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[No. 1776.

DEPARTMENT OF THE PRIME MINISTER.

No. 944.] [26th June, 1967.

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

	PAGE
No. 84 of 1967: Removal of Restrictions Act, 1967	2
No. 85 of 1967: Defence Amendment Act, 1967	14
No. 86 of 1967: Abattoir Commission Act, 1967	52
No. 87 of 1967: Animal Slaughter, Meat and Animal Products Hygiene Act, 1967	88
No. 89 of 1967: Nuclear Installations (Licensing and Security) Amendment Act, 1967	118
No. 90 of 1967: Atomic Energy Act, 1967	120
No. 101 of 1967: Transkei Constitution Amendment Act, 1967.	152

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 944.]	[26 Junie 1967.
Hierby word bekend gemaak dat die Waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—	BLADSY
No. 84 van 1967: Wet op Opheffing van Beperkings, 1967 3
No. 85 van 1967: Wysigingswet op Verdediging, 1967 15
No. 86 van 1967: Wet op die Abattoirkommissie, 1967 53
No. 87 van 1967: Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967 89
No. 89 van 1967: Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1967 119
No. 90 van 1967: Wet op Atoomkrag, 1967 121
No. 101 van 1967: Wysigingswet op die Transkeiese Grondwet, 1967 153

No. 84, 1967.]

ACT

To empower the Administrator of a province to alter, suspend or remove certain restrictions and obligations in respect of land in the province; to repeal the Removal of Restrictions in Townships Act, 1946; to validate certain proclamations of Administrators; and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)
(Assented to 19th June, 1967.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Administrator" means the Administrator of a province acting with the consent of the Executive Committee; (ii)
 - (ii) "local authority" means an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (v)
 - (iii) "Minister" means the Minister of Community Development; (iv)
 - (iv) "provincial secretary" means the provincial secretary of a province or any officer acting on his behalf; (vi)
 - (v) "township" means a township as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); (ii)
 - (vi) "townships board" means—
 - (a) in relation to land in the province of the Cape of Good Hope, the Townships Board constituted under section 2 of the Townships Ordinance, 1934 (Ordinance No. 33 of 1934), of that province;
 - (b) in relation to land in the province of the Transvaal, the Townships Board established under section 3 of the Town-planning and Townships Ordinance, 1965 (Ordinance No. 25 of 1965), of that province;
 - (c) in relation to land in the province of the Orange Free State, the Townships Board constituted under section 4 of the Townships Ordinance 1947 (Ordinance No. 20 of 1947), of that province;
 - (d) in relation to land in the province of Natal—
 - (i) the Private Townships Board established by section 8 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949), of that province; or
 - (ii) the Town and Regional Planning Commission established by section 2 of the Town Planning Ordinance, 1949, of that province.
 - (iii)

**Alteration,
suspension
or removal
of restrictions
or obligations
in respect of
land by the
Administrator.**

2. (1) Whenever the Administrator of a province in which the land in question is situate, is satisfied—
 - (a) that it is desirable to do so in the interest of the development of any township or in the interest of any area, whether it is situate in an urban area or not, or in the public interest; or
 - (b) that the land in question is required—
 - (i) for ecclesiastical purposes by the owner or purchaser thereof; or
 - (ii) for public purposes by the State or a local authority; or

No. 84, 1967.]

WET

Tot magtiging van die Administrateur van 'n provinsie om sekere beperkings en verpligtings ten opsigte van grond in die provinsie te wysig, op te skort of op te hef; om die Wet op Opheffing van Beperkings in Dorpe, 1946, te herroep; om sekere proklamasies van Administrateurs geldig te verklaar; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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, Woord-omskrywing.

- (i) „Administrateur” die Administrateur van 'n provinsie handelend met die instemming van die Uitvoerende Komitee; (i)
- (ii) „dorp” 'n dorp soos omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937); (v)
- (iii) „dorperaad”—
 - (a) met betrekking tot grond in die provinsie die Kaap die Goeie Hoop, die Dorpekommisie saamgestel kragtens artikel 2 van die Ordonnansie op Dorpe, 1934 (Ordonnansie No. 33 van 1934), van daardie provinsie;
 - (b) met betrekking tot grond in die provinsie Transvaal, die Dorperaad soos ingestel kragtens artikel 3 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965 (Ordonnansie No. 25 van 1965), van daardie provinsie;
 - (c) met betrekking tot grond in die provinsie die Oranje-Vrystaat, die Dorperaad soos saamgestel kragtens artikel 4 van die Dorpe-Ordonnansie, 1947 (Ordonnansie No. 20 van 1947), van daardie provinsie;
 - (d) met betrekking tot grond in die provinsie Natal—
 - (i) die Privaatdorperaad wat by artikel 8 van die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949), van daardie provinsie, in die lewe geroep is; of
 - (ii) die Dorp- en Streekbeplanningskommisie wat by artikel 2 van die Dorpbeplanningsordonnansie, 1949, van daardie provinsie, in die lewe geroep is; (vi)
 - (iv) „Minister” die Minister van Gemeenskapsbou; (iii)
 - (v) „plaaslike owerheid” 'n instelling of liggaam wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word; (ii)
 - (vi) „provinsiale sekretaris” die provinsiale sekretaris van 'n provinsie of 'n beampete wat namens hom optree. (iv)

- 2.** (1) Wanneer die Administrateur van 'n provinsie waarin die betrokke grond geleë is, oortuig is—
 - (a) dat dit in die belang van die ontwikkeling van 'n dorp of in die belang van enige gebied, het sy dit binne 'n stadsgebied val al dan nie, of in die openbare belang wenslik is om dit te doen; of
 - (b) dat die betrokke grond benodig is—
 - (i) vir kerklike doeleinades deur die eienaar of koper daarvan; of
 - (ii) vir openbare doeleinades deur die Staat of 'n plaaslike owerheid; of
- Wysiging,
opskorting of
opheffing van
beperkings of
verpligtings ten
opsigte van
grond deur
die Admini-
strateur.

- (iii) for the use or erection of any building by the State or a local authority; or
- (iv) for purposes incidental to any purpose mentioned in subparagraphs (i) to (iii), inclusive,

he may, subject to the provisions of this Act, of his own accord or on application of any person in terms of section 3, by proclamation in the *Official Gazette* of the province, alter, suspend or remove, either permanently or for a period specified in such proclamation, and either unconditionally or subject to any condition so specified, any restriction or obligation which is binding on the owner of the land by virtue of—

- (aa) a restrictive condition or servitude registered against the title deed of the land; or
- (bb) a provision of a law relating to the establishment of townships or to town planning; or
- (cc) a provision of a by-law or of a regulation or of a townplanning scheme; or
- (dd) a provision of a townplanning scheme and a restrictive condition or servitude registered against the title deed of the land; or
- (ee) a provision of a townplanning scheme and a provision of a law relating to the establishment of townships or to town planning,

and which relates to—

- (aaa) the subdivision of the land; or
- (bbb) the purpose for which the land may be used; or
- (ccc) the requirements to be complied with or to be observed in connection with the erection of buildings or the use of the land.

(2) The provisions of subsection (1) shall not apply in respect of any condition of title affecting rights to minerals or any condition imposed under the provisions of section 5 (3) of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal or of section 16 (3) of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or in respect of any condition specifically prohibiting or restricting the sale or supply of intoxicating liquor or the sale, lease or occupation of any land to or by a non-white person, except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or a local authority.

(3) When a restriction or obligation which is binding on the owner of any land by virtue of a town-planning scheme, is altered in terms of subsection (1), the provisions of any law on townplanning which is in force in the province in which the land is situate and which relates to the payment of a development contribution, as contemplated in that law, shall apply as if such alteration were an alteration of the townplanning scheme in terms of that law.

(4) Before the Administrator issues any proclamation under this section of his own accord in any case in which the rights of any person may be adversely affected without such person's consent, the Administrator shall—

- (a) if the land concerned is situate in the area of a local authority, cause a notice to be served on the said local authority informing it of the proposed alteration, suspension or removal, as the case may be, of the restriction or obligation specified in such notice and calling for its comments and recommendation to be lodged with him within a period of twenty-one days after the date of such notice; and
- (b) cause a notice in both official languages to be published once in the *Official Gazette* of the province and twice with an interval of one week in a newspaper circulating in the area in which the land is situate, of the proposed alteration, suspension or removal, as the case may be, of the restriction or obligation specified in such notice and calling for objections against the proposal to be lodged with him within a period of twenty-one days after the date of the last publication of such notice, and he shall also cause, where possible, a copy of such notice to be served on every owner of land who in his opinion is directly affected by the proposal, such service to be effected by registered post addressed to such owner at his last known address; and

- (iii) vir die gebruik of oprigting van 'n gebou deur die Staat of 'n plaaslike owerheid; of
(iv) vir doeleindest wat in verband staan met 'n doel-einde in subparagrawe (i) tot en met (iii) genoem, kan hy, met inagneming van die bepalings van hierdie Wet, uit eie beweging of op aansoek deur enige persoon ingevolge artikel 3, by proklamasie in die *Offisiële Koerant* van die provinsie enige beperking of verpligting wat vir die eienaar van die grond bindend is uit hoofde van—
(aa) 'n beperkende voorwaarde of serwituut wat teen die titelbewys van die grond geregistreer is; of
(bb) 'n wetsbepaling betreffende die stigting van dorpe of die aanleg van dorpe; of
(cc) 'n bepaling van 'n verordening of van 'n regulasie of van 'n dorpsaanlegskema; of
(dd) 'n bepaling van 'n dorpsaanlegskema en 'n beperkende voorwaarde of serwituut geregistreer teen die titelbewys van die grond; of
(ee) 'n bepaling van 'n dorpsaanlegskema en 'n wetsbepaling betreffende die stigting van dorpe of die aanleg van dorpe,
en wat betrekking het op—
(aaa) die onderverdeling van die grond; of
(bbb) die doel waarvoor die grond gebruik mag word; of
(ccc) die vereistes waaraan in verband met die oprigting van geboue of die gebruik van die grond voldoen moet word of wat in daardie verband nagekom moet word, wysig, opskort of ophef, hetsy blywend of vir 'n in die proklamasie vermelde tydperk, hetsy onvoorwaardelike of onderworpe aan enige aldus vermelde voorwaarde.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van 'n titelvoorraarde wat die reg op minerale raak of 'n voorraarde wat ingevolge die bepalings van artikel 5 (3) van die „Townships Amendment Act, 1908“ (Wet No. 34 van 1908), van Transvaal, of van artikel 16 (3) van die Oranje-Vrystaatse Metaalmyn Wet, 1936 (Wet No. 13 van 1936), opgelê is, of ten opsigte van 'n voorraarde wat die verkoop of verskaffing van bedwelmende drank of die verkoop, verhuur of okkupasie van grond aan of deur 'n nie-blanke spesifiek verbied of beperk behalwe vir sover so 'n voorraarde betrekking het op die okkupasie van grond wat deur die Staat of 'n plaaslike owerheid vir openbare doeleindest gebruik word of bestem is vir gebruik vir sodanige doeleindest.

(3) Indien 'n beperking of verpligting wat uit hoofde van 'n dorpsaanlegskema vir die eienaar van grond bindend is, ingevolge subartikel (1) gewysig word, is die bepalings van 'n wet op die aanleg van dorpe wat van krag is in die provinsie waarin die grond geleë is, en wat betrekking het op die betaling van 'n ontwikkelingsbydrae, soos in daardie wet beoog, van toepassing asof sodanige wysiging 'n wysiging van die dorpsaanlegskema ingevolge daardie wet is.

(4) Voordat die Administrateur uit eie beweging 'n proklamasie kragtens hierdie artikel uitrek in 'n geval waar 'n persoon se regte sonder daardie persoon se toestemming nadelig geraak kan word, moet die Administrateur—

- (a) indien die betrokke grond in die gebied van 'n plaaslike owerheid geleë is, 'n kennisgewing aan daardie plaaslike owerheid laat bestel waarin die plaaslike owerheid verwittig word van die voorgestelde wysiging, opskorting of opheffing, na gelang van die geval, van die beperking of verpligting in sodanige kennisgewing vermeld en gevra word om sy kommentaar en aanbeveling binne 'n tydperk van een-en-twintig dae na die datum van sodanige kennisgewing by hom in te dien; en
(b) 'n kennisgewing in albei amptelike tale een keer in die *Offisiële Koerant* van die provinsie en twee keer met 'n tussenpoos van 'n week in 'n nuusblad wat in die gebied waarin die grond geleë is, in omloop is, laat publiseer waarin die voorgestelde wysiging, opskorting of opheffing, na gelang van die geval, van die beperking of verpligting in sodanige kennisgewing vermeld word, en waarin versoek word dat besware teen die voorstel by hom ingedien moet word binne 'n tydperk van een-en-twintig dae na die datum van die laaste publikasie van sodanige kennisgewing, en moet hy ook, waar moontlik, 'n afskrif van sodanige kennisgewing laat bestel aan elke eienaar van grond wat na sy oordeel regstreeks deur die voorstel geraak word, sodanige bestelling te geskied per aangetekende pos geadresseer aan sodanige eienaar by sy laaste bekende adres; en

(c) comply with the provisions of section 4 (1), (2) and (4), which shall apply *mutatis mutandis* as if application had been made for the proposed alteration, suspension or removal, as the case may be, of the restriction or obligation concerned.

Form and method of application.

3. (1) Any person who wishes to apply to an Administrator for the alteration, suspension or removal of a restriction or obligation referred to in section 2 (1), shall submit his application in the form prescribed by the Administrator and the application shall be accompanied by such documents and particulars as the Administrator may require.

(2) If the land concerned is situate in the area of a local authority, the application shall be lodged with such local authority and the applicant shall simultaneously forward a copy of such application to the provincial secretary of the province wherein the land is situate. The local authority shall transmit the application to the provincial secretary together with its comments and recommendation thereon.

(3) If the land concerned is not situate in the area of a local authority or if the application is made by a local authority, the application shall be lodged with the provincial secretary of the province wherein such land is situate.

(4) If the land is encumbered by a bond and the application is made by the owner of the land, the application shall be accompanied by the bondholder's consent to such application and if any bond is registered against the land after the date of the application and before the publication of the relevant proclamation, the owner of the land shall furnish the provincial secretary with the consent of the holder of such bond to such application.

(5) The applicant (if he be a person other than the State) shall deposit with the said provincial secretary such an amount as the Administrator may consider sufficient to cover the expenses which will be incurred by the provincial administration in connection with the application, and shall also give an undertaking to defray any such expenses in excess of the amount so deposited.

(6) On receipt of an application the provincial secretary shall cause a notice in both official languages to be published once in the *Official Gazette* of the province and twice with an interval of one week in a newspaper circulating in the area in which the land is situate, stating that such an application has been made, that it is open to inspection at the office of the provincial secretary and at any other place or places, if any, mentioned in the notice, and that objections against the application may be lodged with the provincial secretary on or before a specified date which shall not be less than twenty-one days after the date of the last publication of the notice, and the provincial secretary shall also cause, where possible, a copy of the notice to be served on every owner of land who in his opinion is directly affected by the application, such service to be effected by registered post addressed to such owner at his last known address.

(7) A copy of every objection received by the provincial secretary shall be sent to the applicant by registered post.

(8) If a local authority fails to transmit an application referred to in subsection (2) together with its comments and recommendation thereon, to the provincial secretary within a period of thirty days after the receipt thereof or within such further period as the provincial secretary may on request allow, the application may be dealt with and finalized without such comments and recommendation.

Consideration of application by townships board and Administrator.

4. (1) On the expiration of the period within which objections may be lodged in terms of the notice referred to in section 3 (6), the provincial secretary shall refer the application together with all objections and all relevant documents and particulars to the townships board for investigation and its recommendation, and the provisions of any law for the time being in force relating to the powers and procedure of the said board in carrying out any investigation in connection with the establishment of a township, shall *mutatis mutandis* apply with reference to any investigation under this subsection.

(2) After consideration of the application, the recommendation of the townships board and the objections and other relevant documents and particulars, the Administrator may grant the application or refuse it.

(c) voldoen aan die bepalings van artikel 4 (1), (2) en (4), wat *mutatis mutandis* van toepassing is asof 'n aansoek om die voorgestelde wysiging, opskorting of opheffing, na gelang van die geval, van die betrokke beperking of verpligting gedoen was.

3. (1) Iemand wat by 'n Administrateur aansoek wil doen om die wysiging, opskorting of opheffing van 'n beperking of verpligting in artikel 2 (1) bedoel, moet sy aansoek doen in die vorm wat die Administrateur voorskryf en die aansoek moet vergesel gaan van die dokumente en besonderhede wat die Administrateur verlang.

(2) Indien die betrokke grond in die gebied van 'n plaaslike owerheid geleë is, moet die aansoek by daardie plaaslike owerheid ingedien word en moet die aansoeker gelyktydig 'n afskrif van sodanige aansoek aan die provinsiale sekretaris van die provinsie waarin die grond geleë is, stuur. Die plaaslike bestuur moet die aansoek met sy kommentaar daarop en aanbeveling daaroor aan die provinsiale sekretaris deurstuur.

(3) Indien die betrokke grond nie in die gebied van 'n plaaslike owerheid geleë is nie of indien die aansoek deur 'n plaaslike owerheid gedoen word, moet die aansoek by die provinsiale sekretaris van die provinsie waarin die grond geleë is, ingedien word.

(4) As daar 'n verband op die grond rus en die aansoek deur die eienaar van die grond gedoen word, moet die aansoek vergesel gaan van die toestemming van die verbandhouer tot die aansoek en indien 'n verband na die datum van die aansoek en voor die publikasie van die betrokke proklamasie teen die grond geregistreer word, moet die eienaar van die grond die toestemming van die houer van sodanige verband tot die aansoek aan die provinsiale sekretaris verskaf.

(5) Die aansoeker (as hy 'n ander persoon as die Staat is) deponeer by bedoelde provinsiale sekretaris die bedrag wat die Administrateur voldoende ag om die uitgawes te dek wat die provinsiale administrasie in verband met die aansoek sal aangaan, en onderneem ook om enige sodanige uitgawes wat meer is as die aldus gedeponeerde bedrag, te betaal.

(6) By ontvangs van 'n aansoek laat die provinsiale sekretaris een keer in die *Offisiële Koerant* van die provinsie en twee keer met 'n tussenpoos van 'n week in 'n nuusblad wat in die gebied waarin die grond geleë is, in omloop is, 'n kennisgewing in albei amptelike tale publiseer, waarin vermeld word dat so 'n aansoek gedoen is, dat dit ter insae lê by die kantoor van die provinsiale sekretaris en die ander plek of plekke, indien daar is, wat in die kennisgewing genoem word, en dat besware teen die aansoek by die provinsiale sekretaris ingedien kan word op of voor 'n bepaalde datum, wat minstens een-en-twintig dae na die datum van die laaste publikasie van die kennisgewing moet wees, en laat die provinsiale sekretaris ook, waar moontlik, 'n afskrif van die kennisgewing bestel aan elke eienaar van grond wat na sy mening regstreeks deur die aansoek geraak word, sodanige bestelling te geskied per aangetekende pos geadresseer aan sodanige eienaar by sy laaste bekende adres.

(7) 'n Afskrif van elke beswaar wat deur die provinsiale sekretaris ontvang word, word per aangetekende pos aan die aansoeker gestuur.

(8) Indien 'n plaaslike bestuur versuim om 'n in subartikel (2) bedoelde aansoek met sy kommentaar daarop en aanbeveling daaroor aan die provinsiale sekretaris deur te stuur binne 'n tydperk van dertig dae na ontvangs daarvan of binne die verdere tydperk wat die provinsiale sekretaris op versoek toelaat, kan die aansoek sonder daardie kommentaar en aanbeveling behandel en afgehandel word.

4. (1) By verstryking van die tydperk waarin besware ingevolge die in artikel 3 (6) bedoelde kennisgewing ingedien kan word, verwys die provinsiale sekretaris die aansoek tesame met alle besware en alle ter sake dienende dokumente en besonderhede na die dorperaad vir ondersoek en sy aanbeveling, en die bepalings van enige wet betreffende die bevoegdhede en procedure van bedoelde raad by die instel van 'n ondersoek in verband met die stigting van 'n dorp, wat dan van krag is, is *mutatis mutandis* met betrekking tot 'n ondersoek kragtens hierdie subartikel van toepassing.

Oorweging van
aansoek deur
dorperaad en
Administrateur.

(2) Na oorweging van die aansoek, die aanbeveling van die dorperaad en die besware en ander ter sake dienende dokumente en besonderhede, kan die Administrateur die aansoek toestaan of dit weier.

(3) In addition to any other conditions, if any, he may impose, the Administrator may grant an application subject to the condition that the applicant shall pay to any objector specified in such condition, the value of whose land or a real right in land will, in the opinion of the Administrator, be adversely affected materially by the granting of the application, compensation in an amount which, in the absence of agreement between such applicant and objector, shall be determined by the Administrator and be likewise specified, and the Administrator's determination shall be final.

(4) If an objection is lodged against an application for the alteration, suspension or removal of a restriction or obligation relating to the purpose for which land may be used, the Administrator shall not grant such application without the approval of the Minister.

Alteration,
suspension
or removal of
restrictions or
obligations at
the request of
the Minister.

5. (1) Whenever the Minister, for the purpose of carrying out any of his functions, deems it desirable in the public interest that a restriction or obligation referred to in section 2 (1) in respect of a defined piece or pieces of land be altered, suspended or removed either permanently or for a fixed period either unconditionally or subject to conditions, he may inform the Administrator of the province in which the said land is situate, of his views.

(2) On receipt of the Minister's views, the Administrator shall—

- (a) if an application for a similar alteration, suspension or removal of such a restriction or obligation in respect of the same land was addressed to and refused by the Administrator during the preceding twelve months, submit all relevant documents, information, comments and recommendations received by him in connection with such application, together with his own views and recommendation thereon, to the Minister; or
- (b) if an application such as is referred to in paragraph (a) was not addressed to and refused by the Administrator during the preceding twelve months—
 - (i) if the land concerned is situate in the area of a local authority, inform the said local authority of the Minister's views and call for its comments and recommendation thereon; and
 - (ii) cause a notice in both official languages to be published once in the *Official Gazette* of the province and twice with an interval of one week in a newspaper circulating in the area in which the land is situate, stating the views of the Minister and stating that objections thereto may be lodged with the provincial secretary on or before a specified date, which shall not be less than twenty-one days after the date of the last publication of the notice, and shall also, where possible, cause a copy of the notice to be served on every owner of the said land and every holder of a bond encumbering the said land, as well as such other owners of land who in his opinion will be directly affected by the proposal contained in the Minister's views, such service to be effected by registered post addressed to such owner or landholder at his last known address.

(3) If such local authority or any such owner or bondholder does not lodge its or his comments and recommendation or objection with the provincial secretary within the period fixed in such notice, it or he shall be deemed to have consented to the proposal contained in the Minister's views as stated in such notice.

(4) On receipt of the comments and recommendation or objections, if any, of the local authority, owners and bondholders referred to in subsection (2) (b) (i) and (ii), or after the expiration of the period fixed in the notice, whichever event happens first, the Administrator shall refer the Minister's views together with the comments and recommendation and objections received and all relevant information and documents at his disposal to the townships board for investigation and its recommendation, and the provisions of any law for the time being in force relating to the powers and procedure of the said board in carrying out any investigation in connection with the establishment of a township, shall *mutatis mutandis* apply with reference to any investigation under this subsection.

(3) Benewens enige ander voorwaardes, as daar is, wat hy ople, kan die Administrateur 'n aansoek toestaan onderworpe aan die voorwaarde dat die aansoeker aan enige beswaarmaker in die voorwaarde vermeld wie se grond of saaklike reg in grond na die Administrateur se oordeel, in 'n wesenlike opsig nadelig deur die toestaan van die aansoek geraak sal word, vergoeding moet betaal teen 'n bedrag wat die Administrateur, by ontstentenis van ooreenkoms tussen die aansoeker en die beswaarmaker, bepaal en insgelyks vermeld, en die Administrateur se bepaling is afdoende.

(4) Indien daar teen 'n aansoek om die wysiging, opskorting of opheffing van 'n beperking of verpligting wat betrekking het op die doel waarvoor grond gebruik mag word, beswaar ingedien word, staan die Administrateur die aansoek nie sonder die goedkeuring van die Minister toe nie.

5. (1) Wanneer die Minister vir die uitvoering van enige van sy funksies dit in die openbare belang wenslik ag dat 'n in artikel 2 (1) bedoelde beperking of verpligting met betrekking tot 'n bepaalde stuk of stukke grond gewysig, opgeskort of opgehef moet word, hetsy blywend of vir 'n bepaalde tydperk, hetsy onvoorwaardelik of onderworpe aan voorwaardes, kan hy die Administrateur van die provinsie waarin daardie grond geleë is van sy sienswyse verwittig.

(2) By ontvangs van die Minister se sienswyse moet die Administrateur—

(a) indien 'n aansoek om 'n soortgelyke wysiging, opskorting of opheffing van so 'n beperking of verpligting ten opsigte van dieselfde grond in die voorafgaande twaalf maande aan die Administrateur gerig en deur hom geweier is, alle ter sake dienende dokumente, inligting, opmerkings en aanbevelings wat deur hom in verband met sodanige aansoek ontvang is, tesame met sy eie sienswyse en aanbeveling daaroor, aan die Minister voorlê; of

(b) indien 'n aansoek soos in paragraaf (a) bedoel nie gedurende die voorafgaande twaalf maande aan die Administrateur gerig en deur hom geweier is nie—

(i) indien die betrokke grond in die gebied van 'n plaaslike owerheid geleë is, die betrokke plaaslike owerheid van die Minister se sienswyse verwittig en om sy opmerkings en aanbeveling daaroor vra; en

(ii) een keer in die *Offisiële Koerant* van die provinsie en twee keer met 'n tussenpoos van 'n week in 'n nuusblad wat in die gebied waarin die grond geleë is, in omloop is 'n kennisgewing in albei ampelike tale laat publiseer, waarin die sienswyse van die Minister vermeld word en waarin vermeld word dat besware daarteen by die provinsiale sekretaris ingedien kan word op of voor 'n bepaalde datum, wat minstens een-en-twintig dae na die datum van die laaste publikasie van die kennisgewing moet wees, en laat hy ook, waar moontlik, 'n afskrif van die kennisgewing bestel aan elke eienaar van die betrokke grond en elke houer van 'n verband wat die betrokke grond beswaar en ook sodanige ander eienaars van grond wat na sy oordeel regstreeks deur die voorstel in die Minister se sienswyse vervat, geraak sal word, sodanige bestelling te geskied per aangetekende pos geadresseer aan sodanige eienaar of verbandhouer by sy laaste bekende adres.

(3) Indien sodanige plaaslike owerheid of so 'n eienaar of verbandhouer nie sy opmerkings en aanbeveling of beswaar binne die in die kennisgewing vasgestelde tydperk by die provinsiale sekretaris indien nie, word hy geag tot die voorstel in die Minister se sienswyse vervat en soos in die kennisgewing vermeld, in te gestem het.

(4) By ontvangs van die opmerkings en aanbeveling of besware, indien daar is, van die plaaslike owerheid, eienaars en verbandhouers in subartikel (2) (b) (i) en (ii) bedoel of na verstryking van die in die kennisgewing vasgestelde tydperk, watter gebeurlikheid ook al eerste plaasvind, verwys die Administrateur die Minister se sienswyse tesame met die opmerkings en aanbeveling en besware wat ontvang is en alle ter sake dienende inligting en dokumente waарoor hy beskik na die dorperaad vir ondersoek en sy aanbeveling, en die bepalings van enige wet betreffende die bevoegdhede en prosedure van bedoelde raad by die instel van 'n ondersoek in verband met die stigting van 'n dorp, wat dan van krag is, is *mutatis mutandis* met betrekking tot 'n ondersoek kragtens hierdie sub-artikel van toepassing.

(5) The townships board shall within twenty-one days of the receipt of the Minister's views and the information and documents referred to in subsection (4) or within such further period as the Administrator may on request allow, furnish the Administrator with its findings and recommendation thereanent.

(6) On receipt of the findings and recommendation of the townships board, the Administrator shall refer the same together with all relevant documents, comments and recommendations and objections received, together with his own views and recommendation, to the Minister.

(7) If after consideration of the documents, information, comments, findings, objections and recommendations referred to him in terms of subsection (2) (a) or subsection (6), the Minister deems it desirable in the public interest to do so, he may address a written request to the Administrator for the alteration, suspension or removal, as the case may be, of the restriction or obligation concerned in respect of the said land, and thereupon the Administrator shall, by proclamation in the *Official Gazette* of the province, alter, suspend or remove such restriction or obligation in respect of the said land to the extent and subject to the conditions determined by the Minister and specified in the proclamation.

Endorsements
in connection
with alterations,
suspensions or
removals of
restrictions or
obligations.

6. (1) The registrar of deeds and surveyor-general concerned shall as soon as possible after the publication of a proclamation in terms of section 2 (1) or 5 make, free of charge, such appropriate entries in and endorsements on any relevant register, title deeds, diagram or plan in his office or submitted to him, as may be necessary to reflect the effect of the proclamation.

(2) The provincial secretary concerned shall in writing request the holder of any such title deed to deliver the title deed to him within a period of thirty days or, within such longer period as the provincial secretary may on request allow, for submission to the registrar of deeds for the purposes of subsection (1), and shall forward a copy of such written request to the registrar of deeds.

(3) After receipt of the copy of the said written request the registrar of deeds shall not register any further transactions relating to the land until the entries and endorsements in question have been effected, and shall impound the title deed for the purpose of such entries and endorsements whenever it may for any reason be lodged in his office.

(4) If such holder fails to comply with such written request he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Tabling of
proclamations.

7. Every proclamation issued under section 2 (1) with the approval of the Minister under section 4 (4) whereby a restriction or obligation relating to the purpose for which land may be used, is altered, suspended or removed, and every proclamation issued under section 5 (7), at the request of the Minister, shall, within fourteen days after the promulgation thereof, be laid upon the Table of the Senate and of the House of Assembly, if Parliament is then in ordinary session, and if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.

Validation
of certain
proclamations
issued under
section 1
of Act 48 of 1946.

8. Every proclamation issued by an Administrator under section 1 of the Removal of Restrictions in Townships Act, 1946, prior to the commencement of this Act which is for any reason invalid, but which would have been valid if it had been issued after the commencement of and under this Act, is hereby validated.

Act does not
affect validity
of existing
ordinances or
the existing
legislative
power of
provincial
councils.

9. Subject to section 5, the provisions of this Act do not affect the validity of any existing ordinance of a provincial council or the existing legislative power of provincial councils.

Repeal of
laws and
reservations.

10. (1) Subject to subsection (2) the laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column.

(5) Die dorperaad moet binne een-en-twintig dae vanaf die ontvangs van die Minister se sienswyse en die inligting en dokumente in subartikel (4) bedoel of binne die verdere tydperk wat die Administrateur op versoek toelaat, die Administrateur van sy bevindings en aanbeveling daaromtrent voorsien.

(6) By ontvangs van die dorperaad se bevindings en aanbeveling verwys die Administrateur dit, tesame met alle ter sake dienende dokumente en opmerkings en aanbevelings en besware wat ontvang is, tesame met sy eie sienswyse en aanbeveling, na die Minister.

(7) Indien die Minister na oorweging van die dokumente, inligting, opmerkings, bevindings, besware en aanbevelings wat ingevolge subartikel 2 (a) of subartikel (6) na hom verwys is, dit in die openbare belang wenslik ag om dit te doen, kan hy 'n skriftelike versoek om die wysiging, opskorting of opheffing, na gelang van die geval, van die betrokke beperking of verpligting met betrekking tot daardie grond tot die Administrateur rig, en daarop moet die Administrateur bedoelde beperking of verpligting by proklamasie in die *Offisiële Koerant* van die provinsie met betrekking tot daardie grond wysig, opskort of ophef in die mate en op die voorwaardes deur die Minister bepaal en in die proklamasie vermeld.

6. (1) Die betrokke registrator van aktes en landmeter-generaal moet so gou doenlik na die afkondiging van 'n prokla-masie kragtens artikel 2 (1) of 5, kosteloos die gepaste inskry-wings maak in en die nodige endossemente aanbring op enige ter sake dienende register, titelbewys, kaart of plan wat in sy kantoor is of aan hom voorgelê word, wat nodig is om die uit-werking van die proklamasie weer te gee.

(2) Die betrokke provinsiale sekretaris moet die besitter van so 'n titelbewys skriftelik versoek om die titelbewys binne 'n tydperk van dertig dae of binne so 'n langer tydperk as wat die provinsiale sekretaris op versoek toelaat, aan hom te lewer vir voorlegging aan die registrator van aktes vir die doeleindes van subartikel (1), en moet 'n afskrif van daardie skriftelike versoek aan die registrator van aktes stuur.

(3) Na ontvangs van die afskrif van bedoelde skriftelike versoek, registreer die registrator van aktes geen verdere transaksies met betrekking tot die grond alvorens die onderhawige inskrywings gemaak en die endossemente aangebring is nie, en moet hy op die titelbewys, wanneer dit om die een of ander rede by sy kantoor ingelewer word, vir die doeleindes van die inskrywings en endossemente beslag lê.

(4) Indien bedoelde besitter versium om aan bedoelde skrifte like versoek te voldoen, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

7. Iedere proklamasie kragtens artikel 2 (1) met die goed-keuring kragtens artikel 4 (4) van die Minister uitgevaardig waardeur 'n beperking of verpligting met betrekking tot die doel waarvoor grond gebruik mag word, gewysig, opgeskort of opgehef word, en elke proklamasie kragtens artikel 5 (7) op versoek van die Minister uitgereik, word in die Senaat en in die Volksraad ter Tafel gelê binne veertien dae na die afkondiging daarvan, as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

8. Iedere proklamasie wat deur 'n Administrateur kragtens artikel 1 van die Wet op Opheffing van Beperkings in Dorpe, 1946, voor die inwerkingtreding van hierdie Wet uitgevaardig is en wat om die een of ander rede ongeldig is, maar geldig sou gewees het as dit na die inwerkingtreding van en kragtens hierdie Wet uitgevaardig was, word hierby geldig verklaar.

9. Onderworpe aan artikel 5, raak die bepalings van hierdie Wet nie die geldigheid van enige bestaande ordonnansie van 'n provinsiale raad of die bestaande wetgewende bevoegdheid van provinsiale rade nie.

10. (1) Onderworpe aan subartikel (2), word die wette wat in die Bylae hierby vermeld word, hierby herroep in die mate uit-eengesit in die derde kolom.

Geldigver-
klaring van
sekere pro-
klamasies
uitgevaardig
kragtens artikel
1 van Wet 48
van 1946.

Wet raak
nie geldigheid
van bestaande
ordonnansies of
die bestaande
wetgewende
bevoegdheid
van provinsiale
rade nie.

Herroeping van
wette en
voorbehoud.

(2) An application under the provisions of the Removal of Restrictions in Townships Act, 1946 (Act No. 48 of 1946), received by an Administrator prior to the commencement of this Act, shall be dealt with under the aforementioned Act, which shall, for the purposes of such an application, be deemed not to have been repealed.

Short title.

11. This Act shall be called the Removal of Restrictions Act, 1967.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title of Law.	Extent of Repeal.
Act No. 48 of 1946.	Removal of Restrictions in Townships Act, 1946.	The whole.
Act No. 6 of 1948.	Removal of Restrictions in Townships Amendment Act, 1948.	The whole.
Act No. 58 of 1951.	Removal of Restrictions in Townships Amendment Act, 1951.	The whole.
Act No. 32 of 1963.	Removal of Restrictions in Townships Amendment Act, 1963.	The whole.
Act No. 3 of 1965.	Provincial Affairs Act, 1965.	Section 4.

(2) 'n Aansoek kragtens die bepalings van die Wet op Opheffing van Beperkings in Dorpe, 1946 (Wet No. 48 van 1946), wat voor die inwerkingtreding van hierdie Wet deur 'n Administrateur ontvang is, word afgehandel kragtens eersgenoemde Wet, wat vir die doeleindes van so 'n aansoek geag word nie herroep te wees nie.

11. Hierdie Wet heet die Wet op Opheffing van Beperkings, Kort titel, 1967.

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel van Wet.	In hoeverre herroep.
Wet No. 48 van 1946.	Wet op Opheffing van Beperkings in Dorpe, 1946.	Die geheel.
Wet No. 6 van 1948.	Wysigingswet op Opheffing van Beperkings in Dorpe, 1948.	Die geheel.
Wet No. 58 van 1951.	Wysigingswet op Opheffing van Beperkings in Dorpe, 1951.	Die geheel.
Wet No. 32 van 1963.	Wysigingswet op Opheffing van Beperkings in Dorpe, 1963.	Die geheel.
Wet No. 3 van 1965.	Wet op Proviniale Aangeleenthede, 1965.	Artikel 4.

No. 85, 1967.]

ACT

To amend the provisions of the Defence Act, 1957, relating to liability for service, service (including training), duties of employers, the composition and organization of the Reserve, the Permanent Force, the Citizen Force, the commandos and the Cadet Corps, sales and loans of rifles and ammunition, liability to report and to maintain uniform and equipment, registration, allotment to the Citizen Force or commandos, the manpower board, control and use of transport systems, emergency regulations, improper disclosure of information, defined areas, intoxicating liquor, wrongful disposal of property, offences and penalties, death or disablement caused by military service, and the application of the Act; to provide specially for training or service during 1967 and for references to the Secretary for Defence in any law or document; and to amend the Civil Defence Act, 1966

(*English text signed by the Acting State President.*)
(Assented to 19th June, 1967.)

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

Amendment of section 1 of Act 44 of 1957, as amended by section 1 of Act 12 of 1961, section 1 of Act 42 of 1961, section 1 of Act 77 of 1963 and section 20 of Act 39 of 1966.

Amendment of section 2 of Act 44 of 1957, as amended by section 20 of Act 39 of 1966.

1. Section 1 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in subsection (1) of the definition of “deferment”;
- (b) by the addition of the following subsection:

“(3) Any reference in this Act to any liability to render service in the South African Defence Force or the Reserve shall be construed as including a reference to a liability to undergo training therein.”.

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

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

“(a) in so far as it relates to liability for service, to any citizen who is a member of the Senate or the House of Assembly or of a Provincial Council or of the Legislative Assembly of South-West Africa; or”;
- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Minister or any person duly authorized thereto by him, may exempt from service under this Act any citizen who is also a citizen of any other country or is domiciled outside the Republic, and who is a member of a military force of such other country or of the country in which he is domiciled, as the case may be, or is a member of a reserve of any such force, so long as he is by the laws of the country concerned obliged to serve or undergo training in such force or reserve.”;
- (c) by the addition of the following subsections:

“(3) Subject to the provisions of subsection (4) the State President may by proclamation in the *Gazette* declare that any provision of this Act specified in the proclamation, other than a provision applicable in time of war only, shall to the extent so specified apply to persons who are white persons as defined in the

No. 85, 1967.]

WET

Tot wysiging van die bepalings van die Verdedigingswet, 1957 met betrekking tot diensplig, diens (met inbegrip van opleiding), pligte van werkgewers, die samestelling en organisasie van die Reserwe, die Staande Mag, die Burgermag, die kommando's en die Kadetkorps, die verkoop enleen van gewere en ammunisie, verpligting om aan te meld en om uniform en uitrusting in stand te hou, registrasie, toewysing aan die Burgermag of kommando's, die mannekragraad, beheer oor en gebruik van vervoerstelsels, noodregulasies, onbehoorlike openbaarmaking van inligting, omskrewe gebiede, bedwelmende drank, onregmatige beskikking oor eiendom, misdrywe en strawwe, dood of ongeskiktheid deur militêre diens veroorsaak, en die toepassing van die Wet; om voorsiening te maak vir opleiding of diens gedurende 1967 in die besonder en vir verwysings na die Sekretaris van Verdediging in 'n wet of dokument; en om die Wet op Burgerlike Beskerming, 1966, te wysig.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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

- 1. Artikel 1 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—**

(a) deur in subartikel (1) die omskrywing van „uitstel” te skrap;

(b) deur die volgende subartikel by te voeg:
„(3) 'n Verwysing in hierdie Wet na 'n verpligting om diens in die Suid-Afrikaanse Weermag of die Reserwe te doen, word uitgelê ook as 'n verwysing na 'n verpligting om opleiding daarin te ondergaan.”.

Wysiging van artikel 1 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 12 van 1961, artikel 1 van Wet 42 van 1961, artikel 1 van Wet 77 van 1963 en artikel 20 van Wet 39 van 1966.
- 2. Artikel 2 van die Hoofwet word hierby gewysig—**

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
„(a) vir sover dit op diensplig betrekking het, op 'n burger wat lid is van die Senaat of die Volksraad of van 'n Provinciale Raad of van die Wetgewende Vergadering van Suidwes-Afrika; of”;

Wysiging van artikel 2 van Wet 44 van 1957, soos gewysig deur artikel 20 van Wet 39 van 1966.

(b) deur subartikel (2) deur die volgende subartikel te vervang:
„(2) Die Minister of 'n deur hom behoorlik daartoe gemagtigde persoon kan enige burger wat ook 'n burger van 'n ander land is of buite die Republiek gedomisilieer is, en wat 'n lid is van 'n militêre mag van daardie ander land of van die land waarin hy gedomisilieer is, na gelang van die geval, of 'n lid is van 'n reserwe van so 'n mag, van diens kragtens hierdie Wet vrystel solank as wat hy kragtens die wette van die betrokke land verplig is om in daardie mag of reserwe te dien of opleiding te ondergaan.”;

(c) deur die volgende subartikels by te voeg:
„(3) Behoudens die bepalings van subartikel (4) kan die Staatspresident by proklamasie in die Staatskoerant verklaar dat 'n bepaling van hierdie Wet in die proklamasie vermeld, behalwe 'n bepaling wat slegs in oorlogstyd van toepassing is, in die mate aldus vermeld van toepassing is op persone wat blankes is, soos in die

Population Registration Act, 1950 (Act No. 30 of 1950), and are not citizens but have been domiciled in the Republic for not less than five years, as if they were citizens.

- (4) Any proclamation issued under subsection (3)—
(a) shall provide for exemption from liability to render service under this Act of persons who have at such time and in such manner as may be specified in the proclamation, declared that they do not intend becoming citizens;
(b) may provide for exemption from or concessions in respect of any provision applied by such proclamation, to such extent as may be specified therein;
(c) may apply the provisions of section 63 with such modifications as the State President may consider necessary in order to provide for the registration under that section of any person who has been domiciled in the Republic for five years, before the date upon which he attains the age of twenty-five years.
- (5) The State President may at any time amend or repeal a proclamation issued under subsection (3).".

Amendment of
section 3 of
Act 44 of 1957,
as amended by
section 2 of
Act 77 of 1963.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) every citizen between his seventeenth and his sixtieth year, both included, shall be liable to render service in the South African Defence Force as herein-after prescribed.".

Amendment of
section 4 of Act
44 of 1957, as
amended by
section 3 of
Act 77 of 1963.

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

- (a) by the substitution for subsection (1) of the following subsection:
"(1) An employer shall afford any person in his employ all reasonable facilities to be enrolled for or to carry out any service under this Act.";
- (b) by the substitution for paragraphs (b) and (c) of subsection (2) of the following paragraphs:
"(b) by dismissing an employee or reducing his salary or wages or altering his position to his disadvantage or in any other manner penalizes such employee on account of his having been enrolled for or being engaged in any such service; or
- (c) by words, conduct or otherwise directly or indirectly compels, induces or prevails upon, or attempts to compel, induce or prevail upon, any person in or seeking to enter his employment to evade or refrain from being enrolled for or carrying out any service under this Act;";
- (c) by the substitution for subsections (2)*bis*, 2*ter* and (3) of the following subsections:
"(2)*bis* (a) Nothing in this section shall be construed as requiring any employer to pay any person in his employ any salary or wages in respect of any period during which he is absent from his work for the purpose of carrying out any service under this Act.
- (b) Notwithstanding the provisions of subsections (1) and (2) and of any other law, no employee who is rendering service under this Act and who is by law or in terms of any condition of his employment entitled to increased remuneration, paid sick leave or other paid leave of absence, or, subject to the provisions of subparagraph (ii), any similar benefit upon completion of a fixed period or successive fixed periods of employment shall—
(i) have the right to reckon in respect of any one unbroken period of such service more than four months of the absence from his employment occasioned by such service as employment in the determination of such increased remuneration, paid sick leave, or other paid leave of absence or similar benefit as may

Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf, en nie burgers is nie maar minstens vyf jaar in die Republiek gedomisilieer is, asof hulle burgers is.

(4) 'n Proklamasie kragtens subartikel (3) uitgevaardig—

- (a) moet voorsiening maak vir vrystelling van diensplig ingevolge hierdie Wet van persone wat op die tydstip en wyse, wat in die proklamasie vermeld word, verklaar het dat hulle nie van voorneme is om burgers te word nie;
- (b) kan, in die mate wat daarin vermeld word, voorsiening maak vir vrystelling van of toegegewings ten opsigte van 'n by bedoelde proklamasie toegepaste bepaling;
- (c) kan die bepalings van artikel 63 van toepassing verklaar met die wysigings wat die Staatspresident nodig ag ten einde voorsiening te maak vir die registrasie ingevolge daardie artikel van 'n persoon wat voor die datum waarop hy vyf-en-twintig jaar oud word, vyf jaar in die Republiek gedomisilieer is.

(5) Die Staatspresident kan te eniger tyd 'n proklamasie kragtens subartikel (3) uitgevaardig, wysig of herroep.”.

3. Artikel 3 van die Hoofwet word hierby gewysig deur paraagraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) kan elke burger verplig word om tussen sy sewentiende en sy vyf-en-sestigste jaar, albei inbegrepe, in die Suid-Afrikaanse Weermag diens soos hieronder voorgeskryf, te doen.”.

Wysiging van
van artikel 3
van Wet

44 van 1957,

soos gewysig deur
artikel 2 van
Wet 77 van 1963.

4. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Werkgewer moet aan iemand in sy diens alle redelike fasilitete verleen om hom vir enige diens kragtens hierdie Wet te laat inskryf of dit uit te voer.”;

(b) deur paragrawe (b) en (c) van subartikel (2) deur die volgende paragrawe te vervang:

„(b) deur 'n werknemer te ontslaan of sy salaris of loon te verminder of sy posisie tot sy nadeel te verander of op enige ander wyse so 'n werknemer benadeel omdat hy hom vir sodanige diens laat inskryf het of dit verrig; of

(c) deur woorde, gedrag of andersins iemand wat in sy diens is of wil tree, regstreeks of onregstreeks verplig, beweeg of oorhaal of probeer verplig, beweeg of oorhaal om diens ingevolge hierdie Wet te vermy of om hom nie daarvoor te laat inskryf of dit nie te verrig nie.”;

(c) deur subartikels (2)*bis*, (2)*ter* en (3) deur die volgende subartikels te vervang:

„(2)*bis* (a) Die bepalings van hierdie artikel word nie so uitgelê dat dit 'n werkgewer verplig om aan iemand in sy diens salaris of loon te betaal ten opsigte van 'n tydperk waartydens hy afwesig is van sy werk ten einde diens ingevolge hierdie Wet te verrig nie.

(b) Ondanks die bepalings van subartikels (1) en (2) en van enige ander wet, is geen werknemer wat ingevolge hierdie Wet diens doen en wat by wet of ingevolge 'n voorwaarde van sy diens geregtig is op verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof, of, behoudens die bepalings van subparagraph (ii), enige soortgelyke voordeel na voltooiing van 'n bepaalde tydperk of agtereenvolgende bepaalde tydperke van diens—

(i) geregtig om ten opsigte van enige een ononderbroke tydperk van bedoelde diens meer as vier maande van die afwesigheid van sy werk wat deur bedoelde diens veroorsaak is, as diens te reken by die vasstelling van daardie verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof of soortgelyke voordeel wat aan hom toekom

Wysiging van
artikel 4 van
Wet 44 van 1957,
soos gewysig deur
artikel 3 van
Wet 77 van 1963.

accrue to him in respect of such employment: Provided that this subparagraph shall not be construed as limiting any longer period which may be determined or fixed by or under any law relating to his employment;

- (ii) be entitled to the grant to him by his employer of paid sick leave in respect of a period falling within the limits of any period of such service, during which he is incapacitated as a result of any injury or illness;
- (iii) claim any such paid sick leave or other paid leave of absence or any other benefit before he has, pursuant to the provisions of this Act, been permitted to resume his employment and has so resumed such employment.

(2)*ter* If an employee referred to in subsection (2)*bis* is an apprentice as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), the provisions of section 26 (1) of that Act shall not apply in respect of a period of not more than four months of the first period and not more than three weeks of any subsequent period of his absence from his employment occasioned by such service during the prescribed period of his apprenticeship.

(3) Whenever in any proceedings under subsection (2) (b), it is proved that an employer has dismissed the employee concerned or has reduced his salary or wages or altered his position to his disadvantage, or has in any other manner penalized such employee, that employer shall be deemed to have dismissed such employee or to have so reduced his salary or wages or to have so altered his position or to have so penalized him, as the case may be, by reason of such employee having been enrolled for or carried out the service in question, unless the contrary is proved.”.

**Substitution of
section 6 of
Act 44 of 1957.**

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

**“Composi-
tion of the
Reserve.**

6. The Reserve shall consist of—

- (a) the Reserve of Officers;
- (b) the Permanent Force Reserve;
- (c) the Citizen Force Reserve;
- (cA) the Commando Reserve; and
- (d) the National Reserve.”.

**Amendment of
section 9 of
Act 44 of 1957.**

6. Section 9 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for all the words preceding the proviso of the following words:

“The Permanent Force shall consist of officers appointed thereto and other ranks engaged for service therein, whether appointed or engaged in a permanent or temporary capacity, and shall be organized in such manner as may be prescribed.”;

- (b) by the addition to subsection (2) of the following paragraph, the existing subsection becoming paragraph (a):

“(b) The said conditions may provide for the payment of gratuities upon discharge, to specified categories or kinds of persons appointed or engaged in a temporary capacity.”;

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

“(3) Different conditions may be prescribed under subsection (2) for different categories or kinds of members of the Permanent Force.”.

**Substitution of
section 10 of
Act 44 of 1957.**

7. The following section is hereby substituted for section 10 of the principal Act:

**“Qualifi-
cations of
members
of Perma-
nent Force.**

10. No person shall be enrolled for service in the Permanent Force unless he is a citizen and, except where the Minister or any person acting under his authority otherwise directs, has passed in both official languages of the Republic in the examination which he is in terms of the conditions prescribed under section 9 (2) required to pass as a condition precedent to appointment or engagement in terms of that section: Provided that the Minister or any

ten opsigte van bedoelde diens nie: Met dien verstande dat hierdie subparagraph nie so uitgelê word dat dit enige langer tydperk vasgestel of bepaal by of kragtens 'n wet wat op sy diens betrekking het, beperk nie;

- (ii) geregtig op die verlening aan hom deur sy werkewer van betaalde siekteverlof ten opsigte van 'n tydperk wat binne die perke van 'n tydperk van bedoelde diens val en waartydens hy buite aksie gestel is as 'n gevolg van 'n besering of siekte nie;
- (iii) geregtig om enige sodanige betaalde siekteverlof of ander betaalde verlof of enige ander voordeel te eis voordat hy ooreenkomsdig die bepalings van hierdie Wet, toegelaat is om sy werk te hervat, en hy aldus sy werk hervat het nie.

(2)*ter* Indien 'n in subartikel (2)*bis* bedoelde werknemer 'n vakleerling is soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, is die bepalings van artikel 26 (1) van daardie Wet nie van toepassing nie ten opsigte van 'n tydperk van hoogstens vier maande van die eerste tydperk en hoogstens drie weke van enige daaropvolgende tydperk van sy afwesigheid van sy werk veroorsaak deur bedoelde diens gedurende die voorgeskrewe tydperk van sy vakleerlingskap.

(3) Wanneer by verrigtings ingevolge subartikel (2) (b) bewys word dat 'n werkewer die betrokke werknemer ontslaan het of sy salaris of loon verminder het of sy posisie tot sy nadeel verander het, of daardie werknemer op enige ander wyse benadeel het, word daardie werkewer, by ontstentenis van bewys van die teendeel, geag bedoelde werknemer te ontslaan het of sy salaris of loon aldus te verminder het of sy posisie aldus te verander het of hom aldus te benadeel het, na gelang van die geval, omdat bedoelde werknemer hom vir die betrokke diens laat inskryf of dit verrig het.”.

5. Artikel 6 van die Hoofwet word hierby deur die volgende *Vervanging van artikel 6 van Wet 44 van 1957.*

„Samestell- ling van die Reserwe. 6. Die Reserwe bestaan uit—
(a) die Reserwe van Offisiere;
(b) die Staandemagreserwe;
(c) die Burgermagreserwe;
(cA) die Kommandoreserwe; en
(d) die Nasionale Reserwe.”.

6. Artikel 9 van die Hoofwet word hierby gewysig— *Wysiging van artikel 9 van Wet 44 van 1957.*

- (a) deur in subartikel (1) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:
„Die Staande Mag bestaan uit offisiere wat daarin aangestel is en manskappe wat hul tot diens daarin verbind het, hetsy aangestel of tot diens verbind in 'n permanente of tydelike hoedanigheid, en word georganiseer op die wyse wat voorgeskryf mag word.”;
- (b) deur die volgende paragraaf by subartikel (2) te voeg, terwyl die bestaande subartikel paragraaf (a) word:
„(b) Bedoelde voorwaardes kan voorsiening maak vir die betaling van gratifikasies by uitdienstreding, aan bepaalde kategorieë of soorte van persone wat in 'n tydelike hoedanigheid aangestel of tot diens verbind is.”;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
„(3) Verskillende voorwaardes kan ingevolge subartikel (2) voorgeskryf word vir verskillende kategorieë of soorte van lede van die Staande Mag.”.

7. Artikel 10 van die Hoofwet word hierby deur die volgende *Vervanging van artikel 10 van Wet 44 van 1957.*

„Kwalifi- kасies van lede van Staande Mag. 10. Niemand word vir diens in die Staande Mag ingeskryf nie, tensy hy 'n burger is en, behalwe waar die Minister of iemand wat op sy gesag handel anders gelas, in beide offisiële tale van die Republiek geslaag het in die eksamen waarin hy ingevolge die vereistes kragtens artikel 9 (2) voorgeskryf, as 'n voorvereiste vir aanstelling of indiensneming ingevolge daardie artikel moet slaag: Met dien ver-

person acting under his authority may authorize the enrolment in such Force of any person in a temporary capacity, but not for a period exceeding three years at any one time in the case of a person who is not a citizen.”.

Amendment of section 17 of Act 44 of 1957.

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

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

“(2) Any person who holds a permanent appointment with commissioned rank in the Citizen Force shall serve as an officer in that Force for a period expiring not before the expiration of any period he is in terms of section 21 required to serve in that Force, unless he has otherwise been released from service.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) Notwithstanding anything in this Act contained, any citizen who owing to his professional qualifications or civilian position is specially fitted for such appointment, may be appointed as an officer in the Citizen Force.”.

Amendment of section 19 of Act 44 of 1957.

9. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any citizen liable to render service in defence of the Republic, other than a citizen liable to be enrolled in terms of Chapter VIII, may apply to serve in the Citizen Force and may be engaged for such service under such conditions as may be prescribed.”.

Amendment of section 20 of Act 44 of 1957.

10. Section 20 of the principal Act is hereby amended by the deletion of subsection (3).

Substitution of section 21 of Act 44 of 1957.

11. The following section is hereby substituted for section 21 of the principal Act:

“Liability to serve in Citizen Force.”

21. (1) Every person allotted to the Citizen Force in terms of Chapter VIII, who is a member of that Force on or after the thirty-first day of August, 1967, shall, subject to the provisions of this Act, be liable to serve in that Force over a period of ten years reckoned from the first day of January of the year in which he commenced or commences service or training in such Force for the first time: Provided that any such person who for any reason whatever has not rendered any service to which he is liable in terms of section 22, shall remain liable to serve in the Citizen Force until he has rendered such service, unless the Minister or any person acting under his authority otherwise directs.

(2) For the purposes of determining the date of expiration of the period referred to in subsection (1), any service in the Permanent Force, the commandos, the South African Police, the Railways and Harbours Police or the Prisons Service by any person shall be regarded as service in the Citizen Force by such person to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or kind of persons to which such person belongs.

(3) For the purposes of subsection (1) any person who has at any time been enrolled for training in a military gymnasium, shall be deemed to have been allotted to the Citizen Force in terms of Chapter VIII.”.

Substitution of section 22 of Act 44 of 1957.

12. The following section is hereby substituted for section 22 of the principal Act:

“Service in Citizen Force.”

22. (1) A member of the Citizen Force, other than a member enrolled for service therein in terms of section 20 or 24, shall, subject to the provisions of this Act, be liable to render such continuous and non-continuous service as the Minister or any person acting under his authority may, within the limits laid down in this section, determine.

stande dat die Minister of iemand wat op sy gesag handel die inskrywing in daardie Mag van enige persoon in 'n tydelike hoedanigheid kan magtig, maar nie op enige bepaalde tyd vir 'n langer tydperk as drie jaar in die geval van iemand wat nie 'n burger is nie.”.

8. Artikel 17 van die Hoofwet word hierby gewysig—
(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Iemand wat 'n permanente aanstelling met offisiersrang in die Burgermag beklee, moet in daardie Mag as offisier dien vir 'n tydperk wat nie voor die verstryking van 'n tydperk wat hy ingevolge artikel 21 in daardie Mag moet dien, verstryk nie, tensy hy andersins van sy diens onthef is.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ondanks andersluidende bepalings van hierdie Wet, kan enige burger wat weens sy professionele kwalifikasies of burgerlike posisie spesiaal vir so 'n aanstelling geskik is, as 'n offisier in die Burgermag aangestel word.”.

Wysiging van
artikel 17 van
Wet 44 van 1957.

9. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 19 van
Wet 44 van 1957.

„(1) Enige burger wat tot diens ter verdediging van die Republiek verplig kan word, behalwe 'n burger wat ooreenkomsdig Hoofstuk VIII aan inskrywing onderhewig is, kan aansoek doen om in die Burgermag te dien en kan op die voorwaardes wat voorgeskryf mag word vir sodanige diens aangeneem word.”.

10. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Wysiging van
artikel 20 van
Wet 44 van 1957.

11. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 21 van
Wet 44 van 1957.

„Diensplicht in Burgermag. 21. (1) Elke persoon wat ingevolge Hoofstuk VIII aan die Burgermag toege wys is en wat op of na die een-en-dertigste dag van Augustus 1967 lid van daardie Mag is, is, behoudens die bepalings van hierdie Wet, verplig om in daardie Mag te dien oor 'n tydperk van tien jaar bereken vanaf die eerste dag van Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in daardie Mag begin het of begin: Met dien verstande dat so 'n persoon wat om watter rede ook al nie diens gedoen het waartoe hy ingevolge artikel 22 verplig is nie, verplig bly om in die Burgermag te dien totdat hy bedoelde diens gedoen het, tensy die Minister of 'n persoon wat op sy gesag handel, anders gelas.

(2) By die bepaling van die datum van verstryking van die tydperk in subartikel (1) bedoel, word diens deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie of die Gevangenisdiens, as diens deur bedoelde persoon in die Burgermag beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of soort van persone waartoe bedoelde persoon behoort.

(3) By die toepassing van subartikel (1) word 'n persoon wat te eniger tyd by 'n militêre gimnasium vir opleiding ingeskryf was, geag ingevolge Hoofstuk VIII aan die Burgermag toege wys te gewees het.”.

12. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 22 van
Wet 44 van 1957.

„Diens in Burgermag. 22. (1) 'n Ander lid van die Burgermag as 'n lid wat ingevolge artikel 20 of 24 vir diens daarin ingeskryf is, is, behoudens die bepalings van hierdie Wet, verplig om die ononderbroke en onderbroke diens te doen wat die Minister of 'n persoon wat op sy gesag handel, binne die perke in hierdie artikel neergelê, bepaal.

(2) No person liable to serve in the Citizen Force in terms of section 21 shall be liable to render service in that Force before he is in his eighteenth year.

(3) The continuous service to which a member liable to serve in the Citizen Force in terms of section 21 shall be liable, shall be completed within not more than nine periods and shall not exceed—
(a) twelve months during the first period;
(b) twenty-six days during each of three periods;
(c) twelve days during each of five periods:

Provided that no person shall during his service in terms of section 21, be liable to render more than sixteen months continuous service in the aggregate in terms of this subsection.

(4) The continuous service to which an officer of the Citizen Force or a member engaged or re-engaged for service in terms of section 19 is liable in respect of any calendar year shall be completed within a single period not exceeding twenty-six days during that year.

(5) The non-continuous service to which a member of the Citizen Force shall be liable, shall not exceed three days in any calendar year.

(6) For the purpose of reckoning days of non-continuous service—

(a) a period of service lasting eight hours; or
(b) two periods of service each lasting four hours; or
(c) three periods of service each lasting three hours;
or
(d) six periods of service each lasting one hour and a half,
shall be deemed to be equivalent to one day's service.

(7) The Minister may, whenever he considers it to be necessary in the interest of the South African Defence Force or in the public interest, direct that members of the Citizen Force of a category or kind specified by him shall, in addition to any other service to which such members are liable in terms of this section, render special continuous service for a period not exceeding two months or periods not exceeding two months in the aggregate.

(8) The time occupied in travelling to or from any place where service is to be rendered, shall not, for the purpose of this section, be reckoned as part of any period of service.

(9) Any training undergone or service rendered by any person in the Permanent Force, the commandos, the South African Police, the Railways and Harbours Police or the Prisons Service at any time or in the Citizen Force before the thirty-first day of December, 1967, shall, if the Minister or any person acting under his authority so directs, be regarded as service for the purposes of this section to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or kind of persons to which such person belongs.

(10) Whenever any person for any reason whatever renders any service for a shorter period than the period for which he is liable to render such service, such service shall be disregarded as service rendered for the purposes of this section except as the Minister or any person acting under his authority may otherwise determine.”.

Repeal of
section 23 of
Act 44 of 1957.

13. Section 23 of the principal Act is hereby repealed.

Substitution of
section 24bis of
Act 44 of 1957.

14. The following section is hereby substituted for section 24bis of the principal Act:

“Voluntary additional service. 24bis. Any member of the Citizen Force may voluntarily render service in addition to service to which he may be liable, under such conditions as may be prescribed.”.

Repeal of
section 25 of
Act 44 of 1957.

15. Section 25 of the principal Act is hereby repealed.

(2) Geen persoon wat ingevolge artikel 21 verplig is om in die Burgermag te dien, is verplig om voordat hy in sy agtende jaar is diens in daardie Mag te doen nie.

(3) Die ononderbroke diens waartoe 'n lid wat ingevolge artikel 21 verplig is om in die Burgermag te dien, verplig is, word voltooi binne hoogstens nege tydperke en duur hoogstens—

- (a) twaalf maande gedurende die eerste tydperk;
- (b) ses-en-twintig dae gedurende elk van drie tydperke;

(c) twaalf dae gedurende elk van vyf tydperke:

Met dien verstande dat niemand verplig word om gedurende sy diens ingevolge artikel 21, ononderbroke diens van meer as sestien maande altesaam ingevolge hierdie subartikel te doen nie.

(4) Die ononderbroke diens waartoe 'n offisier van die Burgermag of 'n lid wat ingevolge artikel 19 aangeneem of weer aangeneem word, verplig is ten opsigte van 'n kalenderjaar, word voltooi binne 'n enkele tydperk van hoogstens ses-en-twintig dae gedurende daardie jaar.

(5) Die onderbroke diens waartoe 'n lid van die Burgermag verplig is, is hoogstens drie dae in 'n kalenderjaar.

(6) By die berekening van dae van onderbroke diens word—

- (a) 'n tydperk van diens wat agt uur duur; of
- (b) twee tydperke van diens wat elk vier uur duur; of
- (c) drie tydperke van diens wat elk drie uur duur; of
- (d) ses tydperke van diens wat elk anderhalf uur duur,

as gelykstaande met een dag se diens geag.

(7) Die Minister kan, wanneer hy dit in belang van die Suid-Afrikaanse Weermag of in die openbare belang nodig ag, gelas dat lede van die Burgermag van 'n kategorie of soort deur hom bepaal, spesiale ononderbroke diens vir 'n tydperk van hoogstens twee maande of tydperke van hoogstens twee maande altesaam moet doen benewens ander diens waartoe bedoelde lede ingevolge hierdie artikel verplig is.

(8) Die tyd in beslag geneem deur te reis na of van 'n plek waar diens gedoen moet word, word nie by die toepassing van hierdie artikel as deel van 'n dienstydperk gereken nie.

(9) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie of die Gevangenisdiens te eniger tyd of in die Burgermag voor die een-en-dertigste dag van Desember 1967, word, indien die Minister of 'n persoon wat op sy gesag handel aldus gelas, by die toepassing van hierdie artikel as diens beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of soort van persone waartoe bedoelde persoon behoort.

(10) Wanneer 'n persoon om watter rede ook al diens doen vir 'n korter tydperk as die tydperk waarvoor hy verplig is om bedoelde diens te doen, word bedoelde diens by die toepassing van hierdie artikel nie as diens in ag geneem nie, behalwe soos die Minister of 'n persoon wat op sy gesag handel, anders bepaal.”.

13. Artikel 23 van die Hoofwet word hierroep.

Herroeping van artikel 23 van Wet 44 van 1957.

14. Artikel 24bis van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 24bis van Wet 44 van 1957.

„Vrywillige 24bis. Enige lid van die Burgermag kan op die blykomende voorwaardes wat voorgeskryf mag word, vrywilliglik diens doen benewens diens waartoe hy verplig is.”.

15. Artikel 25 van die Hoofwet word hierroep.

Herroeping van artikel 25 van Wet 44 van 1957.

Amendment of section 32 of Act 44 of 1957, as amended by section 5 of Act 77 of 1963.

16. Section 32 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall be established under such designations as the Minister may determine, a system of commandos so as to ensure that citizens liable to render service in defence of the Republic, and not serving in the Permanent Force, the Citizen Force, the South African Police or the Railways and Harbours Police and not being members of the Prisons Service as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), shall as far as possible be proficient in the use of military weapons, and that as many of such citizens as possible shall be organized, trained and available to be called up in terms of Chapter X at short notice.”.

Amendment of section 33 of Act 44 of 1957, as amended by section 6 of Act 77 of 1963.

17. Section 33 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) Officers in the commandos required to render service in connection with the Cadet Corps, shall as far as may be practicable be selected from amongst persons on the staff of schools or other educational institutions.”.

Substitution of section 35 of Act 44 of 1957.

18. The following section is hereby substituted for section 35 of the principal Act:

“Liability to serve in commandos.

35. (1) Every person allotted to the commandos in terms of Chapter VIII and every person who, on the thirty-first day of August, 1967, is a member of a commando (other than a member referred to in section 36 or 37 or an officer), shall, subject to the provisions of this Act, be liable to serve in a commando over a period of sixteen years reckoned from the first day of January of the year in which he commenced or commences service or training in a commando for the first time: Provided that any such person who for any reason whatever has not rendered any service to which he is liable in terms of section 44, shall remain liable to serve in a commando until he has rendered such service, unless the Minister or any person acting under his authority otherwise directs.

(2) For the purposes of determining the date of expiration of the period referred to in subsection (1), any service in the Permanent Force, the Citizen Force, a Cadet Officers Training Corps, the South African Police, the Railways and Harbours Police or the Prisons Service by any person shall be regarded as service in a commando to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or kind of persons to which such person belongs.

(3) Any person who is a member of a Cadet Officers Training Corps on the thirty-first day of August, 1967, shall, for the purposes of subsection (1), be deemed to have become a member of a commando and to have commenced service for the first time in a commando, on that date.”.

Substitution of section 38 of Act 44 of 1957.

19. The following section is hereby substituted for section 38 of the principal Act:

“Liability of members of commandos for service.

38. No member of a commando shall, by reason of his membership of such commando, be exempted from any liability for service in any other portion of the South African Defence Force or in connection with the Cadet Corps, and if any such member is posted to the Citizen Force while rendering service in terms of Chapter X, he shall, while so serving and so posted, be deemed to be a member of the Citizen Force.”.

Amendment of section 40 of Act 44 of 1957.

20. Section 40 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any person serving voluntarily as a member of a commando may be allowed to obtain a military rifle from Government stores either—

16. Artikel 32 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 32 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 77 van 1963.

„(1) Daar word onder die benamings wat die Minister mag bepaal, 'n kommandostelsel ingestel om te verseker dat burgers wat tot diens ter verdediging van die Republiek verplig kan word, en wat nie in die Staande Mag, die Burgermag, die Suid-Afrikaanse Polisie of die Spoorweg- en Hawepolisie dien nie, en wat nie lede van die Gevangenisdiens soos in artikel 1 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), omskryf, is nie, so ver moontlik in die gebruik van militêre wapens bedreve sal wees, en dat soveel as moontlik van daardie burgers georganiseer, opgelei en beskikbaar sal wees om op kort kennisgewing ingevolge Hoofstuk X opgeroep te word.”.

17. Artikel 33 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: Wysiging van artikel 33 van Wet 44 van 1957, soos gewysig deur artikel 6 van Wet 77 van 1963.

„(2) Offisiere in die kommando's wat in verband met die Kadetkorps diens moet doen, word sover doenlik gekies uit persone op die personeel van skole of ander opvoedkundige inrigtings.”.

18. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 35 van Wet 44 van 1957.

„Dienstplig in kommando's. 35. (1) Elke persoon aan die kommando's ingevolge Hoofstuk VIII toege wys en elke persoon wat op die een-en-dertigste dag van Augustus 1967 lid van 'n kommando is (behalwe 'n in artikel 36 of 37 bedoelde lid of 'n offisier), is, behoudens die bepalings van hierdie Wet, verplig om in 'n kommando te dien oor 'n tydperk van sestien jaar bereken van die eerste dag van Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in 'n kommando begin het of begin: Met dien verstande dat so 'n persoon wat om watter rede ook al nie diens gedoen het waartoe hy ingevolge artikel 44 verplig is nie, verplig bly om in 'n kommando te dien totdat hy bedoelde diens gedoen het, tensy die Minister of 'n persoon wat op sy gesag handel, anders gelas.

(2) By die bepaling van die datum van verstryking van die tydperk in subartikel (1) bedoel, word diens deur 'n persoon in die Staande Mag, die Burgermag, 'n Opleidingskorps vir Kadetoffisiere, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie of die Gevangenisdiens, as diens in 'n kommando beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of soort van persone waartoe bedoelde persoon behoort.

(3) 'n Persoon wat op die een-en-dertigste dag van Augustus 1967 lid van 'n Opleidingskorps vir Kadetoffisiere is, word, by die toepassing van subartikel (1) geag op daardie datum lid van 'n kommando te geword het en vir die eerste keer diens in 'n kommando te begin het.”.

19. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 38 van Wet 44 van 1957.

„Dienstplig van lede van kommando's. 38. 'n Lid van 'n kommando is nie vanweë sy lidmaatskap van daardie kommando, van enige verpligting om in enige ander deel van die Suid-Afrikaanse Weermag of in verband met die Kadetkorps diens te doen, vrygestel nie, en indien so 'n lid terwyl hy ingevolge Hoofstuk X diens doen, by die Burgermag ingedeel word, word hy, terwyl hy aldus diens doen en aldus ingedeel is, geag 'n lid van die Burgermag te wees.”.

20. Artikel 40 van die Hoofwet word hierby gewysig— Wysiging van artikel 40 van Wet 44 van 1957.
(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand wat vrywilliglik as lid van 'n kommando dien, kan toegelaat word om 'n militêre geweer uit Staatsvoorraad te verkry, hetsy—

(a) by purchase at such special rates (approximating to cost price) and under such conditions as may be prescribed; or

(b) on loan for temporary use and custody on such conditions (which may include the making of a cash deposit or the giving of other satisfactory security therefor) as may be prescribed:

Provided that a member who has at any time either before or after the commencement of this Act obtained a military rifle from Government stores by purchase, shall not be entitled to receive another military rifle under this section, unless the prescribed authority referred to in subsection (3) has certified such rifle to be unserviceable or obsolete and has given permission for it to be sold or otherwise disposed of.”;

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

“(3) Any person who has been allowed to obtain a military rifle under subsection (1) (a), shall continue to serve as a member of a commando for a period of not less than five years and shall not during that period or while he is a member of a commando, sell or otherwise dispose of the rifle without the permission of a prescribed authority.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) If any such person contravenes or fails to comply with any provision of this section or fails to comply with the conditions of purchase or to render service in any year during the aforesaid period of five years, on the minimum number of occasions prescribed as provided in section 44 (2), the rifle shall be forfeited to the Government and may be taken possession of by a prescribed officer without payment of compensation or refund of the purchase price.”.

**Substitution of
section 44 of
Act 44 of 1957.**

21. The following section is hereby substituted for section 44 of the principal Act:

“Service in commandos. 44. (1) The service to be rendered by members of commandos shall be as may be prescribed.

(2) Except in the case of members liable to serve in a commando in terms of section 35, the rendering of service shall be voluntary, but a member who fails in any year to render service on a prescribed number of occasions may be discharged from the commando and debarred from again engaging in any commando for a prescribed period.

(3) A member liable to serve in a commando in terms of section 35 shall be liable to render such continuous or non-continuous service as may be prescribed, for a period not exceeding sixty days or periods not exceeding sixty days in the aggregate in his first year of service and nineteen days in any subsequent year.

(4) The manner and basis of calculation of any number of days for the purposes of subsection (3) shall be as prescribed.

(5) No person shall be liable to render service in a commando before he is in his eighteenth year.

(6) The Minister may whenever he considers it to be necessary in the interest of the South African Defence Force or in the public interest, direct that members of the commandos of a category or kind specified by him shall, in addition to any other service to which such members are liable in terms of this section, render special continuous service for a period not exceeding two months or periods not exceeding two months in the aggregate, during any continuous period of service of ten years of such members.

(7) Any training undergone or service rendered by any person in the Permanent Force, the Citizen Force, a Cadet Officers Training Corps, the South African Police, the Railways and Harbours Police or the Prisons Service at any time shall, if the Minister or any person acting under his authority so directs, be regarded as service rendered for the purposes of this section, to such extent as the

- (a) deur aankoop teen die spesiale prys (naasteby gelyk aan die kosprys) en op die voorwaardes wat voorgeskryf mag word; of
- (b) deur dit teleen vir tydelike gebruik en bewaring op die voorwaardes (waarby die storting van 'n kontantdeposito of die verstrekking van ander bevredigende sekerheid inbegrepe kan wees) wat voorgeskryf mag word:

Met dien verstande dat 'n lid wat te eniger tyd voor of na die inwerkingtreding van hierdie Wet 'n militêre geweer uit Staatsvoorrade verkry het deur aankoop, nie geregtig is om 'n ander militêre geweer ingevolge hierdie artikel te verkry nie, tensy die in subartikel (3) bedoelde voorgeskrewe gemagtigde gesertifiseer het dat daardie geweer onbruikbaar of verouderd is, en toestemming gegee het dat dit verkoop of op ander wyse daaroor beskik mag word.";

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

„(3) Iemand wat toegelaat is om ingevolge subartikel (1) (a) 'n militêre geweer te verkry, moet vir 'n tydperk van minstens vyf jaar aanhou om as lid van 'n kommando te dien en mag nie gedurende daardie tydperk of terwyl hy lid van 'n kommando is die geweer sonder toestemming van 'n voorgeskrewe gemagtigde, verkoop of andersins van die hand sit nie.”;

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien so iemand enige bepaling van hierdie artikel oortree of versuim om daarvan te voldoen of versuim om die voorwaardes van aankoop na te kom of om in enige jaar gedurende voormalde tydperk van vyf jaar, op die voorgeskrewe minimum getal geleenthede soos ingevolge artikel 44 (2) bepaal, diens te doen, word die geweer aan die Regering verbeur en kan dit sonder betaling van vergoeding of terugbetaling van die koopprys, deur 'n voorgeskrewe offisier in besit geneem word.”.

21. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 44 van Wet 44 van 1957.

„Diens in kommando's do's. **44. (1)** Die diens wat deur lede van kommando's gedoen moet word, is soos voorgeskryf.

(2) Behalwe in die geval van lede wat ingevolge artikel 35 verplig is om in 'n kommando te dien, word diens vrywilliglik gedoen maar 'n lid wat in gebreke bly om in 'n bepaalde jaar op 'n voorgeskrewe aantal geleenthede diens te doen, kan uit die kommando ontslaan word en vir 'n voorgeskrewe tydperk van heraanstelling by 'n kommando uitgesluit word.

(3) 'n Lid wat ingevolge artikel 35 verplig is om in 'n kommando te dien, is verplig om die ononderbroke of onderbroke voorgeskrewe diens te doen vir 'n tydperk van hoogstens sestig dae of tydperke van hoogstens sestig dae altesaam in sy eerste diensjaar en negentien dae in 'n daaropvolgende jaar.

(4) Die wyse en basis van berekening van 'n aantal dae by die toepassing van subartikel (3) is soos voorgeskryf.

(5) Geen persoon is verplig om voordat hy in sy agtende jaar is, diens in 'n kommando te doen nie.

(6) Die Minister kan, wanneer hy dit in belang van die Suid-Afrikaanse Weermag of in die openbare belang nodig ag, gelas dat lede van die kommando's van 'n kategorie of soort deur hom bepaal, benewens ander diens waartoe bedoelde lede ingevolge hierdie artikel verplig is, spesiale ononderbroke diens vir 'n tydperk van hoogstens twee maande of tydperke van hoogstens twee maande altesaam moet doen gedurende 'n ononderbroke dienstydperk van tien jaar van bedoelde lede.

(7) Opleiding ondergaan of diens gedoen te eniger tyd deur 'n persoon in die Staande Mag, die Burgermag, 'n Opleidingkorps vir Kadetoffisiere, die Suid-Afrikaanse Polisie, die Spoornet- en Hawepolisie of die Gevangenisdiens, word, indien die Minister of 'n persoon wat op sy gesag handel aldus gelas, by die toepassing van hierdie artikel as diens beskou

Minister or any person acting under his authority may determine in respect of such person or in respect of any category or kind of persons to which such person belongs.

(8) Whenever any person for any reason whatever renders any service for a shorter period than the period for which he is liable to render such service, such service shall be disregarded as service rendered for the purpose of this section except as the Minister or any person acting under his authority may otherwise determine.

(9) Members of commandos may, subject to the regulations, be permitted to render service in the Citizen Force or to attend any training or course of instruction, subject to such conditions as may be prescribed.”.

Substitution of section 47 of Act 44 of 1957.

22. The following section is hereby substituted for section 47 of the principal Act:

“Composition of Permanent Force Reserve.

47. The Permanent Force Reserve shall consist of citizens who, having served in the Permanent Force for a period of not less than one year, are on the termination of their services therein required with the approval of the Minister or a person acting under his authority, and in accordance with regulations, to complete a period of service in the Permanent Force Reserve as may be prescribed: Provided that no person, other than an officer who has in terms of section 86 tendered the resignation of his commission, shall be required to serve in the said Reserve in a rank lower than that which he held in the Permanent Force at the termination of his service therein, and that no person shall serve in the said Reserve beyond his sixty-fifth year.”.

Substitution of section 48 of Act 44 of 1957.

23. The following section is hereby substituted for section 48 of the principal Act:

“Composition of Citizen Force Reserve.

48. The Citizen Force Reserve shall consist of citizens who, having served in the Citizen Force, are, with the approval of the Minister or a person acting under his authority, and in accordance with regulations, required to complete a period of service in the Citizen Force Reserve as may be prescribed: Provided that no such citizen shall be required to serve in the said Reserve beyond his sixty-fifth year.”.

Insertion of section 48A in Act 44 of 1957.

24. The following section is hereby inserted in the principal Act after section 48:

“Composition of Commando Reserve.

48A. The Commando Reserve shall consist of persons who, having served in a commando, are, with the approval of the Minister or a person acting under his authority, and in accordance with regulations, required to complete such period of service in the Commando Reserve as may be prescribed: Provided that no person shall be required to serve in the said Reserve beyond his sixty-fifth year.”.

Substitution of section 50 of Act 44 of 1957.

25. The following section is hereby substituted for section 50 of the principal Act:

“Organization of Reserves.

50. The Reserve of Officers, the Permanent Force Reserve, the Citizen Force Reserve and the Commando Reserve shall respectively be organized in such manner as may in the case of each of those Reserves be determined by the Minister or be prescribed.”.

Amendment of section 51 of Act 44 of 1957, as amended by section 5 of Act 81 of 1964.

26. Section 51 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Members of the Permanent Force Reserve shall be liable to render such service as may be prescribed: Provided that the period of such service 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.”;

in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of soort van persone waartoe bedoelde persoon behoort.

(8) Wanneer 'n persoon om watter rede ook al diens vir 'n korter tydperk doen as die tydperk waarvoor hy verplig is om bedoelde diens te doen, word daardie diens nie by die toepassing van hierdie artikel as diens in ag geneem nie, behalwe soos die Minister of 'n persoon wat op sy gesag handel, anders bepaal.

(9) Lede van kommando's kan, behoudens die regulasies, toegelaat word om diens in die Burgermag te doen of om opleiding of 'n instruksiekursus behoudens die voorgeskrewe voorwaardes, by te woon.”.

22. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 47 van Wet 44 van 1957.

Samestelling van Staande-magreserwe. **47.** Die Staandemagreserwe bestaan uit burgers wat, nadat hulle vir 'n tydperk van minstens een jaar in die Staande Mag gedien het, by die beëindiging van hul diens daarin, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met die regulasies verplig word om 'n tydperk van diens in die Staandemagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat niemand, behalwe 'n offisier wat ingevolge artikel 86 die bedanking van sy kommissie ingedien het, verplig word om in 'n laer rang as wat hy by die beëindiging van sy diens in die Staande Mag daarin beklee het, in bedoelde Reserwe te dien nie, en dat niemand na sy vyf-en-sestigste jaar in bedoelde Reserwe dien nie.”.

23. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 48 van Wet 44 van 1957.

Samestelling van Burger-magreserwe. **48.** Die Burgermagreserwe bestaan uit burgers wat, nadat hulle in die Burgermag gedien het, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met regulasies, verplig word om 'n tydperk van diens in die Burgermagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat so 'n burger nie verplig word om na sy vyf-en-sestigste jaar in bedoelde Reserwe te dien nie.”.

24. Die volgende artikel word hierby in die Hoofwet na artikel 48 ingevoeg: Invoeging van artikel 48A in Wet 44 van 1957.

Samestelling van Kommando-reserwe. **48A.** Die Kommandoreserwe bestaan uit persone wat, nadat hulle in 'n kommando gedien het, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met regulasies, verplig word om die tydperk van diens in die Kommandoreserwe te voltooi wat voorgeskryf word: Met dien verstande dat geen persoon verplig word om na sy vyf-en-sestigste jaar in bedoelde Reserwe te dien nie.”.

25. Artikel 50 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 50 van Wet 44 van 1957.

Organisasie van Reserves. **50.** Die Reserwe van Offisiere, die Staandemagreserwe, die Burgermagreserwe en die Kommandoreserwe word onderskeidelik georganiseer op die wyse wat in die geval van elk van daardie Reserves deur die Minister bepaal of voorgeskryf mag word.”.

26. Artikel 51 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Lede van die Staandemagreserwe kan verplig word om die diens wat voorgeskryf mag word, te doen: Met dien verstande dat die tydperk van sodanige diens 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.”;

Wysiging van artikel 51 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 81 van 1964.

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

“(3) Any member of the Reserve of Officers or of the Permanent Force Reserve or the Citizen Force Reserve or the Commando Reserve may be permitted to attend voluntarily any course of training provided under this Act.”.

27. Section 52 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A member of the Reserve other than a member of the Permanent Force Reserve shall be liable to render service in terms of Chapter X in any portion of the South African Defence Force as the public interest may require, and any such member shall while rendering such service be deemed to be a member of the Citizen Force unless he is rendering service in a commando and is in terms of the regulations deemed to be a member of a commando.”;

(b) by the insertion after subsection (1) of the following subsection:

“(1A) Any member of the Reserve referred to in subsection (1) may be required in accordance with the regulations to render service as contemplated in that subsection, in a rank lower than that which he holds in the Reserve.”;

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

“(3) Any member of the Permanent Force Reserve may at any time on the instructions of the Minister and by means of a registered letter addressed to him at his registered address by a prescribed officer, be called out for any service in the Permanent Force in addition to any service referred to in section 51 (1) and may be employed as if he were a member of that Force.”;

(d) by the substitution in subsection (5)*bis* for all the words preceding the proviso of the following words:

“Any member of the Permanent Force Reserve who—

(a) was engaged to serve in the Permanent Force for a specified period;

(b) during such period and in the course of such service successfully completed any manual training; and

(c) obtained his discharge by purchase after having so completed such training, but before the expiration of the period referred to in paragraph (a), may, subject to the provisions of subsection (5)*ter*, also be called out at any time on the instructions of the Minister or a person authorized thereto by him, for service in the Permanent Force, in addition to any service referred to in section 51 (1), for a continuous period not exceeding thirty days, in each of the six years following the year in which he so obtained his discharge.”;

(e) by the deletion of subsection (6).

28. The following section is hereby substituted for section 53 of the principal Act:

“Conditions of service in Permanent Force Reserve.

53. (1) The conditions of service in the Permanent Force Reserve shall be as prescribed and members of that Reserve shall in respect of any service or duty performed or required to be performed in pursuance of this Act, deemed to be members of the Permanent Force.

(2) No member of the Permanent Force Reserve who has been called out for service in terms of this Act shall, except with his own consent or in pursuance of action taken under the Military Discipline Code, be required to serve in a rank lower than that which he holds in the said Reserve.”.

29. Section 54 of the principal Act is hereby amended—

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

“(2) Every member of the Permanent Force Reserve or the Citizen Force Reserve or the Commando Reserve shall in such manner and at such times or within such periods as may be prescribed, report in writing or in person to a prescribed officer and shall also advise that officer of any change in his address within fourteen days after such change has occurred.”;

Amendment of section 52 of Act 44 of 1957, as amended by section 1 of Act 83 of 1962.

Substitution of section 53 of Act 44 of 1957.

Amendment of section 54 of Act 44 of 1957, as amended by section 2 of Act 83 of 1962.

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

„(3) 'n Lid van die Reserwe van Offisiere of van die Staandemagreserwe of die Burgermagreserwe of die Kommandoreserwe kan toegelaat word om vrywilliglik enige instruksiekursus by te woon wat kragtens hierdie Wet voorsien word.”.

27. Artikel 52 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Ander lid van die Reserwe as 'n lid van die Staandemagreserwe, kan verplig word om diens ingevolge Hoofstuk X in enige deel van die Suid-Afrikaanse Weermag te doen, al na die openbare belang vereis, en so 'n lid word terwyl hy aldus diens doen, geag lid te wees van die Burgermag tensy hy by 'n kommando diens doen en ingevolge die regulasies geag word lid van 'n kommando te wees.”;

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

„(1A) 'n In subartikel (1) bedoelde lid van die Reserwe kan ooreenkomsdig die regulasies verplig word om diens te doen soos in daardie subartikel beoog, in 'n laer rang as dié wat hy in die Reserwe bekleed.”;

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

„(3) 'n Lid van die Staandemagreserwe kan te eniger tyd op las van die Minister en deur middel van 'n aangetekende brief deur 'n voorgeskrewe offisier aan hom by sy aangetekende adres gerig, tot diens in die Staande Mag, benewens die diens in artikel 51 (1) bedoel, opgeroep word, en kan in diens gestel word asof hy 'n lid van daardie Mag is.”;

- (d) deur in subartikel (5)*bis* al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:

„'n Lid van die Staandemagreserwe wat—

(a) tot diens in die Staande Mag vir 'n bepaalde tydperk verbind was;

(b) gedurende sodanige tydperk en in die loop van sodanige diens enige ambagsopleiding met welslae voltooi het; en

(c) sy ontslag deur afkoop verkry het nadat hy sodanige opleiding aldus voltooi het maar voor die verstryking van die tydperk vermeld in paragraaf (a),

kan behoudens die bepalings van subartikel (5)*ter*, ook te eniger tyd op las van die Minister of iemand deur hom daartoe gemagtig, tot diens in die Staande Mag, benewens die diens in artikel 51 (1) bedoel, opgeroep word vir 'n onafgebroke tydperk van hoogstens dertig dae, in elk van die ses jaar wat volg op die jaar waarin hy sy ontslag aldus verkry het.”;

- (e) deur subartikel (6) te skrap.

28. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 53 van Wet 44 van 1957.

„Diensvoorraad in Staandemagreserwe. 53. (1) Die diensvoorraades in die Staandemagreserwe is soos voorgeskryf, en lede van daardie Reserwe word ten opsigte van enige diens of pligte wat uit hoofde van hierdie Wet gedoen of verrig word of moet word, geag lede van die Staande Mag te wees.

(2) Geen lid van die Staandemagreserwe wat ooreenkomsdig hierdie Wet vir diens opgeroep is, word, behalwe met sy eie toestemming of uit hoofde van stappe ingevolge die Reglement van Discipline gedoen, verplig om in 'n rang laer as wat hy in bedoelde Reserwe bekleed, te dien nie.”.

29. Artikel 54 van die Hoofwet word hierby gewysig—

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

„(2) Iedere lid van die Staandemagreserwe of die Burgermagreserwe of die Kommandoreserwe moet hom op die wyse en op die tye of binne die tydperke wat voorgeskryf mag word, skriftelik of persoonlik by 'n voorgeskrewe offisier aanmeld, en daardie offisier ook van enige verandering in sy adres in kennis stel binne veertien dae nadat so 'n verandering plaasgevind het.”;

Wysiging van artikel 54 van Wet 44 van 1957, soos gewysig deur artikel 2 van Wet 83 van 1962..

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

“(2A) A member of the National Reserve shall, if so required by registered letter addressed to him by an officer designated for the purpose by the Minister—

(a) furnish such officer within such period as may be specified in such letter, with information concerning his personal particulars, address, work, profession or occupation and such other information as the said officer may deem necessary;

(b) report to such officer in writing in such manner and at such times or within such periods as the said officer may determine; and

(c) advise that officer of any change in his address within fourteen days after such change has occurred.

(2B) Whenever the Minister by notice in the *Gazette* requires members of the National Reserve or such members belonging to any category or kind specified in such notice, to furnish an officer so specified, with the information referred to in subsection (2A) (a), any such member or any such member belonging to such category or kind shall, within such period as may be so specified, comply with the requirements of such notice.”;

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

“(3) Any person charged under this section with having failed to notify an officer of any change in his address, or with having failed to furnish an officer with any information, shall be presumed to have so failed, unless he produces—

(a) an acknowledgment by the officer concerned of his notification of such change or of his having furnished such information; or

(b) other proof to the satisfaction of the court that he has in fact notified the officer concerned of such change or furnished him with such information.”.

Substitution of
section 55 of
Act 44 of 1957.

30. The following section is hereby substituted for section 55 of the principal Act:

“Liability to maintain uniform and equipment. 55. (1) A member of the Permanent Force Reserve or the Citizen Force Reserve or the Commando Reserve shall maintain in his possession and in good order any articles of uniform and equipment which may have been issued to him, under such conditions as may be prescribed.

(2) Any such member shall when called up for service or at such other times as may be prescribed, produce such articles of uniform and equipment.”.

Amendment to
section 56 of
Act 44 of 1957.

31. Section 56 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—

“(1) There shall be a Cadet Corps which shall consist of such cadet detachments as may under such conditions as may be prescribed be established under the directions of the Minister at any school or other educational institution.”.

Repeal of
section 59 of
Act 44 of 1957.

32. Section 59 of the principal Act is hereby repealed.

Repeal of
section 60 of
Act 44 of 1957.

33. Section 60 of the principal Act is hereby repealed.

Substitution of
section 61 of
Act 44 of 1957.

34. The following section is hereby substituted for section 61 of the principal Act:

“Cost of training to be defrayed by State. 61. All arms, ammunition, uniforms, equipment, instruction and training prescribed for cadets shall be provided at public expense.”.

Amendment of
heading to
Chapter VIII.

35. The following heading is hereby substituted for the heading to Chapter VIII:

“Registration and Selection of Persons for Allotment to Citizen Force or Commandos.”.

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

„(2A) 'n Lid van die Nasionale Reserwe moet, indien daar toe gelas per aangetekende brief aan hom gerig deur 'n offisier wat deur die Minister vir die doel aangewys is—

(a) aan bedoelde offisier binne die tydperk in die brief bepaal inligting verstrek met betrekking tot sy persoonsbesonderhede, adres, werk, beroep of nering en die ander inligting wat bedoelde offisier nodig ag;

(b) hom op die wyse en op die tye of binne die tydperke wat bedoelde offisier bepaal, skriftelik by bedoelde offisier aanmeld; en

(c) daardie offisier van enige verandering in sy adres in kennis stel binne veertien dae nadat so 'n verandering plaasgevind het.

(2B) Wanneer die Minister by kennisgewing in die *Staatskoerant* lede van die Nasionale Reserwe of sodanige lede wat aan 'n in bedoelde kennisgewing bepaalde kategorie of soort behoort, gelas om aan 'n offisier aldus bepaal, die in subartikel (2A) (a) bedoelde inligting te verstrek, moet so 'n lid of so 'n lid wat aan bedoelde kategorie of soort behoort, binne die aldus bepaalde tydperk aan die vereistes van bedoelde kennisgewing voldoen.”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat ingevolge hierdie artikel aangekla word weens versuim om 'n offisier van 'n verandering van sy adres in kennis te stel, of weens versuim om inligting aan 'n offisier te verstrek, word geag aldus te versuim het, tensy hy—

(a) 'n erkenning deur die betrokke offisier van sy kennisgewing van bedoelde verandering, of van sy verstrekking van bedoelde inligting, toon; of

(b) ander bewys tot bevrediging van die hof lewer dat hy inderdaad die betrokke offisier van bedoelde verandering in kennis gestel het of bedoelde inligting aan hom verstrek het.”.

30. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 55 van Wet 44 van 1957.

„Verantwoordelikheid om uniform en uitrusting in stand te hou. 55. (1) 'n Lid van die Staandemagreserwe of die Burgermagreserwe of die Kommandoresserwe moet onder sulke voorwaardes as wat voorgeskryf mag word, enige aan hom uitgereikte artikels wat deel van sy uniform of uitrusting uitmaak, in sy besit en in goeie orde hou.

(2) So 'n lid moet wanneer hy vir diens opgeroep word of op sulke ander tye as wat voorgeskryf mag word, bedoelde artikels wat deel van sy uniform of uitrusting uitmaak, toon.”.

31. Artikel 56 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 56 van Wet 44 van 1957.

„(1) Daar is 'n Kadetkorps bestaande uit die kadet-afdelings wat onder voorwaardes soos voorgeskryf mag word, op las van die Minister by enige skool of ander opvoedkundige instigting ingestel word.”.

32. Artikel 59 van die Hoofwet word hierby herroep. Herroeping van artikel 59 van Wet 44 van 1957.

33. Artikel 60 van die Hoofwet word hierby herroep. Herroeping van artikel 60 van Wet 44 van 1957.

34. Artikel 61 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 61 van Wet 44 van 1957.

„Koste van opleiding word deur Staat bestry. 61. Alle wapens, ammunisie, uniforms, uitrusting, instruksie en opleiding wat vir kadette voorgeskryf word, word, word op Staatskoste voorsien.”.

35. Die opskrif by Hoofstuk VIII word hierby deur die volgende opskrif vervang: Wysiging van opskrif by Hoofstuk VIII.

„Registrasie en Keuse van Persone vir Toewysing aan Burgermag of Kommando's.”.

Amendment of
section 63 of
Act 44 of 1957,
as amended by
section 6 of
Act 81 of 1964.

36. Section 63 of the principal Act is hereby amended—

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

“(a) during the period from the first day of January to the last day of February of the year in which he will attain the age of sixteen years; or”;

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

“(2) Any person who becomes a citizen between the last day of February in his sixteenth year and the date upon which he attains the age of twenty-five years, shall apply for registration as aforesaid within thirty days after the date upon which he becomes a citizen.”.

- (c) by the insertion of the following subsection after subsection (2):

“(2A) Every citizen who has applied for registration under this section shall attend at his own expense and submit to the prescribed medical examination at the public expense at such time and place as may be notified to him by a prescribed person.”;

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

“(3) The registering officer shall issue to every person who has under this section applied for registration a certificate of registration in such form as such officer may determine, and may issue to any such person pronounced by the prescribed medical authorities to be permanently unfit for military service in any capacity, a certificate of exemption from such service.”.

Substitution of
section 65 of
Act 44 of 1957.

37. The following section is hereby substituted for section 65 of the principal Act:

“Voluntary enrolment. 65. (1) Any citizen or any person domiciled in the Republic who is not a citizen may, if he is under a prescribed age or has prescribed qualifications, apply in accordance with regulations to be enrolled in the Citizen Force or in a commando by appearing personally before or submitting a written application to the registering officer, and may in his application name any unit which has its headquarters within the military area in which he resides, as the Unit in which he wishes to serve.

(2) Such a citizen or person who is accepted for enrolment shall at his own expense present himself for and shall at the public expense undergo the prescribed medical examination at a time and place to be notified to him by the registering officer.”.

Insertion of
section 66 in
Act 44 of 1957.

38. The following section is hereby inserted in the principal Act after section 65:

“Selection lists. 66. (1) The registering officer shall every year prepare a selection list for each of such areas into which the Minister may from time to time divide the Republic for the purpose.

(2) The selection list for any area for any year shall contain the name and prescribed particulars of every person whose registered address or address known to the registering officer is in such area and who—

(a) (i) has applied for registration in terms of section 63 during or after the year 1966;

(ii) in the opinion of the registering officer will probably not attend as a full time scholar any educational institution for secondary or equivalent education during the year following upon the year during which such selection list is prepared;

(iii) has not been included in any ballot list other than the ballot list prepared during the year 1966 or in any selection list prepared under this Act;

36. Artikel 63 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
„(a) gedurende die tydperk vanaf 1 Januarie tot die laaste dag van Februarie van die jaar waarin hy sestien jaar oud word; of”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
„(2) Iemand wat 'n burger word tussen die laaste dag van Februarie in sy sestiende jaar en die datum waarop hy vyf-en-twintig jaar oud word, moet soos voormeld om registrasie aansoek doen binne dertig dae na die datum waarop hy 'n burger word.”.
- (c) deur na subartikel (2) die volgende subartikel in te voeg:
„(2A) Iedere burger wat ingevolge hierdie artikel om registrasie aansoek gedoen het, moet op eie koste op die tyd en plek wat deur 'n voorgeskrewe persoon aan hom meegedeel word, verskyn en hom aan die voorgeskrewe geneeskundige ondersoek onderwerp, wat op Staatskoste plaasvind.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
„(3) Die registrasiebeampte reik aan elke persoon wat ingevolge hierdie artikel om registrasie aansoek gedoen het, 'n registrasiesertifikaat uit in die vorm wat bedoelde beampte bepaal, en kan aan so 'n persoon wat deur die voorgeskrewe geneeskundige owerhede vir militêre diens in enige hoedanigheid permanent ongeskik verklaar is, 'n sertifikaat van vrystelling van bedoelde diens uitreik.”.

Wysiging van
artikel 63 van
Wet 44 van 1957,
soos gewysig deur
artikel 6 van
Wet 81 van 1964.

37. Artikel 65 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vrywillige inskrywing. 65. (1) 'n Burger of 'n persoon wat in die Republiek gedomisilieer is en nie 'n burger is nie, kan, indien hy benede 'n voorgeskrewe ouderdom is of voorgeskrewe kwalifikasies besit, ooreenkomstig regulasies aansoek doen om in die Burgermag of in 'n kommando ingeskryf te word, deur persoonlik voor die registrasiebeampte te verskyn of 'n skriftelike aansoek aan hom te rig, en kan in sy aansoek enige eenheid wat sy hoofkwartier het in die militêre gebied waarin hy woon, noem as die eenheid waarin hy wil dien.

(2) So 'n burger of persoon wat vir inskrywing aangeneem word, moet hom op eie koste vir die voorgeskrewe geneeskundige ondersoek aanmeld op die tyd en plek waarvan die registrasiebeampte hom in kennis stel, en op Staatskoste daardie ondersoek ondergaan.”.

38. Die volgende artikel word hierby in die Hoofwet na artikel 65 ingevoeg:

Invoeging van
artikel 66 in
Wet 44 van 1957.

„Keurlyste. 66. (1) Die registrasiebeampte stel elke jaar vir elk van die gebiede waarin die Minister die Republiek vir die doel van tyd tot tyd verdeel, 'n keurlys op.

(2) Die keurlys vir 'n gebied vir 'n bepaalde jaar bevat die name en voorgeskrewe besonderhede van elke persoon wie se aangetekende adres of adres aan die registrasiebeampte bekend, in bedoelde gebied is en—

(a) wat—

(i) gedurende of na die jaar 1966 ingevolge artikel 63 om registrasie aansoek gedoen het;

(ii) volgens die oordeel van die registrasiebeampte in die jaar wat volg op die jaar waarin sodanige keurlys opgestel word waarskynlik nie 'n opvoedkundige inrigting vir sekondêre of gelykwaardige onderwys voltyds as 'n skolier sal bywoon nie;

(iii) nie in 'n ander lotingslys as die lotingslys gedurende die jaar 1966 opgestel of in 'n ingevolge hierdie Wet opgestelde keurlys ingesluit is nie;

- (iv) is not the holder of a certificate of exemption issued under section 63; and
- (v) has not been enrolled for training or service under this Act; or
- (b) being in his sixteenth year or older but not older than twenty-five years, has to the knowledge of the registering office, failed to apply for registration as required by section 63; or
- (c) has before the commencement of his training or service, been granted deferment under this Act for a period expiring during the year in which the selection list is prepared.”.

Insertion of
section 66A in
Act 44 of 1957.

39. The following section is hereby inserted in the principal Act after section 66:

“Selection
boards.

66A. (1) The Minister may from time to time appoint one or more selection boards consisting of a chairman appointed from amongst the officers in the South African Defence Force and not more than four other members.

(2) The calling of and procedure and quorum at meetings of a selection board shall be as determined by the Minister from time to time.

(3) A member of a selection board shall hold office at the pleasure of the Minister.

(4) A member of a selection board not being in the full-time employment of the State, shall receive such remuneration or allowances as the Minister in consultation with the Minister of Finance may from time to time determine.

(5) A selection board shall make recommendations in respect of such matters relating to the allotment of persons under section 67 or the classification of persons so to be allotted as the Minister may direct.

(6) A selection board may investigate any matter in respect of which it is required to make recommendations and for that purpose—

(a) the said board may by notice in writing require any person whose name has been included in a selection list to appear before the said board for interrogation at such time and place as may be specified in such notice;

(b) the said board may in connection with such investigation concerning persons who are pupils of a particular school or institution co-opt any member of the staff of such school or institution in an advisory capacity; and

(c) the said board shall hear any person whose name has been included in a selection list and who has applied in writing therefor, at such time and place as the board may determine.

(7) Any person receiving a notice as aforesaid shall report to the selection board at the time and place specified in such notice, shall reply to the satisfaction of such board to all such questions as the board may put to him relating to any matter in respect of which it is required to make recommendations and shall submit to such medical examination at the public expense as the board may direct.

(8) Travelling or other expenses incurred by any person appearing before a selection board may be paid to such person only in such circumstances and at such rates as the Minister in consultation with the Minister of Finance may from time to time determine.

(9) No member of a selection board shall without the approval of the Minister communicate to any person any information obtained by him by virtue of his office.”.

Substitution of
section 67 of
Act 44 of 1957.

40. The following section is hereby substituted for section 67 of the principal Act:

“Allotment
to Citizen
Force or
commandos.

67. (1) Such number of the persons referred to in subsection (2) as the Minister may determine shall be allotted in any year to the Citizen Force and all other such persons shall be allotted in that year to the commandos.

(2) Subject to the provisions of subsection (1) and the directions of the Minister the registering officer shall, with due regard to the requirements of

- (iv) nie die houer van 'n ingevolge artikel 63 uitgereikte vrystellingsertifikaat is nie; en
- (v) nie vir opleiding of diens ingevolge hierdie Wet ingeskryf is nie; of
- (b) wat in sy sestiente jaar of ouer maar nie ouer as vyf-en-twintig jaar is nie en, na die wete van die registrasiebeampte, versuim het om soos by artikel 63 vereis word, om registrasie aansoek te doen; of
- (c) aan wie voor die begin van sy opleiding of diens, ingevolge hierdie Wet uitstel verleen is vir 'n tydperk wat gedurende die jaar waarin die keurlys opgestel word, verstryk.”.

39. Die volgende artikel word hierby in die Hoofwet na artikel 66 ingevoeg:

Invoeging van artikel 66A in! Wet 44 van 1957.

„Keurraad. 66A. (1) Die Minister kan van tyd tot tyd een of meer keurrade aanstel bestaande uit 'n voorsitter uit die offisiere in die Suid-Afrikaanse Weermag aangestel en hoogstens vier ander lede.

(2) Die byeenroep van en prosedure en kworum op vergaderings van 'n keurraad word van tyd tot tyd deur die Minister bepaal.

(3) 'n Lid van 'n keurraad beklee sy amp vir so lank dit die Minister behaag.

(4) 'n Lid van 'n keurraad wat nie voltyds in diens van die Staat is nie, ontvang die besoldiging of toeslaes wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.

(5) 'n Keurraad doen aanbevelings ten opsigte van die aangeleenthede met betrekking tot die toewysing van persone ingevolge artikel 67 of die klassifikasie van persone wat aldus toegewys moet word, wat die Minister gelas.

(6) 'n Keurraad kan ondersoek instel na enige aangeleenthed ten opsigte waarvan hy aanbevelings moet doen, en vir daardie doel—

(a) kan bedoelde raad by skriftelike kennisgewing 'n persoon wie se naam in 'n keurlys opgeneem is, gelas om voor bedoelde raad vir ondervraging te verskyn op die tyd en plek wat in die kennisgewing vermeld word;

(b) kan bedoelde raad in verband met sodanige ondersoek betreffende persone wat leerlinge van 'n besondere skool of inrigting is, 'n lid van die personeel van sodanige skool of inrigting in 'n adviserende hoedanigheid koöpteer; en

(c) moet bedoelde raad 'n persoon wie se naam in 'n keurlys opgeneem is en wat skriftelik daarom aansoek gedoen het, aanhoor op die tyd en plek wat die raad bepaal.

(7) 'n Persoon wat 'n voormalde kennisgewing ontvang, moet hom op die tyd en plek in bedoelde kennisgewing vermeld, by die keurraad aanmeld, moet ten genoeë van bedoelde raad al die vroe beantwoord wat die raad aan hom stel met betrekking tot enige aangeleenthed ten opsigte waarvan die raad aanbevelings moet doen en moet hom aan die geneeskundige ondersoek op Staatskoste onderwerp wat die raad gelas.

(8) Reis- of ander onkoste aangegaan deur 'n persoon wat voor 'n keurraad verskyn, kan aan bedoelde persoon betaal word slegs onder die omstandighede en teen die skaal wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.

(9) Geen lid van 'n keurraad mag inligting deur hom uit hoofde van sy amp verkry, sonder goedkeuring van die Minister aan 'n persoon medeel nie.”.

40. Artikel 67 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 67 van! Wet 44 van 1957.

„Toewysing aan Burgermag of kommando's.

67. (1) Daardie getal van die persone in subartikel (2) bedoel wat die Minister bepaal, moet in 'n bepaalde jaar aan die Burgermag toegewys word en alle ander sodanige persone moet in daardie jaar aan die kommando's toegewys word.

(2) Behoudens die bepalings van subartikel (1) en die voorskrifte van die Minister, moet die registrasiebeampte, met behoorlike inagneming van die be-

the South African Defence Force and the recommendations of selection boards, allot to the Citizen Force or the commandos persons—

- (a) whose names have been included in a selection list for the year concerned; or
- (b) who have been accepted for enrolment under section 65; or
- (c) who are under the age of twenty-five years and have on termination of service in the Permanent Force served therein for less than three years; or
- (d) who are under the age of twenty-five years, held a permanent appointment in the South African Police, the Railways and Harbours Police or the Prisons Service and are not members of the South African Defence Force.

(3) The registering officer shall as far as may be practicable allot any person who to his knowledge *bona fide* belongs and adheres to a recognized religious denomination by the tenets whereof its members may not participate in war, to a unit where such person will be able to render service in the defence of the Republic in a non-combatant capacity.

(4) Every person allotted under this section shall be notified by a prescribed officer of the name of the Citizen Force unit or the commando to which he has been allotted and of the date upon which and place where he is required to commence service.”.

Amendment of section 68 of Act 44 of 1957, as amended by section 8 of Act 42 of 1961 and section 10 of Act 81 of 1964.

41. Section 68 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 - “(a) appoint one or more exemption boards to consider applications in terms of section 69 for deferment of or exemption from service and to exercise such other powers and to perform such other duties as may be conferred or imposed upon them by or under this Act;”;
- (b) by the addition to subsection (2) of the following paragraph:
 - “(c) The quorum at a meeting of the board shall consist of the chairman and two members of whom one shall be a member referred to in paragraph (b).”.

Amendment of section 69 of Act 44 of 1957, as substituted by section 11 of Act 81 of 1964.

42. Section 69 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) Any person liable to serve in terms of section 21 (1) or 35 (1) or any interested person acting on behalf of such person, whether with or without his consent but with his knowledge, may apply to any board referred to in section 68—

- (i) before the person so liable commences service in terms of section 22 or 44, for deferment of or exemption from service;
 - (ii) after the person so liable has commenced service in terms of section 22, for deferment of such service.
- (b) Any application under paragraph (a) (i) shall be lodged with the chairman of the said board and any application under paragraph (a) (ii) shall be lodged with the commanding officer of the unit in which the person concerned is serving.”.

Repeal of section 70 of Act 44 of 1957.

43. Section 70 of the principal Act is hereby repealed.

Amendment of section 70bis of Act 44 of 1957 as inserted by section 13 of Act 81 of 1964.

44. Section 70bis of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any board appointed under section 68 which has considered an application in terms of section 69 for deferment of or exemption from service may, with due regard to any general instructions issued by the Minister of Labour in consultation with the Minister, grant such application where in its opinion such deferment or exemption is justified—

hoeftes van die Suid-Afrikaanse Weermag en die aanbevelings van keurrade, aan die Burgermag of die kommando's persone toewys—

- (a) wie se name in 'n keurlys vir die betrokke jaar opgeneem is; of
- (b) wat ingevolge artikel 65 vir inskrywing aangeneem is; of
- (c) wat onder die ouderdom van vyf-en-twintig jaar is en by beëindiging van diens in die Staande Mag minder as drie jaar daarin gedien het; of
- (d) wat onder die ouderdom van vyf-en-twintig jaar is, 'n permanente aanstelling in die Suid-Afrikaanse Polisie, die Spoerweg- en Hawepolisie of die Gevangenisdiens beklee het en nie lede van die Suid-Afrikaanse Weermag is nie.

(3) Die registrasiebeampte moet vir sover doenlik 'n persoon wat na sy wete *bona fide* aan 'n erkende kerkgenootskap, volgens die leerstellings waarvan sy lede nie aan oorlog mag deelneem nie, behoort en dit aanhang, aan 'n eenheid toewys waar bedoelde persoon in staat sal wees om in 'n nie-vegtende hoedanigheid diens ter verdediging van die Republiek te doen.

(4) Elke persoon wat ingevolge hierdie artikel toegewys is, word deur 'n voorgeskrewe offisier in kennis gestel van die naam van die Burgermagedheid of die kommando waaraan hy toegewys is en van die datum waarop en plek waar hy diens moet begin.”.

41. Artikel 68 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(a) een of meer vrystellingsrade benoem om aansoek ingevolge artikel 69, om uitstel of vrystelling van diens te oorweeg en om die ander bevoegdhede uit te oefen en die ander pligte te verrig wat by of kragtens hierdie Wet aan hulle verleen of opgedra word;”;
- (b) deur by subartikel (2) die volgende paragraaf by te voeg:
 - „(c) Die kworum op 'n vergadering van die raad bestaan uit die voorsitter en twee lede waarvan een 'n in paragraaf (b) bedoelde lid moet wees.”.

Wysiging van artikel 68 van Wet 44 van 1957, soos gewysig deur artikel 8 van Wet 42 van 1961 en artikel 10 van Wet 81 van 1964.

42. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- „(1) (a) 'n Persoon wat verplig is om ingevolge artikel 21 (1) of 35 (1) te dien, of 'n belanghebbende wat namens hom optree, hetsy met of sonder sy toestemming, maar met sy wete, kan by 'n raad in artikel 68 bedoel, aansoek doen—
 - (i) voordat die persoon wat aldus verplig is, diens ingevolge artikel 22 of 44 begin, om uitstel of vrystelling van diens;
 - (ii) nadat die persoon wat aldus verplig is, diens ingevolge artikel 22 begin het, om uitstel van bedoelde diens.
- (b) 'n Aansoek ingevolge paragraaf (a) (i) moet by die voorsitter van bedoelde raad ingedien word en 'n aansoek ingevolge paragraaf (a) (ii) moet ingedien word by die bevelvoerder van die eenheid waarin die betrokke persoon dien.”.

Wysiging van artikel 69 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 81 van 1964.

43. Artikel 70 van die Hoofwet word hierby herroep.

Herroeping van artikel 70 van Wet 44 van 1957.

44. Artikel 70bis van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- „(1) 'n Raad benoem kragtens artikel 68 wat 'n aansoek ingevolge artikel 69 om uitstel of vrystelling van diens oorweeg het, kan, met behoorlike inagneming van enige algemene opdragte deur die Minister van Arbeid in oorleg met die Minister uitgereik, sodanige aansoek toestaan indien, volgens sy oordeel, sodanige uitstel of vrystelling gereeldig is—

Wysiging van artikel 70bis van Wet 44 van 1957, soos ingevoeg deur artikel 13 van Wet 81 van 1964.

- (a) in order to prevent the interruption of the course of educational studies of the person concerned; or
(b) by reason of the nature and extent of such person'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, ill-health or mental incapacity on the part of such person; or
(d) on the ground that such person is being compulsorily detained in an institution; or
(e) on any other ground it may deem sufficient:
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 service 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 service, in consultation with a prescribed officer, direct that any person allotted to the Citizen Force be re-allotted to the commandos or, in the case of a person who has commenced service in the Citizen Force, that he be posted to a commando.”.

Substitution of section 71 of Act 44 of 1957.

45. The following section is hereby substituted for section 71 of the principal Act:

“Exemption 71. Any citizen who has been medically examined from service if medically unfit and has been pronounced by the prescribed medical authorities to be unfit for military service in any capacity, shall so long as the unfitness continues be exempt from liability for service in the Citizen Force or a commando.”.

Repeal of section 72 of Act 44 of 1957.

46. Section 72 of the principal Act is hereby repealed.

Amendment of section 74bis of Act 44 of 1957, as inserted by section 13 of Act 77 of 1963.

47. Section 74bis of the principal Act is hereby amended by the substitution for subparagraph (ii) of subsection (1) (a) of the following subparagraph:

“(ii) determine from time to time, with due regard to the maintenance of the economy of the Republic, which categories or portions of categories of persons employed in or practising any particular profession, industry, trade or occupation, should be exempted from military service and submit recommendations in accordance with such determinations to the Minister of Labour, who may, in terms of the powers conferred hereby, direct any exemption board appointed in terms of this Act to authorize the exemption of persons in any such category or portion thereof from such service; or”.

Amendment of section 76 of Act 44 of 1957, as amended by section 5 of Act 12 of 1961.

48. Section 76 of the principal Act is hereby amended—

- (a) by the deletion at the end of subsection (2) (d) of the word “and”;
(b) by the addition to subsection (2) of the following paragraph:

“(f) permit persons of any category or kind who are not members of the South African Defence Force and have registered in such manner as the Minister may determine, to participate voluntarily in any training exercises with the commandos, subject to such conditions as the Minister may from time to time determine and may, after consultation with the Minister of Finance, by notice in the *Gazette* declare that such provisions of sections 39, 40, 41 or 125 as may be specified in the notice shall, to such extent and with such modifications as may be so specified, apply in respect of such persons as if they were citizens voluntarily serving as members of a commando.”.

Amendment of section 84 of Act 44 of 1957, as amended by section 7 of Act 12 of 1961.

49. Section 84 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Officers of the South African Defence Force who are not in terms of section 46, 47, 48 or 48A appointed to the Reserve or required to complete a period of service therein, and officers of the Reserve, shall, at the termination of their service in the said Force or Reserve, be placed on a retired list and any officer on that list shall retain his commission

- (a) om 'n onderbreking in die opvoedingstudiekursus van die betrokke persoon te voorkom; of
- (b) vanweë die aard en omvang van bedoelde persoon se huishoudelike verpligtings of enige omstandighede verbonde aan 'n bedryf, beroep of besigheid waarmee hy besig is; of
- (c) op grond van liggaamsgebreke, swak gesondheid of swaksinnigheid van bedoelde persoon; of
- (d) op grond daarvan dat bedoelde persoon onder dwang in 'n inrigting aangehou word; of
- (e) op ander gronde wat hy genoegsaam ag:

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 goedgunke, indien hy aldus oortuig is, uitstel of vrystelling van diens kan toestaan ongeag of dit 'n aansoek om sodanige uitstel of vrystelling is; en
- (iii) die raad in plaas van uitstel of vrystelling van diens toe te staan, in oorleg met 'n voorgeskrewe offisier kan gelas dat 'n persoon aan die Burgermag toegewys, aan die kommando's hertoegewys word of, in die geval van 'n persoon wat diens in die Burgermag begin het, dat hy by 'n kommando ingedeel word.”.

45. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 71 van Wet 44 van 1957.

„Vrystelling 71. 'n Burger wat geneeskundig ondersoek en deur die voorgeskrewe geneeskundige owerhede vir militêre diens in enige hoedanigheid ongeskik verklaar is, is solank sy ongeskiktheid duur, vrygestel van die verpligting om in die Burgermag of 'n kommando diens te doen.”.

46. Artikel 72 van die Hoofwet word hierby herroep.

Herroeping van artikel 72 van Wet 44 van 1957.

47. Artikel 74bis van die Hoofwet word hierby gewysig deur subparagraaf (ii) van subartikel (1) (a) deur die volgende subparagraaf te vervang:

Wysiging van artikel 74bis van Wet 44 van 1957, soos ingevoeg deur artikel 13 van Wet 77 van 1963.

„(ii) met behoorlike inagneming van die instandhouding van die ekonomie van die Republiek, van tyd tot tyd te bepaal watter kategorieë of dele van kategorieë van persone wat in enige bepaalde beroep, nywerheid, bedryf of nering werksaam is of dit beoefen, van militêre diens vrygestel behoort te word en ooreenkomsdig daardie bepalings aanbevelings voor te lê aan die Minister van Arbeid, wat ingevolge die bevoegdhede hierby verleen, enige vrystellingsraad wat kragtens hierdie Wet aangestel is, kan gelas om die vrystelling van persone in enige sodanige kategorie of deel daarvan van sodanige diens te magtig; of”.

48. Artikel 76 van die Hoofwet word hierby gewysig—

Wysiging van artikel 76 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 12 van 1961.

- (a) deur aan die end van subartikel (2) (d) die woord „en” te skrap;
- (b) deur by subartikel (2) die volgende paragraaf by te voeg: „(f) persone van 'n kategorie of soort wat nie lede van die Suid-Afrikaanse Weermag is nie en op die wyse wat die Minister bepaal, geregistreer het, toelaat om vrywilliglik aan opleidingsoefeninge met die kommando's deel te neem op die voorwaardes wat die Minister van tyd tot tyd bepaal, en kan hy, na oorlegpleging met die Minister van Finansies, by kennisgewing in die *Staatskoerant* verklaar dat dié bepalings van artikel 39, 40, 41 of 125 wat in die kennisgewing vermeld word, in die mate en met die wysigings aldus vermeld, van toepassing is op bedoelde persone asof hulle burgers is wat vrywilliglik as lede van 'n kommando dien.”.

49. Artikel 84 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 84 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 12 van 1961.

„(2) Offisiere van die Suid-Afrikaanse Weermag wat nie ingevolge artikel 46, 47, 48 of 48A in die Reserwe aangestel word of verplig word om 'n tydperk van diens daarin te voltooi nie, en offisiere van die Reserwe, word by die beëindiging van hul diens in bedoelde Mag of Reserwe, op 'n lys van afgetredenes geplaas en 'n offisier op daardie lys behou sy kommissie en is geregtig om uniform te dra soos

and shall be entitled to wear uniform as prescribed: Provided that the State President may direct that an officer shall not so be placed on a retired list.”.

Amendment of section 86 of Act 44 of 1957, as amended by section 8 of Act 12 of 1961.

50. Section 86 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

“Provided that an officer serving in the Citizen Force or a commando, other than any such officer serving voluntarily, may so tender the resignation of his commission or appointment only with the approval of the Minister or any person acting under his authority.”.

Amendment of section 87 of Act 44 of 1957, as amended by section 9 of Act 12 of 1961, section 15 of Act 81 of 1964 and section 20 of Act 39 of 1966.

51. Section 87 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (h) (i) and (j) of the following paragraphs:

- “(h) the registration of citizens liable for service;
- “(i) the exemption of any member of the South African Defence Force, the Reserve or the Cadet Corps from carrying out any full course of training prescribed for any one year;
- “(j) the standards of physical fitness and the medical examination of members of the South African Defence Force and the Reserve, and authorizing medical authorities to determine such standards;”.

Repeal of section 94 of Act 44 of 1957.

52. Section 94 of the principal Act is hereby repealed.

Amendment of section 97 of Act 44 of 1957, as amended by section 19 of Act 77 of 1963.

53. Section 97 of the principal Act is hereby amended—

(a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
“(f) a member of the Prisons Service as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959);”;

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

“(3) A person who *bona fide* belongs and adheres to a recognized religious denomination, by the tenets whereof its members may not participate in war, may be granted exemption from serving in any combatant capacity, but shall, if called upon to do so, serve in a non-combatant capacity.”.

Substitution of section 102 of Act 44 of 1957.

54. The following section is hereby substituted for section 102 of the principal Act:

“Control and use of transport systems.

102. (1) The State President may in time of war, or during operations for the prevention or suppression of internal disorder in the Republic, authorize any officer of the South African Defence Force to assume control over any railway, road, inland water or sea transport system or any air service, or any portion thereof, within the Republic.

(2) The Minister may in time of war, or during operations for the prevention or suppression of internal disorder in the Republic, requisition the authorities controlling any transport system or air service referred to in subsection (1), to supply suitable engines and rolling stock, vehicles, vessels or aircraft for the conveyance of members of the South African Defence Force or other forces acting in co-operation therewith, or any auxiliary or voluntary nursing service established under this Act, and their guns, armament, ammunition, baggage, stores, supplies, vehicles, vessels and animals, and to convey the same by rail, road, water or air to or from any point within or outside the Republic, as may be necessary.”.

Amendment of section 103 of Act 44 of 1957, as amended by section 21 of Act 77 of 1963.

55. Section 103 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) In time of war this section shall apply only from such date as the State President may by proclamation in the *Gazette* declare it to be applicable, and any such proclamation shall cease to have any force or effect upon the expiration of a period of thirty days after the date of publication thereof unless it has within that period been approved by resolution by the Senate and the House of Assembly, but

voorgeskryf: Met dien verstande dat die Staatspresident kan gelas dat 'n offisier nie aldus op 'n lys van agetredenes geplaas word nie.”.

50. Artikel 86 van die Hoofwet word hierby gewysig deur by Wysiging van subartikel (1) die volgende voorbehoudsbepaling by te voeg: artikel 86 van „Met dien verstande dat 'n offisier wat in die Burgermag Wet 44 van 1957, of 'n kommando dien, behalwe so 'n offisier wat vrywilliglik soos gewysig deur dien, die bedanking van sy kommissie of sy aanstelling aldus artikel 8 van kan indien slegs met goedkeuring van die Minister of 'n Wet 12 van 1961. persoon wat op sy gesag handel.”.

51. Artikel 87 van die Hoofwet word hierby gewysig deur in Wysiging van subartikel (1) paragrawe (h), (i) en (j) deur die volgende para- artikel 87 van grawe te vervang: Wet 44 van 1957, soos gewysig deur

- ,,(h) die registrasie van burgers wat verplig kan word om artikel 9 van Wet diens te doen; 12 van 1961, (i) die vrystelling van enige lid van die Suid-Afrikaanse artikel 15 van Weermag, die Reserwe of die Kadetkorps van die ver- pligting om die volle opleidingskursus wat vir enige en artikel 20 van jaar voorgeskryf is, te ondergaan; Wet 39 van 1966. (j) die peil van liggaamlike gesiktheid en die geneeskun- dige ondersoek van lede van die Suid-Afrikaanse Weermag en die Reserwe, en wat geneeskundige ower- hede magtig om bedoelde peil te bepaal;”.

52. Artikel 94 van die Hoofwet word hierby herroep. Herroeping van artikel 94 van Wet 44 van 1957.

53. Artikel 97 van die Hoofwet word hierby gewysig— Wysiging van

(a) deur paragraaf (f) van subartikel (1) deur die volgende artikel 97 van paragraaf te vervang: Wet 44 van 1957, soos gewysig deur „(f) 'n lid van die Gevangenisdiens is soos in artikel 1 artikel 19 van van die Wet op Gevangenis, 1959 (Wet No. 8 Wet 77 van 1963). van 1959), omskryf;”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) Iemand wat *bona fide* aan 'n erkende kerk- genootskap, volgens die leerstellings waarvan sy lede nie aan oorlog mag deelneem nie, behoort en dit aan- hang, kan van diens in 'n veggende hoedanigheid vrygestel word, maar moet indien hy daartoe opgeroep word, in 'n nie-veggende hoedanigheid dien.”.

54. Artikel 102 van die Hoofwet word hierby deur die Vervanging van volgende artikel vervang: artikel 102 van Wet 44 van 1957.

,,Beheer oor 102. (1) Die Staatspresident kan in oorlogstyd of en gebruik gedurende optrede ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, enige van vervoer- officier van die Suid-Afrikaanse Weermag magtig stelsels. om beheer te neem oor enige spoorweg-, pad-, binnelandse water- of seevervoerstelsel of enige lug- diens, of enige deel daarvan, binne die Republiek.

(2) Die Minister kan in oorlogstyd of gedurende optrede ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, die owerheid wat enige in subartikel (1) bedoelde vervoerstelsel of lugdiens beheer, aansê om gesikte lokomotiewe en rollende materiaal, voertuie, vaartuie of vliegtuie te verskaf vir die vervoer van lede van die Suid-Afrikaanse Weermag of ander magte wat in samewerking daarmee optree, of enige kragtens hierdie Wet ingestelde hulpdiens of vrywillige verpleegdiens, en hul gewere, bewapening, ammunisie, bagasie, voorrade, kommissariaat, voertuie, vaartuie en diere, en om dit per spoor, pad, water of lug na of van enige plek binne of buite die Republiek te vervoer soos nodig mag wees.”.

55. Artikel 103 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (6) deur die volgende subartikel te vervang: artikel 103 van Wet 44 van 1957, soos gewysig deur

,,(6) In oorlogstyd geld hierdie artikel slegs vanaf die datum waarop die Staatspresident by proklamasie in die Staatskoerant dit van toepassing verklaar, en so 'n proklamasie hou op om van krag te wees by verstryking van 'n tydperk van dertig dae na die datum van publikasie daarvan, tensy dit binne bedoelde tydperk deur die Senaat en die Volksraad by besluit goedgekeur is, dog sonder afbreuk aan

without prejudice to the validity during the said period of any regulation issued thereunder or of anything done under any such regulation or to any right, privilege, obligation or liability acquired, accrued or incurred during the said period under and by virtue of any such regulation.”.

Amendment of section 104 of Act 44 of 1957, as amended by section 19 of Act 12 of 1961.

56. Section 104 of the principal Act is hereby amended by the substitution in subsection (5) (b) for all the words preceding the proviso of the following words:

“to members of the Citizen Force, commandos, and the Reserve in relation to any service, training or duty undertaken or to be undertaken by them in pursuance of this Act.”.

Amendment of section 118 of Act 44 of 1957.

57. Section 118 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) No person shall publish in any newspaper, magazine, book or pamphlet or by radio or any other means—

(a) any information relating to the composition, movements or dispositions of—

(i) the South African Defence Force or any auxiliary or voluntary nursing service established under this Act, or any force of a country which is allied to the Republic; or

(ii) any South African or allied ships or aircraft used for naval or military purposes; or

(iii) any engines, rolling stock, vehicles, vessels or aircraft of any railway, road, inland water or sea transport system or air service over which an officer of the South African Defence Force has assumed control in terms of section 102 (1), or anything which has been supplied on requisition by the Minister in terms of section 102 (2),

or any statement, comment or rumour calculated directly or indirectly to convey such information, except where the information has been furnished or the publication thereof has been authorized by the Minister or under his authority; or

(b) any statement, comment or rumour relating to any member of the South African Defence Force or any activity of the South African Defence Force or any force of a foreign country, calculated to prejudice or embarrass the Government in its foreign relations or to alarm or depress members of the public, except where publication thereof has been authorized by the Minister or under his authority.

(b) by the insertion of the following subsection after subsection (1):

“(1A) No prosecution in respect of an offence under subsection (1) shall be instituted except on the written authority of the attorney-general having jurisdiction in the area concerned or of a member of his staff designated by him in writing.”;

(c) by the substitution for subsection (2) of the following subsection:

“(2) No person shall publish in any manner whatsoever any secret or confidential information relating to the defence of the Republic, or any information relating to any works proposed, undertaken or completed for or connected with the fortification or defence of the Republic except where the information has been furnished or the publication thereof has been authorized by the Minister or under his authority.”.

Amendment of section 119 of Act 44 of 1957.

58. Section 119 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) take any photograph or make any sketch, plan, model or note of any area defined by the Minister by notice published in the *Gazette* or in any other manner which he considers sufficient in the circumstances, or of any part of any such area or any object therein; or”.

die geldigheid gedurende bedoelde tydperk van enige regulasie daarkragtens uitgevaardig of enigets kragtens so 'n regulasie gedoen of aan enige reg, voorreg, verpligting of aanspreeklikheid gedurende bedoelde tydperk ingevolge en uit hoofde van so 'n regulasie verkry, toegeval of opge-loop.”.

56. Artikel 104 van die Hoofwet word hierby gewysig deur in subartikel (5) (b) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang: „op lede van die Burgermag, kommando's en die Reserwe, met betrekking tot enige diens, opleiding of plig wat uit hoofde van hierdie Wet deur hulle onderneem word of moet word.”.

Wysiging van artikel 104 van Wet 44 van 1951, soos gewysig deur artikel 19 van Wet 12 van 1961.

57. Artikel 118 van die Hoofwet word hierby gewysig—

Wysiging van artikel 118 van Wet 44 van 1957.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag in 'n nuusblad, tydskrif, boek of pamphlet of per radio of op ander wyse—

(a) inligting met betrekking tot die samestelling, bewegings of opstellings van—

(i) die Suid-Afrikaanse Weermag of enige kragtens hierdie Wet ingestelde hulpdiens of vrywillige verpleegdiens, of 'n mag van 'n land wat 'n bondgenoot van die Republiek is; of

(ii) Suid-Afrikaanse of geallieerde skepe of vliegtuie wat vir vloot- of militêre doeleindes aangewend word; of

(iii) lokomotiewe, rollende materiaal, voertuie, vaartuie, of vliegtuie van enige spoorweg-, pad-, binnelandse water- of seevervoerstelsel of lugdiens waaraan 'n offisier van die Suid-Afrikaanse Weermag ingevolge artikel 102 (1) beheer geneem het, of enigets wat ingevolge artikel 102 (2) op aansegging van die Minister verskaf is,

of enige verklaring, kommentaar of gerug wat daarop bereken is om regstreeks of onregstreeks sulke inligting oor te dra, publiseer nie, behalwe waar die inligting verstrek of die publikasie daarvan gemagtig is deur of op gesag van die Minister; of

(b) enige verklaring, kommentaar of gerug met betrekking tot 'n lid van die Suid-Afrikaanse Weermag of 'n bedrywigheid van die Suid-Afrikaanse Weermag of 'n mag van 'n vreemde land, wat daarop bereken is om die Regering in sy buitelandse verhoudinge te benadeel of in verleentheid te stel of om lede van die publiek te ontstel of neerslagtig te maak, publiseer nie, behalwe waar die publikasie daarvan deur of op gesag van die Minister gemagtig is.

(b) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Geen vervolging ten opsigte van 'n misdryf ingevolge subartikel (1) word ingestel nie behalwe kragtens die skriftelike magtiging van die prokureurgeneraal wat met regsbevoegdheid in die betrokke gebied beklee is of van 'n lid van sy personeel wat skriftelik deur hom daartoe aangewys is.”;

(c) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Niemand mag op enige wyse hoegenaamd geheime of vertroulike inligting met betrekking tot die verdediging van die Republiek, of inligting met betrekking tot enige werke wat beoog word of onderneem of voltooi is vir of in verband met die versterking of verdediging van die Republiek, publiseer nie, behalwe waar die inligting verstrek of die publikasie daarvan gemagtig is deur of op gesag van die Minister.”.

58. Artikel 119 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 119 van Wet 44 van 1957.

„(a) 'n foto neem of 'n skets, plan, model of aantekening maak van enige gebied omskryf deur die Minister by kennisgewing gepubliseer in die *Staatskoerant* of op 'n ander wyse wat hy onder die omstandighede genoegsaam ag, of van enige deel van so 'n gebied of enige voorwerp daarin nie; of”.

Amendment of section 122 of Act 44 of 1957, as amended by section 24 of Act 77 of 1963 and section 20 of Act 39 of 1966.

59. Section 122 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following subsection:
“(b) supplies intoxicating liquor for other than medicinal purposes to any cadet in uniform;”;
- (b) by the deletion of paragraph (c) of the said subsection:
- (c) by the deletion of subsection (2).

Substitution of section 125 of Act 44 of 1957.

60. The following section is hereby substituted for section 125 of the principal Act:

“Wrongful disposal of property.

125. (1) Any member of the South African Defence Force or the Reserve or the Cadet Corps or any Auxiliary Service established under this Act, who without authority gives away, sells, pledges, lends or otherwise disposes of any moneys, animals, arms, ammunition, accoutrements, clothing, supplies or any other articles entrusted to or held by him for the service of such defence force, reserve, corps or auxiliary service, or who as a result of his negligence loses any such articles so entrusted to or held by him, shall be guilty of an offence, and may, apart from any penalty which may be imposed upon him for such an offence under this Act, be ordered by the court or other competent authority which imposes that penalty, to make good any loss or deficiency caused by the commission of such offence, and every such gift, sale, pledge, loan or other disposition shall be null and void.

(2) Whenever it is proved on a charge under this section for the loss of any article as a result of negligence, that the said article was entrusted to or held by the accused for any service referred to in subsection (1), and that he has failed to produce such article on demand to any person holding a rank superior to his, it shall be presumed, until the contrary is proved, that the accused had lost the said article as a result of his negligence.”.

Substitution of section 126 of Act 44 of 1957.

61. The following section is hereby substituted for section 126 of the principal Act:

“Neglect of duty.

126. Any member of the South African Defence Force or the Reserve who without just cause, the burden of proof whereof shall lie on him, fails to attend at any time and place appointed for instruction, training or exercise, or who evades or fails to perform duly and with proper zeal the full course of training allotted to him in any year, shall be guilty of an offence.”.

Amendment of section 127 of Act 44 of 1957.

62. Section 127 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph—

- (a) in the case of an offence referred to in section 88, 101, 115, 118, 120, 121 or 123, to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding five years or to both such fine and imprisonment.”.

Amendment of section 130 of Act 44 of 1957.

63. Section 130 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (3) for the word “External” of the word “Foreign”.

Amendment of section 145 of Act 44 of 1957, as amended by section 18 of Act 80 of 1959, section 23 of Act 12 of 1961 and section 27 of Act 77 of 1963.

64. Section 145 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
“(2) The provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to or in respect of a member whose disablement arose in the circumstances described in sub-section (1) (a).”;
- (b) by the substitution for subsection (4) of the following subsection:
“(4) The provisions of the War Pensions Act, 1942, shall *mutatis mutandis* apply to or in respect of a widow, child, parent or other dependant of a member whose death occurred in the circumstances described in subsection (1) (b).”;

59. Artikel 122 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
„(b) bedwelmende drank vir ander as geneeskundige doeleinades verskaf aan 'n kadet in uniform,";
(b) deur paragraaf (c) van bedoelde subartikel te skrap;
(c) deur subartikel (2) te skrap.

Wysiging van artikel 122 van Wet 44 van 1957, soos gewysig deur artikel 24 van Wet 77 van 1963 en artikel 20 van Wet 39 van 1966.

60. Artikel 125 van die Hoofwet word hierby deur die volgende artikel vervang:

Onregmatige bestuurlike be-
oordeelding oor
eiendom.

125. (1) 'n Lid van die Suid-Afrikaanse Weermag of die Reserwe of die Kadetkorps of 'n kragtens hierdie Wet ingestelde hulpdienst, wat sonder magtiging geld, diere, wapens, ammunisie, toebehore, klere, voorrade of enige ander artikels wat vir die doeleinades van bedoelde weermag, reserwe, korps of hulpdienst, aan hom toevertrou is of deur hom gehou word, weggee, verkoop, verpand, leen of op enige wyse daaroor beskik, of wat enige sodanige artikels aldus aan hom toevertrou of deur hom gehou, deur sy nalatigheid verloor, is aan 'n misdryf skuldig, en kan, afgesien van enige straf wat hom kragtens hierdie Wet vir daardie misdryf opgelê kan word, deur die hof of ander bevoegde gesag wat daardie straf ople, beveel word om enige verlies of tekort wat deur die pleeg van bedoelde misdryf veroorsaak is, aan te suiwer, en iedere sodanige skenking, verkoping, verpanding, lening of ander beskikking is nietig.

(2) Wanneer daar op 'n aanklag ingevolge hierdie artikel weens die verlies van 'n artikel deur nalatigheid, bewys word dat bedoelde artikel vir enige in subartikel (1) bedoelde doeleinades aan die beskuldigde toevertrou of deur hom gehou is, en dat hy in gebreke gebly het om bedoelde artikel aan iemand wat 'n hoër rang as hy beklee, op versoek te toon, word daar vermoed, totdat die teendeel bewys word, dat die beskuldigde bedoelde artikel deur sy nalatigheid verloor het.”.

61. Artikel 126 van die Hoofwet word hierby deur die volgende artikel vervang:

Pligsver-
suim.

126. 'n Lid van die Suid-Afrikaanse Weermag of die Reserwe wat sonder grondige rede, waarvan die bewyslas op hom rus, versuim om op 'n vir onderrig, opleiding of oefening aangewese tyd en plek te verskyn, of wat versuim om die volledige opleidingskursus wat in enige jaar hom opgedra is, behoorlik en met gepaste ywer te ondergaan of uit te voer of wat dit ontduik, is aan 'n misdryf skuldig.”.

62. Artikel 127 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

- „(a) in die geval van 'n misdryf in artikel 88, 101, 115, 118, 120, 121 of 123 bedoel, met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of sowel daardie boete as daardie gevangenisstraf;”.

Wysiging van artikel 127 van Wet 44 van 1957.

63. Artikel 130 van die Hoofwet word hierby gewysig deur in die Engelse teks in paragraaf (a) van subartikel (3) die woord „External” deur die woord „Foreign” te vervang.

Wysiging van artikel 130 van Wet 44 van 1957.

64. Artikel 145 van die Hoofwet word hierby gewysig—

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

„(2) Die bepalings van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942), is *mutatis mutandis* van toepassing op of ten opsigte van 'n lid wie se ongesiktheid onder die omstandighede in subartikel (1) (a) beskryf, ontstaan het;”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die bepalings van die Oorlogspensioenwet, 1942, is *mutatis mutandis* van toepassing op of ten opsigte van 'n weduwee, kind, ouer of ander afhanglike van 'n lid wie se dood onder die omstandighede in subartikel (1) (b) beskryf, plaasgevind het;”;

Wysiging van artikel 145 van Wet 44 van 1957, soos gewysig deur artikel 18 van Wet 80 van 1959, artikel 23 van Wet 12 van 1961 en artikel 27 van Wet 77 van 1963.

- (c) by the addition of the following subsections:
- “(5) For the purposes of the War Pensions Act, 1942, as applied by subsection (2) or (4) ‘termination of military service’ means—
- (a) in the case of a disablement referred to in subsection (1) (a) which is caused or aggravated during a period of full-time military service or training in terms of this Act, the date during such period on which the member concerned has last actually undergone such training or rendered such service;
- (b) in the case of such disablement which is caused or aggravated during any part-time or non-continuous training or service in terms of this Act, the date on which it is caused or aggravated;
- (c) in the case of a member who dies while rendering military service or undergoing training in terms of this Act, the date of his death.
- (6) The provisions of subsection (3) shall not apply in respect of a member to whom compensation has been awarded in terms of the provisions of the War Pensions Act, 1942, as applied by subsection (2).”.

Insertion of sections 146A and 146B in Act 44 of 1957.

65. The following sections are hereby inserted in the principal Act after section 146:

“Date of membership of Citizen Force or Force or commandos. A person becomes a member of the Citizen Force of a commando when he reports for service therein for the first time: Provided that any person who has been notified in terms of section 67 (4) of the date upon which and the place where he is required to commence service, shall be deemed to be a member of the Citizen Force or the commandos, as the case may be—

(a) for the purposes of section 104 (5), from the said date;

(b) for the purposes of section 145 or 146, from the date upon which he commences his journey by public transport to the said place.

Refusal of appointment or promotion in Citizen Force. **146B.** Any member of the Citizen Force or a commando may refuse an appointment to commissioned rank or promotion to non-commissioned officer’s rank in the Citizen Force or a commando only with the approval of a prescribed officer.”.

Amendment of section 153 of Act 44 of 1957, as amended by section 26 of Act 12 of 1961.

66. Section 153 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) This Act and any amendment thereof, whensoever enacted, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West African 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 said territory.”.

Training or service liabilities during 1967.

67. Any person who would have been liable to undergo training or render any service under the principal Act during the year 1967, if the Defence Amendment Act, 1967, had not been enacted, shall continue to be so liable until the thirty-first day of December, 1967, as if the lastmentioned Act had not been enacted.

Interpretation of certain references.

68. Any reference in the principal Act, as amended by this Act, to a person allotted in terms of Chapter VIII, shall be construed as including a reference to a person allotted under Chapter VIII of the principal Act prior to its amendment by this Act.

References to Secretary for Defence construed as references to head of Department of Defence.

69. Any reference in any law or document to the Secretary for Defence shall be construed as a reference to the person who, in terms of the Public Service Act, 1957 (Act No. 54 of 1957), is for the time being the head of the Department of Defence.

Application of sections 66 to 68.

70. Sections 66 to 68, both inclusive, shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 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 said territory.

- (c) deur die volgende subartikels by te voeg:
„(5) By die toepassing van die Oorlogspensioenwet, 1942, soos toegepas deur subartikel (2) of (4), beteken ‚beëindiging van militêre diens’—
(a) in die geval van 'n in subartikel (1) (a) bedoelde ongeskiktheid wat veroorsaak of vererger word gedurende enige tydperk van voltydse militêre diens of opleiding ingevolge hierdie Wet, die datum gedurende bedoelde tydperk waarop die betrokke lid laas werklik sodanige opleiding ondergaan of sodanige diens verrig het;
(b) in die geval van bedoelde ongeskiktheid wat gedurende enige deeltydse of onderbroke opleiding of diens ingevolge hierdie Wet veroorsaak of vererger word, die datum waarop dit veroorsaak of vererger word;
(c) in die geval van 'n lid wat sterf terwyl hy ingevolge hierdie Wet militêre diens doen of opleiding ondergaan, die datum van sy dood.
(6) Die bepalings van subartikel (3) is nie ten opsigte van 'n lid aan wie daar kragtens die bepalings van die Oorlogspensioenwet, 1942, soos deur subartikel (2) toegepas, vergoeding toegeken is, van toepassing nie.”

65. Die volgende artikels word hierby in die Hoofwet na artikel 146 ingevoeg:

Invoeging van
artikels 146A en
146B in Wet
44 van 1957.

„Datum van lidmaatskap van Burgermag of kommando's. 146A. 'n Persoon word lid van die Burgermag of 'n kommando wanneer hy hom vir die eerste keer vir diens daarin aanmeld: Met dien verstande dat 'n persoon wat ingevolge artikel 67 (4) in kennis gestel is van die datum waarop en die plek waar hy moet begin diens doen, geag word lid van die Burgermag of die kommando's te wees, na gelang van die geval—
(a) by die toepassing van artikel 104 (5), vanaf bedoelde datum;
(b) by die toepassing van artikel 145 of 146, vanaf die datum waarop hy sy reis per openbare vervoermiddel na bedoelde plek begin.

Weiering van aanstelling of bevordering in Burgermag. 146B. 'n Lid van die Burgermag of 'n kommando kan 'n aanstelling met offisiersrang of bevordering tot onder-offisiersrang in die Burgermag of 'n Burgermag. kommando slegs met goedkeuring van 'n voor- geskrewe offisier weier.”.

66. Artikel 153 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 153
van Wet 44 van
1957,
soos gewysig deur
artikel 26 van
Wet 12 van 1961.

„(1) Hierdie Wet en enige wysiging daarvan, wanneer ook al aangebring, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die ‚Rehoboth Gebiet' en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied.”.

67. 'n Persoon wat verplig sou wees om gedurende die jaar 1967 ingevolge die Hoofwet opleiding te ondergaan of diens te doen, indien die Wysigingswet op Verdediging, 1967, nie verorden was nie, bly aldus verplig tot die een-en-dertigste dag van Desember 1967, asof laasbedoelde Wet nie verorden is nie.

Opleiding of
diensverplig-
tinge gedurende
1967.

68. 'n Verwysing in die Hoofwet soos deur hierdie Wet gewysig, na 'n persoon toegewys ingevolge Hoofstuk VIII, word uitgelê ook as 'n verwysing na 'n persoon wat ingevolge Hoofstuk VIII van die Hoofwet voor die wysiging daarvan deur hierdie Wet, ingedeel is.

Uitleg van
sekere verwysings.

69. 'n Verwysing in 'n wet of dokument na die Sekretaris van Verdediging word uitgelê as 'n verwysing na die persoon wat ingevolge die Staatsdienswet, 1957 (Wet No. 54 van 1957), op die betrokke tydstip die hoof van die Departement van Verdediging is.

Verwysings na
Sekretaris van
Verdediging
uitgelê as verwy-
sing na hoof
van Departement
van Verdediging.

70. Artikels 66 tot en met 68 is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van bedoelde gebied bekend as die ‚Rehoboth Gebiet' en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van bedoelde gebied.

Toepassing van
artikels 66 tot 68.

Amendment of
section 9 of
Act No. 39 of
1966, as amended
by section 4 of
Act 69 of 1967.

71. Section 9 of the Civil Defence Act, 1966 (Act No. 39 of 1966), is hereby amended by the substitution for paragraphs (i) and (j) of subsection (2) of the following paragraphs:

- "(i) a member of the South African Defence Force, the Reserve of Officers, the Permanent Force Reserve, the Citizen Force Reserve or the Commando Reserve as defined in sections 5, 46, 47, 48 and 48A, respectively, of the Defence Act, 1957, other than a member exempted from service in terms of section 74bis of the said Defence Act, and also any person who is in the full-time service of the Department of Defence in any section of the South African Defence Force;
- (j) a member of the National Reserve referred to in section 49 of the Defence Act, 1957, who is under an age limit determined for the purposes of this paragraph by the Minister: Provided that the provisions of this paragraph shall not apply with reference to any such member who has been exempted from service in terms of section 74bis of the said Act.".

Short title and
commencement.

72. This Act shall be called the Defence Amendment Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

- 71.** Artikel 9 van die Wet op Burgerlike Beskerming, 1966 Wysiging van (Wet No. 39 van 1966), word hierby gewysig deur paragrawe (i) artikel 9 van en (j) van subartikel (2) deur die volgende paragrawe te vervang: Wet 39 van 1966, soos gewysig deur „(i) 'n lid van die Suid-Afrikaanse Weermag, die Reserwe artikel 4 van van Offisiere, die Staandemagreserwe, die Burger- 1967. magreserwe of die Kommandoreserwe soos onder- skeidelik in artikels 5, 46, 47, 48 en 48A van die Verdedigingswet, 1957 omskryf, behalwe 'n lid wat ingevolge artikel 74bis van bedoelde Verdedigingswet van diens vrygestel is, en ook iemand wat in die voltydse diens van die Departement van Verdediging by enige deel van die Suid-Afrikaanse Weermag is;
- (j) 'n lid van die in artikel 49 van die Verdedigingswet, 1957, bedoelde Nasionale Reserwe wat onder 'n ouderdomsgrens is wat vir die doeleindeste van hierdie paragraaf deur die Minister bepaal word: Met dien verstande dat die bepalings van hierdie paragraaf nie geld nie met betrekking tot so 'n lid wat ingevolge artikel 74bis van bedoelde Wet van diens vrygestel is.”.

72. Hierdie Wet heet die Wysigingswet op Verdediging, 1967, Kort titel en en tree in werking op 'n datum deur die Staatspresident by inwerkingtreding. proklamasie in die Staatskoerant bepaal.

No. 86, 1967.]

ACT

To provide for the establishment of a commission to deal with and exercise control over all matters in connection with the siting, erection, registration, use, alteration, closing, management and conduct of, and the performance of services at abattoirs, to bring about the co-ordination and rationalization of all matters relating to abattoirs and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)
(Assented to 19th June, 1967.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "abattoir" means a place where animals are slaughtered or are intended to be slaughtered and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are situated at the same place as such place; (i)
 - (ii) "agent", in relation to the Meat Board, means any person who, by virtue of a right granted under a scheme, performs a service at an abattoir, but does not include, except for the purposes of sections 40 and 45, a person who by virtue of such right slaughters animals at an abattoir; (ii)
 - (iii) "animal" means any member of any of the following kinds of animals, namely, cattle, sheep, goats, horses, pigs, mules, or donkeys, of any age, or any member of any other kind of animals to which the State President may by proclamation in the *Gazette* apply the provisions of this Act: Provided that a karakul lamb which is slaughtered mainly to obtain the pelt thereof shall not be deemed to be an animal for the purposes of this Act; (v)
 - (iv) "calf" means a bovine animal of which no portion of the backmost components of the fourth molar in the upper jaw has penetrated the gum; (x)
 - (v) "close", in relation to an abattoir, means to discontinue using such abattoir for the slaughter of animals or to discontinue allowing such abattoir to be used for the slaughter of animals; (xxiii)
 - (vi) "code" means the code published under section 43 (4); (xi)
 - (vii) "commission" means the Abattoir Commission established by section 2; (xii)
 - (viii) "department" means the Department of Agricultural Economics and Marketing; (iii)
 - (ix) "equipment" means any apparatus, implement or instrument, of any kind, used or intended to be used in the performance of a service; (xiv)
 - (x) "erection" includes the equipping, fitting out or preparing of a place for the slaughter of animals, and "erect" has a corresponding meaning; (xv)
 - (xi) "fixed equipment" means any equipment attached to the land occupied by an abattoir or to a building or structure which forms part of an abattoir; (xxv)
 - (xii) "inspector" means a person designated under section 44 (1) as an inspector; (ix)
 - (xiii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xvi)

No. 86, 1967.]

WET

Om voorsiening te maak vir die instelling van 'n kommissie om te handel met en beheer uit te oefen oor alle sake in verband met die plasing, oprigting, registrasie, gebruik, verandering, sluiting, bestuur en dryf van, en die verrigting van dienste by abattoirs, om die koördinering en rasionalisering van alle abattoiraangeleenthede te bewerkstellig en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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, Woord-omskrywing.

- (i) „abattoir”, 'n plek waar diere geslag word of wat vir die slag van diere bestem is, met inbegrip van al die fasiliteite wat normaalweg by so 'n plek tuishoort of daaraan verbonde is, ongeag of sodanige fasiliteite op dieselfde plek as so 'n plek geleë is, al dan nie; (i)
- (ii) „agent”, met betrekking tot die Vleisraad, enige persoon wat, uit hoofde van 'n reg kragtens 'n skema verleen, 'n diens by 'n abattoir verrig, maar omvat dit nie, behalwe by die toepassing van artikels 40 en 45, 'n persoon wat uit hoofde van sodanige reg diere by 'n abattoir slag nie; (ii)
- (iii) „departement”, die Departement van Landbouekonomie en -bemarking; (viii)
- (iv) „diens”, enige handeling wat by 'n abattoir verrig word—
 - (i) in verband met die ontvangs, hou en versorging van diere wat bestem is om by so 'n abattoir geslag te word;
 - (ii) in verband met die slag van diere by so 'n abattoir;
 - (iii) in verband met die behandeling, verwerking, hou en verkoop van produkte by so 'n abattoir;
 - (iv) deur 'n agent van die Vleisraad in verband met die toepassing van 'n skema by so 'n abattoir;
 - (v) in verband met die bestuur en dryf van so 'n abattoir; (xxiv)
- (v) „dier”, 'n lid van enigeen van die volgende soorte diere, te wete, beeste, skape, bokke, perde, varke, muile of donkies, van enige ouderdom, of 'n lid van enige ander soort diere waarop die Staatspresident by proklamasie in die *Staatskoerant* die bepalings van hierdie Wet van toepassing verklaar: Met dien verstande dat 'n karakoellam wat geslag word hoofsaaklik vir die verkryging van die pels daarvan, nie geag word 'n dier by die toepassing van hierdie Wet te wees nie; (iii)
- (vi) „eenheid”, een bees, of een perd, of een muil, of een donkie, of vyftien skape of bokke of skape en bokke tesame, of vyf varke of drie kalwers; (xxvii)
- (vii) „eiennaar”, die persoon by wie die eiendomsreg op 'n abattoir berus, of, in die geval van 'n abattoir ten opsigte waarvan die reg van algemene beheer berus by 'n ander persoon as die persoon by wie die eiendomsreg berus, daardie ander persoon; (xvii)
- (viii) „hierdie Wet”, ook die regulasies; (xxvi)
- (ix) „inspekteur”, 'n persoon wat kragtens artikel 44 (1) as 'n inspekteur aangewys is; (xii)
- (x) „kalf”, 'n bees waarvan geen gedeelte van die agterste komponente van die vierde kiestand in die bokaak deur die tandvleis gebreek het nie; (iv)

- (xiv) "Meat Board" means the Livestock and Meat Industries Control Board, established by section 3 of the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934); (xxvi)
- (xv) "Minister" means the Minister of Agricultural Economics and Marketing; (xiii)
- (xvi) "operator", in relation to an abattoir, means a person, other than the owner of such abattoir or an agent of the Meat Board, who carries on a business for his own account and who, for the purposes of such a business, uses such abattoir for the performance of a service; (xiv)
- (xvii) "owner" means the person in whom the ownership of any abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom such ownership is vested, that other person; (vii)
- (xviii) "prescribed" means prescribed by regulation; (xxvii)
- (xix) "product" any portion of a slaughtered animal including any object which is derived from such portion through processing; (xvii)
- (xx) "register", when used as a noun, means the register referred to in section 50, and when used as a verb, means to enter in the register the name of an abattoir, or other particulars identifying such abattoir, against the name of the owner of such abattoir, and "registered" has a corresponding meaning; (xviii)
- (xxi) "regulation" means a regulation made and in force under this Act; (xix)
- (xxii) "scheme" means a scheme for the regulation of the marketing of slaughter animals which the Meat Board applies under the provisions of the Marketing Act, 1937 (Act No. 26 of 1937), at an abattoir; (xxi)
- (xxiii) "Secretary" means the Secretary of the Department; (xx)
- (xxiv) "service" means any act performed at an abattoir—
 - (i) in connection with the acceptance, keeping and care of animals intended to be slaughtered at such abattoir;
 - (ii) in connection with the slaughter of animals at such abattoir;
 - (iii) in connection with the treatment, processing, keeping and sale of products at such abattoir;
 - (iv) by an agent of the Meat Board in connection with the application of a scheme at such abattoir;
 - (v) in connection with the management and conduct of such abattoir; (iv)
- (xxv) "slaughter" means killing with the intention of using the products derived from the animal in question for consumption by human beings or animals; (xxii)
- (xxvi) "this Act" includes the regulations; (viii)
- (xxvii) "unit" means one head of cattle, or one horse, or one mule, or one donkey, or fifteen sheep or goats or sheep and goats together, or five pigs or three calves. (vi)

**Establishment
of Abattoir
Commission.**

2. There is hereby established a commission to be known as the Abattoir Commission, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the attainment of its objects, the performance of its functions and the exercise of its powers.

**Objects of
the commission.**

3. The objects of the commission shall be to deal with and control, in accordance with a policy determined by the commission with the approval of the Minister, all matters in connection with the siting, erection, registration, use, alteration, closing and the management and conduct of, and the performance of services at, abattoirs and to bring about the co-ordination and rationalization of matters relating to abattoirs.

**Functions and
powers of the
commission.**

4. The functions of the commission shall be to endeavour to achieve the objects for which it is established with all the means at its disposal, and for the purpose of achieving those objects the commission shall, subject to the provisions of this Act, have power, in addition to any other powers vested in it by this Act—

- (a) with the prior approval of, and on the conditions determined by the Minister, to acquire, hire, let, hypothecate, sell or otherwise alienate immovable property;

- (xi) „kode”, die kragtens artikel 43 (4) gepubliseerde kode; (vi)
- (xii) „kommissie”, die by artikel 2 ingestelde Abattoirkommissie; (vii)
- (xiii) „Minister”, die Minister van Landbou-ekonomie en -bemarking; (xv)
- (xiv) „operateur”, met betrekking tot 'n abattoir, 'n persoon, behalwe die eienaar van so 'n abattoir of 'n agent van die Vleisraad, wat 'n besigheid vir eie rekening dryf en wat vir die doeleindes van so 'n besigheid so 'n abattoir gebruik vir die verrigting van 'n diens; (xvi)
- (xv) „oprigting”, ook die inrigting, toerusting of voorbereiding van 'n plek vir die slag van diere, en het „oprig” 'n ooreenstemmende betekenis; (x)
- (xvi) „plaaslike bestuur”, 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xiii)
- (xvii) „produk”, enige deel van 'n geslagte dier met inbegrip van enige voorwerp wat deur verwerking van so 'n deel verkry word; (xix)
- (xviii) „register” die in artikel 50 bedoelde register, en „regstreer” om die naam van 'n abattoir, of ander besonderhede wat so 'n abattoir identifiseer, teenoor die naam van die eienaar van so 'n abattoir in die register in te skrywe en het „geregistreer” 'n ooreenstemmende betekenis; (xx)
- (xix) „regulasie”, 'n regulasie kragtens hierdie Wet uitvaardig en van krag; (xxi)
- (xx) „Sekretaris”, die Sekretaris van die Departement; (xxiii)
- (xxi) „skema”, 'n skema vir die reëling van die bemarking van slagvee wat die Vleisraad kragtens die bepalings van die Bemarkingswet, 1937 (Wet No. 26 van 1937), by 'n abattoir toepas; (xxii)
- (xxii) „slag”, doodmaak ten einde die produkte wat van die betrokke dier verkry word vir verbruik deur mense of diere te gebruik; (xxv)
- (xxiii) „sluit”, met betrekking tot 'n abattoir, ophou om so 'n abattoir vir die slag van diere te gebruik, of ophou om toe te laat dat so 'n abattoir vir die slag van diere gebruik word; (v)
- (xxiv) „toerusting”, enige apparaat, implement of instrument, van enige aard, wat by die verrigting van 'n diens gebruik word of daarvoor bestem is; (ix)
- (xxv) „vaste toerusting” enige toerusting wat aan die grond wat deur 'n abattoir beslaan word of aan 'n gebou of struktuur wat deel van 'n abattoir uitmaak, geheg is; (xi)
- (xxvi) „Vleisraad”, die raad van Beheer oor die Vee- en Vleisnywerhede, ingestel deur artikel 3 van die Wet op die Vee- en Vleisnywerhede, 1934 (Wet No. 48 van 1934); (xiv)
- (xxvii) „voorgeskrewe”, of „voorgeskryf”, by regulasie voorgeskryf. (xviii)

2. Hierby word 'n kommissie ingestel wat die Abattoirkommissie heet, wat met regspersoonlikheid beklee is en wat in sy naam as regspersoon as eiser en verweerde in regte kan optree, en wat alle handelinge kan verrig wat nodig is vir of in verband staan met die bereiking van sy oogmerke, die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.

3. Die oogmerke van die kommissie is om ooreenkomsdig 'n Oogmerke van beleid deur die kommissie met die goedkeuring van die Minister bepaal, te handel met en beheer uit te oefen oor alle aangeleenthede in verband met die plasing, oprigting, registrasie, gebruik, verandering, sluiting en die bestuur en dryf van, en die verrigting van dienste by, abattoirs en om die koördinering en rasionalisering van abattoiraangeleenthede te bewerkstellig.

4. Die werksaamhede van die kommissie is om met al die middele waарoor hy beskik die oogmerke waarmee hy ingestel is, te probeer bereik, en ten einde dié oogmerke te bereik, het die kommissie, behoudens die bepalings van hierdie Wet, die bevoegdheid, benewens enige ander bevoegdhede wat deur hierdie Wet aan hom verleen word—

- (a) om, met die voorafverkree goedekeuring van, en op die voorwaardes bepaal deur die Minister, onroerende goed te verkry, te huur, te verhuur, te verhipotekeer, te verkoop of op 'n ander wyse te vervreem;

- (b) to acquire, hire, let, sell or otherwise alienate movable property;
- (c) to have the work incidental to the performance of its functions and the exercise of its powers performed by—
 - (i) persons employed by it on conditions approved by the Minister;
 - (ii) persons appointed by it with the approval of the Minister for the performance of specified tasks or for specified periods;
 - (iii) officers in the public service seconded to the service of the commission in terms of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957);
- (d) with the prior approval of, and on conditions determined by the Minister, to borrow and invest money;
- (e) to open accounts with banking institutions approved by the Minister;
- (f) to adopt such measures as it may deem necessary or desirable to ensure that abattoirs are managed and conducted and services are performed in a manner which is, in its opinion, orderly, economical and effective;
- (g) to advise the Minister on all matters relating to abattoirs;
- (h) to undertake studies and conduct experiments in connection with the management and conduct of abattoirs or the performance of services;
- (i) to gather and process technical and other information in connection with the design, planning, management and conduct of abattoirs or the performance of services;
- (j) to give, gratis or for remuneration, advice and guidance or assistance in connection with the design, planning, management and conduct of abattoirs or the performance of services;
- (k) to require persons concerned in the management and conduct of abattoirs or the performance of services to supply, in connection with such management, conduct or performance, the information determined by it, and to require such persons to give the aid and assistance which may be reasonably necessary for the gathering and the rendering available of information required by it;
- (l) with the approval of the Minister, to form an association referred to in section 21 of the Companies Act, 1926 (Act No. 46 of 1926), for the erection, management and conduct of an abattoir or the performance of a service;
- (m) with the approval of the Minister, to collaborate with anyone in the performance of an act which the commission is by law permitted to perform;
- (n) with the prior approval of, and on the conditions determined by the Minister, to—
 - (i) take expert advice;
 - (ii) grant financial assistance for study and research relating to abattoirs;
 - (iii) lend money for the erection, extension or management and conduct of abattoirs;
- (o) to become a member of an association or organization which exerts itself for the promotion of knowledge and the development of trades and occupations related to the abattoir trade;
- (p) with the approval of the Minister, to accept moneys and property which is given to it by way of donation, award or otherwise;
- (q) generally, with the approval of the Minister, to do such things as will, in the opinion of the commission, contribute towards the attainment of its objects.

**Constitution
of the
commission.**

5. (1) The commission shall consist of three, four or five members as may from time to time be determined by the State President.

(2) The members of the commission shall be appointed by the State President.

(3) At least one of the members of the commission shall be designated by the State President to occupy himself full-time with the affairs of the commission: Provided that if a member so designated is absent or unable to perform his duties, the Minister may designate another member of the commission or a temporary member referred to in section 7 to perform during his absence or incapacity, the duties of the absent member.

- (b) om roerende goed te verkry, te huur, te verhuur, te verkoop of andersins te vervreem;
- (c) om die werk verbonde aan die verrigting van sy werkzaamhede en die uitoefening van sy bevoegdhede te laat verrig deur—
 - (i) persone wat hy op voorwaardes wat die Minister goedkeur, in diens neem;
 - (ii) persone wat hy, met die goedkeuring van die Minister, vir die verrigting van bepaalde take of vir bepaalde tydperke aanstel;
 - (iii) beampies in die staatsdiens wat ingevolge artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), aan die diens van die kommissie afgestaan word;
- (d) om, met die voorafverkreeë goedkeuring van, en op die voorwaardes bepaal deur die Minister, geld te leen en te belê;
- (e) om rekenings te open by bankinstellings wat die Minister goedkeur;
- (f) om die maatreëls te tref wat hy nodig of wenslik aatten einde te verseker dat abattoirs bestuur en gedryf word en dienste verrig word op 'n wyse wat na sy mening ordelik, ekonomies en doeltreffend is;
- (g) om die Minister van advies te dien oor alle aangeleenthede in verband met abattoirs;
- (h) om studies te onderneem en proefnemings te doen in verband met die bestuur en dryf van abattoirs of die verrigting van dienste;
- (i) om tegniese en ander inligting in verband met die ontwerp, beplanning, bestuur en dryf van abattoirs of die verrigting van dienste in te win en te verwerk;
- (j) om teen of sonder vergoeding advies en leiding te gee of hulp te verleen in verband met die ontwerp, beplanning, bestuur en dryf van abattoirs of die verrigting van dienste;
- (k) om persone wat betrokke is by die bestuur en dryf van abattoirs of die verrigting van dienste, te gelas om in verband met sodanige bestuur, dryf of verrigting, die inligting te verstrek wat hy bepaal, en om sodanige persone te gelas om die hulp en bystand te verleen wat redelikerwys nodig mag wees vir die insameling en beskikbaarstelling van inligting wat hy nodig het;
- (l) om, met die goedkeuring van die Minister, 'n vereniging in artikel 21 van die Maatskappyewet, 1926 (Wet No. 46 van 1926), vermeld, op te rig vir die oprigting, bestuur en dryf van 'n abattoir of vir die verrigting van 'n diens;
- (m) om, met die goedkeuring van die Minister, met enigeen saam te werk by die verrigting van 'n handeling wat die kommissie regtens kan verrig;
- (n) om, met die voorafverkreeë goedkeuring van, en op die voorwaardes bepaal deur die Minister,—
 - (i) deskundige advies in te win;
 - (ii) finansiële hulp te verleen vir studie en navorsing in verband met abattoirs;
 - (iii) geld uit te leen vir die oprigting, uitbreiding of bestuur en dryf van abattoirs;
- (o) om 'n lid te word van 'n vereniging of organisasie wat hom beywer vir die bevordering van kennis en die ontwikkeling van bedrywe en beroepe wat met die abattoirbedryf in verband staan;
- (p) om, met die goedkeuring van die Minister, geld of goed aan te neem wat by wyse van skenking, toekenning of andersins aan die kommissie gegee word;
- (q) om, in die algemeen, met die goedkeuring van die Minister, die dinge te doen wat na die kommissie se oordeel sal bydra tot die bereiking van sy oogmerke.

5. (1) Die kommissie bestaan uit drie, vier of vyf lede soos van tyd tot tyd deur die Staatspresident bepaal. Samestelling van die kommissie.

(2) Die lede van die kommissie word deur die Staatspresident aangestel.

(3) Minstens een van die lede van die kommissie word deur die Staatspresident aangewys om hom voltyds met die verrigting van die werk van die kommissie besig te hou: Met dien verstande dat indien 'n lid wat aldus aangewys is, afwesig is of nie in staat is om sy pligte te verrig nie, die Minister 'n ander lid van die kommissie of 'n in artikel 7 bedoelde tydelike lid kan aanstel om gedurende sy afwesigheid of onvermoë, die pligte van die afwesige lid te verrig.

Period of office and remuneration of members of the commission.

6. (1) A member of the commission shall be appointed for such period, not exceeding five years, as the State President may determine at the time of appointment.
(2) Any person whose period of office as a member of the commission has expired, shall be eligible for reappointment.
(3) A member of the commission, other than a person who is an officer in the service of the State, shall hold office upon such conditions (including the payment of remuneration and allowances) as the State President may determine.
(4) A member of the commission who is an officer in the service of the State may, in addition to his remuneration as an officer, be paid such allowance as the State President may determine.
(5) Any remuneration or allowances which may become payable under subsection (3) or (4), shall be paid out of the funds of the commission.

Appointment of temporary member of the commission.

7. The Minister may, if he deems fit, appoint a person, for a period not exceeding three months, as a temporary member of the commission on such conditions (including the payment of remuneration and allowances) as he may determine and such temporary member shall hold office during the period for which he is appointed as if he were a member of the commission: Provided that the commission, including a member thus appointed, shall not consist of more than five members.

Vacation of office by members of the commission and filling of vacancies.

8. (1) A member of the commission shall vacate his office—
(a) if his estate is sequestrated or a notice is published in respect of him under section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);
(b) if he becomes of unsound mind;
(c) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine;
(d) if he dies or resigns;
(e) if he is removed from office under subsection (2);
(f) upon his election to the Senate, the House of Assembly or a Provincial Council or to the Legislative Assembly of South-West Africa.
(2) A member of the commission may at any time be removed from office by the State President.
(3) If a member of the commission ceases to hold office, the State President shall appoint a person to fill the vacancy on the commission.

Chairman and acting chairman.

9. (1) The State President shall designate one of the members of the commission as chairman.
(2) If the chairman of the commission ceases to hold office as a member of the commission or as chairman of the commission the State President shall, subject to the provisions of subsection (1), designate a new chairman.
(3) Whenever the chairman of the commission is absent or is unable to perform his functions as chairman, the Minister may designate another member or a temporary member referred to in section 7 to act as chairman during the absence or incapacity of the chairman.
(4) Such member shall, while acting as chairman, have all the powers and perform all the functions of the chairman.

Meetings and decisions.

10. (1) A meeting of the commission shall be held at a time and place to be determined by the chairman of the commission.
(2) The chairman of the commission, or the person designated under section 9 (3) to act as chairman of the commission, as the case may be, and one other member of the commission, if it consists of three members, or two other members of the commission, if it consists of four or five members, shall form a quorum for any meeting of the commission.
(3) The decision of a majority of the members of the commission present at a meeting of the commission, shall constitute a decision of the commission, and in the event of an equality of votes in regard to any matter, the chairman of the commission, or the person designated under section 9 (3) to act as chairman of the commission, as the case may be, shall have a casting vote in addition to his deliberative vote: Provided that a decision taken at a meeting of the commission in respect of which the chairman of the commission or such person, as the case may be, and one other member thereof constitute a quorum and at which only the chairman of the commission or such person, as the case may be, and one other member thereof, are present, shall not constitute a decision of the commission unless the decision is unanimously taken.

6. (1) 'n Lid van die kommissie word aangestel vir die tydperk, maar hoogstens vyf jaar, wat die Staatspresident ten tyde van die aanstelling bepaal.

Ampstermy en besoldiging van lede van die kommissie.

(2) Iemand wie se ampstermy as lid van die kommissie verstryk het, kan weer aangestel word.

(3) 'n Lid van die kommissie, behalwe iemand wat 'n beampete in diens van die Staat is, beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat die Staatspresident bepaal.

(4) Aan 'n lid van die kommissie wat 'n beampete in diens van die Staat is, kan benewens sy besoldiging as beampete, die toelae betaal word wat die Staatspresident bepaal.

(5) Enige besoldiging of toelaes wat kragtens subartikel (3) of (4) betaalbaar word, word uit die fondse van die kommissie betaal.

7. Die Minister kan, indien hy dit dienstig ag, iemand vir 'n Aanstelling van tydperk van hoogstens drie maande as tydelike lid van die kommissie aanstel op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat hy bepaal en so 'n tydelike lid beklee sy amp gedurende die tydperk waarvoor hy aangestel is asof hy 'n lid van die kommissie is: Met dien verstande dat die kommissie, met inbegrip van 'n lid aldus aangestel, nie uit meer as vyf lede mag bestaan nie.

8. (1) 'n Lid van die kommissie ontruim sy amp—

Ontruiming van amp deur lede van die kommissie en vul van vakature.

(a) as sy boedel gesekwestreer word of 'n kennisgewing kragtens artikel 22 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), met betrekking tot hom gepubliseer word;

(b) as hy kranksinnig word;

(c) as hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(d) as hy sterf of as lid bedank;

(e) as hy kragtens subartikel (2) van sy amp onthef word;

(f) by sy verkiesing tot die Senaat, die Volksraad of 'n Provinsiale Raad of tot die Wetgewende Vergadering van Suidwes-Afrika.

(2) 'n Lid van die kommissie kan te eniger tyd deur die Staatspresident van sy amp onthef word.

(3) Indien 'n lid van die kommissie ophou om sy amp te beklee, moet die Staatspresident iemand aanstel om die vakature in die kommissie te vul.

9. (1) Die Staatspresident wys een van die lede van die kommissie as voorsitter aan.

Voorsitter en waarnemende voorsitter.

(2) Indien die voorsitter van die kommissie ophou om sy amp as lid van die kommissie of as voorsitter van die kommissie te beklee, moet die Staatspresident, behoudens die bepalings van subartikel (1), 'n nuwe voorsitter aanwys.

(3) Wanneer die voorsitter van die kommissie afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, kan die Minister 'n ander lid of 'n in artikel 7 bedoelde tydelike lid aanwys om gedurende die afwesigheid of onvermoë van die voorsitter as voorsitter waar te neem.

(4) Terwyl hy as voorsitter waarneem, het sodanige lid al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

10. (1) 'n Vergadering van die kommissie word gehou op 'n Vergaderings en besluite.

(2) Die voorsitter van die kommissie, of die persoon kragtens artikel 9 (3) aangewys om as voorsitter van die kommissie waar te neem, na gelang van die geval, en een ander lid van die kommissie, indien dit uit drie lede bestaan, of twee ander lede van die kommissie, indien dit uit vier of vyf lede bestaan, maak 'n kworum vir 'n vergadering van die kommissie uit.

(3) Die beslissing van 'n meerderheid van die lede van die kommissie wat op 'n kommissievergadering aanwesig is, maak 'n besluit van die kommissie uit, en by 'n staking van stemme oor enige aangeleentheid, het die voorsitter van die kommissie, of die persoon wat kragtens artikel 9 (3) aangewys is om as voorsitter van die kommissie waar te neem, na gelang van die geval, benewens sy beraadslagende stem ook 'n beslissende stem: Met dien verstande dat 'n beslissing wat geneem word op 'n kommissievergadering ten opsigte waarvan die voorsitter van die kommissie of bedoelde persoon, na gelang van die geval, en een ander lid daarvan 'n kworum uitmaak en waarop slegs die voorsitter van die kommissie of bedoelde persoon, na gelang van die geval, en een ander lid daarvan, aanwesig is, nie 'n besluit van die kommissie uitmaak nie tensy die beslissing eenparig geneem word.

(4) No decision taken by the commission or act performed under authority of the commission, shall be invalid by reason only of a vacancy on the commission or of the fact that a person who is not entitled to sit as member of the commission sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the commission who were present at the time and entitled to sit as members.

Delegation of powers to chairman or committee.

11. (1) The commission may, with the approval of the Minister and on the conditions determined by the commission, delegate any of its powers—

- (a) to its chairman; or
- (b) if the commission consists of more than three members, to a committee consisting of two of its members.

(2) The commission shall not be divested of a power which it has delegated under subsection (1) to its chairman or a committee.

Insurance.

12. The commission may, with the approval of the Minister, provide insurance cover—

- (a) for a member of the commission, except a member who is an officer in the service of the State, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of his duties as a member of the commission; and
- (b) for the commission against any loss, damage, risk or liability which it may suffer or incur.

Slaughter of animals prohibited at unregistered abattoirs.

13. (1) No person shall, as from a date to be fixed by the State President by proclamation in the *Gazette*, slaughter any animal or perform any service or permit any animal to be slaughtered or any service to be performed at any place other than a registered abattoir.

(2) An abattoir owned by the commission shall for the purposes of this Act be deemed to be registered.

Application for registration of abattoir.

14. Every application for the registration of an abattoir shall be made by the owner of such abattoir to the commission in the prescribed manner and shall be accompanied by the prescribed amount and particulars and the other particulars required by the commission in connection therewith.

15. (1) Upon receipt of an application for the registration of an abattoir—

- (a) which at the date of commencement of this Act is used for the slaughter of animals;
- (b) which at that date is in the process of erection;
- (c) which was erected under section 20; or
- (d) which was erected in terms of an agreement referred to in section 30,

the commission shall register such abattoir, subject to such conditions as it may determine.

(2) The conditions referred to in subsection (1) may also refer to—

- (a) the number of units or the number of animals of a specified kind or class which may be slaughtered during a specified period at the abattoir concerned;
- (b) the kind or class of animals which may be slaughtered at the abattoir concerned;
- (c) the use of the abattoir concerned by persons or classes of persons;
- (d) the use of the abattoir concerned for the slaughter of animals with reference to the purpose for which the products of such animals are obtained or the manner in which such products will be dealt with;
- (e) the services which shall or may be performed at the abattoir concerned;
- (f) the persons by whom and the manner in which services shall or may be performed at the abattoir concerned;
- (g) the manner in which the performance of services shall be co-ordinated at the abattoir concerned;
- (h) the period for which the abattoir concerned is registered;
- (i) the date on which the abattoir concerned shall or may be put into service for the slaughter of animals;
- (j) the management and conduct of the abattoir concerned.

Procedure in connection with applications for registration of abattoirs except those referred to in section 15 (1).

16. (1) Upon receipt of an application for the registration of an abattoir, except an abattoir referred to in section 15 (1), the commission shall give notice thereof in the prescribed manner and shall request interested persons to submit to the commission written representations or objections in the pre-

(4) Geen besluit geneem deur die kommissie of handeling op gesag van die kommissie verrig, is ongeldig nie bloot vanweë 'n vakature in die kommissie of omdat 'n persoon wat nie geregtig is om as 'n kommissielid sitting te neem nie, as 'n kommissielid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die kommissie wat toe aanwesig was en geregtig was om as lede sitting te neem.

11. (1) Die kommissie kan, met die goedkeuring van die Minister en op die voorwaardes wat die kommissie bepaal, enige van sy bevoegdhede deleer—

- (a) aan sy voorsitter; of
- (b) indien die kommissie uit meer as drie lede bestaan, aan 'n komitee bestaande uit twee van sy lede.

(2) Die kommissie word nie onthef van 'n bevoegdheid wat hy kragtens subartikel (1) aan sy voorsitter of 'n komitee gedeel geer het nie.

12. Die kommissie kan, met die goedkeuring van die Minister, Versekering, by wyse van versekering, voorsiening maak vir dekking—

- (a) van 'n lid van die kommissie, uitgesonderd 'n lid wat 'n beampie in diens van die Staat is, ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat in die loop van die verrigting van sy pligte as lid van die kommissie plaasvind; en
- (b) van die kommissie teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop.

13. (1) Niemand mag, vanaf 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, 'n dier slag of 'n diens verrig of toelaat dat 'n dier geslag of 'n diens verrig word by 'n plek behalwe by 'n geregistreerde abattoir nie.

(2) 'n Abattoir waarvan die kommissie die eienaar is, word by die toepassing van hierdie Wet geag geregistreer te wees.

14. Elke aansoek om die registrasie van 'n abattoir word deur die eienaar van sodanige abattoir by die kommissie op die voorgeskrewe wyse gedoen en gaan vergesel van die voorgeskrewe bedrag en besonderhede en die ander besonderhede wat die kommissie in verband daarmee vereis.

15. (1) By ontvangs van 'n aansoek om die registrasie van 'n abattoir—

- (a) wat op die datum van die inwerkingtreding van hierdie Wet vir die slag van diere gebruik word;
- (b) wat op daardie datum nog opgerig word;
- (c) wat kragtens artikel 20 opgerig is; of
- (d) wat uit hoofde van 'n in artikel 30 vermelde ooreenkoms opgerig is,

moet die kommissie sodanige abattoir, onderworpe aan die voorwaardes wat hy bepaal, registreer.

(2) Die in subartikel (1) bedoelde voorwaardes kan ook betrekking hê op—

- (a) die aantal eenhede of die aantal diere van 'n bepaalde soort of klas wat binne 'n bepaalde tyd by die betrokke abattoir geslag mag word;
- (b) die soort of klas diere wat by die betrokke abattoir geslag mag word;
- (c) die gebruik van die betrokke abattoir deur persone of klasse van persone;
- (d) die gebruik van die betrokke abattoir vir die slag van diere na aanleiding van die doel waarvoor die produkte van sodanige diere verkry word of die wyse waarop met sodanige produkte gehandel sal word;
- (e) die dienste wat by die betrokke abattoir verrig moet of mag word;
- (f) die persone deur wie en die wyse waarop dienste by die betrokke abattoir verrig moet of mag word;
- (g) die wyse waarop die verrigting van dienste by die betrokke abattoir gekoördineer moet word;
- (h) die tydperk waarvoor die betrokke abattoir geregistreer word;
- (i) die datum waarop die betrokke abattoir vir die slag van diere in gebruik geneem moet of mag word;
- (j) die bestuur en dryf van die betrokke abattoir.

16. (1) By ontvangs van 'n aansoek om die registrasie van 'n abattoir, uitgesonderd 'n in artikel 15 (1) bedoelde abattoir, moet die kommissie op die voorgeskrewe wyse daarvan kennis gee en alle belanghebbendes versoek om enige skriftelike vertoë of besware in verband met die aansoek binne 'n bepaalde

Procedure in verband met aansoeke om registrasie van abattoirs behalwe dié in artikel 15 (1) bedoel.

scribed form within a specified period which shall not be less than four weeks as from the date on which notice was thus given.

(2) After consideration of the representations or objections referred to in subsection (1), the commission shall grant such application, subject to the conditions it may determine, or refuse it.

(3) The conditions referred to in subsection (2) may refer to—

- (a) (i) the fitting out and preparation of the abattoir concerned for the performance of services;
- (ii) the provision at the abattoir concerned of facilities;
- (iii) the installation and provision at the abattoir concerned of equipment;
- (iv) the lay-out, size and capacity of the abattoir concerned;
- (v) any other matter which is, in the opinion of the commission, related to the aforesaid matters; and

(b) any matter referred to in section 15 (2).

Notification of and objections to decision of commission concerning an application referred to in section 16 (1).

17. (1) When the commission has taken a decision in connection with an application referred to in section 16 (1), it shall publish such decision in the prescribed manner and shall forthwith serve a notice on the applicant concerned and every person who has submitted representations and objections relating to such application to it.

(2) Such notice shall contain the decision of the commission and shall specify a period, which shall not be less than thirty days as from the date on which the decision was published, within which objections to such decision may be submitted to the commission.

(3) Any person upon whom such notice is served, may, within the period referred to in subsection (2), submit written objections to such decision together with the prescribed amount to the commission.

(4) If no objections are submitted under subsection (3), such decision shall take effect on the day immediately following the day on which the period referred to in subsection (2) expires, and if such objections are submitted, such decision, as confirmed or amended by the Minister under section 18 (2), shall take effect on the day on which it is thus confirmed or amended.

Confirmation or amendment of decision of commission by the Minister.

18. (1) If objections are submitted to the commission under section 17 (3), it shall submit such objections, together with the decision in question and all documents relating to such decision, immediately after expiration of the period referred to in section 17 (2), to the Minister.

(2) The Minister shall confirm or amend such decision, or shall order that the commission shall hold an enquiry under section 41 before he confirms or amends such decision.

(3) The Minister shall determine how any amount paid under section 17 (3) shall be disposed of.

Registration of abattoirs except abattoirs referred to in section 15 (1).

19. If an application referred to in section 16 (1) is granted, the commission shall register the abattoir concerned immediately after the decision whereby such application is granted, has become effective: Provided that such abattoir shall not be deemed to be registered until all conditions, referred to in section 16 (3) (a) and imposed in respect of the granting of such application, have been complied with to the satisfaction of the commission.

Erection of abattoir without approval of the commission prohibited.

20. (1) No person shall erect an abattoir without the prior written approval of the commission.

(2) The provisions of sections 16, 17 and 18 shall apply *mutatis mutandis* in respect of an application for such approval: Provided that the conditions on which such approval is granted, may only relate to the matters referred to in section 16 (3) (a).

(3) When the conditions imposed in respect of the granting of such approval have been complied with to the satisfaction of the commission, the owner of the abattoir concerned may apply for the registration thereof.

Registration certificates.

21. (1) (a) The commission shall issue to the owner of a registered abattoir a certificate of registration in the prescribed form in respect of such abattoir.

(b) Such certificate shall remain the property of the commission.

(2) The owner of a registered abattoir shall cause such certificate to be displayed at all times in a prominent position at or near the main entrance of the abattoir.

tydperk, wat nie korter as vier weke vanaf die datum waarop aldus kennis gegee is, mag wees nie, op die voorgeskrewe wyse aan die kommissie voor te lê.

(2) Na oorweging van die vertoë of besware in subartikel (1) bedoel, moet die kommissie sodanige aansoek, onderworpe aan die voorwaardes wat hy bepaal, toestaan, of dit van die hand wys.

(3) Die in subartikel (2) bedoelde voorwaardes kan ook betrekking hê op—

- (a) (i) die inrigting en voorbereiding van die betrokke abattoir vir die verrigting van dienste;
 - (ii) die verskaffing by die betrokke abattoir van fasilitete;
 - (iii) die installering en verskaffing by die betrokke abattoir van toerusting;
 - (iv) die uitleg, omvang en kapasiteit van die betrokke abattoir;
 - (v) enige ander aangeleentheid wat, na die oordeel van die kommissie, met die voornoemde aangeleentheid in verband staan; en
- (b) enige aangeleentheid in artikel 15 (2) bedoel.

17. (1) Wanneer die kommissie 'n besluit in verband met 'n Kennisgewing van in artikel 16 (1) bedoelde aansoek geneem het, moet hy sodanige en besware teen besluit op die voorgeskrewe wyse publiseer en onverwyld 'n besluit van die kennisgewing aan die betrokke aansoeker en elke persoon wat betreffende 'n in vertoë of besware aangaande so 'n aansoek aan hom voorgelê artikel 16 (1) bedoelde aansoek. het, bestel.

(2) Sodanige kennisgewing moet die besluit van die kommissie bevat en moet 'n tydperk vermeld wat nie korter mag wees nie as dertig dae vanaf die datum waarop die besluit gepubliseer is, waarin besware teen so 'n besluit aan die kommissie voorgelê kan word.

(3) Iedereen aan wie sodanige kennisgewing bestel word, kan binne die tydperk in subartikel (2) vermeld, skriftelike besware teen sodanige besluit tesame met die voorgeskrewe bedrag, aan die kommissie voorlê.

(4) Indien geen besware kragtens subartikel (3) voorgelê word nie, word sodanige besluit van krag op die dag wat onmiddellik volg op die dag waarop die in subartikel (2) bedoelde tydperk verstryk, en indien sodanige besware voorgelê word, word sodanige besluit, soos deur die Minister kragtens artikel 18 (2) bekragtig of gewysig, van krag op die dag waarop dit aldus bekragtig of gewysig word.

18. (1) Indien besware kragtens artikel 17 (3) aan die kommissie voorgelê word, moet hy sodanige besware, tesame met die betrokke besluit en alle stukke wat op sodanige besluit betrekking het, onmiddellik na verstryking van die in artikel 17 (2) bedoelde tydperk, aan die Minister voorlê. Bekragtiging of
wysiging van
besluit van
kommissie deur
Minister.

(2) Die Minister moet so 'n besluit bekragtig of wysig of gelas dat die kommissie 'n ondersoek kragtens artikel 41 hou alvorens hy so 'n besluit bekragtig of wysig.

(3) Die Minister moet bepaal hoe oor enige bedrag wat ingevolge artikel 17 (3) betaal is, beskik moet word.

19. Indien 'n in artikel 16 (1) bedoelde aansoek toegestaan word, moet die kommissie die betrokke abattoir regstreer onmiddellik nadat die besluit waarby sodanige aansoek toegestaan word, van krag geword het: Met dien verstande dat sodanige abattoir nie geag word geregistreer te wees nie totdat ten genoeë van die kommissie aan alle voorwaardes in artikel 16 (3) (a) vermeld en wat ten opsigte van die toestaan van sodanige aansoek gestel is, voldoen is. Registrasie van
abattoirs behalwe
abattoirs in
artikel 15 (1)
vermeld.

20. (1) Niemand mag sonder die voorafverkreeë skriftelike goedkeuring van die kommissie 'n abattoir oprig nie. Verbod op
oprigting van
abattoir sonder
goedkeuring van
die kommissie.

(2) Die bepalings van artikels 16, 17 en 18 geld *mutatis mutandis* ten opsigte van 'n aansoek om sodanige goedkeuring: Met dien verstande dat die voorwaardes waarop sodanige goedkeuring verleen word, slegs betrekking kan hê op die aangeleentheide wat in artikel 16 (3) (a) bedoel word.

(3) Wanneer daar aan die voorwaardes wat ten opsigte van die verlening van sodanige goedkeuring gestel is, ten genoeë van die kommissie voldoen is, kan die eienaar van die betrokke abattoir aansoek doen om die registrasie daarvan.

21. (1) (a) Die kommissie moet aan die eienaar van 'n geregistreerde abattoir 'n registrasiesertifikaat in die voorgeskrewe vorm ten opsigte van sodanige abattoir uitrek. Registrasie-sertifikate.

(b) Sodanige sertifikaat bly die eiendom van die kommissie.

(2) Die eienaar van 'n geregistreerde abattoir moet sodanige sertifikaat te alle tye op 'n opvallende plek by of naby die hoofingang van die abattoir laat tentoonstel.

Amendment or withdrawal of conditions of registration by commission on application of the owner.

22. The commission may on application by the owner of a registered abattoir amend or withdraw any condition imposed in respect of the registration of such abattoir: Provided that the commission may order such owner to give notice of such application in a specified manner and to request interested persons to submit representations or objections in respect of such application within a specified period to the commission.

Withdrawal of registration of abattoir by the Minister in case of non-compliance with conditions.

23. (1) If the owner of a registered abattoir refuses or fails to comply with any condition imposed in respect of the registration of such abattoir, the Minister may, after he has given such owner an opportunity to submit written representations to him in connection with the matter, withdraw the registration of such abattoir as from a date specified in a written order.

(2) Such order shall be served on such owner at least thirty days before the date specified under subsection (1) as the date for the withdrawal of the registration of the abattoir concerned.

(3) No compensation shall be paid in respect of any loss suffered in consequence of the withdrawal of the registration of an abattoir under subsection (1).

Lapse of registration of registered abattoir.

24. (1) The registration of a registered abattoir shall lapse—

- (a) when the registered owner of such abattoir ceases to be the owner thereof; or
- (b) when the registration of such abattoir is withdrawn under section 23 or 26; or
- (c) when the period for which such abattoir is registered, expires.

(2) If the registration of a registered abattoir lapses, the person who was the owner of such abattoir immediately before such registration lapsed, shall forthwith return the registration certificate issued in respect of such abattoir to the commission.

(3) The commission shall cancel a certificate returned to it under subsection (2) and shall remove all particulars relating to the abattoir concerned from the register.

Unauthorized alterations of registered abattoir prohibited: powers of commission.

25. (1) No person shall without the prior written approval of the commission—

- (a) substantially alter the lay-out of a registered abattoir;
- (b) demolish, remove or substantially alter a building, structure or fixed equipment which forms part of such abattoir; or
- (c) erect or install a building, structure or fixed equipment at such abattoir.

(2) The commission may by means of a written order direct a person who without the prior written approval of the commission—

- (a) has substantially altered the lay-out of a registered abattoir, to restore such lay-out within a specified period to the state in which it was before the alteration;
- (b) has demolished or removed or substantially altered a building, structure or fixed equipment forming part of such abattoir, to restore such building, structure or fixed equipment within a specified period to the state in which it was before the demolition, removal or alteration;
- (c) has erected or installed a building, structure or fixed equipment at such abattoir, to remove such building, structure or fixed equipment within a specified period.

(3) Such order shall be served upon the person referred to in subsection (2) and, if such person is not the owner of the abattoir concerned, upon the owner as well.

(4) No compensation shall be paid by the commission in respect of anything done in order to comply with an order referred to in subsection (2).

(5) If a person to whom an order referred to in subsection (2) applies, fails to perform the acts directed to be performed by such order, the commission may perform such acts and recover the costs incidental to the performance of such acts from such person.

Withdrawal of registration of registered abattoir by the Minister in certain circumstances.

26. (1) The Minister may, after consultation with the commission, by means of a written order withdraw the registration of a registered abattoir as from a date which shall be at least

22. Die kommissie kan op aansoek van die eienaar van 'n geregistreerde abattoir enige voorwaarde wat ten opsigte van die registrasie van sodanige abattoir opgelê is, wysig of intrek: Met dien verstande dat die kommissie sodanige eienaar kan gelas om op 'n bepaalde wyse kennis te gee van sodanige aansoek en om belanghebbendes te versoek om vertoë of besware in verband met so 'n aansoek binne 'n vasgestelde tydperk aan die kommissie voor te lê.

23. (1) Indien die eienaar van 'n geregistreerde abattoir weier of versuim om aan enige voorwaarde wat ten opsigte van die registrasie van sodanige abattoir opgelê is, te voldoen, kan die Minister, nadat hy sodanige eienaar 'n geleentheid gegee het om skriftelike vertoë oor die aangeleentheid tot hom te rig, die registrasie van sodanige abattoir intrek met ingang van 'n datum in 'n skriftelike lasgwing bepaal.

(2) Sodanige lasgwing word aan sodanige eienaar bestel minstens dertig dae voor die datum wat kragtens subartikel (1) as die datum vir die intrekking van die registrasie van die betrokke abattoir bepaal is.

(3) Geen vergoeding word betaal ten opsigte van enige skade wat gely word as gevolg van die intrekking van die registrasie van 'n abattoir kragtens subartikel (1) nie.

24. (1) Die registrasie van 'n geregistreerde abattoir verval— Verval van registrasie van geregistreerde abattoir.
(a) wanneer die geregistreerde eienaar van sodanige abattoir ophou om die eienaar daarvan te wees; of
(b) wanneer die registrasie van sodanige abattoir kragtens artikel 23 of 26 ingetrek word; of
(c) wanneer die tydperk waarvoor sodanige abattoir geregistreer is, verstryk.

(2) Indien die registrasie van 'n geregistreerde abattoir verval moet die persoon wat die eienaar van sodanige abattoir was onmiddellik voordat sodanige registrasie verval het, onverwyld die registrasiesertifikaat wat ten opsigte van sodanige abattoir uitgereik is, aan die kommissie terugbesorg.

(3) Die kommissie moet 'n sertifikaat kragtens subartikel (2) aan hom terugbesorg, roofer en alle besonderhede aangaande die betrokke abattoir uit die register verwyder.

25. (1) Niemand mag sonder die voorafverkreë skriftelike goedkeuring van die kommissie— Verbod op ongeoorloofde verandering aan geregistreerde abattoir:
(a) die uitleg van 'n geregistreerde abattoir wesentlik verander nie;
(b) 'n gebou, struktuur of vaste toerusting wat deel van so 'n abattoir uitmaak, sloop, verwyder of wesentlik verander nie; of
(c) 'n gebou, struktuur of vaste toerusting by so 'n abattoir oprig of installeer nie.

(2) Die kommissie kan deur middel van 'n skriftelike lasgwing 'n persoon wat sonder die voorafverkreë skriftelike goedkeuring van die kommissie—

(a) die uitleg van 'n geregistreerde abattoir wesentlik verander het, beveel om sodanige uitleg binne 'n vasgestelde tydperk te herstel in die toestand waarin dit voor die verandering verkeer het;
(b) 'n gebou, struktuur of vaste toerusting wat deel van so 'n abattoir uitmaak, gesloop of verwyder of wesentlik verander het, beveel om sodanige gebou, struktuur of vaste toerusting binne 'n vasgestelde tydperk te herstel in die toestand waarin dit voor die sloping, verwydering of verandering verkeer het;
(c) 'n gebou, struktuur of vaste toerusting by so 'n abattoir opgerig of geinstalleer het, beveel om sodanige gebou, struktuur of vaste toerusting binne 'n vasgestelde tydperk te verwijder.

(3) Sodanige lasgwing moet aan die in subartikel (2) bedoelde persoon bestel word en, indien sodanige persoon nie die eienaar van die betrokke abattoir is nie, ook aan die eienaar.

(4) Geen vergoeding word deur die kommissie betaal nie ten opsigte van enigiets wat gedoen word ten einde aan 'n in subartikel (2) bedoelde lasgwing te voldoen.

(5) Indien 'n persoon op wie 'n in subartikel (2) bedoelde lasgwing van toepassing is, versuim om die handelinge te verrig waarvan die verrigting in sodanige lasgwing beveel word, kan die kommissie sodanige handelinge verrig en die koste verbonde aan die verrigting van sodanige handelinge op sodanige persoon verhaal.

26. (1) Die Minister kan, na oorlegpleging met die kommissie, Intrekking van registrasie van geregistreerde abattoir deur die Minister in sekere omstandighede.
deur middel van 'n skriftelike lasgwing, met ingang van 'n datum wat minstens negentig dae na die datum van sodanige lasgwing moet wees, die registrasie van 'n geregistreerde

ninety days after the date of such order, if he is of the opinion that the withdrawal is in the public interest or is necessary for the achievement of the objects of the commission.

(2) Such order shall be served on the owner of such abattoir and on every operator who, on the date of the withdrawal of such registration, performs services at such abattoir.

Compensation payable in case of withdrawal of registration of abattoir under section 26.

27. (1) If the registration of a registered abattoir is withdrawn under section 26, there shall be paid to the owner of such abattoir and to every operator who performed services at such abattoir on the date of the withdrawal of such registration an amount of compensation determined by such owner and operator and the commission by an agreement concluded with the approval of the Minister.

(2) In the absence of such agreement there shall be paid to such owner or operator an amount of compensation which does not exceed an amount required to make good any actual financial loss or inconvenience caused by the withdrawal of such registration: Provided that no compensation shall be paid in respect of—

- (i) any indirect damage or loss of profit caused by such withdrawal;
- (ii) anything done with the object of obtaining compensation therefor;
- (iii) any alteration of the abattoir concerned made in conflict with the provisions of section 25 (1); or
- (iv) any agreement concluded in respect of the abattoir concerned in conflict with the provisions of section 38 (1).

(3) The amount to be paid under subsection (2) shall be determined by the court and the provisions of sections 7, 9 and 10 of the Expropriation Act, 1965 (Act No. 55 of 1965), shall apply *mutatis mutandis* in the determination of this amount and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission.

(4) No compensation shall be paid under the provisions of this section, unless the person who claims compensation submits an application in the prescribed form to the commission and furnishes in connection with such application the prescribed particulars and such other particulars as may be required by the commission in connection therewith.

(5) For the purposes of this section "owner" shall mean the person in whom the ownership of the abattoir concerned is vested, and, if the right of general control of such abattoir is vested in a person other than the person in whom the ownership is vested, that other person as well.

(6) Compensation payable under the provisions of this section shall be paid from the funds of the commission.

Closing of registered abattoir prohibited unless prior notice is given to commission.

28. (1) Subject to the provisions of subsection (2), the owner of a registered abattoir shall not close such abattoir unless he has given to the commission, at least one hundred and eighty days prior to the date on which he closes such abattoir, a written notice in the prescribed form in which he has notified his intention to close such abattoir.

(2) The commission may in a particular case, where the provisions of subsection (1) have not been complied with, allow the abattoir concerned to be closed.

Powers of commission in case of closing of registered abattoir.

29. (1) If a registered abattoir has been closed, or the intention to close such abattoir has been notified, the commission may with the approval of, and subject to the conditions determined by the Minister—

- (a) conclude an agreement with the owner of the abattoir concerned in terms of which such owner undertakes to manage and conduct such abattoir for a specified period;
- (b) conclude an agreement with such owner in terms of which such owner undertakes to transfer or to let such abattoir to the commission or to a person specified by the commission; or
- (c) if such owner is not prepared to conclude any of the agreements referred to in paragraphs (a) and (b), expropriate such abattoir or take the right to use it temporarily as an abattoir, or empower another person to expropriate such abattoir or to take the right to use it temporarily as an abattoir.

abattoir intrek, indien hy van oordeel is dat die intrekking in die openbare belang is of nodig is vir die verwesenliking van die oogmerke van die kommissie.

(2) Sodanige lasgewing moet aan die eienaar van sodanige abattoir en aan elke operateur wat op die datum van die intrekking van sodanige registrasie dienste by sodanige abattoir verrig, bestel word.

27. (1) Indien die registrasie van 'n geregistreerde abattoir kragtens artikel 26 ingetrek word, word daar aan die eienaar van sodanige abattoir en aan elke operateur wat op die datum van die intrekking van sodanige registrasie dienste by sodanige abattoir verrig het, 'n bedrag aan vergoeding betaal wat deur sodanige eienaar en operateur en die kommissie by 'n ooreenkoms wat met die goedkeuring van die Minister gesluit word, bepaal word.

(2) By ontstentenis van sodanige ooreenkoms word daar aan sodanige eienaar of operateur 'n bedrag aan vergoeding betaal van hoogstens 'n bedrag benodig om enige werklike geldelike verlies of ongerief wat deur die intrekking van sodanige registrasie veroorsaak word, te vergoed: Met dien verstande dat geen vergoeding betaal word nie ten opsigte van—

- (i) enige indirekte skade of winsderwing wat deur sodanige intrekking veroorsaak word;
- (ii) enigets wat gedoen is met die oogmerk om vergoeding daarvoor te verkry;
- (iii) enige verandering wat aan die betrokke abattoir in stryd met die bepalings van artikel 25 (1) aangebring is; of
- (iv) enige ooreenkoms wat ten opsigte van die betrokke abattoir in stryd met die bepalings van artikel 38 (1) gesluit is.

(3) Die bedrag wat kragtens subartikel (2) betaal moet word, word deur die hof vasgestel en die bepalings van artikels 7, 9 en 10 van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* by die vasstelling van dié bedrag van toepassing en by sodanige toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na die kommissie uitgelê.

(4) Geen vergoeding word kragtens die bepalings van hierdie artikel betaal nie, tensy die persoon wat op vergoeding aanspraak maak 'n aansoek in die voorgeskrewe vorm aan die kommissie voorlê en in verband met so 'n aansoek die voorgeskrewe en die ander besonderhede wat die kommissie in verband daarmee vereis, verstrek.

(5) By die toepassing van hierdie artikel beteken „eienaar“ die persoon by wie die eiendomsreg op die betrokke abattoir berus en, indien die reg van algemene beheer oor so 'n abattoir by iemand anders berus as die persoon by wie die eiendomsreg berus, ook daardie ander persoon.

(6) Vergoeding wat kragtens die bepalings van hierdie artikel betaalbaar is, word uit die fondse van die kommissie betaal.

28. (1) Behoudens die bepalings van subartikel (2), mag die eienaar van 'n geregistreerde abattoir nie so 'n abattoir sluit nie tensy hy minstens honderd-en-tachtig dae voor die datum waarop hy so 'n abattoir sluit, 'n skriftelike kennisgewing in die voorgeskrewe vorm aan die kommissie besorg het waarin hy sy voorname om so 'n abattoir te sluit, bekend gemaak het.

(2) Die kommissie kan in 'n bepaalde geval, waar daar nie aan die bepalings van subartikel (1) voldoen is nie, toelaat dat die betrokke abattoir gesluit word.

29. (1) Indien 'n geregistreerde abattoir gesluit is, of die voorname om so 'n abattoir te sluit, bekend gemaak is, kan die kommissie met die goedkeuring van, en onderworpe aan die voorwaardes bepaal deur die Minister—

- (a) met die eienaar van die betrokke abattoir 'n ooreenkoms sluit waarin sodanige eienaar onderneem om sodanige abattoir vir 'n vasgestelde tydperk te bestuur en te dryf;
- (b) met sodanige eienaar 'n ooreenkoms sluit waarin sodanige eienaar onderneem om sodanige abattoir aan die kommissie, of aan 'n deur die kommissie bepaalde persoon, oor te dra of te verhuur; of
- (c) indien sodanige eienaar nie bereid is om enige van die in paragrawe (a) en (b) bedoelde ooreenkomste te sluit nie, sodanige abattoir onteien of die reg om dit as 'n abattoir tydelik te gebruik, neem, of 'n ander persoon magtig om sodanige abattoir te onteien of die reg om dit as 'n abattoir tydelik te gebruik, te neem.

(2) An agreement referred to in subsection (1) (a) may make provision for the rendering of financial and other assistance by the commission to the owner concerned.

(3) The provisions of sections 4 to 13, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall apply *mutatis mutandis* in respect of an expropriation or the taking of a right under subsection (1) (c), and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission or the person concerned, as the case may be: Provided that the interest referred to in section 8 (2) of the said Act shall be paid at a rate to be determined by the Minister in every particular case.

**Erection of abattoir
by commission or
by local authority
or person with
whom commission
has concluded an
agreement.**

30. (1) If the commission is of the opinion that the erection of an abattoir at a place situated within the area of jurisdiction of a local authority is necessary, it shall ascertain whether such authority is prepared to erect an abattoir at such place, and if such authority declares itself prepared to do so, the commission shall, with the approval of, and on the conditions determined by the Minister, conclude an agreement with such authority in terms of which such authority shall undertake to erect, either alone or in conjunction with other local authorities specified by the commission, an abattoir at such place: Provided that the commission shall not conclude such agreement unless it has consulted the Administrator of the Province in which the area of jurisdiction of the local authority concerned is situated.

(2) If the commission is of opinion that the erection of an abattoir at a particular place is necessary and such place—

(a) is situated within the area of jurisdiction of a local authority which is not prepared to conclude an agreement with the commission to erect an abattoir at such place; or

(b) is situated outside the area of jurisdiction of a local authority,
the commission may, with the approval of, and on the conditions determined by the Minister, erect an abattoir at such place or conclude an agreement with a person in terms of which such person undertakes to erect an abattoir at such place.

(3) An agreement concluded under subsection (1) or (2), may contain conditions relating to the matters referred to in section 16 (3) (a).

(4) If a person with whom the commission has concluded an agreement under the provisions of subsection (1) or (2) fails to comply with the conditions of such agreement, the commission may by means of a written notice direct such person to comply with such conditions within a period specified in the notice and may, if such person fails to do so, terminate the agreement.

(5) The commission shall not pay compensation in respect of anything done or any expenses incurred by the person referred to in subsection (4) in complying with the conditions of an agreement terminated under that subsection, unless the Minister directs otherwise.

(6) A person who erects an abattoir in terms of an agreement referred to in subsection (1) or (2) may, on completion to the satisfaction of the commission of the erection of such abattoir, apply for the registration of such abattoir.

**Expropriation of
land required for
the erection of an
abattoir referred to
in section 30.**

31. (1) A local authority or a person referred to in section 30 or the commission may, with the approval of, and on the conditions determined by the Minister, expropriate land required for the erection of an abattoir referred to in that section.

(2) The provisions of sections 4 to 13, inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall apply *mutatis mutandis* in respect of an expropriation under subsection (1) and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission, such authority or person, as the case may be: Provided that the interest referred to in section 8 (2) of the said Act shall be paid at a rate to be determined by the Minister in every particular case.

(3) The power granted to a local authority under this section to expropriate land required for the erection of an abattoir shall not supersede a similar power granted to such authority under an ordinance of a provincial council, and the power granted under such ordinance shall, notwithstanding the provisions of this section, remain of full force and effect.

(2) 'n In subartikel (1) (a) bedoelde ooreenkoms kan voor-siening maak vir die verlening van geldelike en ander bystand deur die kommissie aan die betrokke eienaar.

(3) Die bepalings van artikels 4 tot en met 13 van die Ont-eieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* ten opsigte van 'n onteiening of die neem van 'n reg kragtens subartikel (1) (c) van toepassing, en by die toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n ver-wysing na die kommissie of die betrokke persoon, na gelang van die geval, uitgelê: Met dien verstande dat die rente wat in artikel 8 (2) van gemelde Wet vermeld word, betaal word teen 'n koers wat in elke bepaalde geval deur die Minister vasgestel word.

30. (1) Indien die kommissie van oordeel is dat die oprigting van 'n abattoir op 'n plek wat binne die reggebied van 'n plaaslike bestuur geleë is, nodig is, moet hy vasstel of sodanige bestuur bereid is om 'n abattoir op so 'n plek op te rig, en indien sodanige bestuur hom aldus bereid verklaar, moet die kommissie, met die goedkeuring van, en op die voorwaardes bepaal deur die Minister, 'n ooreenkoms met sodanige bestuur sluit waarin sodanige bestuur onderneem om, of alleen of in samewerking met ander deur die kommissie bepaalde plaaslike besture, 'n abattoir op so 'n plek op te rig: Met dien verstande dat die kommissie nie sodanige ooreenkoms sluit nie tensy hy oorleg gepleeg het met die Administrateur van die Provincie waarin die reggebied van die betrokke plaaslike bestuur geleë is.

Oprigting van
abattoir deur
kommissie of deur
plaaslike bestuur
of persoon met wie
kommissie 'n
ooreenkoms
gesluit het.

(2) Indien die kommissie van oordeel is dat die oprigting van 'n abattoir op 'n bepaalde plek nodig is en so 'n plek—

(a) geleë is binne die reggebied van 'n plaaslike bestuur wat nie bereid is om 'n ooreenkoms met die kommissie te sluit om 'n abattoir op so 'n plek op te rig nie; of

(b) buite die reggebied van 'n plaaslike bestuur geleë is, kan die kommissie, met die goedkeuring van, en op die voorwaardes bepaal deur die Minister, 'n abattoir op so 'n plek oprig of 'n ooreenkoms met 'n persoon sluit waarin so 'n persoon onderneem om 'n abattoir op so 'n plek op te rig.

(3) 'n Ooreenkoms kragtens subartikel (1) of (2) gesluit, kan voorwaardes bevat met betrekking tot die aangeleenthede in artikel 16 (3) (a) bedoel.

(4) Indien 'n persoon met wie die kommissie kragtens die bepalings van subartikel (1) of (2) 'n ooreenkoms gesluit het, in gebreke bly om die voorwaardes van so 'n ooreenkoms na te kom, kan die kommissie sodanige persoon deur middel van 'n skriftelike kennisgewing gelas om binne 'n tydperk in die kennis-gewing vermeld, sodanige voorwaardes na te kom, en kan, indien sodanige persoon in gebreke bly om dit te doen, die ooreenkoms beëindig.

(5) Die kommissie betaal nie vergoeding ten opsigte van enigiets gedoen of enige uitgawes aangegaan deur die in sub-artikel (4) bedoelde persoon ter nakoming van die voorwaardes van 'n ooreenkoms wat kragtens gemelde subartikel beëindig word nie, tensy die Minister anders gelas.

(6) 'n Persoon wat 'n abattoir uit hoofde van 'n in subartikel (1) of (2) bedoelde ooreenkoms oprig, kan by voltooiing ten ge-noë van die kommissie van die oprigting van sodanige abattoir, om die registrasie van sodanige abattoir aansoek doen.

31. (1) 'n Plaaslike bestuur of 'n persoon in artikel 30 vermeld of die kommissie kan, met die goedkeuring van en op die voorwaardes bepaal deur die Minister, grond wat vir die oprigting van 'n in daardie artikel vermelde abattoir benodig is, onteien.

Ontteiening van
grond wat benodig
is vir die
oprigting van 'n in
artikel 30 vermelde
abattoir.

(2) Die bepalings van artikels 4 tot en met 13 van die Ont-eieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* ten opsigte van 'n onteiening kragtens subartikel (1) van toepassing en by die toepassing daarvan word 'n verwysing daar-in na die Minister en die Staat as 'n verwysing na die kommissie, sodanige bestuur of persoon, na gelang van die geval, uitgelê: Met dien verstande dat die rente wat in artikel 8 (2) van gemelde Wet vermeld word, betaal word teen 'n koers wat in elke bepaal-de geval deur die Minister vasgestel word.

(3) Die bevoegdheid wat kragtens hierdie artikel aan 'n plaaslike bestuur verleen word om grond wat vir die oprigting van 'n abattoir benodig is, te onteien, vervang nie 'n soortgelyke bevoegdheid wat aan sodanige bestuur kragtens 'n ordonnansie van 'n provinsiale raad verleen word nie, en die bevoegdheid wat kragtens sodanige ordonnansie verleen word, bly, ondanks die bepalings van hierdie artikel, ten volle van krag.

Commission to fix tariffs.

32. (1) The commission may from time to time fix the tariffs payable to the owner of an abattoir or an operator in respect of the use of such abattoir or the performance of a service.

(2) A tariff fixed under subsection (1) may differ in respect of different abattoirs, different classes of abattoirs defined by the commission, different services or different kinds or classes of animals, and may be fixed on any basis which the commission deems fit.

(3) A tariff fixed under subsection (1), shall be made known in a manner and shall come into operation on a date to be determined by the commission.

(4) No person shall in respect of the use of an abattoir or the performance of a service—

(a) demand a tariff other than the tariff fixed by the commission in respect thereof, or

(b) if no tariff has been fixed in respect thereof by the commission, demand a tariff higher than the tariff demanded in respect thereof immediately prior to the commencement of this Act.

Imposition of levy.

33. (1) The commission may, with the approval of the Minister, from time to time impose a levy in respect of every animal slaughtered at an abattoir: Provided that such levy shall not be more than 6 cents per head for cattle, horses, mules and donkeys, not more than 3 cents per head for calves and pigs, and not more than 1.5 cents per head for sheep and goats.

(2) A levy imposed under subsection (1), shall be paid by the owner of the abattoir concerned in the prescribed manner and within the prescribed period: Provided that if the amount of such levy is not included in the amount payable to such owner in respect of the use of the abattoir or the slaughter of the animal concerned, such owner may recover the amount of such levy from the person on whose behalf such animal is slaughtered.

(3) A levy imposed under subsection (1) may differ in respect of different kinds or classes of animals and different classes of abattoirs defined by the commission: Provided that the commission may, with the approval of the Minister determine that no levy shall be payable in respect of an animal or kinds or classes of animals slaughtered at classes of abattoirs defined by the commission.

(4) A levy imposed under subsection (1) shall be published by the Minister by notice in the *Gazette* and shall take effect on a date to be specified in such notice.

Orders by the commission.

34. (1) The commission may from time to time, in respect of all abattoirs or a particular abattoir or specified classes of abattoirs defined by it, issue to a specified person or to specified classes of persons the orders which it deems necessary for the achievement of its objects, the exercise of its powers or the performance of its functions.

(2) An order issued under subsection (1) may direct—

(a) that the owner of an abattoir—

(i) shall manage and conduct such abattoir in a specified manner;

(ii) shall replace, remove, improve or repair equipment in use at such abattoir;

(iii) shall provide equipment at such abattoir;

(iv) shall erect buildings or structures at such abattoir;

(v) shall alter, repair or demolish buildings or

structures at such abattoir;

(vi) shall alter the lay-out or construction of such abattoir;

(vii) shall provide facilities for the performance of services at such abattoir;

(viii) shall withdraw facilities provided for the performance of services at such abattoir;

(ix) shall comply with the instructions of the code;

(b) that a person who performs a service (including the owner of the abattoir concerned)—

(i) shall make use of specified equipment or facilities in the performance of such service;

(ii) shall perform such service in a specified manner or shall co-ordinate the performance of such service in a specified manner with the performance of other services performed at such abattoir;

(iii) shall comply with the instructions of the code;

(c) that a person, except an agent of the Meat Board, who performs a service, shall suspend his performance of

32. (1) Die kommissie kan van tyd tot tyd die tariewe vasstel **Vasstelling van wat aan die eienaar van 'n abattoir of 'n operateur ten opsigte tariewe deur van die gebruik van so 'n abattoir of die verrigting van 'n diens betaalbaar is.**

(2) 'n Tarief kragtens subartikel (1) vasgestel, kan verskil ten opsigte van verskillende abattoirs, verskillende deur die kommissie omskreve klasse abattoirs, verskillende dienste of verskillende soorte of klasse diere, en kan vasgestel word op enige grondslag wat die kommissie goedvind.

(3) 'n Tarief kragtens subartikel (1) vasgestel, word bekend gemaak op 'n wyse, en tree in werking op 'n dag, wat die kommissie bepaal.

(4) Niemand mag ten opsigte van die gebruik van 'n abattoir of die verrigting van 'n diens—

- (a) 'n ander tarief vorder as die tarief wat deur die kommissie ten opsigte daarvan vasgestel is nie, of
- (b) indien geen tarief ten opsigte daarvan deur die kommissie vasgestel is nie, 'n hoër tarief vorder as die tarief wat onmiddellik voor die inwerkingtreding van hierdie Wet ten opsigte daarvan gevorder is nie.

33. (1) Die kommissie kan, met die goedkeuring van die **Oplegging van Minister, van tyd tot tyd 'n heffing oplê ten opsigte van elke dier heffing.** wat by 'n abattoir geslag word: Met dien verstande dat sodanige heffing hoogstens 6 sent per kop vir beeste, perde, muile en donkies, hoogstens 3 sent per kop vir kalwers en varke en hoogstens 1.5 sent per kop vir skape en bokke is.

(2) 'n Heffing kragtens subartikel (1) opgelê, moet deur die eienaar van die betrokke abattoir op die voorgeskrewe wyse en binne die voorgeskrewe tydperk betaal word: Met dien verstande dat indien die bedrag van so 'n heffing nie ingesluit is by die bedrag wat aan sodanige eienaar betaalbaar is vir die gebruik van die abattoir of die slag van die betrokke dier nie, sodanige eienaar die bedrag van so 'n heffing kan verhaal op die persoon ten behoeve van wie dié dier geslag word.

(3) 'n Heffing kragtens subartikel (1) opgelê, kan verskil ten opsigte van verskillende soorte of klasse diere en verskillende deur die kommissie omskreve klasse abattoirs: Met dien verstande dat die kommissie met die goedkeuring van die Minister kan bepaal dat geen heffing betaalbaar is nie ten opsigte van 'n dier of soorte of klasse diere wat by deur die kommissie omskreve klasse abattoirs geslag word.

(4) 'n Heffing opgelê kragtens subartikel (1) word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak en tree in werking op 'n datum in so 'n kennisgewing vermeld.

34. (1) Die kommissie kan van tyd tot tyd, met betrekking **Lasgewings deur tot alle abattoirs of 'n bepaalde abattoir of bepaalde deur hom die kommissie.** omskreve klasse abattoirs, aan 'n bepaalde persoon of bepaalde klasse persone die lasgewings uitreik wat hy nodig ag vir die verwesenliking van sy oogmerke, die uitoefening van sy bevoegdheede of die verrigting van sy werksaamhede.

(2) 'n Lasgwing kragtens subartikel (1) uitgereik, kan gelas—

- (a) dat die eienaar van 'n abattoir—
 - (i) sodanige abattoir op 'n bepaalde wyse moet bestuur en dryf;
 - (ii) toerusting wat by sodanige abattoir in gebruik is, moet vervang, verwyder, verbeter of herstel;
 - (iii) toerusting by sodanige abattoir beskikbaar moet stel;
 - (iv) geboue of strukture by sodanige abattoir moet oprig;
 - (v) geboue of strukture by sodanige abattoir moet verander, herstel of sloop;
 - (vi) die uitleg of konstruksie van sodanige abattoir moet verander;
 - (vii) fasilitate vir die verrigting van dienste by sodanige abattoir moet verskaf;
 - (viii) fasilitate wat vir die verrigting van dienste by sodanige abattoir verskaf word, moet intrek;
 - (ix) aan die voorskrifte van die kode moet voldoen;
- (b) dat 'n persoon wat 'n diens verrig (met inbegrip van die eienaar van die betrokke abattoir)—
 - (i) van bepaalde toerusting of fasilitate by die verrigting van sodanige diens gebruik moet maak;
 - (ii) sodanige diens op 'n bepaalde wyse moet verrig of die verrigting van sodanige diens op 'n bepaalde wyse moet koördineer met die verrigting van ander dienste wat by sodanige abattoir verrig word;
 - (iii) aan die voorskrifte van die kode moet voldoen;
- (c) dat 'n persoon, behalwe 'n agent van die Vleisraad, wat 'n diens verrig, sy verrigting van sodanige diens vir 'n

such service for a specified period or shall discontinue his performance of such service;

- (d) that a person who provides facilities for the performance of services, shall withdraw such facilities;
- (e) that a service may be performed only by the owner of the abattoir concerned or by a specified person;
- (f) that the performance of a service shall be discontinued or be suspended for a specified time:

Provided that an order issued under paragraph (e) or (f) shall not preclude an agent of the Meat Board from performing a service or oblige him to discontinue or suspend his performance of a service.

(3) If an owner of an abattoir to whom an order referred to in subsection (2) applies, fails to comply with such order, the commission may perform all acts directed to be performed by such order and may recover the costs incidental to the performance of such acts from such owner.

(4) If a person, except the owner of an abattoir or an agent of the Meat Board, to whom an order referred to in subsection (2) applies, fails to comply therewith, the commission may by means of an order and with effect from a date specified in such order, preclude such person from performing any services at the abattoir concerned.

(5) The commission may at any time amend or withdraw an order issued under subsection (2) or (4): Provided that if the owner of an abattoir to whom an order issued under subsection (2) (a) applies has started giving effect thereto, such order shall not be amended unless such owner consents thereto

Compensation payable in case of certain orders issued under section 34.

35. (1) An owner of an abattoir or an operator who performs a service at such abattoir who—

- (a) is precluded by an order issued under section 34 (2) from performing a service at such abattoir;
- (b) is directed by means of an order issued under section 34 (2) to withdraw specified facilities,

shall be paid the compensation determined by such owner or operator and the commission by agreement concluded with the approval of the Minister.

(2) In the absence of such agreement there shall be paid to such owner or operator an amount of compensation not exceeding an amount required to make good any actual financial loss or inconvenience caused by complying with the order referred to in subsection (1): Provided that no compensation shall be paid in respect of—

- (i) any indirect damage or loss of profit thus caused;
- (ii) anything done with the object of obtaining compensation therefor;
- (iii) any alteration of the abattoir concerned made in conflict with the provisions of section 25 (1); or
- (iv) any agreement concluded in respect of the abattoir concerned in conflict with the provisions of section 38 (1).

(3) The amount to be paid under subsection (2) shall be determined by the court, and the provisions of sections 7, 9 and 10 of the Expropriation Act, 1965 (Act No. 55 of 1965), shall apply *mutatis mutandis* in the determination of this amount, and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission.

(4) No compensation shall be paid under the provisions of this section unless the person claiming compensation submits an application in the prescribed form to the commission and furnishes in connection with such application the prescribed particulars and such other particulars as may be required by the commission.

(5) For the purposes of this section "owner" shall mean the person in whom the ownership of the abattoir concerned is vested and, if the right of general control of such abattoir is vested in a person other than the person in whom the ownership is vested, that other person as well.

(6) Compensation payable under the provisions of this section shall be paid from the funds of the commission.

Powers of the Minister in regard to functions and decisions of the commission.

36. (1) The Minister may direct the commission to exercise its powers and perform its functions in a manner determined by the Minister.

(2) The Minister may at any time amend or withdraw a decision of the commission after consultation with the commission.

bepaalde tydperk moet opskort of sy verrigting van sodanige diens moet staak;

- (d) dat 'n persoon wat fasilitete vir die verrigting van dienste verskaf, sodanige fasilitete moet intrek;
- (e) dat 'n diens alleenlik deur die eienaar van die betrokke abattoir of deur 'n bepaalde persoon verrig mag word;
- (f) dat die verrigting van 'n diens gestaak of vir 'n bepaalde tyd opgeskort moet word:

Met dien verstande dat 'n lasgewing wat kragtens paragraaf (e) of (f) uitgereik word, nie 'n agent van die Vleisraad belet om 'n diens te verrig of hom verplig om sy verrigting van 'n diens te staak of op te skort nie.

(3) Indien 'n eienaar van 'n abattoir op wie 'n in subartikel (2) vermelde lasgewing van toepassing is, versuim om aan sodanige lasgewing te voldoen, kan die kommissie alle handelinge verrig waarvan die verrigting by sodanige lasgewing gelas word en kan hy die koste verbonde aan die verrigting van sodanige handelinge op sodanige eienaar verhaal.

(4) Indien 'n persoon, behalwe die eienaar van 'n abattoir of 'n agent van die Vleisraad, op wie 'n lasgewing in subartikel (2) vermeld betrekking het, versuim om daaraan te voldoen, kan die kommissie sodanige persoon by wyse van 'n lasgewing en met ingang van 'n datum in sodanige lasgewing bepaal, belet om enige dienste by die betrokke abattoir te verrig.

(5) Die kommissie kan te eniger tyd 'n kragtens subartikel (2) of (4) uitgereikte lasgewing wysig of intrek: Met dien verstande dat indien die eienaar van 'n abattoir op wie 'n kragtens subartikel (2) (a) uitgereikte lasgewing van toepassing is, begin het om daaraan te voldoen, sodanige bevel nie gewysig word nie tensy sodanige eienaar daarin toestem.

35. (1) Aan 'n eienaar van 'n abattoir of 'n operateur wat 'n diens by so 'n abattoir verrig wat—
Vergoeding betaalbaar in geval van sekere lasgewings kragtens artikel 34 uitgereik.

- (a) deur 'n lasgewing kragtens artikel 34 (2) uitgereik, belet word om 'n diens by so 'n abattoir te verrig;
- (b) by wyse van 'n kragtens artikel 34 (2) uitgereikte las-

gewing beveel is om bepaalde fasilitete in te trek,
word die vergoeding betaal wat deur sodanige eienaar of operateur en die kommissie vasgestel word by ooreenkoms gesluit met die goedkeuring van die Minister.

(2) By ontstentenis van sodanige ooreenkoms word daar aan sodanige eienaar of operateur 'n bedrag aan vergoeding betaal van hoogstens 'n bedrag benodig om enige werklike geldelike verlies of ongerief wat deur sy voldoening aan die in subartikel (1) vermelde lasgewing veroorsaak word, te vergoed: Met dien verstande dat geen vergoeding betaal word nie ten opsigte van—

- (i) enige indirekte skade of winsderwing wat aldus veroorsaak is;
- (ii) enigiets wat gedoen is met die oogmerk om vergoeding daarvoor te verkry;
- (iii) enige verandering wat aan die betrokke abattoir in stryd met die bepalings van artikel 25 (1) aangebring is; of
- (iv) enige ooreenkoms wat ten opsigte van die betrokke abattoir in stryd met die bepalings van artikel 38 (1) gesluit is.

(3) Die bedrag wat kragtens subartikel (2) betaal moet word, word deur die hof vasgestel, en die bepalings van artikels 7, 9 en 10 van die Onteieningswet, 1965 (Wet No. 55 van 1965) is *mutatis mutandis* by die vasstelling van dié bedrag van toepassing en by die toepassing daarvan word 'n verwysing daar na die Minister en die Staat as 'n verwysing na die kommissie uitgelê.

(4) Geen vergoeding word kragtens die bepalings van hierdie artikel betaal nie, tensy die persoon wat op vergoeding aanspraak maak 'n aansoek in die voorgeskrewe vorm aan die kommissie voorlê en in verband met so 'n aansoek die voorgeskrewe en die ander besonderhede wat die kommissie vereis, verstrek.

(5) By die toepassing van hierdie artikel beteken „eienaar“ die persoon by wie die eiendomsreg op die betrokke abattoir berus en, indien die reg van algemene beheer oor so 'n abattoir by iemand anders berus as die persoon by wie die eiendomsreg berus, ook daardie ander persoon.

(6) Vergoeding wat kragtens die bepalings van hierdie artikel betaalbaar is, word uit die fondse van die kommissie betaal.

36. (1) Die Minister kan die kommissie gelas om sy bevoegdhede uit te oefen en sy werksaamhede te verrig op 'n wyse wat die Minister bepaal.

Bevoegdhede van die Minister met betrekking tot werksaamhede en besluite van die kommissie.

(2) Die Minister kan te eniger tyd 'n besluit van die kommissie, na raadpleging van die kommissie, wysig of intrek.

(3) The Minister may direct the Secretary to inquire into the exercise by the commission of a power granted to the commission under this Act.

Circumstances which may be used by commission as basis for definition of classes of abattoirs.

37. Where a power is conferred upon the commission by this Act to define classes of abattoirs, any of the following circumstances relating to an abattoir may be used as a basis for the definition—

- (a) the number of units or animals of a specified kind or class slaughtered there during a specified period;
- (b) the kind or class of animals slaughtered there;
- (c) whether or not it is situated within the area of jurisdiction of a local authority or a specified kind of local authority;
- (d) whether or not it is used for a public purpose;
- (e) whether it is erected temporarily or for an indefinite period;
- (f) whether or not a local authority or a local authority of a specified kind is the owner thereof;
- (g) whether or not a scheme is applied there;
- (h) whether or not it is used to slaughter animals in order to obtain products for export; or
- (i) any circumstance determined for this purpose by the Minister.

Prohibition of certain agreements.

38. (1) No person shall without the prior written approval of the commission conclude an agreement whereby a person is granted the right to use an abattoir for the performance of a service for a period of more than two years.

(2) An agreement—

- (a) concluded for an indefinite period; or
- (b) although concluded for a period of less than two years, confers on one of the parties thereto the right to extend it for an indefinite period or for a period which, if added to the period for which the agreement is concluded, exceeds two years,

shall for the purposes of subsection (1) be deemed to be an agreement concluded for a period of more than two years.

Exclusion of areas, abattoirs or animals from operation of Act and exemption of persons from compliance with Act.

39. (1) The State President may by proclamation in the *Gazette* exclude from the operation of any or all of the provisions of this Act—

- (a) any area specified in the proclamation or any area other than an area so specified;
- (b) any abattoir so specified or any abattoir other than an abattoir so specified;
- (c) any class of abattoirs so specified or any class of abattoirs other than a class of abattoirs so specified;
- (d) any animal or kind or class of animal either generally or in respect of an area specified in the proclamation or any area other than an area so specified.

(2) The State President may by proclamation in the *Gazette*, and subject to such conditions as he may determine, exempt any person or class of persons specified in the proclamation either generally or under such circumstances or in respect of such animals or class or kind of animals or class of abattoirs as may be specified in the proclamation, from compliance with any or all of the provisions of this Act.

(3) The State President may at any time by proclamation in the *Gazette* amend or repeal any proclamation issued under this section.

Consultation by commission with persons, etc., determined by the Minister.

40. The commission shall in the exercise of its powers and the performance of its functions consult with the persons, bodies and departments of State determined by the Minister: Provided that a decision—

- (a) which relates to an agent of the Meat Board or to the situation, size, use and utilization or capacity of an abattoir which is to be erected, may only be taken after the commission has consulted that board; or
- (b) which places a financial liability of a capital nature in relation to an abattoir on a local authority, may only be taken after the commission has consulted the Administrator of the Province in which the area of jurisdiction of such local authority is situated.

Enquiries by the commission.

41. (1) The commission may, with the approval of the Minister, conduct an enquiry into any matter falling within the scope of its functions.

(2) The commission may for the purposes of an enquiry referred to in subsection (1), by registered letter signed by its chairman summon any person to give evidence at the enquiry

(3) Die Minister kan die Sekretaris gelas om ondersoek in te stel na die uitoefening deur die kommissie van 'n bevoegdheid wat kragtens hierdie Wet aan die kommissie verleen is.

37. Waar by hierdie Wet 'n bevoegdheid aan die kommissie verleent word om klasse abattoirs te omskryf, kan enige van die volgende omstandighede met betrekking tot 'n abattoir as grondslag van die omskrywing gebruik word—

- (a) die aantal eenhede of diere van 'n bepaalde soort of klas wat binne 'n bepaalde tydperk daar geslag word; of
- (b) die soort of klas diere wat daar geslag word;
- (c) of dit binne die reggebied van 'n plaaslike bestuur of 'n plaaslike bestuur van 'n bepaalde soort geleë is, al dan nie;
- (d) of dit vir 'n openbare doel gebruik word, al dan nie;
- (e) of dit tydelik of vir 'n onbepaalde tyd opgerig word;
- (f) of 'n plaaslike bestuur of 'n bepaalde soort plaaslike bestuur die eienaar daarvan is, al dan nie;
- (g) of 'n skema daar toegepas word, al dan nie;
- (h) of dit gebruik word om diere te slag ten einde produkte vir uitvoer te verkry, al dan nie; of
- (i) enige omstandigheid wat deur die Minister vir dié doel vasgestel word.

38. (1) Niemand mag sonder die voorafverkreeë skriftelike goedkeuring van die kommissie 'n ooreenkoms sluit waarby aan 'n persoon die reg verleent word om vir 'n tydperk van langer as twee jaar 'n abattoir vir die verrigting van 'n diens te gebruik nie.

(2) 'n Ooreenkoms—

- (a) wat vir 'n onbepaalde tydperk gesluit word; of
- (b) wat, alhoewel dit vir 'n korter tydperk as twee jaar gesluit is, aan een van die partye daartoe die reg verleent om dit te verleng vir 'n onbepaalde tydperk of vir 'n tydperk wat, indien dit bygevoeg word by die tydperk waarvoor die ooreenkoms gesluit word, langer as twee jaar is,

word by die toepassing van subartikel (1) geag 'n ooreenkoms te wees wat vir 'n tydperk van langer as twee jaar gesluit is.

39. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* van die toepassing van enige van of al die bepalings van hierdie Wet uitsluit—

- (a) enige in die proklamasie vermelde gebied of enige ander gebied as 'n aldus vermelde gebied;
- (b) enige aldus vermelde abattoir of enige ander abattoir as 'n aldus vermelde abattoir;
- (c) enige aldus vermelde klas abattoirs of enige ander klas abattoirs as 'n aldus vermelde klas abattoirs;
- (d) enige dier of soort of klas dier of in die algemeen of ten opsigte van 'n in die proklamasie vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* en op die voorwaardes wat hy bepaal, enige in die proklamasie vermelde persoon of klas persone of in die algemeen of ten opsigte van die omstandighede of ten opsigte van die diere of 'n bepaalde klas of soort diere of klas abattoirs wat in die proklamasie vermeld word, van voldoening aan enige van of al die bepalings van hierdie Wet vrystel.

(3) Die Staatspresident kan te eniger tyd by proklamasie in die *Staatskoerant* 'n proklamasie wat kragtens hierdie artikel uitgevaardig is, wysig of intrek.

40. Die kommissie moet by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede met die persone, liggeme en Staatsdepartemente wat deur die Minister bepaal word, oorleg pleeg: Met dien verstande dat 'n besluit—

- (a) wat betrekking het op 'n agent van die Vleisraad, of op die ligging, omvang, gebruik en benutting of kapasiteit van 'n abattoir wat opgerig gaan word, alleen geneem kan word nadat die kommissie met daardie raad oorleg gepleeg het; of
- (b) wat 'n finansiële verpligting van 'n kapitale aard met betrekking tot 'n abattoir op 'n plaaslike bestuur plaas, alleenlik geneem kan word nadat die kommissie met die Administrateur van die Provinse waarin die reggebied van sodanige plaaslike bestuur geleë is, oorleg gepleeg het.

41. (1) Die kommissie kan, met die goedkeuring van die Ondersoek deur Minister, 'n ondersoek instel na enige aangeleenthed wat binne kommissie. die bestek van sy werksaamhede val.

(2) Vir die doeleinades van 'n in subartikel (1) bedoelde ondersoek, kan die kommissie per aangetekende brief, deur sy voorsit-

or to produce any book, document or thing which is, in the opinion of the commission, relevant to the subject matter of the enquiry.

(3) The commission may call and examine any person present at the enquiry, whether or not he has been summoned to attend under subsection (2), and may inspect and retain for a reasonable period any book, document or thing the production of which was required under subsection (2): Provided that, in connection with the examination of any such person or the production of any such book, document or thing, the law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) (a) Whenever the commission deems it necessary to do so, it may direct any person to give his evidence on oath or affirmation.

(b) The chairman of the commission may administer the oath to, or accept an affirmation from, the person concerned.

(5) Any person who has been summoned to give evidence at such enquiry shall be entitled to receive as witness fees from the funds of the commission an amount equal to the amount which he would have received as witness fees if he had been summoned to attend at a criminal trial in a superior court held at the place specified in the summons sent to him.

(6) No person may without the permission of the commission attend such enquiry.

(7) The commission may for the purposes of such enquiry at all reasonable times enter and inspect any land or premises.

(8) The commission may for the purposes of such enquiry direct any person to furnish it with information in the form indicated by it.

Commission may authorize persons to conduct enquiry.

42. (1) The commission may, with the approval of the Minister, authorize a person or persons, including a member of the commission, to conduct an enquiry relating to any matter falling within the scope of the functions of the commission.

(2) The provisions of section 41 shall apply *mutatis mutandis* in respect of an enquiry conducted under subsection (1): Provided that if two or more persons are authorized to conduct such enquiry, the commission shall designate one of the authorized persons to act as chairman at such enquiry.

Code of instructions.

43. (1) The commission may draw up a code of instructions relating to the following matters—

(a) the buildings, structures and equipment used at abattoirs and the materials and methods employed in the erection, installation, alteration, repair or improvement of such buildings, structures and equipment;

(b) the facilities provided at abattoirs;

(c) the planning, lay-out and construction of abattoirs;

(d) the management and conduct of abattoirs;

(e) the use and utilization of abattoirs;

(f) the performance of services;

(g) any matter relating to any of the preceding matters as well as any matter which, in the opinion of the commission, should be dealt with in such code.

(2) The commission shall submit a code drawn up under subsection (1) to the Minister for his approval.

(3) The Minister shall approve such code with such amendments as he may deem fit or without any amendments.

(4) The Minister shall publish a code approved under subsection (3) by notice in the *Gazette*.

(5) Subject to the provisions of section 34, the provisions of a code published under subsection (4) shall not be binding upon any person.

(6) The commission may from time to time draw up amendments to a code published under subsection (4) and submit such amendments to the Minister for his approval.

(7) The provisions of subsections (3), (4) and (5) shall apply *mutatis mutandis* in respect of any amendment submitted to the Minister under subsection (6).

Designation of inspectors by commission.

44. (1) The commission may designate persons as inspectors to perform and to exercise the functions and the powers referred to in subsection (4).

(2) Every inspector shall be furnished with a certificate signed by an employee of the commission designated thereto by the commission and stating that he has been designated as an inspector under this Act.

ter onderteken, enigiemand dagvaar om by die ondersoek getuenis af te lê of 'n boek, stuk of saak voor te lê wat na die kommissie se oordeel op die onderwerp van die ondersoek betrekking het.

(3) Die kommissie kan 'n by die ondersoek aanwesige persoon, hetsy hy kragtens subartikel (2) gedagvaar is om aanwesig te wees al dan nie, oproep en ondervrae en kan enige boek, stuk of saak waarvan die voorlegging kragtens subartikel (2) gelas is, inspekteer en vir 'n redelike tyd hou: Met dien verstande dat in verband met die ondervraging van so iemand, of die voorlegging van so 'n boek, stuk of saak, die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n gereghof getuenis af te lê of 'n boek, stuk of saak voor te lê, van toepassing is.

(4) (a) Wanneer die kommissie dit nodig ag om dit te doen, kan hy enigiemand gelas om sy getuenis onder eed of na die maak van 'n bevestiging af te lê.

(b) Die voorsitter van die kommissie kan aan die betrokke persoon 'n eed oplê of van hom 'n bevestiging aanneem.

(5) Iemand wat gedagvaar is om by so 'n ondersoek getuenis af te lê, is geregtig om uit die fondse van die kommissie as getuiegeld 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuiegeld sou ontvang het as hy gedagvaar was om 'n strafgeding in 'n hoër hof, gehou op die plek vermeld in die dagvaarding wat aan hom gestuur is, by te woon.

(6) Niemand mag sodanige ondersoek sonder die verlof van die kommissie bywoon nie.

(7) Die kommissie kan op alle redelike tye grond of 'n perseel vir die doeleindes van sodanige ondersoek betree en inspekteer.

(8) Die kommissie kan vir die doeleindes van sodanige ondersoek enigiemand gelas om aan hom inligting te verstrek in die vorm wat hy aandui.

42. (1) Die kommissie kan, met die goedkeuring van die Minister, 'n persoon of persone, met inbegrip van 'n lid van die kommissie, magtig om 'n ondersoek betreffende enige aangeleentheid wat binne die bestek van die werkzaamhede van die kommissie val, in te stel.

(2) Die bepalings van artikel 41 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek wat kragtens subartikel (1) ingestel word: Met dien verstande dat, indien twee of meer persone gemagtig word om sodanige ondersoek in te stel, die kommissie een van die gemagtigde persone moet aanwys om as voorsitter by sodanige ondersoek op te tree.

43. (1) Die kommissie kan 'n kode van voorskrifte met *Kode van voorskrifte* betrekking tot die volgende aangeleenthede opstel—

- (a) die geboue, strukture en toerusting wat by abattoirs gebruik word en die materiale en metodes wat by die oprigting, installering, verandering, herstel of verbetering van sodanige geboue, strukture en toerusting gebruik en gevolg word;
- (b) die fasiliteite wat by abattoirs verskaf word;
- (c) die beplanning, uitleg en konstruksie van abattoirs;
- (d) die bestuur en dryf van abattoirs;
- (e) die gebruik en benutting van abattoirs;
- (f) die verrigting van dienste;
- (g) enige aangeleentheid wat met enige van die voorgaande aangeleenthede in verband staan asook enige aangeleentheid wat na die oordeel van die kommissie in so 'n kode behandel behoort te word.

(2) Die kommissie lê 'n kode kragtens subartikel (1) opgestel, aan die Minister vir sy goedkeuring voor.

(3) Die Minister moet sodanige kode, met die wysigings wat hy goedvind, of sonder enige wysigings, goedkeur.

(4) Die Minister moet 'n kode wat kragtens subartikel (3) goedgekeur is, by kennisgewing in die *Staatskoerant* publiseer.

(5) Behoudens die bepalings van artikel 34, is die bepalings van 'n kode wat kragtens subartikel (4) gepubliseer is, nie vir enigiemand bindend nie.

(6) Die kommissie kan van tyd tot tyd wysigings van 'n kode wat kragtens subartikel (4) gepubliseer is, opstel en sodanige wysigings aan die Minister vir sy goedkeuring voorlê.

(7) Die bepalings van subartikels (3), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van enige wysiging wat kragtens subartikel (6) aan die Minister voorgelê word.

44. (1) Die kommissie kan persone as inspekteurs aanwys om die in subartikel (4) bedoelde bevoegdhede en werkzaamhede uit te oefen en te verrig.

(2) Elke inspekteur moet van 'n sertificaat voorsien word wat deur 'n daartoe deur die kommissie aangewysde werknemer van die kommissie onderteken is en waarin verklaar word dat hy kragtens hierdie Wet as 'n inspekteur aangewys is.

- (3) An inspector shall, on demand by any person affected by the exercise or the performance by him of any power or function under this Act, produce the certificate referred to in subsection (2).
- (4) An inspector may, for the purposes of this Act—
- (a) without previous notice, at all reasonable times enter any abattoir or any premises from which an abattoir, or the performance of a service, is controlled, managed or conducted;
 - (b) examine any book, writing or document which relates to the management or conduct of an abattoir or the performance of a service, and require from the custodian or other person who has control over such book, writing or document, an explanation of any entry therein;
 - (c) question any person whom he reasonably believes to be in possession of information relating to the management and conduct of an abattoir or the performance of a service or any contravention or alleged contravention of any provision of this Act;
 - (d) require the production of any account, invoice or other document issued by a person in connection with the management or conduct of an abattoir or the performance of a service and require an explanation of any entry therein from such person or the custodian thereof; and
 - (e) make extracts from and copies of any book, writing, document, account or invoice referred to in paragraphs (b) and (d) and for the purposes of any proceedings against any person, seize any such book, writing, document, account or invoice.

Responsibilities and powers of owner of abattoir.

45. (1) The owner of an abattoir is responsible for the orderly and efficient management and conduct of such abattoir and for the orderly performance and efficient co-ordination of services at such abattoir.

(2) Such owner may, subject to the provisions of the Act, the provisions of an order issued under section 34 or the provisions of any condition imposed in respect of the registration of an abattoir, issue to persons performing services at such abattoir the directions which may be necessary in order to enable such owner to comply with the provisions of subsection (1): Provided that no direction shall be issued to an agent of the Meat Board, unless it is done in consultation with that board.

(3) If a person to whom a direction has been issued under subsection (2) fails to comply therewith, such owner may prohibit such person from performing any services at the abattoir concerned, notwithstanding the existence of an agreement between such owner and such person whereby a right is granted to such person to use the abattoir concerned for the performance of services.

(4) A person to whom a direction under subsection (2) has been issued, may lodge an objection to such direction with the commission in the prescribed manner.

(5) The commission may, of its own accord, amend or withdraw a direction issued under subsection (2) or after an objection to such direction has been lodged under subsection (4) confirm, amend, or withdraw such direction.

(6) Such owner shall forthwith inform the commission of the failure by a person who performs services at the abattoir concerned to comply with the provisions of this Act, a direction issued under subsection (2) or an order issued under section 34.

Finances of the commission.

46. (1) The commission shall open an account at a banking institution approved by the Minister and shall deposit therein all moneys paid to the commission in respect of a levy imposed under section 33 and all other moneys approved by the Minister and shall pay therefrom all payments relating to the administrative expenses of the commission.

(2) The commission shall, in addition to the account referred to in subsection (1), open an account or accounts at a banking institution or banking institutions approved by the Minister and shall deposit therein—

- (a) such amounts at the disposal of the commission as may be approved by the Minister from time to time;
- (b) all moneys borrowed by the commission; and
- (c) all other moneys which may accrue to the commission.

(3) The commission shall use the moneys in the account referred to in subsection (2) in a manner and in accordance with the conditions determined by the Minister.

- (3) 'n Inspekteur moet op versoek van enigiemand wat geraak word deur die uitoefening of die verrigting deur hom van enige bevoegdheid of werkzaamheid kragtens hierdie Wet, die in subartikel (2) bedoelde sertikaat vertoon.
- (4) 'n Inspekteur kan vir die doeleindes van hierdie Wet—
(a) sonder kennisgewing vooraf op enige redelike tyd 'n abattoir of enige perseel vanwaar 'n abattoir of die verrigting van 'n diens beheer, bestuur of gedryf word, betree;
- (b) 'n boek, geskrif of stuk wat betrekking het op die bestuur of dryf van 'n abattoir of die verrigting van 'n diens ondersoek, en van die bewaarder of ander persoon wat beheer het oor sodanige boek, geskrif of ander stuk, 'n verduideliking van 'n inskrywing daarin vereis;
- (c) enigiemand ondervra wat, na hy redelikerwys vermoed, in besit is van inligting betreffende die bestuur of dryf van 'n abattoir of die verrigting van 'n diens of enige oortreding of beweerde oortreding van 'n bepaling van hierdie Wet;
- (d) die voorlegging van enige rekening, faktuur of ander stuk wat deur 'n persoon in verband met die bestuur of dryf van 'n abattoir of die verrigting van 'n diens uitgereik is, en 'n verduideliking van 'n inskrywing daarin, van bedoelde persoon of die bewaarder daarvan eis; en
- (e) uittreksels of afskrifte maak uit of van 'n boek, geskrif, stuk, rekening of faktuur in paragrawe (b) en (d) vermeld en vir die doeleindes van verrigtinge teen 'n persoon, op enige sodanige boek, geskrif, stuk, rekening of faktuur beslag lê.

45. (1) Die eienaar van 'n abattoir is verantwoordelik vir die ordelike en doeltreffende bestuur en dryf van sodanige abattoir en vir die ordelike verrigting en doeltreffende koördinering van dienste by sodanige abattoir.

Verantwoordelikheide en bevoegdhede van eienaar van abattoir.

(2) Sodanige eienaar kan, behoudens die bepalings van die Wet, die bepalings van 'n kragtens artikel 34 uitgereikte lasgewing of die bepalings van enige voorwaarde wat ten opsigte van die registrasie van so 'n abattoir opgelê is, aan persone wat dienste by sodanige abattoir verrig, die bevele uitreik wat nodig is ten einde sodanige eienaar in staat te stel om aan die bepalings van subartikel (1) te voldoen: Met dien verstande dat geen bevel aan 'n agent van die Vleisraad uitgereik word nie, tensy dit in oorelog met daardie raad gedoen word.

(3) Indien 'n persoon aan wie 'n bevel kragtens subartikel (2) uitgereik is, versuim om daaraan te voldoen, kan sodanige eienaar sodanige persoon verbied om enige dienste by die betrokke abattoir te verrig, ongeag die bestaan van 'n ooreenkoms tussen sodanige eienaar en sodanige persoon waarkragtens 'n reg aan sodanige persoon verleen word om die betrokke abattoir vir die verrigting van dienste te gebruik.

(4) 'n Persoon aan wie 'n bevel kragtens subartikel (2) uitgereik is, kan 'n beswaar teen sodanige bevel op die voorgeskrewe wyse by die kommissie indien.

(5) Die kommissie kan uit eie beweging 'n bevel kragtens subartikel (2) uitgereik, wysig of intrek of nadat 'n beswaar daarteen kragtens subartikel (4) ingedien is, sodanige bevel bekragtig, wysig of intrek.

(6) Sodanige eienaar moet die kommissie onverwyld in kennis stel van die versuim van 'n persoon wat dienste by die betrokke abattoir verrig om aan die bepalings van hierdie Wet, 'n bevel kragtens subartikel (2) uitgereik of 'n lasgewing kragtens artikel 34 uitgereik, te voldoen.

46. (1) Die kommissie moet 'n rekening by 'n deur die Minister goedgekeurde bankinstelling open en daarin alle gelde aan die kommissie betaal ten opsigte van 'n heffing kragtens artikel 33 opgelê en alle ander gelde wat die Minister goedkeur, stort en daaruit alle betalings in verband met die administratiewe uitgawes van die kommissie doen.

Finansies van die kommissie.

(2) Die kommissie moet, benewens die in subartikel (1) vermelde rekening, 'n rekening of rekenings by 'n deur die Minister goedgekeurde bankinstelling of bankinstellings open en daarin stort—

- (a) die bedrae ter beschikking van die kommissie wat die Minister van tyd tot tyd goedkeur;
- (b) alle gelde deur die kommissie geleen; en
- (c) alle ander gelde wat aan die kommissie toeval.

(3) Die kommissie moet die gelde in 'n in subartikel (2) bedoelde rekening gebruik op 'n wyse en ooreenkomsdig die voorwaardes wat die Minister bepaal.

Accounts and auditing.

47. (1) The commission shall keep a proper record of its property and of all its financial transactions, and shall as soon as possible after the end of each financial year prepare accounts of its income and expenditure for such year and a balance sheet of its assets and liabilities as at the thirtieth day of June.

(2) The books, accounts and balance sheet of the commission shall be audited by the Controller and Auditor-General.

Financial year of commission.

48. The financial year of the commission shall be the period from the first day of July in any year to the thirtieth day of June in the next succeeding year, both days inclusive.

Reports.

49. (1) The commission shall—

(a) once in every year, within six months after the end of its financial year, submit a report to the Minister on its work during its immediately preceding financial year; and

(b) at the request of the Minister, furnish him with any minutes of meetings of the commission or any document or information in connection with the exercise by the commission of its powers or the performance of its functions.

(2) Every report submitted under subsection (1) (a), shall be laid upon the Table by the Minister in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after commencement of its first ensuing ordinary session.

Establishment and keeping of register of abattoirs.

50. (1) The commission shall establish and keep a register in the prescribed form of all registered abattoirs.

(2) The commission may make available information contained in the register on payment of the prescribed amount.

(3) Such register shall be *prima facie* evidence of all matters entered therein under this Act.

(4) A certificate signed by a person who alleges therein that he is an employee of the commission to the effect that an entry has or has not been made in the register, is *prima facie* evidence of the matters specified in that certificate.

Regulations.

51. (1) The Minister may make regulations—

(a) with regard to the conduct of and procedure at meetings of the commission and of a committee referred to in section 11 (including the quorum in the case of such committee) and the manner in which meetings of such committee shall be called;

(b) with regard to the form and manner in which any application under this Act shall be submitted to the commission;

(c) with regard to the manner in which and the time within which a levy imposed under section 33 shall be paid to the commission and the payment of interest on the amount of an unpaid levy;

(d) prescribing the returns which shall be rendered by the owner of an abattoir or a person who performs a service;

(e) with regard to the particulars which shall be entered in the register;

(f) with regard to any matter which is by this Act required or permitted to be prescribed;

(g) prescribing the method of serving any order, notice, direction or document issued under this Act and required by this Act to be served;

(h) prescribing, generally, all matters which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made under subsection (1) with regard to different classes of abattoirs and different kinds of applications required under this Act.

(3) Any regulations made under this section may prescribe penalties for any contravention thereof or a failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

Secrecy to be observed.

52. No member of the commission, or person referred to in section 4 (c), or inspector or person allowed to be present at any meeting of the commission or of any committee thereof or

47. (1) Die kommissie moet behoorlik boekhou van sy eindedom en van al sy finansiële transaksies en moet so spoedig moontlik na die end van elke boekjaar rekenings van sy inkomste en uitgawe vir sodanige jaar en 'n balansstaat van sy bate en laste soos op die dertigste dag van Junie opstel.

(2) Die boeke, rekenings en balansstaat van die kommissie word deur die Kontroleur en Ouditeur-generaal geouditeer.

48. Die boekjaar van die kommissie is die tydperk vanaf die eerste dag van Julie in enige jaar tot die dertigste dag van Junie in die daaropvolgende jaar, albei dae ingesluit.

49. (1) Die kommissie moet—

Verslae.

- (a) een maal in elke jaar, binne ses maande na die einde van sy boekjaar, 'n verslag aangaande sy werk gedurende sy onmiddellik voorafgaande boekjaar aan die Minister voorlê; en
- (b) enige notules van vergaderings van die kommissie of enige stuk of inligting in verband met die uitoefening deur die kommissie van sy bevoegdhede of die verrigting van sy werksaamhede op versoek van die Minister aan hom verstrek.

(2) Elke verslag ingevolge subartikel (1) (a) voorgelê, word deur die Minister in die Senaat en in die Volksraad ter Tafel gelê binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

50. (1) Die kommissie moet 'n register van alle geregistreerde abattoirs in die voorgeskrewe vorm aanlê en hou. Aanlê en hou van register van abattoirs.

(2) Die kommissie kan die inligting wat in die register vervat is, beskikbaar stel teen betaling van die voorgeskrewe bedrag.

(3) Sodanige register dien as *prima facie*-bewys van alle aangeleenthede wat kragtens hierdie Wet daarin ingeskryf word.

(4) 'n Sertifikaat onderteken deur 'n persoon wat daarin beweer dat hy 'n werknemer van die kommissie is, ten effekte dat 'n aantekening wel of nie in die register gemaak is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

51. (1) Die Minister kan regulasies uitvaardig—

Regulasies.

- (a) met betrekking tot die hou van en die prosedure op vergaderings van die kommissie en van 'n in artikel 11 bedoelde komitee (met inbegrip van die kworum in die geval van sodanige komitee) en die wyse waarop vergaderings van sodanige komitee belê moet word;
- (b) met betrekking tot die vorm waarin en die wyse waarop 'n aansoek ingevolge hierdie Wet aan die kommissie voorgelê moet word;
- (c) met betrekking tot die wyse waarop en tydperk waarin 'n kragtens artikel 33 opgelegde heffing aan die kommissie betaal moet word en die betaling van rente op die bedrag van 'n onbetaalde heffing;
- (d) waarin die opgawes wat deur die eienaar van 'n abattoir of 'n persoon wat 'n diens verrig, verstrek moet word, voorgeskryf word;
- (e) met betrekking tot die besonderhede wat in die register ingeskryf moet word;
- (f) met betrekking tot enige aangeleenthed wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (g) waardeur die wyse van bestelling van 'n lasgewing, kennisgewing, bevel of ander dokument wat kragtens hierdie Wet uitgereik word en wat deur hierdie Wet vereis word bestel te word, voorgeskryf word;
- (h) wat, in die algemeen, alle aangeleenthede voorskryf wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie bepaling word nie beperk deur die bepalings van die voorafgaande paragrawe nie.

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word met betrekking tot verskillende klasse abattoirs en verskillende soorte aansoekte kragtens hierdie Wet vereis.

(3) Regulasies wat kragtens hierdie artikel uitgevaardig word, kan vir 'n oortreding daarvan of versuum om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande te bowe gaan nie.

52. Geen lid van die kommissie, 'n persoon in artikel 4 (c) vermeld, 'n inspekteur of 'n persoon wat toegelaat is om teenwoordig te wees op 'n vergadering van die kommissie of 'n

at any enquiry held under section 41 or 42 or at any interrogation of any person by an inspector, shall disclose to any person, except for the purpose of the performance of his duties or functions under this Act or when required by a court to do so or under any law, any information acquired in the performance of his duties or functions under this Act or while attending any such meeting, enquiry or interrogation, as the case may be.

Offences and penalties.

53. Any person who—

- (a) without sufficient cause (the onus of proof whereof shall rest upon him) fails to furnish the information or render the aid or assistance required from him under section 4 (k);
- (b) contravenes the provisions of section 13 or 32 (4) or fails to comply with an order issued under section 25 (2) or 34;
- (c) contravenes the provisions of section 20;
- (d) fails to comply with the provisions of section 24 (2);
- (e) contravenes the provisions of section 28;
- (f) fails to pay a levy imposed under section 33 in the prescribed manner or within the prescribed period;
- (g) (i) having been summoned to give evidence at an enquiry under section 41 or 42, without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend at the time and place specified in the summons, or fails to remain in attendance until the conclusion of the enquiry or until excused by the person presiding at the enquiry from further attendance, or fails to produce any book, document or thing in his possession or custody or under his control, which he has been summoned to produce; or
(ii) having been called under section 41 or 42, without sufficient cause (the onus of proof whereof shall rest upon him) refuses to be sworn or to make affirmation as a witness after he has been directed to do so, or refuses to testify or refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him;
- (h) (i) hinders or obstructs an inspector in the exercise of his powers or the performance of his duties under section 44; or
(ii) without valid excuse refuses or fails to answer to the best of his ability any question which an inspector in the exercise of his powers or the performance of his duties under the said section has put to him; or
(iii) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his powers or the performance of his duties under the said section; or
(iv) wilfully furnishes to an inspector any information which is false or misleading;
- (i) in any application under this Act, knowingly furnishes information or makes a statement which is false or misleading;
- (j) fails to comply with an order amended or confirmed under section 45 (5) after such order has been so amended or confirmed,

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 twelve months, or to both such fine and such imprisonment, and, in the case of an offence referred to in paragraph (b) or (f), an additional fine not exceeding twenty rand or four days' imprisonment for every day on which the offence continues.

Proof of certain facts.

54. (1) Whenever upon the trial of any person charged with a contravention of a provision of this Act the question arises whether a person bearing a particular name—

- (a) did or did not within a particular period furnish the commission with a particular return; or
- (b) did or did not pay to the commission within a particular period a particular levy, or a portion thereof, a document purporting to be an affidavit made by a person who, in that affidavit, alleges that he is an employee of the commission and that no person bearing the said name furnished the com-

komitee daarvan of by 'n ondersoek kragtens artikel 41 of 42 gehou of by 'n ondervraging van enige persoon deur 'n inspekteur, mag aan enigiemand inligting wat hy verkry het by die uitvoering van sy pligte of werkzaamhede ingevolge hierdie Wet of terwyl hy by of op sodanige vergadering, ondersoek of ondervraging, na gelang van die geval, teenwoordig was, bekend maak nie, behalwe met die doel om sy pligte of werkzaamhede kragtens hierdie Wet uit te voer of wanneer dit deur 'n hof of kragtens 'n wetsbepaling van hom vereis word.

53. Iemand wat—

Misdrywe en strawwe.

- (a) sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om die inligting te verstrek of die hulp of bystand te verleen wat kragtens artikel 4 (k) van hom geveng word;
- (b) die bepalings van artikel 13 of 32 (4) oortree of versuim om aan 'n lasgewing uitgereik kragtens artikel 25 (2) of 34 te voldoen;
- (c) die bepalings van artikel 20 oortree;
- (d) versuim om aan die bepalings van artikel 24 (2) te voldoen;
- (e) die bepalings van artikel 28 oortree;
- (f) versuim om 'n kragtens artikel 33 opgelegde heffing op die voorgeskrewe wyse of binne die voorgeskrewe tydperk te betaal;
- (g) (i) nadat hy gedagvaar is om by 'n ondersoek kragtens artikel 41 of 42 getuienis af te lê, sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn, of versuim om aanwesig te bly totdat die ondersoek voltooi is of totdat die persoon wat by die ondersoek voorsit hom verlof gegee het om weg te bly, of versuim om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer, tot voorlegging waarvan hy gedagvaar is, voor te lê; of
(ii) nadat hy kragtens artikel 41 of 42 opgeroep is, sonder voldoende rede (waarvan die bewyslas op hom rus) weier om as getuie die eed af te lê of 'n bevestiging te maak nadat hy gelas is om dit te doen, of weier om getuienis af te lê, of weier of versuim om na sy beste wete en oortuiging enige wettig aan hom gestelde vraag ten volle en op bevredigende wyse te beantwoord;
- (h) (i) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens artikel 44 hinder of belemmer; of
(ii) sonder geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens gemelde artikel aan hom gestel het, na sy beste vermoë te beantwoord; of
(iii) weier of versuim om na sy beste vermoë aan 'n vereiste deur 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens gemelde artikel gestel, te voldoen; of
(iv) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is;
- (i) in 'n aansoek kragtens hierdie Wet wetens inligting verstrek of 'n verklaring doen wat vals of misleidend is;
- (j) versuim om aan 'n bevel wat kragtens artikel 45 (5) gewysig of bekragtig is, te voldoen nadat sodanige bevel aldus gewysig of bekragtig is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf, en, in die geval van 'n in paragraaf (b) of (f) bedoelde misdryf, 'n addisionele boete van hoogstens twintig rand of vier dae gevangenisstraf vir elke dag wat die oortreding voortduur.

54. (1) Wanneer, by die verhoor van iemand op aanklag Bewys van weens 'n oortreding van 'n bepaling van hierdie Wet, die vraag sekere feite. ontstaan of iemand met 'n bepaalde naam—

- (a) 'n bepaalde opgawe binne 'n bepaalde tydperk aan die kommissie verstrek het al dan nie; of
- (b) 'n bepaalde heffing of 'n gedeelte daarvan binne 'n bepaalde tydperk aan die kommissie betaal het al dan nie,

is 'n geskrif wat 'n beëdigde verklaring heet te wees van 'n persoon wat in daardie beëdigde verklaring beweer dat hy 'n werknemer van die kommissie is en dat niemand met daardie naam sodanige opgawe binne sodanige tydperk aan die kom-

mission within such period with such return or paid to the commission within such period such levy or such portion thereof, as the case may be, shall on its mere production at that trial by any person be *prima facie* evidence of the facts alleged therein.

(2) Whenever upon the trial of a person charged with a contravention of a provision of this Act, it is proved that a false statement was made or that false information was furnished by such person, he shall, unless the contrary is proved, be deemed to have made that statement or to have furnished that information knowing it to be false.

Act or omission of manager, agent or employee.

55. (1) Whenever any manager, agent or employee of any person (hereinafter called the employer) does or omits to do any act which it would be an offence under this Act for the employer to do or to omit to do, then unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts, whether lawful or unlawful,

of the character of the act or omission charged, the employer himself shall be presumed to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect therof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

Additional fines.

56. Whenever a person is convicted of an offence referred to in section 53 (f), the court convicting him shall, in addition to any punishment imposed in respect of that offence, forthwith give judgment against that person and in favour of the commission for the amount the court finds is due to the commission by that person, and such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

Jurisdiction of magistrate's court.

57. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act or to make any order provided for by this Act.

Delegation of Minister's powers.

58. (1) The Minister may in writing delegate to any senior officer in any department of State all or any of the powers conferred upon him by this Act other than the powers referred to in section 51.

(2) The Minister may at any time revoke in writing any delegation under subsection (1), and no delegation of any power shall prevent the exercise of such power by the Minister himself.

Limitation of liability of State, Minister, commission, etc.

59. The State, the Minister, the commission or its employees, an inspector or a person authorized under section 42 shall not be liable in respect of anything done in good faith under the provisions of the Act.

Service of order, notice, direction or other document.

60. Unless another method is prescribed, any order, notice, direction or other document issued under this Act shall be served—

- (a) by delivering a copy thereof to the person upon whom it is to be served;
- (b) by leaving such copy at the usual or last known place of residence or business of such person; or
- (c) by sending such copy by post to the usual or last known place of residence or business of such person.

Exemptions.

61. The provisions of this Act shall not apply in respect of any animal which is slaughtered by any person on land occupied by him with the intention of using the meat derived from such animal solely—

missie verstrek het nie of sodanige heffing of gedeelte daarvan binne sodanige tydperk aan die kommissie betaal het nie, na gelang van die geval, by blote voorlegging daarvan by sodanige verhoor deur enige persoon, *prima facie*-bewys van die daarin vermelde feite.

(2) Wanneer by die verhoor van iemand op aanklag weens 'n oortreding van 'n bepaling van hierdie Wet, bewys word dat 'n valse verklaring gedoen is of dat valse inligting verstrek is deur so iemand, word daar geag, tensy die teendeel bewys word, dat hy daardie verklaring gedoen het of daardie inligting verstrek het met die wete dat dit vals is.

55. (1) Wanneer 'n bestuurder, agent of werknemer van enige persoon (hieronder die werkewer genoem) enige daad of versuim begaan wat 'n misdryf kragtens hierdie Wet sou wees as die werkewer dit begaan het, dan, tensy bewys word dat—

- (a) die werkewer daardie daad of versuim van die bestuurder, agent of werknemer nie oogluikend toegelaat of veroorloof het nie; en
- (b) die werkewer alle redelike stappe doen het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaarde of omstandigheid binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word daar veronderstel dat die werkewer self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonnis word; en die feit dat hy 'n daad of versuim van die betrokke aard verbied het, word nie op sigself aanvaar as voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van enige sodanige werkewer 'n daad of versuim begaan wat 'n misdryf kragtens hierdie Wet sou wees as die werkewer dit begaan, kan hy ten opsigte daarvan skuldig bevind en gevonnis word asof hy die werkewer is.

(3) Enige sodanige bestuurder, agent of werknemer kan benewens die werkewer aldus skuldig bevind en gevonnis word.

56. Wanneer iemand aan 'n in artikel 53 (f) bedoelde misdryf skuldig bevind word, moet die hof wat hom skuldig bevind, benewens enige straf ten opsigte van daardie misdryf opgelê, onverwyld vonnis uitspreek teen daardie persoon en ten gunste van die kommissie, vir die bedrag wat, na die hof bevind, deur daardie persoon aan die kommissie verskuldig is, en so 'n vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek was.

57. Ondanks andersluidende wetsbepalings, besit 'n landdroshofregsbevoegdhede om enige straf op te lê wat hierdie Wet van 'n landdroshof. voorskryf of om enige bevel uit te vaardig waarvoor hierdie Wet voorsiening maak.

58. (1) Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, met uitsondering van die in artikel 51 bedoelde bevoegdhede, skriftelik aan enige senior beampte in 'n Staatsdepartement deleger.

(2) Die Minister kan te eniger tyd enige delegering kragtens subartikel (1) skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van sodanige bevoegdheid deur die Minister self nie.

59. Die Staat, die Minister, die kommissie of sy werknemers, 'n inspekteur of 'n kragtens artikel 42 gemagtigde persoon is nie aanspreeklik ten opsigte van enigets wat te goeder trou kragtens die bepalings van hierdie Wet gedoen is nie.

60. Tensy 'n ander metode voorgeskryf word, word 'n lasgewing, kennisgewing of bevel of ander dokument kragtens hierdie Wet uitgereik, bestel—

- (a) deur 'n afskrif daarvan te oorhandig aan die persoon aan wie dit bestel moet word;
- (b) deur sodanige afskrif by die gewone of laasbekende woonplek of besigheidsplek van sodanige persoon te laat; of
- (c) deur sodanige afskrif deur die pos na die gewone of laasbekende woonplek of besigheidsplek van sodanige persoon te stuur.

61. Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van 'n dier wat deur 'n persoon geslag word op grond wat deur hom geokkupeer word, met die doel om die vleis wat van sodanige dier verkry word uitsluitlik te gebruik—

- (a) for his own consumption or the consumption of his household or non-paying guests; or
- (b) for the consumption of his employees who are engaged in *bona fide* farming activities, including their households and non-paying guests, provided the number of animals slaughtered by such person during a prescribed period does not exceed a prescribed number.

Short title and commencement.

62. This Act shall be called the Abattoir Commission Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

- (a) vir verbruik deur homself, sy huishouding of sy nie-betalende gaste; of
- (b) vir verbruik deur sy werknemers wat in *bona fide*-boerderybedrywighede betrokke is, met inbegrip van hul huishoudings en hul nie-betalende gaste, mits die getal diere wat deur sodanige persoon gedurende 'n voor- geskrewe tydperk geslag word, nie 'n voorgeskrewe getal oorskry nie.

62. Hierdie Wet heet die Wet op die Abattoirkommissie, Kort titel en 1967, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding proklamasie in die *Staatskoerant* bepaal.

No. 87, 1967.]

ACT

To provide for the maintenance of proper standards of hygiene in the slaughtering of animals and the handling of meat and animal products; for the prevention of the transmission of diseases to humans and animals by diseased or infected animals, meat or animal products; for the prevention of cruelty in the slaughtering of animals at abattoirs; to control the importation of certain meat; and to provide for incidental matters.

(*English text signed by the Acting State President.*)
(Assented to 19th June, 1967.)

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

Definitions.

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

- (i) “abattoir” means any place where animals are slaughtered or are intended to be slaughtered, and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are located at the same place as such place; (ii)
- (ii) “animal” means any bovine or equine animal, sheep, goat, pig, poultry, ostrich, of any age, and any other animal which the Minister by notice in the *Gazette* declares to be an animal for the purposes of this Act; (vi)
- (iii) “animal product” includes all portions of an animal other than the meat thereof; (vii)
- (iv) “appliance” means any machinery, implement, apparatus, tool, instrument, utensil, block, wrapper, vat, can, box, package, basket, vessel, container, receptacle or other thing, whether or not of the same kind as the aforementioned things, used or apparently used at or for any purpose of or in connection with an abattoir; (xxv)
- (v) “authorized person” means any person authorized under section 19 (1) (b) or section 21 (1) (b) to exercise the powers, perform the functions and carry out the duties referred to in section 19 (1) (b) or section 21 (1) (b), as the case may be; (x)
- (vi) “certificate of approval” means a certificate of approval issued in terms of section 4; (xxi)
- (vii) “Chief Meat Hygiene Officer” means the Chief Meat Hygiene Officer referred to in section 2; (xi)
- (viii) “conveyance” means any vehicle, vessel or aircraft; (xxix)
- (ix) “department” means the Department of Agricultural Technical Services; (v)
- (x) “designated officer” means any officer designated under section 21 (1) (c) to exercise the powers, perform the functions and carry out the duties referred to in that section; (i)
- (xi) “diseased” means infected or affected by disease and in relation to an animal or meat includes affected with any defect, inferiority or abnormal condition which renders meat of the animal in question or the meat in question unfit for human consumption; (xxii)

No. 87, 1967.]

WET

Om voorsiening te maak vir die handhawing van behoorlike standaarde van higiëne by die slag van diere en die hantering van vleis en dierlike produkte; vir die voorkoming van die oordra van siektes na mense en diere deur siektebesmette of besmette diere, vleis of dierlike produkte; vir die voorkoming van mishandeling by die slag van diere by abattoirs; om die invoer van sekere vleis te beheer; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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, Woordomskrywing.

- (i) „aangewese beamppte” ’n beamppte wat kragtens artikel 21 (1) (c) aangewys is om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat in daardie artikel vermeld word; (x)
- (ii) „abattoir” ’n plek waar diere geslag word of wat vir die slag van diere bestem is, met inbegrip van alle fasilitete wat normaalweg by so ’n plek tuishoort of daaraan verbonde is, ongeag of sodanige fasilitete op dieselfde plek as sodanige plek geleë is, al dan nie; (i)
- (iii) „beamppte” ’n beamppte van die departement; (xx)
- (iv) „besmet” ly aan, of in die inkubasiestadium van, of besoedel met die besmetting van, ’n besmetlike of aansteeklike siekte; (xiv)
- (v) „departement” die Departement van Landbou-tegniese Dienste; (ix)
- (vi) „dier” enige bees, lid van die perdefamilie, skaap, bok, vark, pluimvee, volstruis, van enige ouderdom, en enige ander dier wat die Minister by kennisgewing in die *Staatskoerant* tot ’n dier vir die doeleindest van hierdie Wet verklaar; (ii)
- (vii) „dierlike produk” alle gedeeltes van ’n dier behalwe die vleis daarvan; (iii)
- (viii) „eetbare afval”, met betrekking tot ’n geslagte dier, die harsings, tong, timus, pankreas, lever, milt, niere, hart, longe, stert, slukderm, gewaste kop, geskraapte en skoongemaakte pens, bloed (indien opgevang soos voorgeskryf), derms, pootjies, kloutjies, voete en, in die geval van ’n vers, die uier; (xiii)
- (ix) „eiennaar”, met betrekking tot ’n abattoir, die persoon by wie die eiendomsreg op sodanige abattoir berus of, in die geval van ’n abattoir ten opsigte waarvan die reg van algemene beheer berus by ’n ander persoon as die persoon by wie sodanige eiendomsreg berus, daardie ander persoon; (xxii)
- (x) „gemagtigde persoon” ’n persoon wat kragtens artikel 19 (1) (b) of artikel 21 (1) (b) gemagtig is om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat in artikel 19 (1) (b) of artikel 21 (1) (b), na gelang van die geval, vermeld word; (v)
- (xi) „Hoof-vleishigiënebeamppte” die in artikel 2 bedoelde Hoof-vleishigiënebeamppte; (vii)
- (xii) „hierdie Wet” ook die regulasies; (xxix)

- (xii) "dress" means to remove the hide, skin, hair, feathers, entrails, pluck, head, legs, trotters, cowheels, hoofs, feet, tail and diaphragm, as the case may be in respect of the relevant species of animal; (xxiii)
- (xiii) "edible offal", in relation to a slaughtered animal, means the brain, tongue, thymus, pancreas, liver, spleen, kidneys, heart, lungs, tail, oesophagus, washed head, scraped and cleaned stomach, blood (if collected as prescribed), intestines, trotters, cowheels, feet and, in the case of a heifer, the udder; (viii)
- (xiv) "infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any infectious or contagious disease; (iv)
- (xv) "inspector" means any person appointed under section 19 (1) (a) or section 21 (1) (a) to exercise the powers, perform the functions and carry out the duties referred to in section 19 (1) (a) or section 21 (1) (a), as the case may be; (xiii)
- (xvi) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xviii)
- (xvii) "mark", in relation to any animal, meat or animal product, when used as a verb, means the placing thereon of any mark, representation, designation or description and, when used as a noun, means any mark, representation, designation or description appearing upon or used in connection with any animal, meat or animal product; (xiv)
- (xviii) "meat" means any part of the body of an animal which is ordinarily used for human consumption and includes any edible offal; (xxx)
- (xix) "Minister" means the Minister of Agricultural Technical Services; (xv)
- (xx) "officer" means an officer of the department; (iii)
- (xxi) "operator", in relation to an abattoir, means a person other than the owner of such abattoir, who carries on business for his own account and who, for the purposes of such business, uses such abattoir for the slaughter of animals; (xvii)
- (xxii) "owner", in relation to an abattoir, means the person in whom the ownership of such abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom such ownership is vested, that other person; (ix)
- (xxiii) "poultry" means any fowl, duck, goose, turkey, guineafowl, partridge, pheasant, pigeon, and the young thereof, and any other bird which the Minister by notice in the *Gazette* declares to be poultry for the purposes of this Act; (xix)
- (xxiv) "prescribed" means prescribed by regulation; (xxxii)
- (xxv) "prohibited animal" means any animal which the Minister by notice in the *Gazette* declares to be a prohibited animal for the purposes of this Act; (xxvii)
- (xxvi) "regulation" means a regulation made and in force under this Act; (xx)
- (xxvii) "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or to exchange or to dispose of for any consideration whatsoever, or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; (xxviii)
- (xxviii) "slaughter" means killing with the intention of using the meat or animal products derived from the animal in question for human or animal consumption or for commercial purposes; (xxiv)
- (xxix) "this Act" includes the regulations; (xi)
- (xxx) "unfit for human consumption" means, without limit to the generality of the meaning of the expression, unsound, unsafe, unwholesome or unfit for human consumption by reason of disease, defect, inferiority, abnormal condition, putrefaction, decomposition, emaciation, contamination or exposure to contamination by dust, insects, vermin, animals or by any other means whatsoever; (xvi)

- (xiii) „inspekteur” 'n persoon wat kragtens artikel 19 (1) (a) of artikel 21 (1) (a) aangestel is om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat in artikel 19 (1) (a) of artikel 21 (1) (a), na gelang van die geval, vermeld word; (xv)
- (xiv) „merk”, met betrekking tot enige dier, vleis of dierlike produk, waar dit as 'n werkwoord gebesig word, die aanbring daarop van 'n merk, voorstelling, benaming of beskrywing en, waar dit as 'n selfstandige naamwoord gebesig word, 'n merk, voorstelling, benaming of beskrywing wat op enige dier, vleis of dierlike produk voorkom of in verband daarmee gebesig word; (xvii)
- (xv) „Minister” die Minister van Landbou-tegniese Dienste; (xix)
- (xvi) „ongeskik vir menslike verbruik”, sonder inkorting van die algemene betekenis van die uitdrukking, on-suiwer, onveilig, ongesond of ongeskik vir menslike verbruik weens siekte, tekortkoming, minderwaardigheid, abnormale toestand, verrotting, ontbinding, uittering, besoedeling of blootstelling aan besoedeling deur stof, insekte, ongediertes, diere of op enige ander wyse hoegenaamd; (xxx)
- (xvii) „operateur”, met betrekking tot 'n abattoir, 'n persoon, behalwe die eienaar van sodanige abattoir, wat 'n besigheid vir eie rekening dryf en wat, vir die doeleindes van sodanige besigheid, sodanige abattoir vir die slag van diere gebruik; (xxi)
- (xviii) „plaaslike bestuur” 'n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoel; (xvi)
- (xix) „pluimvee” enige hoender, eend, gans, kalkoen, tarentaal, patrys, fisant, duif, en die kuikens daarvan, en enige ander voël wat die Minister by kennisgewing in die *Staatskoerant* tot pluimvee vir die doeleindes van hierdie Wet verklaar; (xxiii)
- (xx) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig en van krag; (xxvi)
- (xxi) „sertifikaat van goedkeuring” 'n kragtens artikel 4 uitgereikte sertifikaat van goedkeuring; (vi)
- (xxii) „siektebesmet” besmet of aangetas deur siekte en met betrekking tot 'n dier of vleis ook aangetas deur enige tekortkoming, minderwaardigheid of abnormale toestand wat die vleis van die betrokke dier of die betrokke vleis vir menslike verbruik ongeskik maak; (xi)
- (xxiii) „skoonmaak” om die huid, vel, hare, vere, binne goed, harslag, kop, bene, pootjies, kloutjies, hoewe, voete, stert en diafragma, na gelang van die geval, ten opsigte van die betrokke diersoort, te verwijder; (xii)
- (xxiv) „slag” doodmaak met die doel om die vleis of dierlike produkte wat van die betrokke dier verkry word vir menslike of dierlike verbruik of vir handelsdoel-eindes te gebruik; (xxviii)
- (xxv) „toestel” enige masjinerie, implement, apparaat, gereedskap, instrument, werktuig, blok, omhulsel, vat, kan, doos, verpakking, mandjie, fles,houer, vergaarbak of ander ding, hetsy van dieselfde soort as die dinge voormeld al dan nie, wat gebruik word of vermoedelik gebruik word by of vir enige doel van of in verband met 'n abattoir; (iv)
- (xxvi) „veearts” 'n persoon wat kragtens die Veeartswet, 1933 (Wet No. 16 van 1933), as sodanig geregistreer is; (xxxii)
- (xxvii) „verbode dier” enige dier wat die Minister by kennisgewing in die *Staatskoerant* tot 'n verbode dier vir die doeleindes van hierdie Wet verklaar; (xxv)
- (xxviii) „verkoop” ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of voorberei of verruil of teen enige vergoeding hoegenaamd van die hand sit of ingevolge 'n verkoping, verruiling of vandie-handsetting soos voormeld, versend, vervoer of lewer; (xxvii)
- (xxix) „vervoermiddel” 'n voertuig, vaartuig of vliegtuig; (viii)
- (xxx) „vleis” enige gedeelte van die dierlike liggaam wat gewoonlik vir menslike verbruik gebruik word en ook enige eetbare afval; (xviii)

- (xxxii) "vehicle" means any description of cart, wagon, truck, barrow, carriage, motor vehicle, cycle or other means of transport on land whatsoever, and includes any meat delivery container; (xxxii)
- (xxxiii) "veterinarian" means a person registered as such under the Veterinary Act, 1933 (Act No. 16 of 1933).
- (xxvi)

Designation of Chief Meat Hygiene Officer.

2. (1) The Minister shall designate an officer, who shall be a veterinarian, as Chief Meat Hygiene Officer, who shall exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon the Chief Meat Hygiene Officer by or under this Act.

(2) The Chief Meat Hygiene Officer shall exercise his powers, perform his functions and carry out his duties with due regard to any instructions issued by the Minister.

(3) (a) Any power conferred upon, function assigned to or duty imposed upon the Chief Meat Hygiene Officer may be exercised, performed or carried out by the Chief Meat Hygiene Officer personally or by an officer under a delegation from or under the control or direction of the Chief Meat Hygiene Officer.

(b) Any decision made by any such officer may be withdrawn or amended by the Chief Meat Hygiene Officer and shall, until it has been so withdrawn be deemed, except for the purposes of this paragraph, to have been made by the Chief Meat Hygiene Officer.

3. The Chief Meat Hygiene Officer shall establish and keep a register wherein shall be noted—

(a) the name and address of the owner of every abattoir in respect of which a certificate of approval has been issued in terms of section 4;

(b) the identification number allotted to any such abattoir in terms of section 5, the grade determined in respect of any such abattoir in terms of section 7, 10 or 11 and such other particulars in regard to any such abattoir as may be prescribed;

(c) the cancellation or withdrawal of any such certificate; and

(d) such other particulars as may be prescribed.

Certificates of approval.

4. (1) Application for the issue of a certificate of approval in respect of an abattoir shall be made to the Chief Meat Hygiene Officer by the owner in the form and manner prescribed and shall be accompanied by the prescribed application fee.

(2) If after consideration of any such application and after any investigation or enquiry which he may consider necessary, the Chief Meat Hygiene Officer is satisfied that the abattoir in question complies with the prescribed requirements he shall issue a certificate of approval in respect of such abattoir, and if he is not so satisfied he shall refuse to issue such a certificate.

(3) A certificate of approval may be issued subject to such conditions as the Chief Meat Hygiene Officer may in each case determine and shall be valid for such period as may be prescribed.

(4) A certificate of approval shall lapse if the owner to whom it was issued ceases to be the owner of the abattoir in question.

Allotment of identification numbers to abattoirs.

5. The Chief Meat Hygiene Officer shall allot to every abattoir in respect of which a certificate of approval is issued an identification number which shall be endorsed on the certificate of approval.

Chief Meat Hygiene Officer to determine grades of abattoirs.

6. (1) The Chief Meat Hygiene Officer shall by notice in the Gazette determine grades of abattoirs for the purposes of this Act, and in so doing he may adopt any basis of differentiation which he may deem fit.

(2) The Chief Meat Hygiene Officer shall in like manner determine the requirements which are to be complied with before an abattoir can qualify for any particular grade.

Chief Meat Hygiene Officer to determine the grade of each abattoir.

7. The Chief Meat Hygiene Officer shall before the issue of a certificate of approval in respect of any abattoir in terms of section 4 first determine the grade of such abattoir.

Inspection and investigation.

8. Before determining the grade of any abattoir in terms of section 7 the Chief Meat Hygiene Officer shall cause such abattoir to be inspected by one or more designated officers, inspectors or authorized persons designated, appointed or authorized in terms of section 21 and may make or cause to be made such further investigations in regard thereto as he may deem fit.

- (xxxii) „voertuig” enige soort kar, wa, trok, kruiba, rytuig, motorvoertuig, rywiel of ander vervoermiddel op land hoegenaamd, en ook enige vleisafleveringshouer;
(xxxiii)
(xxxiv) „voorgeskryf” by regulasie voorgeskryf. (xxiv)

2. (1) Die Minister wys 'n beampete, wat 'n veearts is, as **Aanwysing van Hoof-vleishigiënebeampte** aan, wat die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat by of kragtens hierdie Wet aan die Hoof-vleishigiënebeampte verleen of toege-wys of hom opgelê word.

(2) Die Hoof-vleishigiënebeampte oefen sy bevoegdhede uit, verrig sy werksaamhede en voer sy pligte uit met inagneming van die opdragte wat die Minister uitreik.

(3) (a) 'n Bevoegdheid verleen of werksaamheid toegewys aan die Hoof-vleishigiënebeampte of 'n plig hom opgelê, kan deur die Hoof-vleishigiënebeampte self, of deur 'n beampete ingevolge magtiging of onder beheer of toesig van die Hoof-vleishigiënebeampte uitgeoefen, verrig of uitgevoer word.

(b) 'n Beslissing gegee deur so 'n beampete kan deur die Hoof-vleishigiënebeampte ingetrek of gewysig word en word, totdat dit aldus ingetrek is, behalwe by die toepassing van hierdie paragraaf, geag deur die Hoof-vleishigiënebeampte gegee te gewees het.

3. Die Hoof-vleishigiënebeampte moet 'n register aanlê en **Aanlê en hou van register** hou waarin aangeteken word—

- (a) die naam en adres van die eienaar van elke abattoir ten opsigte waarvan 'n sertifikaat van goedkeuring kragtens artikel 4 uitgereik is;
- (b) die identifikasienommer wat kragtens artikel 5 aan so 'n abattoir toegeken is, die graad wat kragtens artikel 7, 10 of 11 ten opsigte van so 'n abattoir bepaal is en die ander besonderhede met betrekking tot so 'n abattoir wat voorgeskryf word;
- (c) die kanselling of intrekking van enige sodanige sertifikaat; en
- (d) die ander besonderhede wat voorgeskryf word.

4. (1) Aansoek om die uitreiking van 'n sertifikaat van goedkeuring ten opsigte van 'n abattoir moet in die vorm en goedkeuring. op die wyse wat voorgeskryf word by die Hoof-vleishigiënebeampte gedoen word deur die eienaar en moet vergesel gaan van die voorgeskrewe applikasiegeld.

(2) Indien die Hoof-vleishigiënebeampte na oorweging van so 'n aansoek en na enige ondersoek of navraag wat hy nodig ag, oortuig is dat die betrokke abattoir aan die voorgeskrewe vereistes voldoen, moet hy 'n sertifikaat van goedkeuring ten opsigte van sodanige abattoir uitreik en indien hy nie alduis oortuig is nie moet hy weier om so 'n sertifikaat uit te reik.

(3) 'n Sertifikaat van goedkeuring kan uitgereik word op die voorwaardes wat die Hoof-vleishigiënebeampte in elke geval bepaal en is geldig vir die tydperk wat voorgeskryf word.

(4) 'n Sertifikaat van goedkeuring verval indien die eienaar aan wie dit uitgereik is, ophou om die eienaar van die betrokke abattoir te wees.

5. Die Hoof-vleishigiënebeampte moet aan elke abattoir ten opsigte waarvan 'n sertifikaat van goedkeuring uitgerek word **Toewysing van identifikasienommers aan abattoirs** 'n identifikasienommer toewys wat op die sertifikaat van goedkeuring aangeteken moet word.

6. (1) Die Hoof-vleishigiënebeampte moet vir die doeleindes van hierdie Wet by kennisgewing in die *Staatskoerant* grade van abattoirs bepaal, en wanneer hy dit doen, kan hy enige grondslag van differensiasie wat hy goedvind, toepas. **Hoof-vleishigiënebeampte moet grade van abattoirs bepaal.**

(2) Die Hoof-vleishigiënebeampte moet op dieselfde wyse die vereistes waaraan voldoen moet word voordat 'n abattoir vir 'n bepaalde graad in aanmerking kan kom, bepaal.

7. Die Hoof-vleishigiënebeampte moet, voordat 'n sertifikaat van goedkeuring kragtens artikel 4 ten opsigte van 'n abattoir uitgerek word, eers die graad van sodanige abattoir bepaal. **Hoof-vleishigiënebeampte moet graad van elke abattoir bepaal.**

8. Voordat hy die graad van 'n abattoir kragtens artikel 7 **Inspeksie en ondersoek** bepaal, moet die Hoof-vleishigiënebeampte die abattoir deur een of meer aangewese beamptes, inspekteurs of gemagtigde persone wat kragtens artikel 21 aangewys, aangestel of gemagtig is, laat inspekteer en kan hy die verdere ondersoeke wat hy goedvind met betrekking daartoe instel of laat instel.

Certificates of approval to be displayed.

9. (1) The owner of any abattoir shall cause the certificate of approval issued in respect of such abattoir to be displayed at all times in a prominent position at or near the main entrance of the abattoir.

(2) If any abattoir in respect of which a certificate of approval has been issued, ceases to be an abattoir, or if any certificate of approval issued in respect of any abattoir lapses in terms of section 4 (4) or if any certificate of approval issued in respect of any abattoir is withdrawn in terms of section 14, the person who was the owner of the abattoir immediately before such abattoir ceased to be an abattoir, or was the owner of the abattoir immediately before the certificate of approval lapsed, or was the owner of the abattoir at the time of the withdrawal of the certificate of approval, as the case may be, shall forthwith return the certificate of approval in question to the Chief Meat Hygiene Officer for cancellation.

(3) If any abattoir is regraded in terms of section 10 or 11, the owner thereof shall forthwith return the certificate of approval which was issued in respect of such abattoir to the Chief Meat Hygiene Officer for cancellation and the Chief Meat Hygiene Officer shall thereupon issue a fresh certificate of approval to the owner.

Change of grading.

10. The Chief Meat Hygiene Officer may at any time after having given the owner concerned a reasonable opportunity of making such representations in writing as he may wish to make in regard to the matter, regrade any abattoir, if in his opinion reasonable and sufficient grounds exist for doing so.

Applications for regrading of abattoirs.

11. (1) The owner of any abattoir may, subject to such conditions as may be prescribed, apply to the Chief Meat Hygiene Officer in the prescribed manner and form for the regrading of such abattoir.

(2) The Chief Meat Hygiene Officer shall consider the application and give such decision thereon and take such action as he considers appropriate.

Reasons for refusal to issue certificate of approval or imposition of conditions.

12. The Chief Meat Hygiene Officer shall, on written application being made within the prescribed period, supply in writing within the prescribed period the reasons for his decision in every case where an application for the issue of a certificate of approval has been refused or where a certificate of approval has been issued subject to conditions in terms of section 4 (3).

Appeal to Minister.

13. (1) Any person—

- (a) whose application for the issue of a certificate of approval has been refused; or
- (b) whose certificate of approval has been issued subject to conditions in terms of section 4 (3),

may within the prescribed period appeal to the Minister against such refusal or imposition of conditions and the Minister's decision shall be final.

(2) The decision of the Minister on an appeal shall for all purposes be deemed to be a decision of the Chief Meat Hygiene Officer.

Withdrawal of certificate of approval.

14. The Minister may at any time withdraw any certificate of approval which has been issued in respect of any abattoir if he is satisfied—

- (i) that the owner thereof has failed to comply with any conditions subject to which such certificate has been issued; or
- (ii) that the abattoir does not comply with the prescribed requirements.

Reissue of withdrawn certificate.

15. The Minister may at any time during the period during which a certificate of approval withdrawn in terms of section 14 would have been valid if it had not been so withdrawn instruct the Chief Meat Hygiene Officer to reissue the withdrawn certificate.

Use prohibited of abattoir in respect of which a valid certificate of approval is not held.

16. No owner of any abattoir shall permit such abattoir to be used for the slaughter of animals unless there is in force in respect of such abattoir a valid certificate of approval.

9. (1) Die eienaar van 'n abattoir moet die sertifikaat van goedkeuring wat ten opsigte van sodanige abattoir uitgereik is te alle tye op 'n opvallende plek by of naby die hoofingang van die abattoir laat tentoonstel. Sertifikate van goedkeuring tentoongestel te word.

(2) Indien 'n abattoir ten opsigte waarvan 'n sertifikaat van goedkeuring uitgereik is, ophou om 'n abattoir te wees, of indien 'n sertifikaat van goedkeuring wat ten opsigte van 'n abattoir uitgereik is, ingevolge artikel 4 (4) verval, of indien 'n sertifikaat van goedkeuring wat ten opsigte van 'n abattoir uitgereik is, kragtens artikel 14 ingetrek word, moet die persoon wat die eienaar van die abattoir was onmiddellik voordat sodanige abattoir opgehou het om 'n abattoir te wees, of die eienaar van die abattoir was onmiddellik voordat die sertifikaat van goedkeuring verval het, of die eienaar van die abattoir was ten tye van die intrekking van die sertifikaat van goedkeuring, na gelang van die geval, onverwyld die betrokke sertifikaat van goedkeuring aan die Hoof-vleishigiënebeampte vir kansellering terugbesorg.

(3) Indien 'n abattoir kragtens artikel 10 of 11 hergradeer word, moet die eienaar daarvan onverwyld die sertifikaat van goedkeuring wat ten opsigte van sodanige abattoir uitgereik is, aan die Hoof-vleishigiënebeampte vir kansellering terugbesorg en die Hoof-vleishigiënebeampte moet daarop 'n nuwe sertifikaat van goedkeuring aan die eienaar uitreik.

10. Die Hoof-vleishigiënebeampte kan te eniger tyd nadat Verandering van hy die betrokke eienaar 'n redelike geleentheid gegee het om gradering. die skriftelike vertoë te rig wat hy wens om met betrekking tot die aangeleentheid te rig, 'n abattoir hergradeer, indien daar na sy oordeel redelike en voldoende gronde bestaan om dit te doen.

11. (1) Die eienaar van 'n abattoir kan, onderworpe aan Aansoek om die voorgeskrewe voorwaardes, by die Hoof-vleishigiënebeampte hergradering van abattoirs. aansoek doen, op die wyse en in die vorm wat voorgeskryf word, om die hergradering van sodanige abattoir.

(2) Die Hoof-vleishigiënebeampte moet die aansoek oorweeg en gee die beslissing ten opsigte daarvan en doen die stappe wat hy paslik ag.

12. Wanneer skriftelik binne die voorgeskrewe tydperk daar- Redes vir om aansoek gedoen word, verskaf die Hoof-vleishigiënebeampte weiering om binne die voorgeskrewe tydperk skriftelik die redes vir sy sertifikaat van goedkeuring uit beslissing in elke geval waar 'n aansoek om die uitreiking van 'n sertifikaat van goedkeuring geweier is of 'n sertifikaat van oplegging van goedkeuring op voorwaardes uitgereik is kragtens artikel 4 (3). voorwaardes.

13. (1) Iemand— Appèl na Minister.
(a) wie se aansoek om die uitreiking van 'n sertifikaat van goedkeuring geweier is; of
(b) wie se sertifikaat van goedkeuring op voorwaardes uitgereik is kragtens artikel 4 (3),

kan binne die voorgeskrewe tydperk by die Minister teen sodanige weiering of oplegging van voorwaardes appèl aan teken en die Minister se beslissing is afdoende.

(2) Die Minister se beslissing oor 'n appèl word vir alle doel-eindes geag 'n beslissing van die Hoof-vleishigiënebeampte te wees.

14. Die Minister kan te eniger tyd 'n sertifikaat van goedkeuring wat ten opsigte van 'n abattoir uitgereik is, intrek indien hy oortuig is— Intrekking van sertifikaat van goedkeuring.

- (i) dat die eienaar daarvan versuim het om te voldoen aan 'n voorwaarde waarop sodanige sertifikaat uitgereik is; of
- (ii) dat die abattoir nie voldoen aan die voorgeskrewe vereistes nie.

15. Die Minister kan te eniger tyd gedurende die tydperk waartydens 'n sertifikaat van goedkeuring wat kragtens artikel 14 ingetrek is, geldig sou gewees het indien dit nie aldus ingetrek was nie, die Hoof-vleishigiënebeampte gelas om die ingetakte sertifikaat weer uit te reik. Heruitreiking van ingetakte sertifikaat.

16. Geen eienaar van 'n abattoir laat toe dat sodanige abattoir gebruik word vir die slag van diere nie tensy daar ten opsigte van sodanige abattoir 'n geldige sertifikaat van goedkeuring van krag is. Gebruik verbied van abattoir ten opsigte waarvan 'n geldige sertifikaat van goedkeuring nie gehou word nie.

Slaughter of animals elsewhere than at an abattoir prohibited.

Chief Meat Hygiene Officer may prepare specifications and codes of hygienic practice for abattoirs.

Appointment of inspectors by local authorities.

17. No person shall slaughter any animal at any place other than an abattoir in respect of which there is in force a valid certificate of approval.

18. The Chief Meat Hygiene Officer may, and if required by the Minister to do so shall—

- (a) prepare, frame, modify or amend specifications and codes of hygienic practice for abattoirs;
- (b) assist any Department of State or any person in the preparation and framing of any specifications and codes of hygienic practice for abattoirs required by such Department or person by making available and advising upon any information collected in terms of paragraph (c);
- (c) collect such technical and other information in connection with the design, planning, construction, equipment and operation of an abattoir or in connection with any matter in regard to the effective hygienic control of an abattoir as may be required for the purposes of paragraph (a).

19. (1) Any local authority which is the owner of or an operator at an abattoir may, with the approval of the Chief Meat Hygiene Officer, and shall, if directed by the Minister to do so—

- (a) appoint in respect of such abattoir, in a full-time or part-time capacity, a person, who holds the qualifications prescribed for the purposes of this paragraph, as an inspector to exercise such powers, perform such functions and carry out such duties as are by this Act conferred upon, assigned to or imposed upon inspectors appointed under this section;
- (b) in respect of such abattoir, authorize a person, who holds the qualifications prescribed for the purposes of this paragraph, to exercise such powers, perform such functions and carry out such duties as are by this Act conferred upon, assigned to or imposed upon persons authorized under this section.

(2) An inspector appointed or person authorized under paragraph (a) may also exercise such powers, perform such functions and carry out such duties not connected with an abattoir in respect of which he is an inspector or authorized person as are conferred upon, entrusted to or imposed upon such an inspector or person by or under this Act.

(3) (a) Any person who at the commencement of this section is employed by a local authority which is the owner of or an operator at an abattoir to perform any functions in connection with hygiene control at such abattoir and who holds the qualifications prescribed for the purposes of subsection (1) (a) or (b) for an inspector or authorized person shall be deemed to be an inspector appointed or a person authorized under subsection (1), as the case may be.

(b) Any local authority which, at the date of commencement of this section, has in its employ any such person as is referred to in paragraph (a) shall, within a period of three months from such date, furnish the Chief Meat Hygiene Officer with such particulars in respect of and such information relating to such person as may be prescribed or as the said Chief Meat Hygiene Officer may require.

(4) Subject to the provisions of any law dealing with retirement on grounds of ill-health or on reaching a prescribed age no inspector appointed or person authorized under subsection (1) or deemed in terms of subsection (3) to have been so appointed or authorized shall, without his own consent, be removed from his office, or have his emoluments reduced unless the Minister has notified the local authority of his approval: Provided that any local authority may suspend any such inspector or person from the duties and emoluments of his office for incapacity, neglect or misconduct pending the sanction of the Minister as to his dismissal, and in the event of such sanction being granted the said inspector or person shall be deemed to have been removed from office from the date of such suspension.

17. Niemand mag 'n dier by 'n ander plek as 'n abattoir ten opsigte waarvan daar 'n geldige sertifikaat van goedkeuring van kragt is, slag nie.
18. Die Hoof-vleishigiënebeampte kan en hy moet, indien hy deur die Minister gelas word om dit te doen—
(a) spesifikasies en kodes van higiëniese praktyk vir abattoirs voorberei, opstel, verander of wysig;
(b) aan enige Staatsdepartement of enige persoon hulp verleen by die voorbereiding en opstelling van enige spesifikasies en kodes van higiëniese praktyk vir abattoirs wat deur sodanige departement of persoon benodig is, deur enige inligting ingevolge paragraaf (c) ingewin, beskikbaar te stel en advies daaromtrent te verleen;
(c) dié tegniese en ander inligting in verband met die ontwerp, beplanning, konstruksie, toerusting en dryf van 'n abattoir of in verband met enige aangeleenthed betreffende die doeltreffende higiëniese beheer van 'n abattoir wat vir die doeinde van paragraaf (a) benodig is, inwin.
19. (1) 'n Plaaslike bestuur wat die eienaar is van of 'n operator is by 'n abattoir kan, met die goedkeuring van die Hoof-vleishigiënebeampte, en hy moet, indien hy deur die Minister gelas word om dit te doen—
(a) ten opsigte van sodanige abattoir 'n persoon wat die kwalifikasies besit wat vir die doeinde van hierdie paragraaf voorgeskryf word, in 'n voltydse of deeltydse hoedanigheid as 'n inspekteur aanstel om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat by hierdie Wet aan kragtens hierdie artikel aangestelde inspekteurs verleen of toegewys of hulle opgelê word;
(b) ten opsigte van sodanige abattoir, 'n persoon wat die kwalifikasies besit wat vir die doeinde van hierdie paragraaf voorgeskryf word, magtig om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat by hierdie Wet aan kragtens hierdie artikel gemagtigde persone verleen of toegewys of hulle opgelê word.
(2) 'n Inspekteur wat kragtens paragraaf (a) aangestel is of 'n persoon wat daarkragtens gemagtig is, kan ook dié bevoegdhede uitoefen, dié werksaamhede verrig en dié pligte uitvoer wat nie in verband staan nie met 'n abattoir ten opsigte waarvan hy 'n inspekteur of gemagtigde persoon is, wat by of kragtens hierdie Wet aan so 'n inspekteur of gemagtigde persoon verleen of toegewys of hom opgelê word.
(3) (a) 'n Persoon wat by die inwerkingtreding van hierdie artikel by 'n plaaslike bestuur wat die eienaar is van of 'n operator is by 'n abattoir, in diens is om enige werksaamhede in verband met higiënebeheer by sodanige abattoir te verrig, en wat die kwalifikasies besit wat vir die doeinde van subartikel (1) (a) of (b) voorgeskryf is vir 'n inspekteur of gemagtigde persoon, word geag 'n inspekteur wat kragtens subartikel (1) aangestel is of 'n persoon wat daarkragtens gemagtig is, te wees, na gelang van die geval.
(b) 'n Plaaslike bestuur wat op die datum van inwerkingtreding van hierdie subartikel 'n persoon soos in paragraaf (a) bedoel word in sy diens het, moet binne 'n tydperk van drie maande vanaf sodanige datum aan die Hoof-vleishigiënebeampte dié besonderhede ten opsigte van en dié inligting betreffende sodanige persoon verstrek wat voorgeskryf word of wat die Hoof-vleishigiënebeampte verlang.
(4) Behoudens enige wetsbepalings wat handel oor uitdiens-treding op grond van swak gesondheid of die bereiking van 'n voorgeskrewe ouderdom, word geen inspekteur wat kragtens subartikel (1) aangestel is of persoon wat daarkragtens gemagtig is of wat ingevolge subartikel (3) geag word aldus aangestel of gemagtig te gewees het, sonder sy toestemming uit sy amp ontslaan nie en word sy besoldiging nie verminder tensy die Minister die plaaslike bestuur van sy goedkeuring in kennis gestel het nie: Met dien verstande dat 'n plaaslike bestuur enige sodanige inspekteur of persoon in die uitoefening van sy amp en die daarvan verbonde besoldiging kan skors weens onbevoegdheid, nalatigheid of wangedrag hangende die magtiging van die Minister vir sy ontslag, en ingeval sodanige magtiging verleen word, word bedoelde inspekteur of persoon geag uit sy amp ontslaan te gewees het met ingang van die datum van sodanige skorsing.

(5) If any inspector appointed or deemed to have been appointed or person authorized or deemed to have been authorized under subsection (1) for any reason ceases to be an inspector or authorized person in respect of any abattoir, the local authority concerned shall forthwith notify the Chief Meat Hygiene Officer in writing of that fact.

(6) (a) If at any time the Minister is satisfied that proper standards of hygiene are not being maintained or that the requirements of this Act are not being complied with at any abattoir of which a local authority is the owner or at which a local authority is an operator he may by writing under his hand determine—

(i) that no person employed by the local authority shall, for the purposes of this Act, be regarded as an inspector appointed or person authorized under subsection (1) or as an inspector or person who is in terms of subsection (3) deemed to have been so appointed or authorized; and

(ii) that such abattoir shall, for the purposes of this Act, be regarded as an abattoir in respect of which no inspector has been appointed or person has been authorized under subsection (1).

(b) A copy of any determination made under paragraph (a), shall be served upon the local authority concerned and, if the local authority is not the owner of such abattoir, upon the owner thereof.

(c) The Minister may at any time withdraw any determination made under paragraph (a).

Refunds in respect of salaries of inspectors or authorized persons employed by local authorities.

20. (1) The Minister may, subject to the provisions of subsections (2) and (3), refund out of the Consolidated Revenue Fund to any local authority which has in its employ any inspector appointed or person authorized under section 19 (1) or deemed in terms of section 19 (3) to have been so appointed or authorized, an amount not exceeding one-third of the amount paid by such local authority by way of salary to such inspector or person.

(2) Where such inspector or person also performs duties other than duties under this Act the amount which may be refunded under this section shall not exceed one-third of such portion of the salary of such inspector or person as the Minister may accept as appropriate.

(3) Where any portion of the salary paid by such local authority to such inspector or person is refunded to the local authority in terms of section 16 of the Public Health Act, 1919 (Act No. 36 of 1919), the amount refunded in terms of this section in respect of the salary of such inspector or person shall not exceed an amount equal to the difference between the amount refunded in terms of the said section 16 and an amount equal to one-third of the salary of such inspector or person.

Appointment of inspectors by Minister.

21. (1) Subject to the laws governing the Public Service, the Minister may in respect of any abattoir in respect of which no inspector has been or can be appointed or person has been or can be authorized under section 19 (1) or in respect of which a determination has been made under section 19 (6)—

(a) appoint a person, who holds the qualifications prescribed for the purposes of this paragraph, as an inspector to exercise such powers, perform such functions and carry out such duties as are by this Act conferred upon, assigned to or imposed upon inspectors appointed under this section;

(b) authorize a person, who holds the qualifications prescribed for the purposes of this paragraph, to exercise such powers, perform such functions and carry out such duties as are by this Act conferred upon, assigned to or imposed upon persons authorized under this section;

(5) Indien 'n inspekteur wat kragtens subartikel (1) aangestel is of wat geag word daarkragtens aangestel te gewees het of 'n persoon wat daarkragtens gemagtig is of wat geag word daarkragtens gemagtig te gewees het om enige rede ophou om 'n inspekteur of gemagtigde persoon ten opsigte van 'n abattoir te wees, moet die betrokke plaaslike bestuur die Hoof-vleishigiënebeampte onverwyld skriftelik van daardie feit in kennis stel.

(6) (a) Indien die Minister te eniger tyd oortuig is dat behoorlike standarde van higiëne nie gehandhaaf word nie of dat daar nie aan die vereistes van hierdie Wet voldoen word nie by enige abattoir waarvan 'n plaaslike bestuur die eienaar is of waar 'n plaaslike bestuur 'n operator is, kan hy skriftelik onder sy handtekening bepaal—

- (i) dat geen persoon in diens by die plaaslike bestuur, by die toepassing van hierdie Wet, beskou word nie as 'n inspekteur wat kragtens subartikel (1) aangestel is of as 'n persoon wat daarkragtens gemagtig is of as 'n inspekteur of persoon wat ingevolge subartikel (3) geag word aldus aangestel of gemagtig te gewees het; en
- (ii) dat sodanige abattoir, by die toepassing van hierdie Wet, beskou word as 'n abattoir ten opsigte waarvan geen inspekteur kragtens subartikel (1) aangestel is of persoon kragtens gemelde subartikel gemagtig is nie.

(b) 'n Afskrif van 'n bepaling kragtens paragraaf (a) gemaak, moet aan die betrokke plaaslike bestuur en, indien die plaaslike bestuur nie die eienaar van sodanige abattoir is nie, aan die eienaar daarvan bestel word.

(c) Die Minister kan te eniger tyd 'n bepaling kragtens paragraaf (a) gemaak, intrek.

20. (1) Behoudens die bepaling van subartikels (2) en (3), kan die Minister uit die Gekonsolideerde Inkomstefonds aan 'n plaaslike bestuur wat 'n inspekteur wat kragtens artikel 19 (1) aangestel is of 'n persoon wat daarkragtens gemagtig is of 'n inspekteur of persoon wat ingevolge artikel 19 (3) geag word aldus aangestel of gemagtig te gewees het, in sy diens het, 'n bedrag terugbetaal wat hoogstens een-derde kan wees van die bedrag wat sodanige plaaslike bestuur by wyse van salaris aan sodanige inspekteur of persoon betaal.

Terugbetaalings
ten opsigte van
salarisse van
inspekteurs of
gemagtigde
personne in
diens by plaas-
like besture.

(2) Waar sodanige inspekteur of persoon ook ander werkzaamhede as werksaamhede ingevolge hierdie Wet verrig, mag die bedrag wat kragtens hierdie artikel terugbetaal kan word nie een-derde van dié gedeelte van die salaris van sodanige inspekteur of persoon wat die Minister as gepas aanvaar, oorskry nie.

(3) Waar 'n gedeelte van die salaris deur sodanige plaaslike bestuur aan sodanige inspekteur of persoon betaal aan die plaaslike bestuur terugbetaal word ingevolge artikel 16 van die „Volksgezondheidswet, 1919“ (Wet No. 36 van 1919), mag die bedrag wat ingevolge hierdie artikel terugbetaal word ten opsigte van die salaris van sodanige inspekteur of persoon nie 'n bedrag oorskry nie wat gelyk is aan die verskil tussen die bedrag wat ingevolge genoemde artikel 16 terugbetaal word en 'n bedrag gelyk aan een-derde van die salaris van sodanige inspekteur of persoon.

21. (1) Behoudens die wetsbepalings op die Staatsdiens, kan die Minister ten opsigte van 'n abattoir ten opsigte waarvan daar geen inspekteur kragtens artikel 19 (1) aangestel is of kan word nie of persoon kragtens daardie artikel gemagtig is of kan word nie of ten opsigte waarvan 'n bepaling kragtens artikel 19 (6) gemaak is—

(a) 'n persoon, wat die kwalifikasies besit wat vir die doeleindes van hierdie paragraaf voorgeskryf word, as 'n inspekteur aangestel om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat by hierdie Wet aan kragtens hierdie artikel aangestelde inspekteurs verleen of toegewys of hulle opgelê word;

(b) 'n persoon, wat die kwalifikasies besit wat vir die doeleindes van hierdie paragraaf voorgeskryf word, magtig om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat by hierdie Wet aan kragtens hierdie artikel gemagtigde persone verleen of toegewys of hulle opgelê word;

(c) designate an officer to exercise such powers, perform such functions and carry out such duties as are by this Act conferred upon, assigned to or imposed upon officers designated under this section.

(2) An inspector appointed, person authorized or officer designated under subsection (1) may also exercise such powers, perform such functions and carry out such duties not connected with an abattoir in respect of which he is an inspector, authorized person or designated officer as are conferred upon, entrusted to or imposed upon such an inspector, person or officer by or under this Act.

Provision of laboratory facilities by owners of or operators at abattoirs.

22. (1) The Minister may prescribe the laboratory or other facilities which shall be provided by an owner of or operator at an abattoir for the purpose of enabling or facilitating the carrying out of tests to determine whether or not any animal, meat or animal product is diseased or anything is infected or any meat is unfit for human consumption.

(2) The Minister may out of moneys appropriated by Parliament for the purpose and on such basis as may be prescribed and subject to such conditions as he may in each case determine, contribute towards the cost of construction, equipment or maintenance of any laboratory used or intended to be used in conjunction with any abattoir.

Duties of owners of or operators at abattoirs in respect of hygiene.

23. An owner of or operator at any abattoir shall—

- (a) provide at such abattoir such facilities for the hygienic keeping, slaughtering and dressing of animals and for the hygienic handling of meat and animal products;
- (b) ensure that such abattoir complies with such standards of hygiene and that such procedures for the hygienic keeping, slaughtering and dressing of animals and for the hygienic handling of meat and animal products are observed thereat,

as may be prescribed.

Humane slaughterer of animals.

24. No person shall at any abattoir slaughter any animal otherwise than in accordance with a prescribed humane method of slaughter.

Animals intended for slaughter, meat and animal products to be inspected.

25. All animals intended for slaughter at any abattoir and all meat and animal products derived from any animal slaughtered at any abattoir shall be inspected by an inspector, or an authorized person or a designated officer who is an inspector, authorized person or designated officer in respect of such abattoir.

Slaughter of animals or removal of meat or animal products which have not been inspected, prohibited.

26. (1) No person shall slaughter any animal at any abattoir unless such animal has been inspected in terms of section 25.

(2) No person shall remove from any abattoir any meat or animal product derived from any animal slaughtered at such abattoir unless such meat or animal product has been inspected in terms of section 25.

Steps to be taken by inspector, authorized person or designated officer carrying out an inspection.

27. If at any inspection carried out in terms of section 25 an inspector, authorized person or designated officer comes to the conclusion—

- (a) that any meat inspected by him is fit for human consumption he shall pass it as fit for such consumption and mark it or cause it to be marked in the prescribed manner; or
- (b) that any animal, meat or animal product is diseased or that any meat is unfit for human consumption he shall—
 - (i) if he holds the qualifications prescribed for the purposes of this paragraph, condemn such animal, meat or animal product; or
 - (ii) if he does not hold such qualifications, take all necessary steps to have such animal, meat or animal product inspected afresh in terms of section 25 by an inspector, authorized person or designated officer who does hold such qualifications and in that event the firstmentioned inspector, authorized person or designated officer shall be deemed not to have carried out any inspection in terms of section 25.

(c) 'n beamppte aanwys om die bevoegdhede uit te oefen, die werksaamhede te verrig en die pligte uit te voer wat by hierdie Wet aan kragtens hierdie artikel aangewese beamptes verleen of toegewys of hulle opgelê word.

(2) 'n Inspekteur wat kragtens subartikel (1) aangestel is of 'n persoon wat daarkragtens gemagtig is of 'n beamppte wat daarkragtens aangewys is, kan ook dié bevoegdhede uitoefen, dié werksaamhede verrig en dié pligte uitvoer wat nie in verband staan nie met 'n abattoir ten opsigte waarvan hy 'n inspekteur, gemagtigde persoon of aangewese beamppte is, wat by of kragtens hierdie Wet aan so 'n inspekteur, persoon of beamppte verleen of toegewys of hom opgelê word.

22. (1) Die Minister kan die laboratorium- of ander fasilitete voorskryf wat deur 'n eienaar van of operator by 'n abattoir verskaf moet word ten einde die uitvoering van toetsom te bepaal of 'n dier, vleis of 'n dierlike produk siektebesmet is of om te bepaal of enigiets besmet is of om te bepaal of enige vleis ongeskik vir menslike verbruik is al dan nie, moontlik te maak of om dit te vergemaklik.

Verskaffing van laboratorium-fasilitete deur eienaars van of operators by abattoirs.

(2) Die Minister kan uit gelde deur die Parlement vir die doel bewillig en op die grondslag wat voorgeskryf word en op die voorwaardes wat hy in elke geval bepaal, bydra tot die koste van oprigting, uitrusting of onderhou van 'n laboratorium wat in verbinding met 'n abattoir gebruik word of bestem is om aldus gebruik te word.

23. 'n Eienaar van of operator by 'n abattoir moet—

(a) by sodanige abattoir dié fasilitete vir die higiëniese hou, slag en skoonmaak van diere en vir die higiëniese hantering van vleis en dierlike produkte verskaf;

(b) verseker dat sodanige abattoir voldoen aan dié standaarde van higiëne en dat dié procedures vir die higiëniese hou, slag en skoonmaak van diere en vir die higiëniese hantering van vleis en dierlike produkte aldaar nagekom word,

wat voorgeskryf word.

Pligte van eienaars van of operators by abattoirs ten opsigte van higiëne.

24. Niemand mag by 'n abattoir 'n dier anders slag nie as Humane slag in ooreenstemming met 'n voorgeskrewe humane metode van diere.

25. Alle diere wat bestem is om by 'n abattoir geslag te word en alle vleis en dierlike produkte wat verkry word van 'n dier wat by 'n abattoir geslag word, moet deur 'n inspekteur of 'n gemagtigde persoon of 'n aangewese beamppte wat 'n inspekteur, gemagtigde persoon of aangewese beamppte ten opsigte van sodanige abattoir is, geïnspekteer word.

Diere bestem om geslag te word, vleis en dierlike produkte moet inspekteer word.

26. (1) Niemand mag 'n dier by 'n abattoir slag nie tensy sodanige dier ingevolge artikel 25 geïnspekteer is.

(2) Niemand mag van 'n abattoir af enige vleis of dierlike produk wat verkry is van 'n dier wat by sodanige abattoir geslag is, verwyder nie tensy sodanige vleis of dierlike produk ingevolge artikel 25 geïnspekteer is.

Slag van diere of verwydering van vleis of dierlike produk wat nie geïnspekteer is nie is verbode.

27. Indien 'n inspekteur, gemagtigde persoon of aangewese beamppte by 'n inspeksie wat kragtens artikel 25 uitgevoer word tot die gevolgtrekking kom—

- (a) dat enige vleis wat deur hom ondersoek is, geskik is vir menslike verbruik, moet hy dit as geskik vir sodanige verbruik goedkeur en dit op die voorgeskrewe wyse merk of laat merk; of
- (b) dat enige dier, vleis of dierlike produk siektebesmet is of dat enige vleis ongeskik is vir menslike verbruik, moet hy—
- (i) indien hy die kwalifikasies besit wat vir die doel-eindes van hierdie paragraaf voorgeskryf is, sodanige dier, vleis of dierlike produk afkeur; of
- (ii) indien hy nie sodanige kwalifikasies besit nie, alle nodige stappe doen om sodanige dier, vleis of dierlike produk opnuut kragtens artikel 25 te laat inspekteer deur 'n inspekteur, gemagtigde persoon of aangewese beamppte wat wel sodanige kwalifikasies besit en in daardie geval word daar geag dat eersgenoemde inspekteur, gemagtigde persoon of aangewese beamppte nie 'n inspeksie kragtens artikel 25 uitgevoer het nie.
- Stappe wat gedaan moet word deur 'n inspekteur, gemagtigde persoon of aangewese beamppte wat 'n inspeksie uitvoer.

Meat passed as fit for human consumption not to be sold, etc., unless marked.

28. No person shall sell or otherwise dispose of or remove from any abattoir any meat which in terms of section 27 (a) has been passed as fit for human consumption unless it has been marked in terms of that section.

Manner in which condemned animals, meat or animal products may be dealt with.

29. Any animal, meat or animal product condemned in terms of section 27 (b) shall be marked, seized, detained, destroyed or otherwise disposed of or dealt with as prescribed.

Powers of inspectors, authorized persons or designated officers.

30. (1) Any inspector, authorized person or designated officer may at all reasonable times enter any abattoir in respect of which he is an inspector, authorized person or designated officer in terms of this Act, or any place or conveyance wherein or whereon any animal intended for slaughter at such abattoir or any meat or animal product derived from any animal slaughtered at such abattoir is kept, stored or carried, or is on reasonable grounds believed to be kept, stored or carried, or any place where any animal, meat or animal product, condemned at such abattoir in terms of section 27 (b) is being detained, destroyed, disposed of or dealt with in terms of any regulation or is on reasonable grounds believed to be so detained, destroyed, disposed of or dealt with and take with him such assistants and such animals, vehicles, appliances, drugs and other things as he may deem necessary for his purpose, and there—

- (a) do anything which he is empowered or required to do under this Act;
- (b) supervise and inspect the doing of anything which any other person is required to do under this Act;
- (c) search for, and require the owner of or any operator at such abattoir or the owner or occupier of such place or the owner of such conveyance or the person for the time being in charge of such abattoir, place or conveyance to produce to him, any animals, meat or animal products or things, which may be there, and to which any provision of this Act applies;
- (d) check, count, inspect and establish the identity of any such animals, meat, animal products or things;
- (e) carry out such tests as are referred to in section 22 (1) and for that purpose make use of any laboratory or other facilities provided by the owner of or any operator at such abattoir for carrying out such tests;
- (f) ascertain whether anything required to be done under this Act has been, or is being, done; and
- (g) seize and detain as prescribed any animal, meat, animal product or thing in respect of which he, on reasonable grounds, believes or suspects that any provision of this Act has been contravened.

(2) Any inspector, authorized person or designated officer may, for the purposes of this Act—

- (a) while he is in any abattoir or in or on any place or conveyance entered by him in terms of subsection (1), or at any other reasonable time, question any person who is the owner of or an operator at such abattoir or the owner or occupier of such place or the owner of such conveyance or any employee of such person, in the presence of or apart from others, and require from any such person or employee the production there and then, or at a time and place fixed by the inspector, authorized person or designated officer, of any book, register, record, list or other document which is or has been upon or in the abattoir, place or conveyance in question or in the possession or custody or under the control of such person or employee if in his opinion examination of that book, register, record, list or document is necessary for the purpose of any investigation or inspection which he is carrying out;
- (b) at all reasonable times require from any person who has the possession or custody or control of any book, register, record, list or other document relating to any abattoir in respect of which he is an inspector, authorized person or designated officer, the production

28. Niemand mag enige vleis wat kragtens artikel 27 (a) as geskik vir menslike verbruik goedgekeur is, verkoop of op 'n ander wyse van die hand sit nie of van 'n abattoir af verwyder nie tensy dit kragtens daardie artikel gemerk is nie.

Vleis wat as geskik vir menslike verbruik goedgekeur is, mag nie verkoop, ens., word nie tensy gemerk.

29. Enige dier, vleis of dierlike produk wat kragtens artikel 27 (b) afgekeur is, moet gemerk, beslag op gelê, aangehou, vernietig of andersins oor beskik of mee gehandel word, soos voorgeskryf word.

Wyse waarop met afgekeurde diere, vleis of dierlike produkte gehandel kan word.

30. (1) 'n Inspekteur, gemagtigde persoon of aangewese beampete kan te alle redelike tye 'n abattoir ten opsigte waarvan hy ingevolge hierdie Wet 'n inspekteur, gemagtigde persoon of aangewese beampete is, of 'n plek of vervoermiddel waarin of waarop daar 'n dier wat bestem is om by sodanige abattoir geslag te word of enige vleis of dierlike produk wat verkry is van 'n dier wat by sodanige abattoir geslag is, gehou, opgeberg of vervoer word of, na op redelike gronde vermoed word, gehou, opgeberg of vervoer word, of 'n plek waar enige dier, vleis of dierlike produk wat kragtens artikel 27 (b) by sodanige abattoir afgekeur is, ooreenkomsdig 'n regulasie aangehou, vernietig, oor beskik of mee gehandel word of, na op redelike gronde vermoed word, aldus aangehou, vernietig, oor beskik of mee gehandel word, betree en met hom die helpers en die diere, voertuie, toestelle, medisynes en ander dinge wat hy vir sy doel nodig ag, saamneem en daar—

Bevoegdhede van inspekteurs, gemagtigde persone of aangewese beampetes.

- (a) enigiets doen wat hy ingevolge hierdie Wet gemagtig of verplig word om te doen;
- (b) die doen van enigiets wat iemand anders ingevolge hierdie Wet verplig word om te doen, inspekteer en toesig daaroor hou;
- (c) soek na enige diere, vleis of dierlike produkte of dinge wat daar is en waarop die bepalings van hierdie Wet van toepassing is, en eis dat die eienaar van of enige operateur by sodanige abattoir of die eienaar of besitter van sodanige plek of die eienaar van sodanige vervoermiddel of die persoon wat op die oomblik beheer het oor sodanige abattoir, plek of vervoermiddel dit aan hom toon;
- (d) sodanige diere, vleis, dierlike produkte of dinge nagaan, tel en inspekteer en hul identiteit vasstel;
- (e) die toetse wat in artikel 22 (1) bedoel word, uitvoer en vir daardie doel gebruik maak van enige laboratorium- en ander fasiliteite wat deur die eienaar van of 'n operateur by sodanige abattoir verskaf word vir die uitvoering van sodanige toetse;
- (f) vasstel of enigiets wat kragtens hierdie Wet gedoen moet word, gedoen is of gedoen word; en
- (g) op enige dier, vleis, dierlike produk of ding ten opsigte waarvan hy op redelike gronde van oordeel is of vermoed dat 'n bepaling van hierdie Wet oortree is, soos voorgeskryf beslag lê en aanhou.

(2) 'n Inspekteur, gemagtigde persoon of aangewese beampete kan, vir die doeleinde van hierdie Wet—

- (a) terwyl hy in 'n abattoir of in of op 'n plek of vervoermiddel is wat hy ingevolge subartikel (1) betree of binnegegaan het, of op enige ander redelike tydstip, enige persoon wat die eienaar is van of 'n operateur is by sodanige abattoir of die eienaar of besitter is van sodanige plek of die eienaar is van sodanige vervoermiddel of 'n werknemer van sodanige persoon in die teenwoordigheid of afgesonder van andere ondervra en van so 'n persoon of werknemer vereis om daar en dan, of op 'n tyd en plek wat die inspekteur, gemagtigde persoon of aangewese beampete bepaal, enige boek, register, aantekening, lys of ander dokument voor te lê wat op of in die betrokke abattoir plek of vervoermiddel of in die besit of bewaring of onder beheer van sodanige persoon of werknemer is of was, indien die ondersoeking van daardie boek, register, aantekening, lys of dokument na sy oordeel nodig is vir die doel van 'n ondersoek of inspeksie wat hy besig is om uit te voer;
- (b) te alle redelike tye van enige persoon wat 'n boek, register, aantekening, lys of ander dokument betrekende 'n abattoir ten opsigte waarvan hy 'n inspekteur, gemagtigde persoon of aangewese beampete is, in

there and then or at a time and place fixed by the inspector, authorized person or designated officer, of that book, register, record, list or document if in his opinion examination of that book, register, record, list or document is necessary for the purpose of any investigation or inspection which he is carrying out;

- (c) examine and make extracts from and copies of any such book, register, record, list or document and require an explanation of any entries in any such book, register, record, list or document, and seize any such book, register, record, list or document as in his opinion may afford evidence of a contravention or evasion of any provision of this Act;
- (d) while he is in any abattoir or in or on any place or conveyance entered by him in terms of subsection (1) require all reasonable assistance from—
 - (i) the owner of or any operator at such abattoir, or the owner or occupier of such place or the owner of such conveyance or the person for the time being in charge of such abattoir, place or conveyance who has the possession or custody or control of any animal, meat, animal product, appliance, conveyance or thing, in the doing of anything which such inspector, authorized person or designated officer is authorized or required to do under this Act in relation to such animal, meat, animal product, appliance, conveyance or thing;
 - (ii) the owner of or any operator at such abattoir or the owner or occupier of such place or the owner of such conveyance or the person for the time being in charge of such abattoir, place or conveyance, in the doing of anything which such inspector, authorized person or designated officer is authorized or required to do under this Act in relation to any matter within the control of any such owner, operator, occupier or person.

(3) If, upon or after an inspection under this Act by an inspector, authorized person or designated officer who holds the qualifications prescribed for the purposes of this subsection, of any abattoir or any place wherein any animal intended for slaughter at an abattoir is kept, such inspector, authorized person or designated officer is of the opinion that, in relation to the control of disease or the maintenance of prescribed standards of hygiene—

- (a) such abattoir or place, or any portion thereof, or any appliance therein or conveyance used or apparently used for the purposes thereof or in connection therewith is in an unclean or unwholesome condition or requires renovation, repair or alteration, or does not comply in any respect with any requirement of this Act; or
- (b) any water supplied or used or apparently used for the purposes of such abattoir or in connection therewith is impure or unwholesome; or
- (c) any person who performs any work in or at such abattoir or place is infected with disease or unclean or behaves in a manner dangerous to the maintenance of hygiene,

he may issue an order in writing under his hand addressed to the owner of or any operator at such abattoir or the owner or occupier of such place, without further naming or describing him in the order, and requiring—

- (i) that such abattoir or place, or portion thereof, or appliance or conveyance, as the case may be, be forthwith cleaned, disinfected, rendered wholesome, renovated, repaired or altered to his satisfaction or be otherwise made fit for the purpose for which it is being used or that any appliance or conveyance be replaced, or, in the event of any non-compliance in any respect with a requirement of this Act, that the owner of or any operator at such abattoir or the owner or occupier of such place shall perform or do or

sy besit of bewaring of onder sy beheer het, die voorlegging van daardie boek, register, aantekening, lys of dokument daar en dan of op 'n tyd en plek deur die inspekteur, gemagtigde persoon of aangewese beampete bepaal, eis, indien die ondersoeking van daardie boek, register, aantekening, lys of dokument na sy oordeel nodig is vir die doel van 'n ondersoek of inspeksie wat hy besig is om uit te voer;

- (c) enige sodanige boek, register, aantekening, lys of dokument ondersoek en uittreksels daaruit en afskrifte daarvan maak, en 'n verduideliking vorder van enige inskrywings in sodanige boek, register, aantekening, lys of dokument, en beslag lê op enige sodanige boek, register, aantekening, lys of dokument wat na sy oordeel bewys kan lewer van 'n oortreding of ontduiking van 'n bepaling van hierdie Wet;
- (d) terwyl hy in 'n abattoir of in of op 'n plek of vervoermiddel is wat hy ingevolge subartikel (1) betree of binnegegaan het, alle redelike bystand eis van—
 - (i) die eienaar van of 'n operateur by sodanige abattoir, of die eienaar of besitter van sodanige plek of die eienaar van sodanige vervoermiddel of die persoon wat op die oomblik beheer het oor sodanige abattoir, plek of vervoermiddel wat enige dier, vleis, dierlike produk, toestel, vervoermiddel of ding in sy besit of bewaring of onder sy beheer het, by die doen van enigiets wat sodanige inspekteur, gemagtigde persoon of aangewese beampete gemagtig is of verplig word om ingevolge hierdie Wet met betrekking tot sodanige dier, vleis, dierlike produk, toestel, vervoermiddel of ding te doen;
 - (ii) die eienaar van of 'n operateur by sodanige abattoir, of die eienaar of besitter van sodanige plek of die eienaar van sodanige vervoermiddel of die persoon wat op die oomblik beheer het oor sodanige abattoir, plek of vervoermiddel, by die doen van enigiets wat sodanige inspekteur, gemagtigde persoon of aangewese beampete gemagtig is of verplig word om ingevolge hierdie Wet te doen met betrekking tot 'n aangeleenthed wat sodanige eienaar, operateur, besitter of persoon beheer.

(3) Indien tydens of na 'n inspeksie kragtens hierdie Wet van 'n abattoir of 'n plek waarin 'n dier wat bestem is om by 'n abattoir geslag te word, gehou word, deur 'n inspekteur, gemagtigde persoon of aangewese beampete wat die kwalifikasies besit wat vir die doeleindeste van hierdie subartikel voorgeskryf is, sodanige inspekteur, gemagtigde persoon of aangewese beampete van oordeel is dat met betrekking tot die beheer van siekte of die handhawing van voorgeskrewe standaarde van higiëne—

- (a) sodanige abattoir of plek, of 'n gedeelte daarvan, of 'n toestel daarin of vervoermiddel wat vir die doeleindes daarvan of in verband daarmee gebruik word of vermoedelik aldus gebruik word, in 'n vuil of ongesonde toestand verkeer of opknapping, herstel of verandering nodig het of in enige opsig nie voldoen aan 'n vereiste van hierdie Wet nie; of
- (b) enige water wat verskaf of gebruik of vermoedelik gebruik word vir die doeleindeste van sodanige abattoir of in verband daarmee, onsuiwer of ongesond is; of
- (c) 'n persoon wat enige werk in of by sodanige abattoir of plek verrig, deur siekte besmet is of vuil is of hom op 'n wyse gedra wat gevaelik vir die handhawing van higiëne is,

kan hy 'n skriftelike deur hom ondertekende bevel uitreik, gerig aan die eienaar van of 'n operateur by sodanige abattoir of die eienaar of besitter van sodanige plek, sonder om in die bevel sy naam verder te vermeld of hom verder te beskrywe, en wat vereis—

- (i) dat sodanige abattoir of plek, of gedeelte daarvan, of toestel of vervoermiddel, na gelang van die geval, onverwyld skoongemaak, ontsmet, in 'n gesonde toestand gebring, opgeknab, herstel of verander word tot sy bevrediging of andersins geskik gemaak word vir die doel waarvoor dit gebruik word, of dat 'n toestel of vervoermiddel vervang word, of, in die geval van nie-nakoming in enige opsig van 'n vereiste van hierdie Wet, dat die eienaar van of 'n operateur by sodanige abattoir of die eienaar of besitter van sodanige plek

refrain from performing or doing any act or thing if, in the opinion of the inspector, authorized person or designated officer, the performing or doing of such act or thing or refraining from performing or doing such act or thing, will ensure compliance with the requirements of this Act;

- (ii) that the use of such water be discontinued until it has been rendered fit for use or that an alternative satisfactory supply thereof be obtained;
- (iii) that such person shall immediately leave such abattoir or place and that he shall not re-enter such abattoir or place until his return thereto has been authorized by such an inspector, authorized person or designated officer,

and may further by such written order prohibit the use of such abattoir or place, or portion thereof, or appliance or conveyance until any order made in terms of subparagraph (i), (ii) or (iii) has been complied with to his satisfaction, or for such period specified in the order as he deems necessary.

(4) (a) Every order made by an inspector, authorized person or designated officer under subsection (3) shall be in the prescribed form and a copy thereof shall, together with the report of such inspector, authorized person or designated officer on the matter, be transmitted to the Chief Meat Hygiene Officer, as soon as possible after the order has been made.

(b) The Chief Meat Hygiene Officer may either deal with the matter himself or direct any State veterinarian to deal with it.

(c) Where the Chief Meat Hygiene Officer deals with the matter himself he may confirm, set aside or vary the order made as he may deem fit.

(d) Where a State veterinarian is directed to deal with the matter he shall himself carry out an inspection at the abattoir or place in question and may thereafter confirm, set aside or vary the order made as he may deem fit.

(e) The decision of the Chief Meat Hygiene Officer or of a State veterinarian in terms of this subsection shall for all purposes be deemed to be a decision of the inspector, authorized person or designated officer concerned and shall be final.

(5) An inspector appointed, person authorized or officer designated under section 21 (1) may also at all reasonable times enter any abattoir in respect of which an inspector has been appointed or a person has been authorized under section 19 (1) by a local authority and there carry out any such inspection as may be necessary to determine whether proper standards of hygiene are being maintained at such abattoir and whether the requirements of this Act are being complied with at such abattoir.

**Importation
of meat.**

31. No person shall import any fresh meat (including chilled and frozen meat) of any animal except in accordance with such requirement or conditions as may be prescribed.

**Offences
and penalties.**

32. (1) Any person who—

- (a) in an application for the issue of a certificate of approval made in terms of section 4 (1) or in an application for the regrading of an abattoir made in terms of section 11 (1) knowingly makes a statement which is false in a material particular; or
- (b) contravenes or fails to comply with any condition to which a certificate of approval is made subject in terms of section 4 (3); or
- (c) forges or falsifies any certificate under this Act or utters any such forged or falsified certificate, knowing it to be forged or falsified; or
- (d) uses in respect of any abattoir, for the purpose of designating any meat or animal product derived from an animal slaughtered at such abattoir, any identification number which has not been allotted to that abattoir under section 5; or
- (e) contravenes or fails to comply with the provisions of section 9, 16, 17, 23, 24, 26 or 28; or
- (f) fails to comply with any direction given by the Minister in terms of section 19 (1) or contravenes or fails to comply with the provisions of section 19 (3) (b), 19 (4) or 19 (5); or

'n handeling moet verrig of 'n ding moet doen of hom van die verrigting of doen daarvan moet weerhou indien, na die oordeel van die inspekteur, gemagtigde persoon of aangewese beampete, die verrigting van daardie handeling of die doen van daardie ding of weerhouding van die verrigting of doen van daardie handeling of ding, nakoming van die vereistes van hierdie Wet sal verseker;

- (ii) dat die gebruik van sodanige water gestaak word totdat dit geskik vir gebruik gemaak is of dat 'n alterniewe bevredigende voorraad daarvan verkry word;
- (iii) dat sodanige persoon onmiddellik sodanige abattoir of plek moet verlaat en dat hy nie weer sodanige abattoir of plek moet betree nie totdat sy terugkeer daarheen deur so 'n inspekteur, gemagtigde persoon of aangewese beampete gemagtig is,

en kan voorts by sodanige skriftelike bevel die gebruik van sodanige abattoir of plek, of gedeelte daarvan, of toestel of vervoermiddel verbied totdat 'n bevel wat kragtens subparagraaf (i), (ii) of (iii) uitgereik is, tot sy bevrediging nagekom is, of vir die tydperk in die bevel vermeld, wat hy nodig ag.

- (4) (a) Elke bevel deur 'n inspekteur, gemagtigde persoon of aangewese beampete kragtens subartikel (3) uitgereik, moet in die voorgeskrewe vorm wees en 'n afskrif daarvan, tesame met die verslag van sodanige inspekteur, gemagtigde persoon of aangewese beampete oor die aangeleentheid, moet so spoedig doenlik nadat die bevel uitgereik is, aan die Hoof-vleishigiënebeamppte deurgestuur word.
- (b) Die Hoof-vleishigiënebeamppte kan self met die aangeleentheid handel of enige Staatsveearsts gelas om daarmee te handel.
- (c) Waar die Hoof-vleishigiënebeamppte self met die aangeleentheid handel, kan hy die bevel wat uitgereik is, na goeddunke, bekragtig, tersyde stel of wysig.
- (d) Waar 'n Staatsveearsts gelas word om met die aangeleentheid te handel, moet hy self 'n inspeksie by die betrokke abattoir of plek uitvoer en kan hy daarna die bevel wat uitgereik is na goeddunke bekragtig, tersyde stel of wysig.
- (e) Die besluit van die Hoof-vleishigiënebeamppte of van 'n Staatsveearsts kragtens hierdie subartikel word vir alle doeleinades geag 'n beslissing van die betrokke inspekteur, gemagtigde persoon of aangewese beampete te wees en is afdoende.

(5) 'n Inspekteur wat kragtens artikel 21 (1) aangestel is of 'n persoon wat daarkragtens gemagtig is of 'n beampete wat daarkragtens aangewys is, kan ook te alle redelike tye 'n abattoir ten opsigte waarvan daar 'n inspekteur aangestel is of 'n persoon gemagtig is kragtens artikel 19 (1) deur 'n plaaslike bestuur, betree en daar enige sodanige inspeksie uitvoer as wat nodig is om te bepaal of behoorlike standarde van higiëne by sodanige abattoir gehandhaaf word en of daar by sodanige abattoir aan die vereistes van hierdie Wet voldoen word.

31. Niemand mag enige vars vleis (met inbegrip van verkoelde en bevrore vleis) van 'n dier invoer nie behalwe ooreenkomsdig die vereistes of voorwaardes wat voorgeskryf word.

32. (1) Iemand wat—

- (a) in 'n aansoek om die uitreiking van 'n sertifikaat van goedkeuring gedoen kragtens artikel 4 (1) of in 'n aansoek om die hergradering van 'n abattoir gedoen kragtens artikel 11 (1) willens en wetens 'n verklaring doen wat in 'n wesenlike opsig vals is; of
- (b) 'n voorwaarde waaraan 'n sertifikaat van goedkeuring onderworpe gemaak is kragtens artikel 4 (3), oortree of versuim om daaraan te voldoen; of
- (c) 'n sertifikaat ingevolge hierdie Wet vervals of so 'n vervalste sertifikaat uitgee, wetende dat dit vervals is; of
- (d) ten opsigte van 'n abattoir, 'n identifikasienommer wat nie kragtens artikel 5 aan daardie abattoir toegeken is nie, gebruik met die doel om enige vleis of dierlike produk wat verkry is van 'n dier wat by sodanige abattoir geslag is, te onderskei; of
- (e) die bepalings van artikel 9, 16, 17, 23, 24, 26 of 28 oortree of versuim om daaraan te voldoen; of
- (f) versuim om aan 'n lasgewing deur die Minister kragtens artikel 19 (1) uitgereik, te voldoen of die bepalings van artikel 19 (3) (b), 19 (4) of 19 (5) oortree of versuim om daaraan te voldoen; of

Misdrywe en strawwe.

- (g) fails to provide the laboratory or other facilities prescribed in terms of section 22 (1); or
- (h) hinders or obstructs an inspector, authorized person or designated officer in the exercise of his powers or the carrying out of his duties under this Act; or
- (i) without valid excuse refuses or fails to answer to the best of his ability any questions which an inspector, authorized person or designated officer in the exercise of his powers or the carrying out of his duties under this Act has put to him; or
- (j) wilfully refuses or fails to comply with any requirement made by any inspector, authorized person or designated officer under section 30 (2) (d); or
- (k) when required to carry out any written order given by an inspector, authorized person or designated officer under this Act, refuses or fails to carry out the terms of such order; or
- (l) wilfully furnishes to an inspector, authorized person or designated officer any information which is false or misleading; or
- (m) falsely holds himself out to be an inspector, authorized person or designated officer; or
- (n) makes or causes to be made any false entry in any book, register, record, list or other document required by this Act to be kept by him, knowing such entry to be false; or
- (o) makes any false statement in any return rendered or report made by him in terms of this Act, knowing such statement to be false; or
- (p) with intent to defraud—
- (i) obliterates, defaces or alters an inspector's, authorized person's or designated officer's mark on any animal, meat or animal product inspected under this Act; or
 - (ii) counterfeits any such mark or places upon any animal, meat or animal product any such counterfeited mark; or
- (q) imports any meat in contravention of section 31,
- shall be guilty of an offence and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a), (c), (d), (l), (n), (o), (p) or (q) to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
 - (ii) in the case of an offence referred to in paragraph (b), (g), (h), (i), (j), (k) or (m) to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months;
 - (iii) in the case of an offence referred to in paragraph (e), if it is—
 - (aa) a failure to comply with the provisions of section 9 to a fine not exceeding two hundred rand;
 - (bb) a contravention of the provisions of section 16 or 17, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
 - (cc) a contravention of or failure to comply with the provisions of section 23, 24, 26 or 28, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months;
 - (iv) in the case of an offence referred to in paragraph (f), to a fine not exceeding two hundred rand.

(2) The court convicting any person of an offence under this Act may, upon the application of the prosecutor, declare any animal, meat or animal product, in respect of which the offence has been committed to be forfeited to the State.

(3) Any animal, meat or animal product forfeited under this Act shall be destroyed or otherwise dealt with as the Minister may direct.

Jurisdiction of
magistrate's court.

33. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

- (g) versuim om die laboratorium- of ander fasiliteite wat kragtens artikel 22 (1) voorgeskryf word, te verskaf; of
- (h) 'n inspekteur, gemagtigde persoon of aangewese beampete by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet, hinder of belemmer; of
- (i) sonder geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur, gemagtigde persoon of aangewese beampete by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet aan hom gestel het, na sy beste vermoë te beantwoord; of
- (j) opsetlik weier of versuim om te voldoen aan 'n vereiste wat 'n inspekteur, gemagtigde persoon of aangewese beampete kragtens artikel 30 (2) (d) gestel het, te voldoen; of
- (k) wanneer dit van hom vereis word om 'n skriftelike bevel uit te voer wat deur 'n inspekteur, gemagtigde persoon of aangewese beampete kragtens hierdie Wet uitgereik is, weier of versuim om die bepalings van sodanige bevel uit te voer; of
- (l) opsetlik aan 'n inspekteur, gemagtigde persoon of aangewese beampete inligting verstrek wat vals of misleidend is; of
- (m) valslik voorgee dat hy 'n inspekteur, gemagtigde persoon of aangewese beampete is; of
- (n) in 'n boek, register, aantekening, lys of ander dokument wat hy ingevolge hierdie Wet verplig is om te hou, 'n valse inskrywing maak of laat maak, wetende dat sodanige inskrywing vals is; of
- (o) in 'n opgawe gedoen of rapport verstrek deur hom kragtens hierdie Wet, 'n valse verklaring doen, wetende dat sodanige verklaring vals is; of
- (p) met die opset om te bedrieg—
 - (i) 'n merk van 'n inspekteur, gemagtigde persoon of aangewese beampete op enige dier, vleis of dierlike produk wat ingevolge hierdie Wet geïnspekteer is, uitwis, onleesbaar maak of verander; of
 - (ii) so 'n merk namaak of so 'n nagemaakte merk op enige dier, vleis of dierlike produk aanbring; of
- (q) enige vleis in stryd met die bepalings van artikel 31 invoer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die geval van 'n in paragraaf (a), (c), (d), (l), (n), (o), (p) of (q) bedoelde misdryf, met 'n boete van hoogstens duisend rand of met gevengenisstraf vir 'n tydperk van hoogstens een jaar of met sowel sodanige boete as sodanige gevengenisstraf;
- (ii) in die geval van 'n in paragraaf (b), (g), (h), (i), (j), (k) of (m) bedoelde misdryf, met 'n boete van hoogstens vyfhonderd rand of met gevengenisstraf vir 'n tydperk van hoogstens ses maande;
- (iii) in die geval van 'n in paragraaf (e) bedoelde misdryf, indien dit—
 - (aa) 'n versuim om te voldoen aan die bepalings van artikel 9 is, met 'n boete van hoogstens tweehonderd rand;
 - (bb) 'n oortreding van die bepalings van artikel 16 of 17 is, met 'n boete van hoogstens duisend rand of met gevengenisstraf vir 'n tydperk van hoogstens een jaar of met sowel sodanige boete as sodanige gevengenisstraf;
 - (cc) 'n oortreding van of versuim om te voldoen aan die bepalings van artikel 23, 24, 26 of 28 is, met 'n boete van hoogstens vyfhonderd rand of met gevengenisstraf vir 'n tydperk van hoogstens ses maande;
- (iv) in die geval van 'n in paragraaf (f) bedoelde misdryf, met 'n boete van hoogstens tweehonderd rand.

(2) Die hof wat iemand weens 'n misdryf ingevolge hierdie Wet veroordeel, kan, op versoek van die vervaller, enige dier, vleis of dierlike produk ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar.

(3) Enige dier, vleis of dierlike produk wat kragtens hierdie Wet verbeurd verklaar is, word vernietig of andersins mee gehandel soos die Minister gelas.

33. Ondanks andersluidende wetsbepalings besit 'n landdros- Regsbevoegdheid hofregsbevoegdheid om enige straf wat hierdie Wet voorskryf, van landdros hof, op te lê.

Procedure and evidence.

34. (1) The register kept in terms of section 3 shall be *prima facie* evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the Chief Meat Hygiene Officer to the effect that an entry has or has not been made in such register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

(3) A copy of an entry in such register or of a document preserved by the Chief Meat Hygiene Officer, or an extract from such register or from any such document, purporting to be certified by the Chief Meat Hygiene Officer, shall be admitted in evidence in all courts without further proof or production of the original.

(4) In any criminal proceedings under this Act any statement or entry contained in any book, register, record, list or other document kept by any owner of or operator at an abattoir, or by the manager, agent or employee of such owner or operator or found in or at the abattoir in question and relating to the business of such owner or operator or found in any conveyance used in the business of such owner or operator, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by such owner or operator, or by any manager, agent or employee of such owner or operator in the course of his work as manager or in the course of his agency or employment.

Act or omission by manager, agent or employee.

35. (1) Whenever any manager, agent or employee of any owner of or operator at an abattoir does or omits to do any act which it would be an offence under this Act for such owner or operator to do or omit to do, then unless it is proved that—

(a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of such owner or operator; and

(b) all reasonable steps were taken by such owner or operator to prevent any act or omission of the kind in question; and

(c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

such owner or operator, as the case may be, shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such owner or operator does or omits to do an act which it would be an offence under this Act for such owner or operator to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were such owner or operator.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to such owner or operator.

Defect in form not to invalidate any notice or order.

36. No defect in the form of any notice given or order made under this Act shall render unlawful any administrative action or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates, provided the requirements or meaning thereof are substantially and intelligibly set forth.

Service of notice, order or other document.

37. (1) Service of any notice, order or other document under this Act may be effected—

(a) by delivering a copy thereof personally to the person upon whom it is to be served;

(b) by leaving such copy at the usual or last known place of residence or business of such person; or

(c) by sending such copy by post to the usual or last known place of residence or business of such person.

34. (1) Die register ingevolge artikel 3 gehou, dien as *prima facie*-bewys van alle aangeleenthede wat volgens hierdie Wet bewyselewering. daarin aangeteken moet of mag word.

(2) 'n Sertifikaat wat deur die Hoof-vleishigiënebeampte onderteken heet te wees ten effekte dat 'n inskrywing wel in sodanige register gemaak is of nie gemaak is nie of dat enigets anders wat volgens hierdie Wet gedoen mag word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

(3) 'n Afskrif van 'n inskrywing in sodanige register of van 'n dokument deur die Hoof-vleishigiënebeampte bewaar of 'n uit-treksel uit sodanige register of uit so 'n dokument wat deur die Hoof-vleishigiënebeampte gesertifiseer heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle howe as getuenis toegelaat.

(4) In 'n strafgeding ingevolge hierdie Wet is 'n verklaring of inskrywing wat bevat is in 'n boek, register, aantekening, lys of ander dokument wat deur 'n eienaar van of operateur by 'n abattoir, of deur die bestuurder, agent of werknemer van sodanige eienaar of operateur gehou word, of wat gevind word in of by die betrokke abattoir en wat betrekking het op die besigheid van sodanige eienaar of operateur, of wat gevind word in 'n vervoermiddel wat gebruik word in die besigheid van sodanige eienaar of operateur, as getuenis teen hom toelaatbaar as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy dit bewys word dat daardie verklaring of inskrywing nie deur sodanige eienaar of operateur of deur 'n bestuurder, agent of werknemer van sodanige eienaar of operateur in die loop van sy werk as bestuurder, of in die loop van sy agentskap of diens gemaak is nie.

35. (1) Wanneer 'n bestuurder, agent of werknemer van 'n eienaar van of operateur by 'n abattoir enige daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as daardie eienaar of operateur dit begaan het, dan, tensy dit bewys word dat—

- (a) sodanige eienaar of operateur daardie daad of versuim van die bestuurder, agent of werknemer nie deur die vingers gesien of toegelaat het nie; en
- (b) sodanige eienaar of operateur alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word veronderstel dat sodanige eienaar of operateur, na gelang van die geval, self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonnis word; en die feit dat hy 'n daad of versuim van die betrokke soort verbied het, strek op sigself nie tot voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van so 'n eienaar of operateur 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as sodanige eienaar of operateur dit begaan het, kan hy ten opsigte daarvan skuldig bevind en gevonnis word asof hy sodanige eienaar of operateur was.

(3) So 'n bestuurder, agent of werknemer kan benewens sodanige eienaar of operateur aldus skuldig bevind en gevonnis word.

36. 'n Vormgebrek in 'n kennisgewing of bevel kragtens hierdie Wet uitgereik, maak nie 'n administratiewe handeling wat verrig word ten opsigte van die saak waarop die kennisgewing of bevel betrekking het, ongeldig nie en is nie 'n grond vir 'n eksepsie teen enige geregtelike verrigtinge wat ten opsigte van sodanige saak ingestel word nie, mits die vereistes of betekenis daarvan wesenlik en verstaanbaar uiteengesit is.

37. (1) Bestelling van 'n kennisgewing, bevel of ander dokument kragtens hierdie Wet kan bewerkstellig word—

- (a) deur 'n afskrif daarvan aan die persoon aan wie dit bestel moet word, self te oorhandig;
- (b) deur sodanige afskrif by die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te laat;
- (c) deur sodanige afskrif per pos na die gewone of jongsbekende woon- of besigheidsplek van sodanige persoon te stuur.

(2) In any prosecution for an offence under this Act it shall be no defence that the accused did not in fact receive any notice, order or other document, if it is proved that he refused to accept such notice, order or other document when it was tendered to him either personally or by post, unless he proves to the satisfaction of the court that his failure was not due to any lack of diligence on his part.

Regulations.

38. (1) The Minister may make regulations—

- (a) prescribing the form in which the register referred to in section 3 shall be kept;
- (b) prescribing the information which shall be furnished with any application for the issue of a certificate of approval in respect of an abattoir or any application for the regrading of an abattoir, and the form of any such certificate of approval;
- (c) prescribing insignia for the various grades of abattoirs and the manner in which they may be used or displayed and prohibiting the use or display thereof otherwise than in accordance with the regulations;
- (d) prescribing the manner in which an appeal under section 13 shall be noted and prosecuted;
- (e) prescribing the certificates and information to be furnished in regard to any matter relating to an abattoir, animals brought to an abattoir for slaughter or meat or animal products derived from an animal slaughtered at an abattoir and the persons by whom and the persons to whom such certificates and information are to be furnished;
- (f) regulating the slaughter of animals at an abattoir, including the times of slaughter and the number of animals which may be slaughtered thereat, and prescribing different places of slaughter for different species of animals and the methods of conveying, handling, holding and controlling animals prior to and during slaughter, and for the prevention of the infliction of unnecessary suffering upon animals intended for slaughter;
- (g) prescribing the facilities to be provided for and the methods and procedures to be followed in connection with the inspection, isolation, treatment, slaughter or separate slaughter of injured or condemned animals or of animals suspected to be diseased;
- (h) prescribing the methods of cleansing and disinfecting abattoirs and appliances and places or conveyances wherein or whereon animals intended for slaughter at an abattoir are kept or carried;
- (i) prescribing standards and procedures for the inspection of animals, meat and animal products, including the identification and control thereof;
- (j) providing for the taking of samples of meat or animal products at an abattoir and of smears and other specimens from any animal which is intended for slaughter at an abattoir, and for the methods of the testing of such samples, smears or specimens;
- (k) regulating the entry of persons to an abattoir or portions thereof or the movement of persons within an abattoir;
- (l) prescribing methods of handling, storage, treatment and preservation at an abattoir—
 - (i) of meat and animal products which have been condemned under section 27 (b); and
 - (ii) of meat and animal products which have not been so condemned;
- (m) prescribing the methods and procedures to be followed and the facilities to be provided in regard to the marking—
 - (i) of meat which has been passed as fit for human consumption under section 27 (a); and
 - (ii) of animals, meat and animal products which have been condemned under section 27 (b);
- (n) prescribing methods of disposal at or removal from an abattoir of refuse and filth;
- (o) regulating and controlling the conveyance of meat or animal products from an abattoir to any other place;
- (p) regulating and controlling the housing, sustenance, treatment and management of animals at an abattoir or at any place where animals intended for slaughter at an abattoir are kept;

(2) By 'n vervolging weens 'n misdryf ingevolge hierdie Wet is dit nie 'n verweer nie dat die beskuldigde inderdaad nie 'n kennisgewing, bevel of ander dokument ontvang het nie, indien daar bewys word dat hy geweier het om sodanige kennisgewing, bevel of ander dokument te ontvang toe dit aan hom self of per pos aangebied is, tensy hy aan die hof bevredigende bewys lewer dat sy versuim nie aan gebrek aan ywer van sy kant te wye was nie.

38. (1) Die Minister kan regulasies uitvaardig— Regulasies.

- (a) wat die vorm waarin die in artikel 3 bedoelde register gehou moet word, voorskryf;
- (b) wat die inligting wat 'n aansoek om die uitreiking van 'n sertifikaat van goedkeuring ten opsigte van 'n abattoir of 'n aansoek om die hergradering van 'n abattoir moet vergesel en die vorm van enige sodanige sertifikaat van goedkeuring voorskryf;
- (c) wat onderskeidingsstekens vir die verskillende grade van abattoirs en die wyse waarop hulle gebruik of vertoon mag word, voorskryf en wat die gebruik of vertoning daarvan anders as ooreenkomsdig die regulasies, verbied;
- (d) wat die wyse waarop 'n appèl ingevolge artikel 13 aangeteken en voortgesit moet word, voorskryf;
- (e) wat die sertifikate en inligting wat met betrekking tot enige aangeleenthed betreffende 'n abattoir, diere wat na 'n abattoir gebring word om geslag te word of vleis of dierlike produkte wat verkry word van 'n dier wat by 'n abattoir geslag is, verstrek moet word en die persone deur wie en die persone aan wie sodanige sertifikate en inligting verstrek moet word, voorskryf;
- (f) wat die slag van diere by 'n abattoir reël, met inbegrip van die tye van slag en die aantal diere wat daar geslag mag word, en wat verskillende slagplekke vir verskillende diersoorte en die metodes van vervoer, hantering, hou en beheer van diere voor en gedurende die slag daarvan voorskryf, en om die veroorsaking van onnodige lyding aan diere wat vir slag bestem is, te voorkom;
- (g) wat die fasilitete wat verskaf moet word vir en die metodes en prosedures wat gevolg moet word in verband met die inspeksie, afsondering, behandeling, slag of apart slag van beseerde of afgekeurde diere of van diere wat vermoedelik siektebesmet is, voorskryf;
- (h) wat die metodes van skoonmaak en ontsmetting van abattoirs en toestelle en plekke of vervoermiddels waarin of waarop diere wat vir slag by 'n abattoir bestem is, gehou of vervoer word, voorskryf;
- (i) wat standaarde en prosedures vir die inspeksie van diere, vleis en dierlike produkte, met inbegrip van die identifisering en beheer daarvan, voorskryf;
- (j) wat voorsiening maak vir die neem van monsters van vleis of dierlike produkte by 'n abattoir en van smere en ander monsters van 'n dier wat vir slag by 'n abattoir bestem is en vir die metodes waarvolgens sodanige monsters of smere getoets moet word;
- (k) wat die toegang van persone tot 'n abattoir of gedeeltes daarvan of die beweging van persone binne 'n abattoir reël;
- (l) wat metodes voorskryf vir die hantering, opberging, behandeling en preservering by 'n abattoir—
 - (i) van vleis en dierlike produkte wat kragtens artikel 27 (b) afgekeur is; en
 - (ii) van vleis en dierlike produkte wat nie aldus afgekeur is nie;
- (m) wat voorskryf die metodes en prosedures wat gevolg moet word en die fasilitete wat verskaf moet word met betrekking tot die merk—
 - (i) van vleis wat kragtens artikel 27 (a) as geskik vir menslike verbruik goedgekeur is; en
 - (ii) van diere, vleis en dierlike produkte wat kragtens artikel 27 (b) afgekeur is;
- (n) wat metodes van beskikking oor by of verwydering van 'n abattoir af, van oorskiet en vullis voorskryf;
- (o) wat die vervoer van vleis of dierlike produkte van 'n abattoir af na enige ander plek reël en beheer;
- (p) wat die huisvesting, onderhoud, behandeling en hantering van diere by 'n abattoir of 'n plek waar diere wat bestem is vir slag by 'n abattoir gehou word, reguleer en beheer;

- (q) prescribing hygienic standards for the clothing, personal cleanliness and health of persons employed or carrying out any duties under this Act at an abattoir;
- (r) prohibiting, regulating or controlling—
 - (i) the use or the application of antibiotics, insecticides, tranquillisers, oestrogens, goitrogens or similar substances in respect of or to animals intended for slaughter; or
 - (ii) the subcutaneous blowing of carcasses or the injurious treatment or preparation of meat or animal products at an abattoir;
- (s) regulating and controlling the treatment of meat in order to render it fit for human or animal consumption;
- (t) prohibiting the bringing into or the slaughter at an abattoir of any prohibited animal;
- (u) prescribing the duties, training and qualifications of inspectors, authorized persons and designated officers and the fees to be paid for any inspection carried out by an inspector, authorized person or designated officer in terms of section 25;
- (v) requiring and regulating the reporting of the presence at an abattoir or at any place where animals intended for slaughter at an abattoir are kept of any animal which is diseased or is suspected to be diseased;
- (w) prohibiting, regulating or controlling the bringing into an abattoir of animals not intended to be slaughtered at the abattoir;
- (x) prescribing the books, registers, records, lists or other documents to be kept, the returns to be rendered, the reports to be made and the information to be furnished by owners of or operators at abattoirs, the period for which such books, registers, records, lists or other documents shall be preserved and the form and manner in which such returns, reports or information shall be rendered, made or furnished;
- (y) in regard to all matters which by this Act are required or permitted to be prescribed by regulation; and

generally, as to any other matter, whether or not connected with any matter mentioned in paragraphs (a) to (y), inclusive, which he considers it necessary or expedient to prescribe, require, control, regulate, restrict or prohibit for the purpose of carrying out and giving effect to the provisions of this Act, or to prevent evasion or contravention of its provisions.

(2) Any regulation relating to State revenue or expenses shall be made in consultation with the Minister of Finance.

(3) Any regulation may be expressed to apply—

- (a) throughout the Republic or to any specified portion thereof; or
- (b) only in respect of a specified class or group of owners of abattoirs or a specified class or group of operators at abattoirs; or
- (c) only in respect of a specified class or grade of abattoir.

(4) Different regulations may be made with reference to different portions of the Republic, different abattoirs or different classes or grades of abattoirs, different owners of abattoirs or different classes or groups of owners of abattoirs, different operators at abattoirs or different classes or groups of operators at abattoirs or different kinds or classes of animals and in such other respects as the Minister may determine.

(5) Any regulation may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of five hundred rand or imprisonment for a period of six months.

(6) Before any regulation is made under this section, such regulation shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to issue such regulation as a regulation under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed

- (q) wat higiëniese standarde vir die kleding, persoonlike sindelikheid en gesondheid van persone wat by 'n abattoir in diens is of pligte kragtens hierdie Wet daar uitvoer, voorskryf;
- (r) wat—
- (i) die gebruik of die aanwending van antibiotika, insektedoders, kalmeermiddels, oestrogene, goitrogene of soortgelyke stowwe ten opsigte van of aan diere wat vir slag bestem is; of
 - (ii) die onderhuidse opblaas van karkasse of die skadelike behandeling of bewerking van vleis of dierlike produkte by 'n abattoir, verbied, reël of beheer;
- (s) wat die behandeling van vleis om dit vir menslike of dierlike verbruik geskik te maak, reël en beheer;
- (t) wat die inbring in of die slag by 'n abattoir van 'n verbode dier verbied;
- (u) wat die pligte, opleiding en kwalifikasies van inspektors, gemagtigde persone en aangewese beampes en die gelde wat betaal moet word vir 'n inspeksie wat deur 'n inspekteur, gemagtigde persoon of aangewese beampete kragtens artikel 25 uitgevoer word, voorskryf;
- (v) wat die aanmelding van die teenwoordigheid by 'n abattoir of by 'n plek waar diere wat bestem is om by 'n abattoir geslag te word, gehou word van 'n dier wat siektebesmet is of wat vermoedelik siektebesmet is, vereis en reël;
- (w) wat die inbring in 'n abattoir van diere wat nie bestem is om by die abattoir geslag te word nie, verbied, reël of beheer;
- (x) wat die boeke, registers, aantekenings, lyste of ander dokumente wat gehou moet word, die opgawes wat gedoen moet word en die rapporte en inligting wat versprek moet word deur eienaars van of operateurs by abattoirs, die tydperk waarvoor sodanige boeke, registers, aantekenings, lyste of ander dokumente bewaar moet word en die vorm waarin en wyse waarop sodanige opgawes, rapporte of inligting gedoen of versprek moet word, voorskryf;
- (y) met betrekking tot alle aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word; en

oor die algemeen, betreffende enige ander aangeleentheid, hetsy dit met 'n aangeleentheid in paragrawe (a) tot en met (y) vermeld in verband staan al dan nie, wat hy nodig of dienstig ag om voor te skryf, te vereis, te beheer, te reël, te beperk of te verbied ten einde die bepalings van hierdie Wet uit te voer en daaraan gevolg te gee of ten einde ontduiking of oortreding van die bepalings daarvan te voorkom.

(2) 'n Regulasie wat op Staatsinkomste of -uitgawes betrekking het, word uitgevaardig in oorleg met die Minister van Finansies.

(3) 'n Regulasie kan lui dat dit van toepassing is—

- (a) oor die hele Republiek of in 'n bepaalde deel daarvan; of
- (b) slegs ten opsigte van 'n bepaalde klas of groep eienaars van abattoirs of 'n bepaalde klas of groep operateurs by abattoirs; of
- (c) slegs ten opsigte van 'n bepaalde klas of graad abattoir.

(4) Verskilende regulasies kan uitgevaardig word met betrekking tot verskillende dele van die Republiek, verskillende abattoirs of verskillende klasse of grade abattoirs, verskillende eienaars van abattoirs of verskillende klasse of groep eienaars van abattoirs, verskillende operateurs by abattoirs of verskillende klasse of groep operateurs by abattoirs of verskillende soorte of klasse diere en in die ander opsigte wat die Minister bepaal.

(5) 'n Regulasie kan vir oortreding daarvan of versuum om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van vyfhonderd rand of gevangenisstraf vir 'n tydperk van ses maande, te boewe gaan nie.

(6) Alvorens 'n regulasie kragtens hierdie artikel uitgevaardig word, word sodanige regulasie deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorname is om sodanige regulasie as 'n regulasie kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, uit te vaardig en dat belanghebbende persone uitgenooi word om besware teen of vertoe aangaande die voorgestelde regulasie voor te lê:

regulation: Provided that, if the Minister thereafter determines on any alteration in the regulation published as aforesaid, as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally issuing the regulation in terms of this section.

Delegation of powers.

39. (1) The Minister may by writing under his hand delegate to any senior officer of the department all or any of the powers conferred upon him by this Act other than the power to make regulations and the powers conferred upon him by sections 2, 13 and 14.

(2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the instructions of the Minister.

(3) The Minister may at any time revoke in writing any such delegation, and no delegation of any power shall prevent the exercise of that power by the Minister himself.

Restriction upon actions against State, officers, etc., for anything done in good faith.

40. No action shall lie against the State, the Minister, a local authority, an officer, an inspector or an authorized person for anything done in good faith under this Act.

Exemption for research.

41. Nothing in this Act contained shall be construed as prohibiting any act or omission by any officer, or by any person authorized by the Minister to conduct any investigation, experiment or research in connection with any disease, animal production or the slaughter or dressing of animals, in so far as it is in furtherance of any such investigation, experiment or research.

Exclusion of areas, abattoirs or animals from operation of Act and exemption of persons from compliance with provisions of Act.

42. (1) The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of this Act—

- (a) any area specified in the notice or any area other than an area so specified;
- (b) any abattoir so specified or any abattoir other than an abattoir so specified or any class or grade of abattoir so specified; or
- (c) any animal or kind or class of animal either generally or in respect of any area specified in the notice or any area other than an area so specified.

(2) The Minister may by notice in the *Gazette*, and subject to such conditions as he may determine, exempt any person (including any owner of or operator at an abattoir) or class of persons specified in the notice, either generally or under such circumstances or in respect of such animals or kind or class of animals as may be specified in the notice, from compliance with any or all of the provisions of this Act.

(3) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

Repeal of laws

43. The Slaughter of Animals Act, 1934 (Act No. 26 of 1934), and the Slaughter of Animals Amendment Act, 1956 (Act No. 4 of 1956), are hereby repealed.

Short title and date of commencement.

44. (1) This Act shall be called the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967, and the provisions thereof shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.

Met dien verstande dat, indien die Minister daarna op enige verandering van die soos voormeld gepubliseerde regulasie besluit, as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voor die regulasie uiteindelik ooreenkomsdig hierdie artikel uitgevaardig word nie.

39. (1) Die Minister kan skriftelik onder sy handtekening aan 'n senior beampte van die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdhede by artikels 2, 13 en 14 aan hom verleen, deleger Delegering van be-voegdhede.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uit-oefening van daardie bevoegdheid deur die Minister self nie.

40. Geen geding kan ingestel word teen die Staat, die Minister, 'n plaaslike bestuur, 'n beampte, 'n inspekteur of 'n gemagtigde persoon weens enigiets wat te goeder trou kragtens hierdie Wet gedoen is nie. Beperking op gedinge teen die Staat, beampies, ens., op grond van iets te goeder trou gedoen.

41. Geen bepaling van hierdie Wet word so vertolk dat dit 'n daad of versuim van 'n beampte, of van iemand wat deur die Minister gemagtig is om ondersoek, proefneming of navorsing te doen in verband met 'n siekte, dierenproduksie of die slag of skoonmaak van diere, verbied nie, vir sover dit sodanige ondersoek, proefneming of navorsing bevorder. Vrystelling vir navorsing.

42. (1) Die Minister kan by kennisgewing in die *Staatskoerant*— Uitsluiting van gebiede, abattoirs of diere van toepassing van Wet en vrystelling van persone van voldoening aan bepulings van Wet.

- (a) 'n in die kennisgewing vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied;
- (b) 'n aldus vermelde abattoir of 'n ander abattoir as 'n aldus vermelde abattoir, of 'n aldus vermelde klas of graad abattoir; of
- (c) 'n dier of soort of klas dier of in die algemeen of ten opsigte van 'n in die kennisgewing vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied, van die toepassing van enige van of al die bepulings van hierdie Wet uitsluit.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* en op die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon (met inbegrip van 'n eienaar van of operateur by 'n abattoir) of klas persone of in die algemeen of onder die omstandighede of ten opsigte van die diere of soort of klas diere wat in die kennisgewing vermeld word, van voldoening aan enige van of al die bepulings van hierdie Wet vrystel.

(3) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n kragtens hierdie artikel uitgevaardigde kennisgewing wysig of intrek.

43. Die Veeslagwet, 1934 (Wet No. 26 van 1934), en die Herroeping Wysigingswet op die Slag van Vee, 1956 (Wet No. 4 van 1956), van wette, word hereby herroep.

44. (1) Hierdie Wet heet die Wet op Higiëne by Diereslag, Kort titel Vleis en Dierlike Produkte, 1967, en die bepulings daarvan tree en datum in werking op 'n datum wat die Staatspresident by proklamasie van inwerking-treding. in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende bepulings van hierdie Wet.

No. 89, 1967.]

ACT

To amend the Nuclear Installations (Licensing and Security) Act, 1963, so as to exempt the Atomic Energy Board from having to give security in the prescribed manner for the fulfilment of its liability for nuclear damage; to provide for control over certain vessels capable of causing nuclear damage; and to provide for incidental matters.

(*English text signed by the Acting State President.*)
(*Assented to 19th June, 1967.*)

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

Amendment of
section 12 of
Act 43 of 1963.

Insertion of
section 12A in
Act 43 of 1963.

Substitution of
long title of Act 43
of 1963.

Application of
Act to South-
West Africa.

Short title.

1. Section 12 of the Nuclear Installations (Licensing and Security) Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the deletion of subsection (4).

2. The following section is hereby inserted in the principal Act after section 12:

“Conditions regarding certain visiting vessels. 12A. (1) The Minister may, after consultation with the Minister of Finance, from time to time determine the conditions (including those relating to the liability for nuclear damage, security therefor and the manner of dealing with such security) under which any vessel registered at any place outside the Republic and which is propelled by nuclear energy or has on board any nuclear installation, may enter the territorial waters of the Republic or call at any port within the Republic.

(2) Any person who contravenes or fails to comply with any condition so determined which is binding on him, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment of the fine, to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.”.

3. The following long title is hereby substituted for the long title of the principal Act:

“To provide for the licensing of sites used for certain installations capable of causing nuclear damage, to regulate the liability for such damage in certain circumstances, to compel certain persons liable for such damage to provide security for the fulfilment of such liability, to provide for control over certain vessels capable of causing nuclear damage, and to provide for matters incidental thereto.”.

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

5. This Act shall be called the Nuclear Installations (Licensing and Security) Amendment Act, 1967.

No. 89, 1967.]

WET

Tot wysiging van die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963, om die Raad op Aatomkrag van sekerheidstelling op die voorgeskrewe wyse vir die nakoming van sy aanspreeklikheid vir kernskade te onthef; om vir beheer oor sekere vaartuie wat kernskade kan veroorsaak, voorseening te maak; en om vir bykomstige aangeleenthede voorseening te maak.

(*Engelse teks deur die Waarnemende Staatspresident geteken.*)
(*Goedgekeur op 19 Junie 1967.*)

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

1. Artikel 12 van die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963 (hieronder die Hoofwet genoem) word hierby gewysig deur subartikel (4) te skrap.

2. Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

„Voorwaardes betreffende sekere vaartuie wat besoek afle.
12A. (1) Die Minister kan na oorlegpleging met die Minister van Finansies van tyd tot tyd die voorwaardes (met inbegrip van dié wat betrekking het op die aanspreeklikheid vir kernskade, sekerheid daarvoor en die wyse waarop met sodanige sekerheid gehandel word) vassel waarop 'n vaartuig wat op enige plek buite die Republiek geregistreer is en wat deur kernkrag voortgedryf word of enige kerninstallasie aan boord het, die territoriale waters van die Republiek mag binnegaan of enige hawe binne die Republiek mag aandoen.

(2) Iemand wat 'n aldus vasgestelde voorwaarde wat vir hom bindend is, oortree of versuim om daar-aan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of by wanbetaling van die boete, met gevengenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel dié boete as dié gevengenisstraf.”.

3. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„Om voorsiening te maak vir die lisensiëring van terreine wat gebruik word vir sekere installasies wat kernskade kan veroorsaak, om aanspreeklikheid vir sodanige skade onder sekere omstandighede te reël, om sekere persone wat vir sodanige skade aanspreeklik is, te verplig om sekerheid te stel vir die nakoming van sodanige aanspreeklikheid, om vir beheer oor sekere vaartuie wat kernskade kan veroorsaak, voorseening te maak, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

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

Toepassing van Wet op Suidwes-Afrika.

5. Hierdie Wet heet die Wysigingswet op Kerninstallasies Kort titel. (Lisensiëring en Sekerheidstelling), 1967.

No. 90, 1967.]

ACT

To provide for the control of prospecting and mining for and the processing, enrichment, re-processing, possession and disposal of source material and of the production of nuclear or atomic energy and radio-active nuclides; to provide for the continued existence of the Atomic Energy Board and to define its powers and functions; to provide for the control of certain patents; and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)
(Assented to 19th June, 1967.)

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

Definitions.

1. (1) In this Act, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Patents Act bears the meaning so assigned thereto, “radio-active nuclide” has the ordinary scientific meaning assigned to it but for the purposes of this Act does not include source material, and—
 - (i) “board” means the Atomic Energy Board referred to in section 11; (viii)
 - (ii) “commission” means the Electricity Supply Commission referred to in section 2 of the Electricity Act, 1958 (Act No. 40 of 1958); (vi)
 - (iii) “enrich” means to increase the ratio of an isotopic constituent of an element to the remaining isotopic constituents of that element relative to the naturally occurring ratio; and “enrichment” has a corresponding meaning; (x)
 - (iv) “Minister” means the Minister of Mines; (vii)
 - (v) “nuclear or atomic energy” means all energy released in any self-sustaining process which involves the transformation of or reactions between atomic nuclei, but does not include energy released in the process of natural transmutation, such as radio-active decay, which is not influenced by external means; (v)
 - (vi) “Patents Act” means the Patents Act, 1952 (Act No. 37 of 1952); (xii)
 - (vii) “process”, in relation to any source material, means to recover, extract, concentrate, refine or convert such material but does not include enriching; and “processing” has a corresponding meaning; (xi)
 - (viii) “re-process”, in relation to any source material, means to extract or separate constituents occurring in source material that has been subjected to irradiation capable of causing transmutation of the source material; and “re-processing” has a corresponding meaning; (iv)
 - (ix) “restricted material” means beryl and any other ores of beryllium and any other substance which the State President has by proclamation in the *Gazette* declared to be a restricted material for the purposes of this Act; (i)
 - (x) “source material” means uranium, thorium and any substance containing uranium or thorium above concentration limits specified by the State President by proclamation in the *Gazette*; (ii)
 - (xi) “special nuclear material” means U-233 and uranium enriched in its U-235 isotope and trans-uranium elements and any of their compounds derived from source material; (ix)

No. 90, 1967.]

WET

Om voorsiening te maak vir beheer oor prospektering na en die ontgunning, verwerking, verryking, herverwerking en besit van en beskikking oor bronmateriaal en oor voortbrenging van kern- of atoomkrag en radioaktiewe nuklide; om voorsiening te maak vir die voortbestaan van die Raad op Atoomkrag en om sy bevoegdhede en werksaamhede te omskrywe; om vir beheer oor sekere patente voorsiening te maak; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, **Woordomskrywing.** het enige uitdrukking waaraan in die Wet op Patente 'n betekenis gegee is, die betekenis aldus daaraan gegee, het „radioaktiewe nuklid“ sy gewone wetenskaplike betekenis, maar beteken dit by die toepassing van hierdie Wet nie ook bronmateriaal nie, **en beteken—**

- (i) „beperkte materiaal“ beril en enige ander ertse van berillium en enige ander stof wat die Staatspresident by proklamasie in die *Staatskoerant* by die toepassing van hierdie Wet tot beperkte materiaal verklaar het; (ix)
- (ii) „bronmateriaal“ uraan, thorium en enige stof wat uraan of thorium bevat bo sterkeperke deur die Staatspresident by proklamasie in die *Staatskoerant* aangewys; (x)
- (iii) „die gebied“ die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), bedoel; (xii)
- (iv) „herverwerk“, met betrekking tot 'n bronmateriaal, om bestanddele wat voorkom in bronmateriaal wat blootgestel is aan bestraling wat transmutasie van die bronmateriaal kan veroorsaak, te ekstraheer of af te skei; en het „herverwerking“ 'n ooreenstemmende betekenis; (viii)
- (v) „kern- of atoomkrag“ al die krag wat vrygestel word in 'n selfonderhoudbare proses waarin transformasie van of reaksies tussen atoomkerns plaasvind, maar nie ook krag wat vrygestel word nie in 'n natuurlike transmutasieproses, soos radioaktiewe ontbinding, wat nie van buite beïnvloed word nie; (v)
- (vi) „kommissie“ die Elektrisiteitsvoorsieningskommissie in artikel 2 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), bedoel; (ii)
- (vii) „Minister“ die Minister van Mynwese; (iv)
- (viii) „raad“ die in artikel 11 bedoelde Raad op Atoomkrag; (i)
- (ix) „spesiale kernmateriaal“ U-233 en uraan verryk in sy U-235-isotoop en transuraanelemente en 'n samestelling daarvan uit bronmateriaal verkry; (xi)
- (x) „verryk“ om die verhouding van 'n isotopiese bestanddeel van 'n element tot die oorblywende isotopiese bestanddele van daardie element te verhoog relatief tot die verhouding wat in die natuur voorkom; en het „verryking“ 'n ooreenstemmende betekenis; (iii)
- (xi) „verwerk“, met betrekking tot 'n bronmateriaal, om daardie materiaal te herwin, ekstraheer, konsentreer, raffineer of om te skep, maar nie ook verryk nie; en het „verwerking“ 'n ooreenstemmende betekenis; (vii)

- (xii) "the territory" means the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951). (iii)
- (2) Whenever under this Act any matter is required to be determined by arbitration, the relevant arbitration proceedings shall be governed by the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), as if there had been a written agreement to submit such matters to arbitration in terms of that Act.
- Right to produce nuclear or atomic energy vested in the State.**
2. Subject to the provisions of this Act, the sole right to produce nuclear or atomic energy shall be vested in the board on behalf of the State.
- Production of nuclear or atomic energy prohibited except under special authority.**
3. (1) No person may produce nuclear or atomic energy except with the written permission of the board and unless he is in possession of a licence issued in terms of the Nuclear Installations (Licensing and Security) Act, 1963 (Act No. 43 of 1963).
- (2) Any permission granted under subsection (1) may be made subject to such conditions as the board may deem fit to impose.
4. (1) Whenever the board receives an application for its written permission in terms of section 3 (1) to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area in which the commission may in terms of the Electricity Act, 1958 (Act No. 40 of 1958), or any other law undertake the generation and supply of electricity, the board shall consult the commission and shall not grant such permission if the commission notifies the board within six months after it has been consulted by the board that it desires to undertake the generation and supply of electricity by means of nuclear or atomic energy in the area of supply contemplated by the applicant.
- (2) If the commission notifies the board in accordance with the provisions of subsection (1) it shall, in collaboration with the board and within a period agreed upon with the board, undertake the construction of the necessary plant, and the commission shall thereafter operate such plant in accordance with the provisions of the Electricity Act, 1958.
- (3) (a) The commission may at any time after the board has granted written permission to an undertaker to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area referred to in subsection (1), or at any time after such undertaker has constructed or commenced to construct any works for that purpose, and after two years' written notice to such undertaker, take over the construction of such works or any additional works or the working of the undertaking, subject to the payment by the commission to the undertaker of the value of the works, machinery, materials and plant belonging to or used by the undertaker in respect of the said undertaking.
- (b) For the purpose of such payment and the taking over of the said undertaking, the provisions of section 34 (1) (a), (b) and (c), section 34 (2) and section 37 of the Electricity Act, 1958, shall *mutatis mutandis* apply.
- (4) The generation of electricity by means of nuclear or atomic energy and its distribution by any person shall be subject to the provisions of the Electricity Act, 1958.
5. (1) Notwithstanding the provisions of any other law, no person shall prospect for or mine source material or recover such material from any tailings, slimes or other residues—
- (a) unless he has first obtained the written permission of the Minister thereto;
- (b) in the case of land situated in the Republic, otherwise than in accordance with and subject to the provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967);
- (c) in the case of land situated in the territory, otherwise than in accordance with and subject to the provisions of the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954), of the territory.
- (2) The Minister shall only withhold any permission contemplated in subsection (1) (a) if he is satisfied that the security of the State would be endangered by the issue of such permission to the applicant.
- (3) Any right to mine vested in, conferred upon or acquired by any person under any law relating to prospecting for and mining of precious metals, base minerals or precious stones, or

(xii) „Wet op Patente” die Wet op Patente, 1952 (Wet No. 37 van 1952). (vi)

(2) Wanneer 'n aangeleentheid kragtens hierdie Wet deur arbitrasie beslis moet word, geskied die verrigtings in verband met die arbitrasie volgens voorskrif van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), asof daar 'n skriftelike ooreenkoms was om daardie aangeleentheid na arbitrasie ingevolge die bepalings van bedoelde Wet te verwys.

2. Behoudens die bepalings van hierdie Wet, berus die alleen- reg om kern- of atoomkrag voort te bring by die raad ten be- hoeve van die Staat. Reg om kern- of atoomkrag voort te bring, berus by die Staat.

3. (1) Niemand mag, behalwe met skriftelike toestemming van die raad en tensy hy in besit is van 'n lisensie uitgereik ingevolge die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963 (Wet No. 43 van 1963), kern- of atoomkrag voortbring nie. Voortbrenging van kern- of atoomkrag, behalwe kragtens spesiale magtiging, verbode.

(2) 'n Ingevolge subartikel (1) verleende toestemming kan onderworpe gestel word aan die voorwaardes wat die raad na goeddunke ople.

4. (1) Wanneer die raad 'n aansoek om sy skriftelike toe- stemming ingevolge artikel 3 (1) ontvang om kern- of atoomkrag voort te bring met die uitsluitlike doel om elektrisiteit op te wek in 'n gebied waarin die kommissie ingevolge die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), of 'n ander wet elektrisiteits- opwekking en -voorsiening kan onderneem, moet die raad die kommissie raadpleeg en mag hy sodanige toestemming nie verleen nie indien die kommissie die raad binne ses maande nadat hy deur die raad geraadpleeg is, in kennis stel dat hy elektrisiteitsopwekking en -voorsiening deur middel van kern- of atoomkrag in die voorsieningsgebied deur die aansoeker beoog, wil onderneem. Voortbrenging van kern- of atoomkrag om elektrisiteit op te wek, en bevoegdhede van die kommissie in verband daarmee.

(2) Indien die kommissie die raad ooreenkomstig die bepalings van subartikel (1) in kennis stel, moet hy, in samewerking met die raad en binne die tydperk waarop daar met die raad ooreengekom is, die oprigting van die nodige uitrusting onderneem, waarna die kommissie daardie uitrusting ooreenkomstig die bepalings van die Elektrisiteitswet, 1958, moet bestuur.

(3) (a) Die kommissie kan te eniger tyd nadat die raad aan 'n ondernemer skriftelike toestemming verleen het om kern- of atoomkrag voort te bring met die uitsluitlike doel om elektrisiteit op te wek in 'n in subartikel (1) bedoelde gebied, of te eniger tyd nadat daardie ondernemer werke vir daardie doel opgerig het of begin oprig het, en na skriftelike kennisgewing van twee jaar aan daardie ondernemer, die oprigting van sodanige werke of bykomende werke of die bestuur van die onderneming oorneem, behoudens betaling deur die kommissie aan die ondernemer van die waarde van die werke, masjinerie, bybehorende stowwe en uitrusting wat aan die ondernemer behoort of deur hom ten opsigte van genoemde onderneming gebruik is.

(b) Vir die doeleindeste van sodanige betaling en die ooreneem van genoemde onderneming is die bepalings van artikel 34 (1) (a), (b) en (c), artikel 34 (2) en artikel 37 van die Elektrisiteitswet, 1958, *mutatis mutandis* van toepassing.

(4) Die opwekking van elektrisiteit deur middel van kern- of atoomkrag en die verspreiding daarvan deur enigiemand is onderworpe aan die bepalings van die Elektrisiteitswet, 1958.

5. (1) Ondanks enige ander wetsbepalings, mag niemand na bronmateriaal prospekteer of dit ontgin of sodanige materiaal uit uitskot, slyk of ander residu's herwin nie— Prospektering na en ontgining van bronmateriaal.

(a) tensy hy eers die skriftelike toestemming van die Minister daar toe verkry het;

(b) in die geval van grond geleë in die Republiek, anders as ooreenkomstig en behoudens die bepalings van die Wet op Mynregte, 1967 (Wet No. 20 van 1967);

(c) in die geval van grond geleë in die gebied, anders as ooreenkomstig en behoudens die bepalings van die Ordonnansie op Myne, Werke en Minerale, 1954 (Ordonnansie No. 26 van 1954), van die gebied.

(2) Die Minister weerhou die in subartikel (1) (a) beoogde toestemming slegs indien hy oortuig is dat die veiligheid van die Staat deur die verlening van sodanige toestemming aan die aansoeker in gevaar gestel sou word.

(3) 'n Reg om te ontgin wat kragtens 'n wet betreffende prospektering na en ontgining van edele metale, onedele minerale of edelgesteentes, of die gemenerg, berus by, verleen

the common law, shall include the right to mine for and dispose of source material which may be won in conjunction with the precious metals, base minerals or precious stones being mined by such person.

(4) Any permission under subsection (1) (a)—

(a) shall, if the permission is in respect of land to which the provisions of subsection (3) apply and the person who obtains the permission is not the holder of the right to source material in respect of the land, provide for the payment to such holder in respect of source material produced on private land otherwise than in terms of an authority or agreement referred to in subsection (12) of—

(i) a royalty of $2\frac{1}{2}$ c per pound of uranium oxide (U_3O_8) contained in the source material produced by a person who at the commencement of this Act was engaged in producing source material on the land to which the permission relates; or

(ii) in any other case, such royalty or other consideration as may be mutually agreed upon between the said holder and the holder of the permission or, in the absence of agreement between the said holders, as the Minister may determine on the recommendation of the Mining Leases Board;

(b) may provide for the payment to the State, in addition to any rent, licence moneys, claim fees, mining area fees, share of profits, royalty or other consideration payable under the Act or Ordinance referred to in subsection (1) (b) or (c), of such levy in respect of the production or disposal of source material by the holder of the permission as the Minister may so determine but not exceeding $2\frac{1}{2}$ c per pound of uranium oxide (U_3O_8) contained in such material produced by the holder of the permission.

(5) Any payments required to be made under subsection (4) (a) shall be made annually before the thirty-first day of March in respect of the year which ended on the thirty-first day of December preceding, and any moneys payable under subsection (4) (b) shall be paid to the board which shall—

(a) if the permission under subsection (1) (a) relates to land situated in the Republic, pay such moneys into the Consolidated Revenue Fund;

(b) if such permission relates to land situated in the territory, pay over such moneys to the Secretary for South-West Africa for the benefit of the Fund mentioned in section 10 (2) of the Mines, Works and Minerals Ordinance, 1954, of the territory.

(6) The right to recover source material from any tailings, slimes or other residues on unproclaimed land in the Republic in respect of which a permit under section 161 of the Mining Rights Act, 1967, is not held, shall vest in the Minister who may grant permission to any person to recover such material from the residues in question subject to such conditions as the Minister may deem fit, including conditions providing for the payment of a royalty or any other consideration to any person who in the Minister's opinion is entitled thereto by virtue of such last-mentioned person—

(a) having created the residues;

(b) being the holder of the right to source material in respect of the land from which the residues were produced; or

(c) having some other interest in the residues.

(7) Any person who has obtained permission under subsection (6) to recover source material from residues referred to in that subsection, shall obtain from the mining commissioner a permit in accordance with the provisions of section 161 of the Mining Rights Act, 1967, as if the residues were situated on proclaimed land.

(8) The provisions of section 161 (2) and (9) of the Mining Rights Act, 1967, shall *mutatis mutandis* apply in connection with the issue and renewal of any permit referred to in subsection (7) of this section, and the provisions of section 18 of that Act shall so apply in connection with the use of the surface of any

is aan of verkry is deur iemand, sluit die reg in om bronmateriaal wat tesame met die edele metale, onedele minerale of edelgesteentes wat deur so iemand ontgin word, gewin word, te ontgin en daaroor te beskik.

(4) 'n Toestemming kragtens subartikel (1) (a)—

(a) moet, indien die toestemming in verband staan met grond waarop die bepalings van subartikel (3) van toepassing is en indien die persoon wat die toestemming verkry nie die houer van die reg op bronmateriaal ten opsigte van die grond is nie, voorsiening maak vir die betaling aan sodanige houer ten aansien van bronmateriaal wat ontgin word op privaat grond anders as ingevolge 'n magtiging of ooreenkoms in subartikel (12) bedoel van—

(i) 'n tantième van $2\frac{1}{2}$ c per pond uraanoksied (U_3O_8) wat voorkom in die bronmateriaal wat voortgebring is deur iemand wat by die inwerktingstreding van hierdie Wet besig was met die voortbrenging van bronmateriaal op die grond waarop die toestemming betrekking het; of

(ii) in enige ander geval, die tantième of ander vergoeding waarop onderling ooreengekom word tussen genoemde houer en die houer van die toestemming of, by onstentenis van ooreenkoms tussen genoemde houers, wat die Minister op die aanbeveling van die Mynverhuringsraad vasstel;

(b) kan voorsiening maak vir betaling aan die Staat, bo en behalwe enige huur, lisensiegelde, kleimgelde, mynterreingelde, aandeel in winste, tantième of ander vergoeding betaalbaar kragtens die Wet of Ordonnansie in subartikel (1) (b) of (c) bedoel, van die heffing met betrekking tot die voortbrenging van of besikking oor bronmateriaal delur die houer van die toestemming wat die Minister andus vasstel maar wat hoogstens $2\frac{1}{2}$ c per pond uraanoksied (U_3O_8) vervat in sodanige materiaal wat deur die houer van die toestemming voortgebring word, is.

(5) Betalings wat vereis word kragtens subartikel (4) (a) moet jaarliks geskied voor die een-en-dertigste dag van Maart ten opsigte van die jaar wat geëindig het op die voorafgaande een-en-dertigste dag van Desember, en gelde betaalbaar kragtens subartikel (4) (b) moet aan die raad betaal word en die raad moet—

(a) indien die toestemming kragtens subartikel (1) (a) betrekking het op grond in die Republiek geleë, sodanige geldie in die Gekonsolideerde Inkomstefonds stort;

(b) indien sodanige toestemming betrekking het op grond in die gebied geleë, sodanige geldie oorbetaal aan die Sekretaris vir Suidwes-Afrika ten bate van die Fonds vermeld in artikel 10 (2) van die Ordonnansie op Myne, Werke en Minerale, 1954, van die gebied.

(6) Die reg om bronmateriaal te herwin uit uitskot, slyk of ander residu's op ongeproklameerde grond in die Republiek ten opsigte waarvan geen permit kragtens artikel 161 van die Wet op Mynregte, 1967, gehou word nie, berus by die Minister, wat toestemming kan verleen aan enigiemand om sodanige materiaal te herwin uit die betrokke residu's op die voorwaardes wat die Minister goedvind, met inbegrip van voorwaardes wat voorsiening maak vir die betaling van 'n tantième of ander vergoeding aan enigiemand wat na die Minister se mening daarop geregtig is op grond daarvan dat sodanige laasgenoemde persoon—

(a) die residu's laat ontstaan het;

(b) die houer is van die reg op bronmateriaal ten opsigte van die grond waaruit die residu's voortkom; of

(c) 'n ander belang in die residu's het.

(7) Iemand wat kragtens subartikel (6) toestemming verkry het om bronmateriaal te herwin uit in daardie subartikel bedoelde residu's, moet 'n permit verkry van die mynkommissaris, ooreenkomstig die bepalings van artikel 161 van die Wet op Mynregte, 1967, asof die residu's op geproklameerde grond voorkom.

(8) Die bepalings van artikel 161 (2) en (9) van die Wet op Mynregte, 1967, is *mutatis mutandis* van toepassing in verband met die uitreiking en hernuwing van 'n permit in subartikel (7) van hierdie artikel bedoel, en die bepalings van artikel 18 van daardie Wet is aldus van toepassing in verband met die gebruik

land on which the residues in question are situated and of water on or under that land for purposes incidental to the recovery of source material from such residues.

(9) Particulars of every permission granted by the Minister under this section shall be furnished in writing to the board—

- (a) if the permission relates to land situated in the Republic, by the Secretary for Mines;
- (b) if the permission related to land situated in the territory, by the Secretary for South-West Africa.

(10) Any permission under subsection (1) (a) may be withdrawn by the Minister—

- (a) if he is satisfied that the security of the State may be endangered by its continuance; or
- (b) if any payments referred to in subsection (4) have not been made as and when due by the holder of the permission.

(11) Any permission under subsection (6) may be withdrawn by the Minister—

- (a) if he is satisfied as provided in subsection (10) (a); or
- (b) if any condition attaching to such permission is not complied with by the holder of the permission.

(12) The rights of any person to prospect or mine for prescribed material under any authority granted or agreement entered into under the Atomic Energy Act, 1948 (Act No. 35 of 1948), which exists at the commencement of this Act, and his obligations, shall, unless otherwise agreed by the Minister and such person, remain in force and all payments required to be made by the Minister in terms of section 8 of that Act shall continue to be made by the board on behalf of the Minister, as if this Act had not been passed.

(13) In this section—

- (a) any expression to which a meaning has been assigned in the Mining Rights Act, 1967, has, in relation to land situated in the Republic, the meaning so assigned thereto;
- (b) the expressions "prospect" and "mine" have, in relation to land situated in the territory, the respective meanings assigned to the expressions "prospecting" and "mine" in section 2 of the Mines, Works and Minerals Ordinance, 1954, of the territory.

**Acquisition
by State of
source
material and
special nuclear
material.**

6. (1) The Minister may, at any time when in his opinion the national interest so requires, acquire or cause to be acquired by purchase, lease or expropriation, any source material which has been mined or processed, and any special nuclear material.

(2) The ownership in and control of all source material and special nuclear material acquired under subsection (1) shall vest in the board on behalf of the State.

(3) The Minister shall, in respect of any expropriation of source material or special nuclear material under subsection (1), pay to the owner thereof such compensation as may be agreed upon by the Minister, in consultation with the Minister of Finance and the owner, or failing agreement as may be determined by arbitration.

(4) The provisions of sections 4, 5 and 6 of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of any expropriation under subsection (1).

**Possession,
disposal,
enrichment,
re-processing
and export of
source material
and special
nuclear material.**

7. (1) Except with the written authority of the Minister, no person shall—

- (a) be in possession of any source material unless he has come into possession thereof as a result of prospecting or mining operations lawfully carried out by him or unless he is in possession of such material on behalf of a person who
 - (i) has so come into possession of such material; or
 - (ii) has lawfully acquired such material;
- (b) dispose of any source material;
- (c) enrich or re-process any source or special nuclear material;
- (d) import any source material into or export it from the Republic or the territory; or
- (e) acquire, import, export or be in possession of any special nuclear material.

van die oppervlakte van enige grond waarop die betrokke residu's voorkom en van water op of onder daardie grond vir doeleindes wat in verband staan met die herwinning van bronmateriaal uit sodanige residu's.

(9) Besonderhede van elke toestemming verleen deur die Minister kragtens hierdie artikel moet skriftelik aan die raad verstrek word—

- (a) indien die toestemming betrekking het op grond in die Republiek geleë, deur die Sekretaris van Mynwese;
- (b) indien die toestemming betrekking het op grond in die gebied geleë, deur die Sekretaris vir Suidwes-Afrika.

(10) 'n Toestemming kragtens subartikel (1) (a) kan deur die Minister ingetrek word—

- (a) indien hy oortuig is dat die veiligheid van die Staat deur die voortbestaan daarvan in gevaar gestel sou kan word; of
- (b) indien betalings in subartikel (4) bedoel nie, wanneer verskuldig, deur die persoon wat die toestemming het, gedoen is nie.

(11) 'n Toestemming kragtens subartikel (6) kan deur die Minister ingetrek word—

- (a) indien hy volgens voorskrif van subartikel (10) (a) oortuig is; of
- (b) indien die persoon wat die toestemming het nie voldoen aan 'n voorwaarde waarop die toestemming verleen is nie.

(12) Die regte van enigiemand om na voorgeskrewe materiaal te prospekteer of dit te ontgin kragtens 'n magtiging toegestaan of ooreenkoms aangegaan kragtens die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), wat bestaan by die inwerkingtreding van hierdie Wet, en sy verpligtings, bly, tensy die Minister en sodanige persoon andersins ooreenkom, voortbestaan en alle betalings wat deur die Minister gedoen moet word ingevolge artikel 8 van daardie Wet word deur die raad ten behoeve van die Minister voortgesit, asof hierdie Wet nie aangeneem was nie.

(13) In hierdie artikel het—

- (a) elke uitdrukking waaraan in die Wet op Mynregte, 1967, 'n betekenis gegee is, met betrekking tot grond in die Republiek geleë die betekenis wat aldus daaraan gegee is;
- (b) die uitdrukings „prospekteer” en „ontgin”, met betrekking tot grond in die gebied geleë, die betekenis wat onderskeidelik aan die uitdrukings „prospekteer” en „ontgin” in artikel 2 van die Ordonnansie op Myne, Werke en Minerale, 1954, van die gebied gegee is.

6. (1) Die Minister kan te eniger tyd wanneer die landsbelang dit na sy mening vereis, enige bronmateriaal wat ontgin of verwerk is, en enige spesiale kernmateriaal, verkry of laat verkry by wyse van koop, huur of onteiening.

Verkryging deur
Staat van bron-
materiaal en
spesiale kern-
materiaal.

(2) Die eiendomsreg op en beheer oor alle bronmateriaal en spesiale kernmateriaal verkry kragtens subartikel (1) berus by die raad ten behoeve van die Staat.

(3) Die Minister moet ten opsigte van 'n onteiening van bronmateriaal of spesiale kernmateriaal kragtens subartikel (1), aan die eienaar daarvan die vergoeding betaal waarop die Minister, in oorleg met die Minister van Finansies, en die eienaar ooreenkoms, of wat, by ontstentenis van sodanige ooreenkoms, by wyse van arbitrasie bepaal word.

(4) Die bepalings van artikels 4, 5 en 6 van die Onteieningswet, 1965 (Wet No. 55 van 1965), geld *mutatis mutandis* ten opsigte van elke onteiening kragtens subartikel (1).

7. (1) Behalwe met die skriftelike magtiging van die Minister mag niemand—

- (a) in besit wees van enige bronmateriaal nie tensy hy in besit daarvan gekom het as gevolg van prospekteer- of ontginbedrywighede wettiglik deur hom verrig of tensy hy in besit is van sodanige materiaal ten behoeve van iemand wat
 - (i) aldus in besit van sodanige materiaal gekom het; of
 - (ii) sodanige materiaal wettiglik verkry het;
- (b) oor enige bronmateriaal beskik nie;
- (c) enige bronmateriaal of spesiale kernmateriaal verryk of herverwerk nie;
- (d) enige bronmateriaal invoer in of uitvoer uit die Republiek of die gebied nie; of
- (e) enige spesiale kernmateriaal verkry, invoer, uitvoer of in besit daarvan wees nie.

Besit van,
beskikking oor
en verryking,
herverwerking en
uitvoer van
bronmateriaal en
spesiale
kernmateriaal.

(2) Any authority under subsection (1) may be given subject to such conditions as the Minister may in his discretion impose.

(3) The Minister may, subject to such conditions as he may determine, delegate such of the powers conferred upon him in subsections (1) and (2) as he may deem necessary to the board or, after consultation with the board, to the chairman of the board, but he shall not be divested of any power so delegated and he may amend or rescind any decision by the board or the chairman of the board.

(4) Any authority granted by the Minister under subsection (1), and any conditions imposed by him under subsection (2) in connection therewith, shall be granted or imposed by him only after consultation with the board.

Production,
acquisition,
disposal and
importation of
radio-active
nuclides.

8. (1) No person shall, except under written authority of the board, unless expressly exempted by it, produce or otherwise acquire or dispose of or import into or export from the Republic or the territory or be in possession of or use or convey or cause to be conveyed, any radio-active nuclide.

(2) Any authority required under subsection (1) may be granted on such conditions as the board may determine.

(3) The authority to control and regulate the discarding of radio-active waste vests in the board, until such time as the Minister in consultation with the Minister of Health decides to vest such authority in the Department of Health.

Board's powers
of obtaining
information and
of entry and
inspection.

9. (1) The board may by notice in writing served upon any person require him to make such returns at such times and containing such particulars and accompanied by such plans, drawings and other documents as may be specified in the notice, of—

(a) any source material or restricted material, radio-active nuclide or special nuclear material in his possession or under his control;

(b) any minerals so specified, in his possession or under his control or present in any land owned or occupied by him, or in relation to which he has mineral rights, being minerals from which in the opinion of the board, any source material or restricted material may be obtained;

(c) any plant in his possession or under his control designed or adapted for the production or use of source material or restricted material, radio-active nuclides, nuclear or atomic energy or for research into matters connected therewith;

(d) any other information in his possession relating to—

(i) the price obtained by him in respect of the sale of source material, restricted material or special nuclear material; or

(ii) any work carried out by him or on his behalf or under his direction in connection with the production or use of source material, restricted material or special nuclear material or radioactive nuclides or nuclear or atomic energy or in connection with research into matters connected therewith.

(2) Any person authorized by the board may, on producing, if so required, a duly authenticated document showing his authority, enter any premises or go upon any land where he has reasonable grounds for believing that any material, substance, work or plant such as is referred to in subsection (1) occurs or is being carried out or is situate, and may inspect such premises or land and any articles found therein or thereon.

(3) The person carrying out the inspection may make copies of, or extracts from, any drawing, plan or other document, and take samples from any mineral, material or substance found on the premises, and, for the purpose of making copies or extracts or carrying out tests or examinations, may remove any such drawing, plan, document or sample and retain possession thereof for a period not exceeding thirty days and may also require the production of such documentation as he may deem necessary.

(4) No information obtained from a return under subsection (1) or an inspection under subsection (2) shall be divulged to any person outside the service of the board except with the written permission of the person from whom such information was obtained.

(2) 'n Magtiging kragtens subartikel (1) kan verleen word op die voorwaardes wat die Minister na goeddunke opleê.

(3) Die Minister kan, op die voorwaardes wat hy bepaal, die bevoegdhede aan hom verleen in subartikels (1) en (2) wat hy nodig ag, deleer aan die raad of, na oorlegpleging met die raad, aan die voorsitter van die raad, maar hy word nie ontheft van enige aldus gedelegeerde bevoegdheid nie en hy kan enige besluit van die raad of die voorsitter van die raad wysig of intrek.

(4) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, en voorwaardes deur hom kragtens subartikel (2) in verband daarvan opgelê, word deur hom verleen of opgelê slegs na oorlegpleging met die raad.

8. (1) Niemand mag behalwe met die skriftelike magtiging van die raad, tensy uitdruklik daarvan vrygestel, 'n radioaktiewe nuklied voortbring of andersins verkry of daaroor beskik of dit invoer in of uitvoer uit die Republiek of die gebied of in besit wees daarvan of dit gebruik of vervoer of laat vervoer nie.

Voortbrenging en verkryging van, beskikking oor en invoer van radioaktiewe nukliede.

(2) 'n Magtiging wat kragtens subartikel (1) vereis word, kan verleen word op die voorwaardes wat die raad bepaal.

(3) Die gesag om die wegruim van radioaktiewe afval te beheer en te reël, berus by die raad, tot tyd en wyl die Minister in oorleg met die Minister van Gesondheid besluit om die Departement van Gesondheid met hierdie gesag te beklee.

9. (1) Die raad kan enigiemand by skriftelike kennisgewing aan hom bestel, aansê om die opgawes wat die besonderhede bevat en vergesel gaan van die planne, tekeninge en ander stukke in die kennisgewing vermeld, te verstrek op die tye insgelyks vermeld, van—

Raad se bevoegdheid om inligting te bekom en ten opsigte van betreding en inspeksie.

- (a) enige bronmateriaal of beperkte materiaal, radioaktiewe nuklied of spesiale kernmateriaal wat in sy besit of onder sy beheer is;
- (b) enige minerale aldus vermeld wat in sy besit of onder sy beheer is of voorkom in enige grond waarvan hy eienaar of okkuperdeer is, of ten opsigte waarvan hy die houer van mineraalregte is, indien enige bronmateriaal of beperkte materiaal na die mening van die raad uit sodanige minerale verkry kan word;
- (c) enige uitrusting in sy besit of onder sy beheer wat ontwerp of aangepas is vir die voortbrenging of gebruik van bronmateriaal of beperkte materiaal, radioaktiewe nukliede, kern- of atoomkrag of vir navorsing rakende aangeleenthede wat daarvan in verband staan;
- (d) enige ander inligting in sy besit met betrekking tot—
 - (i) die prys deur hom verkry vir die verkoop van bronmateriaal, beperkte materiaal of spesiale kernmateriaal; of
 - (ii) enige werk uitgevoer deur hom of ten behoeve van hom of volgens sy lasgewing in verband met die voortbrenging of gebruik van bronmateriaal, beperkte materiaal of spesiale kernmateriaal of radioaktiewe nukliede of kern- of atoomkrag of in verband met navorsing oor aangeleenthede daaraan verbonde.

(2) Iemand daartoe gemagtig deur die raad kan by voorlegging, indien dit van hom vereis word, van 'n behoorlik gewaarmerkte dokument wat sy magtiging aandui, enige perseel binneaan of grond betree ten opsigte waarvan hy redelike gronde het om te vermoed dat enige materiaal, stof, werk of uitrusting soos in subartikel (1) bedoel, voorkom of uitgevoer word of geleë is, en sodanige perseel of grond of enige artikels wat daarop gevind word, inspekteer.

(3) Die persoon wat die inspeksie uitvoer, kan afskrifte maak van, of uittreksels maak uit, enige tekening, plan of ander dokument, en monsters neem van enige mineraal, materiaal of stof, wat op die perseel gevind word en, met die doel om afskrifte of uittreksels te maak, of toetse of ondersoek uit te voer, so 'n tekening, plan, dokument of monster wegneem en in sy besit hou vir 'n tydperk van hoogstens dertig dae, en kan ook die voorlegging van die dokumente wat hy nodig ag, eis.

(4) Geen inligting verkry uit 'n opgawe kragtens subartikel (1) of 'n inspeksie kragtens subartikel (2) mag verstrek word aan iemand buite die diens van die raad nie, behalwe met die skriftelike toestemming van die persoon van wie sodanige inligting verkry is.

Information relating to existence of source material to be reported to Secretary for Mines.

10. Any person who by virtue of information obtained in the course of prospecting or mining operations, or of carrying out any scientific investigation or chemical or metallurgical operation, or otherwise, has reason to believe that any source material occurs at any place, shall within a period of thirty days after such reason became apparent to him submit to the Secretary for Mines a written report in regard to the matter, containing full particulars of the grounds on which his belief is based and full particulars of the locality and occurrence concerned.

Continued existence of the Atomic Energy Board.

11. The Atomic Energy Board established by section 11 of the Atomic Energy Act, 1948 (Act No. 35 of 1948), shall, notwithstanding the repeal of that Act by this Act, continue to exist and to be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the exercise of its powers or the performance of its functions and duties under this Act or any other law.

Constitution of the board.

12. (1) The board shall consist of—

- (a) a chairman to be appointed by the Minister on such conditions of service, including term of office, as the Minister may determine;
- (b) not more than nine persons to be appointed by the Minister, of whom—
 - (i) two shall represent persons engaged in the mining or extraction of any source material;
 - (ii) one shall represent persons engaged in commerce;
 - (iii) one shall represent persons engaged in industry;
 - (iv) one shall represent the Council for Scientific and Industrial Research, referred to in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962);
 - (v) one shall represent the commission;
 - (vi) not more than three shall be additional members of whom one at least shall be a person with special knowledge or experience in respect of any aspect of the work of the board; and
- (c) the Secretary for Mines and the Secretary for Foreign Affairs.

(2) From the members referred to in subsection (1) (b) the Minister shall designate one as deputy chairman, who shall in the absence of the chairman preside at board meetings.

(3) Whenever both the chairman and deputy chairman are absent from a meeting of the board, the members present shall elect from amongst themselves a chairman who shall preside at that meeting.

(4) A member of the board appointed under subsection (1) (b) shall hold office for a period of three years and shall be eligible for reappointment on termination of such period.

(5) Any person may serve as an alternate in the place of any member during his absence from any meeting of the board—

- (a) in the case of a member referred to in subsection (1) (b) (i)—
 - (i) if such person has been appointed by the Minister as an alternate to such member; or
 - (ii) if such person has been appointed by the Minister as an alternate to the other member referred to in subsection (1) (b) (i) and any alternate so appointed to the absent member is unable to attend any meeting of the board;
- (b) in the case of a member referred to in subsection (1) (b) (ii) or (iii), if such person has been appointed by the Minister as an alternate to such member;
- (c) in the case of a member referred to in subsection (1) (b) (iv) or (v), if such person has, with the approval of the Minister, been nominated by such member as his alternate;
- (d) in the case of a member referred to in subsection (1) (c), if such person has been nominated by such member as his alternate.

(6) The remuneration and allowances payable to the chairman and members of the board and to the alternates to such members shall, subject to the provisions of subsection (7), be determined by the Minister in consultation with the Minister of Finance.

10. Iemand wat op grond van inligting ingewin in die loop van prospektering of mynbouwersaamhede, of van die uitvoering van wetenskaplike navorsing of 'n chemiese of metallurgiese proses, of andersins, rede het om te vermoed dat bronmateriaal op enige plek voorkom, moet binne 'n tydperk van dertig dae nadat sodanige rede aan hom geblyk het 'n skriftelike verslag in verband met die aangeleentheid, met volledige besonderhede van die gronde waarop sy mening berus, en volle besonderhede van die betrokke lokaliteit en voorkoms, aan die Sekretaris van Mynwese voorlê.

Inligting betreffende aanwesigheid van bronmateriaal moet aan Sekretaris van Mynwese gerapporteer word.

11. Die Raad op Atoomkrag, ingestel by artikel 11 van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan as 'n regspersoon, wat in sy naam as regspersoon eisend en verwerend in die regte kan optree, en wat die handelinge kan verrig wat nodig is vir of in verband staan met die uitoefening van sy bevoegdhede of die uitvoer van sy werksaamhede en pligte kragtens hierdie Wet of 'n ander wet.

Voortbestaan van die Raad op Atoomkrag.

12. (1) Die raad bestaan uit—

Samestelling van die raad.

- (a) 'n voorsitter, wat aangestel word deur die Minister op die diensvoorraades, met inbegrip van ampstermy, wat die Minister bepaal;
- (b) hoogstens nege persone wat deur die Minister aangestel moet word en van wie—
 - (i) twee persone moet verteenwoordig wat betrokke is by die ontginning of ekstrahering van bronmateriaal;
 - (ii) een persone moet verteenwoordig wat by die handel betrokke is;
 - (iii) een persone moet verteenwoordig wat by die nywerheid betrokke is;
 - (iv) een die Wetenskaplike en Nywerheidnavorsingsraad, vermeld in artikel 2 van die Wet op die Wetenskaplike Navorsingraad, 1962 (Wet No. 32 van 1962), moet verteenwoordig;
 - (v) een die kommissie moet verteenwoordig;
 - (vi) hoogstens drie addisionele lede moet wees van wie minstens een iemand moet wees wat besondere kennis of ondervinding met betrekking tot een of ander aspek van die raad se werk het; en
- (c) die Sekretaris van Mynwese en die Sekretaris van Buitelandse Sake.

(2) Uit die lede in subartikel (1) (b) genoem, moet die Minister een aanwys as adjunk-voorsitter, wat in die afwesigheid van die voorsitter moet voorsit op vergaderings van die raad.

(3) Wanneer sowel die voorsitter as die adjunk-voorsitter van 'n raadsvergadering afwesig is, moet die aanwesige lede uit hul midde 'n voorsitter kies wat op daardie vergadering moet voorsit.

(4) 'n Kragtens subartikel (1) (b) aangestelde lid van die raad bekleed sy amp vir 'n tydperk van drie jaar, en kan by verstryking van so 'n tydperk weer aangestel word.

(5) Enigiemand kan dien as 'n plaasvervanger van enige lid gedurende sy afwesigheid van enige vergadering van die raad—

- (a) in die geval van 'n in subartikel (1) (b) (i) vermelde lid—
 - (i) indien so iemand deur die Minister as plaasvervanger vir sodanige lid aangestel is; of
 - (ii) indien so iemand aangestel is deur die Minister as plaasvervanger vir die ander in subartikel (1) (b) (i) vermelde lid en 'n aldus aangestelde plaasvervanger van die afwesige lid 'n vergadering van die raad nie kan bywoon nie;
- (b) in die geval van 'n lid in subartikel (1) (b) (ii) of (iii) genoem, indien so iemand aangestel is deur die Minister as 'n plaasvervanger vir sodanige lid;
- (c) in die geval van 'n lid in subartikel (1) (b) (iv) of (v) genoem, indien so iemand met die goedkeuring van die Minister genomineer is deur sodanige lid as sy plaasvervanger;
- (d) in die geval van 'n lid in subartikel (1) (c) genoem, indien so iemand genomineer is deur sodanige lid as sy plaasvervanger.

(6) Die besoldiging en toelaes betaalbaar aan die voorsitter en lede van die raad en aan die plaasvervangers van daardie lede word, behoudens die bepalings van subartikel (7), deur die Minister in oorleg met die Minister van Finansies vasgestel.

(7) A member of the board who is a member of the public service shall not in respect of the services rendered by him as a member of the board, be paid any remuneration in addition to his salary as a member of the public service, nor shall any such member be paid any allowance in respect of subsistence or transport at a higher rate than that applicable to him as a member of the public service.

(8) In the event of the death or resignation of a member of the board referred to in subsection (1) (b), the Minister may appoint another person in his stead for the unexpired term of office of the said member.

(9) Any person who immediately before the commencement of this Act was a member of the board, shall be deemed to have been appointed in terms of the provisions of this Act as a member of the board as from the date on which he became a member thereof.

Powers and functions of the board.

13. (1) The board shall, subject to the provisions of this Act, have power—

- (a) to acquire, hold or alienate movable and immovable property;
- (b) to undertake prospecting and mining for source material and to enrich and re-process source material or special nuclear material;
- (c) to process source material and restricted material;
- (d) to import into or export from the Republic or the territory any source material, special nuclear material and radio-active nuclides;
- (e) to acquire, dispose of or hold any source material, special nuclear material and radio-active nuclides;
- (f) to undertake the production of nuclear or atomic energy and radio-active nuclides;
- (g) on such conditions as it may determine, to provide financial or other assistance in connection with the training of research and other workers in the field of nuclear or atomic energy, in so far as in the opinion of the board it may be necessary to ensure that a sufficient number of trained persons will be available to enable the board to perform its functions, and to undertake or initiate or make grants in aid of research in connection with the processing, re-processing and enrichment of source material and of special nuclear material, the processing of restricted material, the production of nuclear or atomic energy and in connection with radio-active nuclides;
- (h) to enter into agreements with producers to produce and deliver such quantities of source material as may be required by the board for the fulfilment of contracts in existence at the commencement of this Act and to cede, assign or make over to any person any or all of the rights and obligations of the board under any contract relating to the sale or supply of source material;
- (i) to receive contributions from any person for the carrying out of the special investigations referred to in section 28 (1);
- (j) to pay to present and past contributors to the board's research funds such portion of the moneys received by it from the licensing or sale of patents held by the board in respect of inventions discovered or made by or on behalf of the board (excluding any patent granted in respect of any discovery or invention referred to in section 28 (3)) as it may determine;
- (k) from time to time on such terms and conditions as the Minister in consultation with the Minister of Finance may approve, to raise moneys by way of loan for the purpose of effectively carrying out such of its powers and functions in terms of this section as the board, in consultation with the Minister, may determine; and
- (l) to advise the Minister on any matter within his purview under this Act which he may refer to the board for investigation.

(2) The Minister may on behalf of the Government of the Republic guarantee the redemption of any loan referred to in subsection (1) (k), together with the interest or other charges in connection therewith.

Appointment of committees of board.

14. (1) The board may establish committees to assist it in the exercise of its functions and the performance of its duties, and may appoint such persons, including officers of the board, as it may deem fit to be members of any such committee.

(7) Aan 'n raadslid wat lid is van die Staatsdiens mag ten opsigte van die dienste wat deur hom as lid van die raad verrig word, geen besoldiging bo en behalwe sy salaris as lid van die Staatsdiens betaal word nie, en daar mag ook nie aan so 'n lid 'n reis- of verblyftoelae teen 'n hoër skaal as dié wat op hom as lid van die Staatsdiens van toepassing is, betaal word nie.

(8) Ingeval van die dood of bedanking van 'n lid van die raad in subartikel (1) (b) genoem, kan die Minister iemand anders in sy plek aanstel vir die onverstreke dienstermyne van genoemde lid.

(9) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet lid van die raad was, word geag aangestel te gewees het ingevolge die bepalings van hierdie Wet as 'n lid van die raad vanaf die datum waarop hy 'n lid daarvan geword het.

13. (1) Die raad is, behoudens die bepalings van hierdie Wet, Bevoegdhede en werksaamhede van die raad—

- (a) om roerende en onroerende eiendom te verkry, te besit of te vervoer;
- (b) om prospektering na en ontgunning van bronmateriaal te onderneem en om bronmateriaal of spesiale kernmateriaal te verryk en te herverwerk;
- (c) om bronmateriaal en beperkte materiaal te verwerk;
- (d) om bronmateriaal, spesiale kernmateriaal en radioaktiewe nuklide in te voer in of uit te voer uit die Republiek of die gebied;
- (e) om bronmateriaal, spesiale kernmateriaal en radioaktiewe nuklide te verkry, daaroor te beskik of dit te besit;
- (f) om die voortbrenging van kern- of atoomkrag en radioaktiewe nuklide te onderneem;
- (g) om op die voorwaardes wat hy bepaal geldelike of ander hulp te verleen in verband met die opleiding van navorsers en ander werkers op die gebied van kern- of atoomkrag vir sover dit na die oordeel van die raad nodig is ten einde te verseker dat 'n voldoende aantal opgeleide persone beskikbaar sal wees om die raad in staat te stel om sy werksaamhede te verrig en om navorsing in verband met die verwerking, herverwerking en verryking van bronmateriaal en van spesiale kernmateriaal, die verwerking van beperkte materiaal, die voortbrenging van kern- of atoomkrag en in verband met radioaktiewe nuklide te onderneem of op tou te sit of hulptoelaes daarvoor toe te staan;
- (h) om ooreenkoms aan te gaan met produsente om die hoeveelhede bronmateriaal voort te bring en te lewer wat die raad nodig het vir die nakoming van die kontrakte wat bestaan by die inwerkingtreding van hierdie Wet, en om enige van of al die regte en verpligte van die raad ingevolge 'n kontrak betreffende die verkoop of voorsiening van bronmateriaal aan enigiemand te sederf of oor te dra;
- (i) om bydraes van iemand vir die instel van die in artikel 28 (1) bedoelde spesiale ondersoeke te ontvang;
- (j) om aan bestaande en gewese bydraers tot die raad se navorsingsfondse te betaal die gedeelte van die gelde deur die raad verkry uit die lisensiëring of verkoop van patente wat die raad hou ten opsigte van uitvindings ontdek of gedoen deur of ten behoeve van die raad (uitgesonderd enige patent verleen ten opsigte van 'n ontdekking of uitvinding in artikel 28 (3) bedoel), wat die raad bepaal;
- (k) om van tyd tot tyd op die bedinge en voorwaardes wat die Minister in oorleg met die Minister van Finansies goedkeur, geldie by wyse van lening op te neem ten einde dié bevoegdhede en werksaamhede van die raad ingevolge hierdie artikel wat die raad in oorleg met die Minister bepaal, doeltreffend uit te voer; en
- (l) om die Minister van advies te dien aangaande 'n aangeleenthed wat kragtens hierdie Wet binne sy bestek val en wat hy vir ondersoek na die raad verwys.

(2) Die Minister kan namens die Regering van die Republiek die delging van 'n lening in subartikel (1) (k) bedoel, tesame met die rente of ander vorderings in verband daarmee, waarborg.

14. (1) Die raad kan komitees instel om hom by die vertrekking van sy werksaamhede en die uitvoering van sy pligte behulpsaam te wees, en kan die persone, met inbegrip van beampetes van die raad, wat hy goedvind as lede van so 'n komitee aanstel. Aanstelling van komitees van raad.

(2) The members of any such committee, who are not members or officers of the board, may, out of the funds of the board, be paid such remuneration or allowances in respect of their services as the Minister may determine in consultation with the Minister of Finance.

Delegation of powers.

15. The board may from time to time delegate to a committee established under section 14, or to any member or officer of the board, such of its powers as it may deem fit, but shall not be divested of any power so delegated, and may amend or rescind any decision by any such committee or member or officer.

Appointment of servants by the board and secondment of officers in the public service to the board.

16. (1) The board may from time to time and upon such conditions and at such rates of remuneration as may be approved by the Minister in consultation with the Minister of Finance, appoint—

- (a) a Director-General who shall be its chief executive officer, whose appointment and dismissal shall be subject to confirmation by the Minister and who shall perform such duties as the board may from time to time determine and be responsible to the board, or to the chairman of the board if the board is not in session;
- (b) such other persons as it may deem necessary to assist it in the performance of its functions under this Act.

(2) The Minister may, in terms of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957), second any officer in the public service to the service of the board, and any such officer shall, while so seconded, remain in all respects subject to the laws governing the public service, and for the purposes of such application the said Director-General shall be deemed to be a head of a department.

(3) The Director-General and any other person (except any officer in the public service seconded to the service of the board), who immediately prior to the commencement of this Act was in the service of the board, shall be deemed to have been appointed under subsection (1) as from the date on which he became a servant of the board.

Pension rights of servants of the board.

17. (1) The provisions of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and of the regulations made thereunder, shall apply *mutatis mutandis* in respect of any person appointed under section 16 (1), and shall continue to apply in respect of any person in the service of the board who immediately prior to the commencement of this Act was a contributor to the fund referred to in section 2 (1) (b) of that Act.

(2) If any person in the service of the board is appointed as chairman or other member of the board by the Minister under section 12 (1) (a) or (b), the provisions of subsection (1) of this section or of section 37 (2), as the case may be, shall continue to apply in respect of him as if he had remained in the service of the board.

Finances of the board.

18. (1) The funds of the board shall consist of—

- (a) moneys appropriated annually by Parliament for the purpose of enabling the board to exercise its powers and to perform its functions and duties, other than the powers referred to in section 13 (1) (g);
- (b) moneys appropriated annually by Parliament or contributions received for the purpose of enabling the board to exercise the powers referred to in section 13 (1) (g);
- (c) interest derived from investments made in terms of subsection (5) (c), and moneys acquired from the disposal or use of any property or product derived from the employment of the funds referred to in paragraph (b) of this subsection;
- (d) moneys contributed for the purpose of the carrying out of the special investigations referred to in section 28 (1);
- (e) moneys derived from the licensing or sale of patents held by the board and granted in respect of discoveries, inventions or improvements referred to in section 28 (3);
- (f) such portion of the moneys derived from the licensing or sale of patents held by the board in respect of inventions discovered or made by or on behalf of the board (but excluding patents referred to in paragraph (e)) as may remain after the board has each year paid to present and past contributors to the board's research funds, such proportion of such moneys as the board may determine; and

(2) Aan die lede van so 'n komitee wat nie lede of beampes van die raad is nie, kan daar uit die fondse van die raad die besoldiging of toelaes ten opsigte van hul dienste betaal word wat die Minister in oorleg met die Minister van Finansies vasstel.

15. Die raad kan na goeddunke van tyd tot tyd aan 'n Delegering van komitee kragtens artikel 14 ingestel, of aan 'n lid of beampete van bevoegdhede. die raad, van sy bevoegdhede oordra, maar word nie daardeur onthef van 'n bevoegdheid aldus oorgedra nie en kan 'n besluit van so 'n komitee of lid of beampete wysig of intrek.

16. (1) Die raad kan van tyd tot tyd en op die voorwaardes Aanstelling van en teen die skaal van besoldiging wat deur die Minister in oorleg dienaars deur die met die Minister van Finansies goedgekeur word— raad en tydelike oorplasing van beampetes in Staatsdiens na die raad.

- (a) 'n Direkteur-generaal aanstel wat die raad se hoof- uitvoerende beampete is, wie se aanstelling en ontslag onderworpe is aan bekragtingig deur die Minister en wat die pligte moet uitvoer wat die raad van tyd tot tyd bepaal, en verantwoordelik is aan die raad, of aan die voorsitter van die raad wanneer die raad nie sit nie;
- (b) die ander persone aanstel wat die raad nodig ag om hom by die uitvoering van sy werkzaamhede kragtens hierdie Wet behulpsaam te wees.

(2) Die Minister kan kragtens artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), enige beampete in die Staatsdiens tydelik na die diens van die raad oorplaas en so 'n beampete bly, vir solank hy aldus oorgeplaas is, in alle opsigte onderworpe aan die wetsbepalings wat die Staatsdiens reël en vir die doeleindes van sodanige toepassing word die genoemde Direkteur-generaal geag 'n departementshoof te wees.

(3) Die Direkteur-generaal en enigiemand anders (behalwe 'n beampete in die Staatsdiens tydelik oorgeplaas na die diens van die raad) wat onmiddellik voor die inwerkingtreding van hierdie Wet in die diens van die raad was, word geag ingevolge subartikel (1) aangestel te gewees het vanaf die datum waarop hy 'n dienaar van die raad geword het.

17. (1) Die bepalings van die Wet op die Pensioenfonds vir Pensioenregte Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), en van van dienaars van die raad. die regulasies daarkragtens uitgevaardig, is *mutatis mutandis* van toepassing ten opsigte van iemand kragtens artikel 16 (1) aangestel, en bly van toepassing ten opsigte van iemand in diens van die raad wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer was tot die in artikel 2 (1) (b) van daardie Wet bedoelde fonds.

(2) Indien iemand wat in die diens van die raad is, deur die Minister kragtens artikel 12 (1) (a) of (b) as voorsitter of ander lid van die raad aangestel word, bly die bepalings van subartikel (1) van hierdie artikel of van artikel 37 (2), na gelang van die geval, geld ten opsigte van hom asof hy in die diens van die raad aangebly het.

18. (1) Die fondse van die raad bestaan uit—

- (a) gelde wat die Parlement jaarliks bewillig ten einde die raad in staat te stel om sy bevoegdhede uit te oefen en om sy werkzaamhede en pligte uit te voer, uitgesonderd die bevoegdhede in artikel 13 (1) (g) bedoel;
- (b) gelde wat die Parlement jaarliks bewillig of bydraes wat ontvang word ten einde die raad in staat te stel om die bevoegdhede in artikel 13 (1) (g) vermeld, uit te oefen;
- (c) rente verkry uit beleggings ingevolge subartikel (5) (c) gemaak, en gelde verkry uit die beskikking oor of gebruik van eiendom of produkte verkry uit die aanwending van die fondse in paragraaf (b) van hierdie subartikel bedoel;
- (d) gelde bygedra ten einde die spesiale ondersoeke wat in artikel 28 (1) bedoel word, in te stel;
- (e) gelde verkry uit die lisensiëring of verkoop van patente gehou deur die raad en ten opsigte van in artikel 28 (3) bedoelde ontdekings, uitvindings of verbeterings verleen;
- (f) die gedeelte van die gelde verkry uit die lisensiëring of verkoop van patente gehou deur die raad met betrekking tot uitvindings ontdek of gedoen deur of ten behoeve van die raad (maar uitgesonderd in paragraaf (e) bedoelde patente) wat oorby nadat die raad elke jaar aan die bestaande en gewese bydraers tot die raad se navorsingsfondse die gedeelte van sodanige gelde wat die raad bepaal, uitbetaal het; en

- (g) all moneys which immediately before the commencement of this Act were standing to the credit of the board.
- (2) (a) The financial year of the board shall terminate on the thirty-first day of March in each year, and the board shall keep a proper record of all its financial transactions, and such records as shall at all times reflect the stocks of source material, restricted material, special nuclear material, radio-active nuclides and equipment in its custody, as well as all its transactions in such material, nuclides and equipment.
- (b) The board shall as soon as possible after the end of each financial year prepare separate accounts of its revenue and expenditure for such year, including a balance sheet of its assets and liabilities as at the thirty-first day of March, in respect of—
(i) the moneys referred to in subsection (1) (a); and
(ii) the moneys referred to in subsection (1) (b), (c), (d), (e) and (f).
- (3) The board shall at the end of each financial year pay into the Consolidated Revenue Fund any moneys referred to in subsection (1) (a) which have not been utilized.
- (4) The proceeds derived from the sale of source material and radio-active nuclides and any royalties or other moneys which have resulted from the employment of funds made available under subsection (1) (a) shall be paid into the Consolidated Revenue Fund.
- (5) The board shall—
(a) open an account with a bank approved by the Minister and deposit therein all moneys received from any source;
(b) credit to an account to be known as the Atomic Energy Research Account all moneys referred to in subsection (1) (b), (c), (d), (e) and (f), and defray from that account all expenditure incurred by the board in the exercise of its powers referred to in section 13 (1) (g), and all payments to contributors in terms of subsection (1) (f);
(c) subject to the provisions of paragraphs (d) and (e), invest with the Public Debt Commissioners any moneys standing to the credit of the said Atomic Energy Research Account which are not required for immediate use;
(d) refund to the contributor so much of any amount contributed to the board in terms of subsection (1) (b) as may not have been utilized for the purposes agreed to by the contributor or as may be surplus to the requirements of the board for such purposes;
(e) pay into the Consolidated Revenue Fund the balance of the moneys referred to in subsection (1) (b) which have been appropriated by Parliament and which are surplus to the requirements of the board, in the event of the board ceasing finally to exercise the powers conferred upon it by section 13 (1) (g).
- (6) The accounts of the board shall be audited by the Controller and Auditor-General.
- (7) As soon as may be after completion of an audit the Controller and Auditor-General shall transmit a copy of his report on such audit to the State President.

Provision of materials for research and training purposes.

Board may charge royalties.

Procedure in connection with applications for patents for inventions relating to nuclear or atomic energy.

19. The board may, as far as practicable, having regard to the public interest and safety, and to the quantities of source material, special nuclear material and radio-active nuclides available to it, make available, upon such terms as the board may determine, for research and investigation and for the training of persons to qualify them to engage in research and investigation, such quantities and kinds of materials and nuclides as the board may deem fit.

20. The board may charge any person to whom it has granted a licence to use a patent vested in or acquired by the board under this Act, such royalty as it may deem reasonable.

21. (1) Notwithstanding anything to the contrary contained in the Patents Act or any other law—

(a) any person who lodges with the registrar an application for a patent in respect of an invention relating to nuclear or atomic energy or to special nuclear material or to the processing, enrichment or re-processing of

- (g) alle gelde wat onmiddellik voor die inwerkintreding van hierdie Wet tot die kredit van die raad gestaan het.
- (2) (a) Die boekjaar van die raad eindig op die een-en-dertigste dag van Maart elke jaar, en die raad moet van al sy geldelike transaksies behoorlik boekhou, en aantekenings hou wat te alle tye die voorrade bronmateriaal, beperkte materiaal, spesiale kernmateriaal, radioaktiewe nukliede en toerusting in sy bewaring aandui, asook al sy transaksies in sodanige materiaal, nukliede en toerusting.
- (b) Die raad moet so spoedig moontlik na die einde van elke boekjaar afsonderlike rekenings opstel van sy inkomste en uitgawes vir daardie jaar, met inbegrip van 'n balansstaat van sy bates en laste op die een-en-dertigste dag van Maart, ten opsigte van
- (i) die gelde in subartikel (1) (a) bedoel; en
 - (ii) die gelde in subartikel (1) (b), (c), (d), (e) en (f) bedoel.
- (3) Die raad moet aan die einde van elke boekjaar enige gelde in subartikel (1) (a) bedoel, wat nie bestee is nie, in die Gekonsolideerde Inkomstefonds stort.
- (4) Die opbrengs verkry uit die verkoop van bronmateriaal en radioaktiewe nukliede en enige tantièmes of ander gelde wat verkry is uit die aanwending van fondse beskikbaar gestel kragtens subartikel (1) (a), moet in die Gekonsolideerde Inkomstefonds gestort word.
- (5) Die raad moet—
- (a) by 'n bank wat die Minister goedkeur 'n rekening open en daarin alle gelde stort wat hy uit enige bron ontvang;
 - (b) 'n rekening bekend as die Atoomkognavorsingsrekening met al die in subartikel (1) (b), (c), (d), (e) en (f) bedoelde gelde krediteer, en uit daardie rekening alle uitgawes bestry wat die raad by die uitoefening van sy in artikel 13 (1) (g) bedoelde bevoegdhede aangaan, asook alle betalings aan bydraers ingevolge subartikel (1) (f);
 - (c) behoudens die bepalings van paragrawe (d) en (e), enige gelde waarmee die gemelde Atoomkognavorsingsrekening gekrediteer is en wat nie vir onmiddellike gebruik benodig is nie by die Openbare Skuldkommissaris belê;
 - (d) soveel van enige bedrag ingevolge subartikel (1) (b) tot die raad bygedra as wat nie vir doeleindes waartoe die bydraer ingestem het, aangewend is nie, of as wat die raad se benodigdhede vir daardie doeleindes te bowe gaan, aan die bydraer terugbetaal;
 - (e) die oorblywende bedrag van die gelde in subartikel (1) (b) bedoel wat deur die Parlement bewillig is en wat die raad se benodigdhede te bowe gaan, in die Gekonsolideerde Inkomstefonds stort, ingeval die raad uiteindelik ophou om die by artikel 13 (1) (g) aan hom verleende bevoegdhede uit te oefen.
- (6) Die rekenings van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer.
- (7) Die Kontroleur en Ouditeur-generaal stuur so gou doenlik na voltooiing van 'n oudit 'n afskrif van sy verslag oor daardie oudit aan die Staatspresident:

19. Die raad kan, so ver doenlik, met inagneming van die openbare belang en veiligheid en van die hoeveelhede bronmateriaal, spesiale kernmateriaal en radioaktiewe nukliede wat hy beskikbaar het en op die voorwaardes wat die raad bepaal, die hoeveelhede en soorte van materiaal en nukliede wat die raad goedvind, beskikbaar stel vir navorsing en ondersoekingswerk en vir die opleiding van persone om hulle vir navorsing en ondersoekingswerk te bekwaam.

20. Die raad kan van iemand aan wie hy 'n lisensie toegestaan het om 'n patent te gebruik wat kragtens hierdie Wet by die raad tantièmes vorder. berus of deur die raad verkry is, die tantième vorder wat hy redelik ag.

21. (1) Ondanks andersluidende bepalings van die Wet op Patente of 'n ander wet—

(a) moet iemand wat by die registrateur aansoek doen om 'n patent ten opsigte van 'n uitvinding met betrekking tot kern- of atoomkrag of spesiale kernmateriaal of die verwerking, verryking of herverwerking van

Voorsiening van materiaal vir navorsings- en opleidingsdoeleindes.

Prosedure in verband met aansoeke om patente vir uitvindings met betrekking tot kern- of atoomkrag.

source material or special nuclear material, shall forthwith in writing advise the board of the lodging by him of such application and at the same time lodge with the board a copy of the specification relating to such invention, and any other information in regard to that invention which the board may require;

- (b) the registrar shall in writing notify the board of every application lodged in the patent office which appears to him to relate to any such invention as is referred to in paragraph (a);
- (c) any person duly authorized thereto in writing by the chairman of the board or the said Director-General may at any time inspect any application for a patent lodged with the registrar and any document relevant to and accompanying any such application;
- (d) the registrar shall—
 - (i) defer acceptance of any application for a patent in respect of any such invention for a period of three months from the date upon which such application is lodged in the patent office, and for such further period thereafter as the board may in writing direct;
 - (ii) at the written request of the board, and until the board otherwise directs, withhold acceptance or sealing of any such invention (not being an invention relating to prospecting or mining for or processing of source material) and keep secret the specification thereof and the manner in which it is to be performed, and notify the applicant accordingly; and
 - (iii) at the written request of the board, and until the board otherwise directs, keep secret any such invention (not being an invention relating to prospecting or mining for or processing of source material) received from a country outside the Republic and the territory, and the manner in which it is to be performed, whether or not a patent is granted in respect of that invention, and in connection with the grant of a patent in respect of such invention, dispense with such requirements of the Patents Act as the board may specify.

(2) The communication of an invention to the board or any member or officer of the board or any person acting in pursuance of authority vested in him by virtue of subsection (1) (c), shall not, nor shall anything done by any person in connection with any invention for the purpose of any investigation undertaken by him in pursuance of such authority, be deemed to be publication or use of the invention so as to prejudice the grant or validity of any patent for the invention, nor shall the fact that the invention has by or under authority of the board been used or made known to any person or described in any printed publication in the Republic or in any other country prejudice the grant or the validity of any patent for which application has been or may be made.

(3) Notwithstanding anything contained in this section or the Patents Act—

- (a) the board may, where an application has been made for a patent in respect of any invention referred to in this section, if it is satisfied in the light of any information available to it that the invention was known, or used, whether secretly or otherwise, in the Republic or the territory by the board or any person other than the applicant or his agents or the person or persons from whom the applicant derived his right or title, direct the registrar to refuse to grant the patent, and the registrar shall thereupon refuse to grant the patent and shall notify the applicant accordingly;
- (b) any information by virtue of which the board is in terms of paragraph (a) empowered to direct the registrar to refuse the grant of any such application may, if a patent has been granted in respect of the invention in question, be adduced by the board or any person against whom an action for infringement of such patent may be brought, as evidence that the invention was not new at the effective date of such application

(4) There shall be no appeal from a refusal of an application by the registrar in pursuance of a direction by the board under subsection (3).

bronmateriaal of spesiale kernmateriaal, die raad onverwyld skriftelik in kennis stel dat hy bedoelde aansoek ingedien het en tegelykertyd 'n eksemplaar van die spesifikasie in verband met daardie uitvinding en enige ander inligting wat die raad in verband met dié uitvinding verlang, by die raad indien;

- (b) moet die registrateur aan die raad skriftelik kennis gee van elke aansoek wat by die patentkantoor ingedien is en wat na dit hom voorkom op 'n in paragraaf (a) bedoelde uitvinding betrekking het;
- (c) kan enigiemand wat behoorlik en skriftelik deur die voorsitter van die raad of die gemelde Direkteur-generaal daartoe gemagtig is te eniger tyd enige aansoek om 'n patent wat by die registrateur ingedien is en enige stuk wat op die aansoek betrekking het en dit vergesel, insien;
- (d) moet die registrateur—
 - (i) die aanname van 'n aansoek om 'n patent ten opsigte van so 'n uitvinding uitstel vir 'n tydperk van drie maande vanaf die datum waarop daardie aansoek by die patentkantoor ingedien word, en vir die verdere tydperk daarna wat die raad skriftelik gelas;
 - (ii) op skriftelike versoek van die raad en totdat die raad anders gelas, aansoek of seëling van so 'n uitvinding (uitgesonderd 'n uitvinding met betrekking tot prospektering na of die ontginning of verwerking van bronmateriaal) weerhou, en die spesifikasie daarvan en die wyse waarop dit toegepas moet word geheim hou en die applikant dienooreenkomsdig in kennis stel; en
 - (iii) op skriftelike versoek van die raad, en totdat die raad anders gelas, so 'n uitvinding (uitgesonderd 'n uitvinding met betrekking tot die prospektering na of die ontginning of verwerking van bronmateriaal) wat van 'n land buite die Republiek en die gebied ontvang is en die wyse waarop dit toegepas moet word, geheim hou, hetsy 'n patent ten opsigte van bedoelde uitvinding verleen word, al dan nie, en, in verband met die verlening van 'n patent ten opsigte van so 'n uitvinding, die bepalings van die Wet op Patente wat die raad spesifieer, buite rekening laat.

(2) Die mededeling van 'n uitvinding aan die raad of 'n lid of beampte van die raad of 'n persoon wat ingevolge magtiging uit hoofde van subartikel (1) (c) optree, en enigiets deur iemand in verband met 'n uitvinding gedoen vir die doeleindes van 'n ondersoek ingevolge sodanige magtiging deur hom onderneem, word nie geag openbaarmaking of gebruik van die uitvinding te wees wat die verlening of geldigheid van 'n patent vir die uitvinding benadeel nie, en die verlening of geldigheid van 'n patent waarom aansoek gedoen is of word, word ook nie benadeel weens die feit dat die uitvinding deur of op gesag van die raad gebruik of aan enigiemand bekendgemaak of in 'n gedrukte publikasie in die Republiek of in 'n ander land beskryf is nie.

(3) Ondanks enige bepaling van hierdie artikel of die Wet op Patente—

- (a) kan die raad, waar om 'n patent ten opsigte van 'n in hierdie artikel bedoelde uitvinding aansoek gedoen is, en die raad, aan die hand van inligting tot sy beskikking oortuig is dat die uitvinding in die Republiek of die gebied bekend was of hetsy in die geheim of andersins aangewend is, deur die raad of iemand anders as die aansoeker of sy agente of die persoon of persone van wie die aansoeker sy reg of aanspraak verkry het, die registrateur gelas om die verlening van die patent te weier, en moet die registrateur daarop weier om die patent te verleen en die aansoeker dienooreenkomsdig in kennis stel;
- (b) kan, indien 'n patent ten opsigte van die betrokke uitvinding verleen is, enige inligting op grond waarvan die raad ingevolge paragraaf (a) gemagtig word om die registrateur te gelas om te weier om so 'n aansoek toe te staan, deur die raad of iemand teen wie 'n geding weens inbreuk op so 'n patent ingestel word, aangevoer word as getuienis dat die uitvinding op die geldingsdatum van die aansoek nie nuut was nie.

(4) Daar is geen appèl teen 'n weiering van 'n aansoek deur die registrateur ingevolge 'n lasgewing van die raad kragtens subartikel (3) nie.

Acquisition of certain rights to patents by the board.

22. (1) The board may by notice in writing signed by a person authorized thereto by it, and served upon the holder of or any applicant for a patent which, in the opinion of the board, relates to or can be applied in connection with nuclear or atomic energy or special nuclear material or enrichment or re-processing of source material or special nuclear material, advise such holder or applicant that it desires to acquire the rights in the patent or the rights of the applicant to obtain a patent, as the case may be, and the service of such a notice shall have the effect of divesting the person upon whom it has been served of any such rights and vesting those rights in the board.

(2) If any rights in respect of which a notice has been served under subsection (1) have been assigned, or if any licence has been granted under a patent in respect of which such a notice has been served, the board shall simultaneously with the service of that notice, or as soon as possible thereafter, cause a copy of the notice to be served upon the assignee or licensee, and may at the same time cause such assignee or licensee to be informed that it desires to cancel the assignment or licence, and in that event such assignment or licence shall be deemed to have been cancelled, but in any other case the said assignment or licence shall remain of full force and effect except that it shall for all purposes be deemed to have been granted by the board.

(3) A copy of any notice served under subsection (1), and of any communication addressed under subsection (2) to an assignee of any rights in a patent or to a licensee under a patent, shall forthwith be transmitted to the registrar by the board.

(4) Whenever the board has under subsection (1) served a notice as contemplated by that subsection, upon—

(a) a patentee, the registrar shall, upon receipt of a copy of that notice, make such entries in his registers as may be necessary to record the transfer of the rights in the patent to the board on behalf of the State, and if the board has under subsection (2) advised any assignee or licensee under a patent that it desires to cancel the assignment or licence, the registrar shall at the same time make such entries in the said registers as may be necessary to record the cancellation;

(b) an applicant for a patent which has not yet been accepted and sealed, the patent in respect of the relevant invention shall forthwith be made out in the name of the board and sealed, and the registrar shall, if the board so directs, keep secret the invention to which the patent relates and the manner in which it is to be performed.

(5) No proceedings shall lie for the revocation of any patent the rights in which have in terms of this section been acquired by the board.

Restrictions on assignment or licensing of certain patents.

23. (1) If in the opinion of the board the public interest so requires, it may by notice in writing signed by a person authorized thereto by it, and served upon a patentee in respect of a patent relating to nuclear or atomic energy or to special nuclear material or enrichment or re-processing of source material or special nuclear material, or upon an applicant for such a patent, direct that such patent or, as the case may be, any patent obtained in pursuance of the application, shall not be assigned, and that no licence under any such patent shall be granted without the consent of the board in respect of each assignment or licence.

(2) The board shall in writing advise the registrar of any direction or consent given by it under subsection (1), and the registrar shall upon receipt of any such advice make appropriate entries in his registers.

Acquisition by board of licences under certain patents.

24. (1) The board may by notice in writing signed by a person authorized thereto by it, and served upon any patentee, advise such patentee that it desires to exercise in respect of any patent held by that patentee, and to the extent set out in the notice, the rights of a licensee thereunder, and the effect of such a notice shall be to vest in the board the same rights as it would have had if it were in possession of a licence granted by the patentee to use that patent to the extent set out in the said notice, including the right to authorize any other person to exercise any such rights on behalf of the board.

22. (1) Die raad kan by skriftelike kennisgewing, onderteken deur iemand wat die raad daartoe gemagtig het en bestel aan die houer van of aansoeker om 'n patent wat na die oordeel van die raad betrekking het op of aangewend kan word in verband met kern- of atoomkrag of spesiale kernmateriaal of verryking of herverwerking van bronmateriaal of spesiale kernmateriaal, daardie patenthouer of aansoeker in kennis stel dat die raad begerig is om die regte op die patent of die regte van die aansoeker om 'n patent te verkry, na gelang van die geval, oor te neem, en die bestel van so 'n kennisgewing het die uitwerking dat dit die persoon aan wie dit bestel is van sodanige regte onthef en daardie regte in die raad vestig.

Verkryging van sekere regte op patente deur die raad.

(2) Indien enige regte ten opsigte waarvan 'n kennisgewing kragtens subartikel (1) bestel is, gesedeer is, of indien 'n lisensie toegestaan is kragtens 'n patent ten opsigte waarvan so 'n kennisgewing bestel is, moet die raad gelyktydig met die bestel van daardie kennisgewing of so gou moontlik daarna, 'n afskrif van die kennisgewing aan die sessionaris of lisensiehouer laat bestel, en kan die raad daardie sessionaris of lisensiehouer terselfdertyd in kennis laat stel dat die raad die sessie of lisensie wil kanselleer, en in so 'n geval word die sessie of lisensie geag gekanselleer te gewees het, maar in enige ander geval bly die sessie of lisensie ten volle van krag en geldig, behalwe dat dit vir alle doeleinde geag word deur die raad toegestaan te gewees het.

(3) 'n Afskrif van enige kennisgewing wat kragtens subartikel (1) bestel is, en van enige mededeling wat kragtens subartikel (2) aan 'n sessionaris van regte op 'n patent of aan 'n lisensiehouer kragtens 'n patent gerig is, moet onverwyld deur die raad aan die registrateur gestuur word.

(4) Wanneer die raad kragtens subartikel (1) 'n kennisgewing, soos deur daardie subartikel beoog, bestel het aan—

(a) 'n patenthouer, moet die registrateur, by ontvangs van 'n afskrif van daardie kennisgewing, die aantekenings in sy registers maak wat nodig is om die oordrag van die regte op die patent aan die raad ten behoeve van die Staat te boekstaaf, en indien die raad kragtens subartikel (2) aan 'n sessionaris of 'n lisensiehouer kragtens 'n patent kennis gegee het dat die raad die sessie of lisensie wil kanselleer, moet die registrateur terselfdertyd in bedoelde registers die aantekenings maak wat nodig is om die kansellering te boekstaaf;

(b) 'n aansoeker om 'n patent wat nog nie aangeneem en verséél is nie, moet die patent ten opsigte van die betrokke uitvinding onverwyld op naam van die raad uitgemaak en geseé word, en moet die registrateur, indien die raad dit gelas, die uitvinding waarop die patent betrekking het en die wyse waarop dit toegepas moet word, geheim hou.

(5) Geen geding kan vir die intrekking van 'n patent waarop die regte kragtens hierdie artikel deur die raad verkry is, ingestel word nie.

23. (1) Indien na die mening van die raad die openbare belang dit vereis, kan die raad by skriftelike kennisgewing onderteken deur iemand wat die raad daartoe gemagtig het en bestel aan 'n patenthouer ten opsigte van 'n patent met betrekking tot kern- of atoomkrag of spesiale kernmateriaal of verryking of herverwerking van bronmateriaal of spesiale kernmateriaal, of aan 'n aansoeker om so 'n patent, gelas dat bedoelde patent of, na gelang van die geval, enige patent ingevolge die aansoek verkry, nie gesedeer mag word nie en dat geen lisensie kragtens sodanige patent toegestaan mag word nie behalwe met toestemming van die raad ten opsigte van elke sessie of lisensie.

Beperkings op sessie of lisensiëring van sekere patente.

(2) Die raad moet die registrateur skriftelik in kennis stel van elke opdrag of toestemming kragtens subartikel (1) deur die raad gegee, en die registrateur moet by ontvangs van so 'n kennisgewing gepaste aantekenings in sy registers maak.

24. (1) Die raad kan by skriftelike kennisgewing, onderteken deur iemand wat die raad daartoe gemagtig het, en bestel aan 'n patenthouer, daardie patenthouer in kennis stel dat die raad verlang om ten opsigte van enige patent deur daardie patenthouer gehou, en in die mate wat in die kennisgewing uiteengesit is, die regte van 'n lisensiehouer kragtens daardie patent uit te oefen, en die uitwerking van so 'n kennisgewing is dat in die raad dieselfde regte gevvestig word as wat die raad sou gehad het indien hy in besit was van 'n lisensie deur die patenthouer toegestaan om daardie patent te gebruik in die mate wat in die kennisgewing uiteengesit is, met inbegrip van die reg om enige ander persoon te magtig om bedoelde regte ten behoeve van die raad uit te oefen.

Verkryging deur raad van lisensies kragtens sekere patente.

(2) The board shall cause a copy of any such notice to be transmitted to the registrar, who shall upon receipt thereof make appropriate entries in his registers.

Address for service of notices.

25. Any notice which may in terms of section 22, 23 or 24 be required to be served upon any patentee or applicant for a patent, or any assignee or licensee under a patent, may be served at his address in the Republic as furnished to the registrar by him or on his behalf in terms of the Patents Act or the rules under that Act.

Payment of compensation.

26. (1) The board shall in respect of—

- (a) the withholding of acceptance or sealing under section 21 (1) (d) (ii) of any invention which is the subject of an application for a patent;
- (b) any rights acquired by it under section 22, in any patent, or in any invention which is the subject of an application for a patent;
- (c) the cancellation of the rights of an assignee or licensee under a patent acquired by the board under section 22;
- (d) any of the rights of a licensee under a patent, exercised by it under section 24;
- (e) any restrictions imposed by it under section 23 in connection with the assignment of or the grant of a licence under any patent,

pay to the patentee, applicant, assignee or licensee concerned compensation on such a basis as may be agreed upon between him and the board, or as may, failing such agreement, be determined by the commissioner of patents referred to in section 4 of the Patents Act: Provided that the board may, notwithstanding anything to the contrary in any law contained, at any time dispute the validity of any patent in respect of which it has exercised rights under section 24, and discontinue the payment of any royalty, rental or other periodical payment which may be payable by it in respect of the exercise of such rights, until the question of the validity or invalidity of the patent has been determined by the said commissioner of patents.

(2) The said commissioner of patents may, whenever he is required to determine the amount of any compensation to be paid under subsection (1), call in the assistance of an assessor to assist at the hearing of the matter in question, and may give such judgment as he may deem fit in respect of the costs involved in the hearing, including the fees of any such assessor, as fixed by such commissioner.

(3) Whenever any request made by the board under section 21 (1) (d) is withdrawn, any steps which were prior to the date of that request taken under the Patents Act in connection with the application which was the subject of that request, and which were interrupted in consequence of that request, may be proceeded with as if the interruption had not occurred, and any period which may have elapsed between the date on which that request was lodged with the registrar and the date of withdrawal thereof shall not be taken into account in the computation of any period prescribed under the Patents Act.

Rights in discoveries and inventions by officers of the board and others and payment of bonuses to such persons.

27. (1) Subject to the provisions of section 28, the rights in all discoveries, inventions and improvements made by officers of the board, or by persons to whom grants-in-aid have been made by the board, in relation to any matter within the purview of the board in terms of this Act, and in any discovery, invention or improvement of whatever nature, whether within the purview of the board or not, made by such officer or person in the course of any investigation or research initiated or financed by the board, shall vest in the board on behalf of the State and the board may make such discoveries, inventions or improvements available for use in the public interest, subject to such conditions and the payment of such fees or royalties as the board may determine.

(2) The board may, in respect of any such discovery, invention or improvement, out of its funds pay to the officer or person concerned such bonus, or provide for that officer or person to participate in any profits which may be derived from the discovery, invention or improvement, to such an extent, as the Minister may, in consultation with the Minister of Finance, determine.

(3) The board may apply for a patent in respect of any invention referred to in subsection (1) and shall for the purposes of the Patents Act be regarded as the assignee of the inventor, and may direct the registrar to keep secret any such invention and the manner in which it is to be performed.

(2) Die raad moet 'n afskrif van so 'n kennisgewing aan die registrateur laat stuur, wat by ontvangs daarvan gepaste aantekenings in sy registers moet maak.

25. 'n Kennisgewing wat ingevolge artikel 22, 23 of 24 aan 'n patenthouer, of 'n aansoeker om 'n patent, of 'n sessionaris of lisensiehouer kragtens 'n patent, bestel moet word, kan bestel word by sy adres in die Republiek soos ingevolge die Wet op Patente of die reëls ingevolge daardie Wet deur of namens hom aan die registrateur verstrek.

Adres vir
bestelling van
kennisgewings.

26. (1) Die raad moet ten opsigte van—

- (a) die weerhouding kragtens artikel 21 (1) (d) (ii) van aanname of seëling van 'n uitvinding wat die onderwerp van 'n aansoek om 'n patent is;
- (b) enige regte kragtens artikel 22 deur hom verkry op enige patent, of op enige uitvinding wat die onderwerp van 'n aansoek om 'n patent uitmaak;
- (c) die kansellering van die regte van 'n sessionaris of lisensiehouer kragtens 'n patent wat kragtens artikel 22 deur die raad verkry word;
- (d) enige van die regte van 'n lisensiehouer kragtens 'n patent, wat kragtens artikel 24 deur die raad uitgeoefen word;
- (e) enige beperkings kragtens artikel 23 deur die raad opgelê in verband met die sessie van of die verlening van 'n lisensie kragtens 'n patent,

Betaling van
vergoeding.

aan die betrokke patenthouer, aansoeker, sessionaris of lisensiehouer vergoeding betaal op 'n gronslag waarop deur hom en die raad ooreengekom word, of wat, by ontstentenis van ooreenkoms, deur die in artikel 4 van die Wet op Patente bedoelde kommissaris van patente bepaal word: Met dien verstande dat die raad, ondanks andersluidende wetsbepalings, te eniger tyd die geldigheid van 'n patent ten opsigte waarvan hy kragtens artikel 24 regte uitgeoefen het, kan betwiss, en die betaling van enige tantième, huurgeld of ander periodieke betaling wat ten opsigte van die uitoefening van sodanige regte deur hom betaalbaar is, kan staak, totdat bedoelde kommissaris van patente oor die vraag van die geldigheid of ongeldigheid van die patent 'n beslissing gegee het.

(2) Bedoelde kommissaris van patente kan, wanneer hy die bedrag moet vasstel van enige vergoeding wat kragtens subartikel (1) betaal moet word, die hulp van 'n assessor inroep om met die verhoor van die betrokke geval behulpsaam te wees, en kan na goeddunke uitspraak gee ten opsigte van die koste betrokke by die verhoor, met inbegrip van die besoldiging van die assessor, soos deur bedoelde kommissaris vasgestel.

(3) Wanneer 'n versoek kragtens artikel 21 (1) (d) deur die raad gedoen, ingetrek word, kan daar met enige stappe wat voor die datum van daardie versoek ingevolge die Wet op Patente gedoen is in verband met die aansoek wat die onderwerp van daardie versoek was, en wat as gevolg van daardie versoek onderbreek is, voortgegaan word asof die onderbreking nie plaasgevind het nie, en enige tydperk wat tussen die datum waarop daardie versoek by die registrateur ingedien is, en die datum van intrekking daarvan, verstryk het, word nie by die berekening van enige ingevolge die Wet op Patente voorgeskrewe tydperk in aanmerking geneem nie.

27. (1) Behoudens die bepalings van artikel 28 berus die regte op alle ontdekings, uitvindings en verbeterings gedoen deur beampies van die raad, of deur persone aan wie hulptoelaes deur die raad toegestaan is, met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet binne die raad se bestek val en op enige ontdekking, uitvinding of verbetering van watter aard ook al, hetsy binne die raad se bestek al dan nie, deur sodanige beampie of persoon gedoen gedurende enige ondersoek of navorsing op tou gesit of gefinansier deur die raad, by die raad ten bate van die Staat en kan die raad bedoelde ontdekings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die voorwaardes en teen betaling van die gelde of tantièmes wat die raad vasstel.

Regte op
ontdekings en
uitvindings deur
beampies van
die raad en ander
persone, en
betaling van
bonusse aan
sodanige persone.

(2) Die raad kan, ten opsigte van so 'n ontdekking, uitvinding of verbetering, uit sy fondse aan die betrokke beampie of persoon die bonus betaal, of reël dat daardie beampie of persoon in die mate deel het aan enige winste wat uit die ontdekking, uitvinding of verbetering verkry word, wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Die raad kan om 'n patent ten opsigte van 'n in subartikel (1) bedoelde uitvinding aansoek doen, en word by die toepassing van die Wet op Patente as die sessionaris van die uitvinder beskou, en kan die registrateur gelas om so 'n uitvinding en die wyse waarop dit toegepas moet word, geheim te hou.

Special investigations by arrangement with any person with a view to discoveries, inventions or improvements.

28. (1) The board may, by arrangement with any person and at such place and subject to such conditions and the payment of such charges and the furnishing of such contributions as may be agreed upon, carry out or cause to be carried out special investigations with the object of making discoveries, inventions or improvements in relation to any matter within the purview of the board in terms of this Act.

(2) The rights in any discovery, invention or improvement of whatever nature, whether within the purview of the board or not, so made, shall vest in either the board or any other person, according to the provisions of a written agreement entered into by the parties in question prior to the investigation.

(3) If the rights in any discovery, invention or improvement vest in the board in pursuance of an agreement contemplated in subsection (2), the board may make such discovery, invention or improvement available for use in the public interest, and the board may apply for a patent in respect thereof as if it were a discovery, invention or improvement referred to in section 27 (1).

(4) If the rights in any discovery, invention or improvement vest in any person other than the board in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement shall be used or made available for use in the public interest, subject to such conditions as may be provided by the agreement.

Prohibition of applications for certain patents in countries outside the Republic or the territory without consent of the board.

29. (1) No person who is a South African citizen or is resident or carries on business in the Republic or the territory shall, except with the written consent of the board, make or cause to be made, an application in any country outside the Republic or the territory for a patent in respect of any invention or discovery relating to nuclear or atomic energy or special nuclear material or enrichment or re-processing of source material or special nuclear material.

(2) The board shall grant or refuse such consent within a period of three months from the date of the application for such consent.

Disclosure of information prohibited.

30. (1) No person—

(a) shall, without the consent in writing of the board or of the board in consultation with the Minister if deemed necessary by it, communicate, transmit or make known to any person, whether in or outside the Republic, or use, any information in regard to reserves of ores containing any source material or the annual output of such material or ores by any person or the price paid to any person in respect of such material or ores, or any investigation or research or any discovery or invention relating to the processing, re-processing, enrichment or use of any source material or special nuclear material or nuclear or atomic energy, or any such investigation or research financed wholly or partly by the board or the State or relating to prospecting or mining for or treatment of ores containing any source material, or anything done by or on behalf of the board in the exercise of its powers, or any property, whether movable or immovable, in the possession or under the control of the board;

(b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or

(c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information or so conduct himself as to endanger the secrecy thereof.

(2) The provisions of subsection (1) shall not apply in respect of the disclosure of information to any patent agent, advocate or attorney in the Republic or the territory in the course of a professional consultation.

(3) The Minister may direct that any proceedings, including arbitration proceedings, under this Act, be held *in camera* and that the public be excluded from being present thereat.

28. (1) Die raad kan by wyse van ooreenkoms met iemand en op die plek en op die voorwaardes en teen betaling van die koste en die verskaffing van die bydraes waarop ooreengekom word, spesiale ondersoek instel of laat instel met die doel om ontdekings, uitvindings of verbeterings te doen met betrekking tot enige aangeleenthed wat ingevolge hierdie Wet binne die raad se bestek val.

Spesiale ondersoek by wyse van ooreenkoms met iemand met die oog op ontdekings, uitvindings of verbeterings.

(2) Die regte op 'n ontdekking, uitvinding of verbetering van watter aard ook al, aldus gedoen, het sy binne die bestek van die raad, al dan nie, berus of by die raad of by iemand anders, ooreenkomsdig die bepalings van 'n skriftelike ooreenkoms wat vóór die ondersoek deur die betrokke partye aangegaan is.

(3) Indien die regte op enige ontdekking, uitvinding of verbetering uit hoofde van 'n in subartikel (2) beoogde ooreenkoms by die raad berus, kan die raad bedoelde ontdekking, uitvinding of verbetering in die openbare belang vir gebruik beskikbaar stel, en kan die raad om 'n patent ten opsigte daarvan aansoek doen asof dit 'n in artikel 27 (1) vermelde ontdekking, uitvinding of verbetering was.

(4) Indien die regte op 'n ontdekking, uitvinding of verbetering by iemand anders as die raad uit hoofde van 'n in subartikel (2) beoogde ooreenkoms berus, word bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel op die voorwaardes wat by die ooreenkoms bepaal word.

29. (1) Niemand wat 'n Suid-Afrikaanse burger is of woonagtig is of sake doen in die Republiek of die gebied mag, behalwe met die skriftelike toestemming van die raad, in enige land buite die Republiek of die gebied om 'n patent aansoek doen of laat doen nie ten opsigte van 'n uitvinding of ontdekking met betrekking tot kern- of atoomkrag of spesiale kernmateriaal of verryking of herverwerking van bronmateriaal of spesiale kernmateriaal.

Verbod op aansoek om sekere patente in lande buite die Republiek of die gebied sonder toestemming van die raad.

(2) Die raad moet sodanige toestemming verleen of weier binne 'n tydperk van drie maande vanaf die datum van die aansoek om die toestemming.

30. (1) Niemand—

Openbaarmaking van inligting

(a) mag sonder die skriftelike toestemming van die raad verbode.

of van die raad in oorleg met die Minister, indien die raad dit nodig ag, aan enigiemand het sy binne of buite die Republiek meedeel, versend of bekend maak, of mag gebruik maak van, enige inligting met betrekking tot reserwevoorraarde ertse wat bronmateriaal bevat of die jaarlikse produksie van sodanige materiaal of ertse deur enigiemand of die prys ten opsigte van sodanige materiaal of ertse aan enigiemand betaal, of enige ondersoek of navorsing of enige ontdekking of uitvinding betreffende die verwerking, herverwerking, verryking of gebruik van enige bronmateriaal of spesiale kernmateriaal of kern- of atoomkrag, of enige sodanige ondersoek of navorsing wat geheel of gedeeltelik deur die raad of die Staat gefinansier word of wat betrekking het op die prospektering na of die ontgunning van of behandeling van ertse wat bronmateriaal bevat, of enigets gedoen deur of ten behoeve van die raad by die uitoefening van sy bevoegdhede gedoen, of enige eiendom, het sy roerend of onroerend in die besit of onder die beheer van die raad;

(b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat die inligting aan hom in stryd met die bepalings in paragraaf (a) meegedeel, oorgedra of bekendgemaak word; of

(c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, oor te dra of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stapte te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie.

(2) Die bepalings van subartikel (1) is nie ten opsigte van die openbaarmaking van inligting aan 'n patentagent, advokaat of prokureur in die Republiek of die gebied wat in sy professionele hoedanigheid geraadpleeg word, van toepassing nie.

(3) Die Minister kan gelas dat enige verrigtings, met inbegrif van verrigtings by arbitrasie, kragtens hierdie Wet, *in camera* gehou word, en dat die publiek van bywoning daarvan uitgesluit word.

(4) No trial or preparatory examination in respect of an offence under this section shall be instituted without the written authority of the attorney-general concerned.

(5) For the purposes of this section "information" includes anything containing or affording information.

State President may apply certain provisions to processing of source material and prohibit export of restricted material.

Compensation in respect of injuries suffered by persons employed by the board in connection with source material.

31. The State President may, if he considers it in the public interest, by proclamation in the *Gazette*—

(a) apply any provision of section 21 (1) (d) (ii) or (iii) to inventions relating to the processing of source material;

(b) prohibit any person from exporting any restricted material except under the authority of a permit issued by the board.

32. (1) If a person, while engaged in any capacity by or on behalf of the board, suffers a personal injury or contracts a disease which is attributable to ionising radiation of any radioactive material, or to the inflammable, explosive, poisonous or special properties of such material, or to the ionising radiation of any apparatus or production or application of such material or apparatus, the board shall, subject to the succeeding provisions of this section—

(a) defray all reasonable expenses incurred by or on behalf of such person in respect of medical, surgical, dental or hospital treatment, nursing services or the supply and maintenance of any artificial part of the body or other device, necessitated by such injury or disease; and

(b) pay compensation in respect of disablement or death caused by such injury or disease.

(2) (a) All questions as to the right to any payment under this section, the amount of such payment and the method of payment shall be determined by the Workmen's Compensation Commissioner appointed in terms of section 12 (1) of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), hereinafter referred to as the commissioner, and in making any determination in regard to compensation, the commissioner shall, *mutatis mutandis*, apply the provisions of sections 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49, 84, 85 and 86 of, and the First Schedule to, the said Act: Provided that in calculating the amount of the compensation payable under this section, the commissioner shall disregard the maximum prescribed by section 85 (1) of the said Act as so applied as well as any provision of the said sections of the said Act as so applied in terms of which earnings in excess of a fixed amount are not taken into consideration.

(b) If the person in respect of whom the board is required to make any payment is a person to whom the provisions of section 29, 30 or 31 of the said Act would apply in respect of any similar payment under that Act, the provisions of the said section shall *mutatis mutandis* apply in respect of any payment under this section.

(c) The provisions of sections 100 and 102 of the said Act shall *mutatis mutandis* apply to any compensation payable under this section.

(3) (a) If any person who is entitled to any benefit under this section would also be entitled, but for the provisions of this section, to any benefit in respect of the same injury or disease under the Workmen's Compensation Act, 1941, his right under the said Act shall *ipso facto* lapse.

(b) Nothing in this section contained shall affect any right which any person may have under his contract of employment, or under any law, to benefits more favourable than those to which he may be entitled under this section: Provided that no person shall be entitled to claim benefits both under this section and under the said contract or law.

(4) For the purposes of this section the commissioner shall *mutatis mutandis* possess all the powers vested in him in respect of the matters dealt with by sections 17, 24, 56, 57, 58, 59, 60 and 88 of the Workmen's Compensation Act, 1941, and the provisions of the said sections shall *mutatis mutandis* apply in respect of all matters incidental to or necessary for any determination by the commissioner under this section.

(4) Geen verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevalle hierdie artikel word sonder die skriftelike magtiging van die betrokke prokureur-generaal ingestel nie.

(5) By die toepassing van hierdie artikel beteken „inligting“ ook enigsy wat inligting bevat of verskaf.

31. Die Staatspresident kan, indien hy dit in die openbare belang ag, by proklamasie in die *Staatskoerant*—

- (a) enige bepaling van artikel 21 (1) (d) (ii) of (iii) toepas op uitvindings met betrekking tot die verwerking van bronmateriaal;

- (b) enigiemand verbied om beperkte materiaal uit te voer, behalwe op gesag van 'n permit uitgereik deur die raad.

Staatspresident kan sekere bepaling met betrekking tot verwerking van bronmateriaal toepas en uitvoer van beperkte materiaal verbied.

32. (1) Indien iemand wat in enige hoedanigheid deur of ten behoeve van die raad in diens geneem is, terwyl hy sodanige diens doen, 'n persoonlike besering opdoen of 'n siekte oploop wat toe te skryf is aan ioniserende bestraling van radioaktiewe materiaal, of aan die ontvlambare, ontplofbare, giftige of spesiale eienskappe van sodanige materiaal, of aan die ioniserende bestraling van enige apparaat of die produksie of aanwending van sodanige materiaal of apparaat, moet die raad, behoudens die hieropvolgende bepaling van hierdie artikel—

- (a) al die redelike uitgawes wat deur of namens so iemand ten opsigte van geneeskundige, heelkundige of tandheelkundige behandeling of hospitaalbehandeling, deskundige verplegingsdienste of die verskaffing en instandhouding van 'n kunsmatige liggaamsdeel of ander toestel wat deur sodanige besering of siekte nodig gemaak word, betaal; en

- (b) skadeloosstelling ten opsigte van arbeidsongesiktheid of dood wat deur sodanige besering of siekte veroorsaak is, betaal.

- (2) (a) Alle geskille wat betref die reg op enige betaling kragtens hierdie artikel, die bedrag van so 'n betaling en die wyse van betaling word deur die ingevalle artikel 12 (1) van die Ongevallewet, 1941 (Wet No. 30 van 1941), aangestelde ongevallekommissaris, (hieronder die kommissaris genoem) beslis, en by enige beslissing met betrekking tot skadeloosstelling moet die kommissaris die bepaling van artikels 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49, 84, 85, en 86 van en die Eerste Bylae by genoemde Wet *mutatis mutandis* toepas: Met dien verstande dat by die berekening van die bedrag van die kragtens hierdie artikel betaalbare skadeloosstelling die kommissaris sowel die maksimum voorgeskryf by artikel 85 (1) van genoemde Wet soos aldus toegepas, as enige bepaling van genoemde artikels van genoemde Wet, soos aldus toegepas, waarvolgens verdienste bo 'n vasgestelde bedrag buite rekening gelaat word, verontagsaam.

- (b) Indien die persoon ten opsigte van wie die raad 'n bedrag moet betaal, iemand is op wie die bepaling van artikel 29, 30 of 31 van genoemde Wet van toepassing sou wees ten opsigte van 'n soortgelyke betaling ingevalle genoemde Wet, is die bepaling van bedoelde artikel *mutatis mutandis* van toepassing ten opsigte van enige betaling ingevalle hierdie artikel.

- (c) Die bepaling van artikels 100 en 102 van genoemde Wet is *mutatis mutandis* van toepassing op skadeloosstelling kragtens hierdie artikel betaalbaar.

- (3) (a) Indien iemand wat op 'n voordeel kragtens hierdie artikel geregtig is, ook, as dit nie vir die bepaling van hierdie artikel was nie, ten opsigte van dieselfde besering of siekte op 'n voordeel kragtens die Ongevallewet, 1941, geregtig sou wees, dan verval sy reg kragtens genoemde Wet *ipso facto*.

- (b) Geen bepaling van hierdie artikel raak 'n reg wat enigiemand kragtens sy dienskontrak of 'n wetsbepaling op gunstiger voordele as dié waarop hy kragtens hierdie artikel geregtig is, besit nie: Met dien verstande dat niemand voordele sowel kragtens hierdie artikel as kragtens bedoelde kontrak of wetsbepaling kan eis nie.

- (4) By die toepassing van hierdie artikel het die kommissaris *mutatis mutandis* al die bevoegdhede wat by hom berus ten opsigte van die aangeleenthede wat by artikels 17, 24, 56, 57, 58, 59, 60 en 88 van die Ongevallewet, 1941, behandel word, en die bepaling van genoemde artikels is *mutatis mutandis* van toepassing ten opsigte van alle aangeleenthede wat in verband staan met of nodig is vir 'n beslissing deur die kommissaris kragtens hierdie artikel.

Skadeloosstelling ten opsigte van beserings opgedoen deur persone wat vir die raad diens doen in verband met bronmateriaal.

(5) (a) The board shall, from time to time, pay to the accident fund established by section 64 of the Workmen's Compensation Act, 1941, a contribution towards the expense incurred by the commissioner under this section as may be agreed upon between the board and the commissioner, or as may in the absence of such agreement be determined by the Minister.

(b) In assessing the board in terms of section 69 of the said Act, the commissioner shall make allowance for any reduction in the potential liability of the said accident fund by reason of the provisions of this section.

Compensation
for other
personal injuries
or diseases to
be decided
upon by a
specially
appointed
committee.

33. (1) If a person while engaged in any capacity by the board suffers a personal injury or contracts a disease other than a personal injury or disease contemplated in section 32 (1), the Minister may in consultation with the Minister of Finance, notwithstanding the provisions of any other law, authorize the payment of compensation to such person, or, in the event of his death, to his dependants out of the funds of the board.

(2) (a) The Minister shall appoint a committee consisting of five members, one of whom shall be a judge of any division of the Supreme Court of South Africa and who shall be chairman, and four of whom shall be persons with expert knowledge of the sphere of activities of the board in which the injury or damage is alleged to have occurred.

(b) Two of the four members with such expert knowledge shall be persons who are not in the service of the board.

(3) It shall be the duty of the said committee to receive and consider all the available information adduced in any matter referred to it and to advise the Minister on the amount of compensation, if any, to be paid in terms of subsection (1).

(4) Any person who considers himself aggrieved by the finding of the said committee or the decision of the Minister shall have a right of appeal to the appropriate division of the Supreme Court of South Africa.

(5) Any member of such a committee who is not in the full-time employment of the State or of the board may out of the funds of the board be paid such remuneration or allowances as may be determined by the Minister in consultation with the Minister of Finance.

Offences and
penalties.

34. Any person who—

(a) contravenes or fails to comply with the provisions of section 5 (1), 7, 8 or 29;

(b) contravenes or fails to comply with any condition upon which any authority has been granted to him under section 7 or 8;

(c) fails to comply with any notice served on him under section 9 (1), or knowingly or negligently makes any untrue statement in any return made in pursuance of such notice, or wilfully obstructs any person exercising powers under section 9 (2) or (3), or wilfully publishes or affords access to any information in contravention of section 9 (4);

(d) contravenes or fails to comply with the provisions of section 10 or 21;

(e) fails to comply with any direction served upon him in terms of section 23 (1);

(f) contravenes or fails to comply with the provisions of section 30;

(g) contravenes or fails to comply with any provision of section 21 (1) (d) (ii) or (iii), as applied in terms of section 31 (a), or any prohibition under section 31 (b),

shall be guilty of an offence and on conviction liable—

(i) in the case of an offence referred to in paragraph (a), (b), (c), (e) or (g), to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment;

(ii) in the case of an offence referred to in paragraph (d), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months; or

(iii) in the case of an offence referred to in paragraph (f), to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment.

(5) (a) Die raad betaal van tyd tot tyd aan die ongevalfonds by artikel 64 van die Ongevallewet, 1941, ingestel, 'n bydrae tot die uitgawes deur die kommissaris ingevolge hierdie artikel aangegaan waarop onderling deur die raad en die kommissaris ooreengekom word of wat, by ontstentenis van so 'n ooreenkoms, deur die Minister vasgestel word.

(b) By aanslag van die raad ingevolge artikel 69 van genoemde Wet, hou die kommissaris rekening met die vermindering in die potensiële aanspreeklikheid van die ongevalfonds ten gevolge van die bepalings van hierdie artikel.

33. (1) Indien iemand wat in enige hoedanigheid deur die raad in diens geneem is, 'n persoonlike besering opdoen of 'n siekte oploop, behalwe 'n persoonlike besering of siekte in artikel 32 (1) beoog, terwyl hy sodanige diens doen, kan die Minister in oorleg met die Minister van Finansies, ondanks ander wetsbepalings, betaling van vergoeding uit die fondse van die raad aan so iemand magtig of, ingeval van sy dood, aan sy afhanklikes.

(2) (a) Die Minister moet 'n komitee bestaande uit vyf lede aanstel, een waarvan 'n regter van enige afdeling van die Hooggereghof van Suid-Afrika en die voorzitter is, en vier waarvan persone is met deskundige kennis van die bedryfsfeer van die raad waarin die besering of benadeling na bewering plaasgevind het.

(b) Twee van die vier lede met sodanige deskundige kennis moet persone wees wat nie in diens van die raad is nie.

(3) Genoemde komitee is belas daarmee om al die beskikbare inligting aangevoer by 'n aangeleenthed aan hom voorgelê, te ontvang en teoorweeg en om die Minister van advies te dien omtrent die bedrag vergoeding, indien daar is, betaalbaar ingevolge subartikel (1).

(4) Enigiemand wat homself deur die bevinding van genoemde komitee of die beslissing van die Minister veronreg ag, het 'n reg van appèl na die gepaste afdeling van die Hooggereghof van Suid-Afrika.

(5) 'n Lid van so 'n komitee wat nie in die voltydse diens van die Staat of die raad is nie kan uit die fondse van die raad die besoldiging of toelaes betaal word wat die Minister in oorleg met die Minister van Finansies vasstel.

34. Iemand wat—

Misdrywe en strawwe.

(a) die bepalings van artikel 5 (1), 7, 8 of 29 oortree of versuim om daaraan te voldoen;

(b) 'n voorwaarde waarop 'n magtiging kragtens artikel 7 of 8 aan hom verleen is, oortree of versuim om daaraan te voldoen;

(c) versuim om te voldoen aan 'n kennisgewing ingevolge artikel 9 (1) aan hom bestel, of wetend of nalatiglik 'n onware verklaring maak in 'n opgawe uit hoofde van sodanige kennisgewing verstrek, of opsetlik iemand by die uitoefening van sy bevoegdhede kragtens artikel 9 (2) of (3) belemmer, of opsetlik inligting publiseer of toegang daartoe verleen, ter oortreding van artikel 9 (4);

(d) die bepalings van artikel 10 of 21 oortree of versuim om daaraan te voldoen;

(e) versuim om aan 'n opdrag ingevolge artikel 23 (1) aan hom bestel, te voldoen;

(f) die bepalings van artikel 30 oortree of versuim om daar-aan te voldoen;

(g) 'n bepaling van artikel 21 (1) (d) (ii) of (iii), soos ingevolge artikel 31 (a) toegepas, of 'n verbod kragtens artikel 31 (b), oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n in paragraaf (a), (b), (c), (e) of (g) bedoelde misdryf, met 'n boete van hoogstens driehuisend rand of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met sowel sodanige boete as sodanige gevangenisstraf;

(ii) in die geval van 'n in paragraaf (d) bedoelde misdryf, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande; of

(iii) in die geval van 'n in paragraaf (f) bedoelde misdryf, met 'n boete van hoogstens tienduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twintig jaar of met sowel sodanige boete as sodanige gevangenisstraf.

Regulations.

- 35.** (1) The State President may make regulations as to—
(a) the calling of meetings of the board and of any committee thereof and the procedure and quorum at such meetings;
(b) the safeguarding of any mine or portion of a mine producing source material, and any plant or premises in which such material is extracted or isolated from any substance; and
(c) generally, all matters which he deems it necessary or expedient to prescribe in order that the objects of this Act may be achieved.

(2) Any regulations made under subsection (1) (b) may prescribe penalties for any contravention thereof or failure to comply therewith, and different regulations may be made under that subsection in respect of different mines, plants or premises or portions thereof.

Application of Act to South-West Africa.

36. This Act and any amendment thereof which may be made from time to time shall apply also in the territory and in relation to all persons in that portion of the territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the territory.

Repeal of laws and savings.

37. (1) Subject to the provisions of subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

(2) The provisions of section 15 (2), (3) and (4) of the Atomic Energy Act, 1948 (Act No. 35 of 1948), shall notwithstanding the repeal of that Act by this Act, continue to apply in respect of any person who immediately prior to the commencement of this Act was a contributor to the university institutions provident fund established under the regulations made in terms of section 12 (1) (g) of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), subject to any right he may have to elect to become a contributor to the fund referred to in section 2 (1) (b) of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963).

(3) Subject to the provisions of this Act, any appointment, regulation, proclamation or authority made, granted or issued or any agreement entered into or guarantee furnished or any other thing done under a provision of a law repealed by subsection (1) shall be deemed to have been made, granted, issued, entered into, furnished or done under the corresponding provision of this Act.

Short title and commencement.

38. This Act shall be called the Atomic Energy Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

Schedule.

LAWs REPEALED.

No. and year of law.	Title.	Extent of repeal.
Act No. 35 of 1948	Atomic Energy Act, 1948	The whole.
Act No. 8 of 1950	Atomic Energy Amendment Act, 1950	The whole.
Act No. 18 of 1952	Atomic Energy Amendment Act, 1952	The whole.
Act No. 11 of 1956	Atomic Energy Amendment Act, 1956	The whole.
Act No. 27 of 1958	Atomic Energy Amendment Act, 1958	The whole.
Act No. 35 of 1959	Atomic Energy Amendment Act, 1959	The whole.
Act No. 44 of 1961	Atomic Energy Amendment Act, 1961	The whole.
Act No. 77 of 1962	Finance Act, 1962	Section 11.
Act No. 39 of 1965	Atomic Energy and Nuclear Installations (Licensing and Security) Amendment Act, 1965.	Sections 1 to 10, inclusive.

35. (1) Die Staatspresident kan regulasies uitvaardig aan-**Regulasies.**
gaande—

- (a) die byeenroeping van vergaderings van die raad en van enige komitee daarvan, en die prosedure en kworum by sodanige vergaderings;
- (b) die beveiliging van enige myn of deel van 'n myn wat bronmateriaal voortbring, en enige uitrusting of perseel waarin sodanige materiaal uit enige stof geëkstraheer of geïsoleer word; en
- (c) oor die algemeen alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf sodat die doel van hierdie Wet bereik word.

(2) Enige regulasies kragtens subartikel (1) (b) uitgevaardig, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf en verskillende regulasies kan kragtens daardie subartikel ten opsigte van verskillende myne, uitrustings of persele of dele daarvan voorgeskryf word.

36. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring mag word, is ook van toepassing in die gebied en met betrekking tot alle persone in daardie gedeelte van die gebied bekend as die „Rehoboth Gebiet” en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van die gebied.

37. (1) Behoudens die bepalings van subartikels (2) en (3) word die wette in die Bylae aangewys hierop vir sover **Toepassing van Wet op Suidwes-Afrika.**
in die derde kolom van die Bylae aangedui.

(2) Die bepalings van artikel 15 (2), (3) en (4) van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), bly, ondanks die herroeping van daardie Wet by hierdie Wet, van toepassing ten opsigte van iemand wat onmiddellik voor die inwerkintreding van hierdie Wet 'n bydraer was tot die voorsorgfonds vir universiteitsinrigtings kragtens die regulasies uitgevaardig ingevolge artikel 12 (1) (g) van die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), ingestel, behoudens 'n reg wat hy het om te kies om bydraer te word tot die fonds bedoel in artikel 2 (1) (b) van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963).

(3) Behoudens die bepalings van hierdie Wet, word 'n aanstelling, regulasie, proklamasie of magtiging gedoen, uitgevaardig, verleen of uitgereik of 'n ooreenkoms aangegaan of waarborg verstrek of enigets anders gedoen ingevolge 'n wetsbepaling deur subartikel (1) herroep, geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen, uitgevaardig, verleen, uitgereik, aangegaan of verstrek te gewees het.

38. Hierdie Wet heet die Wet op Atoomkrag, 1967, en tree Kort titel en in werking op 'n datum wat die Staatspresident by proklamasie inwerkintreding in die *Staatskoerant* bepaal.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 35 van 1948	Wet op Atoomkrag, 1948	Die geheel.
Wet No. 8 van 1950	Wysigingswet op Atoomkrag, 1950	Die geheel.
Wet No. 18 van 1952	Wysigingswet op Atoomkrag, 1952	Die geheel.
Wet No. 11 van 1956	Wysigingswet op Atoomkrag, 1956	Die geheel.
Wet No. 27 van 1958	Wysigingswet op Atoomkrag, 1958	Die geheel.
Wet No. 35 van 1959	Wysigingswet op Atoomkrag, 1959	Die geheel.
Wet No. 44 van 1961	Wysigingswet op Atoomkrag, 1961	Die geheel.
Wet No. 77 van 1962	Finansiewet, 1962	Artikel 11.
Wet No. 39 van 1965	Wysigingswet op Atoomkrag en Kerninstallasies (Lisensiëring en Sekerheidstelling), 1965.	Artikels 1 tot en met 10.

ACT

To amend sections 23, 25, 26, 29, 45, 59 and 73 of the Transkei Constitution Act, 1963, so as to determine in respect of each district which forms part of a regional authority area the number of chiefs holding office in such district who shall be entitled to represent the region concerned in the Legislative Assembly; so as to determine the method of filling a vacant seat of a chief who represents a region in the Assembly; so as to provide more fully for the time and manner of determining the chiefs who shall represent a region in respect of a particular district; so as to provide that the Bantu areas situated in districts which form part of regional authority areas shall, instead of such areas, be electoral divisions for the election of the elected members of the Assembly; so as to provide for the designation of acting paramount chiefs, sub-chiefs and acting sub-chiefs by the regional authorities concerned; so as to authorize the transfer to the Government of the Transkei of certain movable property belonging to the Government of the Republic, the Provincial Administration of the Cape of Good Hope or the South African Bantu Trust; so as to extend the definitions of "chief" and "headman"; and to provide for incidental matters.

(*English text signed by the Acting State President.*)
(Assented to 19th June, 1967.)

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

Substitution of
section 23 of
Act 48 of 1963.

1. The following section is hereby substituted for section 23 of the Transkei Constitution Act, 1963 (hereinafter referred to as the principal Act):

"Composition of
Assembly." 23. There shall be a legislative council in the Transkei to be known as the Legislative Assembly, which shall, subject to the provisions of section 25, consist of—

- (a) the paramount chiefs of the Transkei;
- (b) fifty-nine chiefs holding office in the nine regional authority areas in the Transkei, as follows, namely—
 - (i) in respect of the Dalindyebo region, three chiefs in the district of Engcobo, six chiefs in the district of Mqanduli and one chief in the district of Umtata;
 - (ii) in respect of the Emboland region, two chiefs in the district of Mount Frere, four chiefs in the district of Qumbu and two chiefs in the district of Tsolo;
 - (iii) in respect of the Emigrant Tembuland region, three chiefs in the district of St. Marks and two chiefs in the district of Xalanga;
 - (iv) in respect of the Fingo region, one chief in the district of Butterworth, one chief in the district of Nqamakwe and one chief in the district of Tsomo;
 - (v) in respect of the Gcaleka region, one chief in the district of Elliotdale, two chiefs in the district of Idutywa and one chief in the district of Willowvale;

No. 101, 1967.]

WET

Tot wysiging van artikels 23, 25, 26, 29, 45, 59 en 73 van die Transkeise Grondwet, 1963, om ten opsigte van elke distrik wat deel uitmaak van 'n streeksowerheidsgebied die aantal kapteins wat in sodanige distrik dien en wat geregtig is om die betrokke streek in die Wetgewende Vergadering te verteenwoordig, vas te stel; om die metode te bepaal om 'n vakante setel van 'n kaptein wat 'n streek in die Vergadering verteenwoordig, te val; om breedvoeriger voorsiening te maak vir die tyd en wyse van bepaling van die kapteins wat 'n streek ten opsigte van 'n bepaalde distrik verteenwoordig; om te bepaal dat die Bantoegebiede geleë in distrikte wat deel uitmaak van streeksowerheidsgebiede, in plaas van sodanige gebiede, kiesafdelings is vir die verkiesing van die verkoos lede van die Vergadering; om voorsiening te maak vir die aanwysing van waarnemende hoofkapteins, onderkapteins en waarnemende onderkapteins deur die betrokke streeksowerhede; om die oordrag aan die Regering van die Transkei te magtig van sekere roerende goed wat aan die Regering van die Republiek, die Provinciale Administrasie van die Kaap die Goeie Hoop of die Suid-Afrikaanse Bantoetrust behoort; om die omskrywings van „hoofman“ en „kaptein“ uit te brei; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 19 Junie 1967.)

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

1. Artikel 23 van die Transkeise Grondwet, 1963 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

Vervanging van artikel 23 van Wet 48 van 1963.

„Samestelling van Vergadering.“ 23. Daar is 'n wetgewende raad vir die Transkei, wat as die Wetgewende Vergadering bekend staan en wat, behoudens die bepaling van artikel 25, bestaan uit—

- (a) die hoofkapteins van die Transkei;
- (b) die nege-en-vyftig kapteins wat in die hierondervermelde nege streeksowerheidsgebiede in die Transkei dien, te wete—
 - (i) ten opsigte van die Dalindyebosstreek, drie kapteins in die distrik Engcobo, ses kapteins in die distrik Mqanduli en een kaptein in die distrik Umtata;
 - (ii) ten opsigte van die Embolandstreek, twee kapteins in die distrik Mount Frere, vier kapteins in die distrik Qumbu en twee kapteins in die distrik Tsolo;
 - (iii) ten opsigte van die Emigrant-Temboelandstreek, drie kapteins in die distrik St. Marks en twee kapteins in die distrik Xalanga;
 - (iv) ten opsigte van die Fingostreek, een kaptein in die distrik Butterworth, een kaptein in die distrik Nqamakwe en een kaptein in die distrik Tsomo;
 - (v) ten opsigte van die Gcalekastreek, een kaptein in die distrik Elliotdale, twee kapteins in die distrik Idutywa en een kaptein in die distrik Willowvale;

- (vi) in respect of the Maluti region, five chiefs in the district of Matatiele and three chiefs in the district of Mount Fletcher;
 - (vii) in respect of the Nyanda region, one chief in the district of Libode and two chiefs in the district of Ngqeleni;
 - (viii) in respect of the Qaukeni region, six chiefs in the district of Bizana, three chiefs in the district of Flagstaff, one chief in the district of Lusikisiki, one chief in the district of Mount Ayliff and three chiefs in the district of Tabankulu; and
 - (ix) in respect of the Umzimkulu region, four chiefs in the district of Umzimkulu; and
- (c) forty-five members elected by the registered voters of the Transkei.”.

Substitution of
section 25 of
Act 48 of 1963.

2. The following section is hereby substituted for section 25 of the principal Act:

Chiefs in
Assembly.

25. (1) The total number of paramount chiefs and chiefs in the Legislative Assembly shall not at any time exceed sixty-four, and if any paramount chieftainship is created in any area, whether in addition to those existing in the Dalindyebo, Emigrant Tembuland, Gcaleka, Nyanda or Qaukeni regional authority area or any other region, the number of chiefs representing the region affected shall in respect of the district in which the new paramount chief in question resides, be reduced correspondingly.

(2) Where by reason of the provisions of subsection (1) a chief is to be excluded from membership of the Assembly, the chief so to be excluded shall be determined by secret ballot at a meeting of the chiefs holding office in the district where the new paramount chief in question resides or, if they are unable to come to an agreement, at a meeting of the new paramount chief in question, the other paramount chiefs, if any, and chiefs holding office in the region in which such district is situated.

(3) Where the seat of a chief in the Assembly, who in terms of the provisions of section 23 (b) represents a region in respect of a particular district, becomes vacant, the chief to fill the vacancy shall be determined by secret ballot at a meeting of the chiefs holding office in such district or, if they are unable to come to an agreement, at a meeting of the paramount chiefs, if any, and chiefs holding office in the region in which such district is situated.

(4) Where an Assembly is to be constituted and the number of the chiefs who are to represent, in terms of section 23 (b), a region in respect of a particular district, is exceeded by the number of chiefs holding office in such district, the chief or chiefs to represent such region in respect of such district shall be determined by secret ballot at a meeting of the chiefs holding office in the district concerned or, if they are unable to come to an agreement, at a meeting of the paramount chiefs, if any, and chiefs holding office in the region in which such district is situated.

(5) A meeting to be held in terms of this section, shall be convened by the Chairman of the Assembly or, if there is no Chairman, by a person designated by the Minister of Bantu Administration and Development.

(6) A meeting referred to in subsection (4), shall be held before every general election and shall be convened for a day earlier than the day fixed for the nomination of candidates for such election.

(7) Where during the life of an Assembly there is an increase in the number of chiefs holding office in a region, the membership of any chief representing such region in such Assembly shall not be affected thereby.”.

- (vi) ten opsigte van die Malutistreek, vyf kapteins in die distrik Matatiele en drie kapteins in die distrik Mount Fletcher;
 - (vii) ten opsigte van die Nyandastreek, een kaptein in die distrik Libode en twee kapteins in die distrik Ngqeleni;
 - (viii) ten opsigte van die Qaukenistreek, ses kapteins in die distrik Bizana, drie kapteins in die distrik Flagstaff, een kaptein in die distrik Lusikisiki, een kaptein in die distrik Mount Ayliff en drie kapteins in die distrik Tabankulu; en
 - (ix) ten opsigte van die Umzimkulustreek, vier kapteins in die distrik Umzimkulu; en
- (c) vyf-en-veertig lede deur geregistreerde kiesers van die Transkei verkies.”.

2. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 25 van Wet 48 van 1963.

v. Kapteins in Vergadering. 25. (1) Die totale getal hoofkapteins en kapteins in die Wetgewende Vergadering mag te gener tyd vier-en-sestig oorskry nie, en indien 'n hoofkapteinskap in enige gebied geskep word, het sy benewens die wat in die Dalindyebo-, Emigrant-Temboeland-, Gcaleka-, Nyanda- of Qaukeni-streeksowerheidsgebied of in enige ander streek bestaan, word die getal kapteins wat die betrokke streek verteenwoordig ten opsigte van die distrik waarin die betrokke nuwe hoofkaptein woon, dienooreenkomsdig verminder.

(2) Wanneer daar vanweë die bepalings van subartikel (1) 'n kaptein van lidmaatskap van die Vergadering uitgesluit moet word, word die kaptein wat aldus uitgesluit moet word by geheime verkiesing bepaal op 'n vergadering van die kapteins wat dien in die distrik waarin die betrokke nuwe hoofkaptein woon of, as hulle nie tot 'n ooreenkoms kan geraak nie, op 'n vergadering van die betrokke nuwe hoofkaptein en die ander hoofkapteins, as daar is, en kapteins wat dien in die streek waarin sodanige distrik geleë is.

(3) Waar die setel van 'n kaptein in die Vergadering, wat ingevolge die bepalings van artikel 23 (b) 'n streek ten opsigte van 'n bepaalde distrik verteenwoordig, vakant raak, word die kaptein wat die vakature moet vul by geheime verkiesing bepaal op 'n vergadering van die kapteins wat in sodanige distrik dien of, indien hulle nie tot 'n ooreenkoms kan geraak nie, op 'n vergadering van die hoofkapteins, as daar is, en kapteins wat dien in die streek waarin sodanige distrik geleë is.

(4) Wanneer 'n Vergadering saamgestel moet word en die getal kapteins wat ingevolge die bepalings van artikel 23 (b) 'n streek ten opsigte van 'n bepaalde distrik moet verteenwoordig, oorskry word deur die getal kapteins wat in sodanige distrik dien, word die kaptein of kapteins wat sodanige streek ten opsigte van sodanige distrik moet verteenwoordig by geheime verkiesing bepaal op 'n vergadering van die kapteins wat in die betrokke distrik dien of, indien hulle nie tot 'n ooreenkoms kan geraak nie, op 'n vergadering van die hoofkapteins, as daar is, en kapteins wat dien in die streek waarin sodanige distrik geleë is.

(5) 'n Vergadering wat ingevolge hierdie artikel gehou moet word, word belê deur die Voorsitter van die Vergadering of, indien daar geen Voorsitter is nie, deur 'n persoon wat deur die Minister van Bantoe-administrasie en -ontwikkeling aangewys word.

(6) 'n Vergadering in subartikel (4) bedoel, word voor elke algemene verkiesing gehou en word belê vir 'n dag voor die dag vasgestel vir die nominasie van kandidate vir sodanige verkiesing.

(7) Wanneer daar gedurende die lewensduur van 'n Vergadering 'n vermeerdering is van die getal kapteins wat in 'n streek dien, word die lidmaatskap van geen kaptein wat sodanige streek in sodanige Vergadering verteenwoordig, daardeur geraak nie.”.

Substitution of section 26 of Act 48 of 1963.

3. The following section is hereby substituted for section 26 of the principal Act:

"Electoral divisions and determination of number of members in each division.

26. (1) There shall be twenty-six electoral divisions for the election of the forty-five elected members of the Legislative Assembly, and the number of members to be elected in respect of each electoral division shall be in proportion to the respective total numbers of registered voters in the various electoral divisions: Provided that there shall be elected at least one member in respect of each electoral division.

(2) An electoral division shall consist of the Bantu areas in a district referred to in section 2.".

Amendment of section 29 of Act 48 of 1963.

4. Section 29 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) is registered as a voter in an electoral division situated in the regional authority area in which the electoral division in respect of which he has been or is to be elected is situated; and".

Substitution of section 45 of Act 48 of 1963.

5. The following section is hereby substituted for section 45 of the principal Act:

"Designation of paramount chiefs, acting paramount chiefs, chiefs, acting chiefs, sub-chiefs and acting sub-chiefs.

45. (1) After the constitution of the first Cabinet of the Transkei the function of designating paramount chiefs, acting paramount chiefs, chiefs, acting chiefs, sub-chiefs and acting sub-chiefs in respect of any region according to Bantu law and custom shall, subject to the provisions of subsection (2), vest in the regional authority concerned subject to confirmation by the State President who may in his discretion confirm any such designation or refer it back to the regional authority concerned for further consideration.

(2) The creation of any new paramount chieftainship, chieftainship or sub-chieftainship shall not be confirmed by the State President except after consideration of a recommendation of the Legislative Assembly.".

Substitution of heading of Part IX of Act 48 of 1963.

6. The following heading is hereby substituted for the heading of Part IX of the principal Act:

"MISCELLANEOUS PROVISIONS.

Land and Property Matters.

Amendment of section 59 of Act 48 of 1963.

7. Section 59 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The State President may by proclamation in the Gazette direct that any land or other public property (including movable property) in the Transkei, the ownership or control of which is vested in or has been acquired by the Government of the Republic, the Provincial Administration of the Cape of Good Hope or the South African Bantu Trust constituted in terms of section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), and relating to matters in respect of which the Legislative Assembly may make laws, shall vest in or be transferred to the Government of the Transkei subject to the provisions of this Act and such other conditions as may be determined in the said proclamation: Provided that the boundaries of any regional authority area referred to in section 2 shall not be altered except with the consent of the regional authority concerned and that the land within any such regional authority area shall continue to be administered for the settlement, support, benefit and material and moral welfare of the tribes and ethnic groups residing therein at the commencement of this Act.".

Amendment of section 73 of Act 48 of 1963.

8. Section 73 of the principal Act is hereby amended—

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

" 'chief' means a person duly appointed or recognized as a chief in terms of section 2 (7) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), and any person appointed in terms of subsection (8) of that section to act temporarily as a chief, and a person whose designation as chief, sub-chief,

3. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

,Kies-
afdelings
en vasstel-
ling van
getal lede in
elke kies-
afdeling.

26. (1) Daar is ses-en-twintig kiesafdelings vir die verkiesing van die vyf-en-veertig verkoose lede van die Wetgewende Vergadering, en die getal lede wat moet in verhouding tot die onderskeie totale getalle geregistreerde kiesers in die verskillende kiesafdelings wees: Met dien verstande dat daar minstens een lid ten opsigte van elke kiesafdeling verkies moet word.

Vervanging van
artikel 26 van
Wet 48 van 1963.

(2) 'n Kiesafdeling bestaan uit die Bantoegebiede in 'n distrik in artikel 2 bedoel."

4. Artikel 29 van die Hoofwet word hierby gewysig deur Wysiging van
paragraaf (b) deur die volgende paragraaf te vervang:

,,(b) as 'n kieser geregistreer is in 'n kiesafdeling wat geleë is in die streeksowerheidsgebied waarin die kiesafdeling geleë is waarin hy verkies is of staan te word; en".

5. Artikel 45 van die Hoofwet word hierby deur die volgende artikel vervang:

,Aanwysing van hoofkap-
teins,
waarne-
mende hoof-
kapteins,
kapteins,
waarne-
mende kapteins,
onderkap-
teins en
waarne-
mende onderkap-
teins.

45. (1) Na die samestelling van die eerste Kabinet van die Transkei berus die aanwysing ingevolge Bantoeleg en -gewoontes van hoofkapteins, waarneemende hoofkapteins, kapteins, waarneemende kapteins, onderkapteins en waarneemende onderkapteins ten opsigte van enige streek, behoudens die bepalings van subartikel (2), by die betrokke streeksowerheid, maar onderworpe aan bekragtiging deur die Staatspresident, wat na goeddunke so 'n aanwysing kan bekragtig of dit vir verdere oorweging na die betrokke streeksowerheid kan terugwys.

(2) Die skepping van 'n nuwe hoofkapteinskaf, kapteinskaf of onderkapteinskaf word nie deur die Staatspresident bekragtig nie behalwe na oorweging van 'n aanbeveling van die Wetgewende Vergadering.".

Vervanging van
artikel 45 van
Wet 48 van 1963.

6. Die opskrif by Deel IX van die Hoofwet word hierby deur Vervanging van
die volgende opskrif vervang:

opskrif by Deel IX
van Wet 48 van
1963.

,,GEMENGDE BEPALINGS.

Grond- en eiendomsaangeleenthede.".

7. Artikel 59 van die Hoofwet word hierby gewysig deur Wysiging van
subartikel (1) deur die volgende subartikel te vervang:

artikel 59 van
Wet 48 van 1963.

,,(1) Die Staatspresident kan by proklamasie in die Staatskoerant gelas dat enige grond of ander openbare eiendom (met inbegrip van roerende goed) in die Transkei waarvan die eiendomsreg of beheer berus by of verkry is deur die Regering van die Republiek, die Provinciale Administrasie van die Kaap die Goeie Hoop of die Suid-Afrikaanse Bantoetrust ingestel kragtens artikel 4 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), en wat betrekking het op sake waарoor die Wetgewende Vergadering wette kan maak, berus by of oorgedra word aan die Regering van die Transkei, onderworpe aan die bepalings van hierdie Wet en die ander voorwaardes wat in die bedoelde proklamasie bepaal word: Met dien verstande dat die grense van 'n streeksowerheidsgebied waarna in artikel 2 verwys word nie sonder die toestemming van die betrokke streeksowerheid verander word nie en dat die grond in so 'n streeksowerheidsgebied nog vir die nedersetting, onderhoud, voordeel en stoflike en morele welsyn van die stamme en etniese groepe wat by die inwerkingtreding van hierdie Wet daarin woon, geadministreer moet word.".

8. Artikel 73 van die Hoofwet word hierby gewysig— Wysiging van
(a) deur die omskrywing van „hoofman” deur die volgende artikel 73 van
omskrywing te vervang:

Wet 48 van 1963.

,„hoofman” 'n hoofman wettiglik aangestel ingevolge artikel 2 (8) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of 'n hoofman aangestel ingevolge artikel 11 (8) van Proklamasie No. 180 van 1956, en ook iemand wat ingevolge daar-

acting chief or acting sub-chief has been confirmed in terms of section 45;”; and

(b) by the substitution for the definition of “headman” of the following definition:

“ ‘headman’ means a headman duly appointed in terms of section 2 (8) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or a headman appointed in terms of section 11 (8) of Proclamation No. 180 of 1956, and includes any person appointed in terms of those provisions to act temporarily as a headman;”.

Saving as to existing Assembly and members.

9. Save for the provisions of sections 5 and 8, the provisions of this Act shall not affect the composition of the existing Assembly or the membership of a member of such Assembly.

Short title and commencement.

10. (1) This Act shall be called the Transkei Constitution Amendment Act, 1967.

(2) The provisions of sections 5 and 8 shall be deemed to have come into operation on the thirtieth day of May, 1963.

die bepalings aangestel is om in 'n tydelike hoedanigheid as 'n hoofman op te tree;"; en

(b) deur die omskrywing van „kaptein" deur die volgende omskrywing te vervang:

„,kaptein' 'n persoon wat wettiglik aangestel of erken is as 'n kaptein kragtens artikel 2 (7) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), en enige persoon aangestel kragtens subartikel (8) van daardie artikel om tydelik as 'n kaptein waar te neem, en 'n persoon wie se aanwysing as kaptein, onderkaptein, waarnemende kaptein, of waarnemende onderkaptein kragtens artikel 45 bekragtig is;".

9. Die bepalings van hierdie Wet, uitgesonderd die bepalings Voorbehoud met betrekking tot bestaande Vergadering of die lidmaatskap van 'n lid van so 'n Vergadering en lede, nie.

10. (1) Hierdie Wet heet die Wysigingswet op die Transkeise Grondwet, 1967. Kort titel en inwerkingtreding.

(2) Die bepalings van artikels 5 en 8 word geag in werking te getree het op die dertigste dag van Mei 1963.

CONTENTS.

Department of the Prime Minister.

GOVERNMENT NOTICE.

No.		PAGE.
944	Act No. 84 of 1967: Removal of Restrictions Act, 1967	2
944	Act No. 85 of 1967: Defence Amendment Act, 1967	14
944	Act No. 86 of 1967: Abattoir Commission Act, 1967	52
944	Act No. 87 of 1967: Animal Slaughter, Meat and Animal Products Hygiene Act, 1967	88
944	Act No. 89 of 1967: Nuclear Installations (Licens- ing and Security) Amendment Act, 1967	118
944	Act No. 90 of 1967: Atomic Energy Act, 1967	120
944	Act No. 101 of 1967: Transkei Constitution Amendment Act, 1967	152

INHOUD.

Departement van die Eerste Minister.

GOEWERMENTSKENNISGEWING.

No.		BLADSY
944	Wet No. 84 van 1967: Wet op Opheffing van Be- perkings, 1967	3
944	Wet No. 85 van 1967: Wysigingswet op Verde- diging, 1967	15
944	Wet No. 86 van 1967: Wet op die Abattoirkom- missie, 1967	53
944	Wet No. 87 van 1967: Wet op Higiëne by Diere- slag, Vleis en Dierlike Produkte, 1967	89
944	Wet No. 89 van 1967: Wysigingswet op Kern- installasies (Lisensiëring en Sekerheidstelling), 1967	119
944	Wet No. 90 van 1967: Wet op Atoomkrag, 1967	121
944	Wet No. 101 van 1967: Wysigingswet op die Transkeise Grondwet, 1967	153