



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1549. 18 September 1970.

No. 1549. 18th September, 1970.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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

No. 49 van 1970: Derde Wysigingswet op Bantowetgewing, 1970.

No. 49 of 1970: Third Bantu Laws Amendment Act, 1970.

## WET

Tot wysiging van artikel 4 van die Bantoe-trust en -grond Wet, 1936, ten einde die werksaamhede van die Bantoesake-kommissie en sy lede ten opsigte van die sake van die Suid-Afrikaanse Bantoe-trust verder te reël; tot wysiging van die Wet op die Bevordering van Bantoeselfbestuur, 1959, ten einde die aanstelling van verteenwoordigers van Bantoes in stedelike gebiede verder te reël en hul bevoegdhede, werksaamhede en pligte nader te bepaal; tot wysiging van die Wet op Bantoesake, 1959, ten einde die samestelling van die Bantoesakekommissie te verander; die bevoegdheid om regulasies uit te vaardig met betrekking tot die sake van genoemde kommissie, uit te brei; die bepalings van laasgenoemde Wet met betrekking tot genoemde kommissie ten opsigte van Suidwes-Afrika van toepassing te maak; en die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang; tot wysiging van die Wet op Stedelike Bantoe-rade, 1961, ten einde die samestelling van stedelike Bantoe-rade te verander; tot wysiging van die Transkeise Grondwet, 1963, ten einde aan die Wetgewende Vergadering in die Transkei die bevoegdheid te verleen om wette met betrekking tot gebruikelike verbindings te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 11 September 1970.)

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

Wysiging van artikel 4 van Wet 18 van 1936, soos gewysig deur artikel 5 van Wet 79 van 1957.

1. Artikel 4 van die Bantoe-trust en -grond Wet, 1936, word hierby gewysig deur subartikels (3) en (4) deur die volgende subartikels te vervang:

„(3) Die Trustsake word bestuur deur die Staatspresident as Trustee met bevoegdheid, behoudens die bepalings van hierdie Wet, om enige van sy bevoegdhede en funksies as Trustee aan die Minister oor te dra.

(4) Die Minister kan na goeddunke 'n bevoegdheid of funksie van administratiewe roetine wat ingevolge subartikel (3) aan hom oorgedra is, aan die Sekretaris van Bantoe-administrasie en -ontwikkeling of 'n ander beambte van die Departement van Bantoe-administrasie en -ontwikkeling oordra.”

Vervanging van artikel 4 van Wet 46 van 1959, soos vervang deur artikel 6 van Wet 56 van 1968.

2. Artikel 4 van die Wet op die Bevordering van Bantoeselfbestuur, 1959, word hierby deur die volgende artikel vervang:

„Verteenwoordigers van Bantoes in stedelike gebiede.

4. (1) Die regering van 'n gebied wat ingevolge 'n wet 'n selfregerende gebied binne die Republiek is of 'n gebiedsowerheid, of 'n streeksowerheid waaraan die bevoegdhede, werksaamhede en pligte van 'n gebiedsowerheid soos uiteengesit in paragrawe (a),

# ACT

To amend section 4 of the Bantu Trust and Land Act, 1936, so as to regulate further the functions of the Bantu Affairs Commission and its members in relation to the affairs of the South African Bantu Trust; to amend the Promotion of Bantu Self-government Act, 1959, so as to regulate further the appointment of representatives of Bantu in urban areas and to define further their powers, functions and duties; to amend the Bantu Affairs Act, 1959, so as to alter the constitution of the Bantu Affairs Commission; to extend the power to make regulations in regard to the affairs of the said commission; to apply the provisions of the last-mentioned Act in connection with the said commission in respect of South-West Africa; and to substitute the words "State President" for the word "Governor-General"; to amend the Urban Bantu Councils Act, 1961, so as to alter the constitution of urban Bantu councils; to amend the Transkei Constitution Act, 1963, so as to empower the Legislative Assembly in the Transkei to make laws in relation to customary unions; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)  
(Assented to 11th September, 1970.)*

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

1. Section 4 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsections (3) and (4) of the following subsections:

Amendment of section 4 of Act 18 of 1936, as amended by section 5 of Act 79 of 1957.

"(3) The affairs of the Trust shall be administered by the State President as Trustee with power, subject to the provisions of this Act, to delegate any of his powers and functions as Trustee to the Minister.

(4) The Minister may, in his discretion, delegate any power or function of administrative routine delegated to him in terms of subsection (3), to the Secretary for Bantu Administration and Development or any other officer of the Department of Bantu Administration and Development."

2. The following section is hereby substituted for section 4 of the Promotion of Bantu Self-government Act, 1959:

Substitution of section 4 of Act 46 of 1959, as substituted by section 6 of Act 56 of 1968.

"Representatives of Bantu in urban areas.

4. (1) The government of any territory which is a self-governing territory within the Republic in terms of any law, or a territorial authority, or a regional authority to which the powers, functions and duties of a territorial authority as set out in paragraphs (a),

(d) en (e) van artikel 7 (1) van die Hoofwet toegewys is, of 'n gebiedsraad kan in oorleg met die Minister en met die goedkeuring van die Staatspresident—

(a) 'n Bantoe persoon benoem om daardie regering, owerheid of raad in die gebiede van stedelike plaaslike besture, soos omskryf in artikel 1 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), te verteenwoordig by die deel van die Bantoe gemeenskap in bedoelde gebiede wat tot die betrokke volkseenheid behoort; en

(b) soveel Bantoe persone benoem as wat nodig geag word om die persoon bedoel in paragraaf (a) by te staan by die uitvoering van sy werksaamhede en pligte.

(2) 'n Benoemde wat deur die Staatspresident goedgekeur is, word, in die geval van iemand bedoel in paragraaf (a) van subartikel (1), as die verteenwoordiger van die betrokke regering, streeks- of gebiedsowerheid of gebiedsraad in die gebiede van stedelike plaaslike besture bedoel in dié paragraaf en, in die geval van iemand bedoel in subartikel (1) (b) as die assistent van so 'n verteenwoordiger, erken.

(3) Die Staatspresident kan die erkenning van so 'n verteenwoordiger of so 'n assistent van so 'n verteenwoordiger intrek op versoek van, of na oorlegpleging deur die Minister met, die regering, owerheid of raad wat hom benoem het.”.

Vervanging van artikel 5 van Wet 46 van 1959, soos gewysig deur artikel 7 van Wet 56 van 1968.

3. Artikel 5 van die Wet op die Bevordering van Bantoe selfbestuur, 1959, word hierby deur die volgende artikel vervang:

„Bevoegd- hede, werk- saamhede en pligte van verteen- woordigers.

5. (1) 'n Verteenwoordiger van 'n regering of 'n streeks- of gebiedsowerheid of gebiedsraad wat ooreenkomstig artikel 4 (2) erken is—

(a) moet die betrokke regering, owerheid of raad van advies dien in verband met aangeleenthede wat in die gebiede van stedelike plaaslike besture bedoel in artikel 4 (1) (a) die algemene belange raak van die betrokke volkseenheid;

(b) moet, wanneer dit dienstig geag word, in oorleg met die regering, owerheid of raad wat hom benoem het, en op die wyse bepaal deur en onderworpe aan die goedkeuring van die Minister, een of meer rade saamstel om hom by te staan by die uitvoering van sy werksaamhede en pligte; en

(c) dien as verteenwoordiger van daardie regering, owerheid of raad by die betrokke volkseenheid en behartig namens hom die belange van daardie eenheid binne die gebiede van daardie stedelike plaaslike besture.

(2) So 'n verteenwoordiger en 'n assistent van so 'n verteenwoordiger wat ooreenkomstig artikel 4 (2) erken is, word vir die doeleindes van artikels 12 en 20 van die Bantoe-administrasie Wet, 1927 (Wet o. 38 van 1927), geag 'n behoorlik kragtens artikel 2 (8) van daardie Wet aangestelde hoofman

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(d) and (e) of section 7 (1) of the principal Act have been assigned, or any territorial board may in consultation with the Minister and with the approval of the State President nominate—

(a) a Bantu person to represent that government, authority or board in the areas of urban local authorities, as defined in section 1 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), with that portion of the Bantu community in the said areas, which belongs to the national unit concerned; and

(b) such number of Bantu persons as may be deemed necessary to assist the person referred to in paragraph (a) in the performance of his functions and duties.

(2) Any nominee who has been approved by the State President shall be recognized, in the case of a person referred to in paragraph (a) of subsection (1), as the representative of the government or the regional or territorial authority or territorial board concerned in the areas of urban local authorities referred to in that paragraph and, in the case of a person referred to in subsection (1) (b), as the assistant of such representative.

(3) The State President may withdraw the recognition of any such representative or any such assistant of any such representative at the request, of or after consultation by the Minister with, the government, authority or board by whom he was nominated.”.

3. The following section is hereby substituted for section 5 of the Promotion of Bantu Self-government Act, 1959:

“Powers, functions and duties of representatives.

5. (1) A representative of a government or a regional or territorial authority or territorial board who has been recognized in accordance with section 4 (2)—

Substitution of section 5 of Act 46 of 1959, as amended by section 7 of Act 56 of 1968.

(a) shall advise the government, authority or board concerned in regard to matters affecting the general interests of the national unit concerned in the areas of urban local authorities referred to in section 4 (1) (a);

(b) shall, whenever it is deemed expedient, in consultation with the government, authority or board by which he has been nominated, and in the manner determined by and subject to the approval of the Minister, constitute one or more boards to assist him in the performance of his functions and duties; and

(c) shall act as the representative of that government, authority or board with the national unit concerned and shall on its behalf serve the interests of that unit within the areas of such urban local authorities.

(2) Any such representative and any assistant of such representative recognized in accordance with section 4 (2) shall for the purposes of sections 12 and 20 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), be deemed to be a headman duly appointed as such under section 2 (8) of that Act in

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te wees ten opsigte van die gebied wat die Minister in elke geval bepaal.”.

Wysiging van artikel 2 van Wet 55 van 1959, soos gewysig deur artikel 5 van Wet 63 van 1966.

4. Artikel 2 van die Wet op Bantoesake, 1959, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die kommissie moet bestaan uit nie minder as drie of meer as ses lede nie, van wie een deur die Staatspresident aangewys word om, vir solank dit die Staatspresident behaag, gedurende so 'n lid se ampstermyn die voorsitter te wees.”.

Wysiging van artikel 15 van Wet 55 van 1959.

5. Artikel 15 van die Wet op Bantoesake, 1959, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) wat die prosedure op vergaderings van die kommissie en die verrigting van sy werksaamhede voorskryf; voorsiening maak vir die aanstelling of aanwysing van persone om die kommissie in 'n adviserende hoedanigheid by te staan by die verrigting van sy werksaamhede en pligte, en vir die aanstelling van komitees van die kommissie, waarvan ander persone as lede van die kommissie lede kan wees; die kwalifikasies van sy lede, hul vergoeding en hul ampstermyn voorskryf; voorsiening maak vir die aanstelling of aanwysing van 'n plaasvervangende voorsitter en plaasvervangende lede; en wat voorskryf die bevoegdhede, werksaamhede en pligte van 'n plaasvervangende voorsitter, en die toelaes betaalbaar vir dienste gelewer, en die bedrae terugbetaalbaar vir reis- en verblyfkoste in die loop van dié dienste aangegaan, deur persone wat aangestel of aangewys is om die kommissie in 'n adviserende hoedanigheid by te staan en ander persone as lede van die kommissie wat as lede van komitees van die kommissie aangestel of aangewys is; en, oor die algemeen, om aan die doeleindes van artikels 2, 3 en 4 gevolg te gee; en”.

Invoeging van artikel 16A in Wet 55 van 1959.

6. Die volgende artikel word hierby in die Wet op Bantoesake, 1959, na artikel 16 ingevoeg:

„Toepassing in Suidwes-Afrika. 16A. Artikels 2, 3 en 4 en 'n regulasie uitgevaardig kragtens artikel 15 (1) (a) is ook ten opsigte van die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.”.

Vervanging in Wet 55 van 1959 van „Goewerneur-generaal” deur „Staatspresident”.

7. Die Wet op Bantoesake, 1959, word hierby gewysig deur die woord „Goewerneur-generaal”, oral waar dit voorkom, deur die woord „Staatspresident” te vervang.

Wysiging van artikel 3 van Wet 79 van 1961, soos gewysig deur artikel 27 van Wet 76 van 1963.

8. Artikel 3 van die Wet op Stedelike Bantoeerade, 1961, word hierby gewysig—

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

„(1) 'n Stedelike Bantoeeraad bestaan uit soveel verkose Bantoes as wat die stedelike plaaslike bestuur bepaal, maar altesaam nie minder as ses nie.”;

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

„(b) Die lede van 'n stedelike Bantoeeraad word—  
(i) in die geval van 'n stedelike Bantoeeraad ingestel vir Bantoes wat tot 'n bepaalde volks-eenheid behoort, verkies deur Bantoes wat tot dié volks-eenheid behoort, woonagtig is in die gebied ten opsigte waarvan dié raad ingestel is en die voorgeskrewe kwalifikasies besit; en

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respect of such area as the Minister may determine in each case.”.

4. Section 2 of the Bantu Affairs Act, 1959, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 55 of 1959, as amended by section 5 of Act 63 of 1966.

“(2) The commission shall consist of not less than three nor more than six members, of whom one shall be designated by the State President to be, at the pleasure of the State President, the chairman during such member’s period of office.”.

5. Section 15 of the Bantu Affairs Act, 1959, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 15 of Act 55 of 1959.

“(a) prescribing the procedure at meetings of the commission and the conduct of its business; providing for the appointment or designation of persons to assist the commission in an advisory capacity in the performance of its functions and duties, and for the appointment of committees of the commission, whereof persons other than members of the commission may be members; prescribing the qualifications of its members, their remuneration and the period for which they shall hold office; providing for the appointment or designation of a deputy chairman and alternative members; and prescribing the powers, functions and duties of a deputy chairman, and the allowances payable for services rendered, and the amounts which may be reimbursed for travelling and subsistence expenses incurred in the course of such services, by persons appointed or designated to assist the commission in an advisory capacity and persons, other than members of the commission, who have been appointed or designated as members of committees of the commission; and generally for giving effect to the purposes of sections 2, 3 and 4; and”.

6. The following section is hereby inserted in the Bantu Affairs Act, 1959, after section 16: Insertion of section 16A in Act 55 of 1959.

“Applica- 16A. Sections 2, 3 and 4 and any regulation made tion in South-West Africa. under section 15 (1) (a) shall apply also in respect of the territory of South-West Africa, including the Eastern Caprivi Zipfel.”.

7. The Bantu Affairs Act, 1959, is hereby amended by the substitution for the word “Governor-General”, wherever it occurs, of the words “State President”. Substitution in Act 55 of 1959 of “State President” for “Governor-General”.

8. Section 3 of the Urban Bantu Councils Act, 1961, is hereby amended— Amendment of section 3 of Act 79 of 1961, as amended by section 27 of Act 76 of 1963.

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

“(1) An urban Bantu council shall consist of so many elected Bantu, in all not being less than six, as the urban local authority may determine.”;

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

“(b) The members of an urban Bantu council shall—  
 (i) in the case of an urban Bantu Council established for Bantu belonging to a particular national unit, be elected by Bantu belonging to that national unit and resident in the area in respect of which that council has been established and having the prescribed qualifications; and

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- (ii) in die geval van enige ander stedelike Bantoe-raad, verkies deur Bantoes wat woonagtig is in die gebied waarvoor dié raad ingestel is, en die voorgeskrewe kwalifikasies besit.”; en  
(c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Bantoe wat nie in die Republiek of die gebied Suidwes-Afrika gebore is nie, is nie bevoeg om as lid van 'n stedelike Bantoeraad verkies te word nie, en so 'n Bantoe is ook nie bevoeg om by 'n verkiesing van sodanige lede te stem nie.”.

Wysiging van artikel 5 van Wet 79 van 1961.

9. Artikel 5 van die Wet op Stedelike Bantoe-rade, 1961, word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) Die Minister kan aan 'n Bantoe wat deur 'n stedelike Bantoeraad aangewys is, en 'n lid van sodanige raad is, ten opsigte van die gebied waarvoor of ten opsigte waarvan sodanige raad ingestel is, dieselfde bevoegdheid en regsmag verleen as wat ingevolge artikels 12 en 20 van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), aan 'n Bantoe-kaptein of -hoofman verleen kan word.”.

Wysiging van artikel 10 van Wet 79 van 1961, soos gewysig deur artikel 29 van Wet 76 van 1963.

10. Artikel 10 van die Wet op Stedelike Bantoe-rade, 1961, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) die wyse van verkiesing van lede van stedelike Bantoe-rade, die vul van vakatures in sodanige rade en die kwalifikasies van kiesers vir die doeleindes van die verkiesing van sodanige lede en die kwalifikasies van kandidate vir sodanige verkiesings.”.

Uitwerking van wysigings deur hierdie Wet aan Wet 79 van 1961 op bestaande stedelike Bantoe-rade.

11. Die wysigings wat aan artikels 3, 5 en 10 van die Wet op Stedelike Bantoe-rade, 1961, deur onderskeidelik artikels 8, 9 en 10 van hierdie Wet aangebring is, raak nie die lidmaatskap van 'n dienende gekose lid van 'n stedelike Bantoeraad bedoel in artikel 2 van eersgenoemde Wet nie.

Wysiging van Eerste Bylae by Wet 48 van 1963, soos gewysig deur artikel 4 van Wet 36 van 1968 en artikel 9 van Wet 27 van 1970.

12. Deel B van die Eerste Bylae by die Transkeise Grondwet, 1963, word hierby gewysig deur item 15 deur die volgende item te vervang:

„15. Geboortes, sterftes, huwelike en gebruikelike verbindings ten opsigte van burgers van die Transkei in die distrikte genoem in artikel 2 van hierdie Wet, maar nie in 'n gebied in die distrik Matatiele of Port St. Johns wat nie 'n Bantoegebied is nie.”.

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13. Hierdie Wet heet die Derde Wysigingswet op Bantoe-wetgewing, 1970.



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- (ii) in the case of any other urban Bantu council, be elected by Bantu resident in the area for which that council has been established and having the prescribed qualifications.”; and
- (c) by the substitution for subsection (4) of the following subsection:

“(4) A Bantu not born in the Republic or the territory of South-West Africa is not qualified to be elected as a member of an urban Bantu council, and such a Bantu is also not qualified to vote at any election of such members.”.

9. Section 5 of the Urban Bantu Councils Act, 1961, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 5 of Act 79 of 1961

“(a) The Minister may confer on a Bantu designated by an urban Bantu council who is a member of such council, in respect of the area for or in respect of which such council was established, the same power and jurisdiction as in terms of sections 12 and 20 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), may be conferred on a Bantu chief or headman.”.

10. Section 10 of the Urban Bantu Councils Act, 1961, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 10 of Act 79 of 1961, as amended by section 29 of Act 76 of 1963.

“(a) the mode of election of members of urban Bantu councils and the filling of vacancies on such councils, the qualifications of voters for the purposes of electing such members and the qualifications of candidates for such elections;”.

11. The amendments effected to sections 3, 5 and 10 of the Urban Bantu Councils Act, 1961, by respectively sections 8, 9 and 10 of this Act, shall not affect the membership of any serving selected member of an urban Bantu council referred to in section 2 of the first-mentioned Act. Effect of amendments by this Act to Act 79 of 1961 on existing urban Bantu councils.

12. Part B of the First Schedule to the Transkei Constitution Act, 1963, is hereby amended by the substitution for item 15 of the following item: Amendment of First Schedule to Act 48 of 1963, as amended by section 4 of Act 36 of 1968 and section 9 of Act 27 of 1970.

“15. Births, deaths, marriages and customary unions in respect of citizens of the Transkei in the districts mentioned in section 2 of this Act, but not within any area in the district of Matatiele or Port St. Johns which is not a Bantu area.”.

13. This Act shall be called the Third Bantu Laws Amendment Act, 1970. Short title.

