



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1166.

4 Julie 1973.

No. 1166.

4th July, 1973.

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. 74 van 1973: Wysigingswet op Kinders, 1973.

No. 74 of 1973: Children's Amendment Act, 1973.

ACT

To amend the Children's Act, 1960, in order to make that Act applicable in the territory of South West Africa; to effect certain textual adjustments therein; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19th June, 1973.)

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 33 of 1960, as amended by section 1 of Act 50 of 1965, section 15 of Act 62 of 1966 and section 16 of Act 102 of 1967.

1. Section 1 of the Children's Act, 1960 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "Administrator" of the following definition:
"Administrator", in relation to any province, means the Administrator of that province acting on the advice of the Executive Committee thereof, and, in relation to the territory, means the Administrator of the territory acting on the advice of the Executive Committee thereof;";
- (b) by the substitution for the definition of "adopted child" of the following definition:
"adopted child" means a child adopted under the provisions of Chapter VII of this Act, or of the Children's Act, 1937 (Act No. 31 of 1937), or of the Adoption of Children Act, 1923 (Act No. 25 of 1923), or of the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory, or of the Adoption of Children Ordinance, 1927 (Ordinance No. 10 of 1927), of the territory;";
- (c) by the substitution for the definition of "adoptive parent" of the following definition:
"adoptive parent" means a person who adopts or has adopted a child under the provisions of Chapter VII of this Act or of the Children's Act, 1937, or of the Adoption of Children Act, 1923, or of the Children's Ordinance, 1961, of the territory, or of the Adoption of Children Ordinance, 1927, of the territory;";
- (d) by the insertion after the definition of "authorized officer" of the following definitions:
"Bantu" means a person who is or is to be classified as a Bantu under the Population Registration Act, 1950 (Act No. 30 of 1950), and includes a native within the meaning of section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory;

WET

Tot wysiging van die Kinderwet, 1960, ten einde daardie Wet in die gebied Suidwes-Afrika van toepassing te maak; om sekere tekstuele aanpassings daarin aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1973.)

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

1. Artikel 1 van die Kinderwet, 1960 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die omskrywing van „aangenome kind” deur die volgende omskrywing te vervang:
„aangenome kind” ’n kind wat ooreenkomstig die bepalings van Hoofstuk VII van hierdie Wet, of van die Kinderwet, 1937 (Wet No. 31 van 1937), of van die „Aanneming van Kinderen Wet, 1923” (Wet No. 25 van 1923), of van die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied, of van die Aanneming van Kinders Ordonnansie, 1927 (Ordonnansie No. 10 van 1927), van die gebied, aangeneem is;”
- (b) deur die omskrywing van „aannemende ouer” deur die volgende omskrywing te vervang:
„aannemende ouer” ’n persoon wat ’n kind kragtens die bepalings van Hoofstuk VII van hierdie Wet, of van die Kinderwet, 1937, of van die „Aanneming van Kinderen Wet, 1923”, of van die Kinderordonnansie, 1961, van die gebied, of van die Aanneming van Kinders Ordonnansie, 1927, van die gebied, aanneem of aangeneem het;”
- (c) deur die omskrywing van „Administrateur” deur die volgende omskrywing te vervang:
„Administrateur”, met betrekking tot ’n provinsie, die Administrateur van daardie provinsie handelende op advies van die Uitvoerende Komitee daarvan, en, met betrekking tot die gebied, die Administrateur van die gebied handelende op advies van die Uitvoerende Komitee daarvan;”
- (d) deur na die omskrywing van „assistent-kommissaris van kindersorg” die volgende omskrywings in te voeg:
„Bantoe” ’n persoon wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as ’n Bantoe geklassifiseer is of geklassifiseer moet word, en ook ’n naturel soos bedoel in artikel 25 van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied;

Wysiging van artikel 1 van Wet 33 van 1960, soos gewysig deur artikel 1 van Wet 50 van 1965, artikel 15 van Wet 62 van 1966 en artikel 16 van Wet 102 van 1967.

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- 'Bantu Affairs Commissioner', 'Additional Bantu Affairs Commissioner' and 'Assistant Bantu Affairs Commissioner' include, respectively, a native commissioner, an additional native commissioner and an assistant native commissioner appointed under section 4 of the Native Administration Proclamation, 1928, of the territory;"
- (e) by the substitution for the definition of "Bantu Affairs Commissioner's court" of the following definition:
- "'Bantu Affairs Commissioner's court' means a Bantu Affairs Commissioner's court established in terms of section 10 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), and includes a native commissioner's court established in terms of section 8 of the Native Administration Proclamation, 1928, of the territory;"
- (f) by the insertion after the definition of "Bantu Affairs Commissioner's court" of the following definition:
- "'Bantu children's court' means a Bantu children's court established by or under section 5 and includes a native children's court so established;"
- (g) by the substitution for the definition of "justice of the peace" of the following definition:
- "'justice of the peace' means a justice of the peace appointed under section 2 or 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);" ;
- (h) by the substitution for the definition of "place of care" of the following definition:
- "'place of care' means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of more than six children apart from their parents, but does not include any boarding school, any school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the Government, a provincial education department or the Administration of the territory;" ;
- (i) by the insertion after the definition of "reform school" of the following definition:
- "'Republic' includes the territory;" ;
- (j) by the insertion after the definition of "Secretary" of the following definition:
- "'territory' means the territory of South West Africa;" ;
- (k) by the substitution for the definition of "training institution" of the following definition:
- "'training institution' means any railway college, police college, school of mines, training school for nurses or similar establishment maintained for the training of employees, or any air force, army or naval gymnasium, or any special school or a vocational school erected or established in terms of—
- (i) the Educational Services Act, 1967 (Act No. 41 of 1967);
 - (ii) the Education Ordinance, 1962 (Ordinance No. 27 of 1962), of the territory;
 - (iii) the Coloured Persons Education Act, 1963 (Act No. 47 of 1963);

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„Bantoesakekommissaris’, „addisionele Bantoesakekommissaris’ en „assistent-Bantoesakekommissaris’ onderskeidelik ook ’n naturellekommissaris, ’n addisionele naturellekommissaris en ’n assistent-naturellekommissaris aangestel kragtens artikel 4 van die Naturelle-administrasie-Proklamasie, 1928, van die gebied;”;

- (e) deur die omskrywing van „Bantoesakekommissarishof” deur die volgende omskrywing te vervang:
 „Bantoesakekommissarishof’ ’n Bantoesakekommissarishof ingestel kragtens artikel 10 van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), en ook ’n naturellekommissarishof ingestel kragtens artikel 8 van die Naturelle-administrasie-Proklamasie, 1928, van die gebied;”;
- (f) deur na die omskrywing van „Bantoesakekommissarishof” die volgende omskrywing in te voeg:
 „Bantoeekinderhof’ ’n Bantoeekinderhof by of kragtens artikel 5 ingestel en ook ’n naturellekinderhof aldus ingestel;”;
- (g) deur na die omskrywing van „distrik” die volgende omskrywing in te voeg:
 „gebied’ die gebied Suidwes-Afrika;”;
- (h) deur die omskrywing van „opleidingsinrigting” deur die volgende omskrywing te vervang:
 „opleidingsinrigting’ ’n spoorwegkollege, polisiekollege, mynskool, opleidingskool vir verpleegsters of soortgelyke instelling wat vir die opleiding van werknemers in stand gehou word, of ’n lugmag-, leër- of vlootgimnasium of ’n spesiale skool of beroepskool opgerig of ingestel ingevolge—
 (i) die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967);
 (ii) die Onderwysordonnansie, 1962 (Ordonnansie No. 27 van 1962), van die gebied;
 (iii) die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963);
 (iv) die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965);
 (v) die Wet op Onderwys vir Kleurlinge in Suidwes-Afrika, 1972 (Wet No. 63 van 1972);
 (vi) die Wet op Onderwys vir Basters van Rehoboth, 1972 (Wet No. 85 van 1972); of
 (vii) die Wet op Onderwys vir Namas in Suidwes-Afrika, 1972 (Wet No. 86 van 1972),
 en ook ’n Staatsondersteunde skool soos in ’n in paragraaf (iii), (iv), (v), (vi) of (vii) bedoelde Wet omskryf wat ’n spesiale skool is soos aldus omskryf;”;
- (i) deur na die omskrywing van „raad” die volgende omskrywing in te voeg:
 „Republiek’ ook die gebied;”;
- (j) deur die omskrywing van „versorgingsoord” deur die volgende omskrywing te vervang:
 „versorgingsoord’ enige gebou of perseel wat in stand gehou of aangewend word vir die opname, beskerming en tydelike of gedeeltelike versorging van meer as ses kinders weg van hul ouers af, met of sonder winsbejag, maar nie ook ’n kosskool, ’n koshuis of ’n instelling wat hoofsaaklik vir die onderrig of opleiding van kinders in stand gehou of aangewend word en wat deur die Regering, ’n provinsiale onderwysdepartement of die Administrasie van die gebied beheer word of geregistreer of goedgekeur is nie;”;

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- (iv) the Indians Education Act, 1965 (Act No. 61 of 1965);
 - (v) the Coloured Persons in South-West Africa Education Act, 1972 (Act No. 63 of 1972);
 - (vi) the Basters of Rehoboth Education Act, 1972 (Act No. 85 of 1972); or
 - (vii) the Namas in South-West Africa Education Act, 1972 (Act No. 86 of 1972),
- and includes a State-aided school as defined in any law referred to in paragraph (iii), (iv), (v), (vi) or (vii) which is a special school as so defined.”;

and

- (f) by the addition of the following subsection, the existing section becoming subsection (1):

“(2) For the purposes of this Act, except sections 98 to 102 inclusive, any reference to the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or to any provision thereof shall be deemed to include a reference to the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory or to the corresponding provision thereof, as the case may be.”.

Amendment of section 3 of Act 33 of 1960.

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A Bantu Affairs Commissioner, Additional Bantu Affairs Commissioner or Assistant Bantu Affairs Commissioner holding office as commissioner or assistant commissioner of child welfare *ex officio*, and any person appointed in terms of subsection (4), read with subsections (2) and (3), of section 2 as commissioner or assistant commissioner of child welfare shall not perform the functions of that office in proceedings under this Act other than those relating to children who are Bantu.”.

Substitution of section 5 of Act 33 of 1960.

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

“Bantu children's courts.

5. (1) The Minister of Bantu Administration and Development may establish a Bantu children's court or, in the territory, a native children's court, for any area for which a Bantu Affairs Commissioner's court has been established or for any area comprising two or more areas for which Bantu Affairs Commissioners' courts have been established or portions of such areas.

(2) Every Bantu Affairs Commissioner's court is a Bantu children's court or, in the territory, a native children's court for any part of the area for which it has been established and for which no Bantu children's court or native children's court has been established under subsection (1).”.

Amendment of section 6 of Act 33 of 1960.

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

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

“(1) Notwithstanding anything to the contrary in the Bantu Administration Act, 1927 (Act No. 38 of 1927), or in the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory, or in any other law contained, it shall be competent for a Bantu Affairs Commissioner's court or a Bantu children's court to hear any application, make any order or give any decision, in relation to a child who is a Bantu, which a magistrate's court or a children's court may hear, make or give in terms of this Act.”;

and

- (b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

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- (k) deur die omskrywing van „vrederegter” deur die volgende omskrywing te vervang:

„vrederegter’, ’n vrederegter aangestel ingevolge artikel 2 of 4 van die Wet op Vrederegters en Kommissarisse van Ede, 1963 (Wet No. 16 van 1963);” en

- (l) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) By die toepassing van hierdie Wet, behalwe artikels 98 tot en met 102, word ’n verwysing na die Strafproseswet, 1955 (Wet No. 56 van 1955), of na ’n bepaling daarvan, geag ook ’n verwysing te wees na die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van die gebied, of na die ooreenstemmende bepaling daarvan, na gelang van die geval.”

2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van artikel 3 van Wet 33 van 1960.

„(5) ’n Bantoesakekommissaris, addisionele Bantoesakekommissaris of assistent-Bantoesakekommissaris wat as kommissaris of assistent-kommissaris van kindersorg *ex officio* optree en iemand wat as kommissaris of assistent-kommissaris van kindersorg aangestel is ingevolge subartikel (4), gelees met subartikels (2) en (3), van artikel 2, verrig nie die werksaamhede van daardie amp by verrigtings ingevolge hierdie Wet nie, behalwe dié wat betrekking het op kinders wat Bantoes is.”

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

Vervanging van artikel 5 van Wet 33 van 1960.

„Bantoe-
kinderhowe. 5. (1) Die Minister van Bantoe-administrasie en -ontwikkeling kan ’n Bantoe-kinderhof of, in die gebied, ’n natuurlekinderhof instel vir ’n gebied waarvoor ’n Bantoesakekommissarishof ingestel is of vir ’n gebied wat bestaan uit twee of meer gebiede waarvoor Bantoesakekommissarishowe ingestel is of gedeeltes van sodanige gebiede.

(2) Elke Bantoesakekommissarishof is ’n Bantoe-kinderhof of, in die gebied, ’n natuurlekinderhof vir enige deel van die gebied waarvoor hy ingestel is, waarvoor daar geen Bantoe-kinderhof of natuurlekinderhof kragtens subartikel (1) ingestel is nie.”

4. Artikel 6 van die Hoofwet word hierby gewysig—

Wysiging van artikel 6 van Wet 33 van 1960.

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

„(1) Ondanks andersluidende bepalings in die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of in die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied, of in enige ander Wet, is ’n Bantoesakekommissarishof of ’n Bantoe-kinderhof bevoeg om, met betrekking tot ’n kind wat ’n Bantoe is, enige aansoek te verhoor, bevel of order uit te reik of beslissing te gee wat ’n landdroshof of ’n kinderkhof ingevolge hierdie Wet kan verhoor, uitreik of gee.”; en

- (b) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

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“(2) Any reference in a provision of this Act to a Division of the Supreme Court shall, in so far as such provision relates to a Bantu Affairs Commissioner's court or Bantu children's court for an area situated within the area of jurisdiction of a Bantu Appeal Court, be construed as a reference to the appropriate Bantu Appeal Court, and such Bantu Appeal Court shall, in connection with any matter brought before it in pursuance of the provisions of this subsection, have power to review, set aside, amend or correct any order made by such Bantu Affairs Commissioner's court or Bantu children's court.”.

Amendment of section 9 of Act 33 of 1960.

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

“(b) the Bantu Administration Act, 1927 (Act No. 38 of 1927), or the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory, as the case may be, and of the regulations made thereunder with reference to Bantu Affairs Commissioners' courts,”.

Substitution of section 14 of Act 33 of 1960.

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

“Certain persons may not keep protected infants.

14. If any person—

- (a) from whose custody any infant has been removed in terms of an order made under this Act or under the Children's Act, 1937 (Act No. 31 of 1937), or under the Children's Protection Act, 1913 (Act No. 25 of 1913), or under the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory, or under the Wives and Children Protection and Maintenance Ordinance, 1927 (Ordinance No. 16 of 1927), of the territory; or
- (b) who has been convicted of an offence under Chapter III of this Act or under Chapter III of the Children's Act, 1937, or under Chapter I of the Children's Protection Act, 1913, or under Chapter III of the Children's Ordinance, 1961, of the territory, or under Chapter I of the Wives and Children Protection and Maintenance Ordinance, 1927, of the territory,

keeps a protected infant without the authority in writing of a commissioner of child welfare, or if any person knowingly causes a protected infant to be kept by any such person as aforesaid, without such authority, he shall be guilty of an offence.”.

Amendment of section 20 of Act 33 of 1960, as amended by section 16 of Act 62 of 1966.

7. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a medical officer of a local authority or of a divisional council has reason to suspect that a child within the area of jurisdiction of that authority or council, or if any medical officer in the service of the Government or of a provincial administration or of the Administration of the territory has reason to suspect that a child within the area for which that officer was appointed, is suffering from any disease or any curable physical defect or is infested with vermin or that the clothing of that child is verminous or filthy, or if any medical officer in the service of the Government or of the Administration of the territory has been

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„(2) 'n Verwysing in 'n bepaling van hierdie Wet na 'n Afdeling van die Hooggeregshof word, vir sover bedoelde bepaling betrekking het op 'n Bantoe-kommissarishof of Bantoe-kinderhof vir 'n gebied geleë binne die regsgebied van 'n Bantoe-appèlhof, uitgelê as 'n verwysing na die gepaste Bantoe-appèlhof, en bedoelde Bantoe-appèlhof het, in verband met enige aangeleentheid wat uit hoofde van die bepalings van hierdie subartikel voor hom dien, die bevoegdheid om enige bevel wat deur sodanige Bantoesake-kommissarishof of Bantoe-kinderhof uitgereik is, te hersien, nietig te verklaar, te wysig of reg te maak.”.

5. Artikel 9 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (b) van subartikel (1) deur die volgende paragraaf te artikel 9 van vervang: Wet 33 van 1960.

„(b) die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied, na gelang van die geval, en van die regulasies daar-kragtens uitgevaardig met betrekking tot Bantoesake-kommissarishowe.”.

6. Artikel 14 van die Hoofwet word hierby deur die volgende Vervanging van artikel 14 van artikel 14 van Wet 33 van 1960.

„Sekere persone mag geen beskermde jong kinders hou nie.

14. As iemand—

(a) uit wie se bewaring 'n jong kind ingevolge 'n bevel kragtens hierdie Wet of die Kinderwet, 1937 (Wet No. 31 van 1937), of die „Wet ter Beskerming van Kinderen, 1913” (Wet No. 25 van 1913), of die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied, of die Vroue- en Kinder-Beskerming en Onderhoud Ordonnansie, 1927 (Ordonnansie No. 16 van 1927), van die gebied, verwyder is; of

(b) wat aan 'n misdryf ingevolge Hoofstuk III van hierdie Wet of ingevolge Hoofstuk III van die Kinderwet, 1937, of ingevolge Hoofstuk I van die „Wet ter Beskerming van Kinderen, 1913”, of ingevolge Hoofstuk III van die Kinderordonnansie, 1961, van die gebied, of Hoofstuk I van die Vroue- en Kinder-Beskerming en Onderhoud Ordonnansie, 1927, van die gebied, skuldig bevind is,

'n beskermde jong kind aanhou sonder die skriftelike toestemming van 'n kommissaris van kindersorg, of as iemand wetens 'n beskermde jong kind sonder voormelde toestemming deur so 'n voormelde persoon laat aanhou, is hy aan 'n misdryf skuldig.”.

7. Artikel 20 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (1) deur die volgende subartikel te vervang: artikel 20 van Wet 33 van 1960, soos gewysig deur artikel 16 van Wet 62 van 1966.

„(1) As 'n mediese beampte van 'n plaaslike bestuur of van 'n afdelingsraad rede het om te vermoed dat 'n kind binne die regsgebied van die bestuur of raad, of as 'n mediese beampte in diens van die Regering of van 'n provinsiale administrasie of van die Administrasie van die gebied rede het om te vermoed dat 'n kind binne die gebied waarvoor die beampte aangestel is, aan 'n siekte of 'n genesebare liggaamlike gebrek ly, of met ongedierte besmet is of dat die kleding van die kind met ongedierte besmet is of in 'n smerige toestand verkeer, of as 'n mediese beampte in diens van die Regering of van die Administrasie van die

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ordered by any children's court in terms of section 30 (3) to examine any child, he may examine or authorize any other medical practitioner to examine the person and clothing of that child."

Amendment of section 24 of Act 33 of 1960.

8. Section 24 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) If the occupier of any premises is convicted under subsection (1) of an offence committed in connection with those premises and he was, within the period of five years immediately preceding that conviction, in connection with the same premises convicted under that subsection or under section 22 (1) of the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory, the court convicting the said occupier may, apart from any penalty which it may impose for the said offence, cancel any licence which the said occupier may hold for public entertainments in the premises in question, and thereupon he shall be disqualified from obtaining another licence for those premises."

Amendment of section 30 of Act 33 of 1960.

9. Section 30 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any children's court holding an enquiry as to whether any child is in need of care, may, at any time during the enquiry, order any medical officer in the service of the Government or of the Administration of the territory to examine that child."

Amendment of section 31 of Act 33 of 1960.

10. Section 31 of the principal Act is hereby amended by the substitution for subsection (8) of the following subsection:

"(8) A children's court which is satisfied that a child is a child in need of care because his parent has been convicted under section 18 (1) of this Act or under section 16 (1) of the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory, of ill-treating or neglecting him or because he was in a state of physical or mental neglect for which his parent was responsible, and has made in respect of such child an order under paragraph (b), (c), (d) or (e) of subsection (1), shall, if such parent is present, draw the attention of the parent to the provisions of section 73 and record on the record of the proceedings the fact that it has been done."

Amendment of section 35 of Act 33 of 1960, as amended by section 4 of Act 50 of 1960.

11. Section 35 of the principal Act is hereby amended by the addition of the following subsection:

"(3) In the application of subsection (2), or of that subsection as applied by any other provision of this Act, in respect of any child in the territory, the provisions of paragraphs (b) and (c) of the said subsection shall be disregarded."

Amendment of section 51 of Act 33 of 1960, as amended by section 69 of Act 69 of 1962.

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

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

"(1) The Minister may authorize the admission to a children's home or a school of industries, of any child sent thereto by a competent court or officer of any self-governing territory in the Republic or of any other territory in Africa outside the Republic."; and

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

"(2) Such authority may be granted on such conditions as may be agreed upon between the Minister and the Government of the territory concerned."

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gebied ingevolge artikel 30 (3) deur 'n kinderhof gelas is om 'n kind te ondersoek, kan hy die kind en sy kleding ondersoek of 'n ander geneesheer magtig om dit te doen."

8. Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 24 van Wet 33 van 1960.

„(3) As die okkupeerder van 'n perseel ingevolge subartikel (1) skuldig bevind word aan 'n misdryf gepleeg in verband met daardie perseel, en hy, binne die tydperk van vyf jaar wat die skuldigbevinding onmiddellik voorafgegaan het, in verband met dieselfde perseel skuldig bevind is ingevolge daardie subartikel of ingevolge artikel 22 (1) van die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied, kan die hof wat bedoelde okkupeerder skuldig bevind, afgesien van enige straf wat die hof weens bedoelde misdryf kan opleë, enige lisensie wat bedoelde okkupeerder hou vir openbare vermaaklikhede op die betrokke perseel, intrek, en daarna is hy onbevoeg om weer 'n lisensie vir daardie perseel te verkry."

9. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 30 van Wet 33 van 1960.

„(3) 'n Kinderhof wat ondersoek instel of 'n kind sorgbehoewend is, kan te eniger tyd gedurende die ondersoek enige mediese beamppte in diens van die Regering of van die Administrasie van die gebied gelas om daardie kind te ondersoek."

10. Artikel 31 van die Hoofwet word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

Wysiging van artikel 31 van Wet 33 van 1960.

„(8) 'n Kinderhof wat homself daarvan vergewis het dat 'n kind 'n sorgbehoewende kind is omdat sy ouer kragtens artikel 18 (1) van hierdie Wet of kragtens artikel 16 (1) van die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied, daarvan skuldig bevind is dat hy die kind mishandel of verwaarloos het of omdat die kind in 'n toestand van fisiese of geestelike verwaarloosing verkeer het waarvoor die ouer verantwoordelik was, en ten opsigte van so 'n kind 'n bevel kragtens paragraaf (b), (c), (d) of (e) van subartikel (1) uitgereik het, moet, indien die ouer teenwoordig is, die bepalings van artikel 73 onder die aandag van die ouer bring en die feit dat dit gedoen is in die notule van verrigtings aanteken."

11. Artikel 35 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 35 van Wet 33 van 1960, soos gewysig deur artikel 4 van Wet 50 van 1960.

„(3) by die toepassing van subartikel (2), of van bedoelde subartikel soos toegepas deur 'n ander bepaling van hierdie Wet, ten opsigte van 'n kind in die gebied, word die bepalings van paragraawe (b) en (c) van genoemde subartikel buite rekening gelaat."

12. Artikel 51 van die Hoofwet word hierby gewysig—

Wysiging van artikel 51 van Wet 33 van 1960, soos gewysig deur artikel 69 van Wet 69 van 1962.

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

„(1) Die Minister kan magtiging verleen vir die toelating tot 'n kinderhuis of 'n nywerheidskool van enige kind wat deur 'n bevoegde hof of beamppte van 'n selfregerende gebied in die Republiek of van 'n ander gebied in Afrika buite die Republiek daarheen verwys is."; en

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

„(2) Bedoelde magtiging kan verleen word op die voorwaardes waarvoor daar tussen die Minister en die Regering van die betrokke gebied ooreengekom word."

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Amendment of section 52 of Act 33 of 1960.

13. Section 52 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may authorize the admission to a school of industries of any pupil of a school established, maintained or receiving a grant-in-aid under the provisions of the Educational Services Act, 1967 (Act No. 41 of 1967), or the Education Ordinance, 1962 (Ordinance No. 27 of 1962), of the territory."

Amendment of section 53 of Act 33 of 1960, as amended by section 70 of Act 69 of 1962.

14. Section 53 of the principal Act is hereby amended:

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

"(2) The Minister may direct the reception and detention in a reform school of any person under the age of twenty-one years whose detention in a reform school has been ordered by a competent court or officer of a territory with the head of whose government the State President has entered into an agreement mentioned in subsection (1)."; and

(b) by the substitution in the proviso to subsection (4) for the words preceding paragraph (a) of the following words:

"Provided that in connection with any such person the application of those provisions shall be subject to the following qualifications:".

Amendment of section 59 of Act 33 of 1960.

15. Section 59 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

"(7) Notwithstanding anything to the contrary in any law contained, a marriage of any pupil or child mentioned in subsection (1) (a), whether contracted with or without the consent of the parent or guardian of such pupil or child, may at any time within six months after the date of the marriage, on application by the Minister to a competent Division of the Supreme Court or, where both parties to the marriage are Bantu, to the Bantu Divorce Court (if any) having jurisdiction in the area in which the pupil or child resides, be annulled by such Court if in the opinion of the Court the annulment is in the interests of the pupil or child."

Amendment of section 62 of Act 33 of 1960.

16. Section 62 of the principal Act is hereby amended by the substitution in subsection (2) for the words "Maintenance Orders Act, 1923 (Act No. 15 of 1923)," of the words "Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act No. 80 of 1963)."

Substitution of section 63 of Act 33 of 1960, as amended by section 18 of Act 101 of 1969.

17. The following section is hereby substituted for section 63 of the principal Act:

"Effect of contribution orders.

(1) A contribution order and a provisional contribution order made under this Chapter shall have the effect respectively of a maintenance order and of a provisional maintenance order in terms of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act No. 80 of 1963).

(2) A contribution order shall have the effect of a civil judgment of a magistrate's court against the respondent in favour of the Government of the Republic, and the clerk of the magistrate's court of the district in which such an order has been made shall take such steps for enforcing the order as may be prescribed, and the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the Bantu Administration Act, 1927 (Act No. 38 of 1927), or the Native Administration Proclama-

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13. Artikel 52 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 52 van Wet 33 van 1960.
- „(1) Die Minister kan die toelating tot 'n nywerheidsskool magtig van 'n leerling van 'n skool wat opgerig is of in stand gehou word of 'n toelae ontvang kragtens die bepalings van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), of die Onderwysordonnansie, 1962 (Ordonnansie No. 27 van 1962), van die gebied.”.
14. Artikel 53 van die Hoofwet word hierby gewysig— Wysiging van artikel 53 van Wet 33 van 1960, soos gewysig deur artikel 70 van Wet 69 van 1962.
- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) Die Minister kan die toelating en aanhouding in 'n verbeteringskool gelas van 'n persoon onder die leeftyd van een-en-twintig jaar, wie se aanhouding in 'n verbeteringskool beveel is deur 'n bevoegde hof of beampte van 'n gebied met die regeringshoof waarvan die Staatspresident 'n ooreenkoms aangegaan het, soos in subartikel (1) vermeld;” en
- (b) deur in die voorbehoudsbepaling by subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Met dien verstande dat in verband met so iemand die toepassing van daardie bepalings aan die volgende voorbehoude onderworpe is.”.
15. Artikel 59 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang: Wysiging van artikel 59 van Wet 33 van 1960.
- „(7) Ondanks andersluidende wetsbepalings, kan 'n huwelik van 'n in subartikel (1) (a) bedoelde leerling of kind, hetsy dit met of sonder die toestemming van die ouer of voog van so 'n leerling of kind aangegaan is, te eniger tyd binne ses maande na die datum van die huwelik, op aansoek deur die Minister by 'n bevoegde Afdeling van die Hoogeregshof of, waar beide partye by die huwelik Bantoes is, by die Bantoe-egskeidingshof (as daar een is) wat regsmag het in die gebied waarin die leerling of kind woonagtig is, deur bedoelde Hof nietig verklaar word indien so 'n nietigverklaring na die mening van die Hof in belang van die leerling of kind is.”.
16. Artikel 62 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde „Onderhoudsvonnissen Wet, 1923” (Wet No. 15 van 1923),” deur die woorde „Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963 (Wet No. 80 van 1963),” te vervang. Wysiging van artikel 62 van Wet 33 van 1960.
17. Artikel 63 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 63 van Wet 33 van 1960, soos gewysig deur artikel 18 van Wet 101 van 1969.
- „Uitwerking (1) 'n Kontribusie-order en 'n voorlopige kontribusie-order kragtens hierdie Hoofstuk uitgereik, het die uitwerking, onderskeidelik, van 'n vonnis tot betaling van onderhoud en van 'n voorlopige vonnis tot betaling van onderhoud, ooreenkomstig die Wet op Wederkerige Afdwinging van Onderhoudsbevele, 1963 (Wet No. 80 van 1963).
- (2) 'n Kontribusie-order het die uitwerking van 'n siviele vonnis van 'n landdroshof teen die verweerder, ten gunste van die Regering van die Republiek, en die klerk van die landdroshof van die distrik waarin so 'n order uitgereik is, moet die stappe wat voorgeskryf is, doen ter tenuitvoerlegging van die order, en die bepalings van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of die Naturelle-administrasie-Proklamasie,

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tion, 1928 (Proclamation No. 15 of 1928), of the territory, as the case may be, and of the rules made under the relevant Act or the said Proclamation shall apply to any proceedings for the enforcement of such an order.”.

Amendment of section 69 of Act 33 of 1960.

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

“(1) Any summons, rule, subpoena or notice in connection with any proceeding under this Chapter may be served without fee by any policeman in the manner prescribed by the rules framed under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), or the regulations made under the Bantu Administration Act, 1927 (Act No. 38 of 1927), or the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory, as the case may be, for the service of similar documents in civil proceedings in magistrates' courts or Bantu Affairs Commissioners' courts, unless any other manner of service has been prescribed under section 92 (1) (o) of this Act.”.

Amendment of section 73 of Act 33 of 1960.

19. Section 73 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (1) for the words preceding the proviso of the following words:

“(a) if the child has at any time been found to be a child in need of care because his parent has been convicted under section 18 (1) of this Act or under section 16 (1) of the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory, of ill-treating or neglecting him or because he was in a state of physical or mental neglect for which his parent was responsible according to the opinion of the children's court which found the child to be a child in need of care, and has in terms of this Act been placed in any custody other than the custody of the said parent or sent to a children's home or school of industries and has for a period of not less than two years not been returned to the custody of his parent:”.

Substitution of section 82 bis of Act 33 of 1960, as inserted by section 11 of Act 50 of 1965.

20. The following section is hereby substituted for section 82bis of the principal Act:

“Application of provisions of Chapter VII in connection with Bantu. **82A.** In the application of the provisions of this Chapter in respect of a person who is a Bantu, any customary union as defined in section 35 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the territory, as the case may be, shall be deemed to be a marriage between the parties concerned, and any reference to a husband, wife, widower, widow, divorced person, married person or spouse shall be construed accordingly.”.

Amendment of section 86 of Act 33 of 1960.

21. Section 86 of the principal Act is hereby amended by the substitution in subsection (1) for the words “section 12 of the Newspaper and Imprint Act, 1934 (Act No. 14 of 1934),” of the words “section 1 of the Newspaper and Imprint Registration Act, 1971 (Act No. 63 of 1971),”.

Insertion of section 93A in Act 33 of 1960.

22. The following section is hereby inserted in the principal Act, after section 93:

“Application of Act in South West Africa. **93A.** This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.”.

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1928 (Proklamasie No. 15 van 1928), van die gebied, na gelang van die geval, en van die reëls kragtens die betrokke Wet of die genoemde Proklamasie opgestel, is van toepassing op verrigtings in verband met die tenuitvoerlegging van so 'n order."

18. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 69 van Wet 33 van 1960.

„(1) Elke dagvaarding, reël, subpoena of kennisgewing in verband met verrigtings kragtens hierdie Hoofstuk kan kosteloos deur 'n polisiebeampte beteken word volgens voorskrif van die reëls opgestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), of die regulasies uitgevaardig kragtens die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied, na gelang van die geval, vir die betekening van dergelike dokumente in siviele sake in landdroshowe of Bantoesakekommissarishowe, tensy 'n ander wyse van betekening voorgeskryf is ingevolge artikel 92 (1) (o) van hierdie Wet."

19. Artikel 73 van die Hoofwet word hierby gewysig deur in paragraaf (a) van subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: Wysiging van artikel 73 van Wet 33 van 1960.

„(a) as 'n kind te eniger tyd bevind is 'n sorgbehoewende kind te wees omdat sy ouer kragtens artikel 18 (1) van hierdie Wet of kragtens artikel 16 (1) van die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied, daarvan skuldig bevind is dat hy die kind mishandel of verwaarloos het of omdat die kind in 'n toestand van fisiese of geestelike verwaarlosing verkeer het waarvoor die ouer, volgens die oordeel van die Kinderhof wat die kind 'n sorgbehoewende kind bevind het, verantwoordelik was, en ingevolge hierdie Wet in 'n ander bewaring as die bewaring van bedoelde ouer geplaas is of na 'n kindershuis of nywerheidskool verwys is en vir 'n tydperk van minstens twee jaar nie in die bewaring van sy ouer herstel is nie."

20. Artikel 82*bis* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 82*bis* van Wet 33 van 1960, soos ingevoeg deur artikel 11 van Wet 50 van 1965.

„Toepassing van bepaling van Hoofstuk VII in verband met Bantoes. 82A. By die toepassing van die bepaling van hierdie Hoofstuk ten opsigte van iemand wat 'n Bantoe is, word 'n gebruikelike verbinding, soos omskryf in artikel 35 van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of in artikel 25 van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie No. 15 van 1928), van die gebied, na gelang van die geval, geag 'n huwelik tussen die betrokke partye te wees, en enige verwysing na 'n man, vrou, wewenaar, weduwee, geskeie persoon, getroude persoon of gade word dienooreenkomstig uitgelê."

21. Artikel 86 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „artikel 12 van die Nuusblad- en Drukkersnaamwet, 1934 (Wet No. 14 van 1934),” deur die woorde „artikel 1 van die Wet op die Registrasie van Nuusblaai en Drukkersname, 1971 (Wet No. 63 van 1971),” te vervang. Wysiging van artikel 86 van Wet 33 van 1960.

22. Die volgende artikel word hierby in die Hoofwet na artikel 93 ingevoeg: Invoeging van artikel 93A in Wet 33 van 1960.

„Toepassing van Wet in Suidwes-Afrika. 93A. Hierdie Wet en enige wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing."

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Amendment of
First Schedule to
Act 33 of 1960.

23. The First Schedule to the principal Act is hereby amended by the substitution for the words "Any offence under Chapter III" of the words:

"Any offence under Chapter III of this Act or under Chapter III of the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), of the territory."

Substitution of
certain words in
Act 33 of 1960.

24. The principal Act is hereby amended by the substitution for the words "Union" and "Governor-General" wherever they occur, of the words "Republic" and "State President", respectively.

Repeal of laws.

25. (1) Subject to the provisions of subsection (2), the Children's Ordinance, 1961 (Ordinance No. 31 of 1961), and the Children's Amendment Ordinance, 1966 (Ordinance No. 15 of 1966), both of the territory, are hereby repealed.

(2) Any children's home, place of safety, place of detention, observation centre or place of care established or registered, or deemed to have been established or registered, and any appointment, notice, approval, authorization, licence, order, direction, instruction, agreement, payment, certificate or document made, issued, given, granted, approved or entered into, and any other action taken, under a provision of a law repealed by subsection (1), shall be deemed to have been established, registered, made, issued, given, granted, approved, entered into or taken under the corresponding provision of the principal Act.

Short title and
commencement.

26. This Act shall be called the Children's Amendment Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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23. Die Eerste Bylae by die Hoofwet word hierby gewysig deur die woorde „Enige misdryf ingevolge Hoofstuk III” deur die volgende woorde te vervang:
 „Enige misdryf ingevolge Hoofstuk III van hierdie Wet of ingevolge Hoofstuk III van die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), van die gebied.”
 Wysiging van Eerste Bylae by Wet 33 van 1960.
24. Die Hoofwet word hierby gewysig deur die woorde „Unie” en „Goewerneur-generaal” waar dit ook al voorkom deur onderskeidelik die woorde „Republiek” en „Staatspresident” te vervang.
 Vervanging van sekere woorde in Wet 33 van 1960.
25. (1) Behoudens die bepalings van subartikel (2), word die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961), en die Wysigingsordonnansie op Kinders, 1966 (Ordonnansie No. 15 van 1966), albei van die gebied, hierby herroep.
 Herroeping van Wette.
- (2) 'n Kinderhuis, veiligheidsplek, plek van bewaring, waarnemingsentrum of versorgingsoord opgerig of geregistreer, of geag opgerig of geregistreer te wees, en 'n aanstelling, kennisgewing, goedkeuring, magtiging, lisensie, bevel, lasgewing, opdrag, ooreenkoms, betaling, sertifikaat of dokument gemaak, uitgereik, gegee, verleen, goedgekeur of aangegaan, en enige ander stappe gedoen, kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van die Hoofwet opgerig, geregistreer, gemaak, uitgereik, gegee, verleen, goedgekeur, aangegaan of gedoen te wees.
26. Hierdie Wet heet die Wysigingswet op Kinders, 1973, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
 Kort titel en inwerkingtreding.