraaf (a) is nie van toepassing nie op 'n regulasie wat die toon vereis, aan 'n gemagtigde beampete op aanvraag deur hom gedoen in of op 'n gebou of grond wat 'n huisvestingperseel in die besit of onder die beheer van 'n stedelike plaaslike bestuur, of deel van sodanige perseel, uitmaak, van 'n stuk wat 'n naturel ingevolge 'n regulasie moet hou of verkry in verband met sy of 'n ander naturel se verblyf of aanwesigheid in of op, of okkupasie van, daardie perseel."

Amendment of section 36 of Proclamation 56 of 1951

13. Section 36 of the Urban Areas Proclamation is hereby amended by the deletion of subsection (2).

Amendment of Employment Bureaux Regulations

14. The Schedule to Proclamation R.323 of 22 December 1972 of the State President of the Republic of South Africa is hereby amended —

- (a) by the deletion of paragraphs (d) and (f) of regulation 3(3);
- (b) by the deletion of subregulation (5) of regulation 3;
- (c) by the deletion, in subregulation (6) of regulation 3, of the words "and shall have the power to make an order referred to in the said regulation 4";
- (d) by the deletion of subregulations (4), (5) and (6) of regulation 4;
- (e) by the deletion, in subregulation (2) of regulation 4A, of the words "and may issue an order in terms of regulation 3(5)";
- (f) by the insertion, after the word "workseeker" in paragraph (iii) of subregulation (3) of regulation 6, of the words "with his concurrence";
- (g) by the substitution for subregulation (1) of regulation 7 of the following subregulation:
 - "(1) No person shall engage or continue to employ a workseeker in a proclaimed area unless such workseeker —
 - (a) has been referred to him under regulation 6 (3); or
 - (b) has been permitted under regulation 3(3)(ii) to work as a casual worker or as an independent contractor and is in that capacity engaged for or employed in work in respect of which he has been so permitted; or
 - (c) renders the service for which he is engaged or employed, in his spare time under the circumstances contemplated in regulation 8 (2) (iv).";
- (h) by the deletion, in subregulation (3) of regulation 9, of the words, "Such employee shall produce on demand to an employment officer or an authorised officer such duplicate notification of registration.";
- (i) by the substitution, in subregulation (1) of regulation 13, for the words "shall be liable on conviction to a

Wysiging van artikel 36 van Proklamasie 56 van 1951

13. Artikel 36 van die Stadsgebiedoproklamasie word hierby gewysig deur subartikel (2) te skrap.

Wysiging van Regulasies vir Werkverskaffingsburo's

14. Die Bylae by Proklamasie R.323 van 22 Desember 1972 van die Staatspresident van die Republiek van Suid-Afrika word hierby gewysig —

- (a) deur paragrawe (d) en (f) van regulasie 3 (3) te skrap;
- (b) deur subregulasie (5) van regulasie 3 te skrap;
- (c) deur in subregulasie (6) van regulasie 3 die woorde "en het bevoegdheid om 'n bevel uit te reik wat in genoemde regulasie 4 genoem word" te skrap;
- (d) deur subregulasies (4), (5) en (6) van regulasie 4 te skrap;
- (e) deur in subregulasie (2) van regulasie 4A die woorde "en kan 'n bevel kragtens regulasie 3(5) uitreik" te skrap;
- (f) deur na die woorde "werksoeker" in paragraaf (iii) van subregulasie (3) van regulasie 6, die woorde "met sy instemming" in te voeg;
- (g) deur subregulasie (1) van regulasie 7 deur die volgende subregulasie te vervang:
 - "(1) Niemand mag 'n werksoeker in 'n geproklameerde gebied in diens neem of hou nie, tensy sodanige werksoeker —
 - (a) na hom verwys is kragtens regulasie 6 (3); of
 - (b) kragtens regulasie 3 (3) (ii) toegelaat is om as 'n los werker of as 'n onafhanklike aannemer te werk, en in daardie hoedanigheid vir of in werk ten opsigte waarvan hy aldus toegelaat is, in diens geneem of gehou word; of
 - (c) die diens waarvoor hy in diens geneem of gehou word, gedurende sy vrye tyd lever onder die omstandighede in regulasie 8(2)(iv) beoog.";
- (h) deur in subregulasie (3) van regulasie 9 die woorde "Sodanige werknemer moet op versoek van 'n werkverskaffingsbeampte of gemagtigde beampte sodanige duplikaatkennisgwing van registrasie toon." te skrap;
- (i) deur in subregulasie (1) van regulasie 13 die woorde "is by skuldigbevinding strafbaar met 'n boete van

fine not exceeding R100 or, in default of payment, to imprisonment" of the words "shall be liable on conviction —

- (a) in the case of a contravention of regulation 7(1), to a fine not exceeding R300; or
- (b) in any other case, to a fine not exceeding R100; or

in default of payment of the relevant fine, to imprisonment"; and

- (j) by the deletion of subregulation (3) of regulation 13.

Repeal of laws

15. The following laws are hereby repealed:

- (a) sections 5, 6, 7, 8, 9, 10, 11, 12 and 20(c) of the Native Administration Proclamation, 1922 (Proclamation 11 of 1922);
- (b) the Native Administration Amendment Proclamation, 1927 (Proclamation 11 of 1927);
- (c) the Prohibition of Credit to Natives Proclamation, 1927 (Proclamation 18 of 1927);
- (d) the Prohibited Areas Proclamation, 1928 (Proclamation 26 of 1928).

16. This Proclamation shall be known as the General Law Amendment Proclamation, 1977.

hoogstens R100 of, by wanbetaling, met gevangenisstraf" te vervang deur die woorde "is by skuldigbevinding strafbaar —

- (a) in die geval van 'n oortreding van regulasie 7(1), met 'n boete van hoogstens R300; of
 - (b) in enige ander geval, met 'n boete van hoogstens R100; of
- by wanbetaling van die betrokke boete, met gevangenisstraf"; en
- (j) deur subregulasie (3) van regulasie 13 te skrap.

Herroeping van wette

15. Die volgende wette word hierby herroep:

- (a) artikels 5, 6, 7, 8, 9, 10, 11, 12 en 20(c) van die Naturelle Administrasie Wysigingsproklamasie, 1927 (Proklamasie 11 van 1927);
- (b) die Naturelle Administrasie Wysigingsproklamasie, 1927 (Proklamasie 11 van 1927);
- (c) die Verbod van Krediet aan Naturelle Proklamasie, 1927 (Proklamasie 18 van 1927);
- (d) die Verbode Gebiede Proklamasie, 1928 (Proklamasie 26 van 1928).

16. Hierdie Proklamasie heet die Algemene Regswysigingsproklamasie, 1977.