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BUITENGEWONE EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 418.] [20 Maart 1964.

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

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DEPARTMENT OF THE PRIME MINISTER.

No. 418] [20th March, 1964.

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

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No. 24, 1964.]

WET

Om voorsiening te maak vir die instelling, beheer, bestuur, instandhouding en subsidiëring van spesiale skole vir die verskaffing van buitengewone onderwys aan afwykende Bantoekinders, om die Wet op Buitengewone Onderwys, 1948, die Wet op Bantoe-onderwys, 1953, en die Wet op Beroepsonderwys, 1955, te wysig, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 5 *Maart* 1964.)

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

Woordbepaling.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

(i) „afwykende kind" 'n kind wat volgens die oordeel van die Sekretaris in staat is om aanmerklike voordeel uit 'n geskikte onderwyskursus te trek, maar wat weens doofheid, blindheid of epilepsie of die een of ander liggaamlike gebrek in so 'n mate van die meerderheid van kinders afwyk, dat hy—

(*a*) nie voldoende voordeel kan trek uit die gewone onderrig wat in die normale loop van onderwys verskaf word nie; of

(*b*) buitengewone onderwys nodig het om sy aanpassing by die gemeenskap te vergemaklik; of

(*c*) nie 'n gewone klas in 'n gewone skool behoort by te woon nie, omdat sodanige bywoning vir homself of vir die ander leerlinge in daardie klas of skool nadelig kan wees; (vi)

(ii) „Bantoe" 'n naturel soos in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf; (i)

(iii) „beampte" 'n beampte soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (viii)

(iv) „beroepsonderwys" onderrig en opleiding in die handel of die landbou of in huishoudkunde of in 'n ambag of bedryf; (xx)

(v) „bestuursliggaam", met betrekking tot 'n Staatsondersteunde of private spesiale Bantoeskool, die persoon of liggaam wat daardie skool beheer, bestuur en in stand hou; (v)

(vi) „bevoegde beampte" 'n inspekteur van Bantoeskole of 'n beampte met die rang van administratiewe beheerbeampte, of 'n hoër rang, wat die Sekretaris as 'n bevoegde beampte vir die doeleindes van hierdie Wet aanstel; (iii)

(vii) „buitengewone onderwys" onderwys van 'n gespesialiseerde aard wat die Minister nodig ag om by die behoeftes van afwykende kinders aan te pas en waarby ook beroepsonderwys, geneeskundige en tandheelkundige behandeling, versorging en onderhoud in 'n skoolkoshuis of hospitaal of ander inrigting, vervoer en begeleiding tydens vervoer ten opsigte van sodanige kinders inbegrepe kan wees; (xiv)

(viii) „Departement" die Departement van Bantoe-onderwys; (iv)

(ix) „hierdie Wet" ook 'n regulasie; (xviii)

(x) „kind" 'n Bantoe wat ingevolge sub-artikel (2) van artikel *nege* toegelaat kan word om 'n spesiale Staatsbantoeskool of 'n Staatsondersteunde spesiale Bantoeskool by te woon; (ii)

(xi) „Minister" die Minister van Bantoe-onderwys; (vii)

(xii) „ouer", met betrekking tot 'n kind, ook 'n voog of 'n persoon wat vir die bewaring of versorging van die kind verantwoordelik is; (ix)

(xiii) „private spesiale Bantoeskool" 'n skool wat kragtens sub-artikel (1) van artikel *drie* goedgekeur is of ingevolge sub-artikel (3) van daardie artikel geag word aldus goedgekeur te wees; (xi)

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No. 24, 1964.]

ACT

To provide for the establishment, control, management, maintenance and subsidization of special schools for the provision of special education for handicapped Bantu children, to amend the Special Education Act, 1948, the Bantu Education Act, 1953, and the Vocational Education Act, 1955, and to provide for matters incidental thereto.

(*Afrikaans text signed by the State President.*)
(*Assented to 5th March,* 1964.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—

(i) "Bantu" means a native as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (ii)

(ii) "child" means a Bantu who may in terms of sub-section (2) of section *nine* be permitted to attend a special Government Bantu school or a State-aided special Bantu school; (x)

(iii) "competent officer" means an inspector of Bantu schools or any officer holding the office of administrative control officer, or an office of a higher grade, appointed by the Secretary as a competent officer for the purposes of this Act; (vi)

(iv) "Department" means the Department of Bantu Education; (viii)

(v) "governing body", in relation to a State-aided or private special Bantu school, means the person or body which controls, manages and maintains that school; (v)

(vi) "handicapped child" means a child who in the opinion of the Secretary is capable of deriving appreciable benefit from a suitable course of education, but who on account of blindness, deafness or epilepsy or any other physical defect deviates from the majority of children to such an extent that he—

(*a*) cannot derive sufficient benefit from the instruction normally provided in the ordinary course of education; or

(*b*) requires special education to facilitate his adaptation to the community; or

(*c*) should not attend an ordinary class in an ordinary school because such attendance may be harmful to himself or to other pupils in that class or school; (i)

(vii) "Minister" means the Minister of Bantu Education; (xi)

(viii) "officer" means an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957); (iii)

(ix) "parent", in relation to a child, includes a guardian or any person responsible for the custody or care of the child; (xii)

(x) "prescribed" means prescribed by regulation; (xx)

(xi) "private special Bantu school" means a school which has been approved under sub-section (1) of section *three* or is in terms of sub-section (3) of that section deemed to have been so approved; (xiii)

(xii) "regulation" means a regulation made or in force under this Act; (xiv)

(xiii) "Secretary" means the Secretary for Bantu Education and includes any Deputy Secretary or Under Secretary for Bantu Education; (xv)

(xiv) "special education" means education of a specialized nature which the Minister considers necessary to suit the needs of handicapped children and which may include vocational education, medical and dental treatment, care and maintenance in a school hostel or hospital or other institution, conveyance and escorting of such children while being conveyed; (vii)

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(xiv) „regulasie" 'n regulasie wat ingevolge hierdie Wet uitgevaardig of van krag is; (xii)

(xv) „Sekretaris" die Sekretaris van Bantoe-onderwys en ook 'n Adjunk-sekretaris of Ondersekretaris van Bantoe-onderwys; (xiii)

(xvi) „spesiale skool" 'n skool waarin afwykende kinders buitengewone onderwys ontvang, met inbegrip van die skoolgeboue en enige koshuisgeboue of geriewe, woonkwartiere vir personeel of ander noodsaaklike toebehore ten opsigte van so 'n skool; (xvi)

(xvii) „spesiale Staatsbantoeskool" 'n skool kragtens sub-artikel (1) van artikel *twee* ingestel; (xv)

(xviii) „Staatsondersteunde spesiale Bantoeskool" 'n private spesiale Bantoeskool wat kragtens sub-artikel (1) van artikel *drie* goedgekeur is of wat ingevolge sub-artikel (3) van daardie artikel geag word aldus goedgekeur te wees en ten opsigte waarvan ingevolge sub-artikel (1) van artikel *vier* 'n subsidie betaal word of ingevolge artikel *vyf* 'n lening toegestaan is; (xvii)

(xix) „Tesourie" die Minister van Finansies of 'n beampte van die Departement van Finansies wat deur bedoelde Minister gemagtig is om enige werksaamheid te verrig wat ingevolge hierdie Wet aan die Tesourie opgedra word; (xix)

(xx) „voorgeskryf" by regulasie voorgeskryf. (x)

Instelling van spesiale Staatsbantoeskole.

2. (1) Die Minister kan in oorleg met die Minister van Finansies en uit geld wat die Parlement vir die doel bewillig het, spesiale skole wat spesiale Staatsbantoeskole heet, instel en in stand hou.

(2) Die Minister kan te eniger tyd 'n spesiale Staatsbantoeskool sluit of die instelling daarvan intrek.

Goedkeuring van private spesiale Bantoeskole.

3. (1) Iemand wat 'n private spesiale Bantoeskool wil instel, kan by die Minister om goedkeuring van die instelling daarvan aansoek doen, en die Minister kan na goeddunke so 'n goedkeuring verleen waar daar volgens sy oordeel behoefte aan so 'n skool bestaan.

(2) Enige goedkeuring ingevolge sub-artikel (1) kan verleen word op die voorwaardes wat die Minister goedvind, en die Minister kan te eniger tyd—

(*a*) so 'n voorwaarde intrek of wysig of verdere voorwaardes oplê soos hy goedvind;

(*b*) so 'n goedkeuring intrek indien hy van oordeel is dat so 'n voorwaarde nie nagekom is of word nie of dat daar ander goeie en genoegsame redes vir die intrekking bestaan:

Met dien verstande dat die Minister nie ingevolge paragraaf (*a*) of (*b*) optree nie tensy hy vooraf aan die betrokke bestuursliggaam 'n redelike geleentheid gegee het om in verband met die voorgestelde optrede vertoë tot hom te rig.

(3) 'n Skool vir die verskaffing van buitengewone onderwys aan Bantoekinders van 'n kategorie in die Eerste Bylae by die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), genoem, wat voor die inwerkingtreding van hierdie Wet ingestel en goedgekeur is kragtens daardie Wet en by bedoelde inwerkingtreding bestaan, word geag kragtens sub-artikel (1) goedgekeur te wees.

Subsidies aan private spesiale Bantoeskole.

4. (1) Die Minister kan uit geld wat die Parlement vir die doel bewillig het, en op die grondslag en in elke geval onderworpe aan die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal en die ander voorwaardes wat voorgeskryf word, subsidies aan die bestuursliggaam van 'n private spesiale Bantoeskool toeken.

(2) Die Minister kan so 'n subsidie verminder of beëindig indien daar volgens sy oordeel nie aan die voorwaardes waarop die subsidie toegeken is, voldoen word nie of ander goeie en genoegsame redes vir die vermindering of beëindiging bestaan.

Lenings aan Staatsondersteunde spesiale Bantoeskole.

5. (1) Behoudens die bepalings van sub-artikel (3), kan die Minister in oorleg met die Minister van Finansies en uit geld wat die Parlement vir die doel bewillig het, lenings aan die bestuursliggaam van 'n Staatsondersteunde spesiale Bantoeskool toestaan vir—

(*a*) die oprigting van geboue en die verkryging van vaste uitrusting;

(*b*) die verkryging van grond (met inbegrip van grond waarop geboue opgerig is) of regte of belange in grond, en die bestryding van onkoste in verband met die opmeting en transport daarvan aangegaan;

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(xv) "special Government Bantu school" means a school established under sub-section (1) of section *two*; (xvii)

(xvi) "special school" means a school in which handicapped children receive special education, including the school buildings and any hostel buildings or facilities, residential staff quarters or other necessary appurtenances in respect of such a school; (xvi)

(xvii) "State-aided special Bantu school" means a private special Bantu school which has been approved under sub-section (1) of section *three* or is in terms of sub-section (3) of that section deemed to have been so approved and in respect of which a subsidy is paid under sub-section (1) of section *four* or a loan has been granted under section *five*; (xviii)

(xviii) "this Act" includes any regulation; (ix)

(xix) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any function which in terms of this Act is required to be performed by the Treasury; (xix)

(xx) "vocational education" means instruction and training in business or agriculture or in domestic service or in any trade or occupation. (iv)

Establishment of special Government Bantu schools.

2. (1) The Minister may in consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose, establish and maintain special schools to be known as special Government Bantu schools.

(2) The Minister may at any time close or disestablish any special Government Bantu school.

Approval of private special Bantu schools.

3. (1) Any person who desires to establish a private special Bantu school may apply to the Minister for approval of the establishment thereof, and the Minister may in his discretion grant such approval where in his opinion a need for such a school exists.

(2) Any approval under sub-section (1) may be granted on such conditions as the Minister may deem fit, and the Minister may at any time—

(*a*) withdraw or amend any such condition or impose further conditions as he may deem fit;

(*b*) withdraw any such approval if he is of the opinion that any such condition has not been or is not being fulfilled or that other good and sufficient reasons for such withdrawal exist:

Provided that the Minister shall not act under paragraph (*a*) or (*b*) unless he has first afforded the governing body concerned a reasonable opportunity to submit representations to him in regard to the proposed action.

(3) Any school for the provision of special education to Bantu children of a class mentioned in the First Schedule to the Special Education Act, 1948 (Act No. 9 of 1948), established and approved under that Act prior to the commencement of this Act and in existence at such commencement, shall be deemed to have been approved under sub-section (1).

Subsidies to private special Bantu schools.

4. (1) The Minister may, out of moneys appropriated by Parliament for the purpose, and on such a basis and subject in each case to such conditions as he may in consultation with the Minister of Finance determine and such other conditions as may be prescribed, grant subsidies to the governing body of any private special Bantu school.

(2) The Minister may reduce or terminate any such subsidy if in his opinion the conditions subject to which the subsidy was granted are not being complied with or other good and sufficient reasons for the reduction or termination exist.

Loans to State-aided special Bantu schools.

5. (1) Subject to the provisions of sub-section (3), the Minister may in consultation with the Minister of Finance, and out of moneys appropriated by Parliament for the purpose, grant loans to the governing body of any State-aided special Bantu school for—

(*a*) the erection of buildings and the acquisition of permanent equipment;

(*b*) the acquisition of land (including land on which buildings have been erected) or rights to or interests in land, and the defraying of expenditure incurred in connection with the survey and transfer thereof;

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(c) die bestryding van kapitaaluitgawes bestee aan die omheining en verbetering van die skoolterrein;

(d) die terugbetaling deur so 'n bestuursliggaam, van enige lening (behalwe 'n lening toegestaan uit gelde deur die Parlement vir die doel bewillig) voor of na die inwerkingtreding van hierdie Wet wettiglik aangegaan vir 'n doel in enigeen van die voorgaande paragrawe vermeld.

(2) 'n Aansoek om so 'n lening moet skriftelik aan die Sekretaris gerig word en moet die doel van die voorgestelde lening duidelik vermeld, en die Sekretaris kan in verband met so 'n aansoek die begrotings, planne, spesifikasies, verslae, opgawes en ander inligting aanvra en die ondersoek laat instel wat nodig is ten einde die Minister in staat te stel om te bepaal of die lening toegestaan behoort te word.

(3) Die toestaan van lenings ingevolge sub-artikel (1) geskied op die grondslag en onderworpe aan die voorwaardes wat die Minister in iedere besondere geval in oorleg met die Minister van Finansies bepaal, en onderworpe aan die ander voorwaardes wat voorgeskryf word.

Erkenning van sekere spesiale Bantoeskole as Staatsondersteunde spesiale Bantoeskole.

6. Enige skool vir die verskaffing van buitengewone onderwys aan Bantoekinders wat kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), van Staatsweë geldelike hulp ontvang het en wat by die inwerkingtreding van hierdie Wet bestaan, word vanaf bedoelde inwerkingtreding by die toepassing van hierdie Wet geag 'n Staatsondersteunde spesiale Bantoeskool te wees.

Oorname van Staatsondersteunde en private spesiale Bantoeskole deur die Staat.

7. (1) Die Minister kan in oorleg met die Minister van Finansies, en vanaf 'n datum wat die Minister bepaal, die bestuur en beheer oorneem—

(a) in die geval van 'n Staatsondersteunde of private spesiale Bantoeskool, indien die bestuursliggaam van bedoelde skool daartoe ingestem het;

(b) in die geval van 'n private spesiale Bantoeskool, indien die goedkeuring ingevolge artikel *drie* ten opsigte van die instelling van bedoelde skool verleen, kragtens sub-artikel (3) van daardie artikel ingetrek word.

(2) Die oorname van die bestuur van en beheer oor so 'n skool geskied op die voorwaardes aangaande die oorname van die bates en laste van die skool, die oorplasing van personeel en ander verwante sake wat voorgeskryf word en die ander voorwaardes wat nie met die betrokke regulasies in stryd is nie waarop deur die Minister en die betrokke bestuursliggaam onderling ooreengekom word.

(3) Vanaf die datum van so 'n oorname word die betrokke skool geag 'n kragtens artikel *twee* ingestelde spesiale Staatsbantoeskool te wees en het die betrokke bestuursliggaam geen verdere regte, bevoegdhede of pligte ten opsigte van daardie skool nie.

Oordrag van spesiale Bantoeskole aan Bantoe-owerhede of ander liggame.

8. Die Minister kan met inagneming van die beginsel om vir aktiewe deelname deur die Bantoebevolking aan die beheer oor en bestuur van spesiale Bantoeskole voorsiening te maak op 'n tydstip wat na sy mening geleë is, die beheer oor en bestuur van 'n spesiale Bantoeskool aan 'n Bantoe-owerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), of 'n ingevolge artikel *twaalf* van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), ingestelde liggaam oordra op die voorwaardes wat hy in oorleg met die Minister van Finansies voorskryf: Met dien verstande dat in die geval van 'n Staatsondersteunde of private spesiale Bantoeskool die voorwaardes waaronder die oordrag geskied in oorlegpleging met die betrokke skool se bestuursliggaam bepaal word.

Toelating van leerlinge tot spesiale Staatsbantoeskole en Staatsondersteunde spesiale Bantoeskole.

9. (1) Behoudens die bepalings van hierdie Wet en enige ander wetsbepalings, is die toelating van 'n afwykende kind tot 'n spesiale Staatsbantoeskool of 'n Staatsondersteunde spesiale Bantoeskool onderworpe aan die goedkeuring van die Sekretaris of 'n bevoegde beampte, en kan die Sekretaris of so 'n beampte 'n afwykende kind van een sodanige skool na 'n ander oorplaas indien dit volgens sy oordeel in belang van die betrokke skool of kind is of om 'n ander rede raadsaam is, of so 'n kind uit so 'n skool ontslaan.

(2) Geen kind word toegelaat om so 'n skool by te woon indien hy benede die ouderdom van drie jaar is of na die einde van die jaar waarin hy die ouderdom van agtien jaar bereik nie: Met dien verstande dat die Sekretaris 'n kind kan toe laat om 'n spesiale Bantoeskool by te woon nadat hy die ouderdom van agtien jaar bereik het, indien die Sekretaris dit in

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(*c*) the defraying of capital expenditure incurred in the fencing and improvement of the school grounds;

(*d*) the repayment by such governing body of any loan (not being a loan granted out of moneys appropriated by Parliament for the purpose) lawfully entered into before or after the commencement of this Act for any purpose mentioned in any of the preceding paragraphs.

(2) An application for any such loan shall be made in writing to the Secretary and shall clearly indicate the object of the proposed loan, and the Secretary may in connection with any such application call for such estimates, plans, specifications, reports, returns and other information and cause such enquiries to be made as may be necessary to enable the Minister to determine whether the loan should be granted.

(3) The grant of loans in terms of sub-section (1) shall be effected on such basis and subject to such conditions as the Minister may in each particular case determine in consultation with the Minister of Finance, and subject to such other conditions as may be prescribed.

Recognition of certain special Bantu schools as State-aided special Bantu schools.

6. Any school for providing special education for Bantu children, which received financial assistance from the State in terms of the Special Education Act, 1948 (Act No. 9 of 1948), and which is in existence at the commencement of this Act, shall as from such commencement be deemed to be a State-aided special Bantu school for the purposes of this Act.

Taking over of State-aided and private special Bantu schools by the State.

7. (1) The Minister may in consultation with the Minister of Finance, and with effect from a date determined by the Minister, take over the management and control—

(*a*) in the case of a State-aided or private special Bantu school, if the governing body of such school has agreed thereto;

(*b*) in the case of a private special Bantu school if the approval granted under section *three* in respect of the establishment of such school is withdrawn in terms of sub-section (3) of that section.

(2) The taking over of the management and control of any such school shall be on such conditions as to the taking over of the assets and liabilities of the school, the transfer of staff and other related matters as may be prescribed and such other conditions not inconsistent with the regulations in question as may be mutually agreed upon between the Minister and the governing body concerned.

(3) As from the date of any such taking over the school concerned shall be deemed to be a special Government Bantu school established under section *two* and the governing body concerned shall cease to have any rights, powers or duties in respect of such school.

Transfer of special Bantu schools to Bantu authorities or other bodies.

8. The Minister may with due regard to the principle of providing for active participation by the Bantu population in the management and control of special Bantu schools, and on such conditions as he may in consultation with the Minister of Finance prescribe, at any time which in his opinion is opportune, transfer the management and control of any special Bantu school to any Bantu authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or any body established under section *twelve* of the Bantu Education Act, 1953 (Act No. 47 of 1953): Provided that in the case of a State-aided or private special Bantu school the conditions subject to which such transfer is to be effected shall be determined in consultation with the governing body of the school concerned.

Admission of pupils to special Government Bantu schools and State-aided special Bantu schools.

9. (1) Subject to the provisions of this Act and any other law, the admission of a handicapped child to any special Government Bantu school or State-aided special Bantu school shall be subject to the approval of the Secretary or a competent officer, and the Secretary or any such officer may transfer a handicapped child from one such school to another if in his opinion such transfer would be in the interests of the school or child concerned or is advisable for any other reason, or dismiss any such child from any such school.

(2) No child shall be permitted to attend any such school if he is under the age of three years or after the end of the year in which he attains the age of eighteen years: Provided that the Secretary may permit any child to attend a special Bantu school after he has attained the age of eighteen years, if the Secretary

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belang van die kind ag dat hy toegelaat word om 'n bepaalde kursus te voltooi, maar in geen geval na die einde van die jaar waarin daardie kind die ouderdom van drie-en-twintig jaar bereik nie.

(3) Die toelatingsvereistes vir kinders met betrekking tot moedertaal, ouderdom, aard en graad van gebreke, algemene gesondheidstoestand, opvoedbaarheid, duur van opleiding en enige ander aangeleentheid wat nodig geag word, kan deur die Sekretaris vir elke sodanige skool afsonderlik of vir al daardie skole in die algemeen bepaal word.

Uitsluiting van bepalings van Wet 30 van 1941.

10. 'n Leerling in 'n spesiale Staatsbantoeskool of 'n Staatsondersteunde spesiale Bantoeskool word nie by die toepassing van die bepalings van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman of 'n ander persoon wat daarkragtens op betaling geregtig is, te wees nie.

Inspeksie.

11. Die Sekretaris kan 'n inspeksie laat hou met betrekking tot—

(*a*) die toelating van leerlinge tot en hul ontslag uit enige Staatsondersteunde of private spesiale Bantoeskool, die verskaffing van buitengewone onderwys aan en die versorging van die leerlinge by so 'n skool en die geboue en koshuise verbonde aan so 'n skool;

(*b*) die uitrusting, voorrade en finansies van 'n Staatsondersteunde spesiale Bantoeskool; en

(*c*) enige ander aangeleentheid in verband met 'n Staatsondersteunde of 'n private spesiale Bantoeskool wat na sy oordeel ondersoek behoort te word.

Aanspreeklikheid van ouers vir sekere gelde en koste by spesiale Staatsbantoeskole.

12. (1) Die ouer van 'n kind wat tot 'n spesiale Staatsbantoeskool toegelaat word, moet—

(*a*) ten opsigte van buitengewone onderwys aan die kind verskaf die gelde betaal wat ooreenkomstig die tariewe van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal deur die Sekretaris gevorder word; en

(*b*) indien die kind se ouers nie in die Republiek woon nie, ook die onderwysgelde en gelde vir boeke en ander onderwyshulpmiddels betaal wat aldus bepaal word.

(2) Verskillende gelde kan ingevolge sub-artikel (1) ten opsigte van verskillende kategorieë van afwykende kinders bepaal word, en die Minister kan in oorleg met die Minister van Finansies en op die wyse wat hy goedvind ten opsigte van enige kind of kategorie van kinders vrystelling van die betaling van aldus bepaalde gelde verleen.

Adviserende komitee vir spesiale Staatsbantoeskole.

13. (1) Die Minister kan vir 'n spesiale Staatsbantoeskool 'n adviserende komitee instel om die Sekretaris in verband met die aangeleenthede wat voorgeskryf word, te adviseer.

(2) Die samestelling, werksaamhede, bevoegdhede, pligte en prosedure op vergaderings van 'n adviserende komitee is soos voorgeskryf.

(3) Die Minister stel die lede van 'n adviserende komitee aan vir die termyn en op die voorwaardes wat voorgeskryf word, maar kan die aanstelling van so 'n lid te eniger tyd beëindig.

(4) Aan 'n lid van 'n adviserende komitee wat nie in die voltydse diens van die Staat is nie, kan ten opsigte van sy dienste in verband met die sake van die komitee die verblyf- en reistoelaes betaal word wat die Minister in oorleg met die Minister van Finansies voorskryf.

Trustgelde en skoolfondse van spesiale Staatsbantoeskole.

14. (1) Enige gelde of ander eiendom wat—

(*a*) uit ander bronne as die Staat aan 'n spesiale Staatsbantoeskool geskenk of bemaak is of word of deur so 'n skool ontvang is of word, behalwe by wyse van onderwys-, losies- of ander gelde, of eiendom wat die Staat toekom; of

(*b*) deur die Minister met die goedkeuring van die Minister van Finansies aan die trust- of skoolfonds van so 'n skool oorbetaal word uit gelde deur die Parlement vir die doel bewillig,

word deur die Sekretaris of deur die betrokke adviserende komitee onder sy leiding en beheer gebruik en bestuur.

(2) (*a*) Sodanige gelde en eiendom wat uit hoofde van 'n trust, skenking of bemaking ontvang is of word, word ooreenkomstig die voorwaardes van die betrokke trust, skenking of bemaking aangewend.

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considers it in the interests of the child that he be allowed to complete any particular course, but not in any case after the end of the year in which such child attains the age of twenty-three years.

(3) The requirements in regard to admission of children with respect to mother tongue, age, nature and degree of disability, general state of health, capability of being educated, duration of training and any other matter considered necessary, may be determined by the Secretary in respect of each such school individually or in respect of all such schools generally.

Exclusion of provisions of Act 30 of 1941.

10. A pupil in a special Government Bantu school or a State-aided special Bantu school shall not for the purposes of the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman or any other person entitled to compensation in terms thereof.

Inspection.

11. The Secretary may cause an inspection to be held in regard to—

(*a*) the admission of pupils to and their dismissal from any State-aided or private special Bantu school, the provision of special education for and the care of the pupils at any such school and the buildings and hostels attached to any such school;

(*b*) the equipment, stores and finances of any State-aided special Bantu school; and

(*c*) any other matter in connection with any State-aided or private special Bantu school which in his opinion ought to be investigated.

Liability of parents for certain fees and expenses at special Government Bantu schools.

12. (1) The parent of any child admitted to a special Government Bantu school shall—

(*a*) in respect of special education provided for that child pay such fees as may be required by the Secretary in accordance with the tariffs determined from time to time by the Minister in consultation with the Minister of Finance; and

(*b*) if the child's parents are not resident in the Republic, also pay such tuition fees and fees for books and other educational aids as may be so determined.

(2) Different fees may be determined under sub-section (1) in respect of different classes of handicapped children, and the Minister may in consultation with the Minister of Finance and in such manner as he may deem fit, grant exemption from the payment of the fees so determined in respect of any child or any class of children.

Advisory committee for special Government Bantu schools.

13. (1) The Minister may in respect of any special Government Bantu school establish an advisory committee to advise the Secretary in connection with such matters as may be prescribed.

(2) The constitution, functions, powers, duties and procedure at meetings of any advisory committee shall be as prescribed.

(3) The Minister shall appoint the members of any advisory committee for such period and on such conditions as may be prescribed but may at any time terminate the appointment of any such member.

(4) A member of an advisory committee who is not in the full-time service of the State may be paid such subsistence and transport allowances in respect of his services in connection with the affairs of the committee as may be prescribed by the Minister in consultation with the Minister of Finance.

Trust moneys and school funds of special Government Bantu schools.

14. (1) Any moneys or other property—

(*a*) donated or bequeathed to any special Government Bantu school or received by any such school from any source other than the State, except by way of tuition, boarding or other fees, or property accruing to the State; or

(*b*) paid over to the trust or school fund of any such school by the Minister, with the approval of the Minister of Finance, out of moneys appropriated by Parliament for the purpose,

shall be used and administered by the Secretary or by the advisory committee concerned under his guidance and control.

(2) (*a*) Such moneys and property received by virtue of any trust, donation or bequest shall be used in accordance with the conditions of the trust, donation or bequest concerned.

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(*b*) Die Sekretaris kan gelde wat onmiddellik voor die in artikel *sewe* bedoelde oorname van 'n Staatsondersteunde of private spesiale Bantoeskool, uit hoofde van 'n trust, skenking of bemaking aan die bestuursliggaam van die betrokke skool behoort het of tot die krediet van die skoolfonds van daardie skool gestaan het, ooreenkomstig hierdie artikel aanwend of dit aan die adviserende komitee van daardie skool oorbetaal om aldus aangewend te word.

(3) Die boeke en rekenings van 'n adviserende komitee word deur die Kontroleur en Ouditeur-generaal geouditeer.

Aanstelling van personeel by spesiale Staatsbantoeskole.

15. (1) Die diensstaat by 'n spesiale Staatsbantoeskool word deur die Minister bepaal op 'n grondslag wat van tyd tot tyd in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie deur die Minister vasgestel word.

(2) Die bevoegdheid om persone by so 'n skool in diens aan te stel, te bevorder, oor te plaas of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister, wat enige van of al die bedoelde bevoegdhede aan die Sekretaris kan delegeer: Met dien verstande dat 'n aanstelling, bevordering, oorplasing of ontslag ten opsigte van 'n betrekking deur die Minister aangewys, bewerkstellig kan word deur 'n beampte van die Departement wat die Minister òf algemeen òf in die besondere geval daartoe gemagtig het.

Indeling van sekere poste by spesiale Staatsbantoeskole as poste in die Staatsdiens.

16. Die Minister kan op aanbeveling van die Staatsdienskommissie 'n pos op die diensstaat van 'n spesiale Staatsbantoeskool wat nie 'n onderwyspos is nie, aanwys as 'n pos wat ingevolge die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), ingedeel moet word by die vaste diensstaat soos in artikel *een* van dié Wet omskryf, en ten opsigte waarvan die bepalings van bedoelde Wet van toepassing is.

Diensvoorwaardes van persone in diens by spesiale Staatsbantoeskole.

17. Behoudens die bepalings van hierdie Wet, moet die Minister, in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie, die salarisse, salarisskale en toelaes van persone wat permanent, tydelik of deeltyds by 'n spesiale Staatsbantoeskool in diens is, bepaal en die diensvoorwaardes, met inbegrip van verlofvoorregte en uitdienstredings- en pensioenvoordele (as daar is), van sulke persone voorskryf.

Aanstelling van personeel by Staatsondersteunde spesiale Bantoeskole.

18. (1) Die diensstaat by 'n Staatsondersteunde spesiale Bantoeskool word deur die Minister bepaal.

(2) Die bevoegdheid om 'n persoon in diens by 'n Staatsondersteunde spesiale Bantoeskool aan te stel, te bevorder, oor te plaas of te ontslaan, berus by die bestuursliggaam van die betrokke skool: Met dien verstande dat elke aanstelling, bevordering, oorplasing of ontslag deur 'n bestuursliggaam onderworpe is aan die goedkeuring van die Minister, wat enige van of al sy bevoegdhede in verband daarmee aan die Sekretaris kan delegeer: Met dien verstande voorts dat ten opsigte van enige betrekking deur die Minister aangewys, goedkeuring vir so 'n aanstelling, bevordering, oorplasing of ontslag gegee kan word deur 'n beampte wat die Minister òf algemeen òf in die besondere geval daartoe gemagtig het.

(3) Iemand wat onmiddellik vóór die inwerkingtreding van hierdie Wet 'n pos beklee het op die diensstaat van 'n Staatsondersteunde spesiale Bantoeskool wat voor bedoelde inwerkingtreding kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), goedgekeur was en 'n subsidie ontvang het, word geag met ingang van die datum van bedoelde inwerkingtreding ingevolge die bepalings van sub-artikel (2) in die betrokke pos aangestel te gewees het.

Diensvoorwaardes van persone in diens by Staatsondersteunde spesiale Bantoeskole.

19. Die diensvoorwaardes, verlof- en ander voorregte en uitdienstredings- en pensioenvoordele (as daar is) van alle persone wat permanent, tydelik of deeltyds by 'n Staatsondersteunde spesiale Bantoeskool in diens is, is soos voorgeskryf, en hul salarisse, salarisskale en toelaes word deur die Minister in oorleg met die Minister van Finansies bepaal.

Beskerming van pensioenregte en uitdienstredingsvoordele en verlof.

20. (1) Tensy en totdat die Minister anders voorskryf, behou enige persoon wat op die datum van die inwerkingtreding van hierdie Wet permanent of tydelik by 'n Staatsondersteunde spesiale Bantoeskool in diens is, al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens die een of ander wetsbepaling wat onmiddellik voor daardie datum op hom van toepassing was.

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(*b*) Any moneys which immediately before the taking over referred to in section *seven*, of a State-aided special Bantu school or private special Bantu school, belonged to the governing body of such school or stood to the credit of the school fund of such school by virtue of any trust, donation or bequest, may be used by the Secretary in accordance with this section or paid over by him to the advisory committee of that school to be so used.

(3) The books and accounts of any advisory committee shall be audited by the Controller and Auditor-General.

Appointment of staff of special Government Bantu schools.

15. (1) The establishment of any special Government Bantu school shall be determined by the Minister on such a basis as may from time to time be determined by the Minister in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) The power to appoint, promote, transfer or discharge persons in the service of any such school shall, subject to the provisions of this Act, be vested in the Minister who may delegate all or any of such powers to the Secretary: Provided that in respect of any post designated by the Minister, any appointment, promotion, transfer or discharge may be effected by any officer of the Department authorized thereto by the Minister either generally or in the particular case.

Classification of certain posts at special Government Bantu schools as posts in the public service.

16. The Minister may on the recommendation of the Public Service Commission designate any post (not being a teaching post) on the establishment of a special Government Bantu school as a post which shall in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), be included in the fixed establishment as defined in section *one* of that Act in respect of which the provisions of the said Act shall apply.

Conditions of service of persons employed in special Government Bantu schools.

17. Subject to the provisions of this Act, the Minister shall in consultation with the Minister of Finance and on the recommendation of the Public Service Commission determine the salaries, scales of salary and allowances and prescribe the conditions of service, including leave privileges and retirement and pension benefits, if any, of persons employed in a permanent, temporary or part-time capacity at any special Government Bantu school.

Appointment of staff of State-aided special Bantu schools.

18. (1) The establishment of any State-aided special Bantu school shall be determined by the Minister.

(2) The power to appoint, promote, transfer or discharge any person employed in any State-aided special Bantu school shall be vested in the governing body of the school concerned: Provided that every appointment, promotion, transfer or discharge by a governing body shall be subject to the approval of the Minister who may delegate any or all of his powers in connection therewith to the Secretary: Provided further that in respect of any post designated by the Minister, approval to such appointment, promotion, transfer or discharge may be given by an officer authorized thereto by the Minister either generally or in the particular case.

(3) Any person who immediately before the commencement of this Act occupied a post on the establishment of a State-aided special Bantu school which was approved and received subsidy under the Special Education Act, 1948 (Act No. 9 of 1948), before such commencement, shall be deemed to have been appointed to the post in question in terms of sub-section (2) with effect from the date of such commencement.

Conditions of service of persons employed in State-aided special Bantu schools.

19. The conditions of service, leave and other privileges and retirement and pension benefits, if any, of persons employed in a permanent, temporary or part-time capacity at any State-aided special Bantu school shall be as prescribed, and their salaries, scales of salary and allowances shall be determined by the Minister in consultation with the Minister of Finance.

Protection of pension rights and retirement and pension benefits and leave.

20. (1) Unless and until the Minister otherwise prescribes, any person who at the date of commencement of this Act is employed in a permanent or temporary capacity at any State-aided special Bantu school shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law which applied to him immediately before the said date.

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(2) Behoudens die bepalings van hierdie Wet, word die ononderbroke voltydse diens van iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet in diens is by 'n Staatsondersteunde spesiale Bantoeskool wat voor bedoelde inwerkingtreding kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), goedgekeur was en subsidie ontvang het, vir verlofdoeleindes geag diens in 'n pos op die diensstaat bedoel in sub-artikel (1) van artikel *agtien* te wees, en word siekte- of oplopende vakansieverlof wat so iemand op daardie datum toekom, onderworpe aan die voorwaardes wat die Minister bepaal, geag verlof te wees wat ingevolge hierdie Wet toegeval het.

Regulasies.

21. (1) Die Minister kan regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie, met betrekking tot—

(*a*) die gradering van spesiale Staatsbantoeskole en Staatsondersteunde spesiale Bantoeskole;

(*b*) die algemene voorwaardes ten opsigte van die beheer en bestuur, kwalifikasies van onderwyspersoneel, onderrigkursusse, algemene metode en medium van onderrig, erkenning van die geloofsoortuiging van ouers, ligging van skoolterreine en aanverwante aangeleenthede waaraan die goedkeuring van 'n private spesiale Bantoeskool onderworpe is;

(*c*) die voorwaardes waaronder subsidies en lenings aan Staatsondersteunde spesiale Bantoeskole toegeken kan word;

(*d*) die voorwaardes wat geld in verband met die oorname van Staatsondersteunde en private spesiale Bantoeskole as spesiale Staatsbantoeskole;

(*e*) die voorwaardes waaronder die beheer oor en bestuur van 'n Staatsondersteunde of private spesiale Bantoeskool ingevolge artikel *agt* aan 'n Bantoe-owerheid of ander liggaam oorgedra kan word;

(*f*) die toelating van leerlinge tot en die beheer, tug en behandeling van leerlinge aan en die oorplasing en ontslag van leerlinge uit spesiale Staatsbantoeskole en Staatsondersteunde spesiale Bantoeskole;

(*g*) inspeksies ingevolge artikel *elf*;

(*h*) geldelike en ander materiële hulp aan leerlinge in spesiale Staatsbantoeskole en Staatsondersteunde spesiale Bantoeskole;

(*i*) die ontvangs en besteding van die in sub-artikel (1) van artikel *veertien* bedoelde gelde, die boeke, rekenings en registers wat in verband daarmee gehou moet word, die wyse waarop hulle gehou moet word en die opgawes en verslae wat verstrek moet word;

(*j*) die aanstelling, gradering, bevordering, oorplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlof- en ander voorregte, uitdienstredings- en pensioenvoordele en die diensvoorwaardes, met inbegrip van amptelike wonings, inwoning in koshuise, losiestariewe en afslag op losies ten opsigte van toesigdiens, van persone in diens by spesiale Staatsbantoeskole en Staatsondersteunde spesiale Bantoeskole;

(*k*) die vorms wat vir die doeleindes van hierdie Wet nodig is;

(*l*) oor die algemeen enige ander aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) Verskillende regulasies kan ten opsigte van verskillende personeellede of ten opsigte van sodanige lede van verskillende groepe of klasse of rasse of ten opsigte van verskillende skole of groepe skole of gebiede uitgevaardig word.

(3) 'n Bepaling van, of regulasie deur die Minister uitgevaardig kragtens, die Wet op Buitengewone Onderwys, 1948, wat onmiddellik voor die inwerkingtreding van hierdie Wet op of ten opsigte van 'n spesiale Bantoeskool of 'n persoon ingevolge daardie Wet van toepassing was, bly van toepassing op of ten opsigte van so 'n skool of persoon vir sover dit nie met hierdie Wet in stryd is nie of, in die geval van so 'n regulasie, totdat dit by kragtens hierdie Wet uitgevaardigde regulasie herroep, verander of gewysig word.

Oortredings en strawwe.

22. (1) Iemand wat—

(*a*) buitengewone onderwys verskaf vir afwykende kinders in 'n skool wat nie ingevolge hierdie Wet ingestel of goedgekeur is of geag word ingestel of goedgekeur te wees nie, hetsy as lid van die bestuursliggaam van so 'n skool of as hoof daarvan; of

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(2) Subject to the provisions of this Act, the continuous full-time service of any person who immediately prior to the date of commencement of this Act is employed at any State-aided special Bantu school which was approved and received subsidy before such commencement in terms of the Special Education Act, 1948 (Act No. 9 of 1948), shall for leave purposes be deemed to be service in a post on the establishment referred to in sub-section (1) of section *eighteen*, and any sick leave or accrued vacation leave to which such person is entitled on that date shall, subject to such conditions as the Minister may determine, be deemed to be leave which accrued under this Act.

Regulations.

21. (1) The Minister may make regulations not inconsistent with this Act, in regard to—

(*a*) the grading of special Government Bantu schools and State-aided special Bantu schools;

(*b*) the general conditions in respect of control and management, qualifications of teaching staff, courses of instruction, general method and medium of instruction, recognition of religious convictions of parents, situation of school grounds and related matters to which the approval of any private special Bantu school shall be subject;

(*c*) the conditions under which subsidies and loans may be granted to State-aided special Bantu schools;

(*d*) the conditions which shall apply in connection with the taking over of State-aided and private special Bantu schools as special Government Bantu schools;

(*e*) the conditions under which the control and management of any State-aided or private special Bantu school may under section *eight* be transferred to any Bantu authority or other body;

(*f*) the admission of pupils to, and the control, discipline and treatment of pupils at, and the transfer and discharge of pupils from special Government Bantu schools and State-aided special Bantu schools;

(*g*) inspections in terms of section *eleven*;

(*h*) financial and other material assistance to pupils in special Government Bantu schools and State-aided special Bantu schools;

(*i*) the receipt and expenditure of the moneys referred to in sub-section (1) of section *fourteen*, the books, accounts and records to be kept in connection therewith, the manner in which they shall be kept and the returns and reports which shall be furnished;

(*j*) the appointment, grading, promotion, transfer, discharge, discipline, conduct, powers, duties, hours of service, leave and other privileges, retirement and pension benefits and the conditions of service, including official residences, residence in hostels, charges for boarding and reduction of boarding fees in respect of supervisory services, of persons employed at special Government Bantu schools and State-aided special Bantu schools;

(*k*) the forms required for the purposes of this Act;

(*l*) generally any other matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of different staff members or in respect of such members of different groups or classes or races or in respect of different schools or groups of schools or areas.

(3) Any provision of or regulation made by the Minister under the Special Education Act, 1948, which immediately prior to the commencement of this Act applied to or in respect of any special Bantu school or any person in terms of that Act, shall continue to apply to or in respect of such school or person in so far as it is not in conflict with this Act or, in the case of any such regulation, until it is repealed, altered or amended by regulation made under this Act.

Offences and penalties.

22. (1) Any person who—

(*a*) provides special education for handicapped children in a school not established or approved or deemed to be established or approved under this Act, whether as a member of the governing body of such school or as principal thereof; or

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(*b*) die Sekretaris of 'n deur hom gemagtigde persoon belemmer of hinder of steur terwyl hy besig is om sy pligte ingevolge hierdie Wet uit te voer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van iemand in paragraaf (*a*) bedoel, met 'n boete van hoogstens vierhonderd rand of by wanbetaling gevangenisstraf vir 'n tydperk van hoogstens twaalf maande; en

(ii) in die geval van iemand in paragraaf (*b*) bedoel, by 'n eerste skuldigbevinding met 'n boete van hoogstens vyftig rand of by wanbetaling gevangenisstraf vir 'n tydperk van hoogstens een maand en by 'n tweede of latere skuldigbevinding met 'n boete van hoogstens honderd rand of by wanbetaling gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Iemand wat aan 'n misdryf ingevolge sub-artikel (1) skuldig bevind is en wat te eniger tyd na daardie skuldigbevinding voortgaan met die handelwyse ten opsigte waarvan hy aldus skuldig bevind is, kan weer eens ten opsigte van daardie handelwyse aangekla en gestraf word.

Wysiging van artikel 1 van Wet 47 van 1953, soos gewysig deur artikel 1 van Wet 33 van 1959 en artikel 1 van Wet 55 van 1961.

23. Artikel *een* van die Wet op Bantoe-onderwys, 1953, word hierby gewysig met ingang van die datum van inwerkingtreding van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), deur aan die end van die omskrywing van „onderwys" die woorde „en by die toepassing van hierdie omskrywing word onder hoër onderwys nie ook onderwys verstaan wat by 'n beroepskool, deeltydse klas of voortsettingsklas vir Bantoepersone verskaf word nie" by te voeg.

Wysiging van artikel 10*bis* van Wet 47 van 1953, soos ingevoeg deur artikel 3 van Wet 33 van 1959.

24. (1) Artikel *tien bis* van die Wet op Bantoe-onderwys, 1953, word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:

„Met dien verstande dat die Minister so 'n onderwyser vir die doeleindes van die Ongevallewet, 1941 (Wet No. 30 van 1941), as 'n Regeringswerknemer kan beskou.".

(2) Sub-artikel (1) word geag op die eerste dag van April 1962 in werking te getree het.

Wysiging van artikel 1*bis* van Wet 9 van 1948, soos ingevoeg deur artikel 35 van Wet 47 van 1963.

25. Artikel *een bis* van die Wet op Buitengewone Onderwys, 1948, word hierby gewysig deur aan die end daarvan die woorde „of artikel *een* van die Wet op Buitengewone Onderwys vir die Bantoe, 1964" by te voeg.

Wysiging van artikel 1*bis* van Wet 70 van 1955, soos ingevoeg deur artikel 36 van Wet 47 van 1963.

26. (1) Artikel *een bis* van die Wet op Beroepsonderwys, 1955, word hierby gewysig deur aan die end daarvan die woorde „of van Bantoepersone soos in artikel *een* van die Wet op Buitengewone Onderwys vir die Bantoe, 1964, omskryf" in te voeg.

(2) Bedoelde artikel *een bis* word vir sover dit op Bantoepersone betrekking het, geag op die datum van inwerkingtreding van die Wet op Beroepsonderwys, 1955, in werking te getree het.

Kort titel.

27. Hierdie Wet heet die Wet op Buitengewone Onderwys vir die Bantoe, 1964.

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(*b*) interferes with or hinders or disturbs the Secretary or a person authorized by him while he is engaged in the performance of his duties under this Act,

shall be guilty of an offence and liable on conviction—

(i) in the case of a person referred to in paragraph (*a*), to a fine not exceeding four hundred rand or, in default of payment, imprisonment for a period not exceeding twelve months; and

(ii) in the case of a person referred to in paragraph (*b*), to a fine not exceeding fifty rand or, in default of payment, imprisonment for a period not exceeding one month on a first conviction, and a fine not exceeding one hundred rand or, in default of payment, imprisonment for a period not exceeding three months on a second or subsequent conviction.

(2) Any person who has been convicted of an offence under sub-section (1) and who at any time after such conviction carries on the activities in respect of which he was so convicted, may again be charged and punished in respect of such activities.

23. Section *one* of the Bantu Education Act, 1953, is hereby amended with effect from the commencement of the Vocational Education Act, 1955 (Act No. 70 of 1955), by the addition at the end of the definition of "education" of the words "and for the purposes of this definition higher education shall not be regarded as including education provided at any vocational school, part-time class or continuation class for Bantu persons". Amendment of section 1 of Act 47 of 1953, as amended by section 1 of Act 33 of 1959 and section 1 of Act 55 of 1961.

24. (1) Section *ten bis* of the Bantu Education Act, 1953, is hereby amended by the addition to sub-section (2) of the following proviso: Amendment of section 10*bis* of Act 47 of 1953, as inserted by section 3 of Act 33 of 1959.

"Provided that the Minister may regard any such teacher as an employee of the Government for the purposes of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.

25. Section *one bis* of the Special Education Act, 1948, is hereby amended by the addition at the end thereof of the words "or section *one* of the Bantu Special Education Act, 1964". Amendment of section 1*bis* of Act 9 of 1948, as inserted by section 35 of Act 47 of 1963.

26. (1) Section *one bis* of the Vocational Education Act, 1955, is hereby amended by the addition at the end thereof of the words "or of Bantu persons as defined in section *one* of the Bantu Special Education Act, 1964". Amendment of section 1*bis* of Act 70 of 1955, as inserted by section 36 of Act 47 of 1963.

(2) The said section *one bis* shall in so far as it relates to Bantu persons be deemed to have come into operation on the date of commencement of the Vocational Education Act, 1955.

27. This Act shall be called the Bantu Special Education Act, 1964. Short title.

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No. 25, 1964.]

WET

Om voorsiening te maak vir die beheer van pryse en ander aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 9 *Maart* 1964.)

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) „diens" enige diens in die loop van 'n handelstransaksie verrig en ook die verskaffing van verversings of maaltye vir verbruik op die perseel waarop daardie verversings of maaltye verskaf word; (vi)

(ii) „goedere" ook gebruikte goedere; (iii)

(iii) „kontroleur" die kragtens artikel *twee* aangestelde Pryskontroleur; (i)

(iv) „Minister" die Minister van Ekonomiese Sake; (iv)

(v) „*Staatskoerant*", met betrekking tot enige kennisgewing kragtens hierdie Wet waarvan die toepassing tot die gebied Suidwes-Afrika of 'n gedeelte daarvan beperk word, die *Offisiële Koerant* van genoemde gebied; (ii)

(vi) „verkoop" ook ooreenkom om te verkoop, of merk met 'n verkoopprys, of aanbied of poog om te verkoop, of vir verkoop vertoon, uitstal of adverteer, of ingevolge 'n koopkontrak lewer, of teen vergoeding lewer of van die hand sit, of verkoop per veiling of by wyse van 'n huurkoopkontrak of kontrak van verkoop op afbetaling soos in die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), omskryf, terwyl die datum van so 'n kontrak die datum van verkoop geag word. (v)

Aanstelling van Pryskontroleur.

2. Die Minister kan, behoudens die wetsbepalings op die staatsdiens, 'n Pryskontroleur aanstel wat onderworpe aan die beheer van die Minister die werksaamhede verrig en die bevoegdhede uitoefen wat deur hierdie Wet aan hom toegewys of verleen word.

Aanwys van adjunk-pryskontroleurs, prysbeheeropsieners en prysbeheerinspekteurs.

3. Die kontroleur kan beamptes in die staatsdiens aanwys—

(*a*) as adjunk-pryskontroleurs wat onderworpe aan sy beheer die werksaamhede verrig en die bevoegdhede uitoefen wat hy aan hulle delegeer;

(*b*) as prysbeheeropsieners of -inspekteurs wat onderworpe aan die beheer van die kontroleur die werksaamhede verrig en die bevoegdhede uitoefen wat deur hierdie Wet aan hulle toegewys of verleen word.

Kontroleur kan maksimumpryse of -bedrae vasstel.

4. (1) Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant*—

(*a*) die maksimumprys vasstel waarteen enige goedere deur 'n persoon aan 'n ander persoon verkoop mag word;

(*b*) die maksimumprys vasstel waarteen 'n persoon enige goedere van 'n ander persoon mag koop;

(*c*) die maksimumbedrag vasstel wat 'n persoon vir 'n bepaalde diens mag vra;

(*d*) 'n persoon verbied om enige bedrag vir 'n bepaalde diens te vra.

(2) 'n Aldus vasgestelde prys of bedrag—

(*a*) kan 'n bepaalde prys of bedrag wees wat vasgestel is ongeag die koste van die betrokke goedere of diens of 'n prys of bedrag wees wat bepaal moet word op die basis wat die kontroleur in elke geval bepaal;

(*b*) kan verskil ten opsigte van verskillende transaksies, gebiede of persone of klasse of kategorieë van persone.

(3) 'n Aldus vasgestelde prys of bedrag kan ten opsigte van verskillende klasse, soorte, hoeveelhede of gehaltes van goedere of dienste verskil.

(4) Wanneer die maksimumprys ten opsigte van enige goedere kragtens hierdie artikel vasgestel is, is, tensy die kontroleur anders bepaal, die maksimumprys ten opsigte van 'n hoeveelheid van daardie goedere waarvoor die maksimumprys nie uitdruklik vasgestel is nie—

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No. 25, 1964.]

ACT

To provide for the control of prices and other incidental matters.

(*English text signed by the State President.*)
(*Assented to 9th March,* 1964.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—

(i) "controller" means the Price Controller appointed under section *two*; (iii)

(ii) "*Gazette*" in relation to any notice under this Act the application whereof is limited to the territory of South-West Africa or any portion thereof, means the *Official Gazette* of the said territory; (v)

(iii) "goods" includes used goods; (ii)

(iv) "Minister" means the Minister of Economic Affairs; (iv)

(v) "sell" includes agree to sell, or mark with a selling price, or offer or attempt to sell, or expose, display or advertise for sale, or deliver in pursuance of a sale, or deliver or dispose of for any consideration, or sell by auction or by way of a hire purchase agreement or instalment sale agreement as defined in the Hire Purchase Act, 1942 (Act No. 36 of 1942), the date of any such agreement being deemed to be the date of sale, and "sale" shall have a corresponding meaning; (vi)

(vi) "service" means any service rendered in the course of any commercial transaction and includes the supply of refreshments or meals for consumption on the premises at which such refreshments or meals are supplied. (i)

Appointment of Price Controller.

2. The Minister may, subject to the laws governing the public service, appoint a Price Controller who shall, subject to the control of the Minister, perform such functions and exercise such powers as may be assigned to or conferred upon him by this Act.

Designation of deputy price controllers, price control supervisors and price control inspectors.

3. The controller may designate any officers in the public service—

(*a*) as deputy price controllers, who shall, subject to his control, perform such functions and exercise such powers as he may delegate to them;

(*b*) as price control supervisors or inspectors, who shall, subject to the control of the controller, perform such functions and exercise such powers as may be assigned to or conferred upon them by this Act.

Controller may fix maximum prices or charges.

4. (1) The controller may from time to time by notice in the *Gazette*—

(*a*) fix the maximum price at which any goods may be sold by any person to any other person;

(*b*) fix the maximum price at which any person may purchase any goods from any other person;

(*c*) fix the maximum charge that may be made by any person for any specified service;

(*d*) prohibit any person from making any charge for any specified service.

(2) Any price or charge so fixed—

(*a*) may be a specified price or charge fixed irrespective of the cost of the goods or service concerned or a price or charge to be determined on such basis as the controller may in each case specify;

(*b*) may vary in respect of different transactions, areas or persons or classes or categories of persons.

(3) Any price or charge so fixed may vary in respect of different classes, kinds, quantities or qualities of goods or services.

(4) Unless otherwise specified by the controller, whenever under this section the maximum price in respect of any goods has been fixed, the maximum price in respect of any quantity of such goods for which the maximum price has not been specifically fixed, shall—

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(i) indien die hoeveelheid groter is as 'n hoeveelheid waarvoor die maksimumprys vasgestel is, eweredig aan die maksimumprys vasgestel vir die grootste hoeveelheid wat kleiner as eersgenoemde hoeveelheid is;

(ii) indien die hoeveelheid kleiner is as die kleinste hoeveelheid waarvoor die maksimumprys vasgestel is, eweredig aan die maksimumprys vasgestel vir daardie kleinste hoeveelheid.

(5) Tensy die kontroleur anders bepaal, kan 'n breuk van 'n halwe sent by 'n ingevolge sub-artikel (4) berekende prys as 'n halwe sent gereken word.

Deposito's of bedrae gevra ten opsigte van houers van goedere wat verkoop word.

5. (1) Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant*—

(*a*) die maksimumbedrag voorskryf van enige deposito wat geëis kan word ten opsigte van die terugbesorging van die houer van goedere wat verkoop word;

(*b*) 'n persoon wat goedere in 'n houer verkoop, verbied om 'n deposito ten opsigte van die terugbesorging van daardie houer te eis of om 'n bedrag vir daardie houer te vra;

(*c*) die bedrag voorskryf wat by die terugbesorging van die houer waarin goedere verkoop is, terugbetaal moet word ongeag die bedrag van enige deposito wat gestort is, die voorwaardes voorskryf waarop die terugbetaling betaalbaar word en die tydperk voorskryf waarbinne die terugbetaling geëis kan word;

(*d*) die bedrag voorskryf wat 'n persoon wat goedere in 'n houer verkoop, aan die koper vir 'n soortgelyke houer moet betaal.

(2) By die uitoefening van enige bevoegdheid kragtens sub-artikel (1) kan die kontroleur tussen klasse of kategorieë van persone of klasse of soorte van houers onderskei.

Verkoop van goedere per veiling.

6. (1) Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die vereistes voorskryf waaraan 'n verkoper of afslaer by die verkoop van goedere per veiling moet voldoen, ten einde te verseker dat die bepalings van hierdie Wet of 'n kennisgewing daarkragtens uitgereik, nagekom word.

(2) Sodanige vereistes kan ten opsigte van verskillende klasse of kategorieë van verkopers of afslaers verskil.

Die vertoon of merk van pryse en die merk van goedere.

7. Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, in die geval van 'n bepaalde persoon, by skriftelike kennisgewing—

(*a*) wanneer 'n maksimumprys vir goedere of 'n maksimumbedrag vir diens kragtens hierdie Wet vasgestel is, gelas dat 'n persoon wat in daardie goedere handel dryf of wat daardie diens verrig, daardie maksimumprys of -bedrag op die wyse deur die kontroleur voorgeskryf, moet vertoon;

(*b*) enige handelaar of enige handelaar van 'n bepaalde klas verplig om enige goedere of enige bepaalde goedere op die deur die kontroleur voorgeskrewe wyse met sy verkoopprys vir daardie goedere te merk;

(*c*) 'n vervaardiger of 'n bepaalde vervaardiger van bepaalde goedere of goedere van 'n bepaalde klas of 'n handelaar of 'n bepaalde handelaar in sodanige goedere verplig om daardie goedere op die deur die kontroleur voorgeskrewe wyse te merk—

(i) met die maksimumprys waarteen daardie goedere deur 'n handelaar of 'n bepaalde handelaar of 'n handelaar van 'n bepaalde klas aan 'n persoon of aan 'n persoon van 'n bepaalde klas verkoop mag word;

(ii) met identifikasiemerke ten einde die identiteit van daardie goedere of die materiaal waaruit daardie goedere vervaardig is of die tydperk in die loop waarvan daardie goedere vervaardig is, te kan vasstel;

(*d*) 'n persoon of 'n persoon van 'n bepaalde klas wat goedere verkoop ten opsigte waarvan 'n kennisgewing kragtens paragraaf (*c*) van toepassing is of was, verbied—

(i) om enige merk wat op daardie goedere ooreenkomstig bedoelde kennisgewing aangebring is of aangebring heet te wees, te verander, uit te wis, te skend, te vernietig of te verwyder;

(ii) om toe te laat dat so 'n merk verander, uitgewis, geskend, vernietig of verwyder word.

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(i) if the quantity exceeds a quantity for which the maximum price has been fixed, be proportionate to the maximum price fixed for the largest quantity that is less than the first-mentioned quantity;

(ii) if the quantity is less than the smallest quantity for which the maximum price has been fixed, be proportionate to the maximum price fixed for such smallest quantity.

(5) Unless otherwise specified by the controller, a fraction of one-half cent in any price calculated in terms of sub-section (4) may be charged as one-half cent.

Deposits or charges in respect of containers of goods sold.

5. (1) The controller may from time to time by notice in the *Gazette*—

(*a*) prescribe the maximum amount of any deposit which may be required in respect of the return of the container of any goods sold;

(*b*) prohibit any person selling any goods in a container from requiring any deposit in respect of the return of such container or from making any charge for such container;

(*c*) prescribe the amount of any refund to be made on return of the container in which any goods have been sold irrespective of the amount of any deposit made, the conditions subject to which such refund shall become payable and the time within which such refund may be claimed;

(*d*) prescribe the amount which any person selling any goods in a container shall pay to the purchaser for a similar container.

(2) In exercising any power under sub-section (1) the controller may differentiate between classes or categories of persons or classes or kinds of containers.

Sale of goods by auction.

6. (1) The controller may from time to time by notice in the *Gazette* prescribe the requirements to be complied with by any seller or auctioneer at a sale of goods by auction, in order to ensure compliance with the provisions of this Act or any notice issued thereunder.

(2) Such requirements may vary in respect of different classes or categories of sellers or auctioneers.

Display or marking of prices and marking of goods.

7. The controller may from time to time by notice in the *Gazette* or, in the case of any particular person, by notice in writing—

(*a*) whenever any maximum price for any goods or any maximum charge for any service has been fixed under this Act, direct that any person dealing in such goods or rendering such service shall display in such manner as the controller may perscribe, such maximum price or charge;

(*b*) require any dealer or any dealer of a specified class to mark in such manner as the controller may prescribe any goods or any specified goods with his selling price for such goods;

(*c*) require any manufacturer or any particular manufacturer of any specified goods or goods of a specified class or any dealer or any particular dealer in such goods to mark such goods in such manner as the controller may prescribe—

(i) with the maximum price at which such goods may be sold to any person or to any person of a specified class by any dealer or any particular dealer or any dealer of a specified class;

(ii) with identification marks enabling such goods or any materials from which such goods were made or the period during which such goods were manufactured to be identified;

(*d*) prohibit any person or any person of a specified class who sells any goods in respect of which any notice under paragraph (*c*) applies or applied—

(i) from altering, defacing, mutilating, destroying or removing any mark placed or purporting to have been placed on such goods in terms of such notice;

(ii) from permitting any such mark to be altered, defaced, mutilated, destroyed or removed.

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Uitreiking en bewaring van fakture.

8. Die kontroleur kan by kennisgewing in die *Staatskoerant*—

(*a*) 'n persoon wat goedere verkoop of 'n diens verrig, verplig om op die tydstip of binne die tydperk deur die kontroleur voorgeskryf, aan die koper van daardie goedere of aan die persoon vir wie daardie diens verrig word, 'n faktuur uit te reik wat aldus voorgeskrewe besonderhede bevat;

(*b*) 'n persoon wat so 'n faktuur uitreik, verplig om 'n afskrif daarvan vir die deur die kontroleur voorgeskrewe tydperk te bewaar;

(*c*) 'n persoon aan wie so 'n faktuur uitgereik is, verplig om dit vir die deur die kontroleur voorgeskrewe tydperk te bewaar.

Verkoop of die verrigting van dienste op sekere voorwaardes kan verbied word.

9. (1) Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die verkoop van goedere of die verrigting van dienste op voorwaardes in die kennisgewing uiteengesit, of die weiering om goedere te verkoop of dienste te verrig behalwe op voorwaardes aldus uiteengesit, verbied.

(2) So 'n verbod kan verskil ten opsigte van verskillende goedere of dienste of klasse van goedere of dienste of klasse of kategorieë van persone.

Verkoop of van die hand sit van sekere goedere kan tydelik verbied word.

10. (1) Die kontroleur of 'n prysbeheeropsiener kan by skriftelike kennisgewing en vir die tydperk wat hy goed ag 'n persoon verbied om goedere wat nie aan 'n kragtens hierdie Wet vasgestelde maksimumverkoopprys onderworpe is nie, te verkoop of van die hand te sit.

(2) Die kontroleur of prysbeheeropsiener kan by dergelike kennisgewing so 'n tydperk verleng of so 'n verbod intrek.

Die hou en bewaring van registers deur sekere kopers van goedere en persone wat dienste verrig.

11. Die kontroleur kan by kennisgewing in die *Staatskoerant*—

(*a*) 'n persoon wat goedere aankoop vir herverkoping of vir gebruik by die verwerking, vervaardiging of produksie van enige klas van goedere vir verkoop, verplig om—

(i) die in genoemde kennisgewing voorgeskrewe registers met betrekking tot die koopprys van bedoelde goedere of tot die verwerkings-, vervaardigings- of produksiekoste van bedoelde klas van goedere of tot die verkoopprys van bedoelde goedere of klas van goedere; of

(ii) waar geen sodanige registers aldus voorgeskryf is nie, registers waaruit die koopprys van bedoelde goedere of die verwerkings-, vervaardigings- of produksiekoste van bedoelde klas van goedere, bepaal op die ten opsigte van bedoelde klas van goedere in genoemde kennisgewing voorgeskrewe wyse, of die verkoopprys van bedoelde goedere of klas van goedere geredelik en presies bepaal kan word,

in een van die amptelike tale van die Republiek, of, in die geval van die gebied Suidwes-Afrika, in een van daardie tale of die Duitse taal te hou;

(*b*) 'n persoon wat 'n diens teen vergoeding verrig, verplig om die in genoemde kennisgewing voorgeskrewe registers met betrekking tot die koste aangegaan by die verrigting van daardie diens of, waar geen registers aldus voorgeskryf is nie, registers waaruit bedoelde koste, bepaal op die ten opsigte van bedoelde diens in genoemde kennisgewing voorgeskrewe wyse, geredelik en presies bepaal kan word, aldus te hou;

(*c*) 'n persoon wat registers ooreenkomstig hierdie artikel hou, verplig om daardie registers vir die in genoemde kennisgewing bepaalde tydperk te bewaar.

Inligting wat aan kontroleur deur sekere persone verstrek moet word.

12. (1) Die kontroleur kan 'n persoon wat 'n diens verrig of verrig het of wat goedere verskaf, produseer, vervaardig, verkoop of hanteer of daarin handel dryf, of verskaf, geproduseer, vervaardig, verkoop of gehanteer het of daarin handel gedryf het, beveel om die kontroleur van tyd tot tyd te voorsien van—

(*a*) inligting waaroor daardie persoon beskik ten opsigte van bedoelde diens of bedoelde goedere wat hy of sy dienaar of agent in sy besit of bewaring het of gehad het, of waaroor hy beheer het of gehad het, of wat hy in staat is om te produseer of te vervaardig;

(*b*) 'n balansstaat of besigheidsrekening in die besit of bewaring of onder die beheer van daardie persoon wat op bedoelde diens of bedoelde goedere betrekking het.

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Issue and retention of invoices.

8. The controller may by notice in the *Gazette*—

(*a*) require any person selling any goods or rendering any service to issue, at such time or within such period as may be prescribed by the controller, to the purchaser of such goods or to the person to whom such service is rendered an invoice containing such particulars as may be so prescribed;

(*b*) require any person issuing such an invoice to retain a copy thereof for such period as the controller may prescribe;

(*c*) require any person to whom such an invoice has been issued to retain it for such period as the controller may prescribe.

Certain conditional sales or the rendering of services on certain conditions may be prohibited.

9. (1) The controller may from time to time by notice in the *Gazette* prohibit the sale of any goods or the rendering of any service subject to conditions specified in the notice, or the refusal to sell any goods or render any service except subject to conditions so specified.

(2) Any such prohibition may vary in respect of different goods or services or classes of goods or services or classes or categories of persons.

Sale or disposal of certain goods may be prohibited temporarily.

10. (1) The controller or any price control supervisor may by notice in writing and for such period as he may deem fit prohibit any person from selling or disposing of any goods not subject to a maximum selling price fixed under this Act.

(2) The controller or price control supervisor may by like notice extend any such period or withdraw any such prohibition.

Keeping and preservation of records by certain purchasers of goods and persons rendering services.

11. The controller may by notice in the *Gazette*—

(*a*) require any person purchasing any goods for resale or for use in the processing, manufacture or production of any class of goods for sale, to keep in one of the official languages of the Republic or, in the case of the territory of South-West Africa, in one of such languages or the German language—

(i) such records as may be prescribed in the said notice, relating to the purchase price of such goods or to the cost of processing, manufacture or production of such class of goods or to the selling price of such goods or class of goods; or

(ii) where no such records have been so prescribed, such records as will permit of the ready and accurate ascertainment of the purchase price of such goods or the cost of processing, manufacture or production of such class of goods determined in such manner as may in respect of such class of goods be prescribed in the said notice or the selling price of such goods or class of goods;

(*b*) require any person rendering any service at a remuneration so to keep such records as may be prescribed in the said notice, relating to the costs incurred in rendering such service or, where no such records have been so prescribed, such records as will permit of the ready and accurate ascertainment of such costs, determined in such manner as may in respect of such service be prescribed in the said notice;

(*c*) require any person keeping any records in terms of this section to preserve such records for such period as may be specified in the said notice.

Information to be furnished to controller by certain persons.

12. (1) The controller may order any person who renders or has rendered any service or who supplies, produces, manufactures, sells, handles or deals in, or has supplied, produced, manufactured, sold, handled or dealt in any goods to furnish the controller from time to time—

(*a*) with any information available to such person in respect of such service or such goods, which he or his servant or agent has or had in his possession or custody, or over which he has or had any control, or which he is capable of producing or manufacturing;

(*b*) with any balance sheet or business account in the possession or custody or under the control of such person relating to such service or such goods.

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(2) Die kontroleur kan 'n persoon wat die dienaar of agent van 'n in sub-artikel (1) beoogde persoon is of was, beveel om die kontroleur te voorsien van inligting met betrekking tot enige diens wat hy in die loop van sy werk by laasbedoelde persoon of by die uitvoering van 'n opdrag van daardie persoon verrig het, of met betrekking tot goedere wat hy onder bedoelde omstandighede verkoop of gehanteer het of waarin hy onder daardie omstandighede handel gedryf het.

(3) Niemand mag weier om 'n bevel kragtens hierdie artikel na te kom op grond daarvan dat die nakoming daarvan hom kan inkrimineer nie.

Bevoegdhede van prysbeheer-opsieners en -inspekteurs.

13. (1) 'n Prysbeheeropsiener of -inspekteur kan ten einde ondersoek in te stel of die bepalings van hierdie Wet of 'n daarkragtens uitgevaardigde kennisgewing nagekom is—

(*a*) 'n persoon wat 'n diens verrig of verrig het, of wat goedere verskaf, produseer, vervaardig, verkoop of hanteer of daarin handel dryf, of verskaf, geproduseer, vervaardig, verkoop of gehanteer het of daarin handel gedryf het, of 'n dienaar of agent van daardie persoon beveel—

(i) om enige goedere, boek, register, lys, etiket of dokument in die besit of bewaring of onder die beheer van daardie persoon, dienaar of agent aan die prysbeheeropsiener of -inspekteur te toon;

(ii) om die inligting met betrekking tot bedoelde goedere, diens, boek, register, lys, etiket of dokument wat daardie opsiener of inspekteur bepaal, aan hom te verstrek op die plek en wyse wat hy bepaal;

(*b*) enige sodanige boek, register, lys, etiket of dokument ondersoek of uittreksels daaruit of afskrifte daarvan maak;

(*c*) op enige sodanige goedere, boek, register, lys, etiket of dokument beslag lê en daarvan besit neem.

(2) 'n Prysbeheeropsiener of -inspekteur moet 'n kwitansie gee aan die eienaar van enigiets waarop of waarvan kragtens sub-artikel (1) beslag gelê en besit geneem is.

(3) Niemand mag weier om 'n bevel kragtens hierdie artikel na te kom op grond daarvan dat die nakoming daarvan hom kan inkrimineer nie.

(4) Die bepalings van hierdie artikel verleen nie aan 'n opsiener of inspekteur die bevoegdheid om te eis dat iemand 'n balansstaat of 'n vervaardigings-, bedryfs- of wins-en-verliesrekening moet toon tensy die opsiener of inspekteur deur die kontroleur uitdruklik daartoe gemagtig is nie.

Kontroleur kan persoon wat in stryd met hierdie Wet goedere verkoop of vergoeding vir dienste vra, beveel om sekere bedrae te betaal.

14. (1) Indien 'n persoon ten opsigte van goedere wat hy verkoop het 'n hoër prys as die maksimumprys ingevolge hierdie Wet toelaatbaar vir daardie goedere ontvang het of indien 'n persoon ten opsigte van enige diens deur hom verrig 'n groter bedrag as die maksimumbedrag ingevolge hierdie Wet toelaatbaar vir daardie diens ontvang het, kan die kontroleur ongeag enige stappe wat teen daardie persoon gedoen is of kan word, hom beveel om 'n som geld van hoogstens twee maal die bedrag waarmee eersgenoemde prys of bedrag die toelaatbare prys of bedrag oorskry, aan die koper van bedoelde goedere of aan die persoon vir wie bedoelde diens verrig is, of indien die identiteit of verblyfplek van die koper of die persoon vir wie bedoelde diens verrig is nie geredelik vasgestel kan word nie, aan die Sekretaris van Binnelandse Inkomste ten bate van die Gekonsolideerde Inkomstefonds of, in die geval van die gebied Suidwes-Afrika, aan die Sekretaris van Suidwes-Afrika ten bate van die Inkomstefonds van die Gebied, te betaal.

(2) Indien dit blyk dat by die bepaling van die prys wat hy 'n persoon vir goedere gevra het, die koper die bepalings van hierdie Wet nagekom het, maar dat die prys gevra deur 'n vorige verkoper van daardie goedere hoër was as die maksimumprys ingevolge hierdie Wet toelaatbaar, kan die kontroleur daardie vorige verkoper beveel om aan die uiteindelike koper van daardie goedere, of indien sy identiteit of verblyfplek nie geredelik vasgestel kan word nie, aan die Sekretaris van Binnelandse Inkomste ten bate van die Gekonsolideerde Inkomstefonds of, in die geval van die gebied Suidwes-Afrika, aan die Sekretaris van Suidwes-Afrika ten bate van die Inkomstefonds van die Gebied, 'n som geld te betaal van hoogstens twee maal die bedrag waarmee die deur bedoelde koper betaalde prys die maksimumprys oorskry het wat hy vir bedoelde goedere sou moes betaal het indien die bepalings van hierdie Wet nagekom was deur elkeen van die persone wat tot die tyd van die verkryging van daardie goedere deur bedoelde koper daarin handel gedryf het.

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(2) The controller may order any person who is or was the servant or agent of any person contemplated in sub-section (1), to furnish the controller with any information relating to any service rendered or any goods sold, handled or dealt in by such servant or agent in the course of his employment by the last-mentioned person or in the performance of any mandate from such person.

(3) No person may refuse to comply with any order under this section on the ground that in so complying he may incriminate himself.

Powers of price control supervisors and inspectors.

13. (1) Any price control supervisor or inspector may for the purpose of enquiring whether the provisions of this Act or any notice issued thereunder has been complied with—

(*a*) order any person who renders or has rendered any service, or who supplies, produces, manufactures, sells, handles or deals in, or has supplied, produced, manufactured, sold, handled or dealt in any goods, or any servant or agent of such person—

(i) to produce to such supervisor or inspector any goods, book, record, list, ticket or document in possession or custody or under the control of such person, servant or agent;

(ii) to furnish such supervisor or inspector at such place and in such manner as he may specify, with such information relating to such goods, service, book, record, list, ticket or document, as such supervisor or inspector may specify;

(*b*) examine or make extracts from or copies of any such book, record, list, ticket or document;

(*c*) seize and take possession of any such goods, book, record, list, ticket or document.

(2) Any price control supervisor or inspector shall furnish the owner of anything seized and taken possession of under sub-section (1) with a receipt.

(3) No person may refuse to comply with any order under this section on the ground that in so complying he may incriminate himself.

(4) The provisions of this section shall not entitle a supervisor or inspector to demand from any person the production of a balance sheet or a manufacturing, trading or profit and loss account unless specially authorized thereto by the controller.

Controller may order person selling goods or charging for services in contravention of this Act to make certain payments.

14. (1) If a person has received in respect of any goods which he has sold a price in excess of the maximum price permissible under this Act for such goods or if a person has received in respect of any service which he has rendered a charge in excess of the maximum charge permissible under this Act for such service, the controller may, irrespective of any action that may have been taken or that may be taken against such person, order him to pay to the purchaser of such goods or to the person to whom such service was rendered, or if the identity or whereabouts of the purchaser or the person to whom such service was rendered, cannot readily be ascertained, to pay to the Secretary for Inland Revenue for the benefit of the Consolidated Revenue Fund or, in the case of the territory of South-West Africa, to the Secretary for South-West Africa for the benefit of the Territory Revenue Fund, a sum not exceeding twice the amount by which the first-mentioned price or charge exceeds the latter.

(2) If it appears that in determining the price which he charged any person for any goods the seller has complied with the provisions of this Act but that the price charged by any previous seller of those goods was in excess of the maximum price permissible under this Act, the controller may order such previous seller to pay to the ultimate purchaser of the said goods, or if his identity or whereabouts cannot readily be ascertained, to pay to the Secretary for Inland Revenue for the benefit of the Consolidated Revenue Fund or, in the case of the territory of South-West Africa, to the Secretary for South-West Africa for the benefit of the Territory Revenue Fund, a sum not exceeding twice the amount by which the price paid by such purchaser exceeded the maximum price which he would have been required to pay for the said goods if the provisions of this Act had been complied with by each of the persons who dealt in the said goods up to the time of their acquisition by such purchaser.

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(3) Indien 'n persoon skuldig bevind is op 'n aanklag dat hy goedere in stryd met 'n kragtens artikel *nege* opgelegde verbod verkoop het deurdat hy die koper van bepaalde goedere verplig het om 'n voorwaarde na te kom ten effekte dat die koper van hom of van 'n ander persoon ander goedere benewens daardie bepaalde goedere moet koop, kan die kontroleur op aansoek van daardie koper die persoon wat bedoelde ander goedere verkoop het, beveel om aan die koper die prys te betaal wat hy vir daardie ander goedere betaal het.

(4) Wanneer die kontroleur 'n bevel kragtens hierdie artikel uitgevaardig het, stuur hy 'n gewaarmerkte afskrif daarvan aan die klerk van 'n landdroshof en daarna het die bevel die uitwerking van 'n siviele vonnis van daardie landdroshof.

Kontroleur kan vrystellings verleen.

15. Die kontroleur kan, behoudens die voorwaardes deur hom opgelê, aan 'n persoon vrystelling van enige bepaling van hierdie Wet verleen in die mate wat hy bepaal, en kan van tyd tot tyd, sonder aangifte van enige rede, so 'n vrystelling wysig of intrek.

Getuienis.

16. (1) 'n Sertifikaat wat deur die kontroleur, 'n adjunk-pryskontroleur of 'n prysbeheeropsiener uitgereik heet te wees en waarin aangegee word—

(*a*) die maksimumprys waarteen 'n bepaalde persoon bepaalde goedere op 'n bepaalde datum of gedurende 'n bepaalde tydperk sou kon verkoop het; of

(*b*) die maksimumbedrag wat 'n bepaalde persoon vir 'n bepaalde diens op 'n bepaalde datum of gedurende 'n bepaalde tydperk sou kon gevra het,

is by blote voorlegging deur enige persoon in 'n strafsaak ingevolge hierdie Wet *prima facie*-bewys van bedoelde prys of bedrag.

(2) 'n Verklaring of inskrywing vervat in 'n boek of dokument wat deur 'n persoon of sy dienaar of agent gehou word, is in 'n strafsaak ingevolge hierdie Wet teen bedoelde persoon toelaatbaar as 'n erkenning van die feite wat in die verklaring of inskrywing aangegee word tensy daar bewys word dat die verklaring of inskrywing nie deur bedoelde persoon of sy dienaar of agent gedoen is nie.

(3) Indien dit in die klagstaat in 'n strafsaak ingevolge hierdie Wet beweer word—

(*a*) dat 'n persoon 'n persoon is wat tot 'n bepaalde klas of kategorie van persone behoort;

(*b*) dat goedere wat na bewering verkoop of gekoop is, goedere is wat tot 'n bepaalde klas of soort behoort;

(*c*) dat goedere goedere is waarop 'n bepaling van 'n kennisgewing kragtens hierdie Wet van toepassing is;

(*d*) dat 'n persoon 'n merk wat ooreenkomstig 'n kennisgewing kragtens hierdie Wet op goedere geplaas is of heet te wees, verander, uitgewis, geskend, vernietig of verwyder het of toegelaat het dat dit verander, uitgewis, geskend, vernietig of verwyder word,

is so 'n bewering voldoende bewys van die beweerde feite totdat die teendeel bewys word.

Prinsipaal vir sekere handelinge van bestuurder, dienaar of agent aanspreeklik.

17. Wanneer die bestuurder, dienaar of agent van 'n persoon iets doen of versuim om te doen wat vir bedoelde persoon 'n oortreding ingevolge hierdie Wet sou wees om te doen of te versuim om te doen, word dit geag dat bedoelde persoon self so iets gedoen het of versuim het om te doen en is hy by skuldigbevinding met die strawwe daarvoor strafbaar, tensy hy aan die hof oortuigende bewys lewer—

(*a*) dat die bestuurder, dienaar of agent so iets gedoen het of versuim het om te doen sonder dat bedoelde persoon sy optrede oogluikend toegelaat het of daartoe toestemming verleen het;

(*b*) dat alle redelike stappe deur hom gedoen is om 'n daad of versuim van die betrokke aard te verhoed; en

(*c*) dat 'n daad of versuim, hetsy regmatig of onregmatig, van die aard van die ten laste gelegde daad of versuim in geen geval of onder geen omstandighede binne die bestek van die bevoegdhede of werksaamhede van die bestuurder, dienaar of agent geval het nie:

Met dien verstande dat die feit dat bedoelde persoon opdrag gegee het waarvolgens 'n daad of versuim van die betrokke aard verbied word, nie op sigself as voldoende bewys aanvaar word dat hy alle redelike stappe gedoen het om die daad of versuim te verhoed nie.

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(3) If any person has been convicted on a charge of selling any goods contrary to a prohibition imposed under section *nine* in that he required the purchaser of any particular goods to comply with a condition that the purchaser purchase from him or from any other person other goods in addition to such particular goods, the controller may, upon application by such purchaser, order the person who sold such other goods to pay to the purchaser the price he paid for such other goods.

(4) When the controller has made an order under this section he shall forward a certified copy thereof to the clerk of a magistrate's court and thereupon such order shall have the effect of a civil judgment of that magistrate's court.

Controller may grant exemptions.

15. The controller may, subject to such conditions as he may impose, grant any person exemption from any provision of this Act to such extent as he may specify, and may at any time, without assigning any reason, modify or withdraw any such exemption.

Evidence.

16. (1) Any certificate purporting to have been issued by the controller, a deputy price controller or a price control supervisor and setting forth—

(*a*) the maximum price at which on a particular date or during a particular period it would have been permissible for a particular person to sell specified goods; or

(*b*) the maximum charge which on a particular date or during a particular period it would have been permissible for a particular person to make for any specified service,

shall on its mere production by any person in any criminal proceedings under this Act be *prima facie* proof of such price or charge.

(2) Any statement or entry contained in any book or document kept by any person or his servant or agent shall be admissible against such person in any criminal proceedings under this Act as an admission of the facts set forth in such statement or entry unless it is proved that the statement or entry was not made by such person or his servant or agent.

(3) If it is alleged in the charge in any criminal proceedings under this Act—

(*a*) that any person is a person of a specified class or category of persons;

(*b*) that any goods alleged to have been sold or purchased are goods of a particular class or kind;

(*c*) that any goods are goods to which any provision of a notice under this Act applies;

(*d*) that any person has altered, defaced, mutilated, destroyed or removed or permitted to be altered, defaced, mutilated, destroyed or removed any mark placed or purporting to have been placed on any goods in terms of a notice under this Act,

such allegation shall be sufficient proof of the facts alleged until the contrary is proved.

Principal responsible for certain acts of manager, servant or agent.

17. Whenever the manager, servant or agent of any person does or omits to do anything which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable on conviction to the penalties therefor unless he proves to the satisfaction of the court—

(*a*) that in doing or omitting to do such thing such manager, servant or agent was acting without his connivance or permission;

(*b*) that all reasonable steps were taken by him to prevent any act or omission of the kind in question; and

(*c*) that it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the manager, servant or agent to do or omit to do acts, whether lawful or unlawful, of the character of that of the act or omission charged:

Provided that the fact that such person issued instructions forbidding any act or omission of the kind in question, shall not of itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

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Misdrywe.

18. 'n Persoon wat—
(*a*) goedere aan 'n ander persoon verkoop teen 'n hoër prys as die maksimumprys waarteen hy kragtens hierdie Wet daardie goedere aan daardie ander persoon mag verkoop;
(*b*) enige goedere van 'n ander persoon koop of aanbied om goedere van 'n ander persoon te koop teen 'n hoër prys as die maksimumprys waarteen hy kragtens hierdie Wet daardie goedere van daardie ander persoon mag koop;
(*c*) 'n hoër bedrag vir 'n diens vra as die maksimumbedrag wat hy kragtens hierdie Wet vir daardie diens mag vra;
(*d*) vir 'n diens 'n bedrag vra indien hy kragtens hierdie Wet verbied is om enige bedrag vir daardie diens te vra;
(*e*) enige bepaling van 'n kragtens artikel *vyf*, *ses*, *sewe*, *agt*, *nege*, *tien* of *elf* uitgevaardigde kennisgewing oortree of versuim om dit na te kom;
(*f*) by die nakoming van 'n kragtens artikel *agt* uitgevaardigde kennisgewing 'n faktuur uitreik wat in 'n wesentlike opsig onjuis is;
(*g*) versuim om binne 'n redelike tydperk 'n kragtens artikel *twaalf* uitgevaardigde bevel na te kom, of, by die nakoming van so 'n bevel, inligting of 'n dokument verstrek wat onjuis is;
(*h*) versuim om 'n kragtens artikel *dertien* uitgevaardigde bevel na te kom binne die tydperk bepaal deur die persoon wat die bevel uitreik, of by die nakoming van so 'n bevel, inligting verstrek wat onjuis is;
(*i*) enige persoon by die verrigting van sy werksaamhede of uitoefening van sy bevoegdhede kragtens hierdie Wet hinder, dwarsboom of vertraag;
(*j*) hom valslik as 'n prysbeheeropsiener of -inspekteur voordoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

Regsbevoegdheid van landdroshof.

19. Ondanks andersluidende wetsbepalings is 'n landdroshof bevoeg om enige straf wat by hierdie Wet voorgeskryf word, op te lê.

Toepassing van kennisgewings kragtens hierdie Wet.

20. Die kontroleur kan die toepassing van enige kennisgewing deur hom kragtens hierdie Wet uitgereik, tot enige in die kennisgewing vermelde gebied of gebiede of persoon of persone of klasse of kategorieë van persone beperk.

Toepassing van Wet op Suidwes-Afrika.

21. Hierdie Wet is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van genoemde gebied wat as die „Rehoboth Gebiet" bekend staan en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf word.

Wysiging van Bylae by Wet 58 van 1956, soos gewysig deur artikel 2 van Wet 39 van 1959, artikel 2 van Wet 66 van 1962 en artikel 7 van Wet 45 van 1963.

22. (1) Die Bylae by die Wet op die Voortsetting van Oorlogsmaatreëls, 1956, word hierby gewysig deur item 5 te skrap.

(2) 'n Maksimumprys of -bedrag vasgestel uit hoofde van die bepalings van Proklamasie No. 185 van 1946 (Oorlogsmaatreël No. 49 van 1946), word geag kragtens die ooreenstemmende bepalings van hierdie Wet vasgestel te wees.

Kort titel en datum van inwerkingtreding.

23. Hierdie Wet heet die Wet op Prysbeheer, 1964, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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18. Any person who— Offences.

(*a*) sells any goods to any other person at a price in excess of the maximum price at which he may under this Act sell such goods to such other person;

(*b*) purchases or offers to purchase any goods from any other person at a price in excess of the maximum price at which he may under this Act purchase such goods from such other person;

(*c*) makes a charge for any service in excess of the maximum charge which he may under this Act make for such service;

(*d*) makes a charge for any service if he is prohibited under this Act from making any charge for such service;

(*e*) contravenes or fails to comply with any provision of a notice issued under section *five*, *six*, *seven*, *eight*, *nine*, *ten* or *eleven;*

(*f*) in pursuance of a notice issued under section *eight* issues an invoice which is incorrect in any material respect;

(*g*) fails to comply within a reasonable time with an order issued under section *twelve*, or, in pursuance of such order, furnishes any information or document which is incorrect;

(*h*) fails to comply with an order issued under section *thirteen*, within such time as the person issuing the order may specify, or, in pursuance of such order, furnishes any information which is incorrect;

(*i*) hinders, obstructs or delays any person in the performance of his functions or in the exercise of his powers under this Act;

(*j*) falsely represents himself to be a price control supervisor or inspector,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

19. Notwithstanding anything to the contrary in any other law contained a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act. Jurisdiction of magistrate's court.

20. The controller may limit the application of any notice issued by him under this Act to any area or areas or person or persons or classes or categories of persons specified in the notice. Application of notices under this Act.

21. This Act shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of that territory. Application of Act to South-West Africa.

22. (1) The Schedule to the War Measures Continuation Act, 1956, is hereby amended by the deletion of item 5. Amendment of Schedule to Act 58 of 1956, as amended by section 2 of Act 39 of 1959, section 2 of Act 66 of 1962 and section 7 of Act 45 of 1963.

(2) Any maximum price or charge fixed by virtue of the provisions of Proclamation No. 185 of 1946 (War Measure No. 49 of 1946), shall be deemed to have been fixed under the corresponding provisions of this Act.

23. This Act shall be called the Price Control Act, 1964, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*. Short title and date of commencement.

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No. 26, 1964.]

WET

Tot aanwending van 'n verdere som vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1963 geëindig het, tot bestryding en dekking van sekere ongemagtigde uitgawes.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 *Maart* 1964.)

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

Gekonsolideerde Inkomstefonds belas met R228,222.30.

1. Die Gekonsolideerde Inkomstefonds van die Republiek word hierby belas met die som van tweehonderd agt-en-twintigduisend tweehonderd twee-en-twintig rand dertig sent tot dekking van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1963 geëindig het. Hierdie uitgawes word uiteengesit in die Bylae by hierdie Wet en word nader omskryf op bladsye 8 tot 10 van die aan die Parlement voorgelegde Verslag van die Kontroleur en Ouditeur-generaal oor die rekenings vir voormelde boekjaar en in die Eerste Verslag van die Gekose Komitee oor Openbare Rekenings, 1964.

Kort titel.

2. Hierdie Wet heet die Wet op Ongemagtigde Uitgawes (1962-'63), 1964.

Bylae.

No. van Begrotingspos.	Titel van Begrotingspos.	Bedrag.
	(Op Inkomsterekening.)	R
17	Doeane en Aksyns	38,489.03
20	Volkswelsyn en Pensioene	57,410.08
34	Pos-, Telegraaf- en Telefoonwese ..	131,151.99
40	Verdediging	1,171.20
	Totaal	R228,222.30

GEDRUK VIR DIE STAATSDRUKKER, PRETORIA, DEUR KAAP EN TRANSVAAL DRUKKERS BEPERK, KAAPSTAD—C390.

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No. 26, 1964.]

ACT

To apply a further sum of money towards the service of the Republic for the financial year ended on the thirty-first day of March, 1963, for the purpose of meeting and covering certain unauthorized expenditure.

(Afrikaans text signed by the State President.)
(Assented to 11th March, 1964.)

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

Consolidated Revenue Fund charged with R228,222.30.

1. The Consolidated Revenue Fund of the Republic is hereby charged with the sum of two hundred and twenty-eight thousand two hundred and twenty-two rand and thirty cents to meet certain expenditure over and above the amounts appropriated for the service of the Republic for the financial year which ended on the thirty-first day of March, 1963. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 8 to 10 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for the said financial year and in the First Report of the Select Committee on Public Accounts, 1964.

Short title.

2. This Act shall be known as the Unauthorized Expenditure (1962-'63) Act, 1964.

Schedule.

No. of Vote.	Title of Vote.	Amount.
	(On Revenue Account.)	R
17	Customs and Excise	38,489.03
20	Social Welfare and Pensions	57,410.08
34	Posts, Telegraphs and Telephones ..	131,151.99
40	Defence	1,171.20
	Total	R228,222.30

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