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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer | *Registered at the Post Office as a Newspaper*

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 153] KAAPSTAD, 15 MAART 1978 / CAPE TOWN, 15 MARCH 1978 [No. 5916

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 483. 15 Maart 1978.

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

No. 12 van 1978: Wysigingswet op Bantoewetgewing, 1978.

DEPARTMENT OF THE PRIME MINISTER

No. 483. 15 March 1978.

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

No. 12 of 1978: Bantu Laws Amendment Act, 1978.

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Bantoe-administrasie Wet, 1927, ten einde die jurisdiksie van 'n Bantoesakekommissarishof ten opsigte van skuldbeslagorders uit te brei; tot wysiging van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, ten einde vrystelling van die werking van artikel 12 van genoemde Wet uit te brei, die uitdrukking „ledige persoon" nader te omskryf, die opskorting van sekere bevele te reël, sekere ondersoeke wat betref die oproep van assessore verder te reël, en voorsiening te maak vir die verlening van vrystellings van die bepalings van genoemde Wet; tot wysiging van die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952, ten einde die uitreiking van bewysboeke en herkenningsbewyse verder te reël; tot wysiging van die Wet op die Bevordering van Bantoe-selfbestuur, 1959, ten einde die aanstelling van kommissarisse-generaal verder te reël; om artikel 16 van die Wet op Bantoe-arbeid, 1964, te herroep; om genoemde Wet te wysig ten einde vrystelling van die werking van artikel 26 daarvan uit te brei; tot wysiging van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Bantoetuislande, 1968, ten einde die vrywaring van sekere persone teen verlies verder te reël; om artikel 46 van die Wet op Bantoebelasting, 1969, te herroep; tot wysiging van die Grondwet van die Bantoetuislande, 1971, ten einde die onttrekking van geld uit 'n inkomstefonds en die ouditering van rekenings verder te reël, die skepping van nuwe hoofkapteinskappe en kapteinskappe te reël, voorsiening te maak vir uitbreiding van die bevoegdhede van wetgewende vergaderings, en die uitoefening van hul wetgewende bevoegdhede ten opsigte van stamme en ampsdraers daarin te reël; om sekere aangeleenthede te reël in gebiede wat uit Bantoegebiede weggeneem is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Maart 1978.)

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

Wysiging van artikel 10 van Wet 38 van 1927, soos gewysig deur artikel 5 van Wet 9 van 1929, artikel 3 van Wet 21 van 1943, artikel 21 van Wet 56 van 1949, artikel 3 van Wet 79 van 1957 en artikel 2 van Wet 70 van 1974.

1. Artikel 10 van die Bantoe-administrasie Wet, 1927, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Ondanks die bepalings van subartikel (1) kan 'n Bantoesakekommissarishof 'n bevel uitreik vir die beslaglegging op—

(*a*) 'n skuld wat aan die vonnisskuldenaar verskuldig is of word, ook deur iemand wat nie 'n Bantoe is nie;

(*b*) emolumente wat aan die vonnisskuldenaar verskuldig is of word, ook deur die Staat of iemand wat nie 'n Bantoe is nie.".

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Bantu Administration Act, 1927, so as to extend the jurisdiction of a Bantu Affairs Commissioner's Court in respect of garnishee orders; to amend the Bantu (Urban Areas) Consolidation Act, 1945, so as to extend exemption from the operation of section 12 of the said Act, further define the expression "idle person", regulate the suspension of certain orders, further regulate certain enquiries in regard to the summoning of assessors, and provide for the granting of exemptions from the provisions of the said Act; to amend the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, so as to further regulate the issue of reference books and identity documents; to amend the Promotion of Bantu Self-government Act, 1959, so as to further regulate the appointment of commissioners-general; to repeal section 16 of the Bantu Labour Act, 1964; to amend the said Act so as to extend exemption from the operation of section 26 thereof; to amend the Promotion of the Economic Development of Bantu Homelands Act, 1968, so as to further regulate the indemnification of certain persons against loss; to repeal section 46 of the Bantu Taxation Act, 1969; to amend the Bantu Homelands Constitution Act, 1971, so as to further regulate the withdrawal of moneys from a revenue fund and the auditing of accounts, regulate the creation of new paramount chieftainships and chieftainships, provide for extension of the powers of legislative assemblies, and regulate the exercise of their legislative powers in respect of tribes and office-bearers therein; to regulate certain matters in areas excised from Bantu areas; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 7 March 1978.)

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 10 of Act 38 of 1927, as amended by section 5 of Act 9 of 1929, section 3 of Act 21 of 1943, section 21 of Act 56 of 1949, section 3 of Act 79 of 1957 and section 2 of Act 70 of 1974.

1. Section 10 of the Bantu Administration Act, 1927, is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) Notwithstanding the provisions of subsection (1) a Bantu Affairs Commissioner's Court may issue an order for the attachment of—

(a) any debt which is or becomes due to the judgment debtor also by a person who is not a Bantu;

(b) any emoluments which are or become due to the judgment debtor also by the State or a person who is not a Bantu.".

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Wet No. 12, 1978

WYSIGINGSWET OP BANTOEWETGEWING, 1978.

Wysiging van artikel 12 van Wet 25 van 1945, soos vervang deur artikel 50 van Wet 42 van 1964.

2. Artikel 12 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang:

„(1) Ondanks die bepalings van artikel 10, maar behoudens die bepalings van artikel 13, mag 'n Bantoe wat nie **[in die Republiek of in die gebied Suidwes-Afrika gebore is nie]** 'n Suid-Afrikaanse burger is nie, of wat nie 'n voormalige Suid-Afrikaanse burger is wat 'n burger is van 'n Staat waarvan die grondgebied of 'n deel van die grondgebied voorheen 'n deel van die Republiek uitgemaak het nie, nie 'n voorgeskrewe gebied binnegaan of daarin wees of bly nie, en mag niemand so 'n Bantoe in so 'n gebied in diens neem of in diens hou nie: Met dien verstande dat—".

Wysiging van artikel 29 van Wet 25 van 1945, soos vervang deur artikel 61 van Wet 42 van 1964.

3. Artikel 29 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig—

(a) deur subparagraaf (i) van paragraaf *(a)* van subartikel (2) deur die volgende subparagraaf te vervang:

„(i) hoewel hy in staat is om in diens geneem te word, **[gewoonlik werkloos is]** nie wettig in diens is nie en vir 'n tydperk, of tydperke altesaam, van minstens 122 dae gedurende die voorafgaande twaalf maande nie wettig in diens was nie en nie *bona fide* in 'n besigheid, ambag, beroep of ander lonende werk waarvoor hy met die magtiging van 'n arbeidsburo kragtens die een of ander wet gelisensieer of geregistreer is, werksaam is nie: Met dien verstande dat hierdie subparagraaf nie van toepassing is nie in die geval van 'n Bantoe wat as werksoeker geregistreer is en nie gedurende die voorafgaande 122 dae wettig werk aangebied is nie of wat 'n leerling of student aan 'n opvoedkundige inrigting is, of wat, nadat hy 'n studiekursus aan een inrigting voltooi het, op toelating tot 'n ander inrigting wag; of";

(b) deur subartikel (10) deur die volgende subartikel te vervang:

„(10) 'n Bantoesakekommissaris wat in die betrokke gebied regsbevoegdheid besit, kan, indien 'n grondige rede daarvoor bestaan, die tenuitvoerlegging van 'n kragtens subartikel (7) uitgereikte lasbrief of bevel vir 'n tydperk en op voorwaardes deur hom bepaal, opskort: Met dien verstande dat die feit dat so 'n lasbrief of bevel wat aldus teen 'n Bantoe uitgereik is, die eerste so 'n lasbrief of bevel is wat aldus teen hom uitgereik is, nie op sigself as so 'n grondige rede beskou word nie."; en

(c) deur paragraaf *(c)* van subartikel (14) deur die volgende paragraaf te vervang:

„*(c)* moet notule van die verrigtinge hou, en kan, na goeddunke, Bantoes **[of 'n stedelike Bantoeraad ingevolge subartikel (1) van artikel *twee* van die Wet op Stedelike Bantoerade, 1961 (Wet No. 79 van 1961), ingestel,]** oproep om as assessore saam met hom te sit en hom in 'n adviserende hoedanigheid by te staan.".

Wysiging van artikel 38 van Wet 25 van 1945, soos vervang deur artikel 67 van Wet 42 van 1964 en gewysig deur artikel 8 van Wet 4 van 1976.

4. Artikel 38 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur na paragraaf *(k)* van subartikel (1) die volgende paragraaf in te voeg:

„*(k*A*)* die wyse waarop en die omstandighede waaronder 'n Bantoe of groep of kategorie Bantoes van enige van of al die bepalings van hierdie Wet vrygestel kan word.".

Invoeging van artikel 41A in Wet 25 van 1945.

5. Die volgende artikel word hierby in die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, na artikel 41 ingevoeg:

„Vrystellings deur Minister.

41A. Die Minister kan na goeddunke 'n Bantoe of groep of kategorie Bantoes vrystel van enige van of al die bepalings van hierdie Wet en kan insgelyks so 'n vrystelling intrek.".

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Amendment of section 12 of Act 25 of 1945, as substituted by section 50 of Act 42 of 1964.

2. Section 12 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"(1) Notwithstanding the provisions of section 10 but subject to the provisions of section 13, a Bantu **[not born in the Republic or in the territory of South-West Africa]** who is not a South African citizen, or who is not a former South African citizen who is a citizen of a state the territory or part of the territory of which formerly formed part of the Republic, shall not enter, be or remain in a prescribed area, and no person shall employ or continue to employ any such Bantu within such an area: Provided that—".

Amendment of section 29 of Act 25 of 1945, as substituted by section 61 of Act 42 of 1964.

3. Section 29 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended—

(a) by the substitution for subparagraph (i) of paragraph *(a)* of subsection (2) of the following subparagraph:

"(i) though capable of being employed, is **[normally unemployed]** not lawfully employed and has, for a period, or for periods in the aggregate, of not less than 122 days during the preceding twelve months, not been lawfully employed and is not *bona fide* engaged in any business, trade, profession or other remunerative activity for which he is in terms of any law licensed or registered with the authority of a labour bureau: Provided that this subparagraph shall not apply in the case of a Bantu who is registered as a work seeker and was not lawfully offered employment in the preceding 122 days or who is a pupil or student at an educational institution, or who, having completed a course of study at one institution, is awaiting admission to another institution; or";

(b) by the substitution for subsection (10) of the following subsection:

"(10) Any Bantu Affairs Commissioner having jurisdiction in the area in question may, if a sound reason exists therefor, suspend the execution of any warrant or order issued in terms of subsection (7) for any period and on any conditions determined by him: Provided that the fact that such a warrant or an order so issued against a Bantu is the first such warrant or order so issued against him, shall not in itself be regarded as such a sound reason."; and

(c) by the substitution for paragraph *(c)* of subsection (14) of the following paragraph:

"*(c)* shall keep a record of the proceedings and may, in his discretion, summon **[to his assistance]** Bantu **[or an urban Bantu council established under subsection (1) of section *two* of the Urban Bantu Councils Act, 1961 (Act No. 79 of 1961),]** to sit as assessors with him and to assist him in an advisory capacity.".

Amendment of section 38 of Act 25 of 1945, as substituted by section 67 of Act 42 of 1964 and amended by section 8 of Act 4 of 1976.

4. Section 38 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the insertion after paragraph *(k)* of subsection (1) of the following paragraph:

"*(k*A*)* the manner and circumstances in which a Bantu or a group or category of Bantu may be exempted from any of or all the provisions of this Act.".

Insertion of section 41A in Act 25 of 1945.

5. The following section is hereby inserted in the Bantu (Urban Areas) Consolidation Act, 1945, after section 41:

"Exemptions by Minister.

41A. The Minister may in his discretion exempt any Bantu or any group or category of Bantu from any of or all the provisions of this Act and may likewise withdraw any such exemption.".

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Wysiging van artikel 3 van Wet 67 van 1952, soos gewysig deur artikel 12 van Wet 79 van 1957, artikel 15 van Wet 76 van 1963, artikel 84 van Wet 42 van 1964 en artikel 7 van Wet 119 van 1977.

6. Artikel 3 van die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952, word hierby gewysig—

(a) deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(b)* (i) indien dié Bantoe **[in die Republiek of die gebied Suidwes-Afrika gebore]** 'n Suid-Afrikaanse burger is, aan hom 'n bewysboek uitreik waarin die toepaslike voorgeskrewe besonderhede betreffende dié Bantoe aangeteken word; of

(ii) indien dié Bantoe nie **[in die Republiek of die gebied Suidwes-Afrika gebore]** 'n Suid-Afrikaanse burger is nie, aan hom in plaas van so 'n boek as wat in subparagraaf (i) beoog word, 'n herkenningsbewys uitreik."; en

(b) deur paragraaf *(b)* van subartikel (1)*bis* deur die volgende paragraaf te vervang:

„*(b)* wat nie **[in die Republiek of die gebied Suidwes-Afrika gebore is nie]** 'n Suid-Afrikaanse burger is nie, en wat die Republiek **[of bedoelde gebied]** binnekom of na die dertigste dag van Junie 1963 **[binnekom]** binnegekom het;".

Wysiging van artikel 6 van Wet 67 van 1952, soos gewysig deur artikel 14 van Wet 79 van 1957 en artikel 17 van Wet 76 van 1963.

7. Artikel 6 van die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952, word hierby gewysig deur in subartikel (3) die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang:

„(3) Wanneer dit onder die aandag van 'n Bantoesakekommissaris of 'n beampte vermeld in sub-artikel (2) kom dat 'n bewysboek uitgereik is aan 'n Bantoe wat nie **[in die Republiek of die gebied Suidwes-Afrika gebore]** 'n Suid-Afrikaanse burger is nie en dat bedoelde Bantoe in besit van 'n paspoort, permit, identifikasiebewys of ander reisdokument in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), bedoel, is of moet wees, kan hy—".

Wysiging van artikel 12 van Wet 67 van 1952, soos gewysig deur artikel 21 van Wet 79 van 1957, artikel 22 van Wet 76 van 1963, artikel 86 van Wet 42 van 1964 en artikel 8 van Wet 119 van 1977.

8. Artikel 12 van die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952, word hierby gewysig deur paragraaf *(e)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(e)* die teruggawe van, beskikking oor of beslaglegging op bewysboeke wat betrekking het op Bantoes wat oorlede is of Bantoes wat nie **[in die Republiek of die gebied Suidwes-Afrika gebore]** Suid-Afrikaanse burgers is nie en die Republiek verlaat of op Bantoes in besit van paspoorte, permitte, identifikasiebewyse of ander reisdokumente in die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), bedoel;".

Wysiging van artikel 2 van Wet 46 van 1959.

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

„(2) Die Staatspresident moet 'n kommissaris-generaal aanstel ten opsigte van

[*(a)* die Noord-Sotho-eenheid;

***(b)* die Tswana- en Suid-Sotho-eenhede;**

***(c)* die Venda- en Tsonga-eenhede;**

***(d)* die Xhosa-eenheid; en**

***(e)* die Zoeloe- en Swazi-eenhede,]**

elke eenheid in subartikel (1) genoem maar **[en]** kan te eniger tyd wanneer hy dit nodig of raadsaam ag, en in plaas van 'n kommissaris-generaal ten opsigte van elk van daardie eenhede aan te stel, 'n kommissaris-generaal ten opsigte van **[elk]** twee of meer van genoemde **[die]** eenhede **[in**

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Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957, section 15 of Act 76 of 1963, section 84 of Act 42 of 1964 and section 7 of Act 119 of 1977.

6. Section 3 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended—

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

"*(b)* (i) if that Bantu **[was born in the Republic or the territory of South-West Africa]** is a South African citizen, issue to him a reference book in which shall be recorded the appropriate prescribed particulars relating to that Bantu; or

(ii) if that Bantu **[was not born in the Republic or the territory of South-West Africa]** is not a South African citizen, issue to him, in lieu of such a book as is contemplated in subparagraph (i), an identity document."; and

(b) by the substitution for paragraph *(b)* of subsection (1)*bis* of the following paragraph:

"*(b)* who **[was not born in the Republic or the territory of South-West Africa]** is not a South African citizen, and who enters **[the Republic or the said territory]** or has after the thirtieth day of June, 1963 entered the Republic;".

Amendment of section 6 of Act 67 of 1952, as amended by section 14 of Act 79 of 1957 and section 17 of Act 76 of 1963.

7. Section 6 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the substitution in subsection (3) for the words preceding paragraph *(a)* of the following words:

"(3) Whenever it comes to the notice of a Bantu Affairs Commissioner or an officer referred to in subsection (2) that a reference book has been issued to a Bantu who is not **[born in the Republic or the territory of South-West Africa]** a South African citizen and that such Bantu is or is required to be in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), he may—".

Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957, section 22 of Act 76 of 1963, section 86 of Act 42 of 1964 and section 8 of Act 119 of 1977.

8. Section 12 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, is hereby amended by the substitution for paragraph *(e)* of subsection (1) of the following paragraph:

"*(e)* the surrender, disposal or seizure of reference books relating to deceased Bantu or to Bantu departing from the Republic, other than Bantu **[born in the Republic or the territory of South-West Africa]** who are South African citizens, or to Bantu in possession of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972);".

Amendment of section 2 of Act 46 of 1959.

9. Section 2 of the Promotion of Bantu Self-government Act, 1959, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The State President shall appoint a commissioner-general in respect of

[*(a)* the North-Sotho unit;

***(b)* the Tswana and South-Sotho units;**

***(c)* the Venda and Tsonga units;**

***(d)* the Xhosa unit; and**

***(e)* the Zulu and Swazi units,]**

each of the units mentioned in subsection (1) but **[and]** may, at any time whenever he deems it necessary or expedient, and instead of appointing a commissioner-general in respect of each of such units, appoint **[a separate commissioner-general]** a commissioner-general in respect

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paragraaf *(b)*, *(c)* of *(e)* genoem 'n afsonderlike kommissaris-generaal] aanstel.".

Herroeping van artikel 16 van Wet 67 van 1964.

10. Artikel 16 van die Wet op Bantoe-arbeid, 1964, word hierby herroep.

Wysiging van artikel 26 van Wet 67 van 1964.

11. Artikel 26 van die Wet op Bantoe-arbeid, 1964, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Bantoe wat nie **[in die Republiek of in die gebied Suidwes-Afrika gebore is nie]** 'n Suid-Afrikaanse burger of 'n burger van 'n staat waarvan die grondgebied of 'n deel van die grondgebied voorheen 'n deel van die Republiek uitgemaak het, is nie, mag geen deel van 'n distrik buite 'n voorgeskrewe gebied binnegaan of daarin wees of bly nie, en niemand mag so 'n Bantoe in so 'n deel van 'n distrik in diens neem of hou nie, behalwe met skriftelike vergunning van die Sekretaris of iemand deur hom daartoe gemagtig, wat die voorwaardes kan oplê wat hy goedvind.".

Vervanging van artikel 7A van Wet 46 van 1968, soos ingevoeg deur artikel 16 van Wet 70 van 1974.

12. Artikel 7A van die Wet op die Bevordering van Ekonomiese Ontwikkeling van Bantoetuislande, 1968, word hierby deur die volgende artikel vervang:

„Vrywaring van sekere persone.

7A. (1) Die Ekonomiese Ontwikkelingskorporasie, Beperk, 'n ontwikkelingskorporasie of 'n korporasie kan, met die vooraf verkreë goedkeuring van die Minister en op die voorwaardes wat hy bepaal, iemand met wie dié korporasie 'n ooreenkoms aangegaan het waarkragtens so iemand onderneem om 'n nywerheids-, handels-, finansiële, myn- of ander sake-onderneming in 'n Bantoetuisland op te rig, vrywaar teen verlies wat so iemand in verband met daardie onderneming mag ly terwyl dié kontrak van krag is, en wat, volgens die oordeel van die Minister, vanweë die koste daaraan verbonde, nie ekonomies versekerbaar is nie en nie deur so iemand voorkom kan word nie en ten opsigte waarvan hy, volgens die oordeel van die Minister, 'n reg op skadevergoeding sou hê indien bedoelde onderneming elders in die Republiek opgerig was maar nie **['n doeltreffende]** in daardie Bantoetuisland so 'n reg op skadevergoeding sal hê of so 'n reg doeltreffend sal kan afdwing nie.".

Herroeping van artikel 46 van Wet 92 van 1969.

13. Artikel 46 van die Wet op Bantoebelasting, 1969, word hierby herroep.

Vervanging van artikel 8 van Wet 21 van 1971.

14. Artikel 8 van die Grondwet van die Bantoetuislande, 1971, word hierby deur die volgende artikel vervang:

„Vereistes vir onttrekking van geld uit Inkomstefonds.

8. Behalwe soos bepaal in hierdie Wet of **[deur die Staatspresident by proklamasie in die *Staatskoerant*]** die een of ander wet wat van krag is by die inwerkingtreding van artikel 14 van die Wysigingswet op Bantoewetgewing, 1978, word geen geld uit 'n Inkomstefonds onttrek nie, behalwe ingevolge 'n **[bewilliging volgens]** wet van die wetgewende vergadering.".

Wysiging van artikel 10 van Wet 21 van 1971.

15. Artikel 10 van die Grondwet van die Bantoetuislande, 1971, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die uitvoering van 'n ouditering ingevolge subartikel (1) is die bepalings van artikel 8A van die Hoofwet *mutatis mutandis* van toepassing asof die uitvoerende raad en stam- en streeksowerhede in die gebied ten opsigte waarvan

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of **[each of]** two or more of the said units **[referred to in paragraph *(b), (c)* or *(e)*]**.".

Repeal of section 16 of Act 67 of 1964.

10. Section 16 of the Bantu Labour Act, 1964, is hereby repealed.

Amendment of section 26 of Act 67 of 1964.

11. Section 26 of the Bantu Labour Act, 1964, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A Bantu **[not born in the Republic or in the territory of South-West Africa]** who is not a South African citizen or a citizen of a state the territory or part of the territory of which formerly formed part of the Republic, shall not enter, be or remain in any part of any district outside a prescribed area, and no person shall employ or continue to employ any such Bantu within any such part of any district without the written permission of the Secretary or a person authorized thereto by him, who may impose such conditions as he may deem fit.".

Substitution of section 7A of Act 46 of 1968, as inserted by section 16 of Act 70 of 1974.

12. The following section is hereby substituted for section 7A of the Promotion of the Economic Development of Bantu Homelands Act, 1968:

"Indemnification of certain persons.

7A. (1) The Corporation for Economic Development, Limited, a development corporation or a corporation may, with the prior approval of the Minister and subject to the conditions determined by him, indemnify any person with whom such corporation entered into an agreement in terms of which such person undertakes to establish an industrial, commercial, financial, mining or other business undertaking in a Bantu homeland, against any loss which such person may incur in connection with such undertaking while such contract is of force and effect, and which, by reason of the costs connected therewith, is, in the opinion of the Minister, **[is]** not economically insurable and cannot be prevented by such person and in respect of which he, in the opinion of the Minister, would have a right to damages if such undertaking were established elsewhere in the Republic **[he has no effective]** but will, in such Bantu homeland, have no such right to damages or not be able to enforce any such right effectively.".

Repeal of section 46 of Act 92 of 1969.

13. Section 46 of the Bantu Taxation Act, 1969, is hereby repealed.

Substitution of section 8 of Act 21 of 1971.

14. The following section is hereby substituted for section 8 of the Bantu Homelands Constitution Act, 1971:

"Requirements for withdrawal of moneys from Revenue Fund.

8. Save as provided in this Act or **[by the State President by proclamation in the *Gazette*]** any other law in force at the commencement of section 14 of the Bantu Laws Amendment Act, 1978, no moneys shall be withdrawn from a Revenue Fund except **[under appropriation made by]** in terms of a law of the legislative assembly.".

Amendment of section 10 of Act 21 of 1971.

15. Section 10 of the Bantu Homelands Constitution Act, 1971, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) In carrying out an audit in terms of subsection (1) the provisions of section 8A of the principal Act shall *mutatis mutandis* apply as if the executive council and tribal and regional authorities in the area in respect of which such

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sodanige raad die uitvoerende gesag is, 'n gebiedsowerheid en stam- en streeksowerhede in die gebied van die gebiedsowerheid is: Met dien verstande dat subartikel (4) *(a)* van daardie artikel só vertolk word dat 'n verslag daarin bedoel aan die betrokke wetgewende vergadering voorgelê word binne die tydperk **[wat die Staatspresident by proklamasie in die *Staatskoerant* voorskryf]** wat die wetgewende vergadering bepaal.".

Invoeging van artikel 11A in Wet 21 van 1971.

16. Die volgende artikel word hierby in die Grondwet van die Bantoetuislande, 1971, na artikel 11 ingevoeg:

„Skepping van nuwe hoofkapteinskappe en kapteinskappe.

11A. Geen nuwe hoofkapteinskappe of kapteinskappe mag anders as by 'n wet of 'n besluit van die wetgewende vergadering geskep word nie.".

Vervanging van artikel 28 van Wet 21 van 1971.

17. Artikel 28 van die Grondwet van die Bantoetuislande, 1971, word hierby deur die volgende artikel vervang:

„Volkslied.

28. Die wetgewende vergadering van 'n selfregerende gebied kan verklaar dat 'n literêre werk die Volkslied van daardie gebied is.".

Invoeging van artikel 37A in Wet 21 van 1971.

18. Die volgende artikel word hierby in die Grondwet van die Bantoetuislande, 1971, na artikel 37 ingevoeg:

„Wysiging van hierdie Wet.

37A. (1) Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* Bylae 1 wysig en kan, ten einde aan so 'n wysiging gevolg te gee, ander bepalings van hierdie Wet wysig.

(2) 'n Wysiging ingevolge subartikel (1) tree in werking in die gebiede wat die Minister by kennisgewing in die *Staatskoerant* bepaal, en op 'n datum in 'n bepaalde gebied wat die Minister aldus bepaal.".

Wysiging van Bylae 1 by Wet 21 van 1971, soos gewysig deur artikel 12 van Wet 23 van 1972, artikel 15 van Wet 7 van 1973, artikel 24 van Wet 70 van 1974 en artikel 10 van Wet 71 van 1974.

19. Bylae 1 by die Grondwet van die Bantoetuislande, 1971, word hierby gewysig—

(a) deur item 27 deur die volgende item te vervang:

„27. Die verdeling van bestaande Bantoestamme, die samesmelting van Bantoestamme, die stigting van nuwe Bantoestamme, en die erkenning, aanstelling, diensvoorwaardes, tug, aftreding, afsetting, ontslag en pensioenering van hoofkapteins, kapteins en hoofmanne: Met dien verstande dat geen wet van die wetgewende vergadering die verdeling van bestaande Bantoestamme, die samesmelting van Bantoestamme, die stigting van nuwe Bantoestamme of die erkenning, aanstelling, diensvoorwaardes, tug, aftreding, afsetting, **[of]** ontslag of pensioenering van hoofkapteins, **[of]** kapteins of hoofmanne magtig of magtiging daarvoor verleen nie, behalwe **[met die voorafverkreë goedkeuring van die Staatspresident]** na oorleg met die betrokke stam- of gemeenskapsowerheid."; en

(b) deur item 33 deur die volgende item te vervang:

„33. 'n Aangeleentheid **[met inbegrip van 'n aangeleentheid ten opsigte waarvan die Staatspresident of 'n Minister of 'n ander persoon of gesag regulasies of verordeninge kan uitvaardig ingevolge die een of ander wet, wat die Staatspresident met die goedkeuring van die Senaat en die Volksraad by besluit gedurende dieselfde sessie geneem, by proklamasie in die *Staatskoerant* verklaar dat dit]** wat uit hoofde van die bepalings van artikel 37A binne die bevoegdheid van **['n bepaalde]** die wetgewende vergadering val.".

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council is the executive authority, were a territorial authority and tribal and regional authorities in the area of the territorial authority: Provided that subsection (4) *(a)* of that section shall be construed as meaning that a report contemplated therein shall be submitted to the legislative assembly concerned within the period **[prescribed by the State President by proclamation in the *Gazette*]** determined by the legislative assembly.".

Insertion of section 11A in Act 21 of 1971.

16. The following section is hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 11:

"Creation of new paramount chieftainships or chieftainships.

11A. No new paramount chieftainships or chieftainships shall be created otherwise than by a law or a resolution of the legislative assembly.".

Substitution of section 28 of Act 21 of 1971.

17. The following section is hereby substituted for section 28 of the Bantu Homelands Constitution Act, 1971:

"National Anthem.

28. The legislative assembly of a self-governing territory may declare any literary work to be the National Anthem of that territory.".

Insertion of section 37A in Act 21 of 1971.

18. The following section is hereby inserted in the Bantu Homelands Constitution Act, 1971, after section 37:

"Amendment of this Act.

37A. (1) The State President may from time to time by proclamation in the *Gazette* amend Schedule 1, and may for the purpose of giving effect to any such amendment, amend any other provisions of this Act.

(2) Any amendment in terms of subsection (1) shall come into operation in such areas as may be determined by the Minister by notice in the *Gazette* and on such date in a particular area as the Minister may so determine.".

Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974 and section 10 of Act 71 of 1974.

19. Schedule 1 to the Bantu Homelands Constitution Act, 1971, is hereby amended—

(a) by the substitution for item 27 of the following item:

"27. The division of existing Bantu tribes, the amalgamation of Bantu tribes, the constitution of new Bantu tribes, and the recognition, appointment, conditions of service, discipline, retirement, deposition, dismissal and pensioning of paramount chiefs, chiefs and headmen: Provided that no law of the legislative assembly shall authorize or grant authority for the division of existing Bantu tribes, the amalgamation of Bantu tribes, the constitution of new Bantu tribes or the recognition, appointment, conditions of service, discipline, retirement, deposition, **[or]** dismissal or pensioning of paramount chiefs, **[or]** chiefs or headmen **[without the prior approval of the State President first had and obtained]** except after consultation with the tribal authority or community authority concerned."; and

(b) by the substitution for item 33 of the following item:

"33. Any matter **[including any matter in respect of which the State President, a Minister or any other person or authority may in terms of any law make regulations or bye-laws, which the State President with the approval of the Senate and the House of Assembly by resolution passed in the same session, by proclamation in the *Gazette* declares to fall]** which by virtue of the provisions of section 37A falls within the power of **[a particular]** the legislative assembly.".

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Bepalings ten opsigte van gebiede uit die gebied van 'n wetgewende vergadering weggeneem.

20. (1) Indien 'n gedeelte van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, weggeneem word uit dié gebied, bly alle wette wat in daardie gedeelte of 'n deel daarvan van krag was onmiddellik voor daardie wegneming, van krag in daardie gedeelte of deel daarvan totdat hulle deur die bevoegde gesag herroep word of behalwe vir sover hulle deur hom gewysig word.

(2) Die administratiewe beheer van, en alle regte, bevoegdhede, gesag, pligte, verpligtinge en werksaamhede in verband met, die een of ander aangeleentheid wat onmiddellik voordat 'n gedeelte van 'n gebied daaruit weggeneem is, soos in subartikel (1) bedoel, uit hoofde van die een of ander wet in so 'n gebied by 'n uitvoerende raad of persoon of liggaam berus het, berus vanaf die datum van dié wegneming by die Minister of 'n persoon of 'n liggaam deur hom aangewys: Met dien verstande dat die bepalings van hierdie artikel nie uitgelê word nie as sou dit 'n departement, instelling, raad, liggaam of persoon onder beheer van die regering van 'n gebied waarvoor 'n wetgewende vergadering ingestel is, belet om op die voorwaardes waarop daar tussen dié regering en die Regering van die Republiek ooreengekom word, 'n bevoegdheid in verband met daardie aangeleentheid uit te oefen of 'n werksaamheid of plig in verband daarmee te verrig nie.

(3) Indien die Staatspresident dit nodig ag vir die administrasie van die een of ander aangeleentheid in 'n gedeelte van 'n gebied bedoel in subartikel (1), kan hy by proklamasie in die *Staatskoerant* die oorgangsbepalings in verband daarmee uitvaardig wat hy goedvind.

(4) 'n Verwysing in 'n wet van die Republiek na „hoofkapteins", „kapteins" of „hoofmanne" word geag 'n verwysing te wees ook na hoofkapteins, kapteins, of hoofmanne, na gelang van die geval, wat erken of aangestel is ingevolge 'n wet wat van krag is of was in so 'n gedeelte.

(5) 'n Verwysing in 'n wet van die Republiek na „stamowerheid" of „streekowerheid" word geag 'n verwysing te wees ook na 'n stamowerheid of streekowerheid, na gelang van die geval, wat ingestel is ingevolge 'n wet wat van krag is of was in so 'n gedeelte.

(6) Geld verkry uit hoofde van die verrigting van werksaamhede bedoel in subartikel (2), word oor beskik ooreenkomstig die opdrag van die Minister, en uitgawe aangegaan in verband met die verrigting van sodanige werksaamhede word gedek uit die bron wat die Minister bepaal.

Kort titel.

21. Hierdie Wet heet die Wysigingswet op Bantoewetgewing, 1978.

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Provisions in respect of areas excised from the area of a legislative assembly.

20. (1) If any portion of any area for which a legislative assembly has been established is excised from such area, all laws which were in force in such portion or in any part thereof immediately prior to such excision, shall continue in force in such portion or part thereof until repealed or except in so far as they may be amended by the competent authority.

(2) The administrative control of, and all rights, powers, authorities, duties, obligations and functions in connection with, any matter which, by virtue of any law, were immediately prior to the excision of any portion of an area as contemplated in subsection (1) vested in such area in any executive council or person or body, shall from the date of such excision vest in the Minister or a person or body designated by him: Provided that the provisions of this section shall not be construed as preventing any department, establishment, council, body or person under the control of the government of an area for which a legislative assembly has been established, from exercising any power or performing any function or duty in connection with such a matter, subject to the terms and conditions agreed upon between such government and the Government of the Republic.

(3) If the State President deems it necessary for the administration of any matter in any portion of an area contemplated in subsection (1), he may by proclamation in the *Gazette* issue such transitory provisions in connection therewith as he may deem fit.

(4) Any reference in any law of the Republic to "paramount chiefs", "chiefs" or "headmen" shall be deemed to be a reference also to paramount chiefs, chiefs or headmen, as the case may be, recognized or appointed in terms of any law which is or was in force in any such portion.

(5) Any reference in any law of the Republic to "tribal authority" or "regional authority" shall be deemed to be a reference also to a tribal authority or regional authority, as the case may be, established in terms of any law which is or was in force in any such portion.

(6) Any moneys obtained by virtue of the performance of any functions referred to in subsection (2), shall be dealt with in accordance with the directions of the Minister, and any expenses incurred in connection with the execution of such functions shall be met from the source determined by the Minister.

Short title.

21. This Act shall be called the Bantu Laws Amendment Act, 1978.