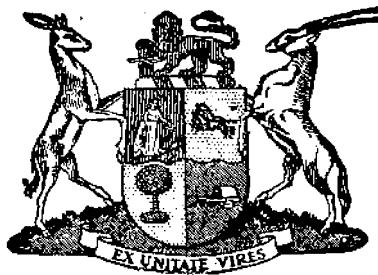


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

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KAAPSTAD, 29 MAART 1963.
CAPE TOWN, 29TH MARCH, 1963.

PRICE 5c

[No. 468.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 473.]

[29 Maart 1963.

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

BLADSY

- No. 22 van 1963: Wet op Provinciale Rade en Uitvoerende Komitees, 1963 .. 3
No. 23 van 1963: Wet op Onderhoud, 1963 .. 5
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DEPARTMENT OF THE PRIME MINISTER.

No. 473.]

[29th March, 1963.

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. 22 of 1963: Provincial Councils and Executive Committees Act, 1963	2
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No. 22, 1963.]

ACT

**To amend the Republic of South Africa Constitution Act, 1961,
and to validate certain sittings of provincial councils.**

*(English text signed by the State President.)
(Assented to 23rd March, 1963.)*

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

Amendment of
section 76 of
Act 32 of 1961.

1. Section *seventy-six* of the Republic of South Africa Constitution Act, 1961 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (4) of the following sub-section:

- “(4) (a) A member of the provincial council shall not forfeit his seat by reason of his having been elected as a member of the executive committee.
- (b) A member of the executive committee shall not be disqualified from being elected or nominated as a member of the Senate, the House of Assembly or the provincial council.
- (c) A member of the executive committee who becomes a member of the Senate or the House of Assembly shall cease to be a member of the executive committee with effect from the date on which he becomes a member of the Senate or the House of Assembly.
- (d) A member of the executive committee shall not be disqualified from being appointed as deputy-administrator under sub-section (4) of section *sixty-six* and any such member so appointed shall as from the termination of the appointment resume his office and functions as a member of such executive committee unless his successor has in the meantime been elected under the provisions of sub-section (1) of this section.”.

Validation of
certain sittings
of provincial
councils.

2. Any sitting held by a provincial council after the thirty-first day of May, 1961, but before the commencement of this Act, for which the time was not fixed as provided by sub-section (1) of section *seventy-two* of the principal Act, shall be deemed to have been a sitting in the course of a session which was resumed in pursuance of a resolution contemplated in sub-section (2) of that section.

Short title.

3. This Act shall be called the Provincial Councils and Executive Committees Act, 1963.

No. 22, 1963.]

WET

**Tot wysiging van die Grondwet van die Republiek van Suid-Afrika,
1961, en om sekere sittings van provinsiale rade geldig te
verklaar.**

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Maart 1963.)*

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

1. Artikel ses-en-sewentig van die Grondwet van die Republiek van Suid-Afrika, 1961 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:

Wysiging van
artikel 76 van
Wet 32 van 1961.

- „(4) (a) 'n Lid van die provinsiale raad verbeur nie sy setel omdat hy as lid van die uitvoerende komitee gekies is nie.
- (b) 'n Lid van die uitvoerende komitee is nie onbevoeg om as lid van die Senaat, die Volksraad of die provinsiale raad gekies of benoem te word nie.
- (c) 'n Lid van die uitvoerende komitee wat lid van die Senaat of die Volksraad word, hou op om lid van die uitvoerende komitee te wees met ingang van die datum waarop hy lid van die Senaat of die Volksraad word.
- (d) 'n Lid van die uitvoerende komitee is nie onbevoeg om ingevolge sub-artikel (4) van artikel ses-en-sestig as waarnemende administrateur aangestel te word nie, en so 'n lid wat aldus aangestel word, hervat van die beëindiging van die aanstelling sy amp en werksaamhede as lid van bedoelde uitvoerende komitee, tensy sy opvolger intussen ingevolge die bepalings van sub-artikel (1) van hierdie artikel gekies is.”.

2. Enige sitting deur 'n provinsiale raad gehou na die een-en-dertigste dag van Mei 1961 maar voor die inwerkingtreding van hierdie Wet, waarvoor die tyd nie volgens voorskrif van sub-artikel (1) van artikel twee-en-sewentig van die Hoofwet bepaal was nie, word geag 'n sitting te gewees het in die loop van 'n sessie wat hervat was ingevolge 'n besluit in sub-artikel (2) van daardie artikel bedoel.

Bekragting van
sekere sittings
van provinsiale
rade.

3. Hierdie Wet heet die **Wet op Provinciale Rade en Uitvoerende Komitees**, 1963.

Kort titel.

No. 23, 1963.]

ACT

To consolidate and amend certain laws relating to maintenance.

*(Afrikaans text signed by the State President.)
(Assented to 23rd March, 1963.)*

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—
 - “magistrate’s court” includes a court of a Bantu Affairs Commissioner;
 - “maintenance order” means any order for the periodical payment of sums of money towards the maintenance of any person made by any court (including the Supreme Court of South Africa) in the Republic and, except for the purposes of section *eleven*, includes any sentence suspended on condition that the convicted person make periodical payments of sums of money towards the maintenance of any other person;
 - “Minister” in relation to any matter connected with a maintenance court corresponding to a magistrate’s court other than a court of a Bantu Affairs Commissioner, means the Minister of Justice, and in relation to any matter connected with a maintenance court corresponding to a court of a Bantu Affairs Commissioner, the Minister of Bantu Administration and Development;
 - “prescribed” means prescribed by rules made under this Act.

Maintenance Courts.

2. Every magistrate’s court shall within its area of jurisdiction be a maintenance court for the purposes of this Act.

Maintenance Officer.

3. (1) Subject to the laws governing the public service, the Minister or any officer in the public service delegated by him may appoint for any maintenance court maintenance officers to appear in such court in proceedings under this Act and to perform the functions and duties assigned to maintenance officers by or under this Act.

(2) Any officer in the public service delegated generally by an attorney-general to conduct prosecutions in any magistrate’s court shall be deemed to have been appointed a maintenance officer to the corresponding maintenance court.

Maintenance officer may investigate complaints relating to maintenance and institute enquiry in maintenance court.

4. (1) Whenever a complaint on oath is made to a maintenance officer to the effect that—

- (a) any person legally liable to maintain any other person fails to maintain such other person; or
- (b) sufficient cause exists for the substitution or discharge of a maintenance order,

the maintenance officer may, after investigating such complaint, institute an enquiry in a maintenance court within the area of jurisdiction of which the person to be maintained or the person in whose care such person is, resides, for the purpose of enquiring into the provision of maintenance in respect of the person concerned, and may for that purpose cause any person, including any person legally liable to maintain any other person, to be summoned to appear before such court and give evidence or produce any book, document or statement, including, in the case of a person so liable, a statement giving full particulars of his earnings signed by his employer.

(2) Any person to be summoned as a witness shall be summoned in the manner in which a person may be subpoenaed to appear before a magistrate’s court in a criminal trial.

Enquiry by maintenance court.

5. (1) The court holding an enquiry shall administer to any witness appearing before it an oath or affirmation and record his evidence.

(2) Any person against whom an order may be made under this section may be represented by counsel or an attorney.

No. 23, 1963.]

WET

Tot samevatting en wysiging van sekere wetsbepalings met betrekking tot onderhoud.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Maart, 1963.)*

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

1. In hierdie Wet, tensy uit die samehang anders blyk, Woord-
omskrywing.

„landdroshof” ook 'n Bantoesakekommissarishof;
„Minister” met betrekking tot 'n aangeleentheid wat in verband staan met 'n onderhoudshof wat ooreenstem met 'n ander landdroshof as 'n Bantoesakekommissarishof, die Minister van Justisie, en met betrekking tot 'n aangeleentheid wat in verband staan met 'n onderhoudshof wat ooreenstem met 'n Bantoesakekommissarishof, die Minister van Bantoe-administrasie en -ontwikkeling;
„onderhoudsbevel” 'n bevel tot periodieke betaling van bedrae geld tot onderhoud van enige persoon uitgevaardig deur enige hof (met inbegrip van die Hooggereghof van Suid-Afrika) in die Republiek en ook, behalwe by die toepassing van artikel *elf*, enige vonnis wat opgeskort is op voorwaarde dat die veroordeelde periodieke betalings van bedrae geld doen tot onderhoud van enige ander persoon;
„voorgeskrewe of voorgeskryf” deur reëls wat kragtens hierdie Wet uitgevaardig is, voorgeskryf.

2. Elke landdroshof is binne sy regsgebied 'n onderhoudshof Onderhoudshowe, by die toepassing van hierdie Wet.

3. (1) Behoudens die wetsbepalings op die staatsdiens, kan die Minister of 'n beampete in die staatsdiens deur hom daar toe gedelegeer onderhoudsbeampies vir 'n onderhoudshof aanstel om by verrigtinge ingevolge hierdie Wet in daardie hof op te tree en om die werkzaamhede en pligte te verrig wat by of kragtens hierdie Wet aan onderhoudsbeampies toegewys word.

(2) 'n Beampete in die staatsdiens wat deur 'n prokureur-generaal aangestel is om oor die algemeen vervolgings in 'n landdroshof waar te neem, word geag as onderhoudsbeampete by die ooreenstemmende onderhoudshof aangestel te wees.

4. (1) Wanneer 'n klage onder eed by 'n onderhouds-beampete ingediend is ten effekte dat—
(a) 'n persoon wat regtens verplig is om 'n ander persoon te onderhou, in gebreke bly om daardie ander persoon te onderhou; of
(b) daar gegronde redes bestaan vir die vervanging of opheffing van 'n onderhoudsbevel,

kan die onderhoudsbeampete, nadat hy die klage ondersoek het, 'n ondersoek in 'n onderhoudshof instel in die regsgebied waarvan die persoon wat onderhou moet word of die persoon onder wie se sorg bedoelde persoon is, woonagtig is, met die oog daarop om ondersoek in te stel na die verskaffing van onderhoud ten opsigte van die betrokke persoon, en kan hy met die oog daarop enige persoon, met inbegrip van enige persoon wat regtens verplig is om 'n ander persoon te onderhou, laat dagvaar om voor bedoelde hof te verskyn en getuenis af te lê of 'n boek, dokument of staat, met inbegrip, in die geval van 'n persoon wat aldus verplig is, van 'n staat wat volle besonderhede van sy verdienste aangee en deur sy werkgewer onderteken is, oor te lê.

(2) 'n Persoon wat as getuie gedagvaar moet word, word gedagvaar op-die wyse waarop 'n persoon as getuie gedagvaar kan word om by 'n strafverhoor voor 'n landdroshof te verskyn.

5. (1) Die hof wat 'n ondersoek waarnaem, lê 'n getuie wat voor hom verskyn die eed op of laat hom 'n plegtige verklaring onderhoudshof. Ondersoek deur afê en notuleer sy getuenis.

(2) Enige persoon teen wie 'n bevel kragtens hierdie artikel uitgevaardig kan word, kan deur 'n advokaat of prokureur verteenwoordig word.

(3) No person whose presence is not necessary shall be present at an enquiry, except with the permission of the court.

(4) After consideration of the evidence adduced at the enquiry the court may—

- (a) in the case where no maintenance order is in force, make an order against any person proved to be legally liable to maintain any other person for the payment during such period and at such times and to such officer, organization or institution and in such manner as may be specified in the order, of sums of money so specified, towards the maintenance of such other person;
- (b) in the case where a maintenance order is in force, make an order contemplated in paragraph (a) in substitution of such maintenance order or discharge such maintenance order;
- (c) make no order.

(5) Any maintenance court which made an order under subsection (4), may at the request of the maintenance officer, without prior notice to any person, vary such order by designating as the officer, organization or institution to whom or to which payment is to be made, any other officer, organization or institution and the maintenance officer shall in the prescribed manner inform the person required to make such payment of any variation of the order.

(6) For the purposes of determining whether a native as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), is legally liable to maintain any person, he shall be deemed to be the husband of any woman associated with him in a customary union.

(7) Any order under this section may be made against any person not present at the enquiry, if it is made in accordance with his written consent produced at the enquiry by the maintenance officer.

(8) Subject to such rules as may be made under this Act, the court holding an enquiry may take into consideration any evidence in any proceedings in respect of an existing maintenance order or accept as *prima facie* proof any finding of fact in such proceedings.

(9) A copy of an order made against any person in his absence, shall be delivered or tendered to him by any maintenance officer or any police officer and the return of such officer showing that such copy was delivered or tendered to such person shall be deemed sufficient proof that such person was aware of the terms of such order.

- (10) (a) Such records of the proceedings at an enquiry shall be kept and shall be accessible to such persons upon such conditions as to payment of fees or otherwise as may be prescribed.
- (b) Any such fees shall be prescribed in consultation with the Minister of Finance.

- (11) (a) No person shall publish in any manner whatsoever the name or address of any person under the age of eighteen years who is or was concerned in any proceedings at an enquiry under this section or the name of his school or any other information likely to reveal his identity: Provided that if the Minister or the officer presiding at the enquiry is of the opinion that such publication would be just and in the interest of any particular person, he may in writing dispense with the prohibition contained in this sub-section to such an extent as he may specify.
- (b) Any person who contravenes the provisions of paragraph (a) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Effect of maintenance order on existing orders.

6. Whenever a maintenance court makes an order under section *five* in substitution of or discharging a maintenance order, such maintenance order shall cease to be of force and effect and the maintenance officer shall forthwith give notice of the making of the order to the registrar or clerk of the court of the court which made the said maintenance order or which imposed the sentence concerned, as the case may be, who shall record the order in the relative records or registers.

(3) Geen persoon wie se aanwesigheid nie nodig is, is by 'n ondersoek aanwesig nie, behalwe met toestemming van die hof.

(4) Na oorweging van die getuenis by die ondersoek aangevoer, kan die hof—

- (a) in die geval waar daar geen onderhoudsbevel van krag is nie, 'n bevel uitvaardig teen 'n persoon ten opsigte van wie bewys is dat hy regtens verplig is om 'n ander persoon te onderhou, tot betaling gedurende die tydperk en op die tye en aan die beampete, organisasie of inrigting en op die wyse wat in die bevel bepaal word, van aldus bepaalde bedrae geld tot onderhoud van daardie ander persoon;
- (b) in die geval waar daar 'n onderhoudsbevel van krag is, 'n in paragraaf (a) beoogde bevel uitvaardig ter vervanging van daardie onderhoudsbevel of kan hy daardie onderhoudsbevel ophef;
- (c) geen bevel uitvaardig nie.

(5) 'n Onderhoudshof wat 'n bevel kragtens sub-artikel (4) uitgevaardig het, kan op versoek van die onderhoudsbeampete, sonder voorafgaande kennisgiving aan enige persoon, daardie bevel wysig deur 'n ander beampete, organisasie of inrigting aan te wys as die beampete, organisasie of inrigting aan wie of waaraan betaal moet word en die onderhoudsbeampete stel die persoon wat moet betaal op die voorgeskrewe wyse van enige wysiging van die bevel in kennis.

(6) By die bepaling of 'n naturel soos in artikel *vyf-en-dertig* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), omskryf, regtens verplig is om 'n persoon te onderhou, word hy geag die eggenoot te wees van enige vrou wat deur 'n gewoonteverbintenis aan hom verbind is.

(7) 'n Bevel kragtens hierdie artikel kan teen 'n persoon wat nie by die ondersoek aanwesig is nie, uitgevaardig word indien dit uitgevaardig word ooreenkomsdig sy skriftelike toestemming deur die onderhoudsbeampete by die ondersoek ingelewer.

(8) Behoudens die kragtens hierdie Wet uitgevaardigde reëls, kan die hof wat 'n ondersoek waarneem enige getuenis by enige verrigtinge ten opsigte van 'n bestaande onderhoudsbevel in aanmerking neem of enige feitebevinding by sodanige verrigtinge as *prima facie*-bewys aanyaar.

(9) 'n Afskrif van 'n bevel wat teen 'n persoon in sy afwesigheid uitgevaardig is, moet aan hom oorhandig of aangebied word deur 'n onderhoudsbeampete of 'n polisiebeampete en die relaas van so 'n beampete wat aantoon dat so 'n afskrif aan daardie persoon oorhandig of aangebied is, word voldoende bewys daarvan geag dat daardie persoon van die bepalings van die bevel bewus was.

(10) (a) Sodanige notule van die verrigtinge by 'n ondersoek word gehou en is beskikbaar aan sodanige persone op sodanige voorwaardes wat betref die betaling van gelde of andersins, as wat voorgeskryf mag word.

(b) Bedoelde gelde word in oorleg met die Minister van Finansies voorgeskryf.

(11) (a) Geen persoon mag die naam of adres van 'n persoon onder die ouderdom van agtien jaar wat by enige verrigtinge by 'n ondersoek kragtens hierdie artikel betrokke is of was of die naam van sy skool of enige ander inligting wat waarskynlik sy identiteit sal verraai, op enige wyse hoegenaamd publiseer nie: Met dien verstande dat indien die Minister of die beampete wat by die ondersoek voorsit, van oordeel is dat sodanige publikasie billik en regverdig en in belang van 'n bepaalde persoon sou wees, hy skriftelike vrystelling van die verbod in hierdie sub-artikel vervat, kan verleen in die mate wat hy bepaal.

(b) 'n Persoon wat die bepalings van paragraaf (a) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

6. Wanneer 'n onderhoudshof 'n bevel kragtens artikel *vyf* uitgevaardig ter vervanging van 'n onderhoudsbevel of wat 'n onderhoudsbevel ophef, hou daardie onderhoudsbevel op om van krag te wees en moet die onderhoudsbeampete onverwyld van die uitvaardiging van die bevel kennis gee aan die griffier of klerk van die hof van die hof wat genoemde onderhoudsbevel uitgevaardig het of wat die betrokke vonnis opgelê het, na gelang van die geval, wat die bevel in die betrokke stukke of registers moet opteken.

*Uitwerking van
onderhoudsbevel
op bestaande
bevele.*

Appeal against maintenance order. 7. (1) Any person aggrieved by an order made under subsection (4) of section five may, within such period and in such manner as may be prescribed, appeal against such order—

(a) in the case of an order made by a maintenance court corresponding to a magistrate's court other than a court of a Bantu Affairs Commissioner, to the provincial or local division of the Supreme Court having jurisdiction;

(b) in the case of an order made by a maintenance court corresponding to a court of a Bantu Affairs Commissioner, to the Bantu Appeal Court having jurisdiction.

(2) On appeal such division or appeal court, may make such order in the matter as it may deem fit.

(3) In sub-section (1) "order" includes—

(a) any refusal to make such an order;

(b) any refusal to make a provisional maintenance order under section five in terms of the provisions of any other law.

Rights and privileges of witnesses.

8. (1) Any person other than a person against whom a maintenance order is made, attending an enquiry under this Act as a witness shall be entitled to an allowance as if he were attending criminal proceedings as a witness for the State.

(2) The officer presiding at such an enquiry may direct that any person against whom a maintenance order is made, shall be paid such allowance as may be paid to a witness for the accused in criminal proceedings.

(3) In connection with the giving of evidence or the production of any book, document or statement at such an enquiry, the law relating to privilege as applicable to a witness giving evidence or summoned to produce a book, document or statement in criminal proceedings in a magistrate's court shall apply.

(4) No person shall at such an enquiry be compelled to give evidence relating to his liability to maintain any other person.

Offences by witnesses.

9. (1) Any person summoned to appear and give evidence or produce any book, document or statement before a court holding an enquiry under this Act who, without sufficient cause, fails to attend at the time and place specified or to remain in attendance until the conclusion of the enquiry or until he is excused by the court from attendance, or refuses to be sworn or to make affirmation as a witness, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question put to him, or fails to produce any book, document or statement in his possession or custody or under his control, which he was summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months.

(2) Any person who after having been sworn or having made affirmation, gives false evidence before the court holding the enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

Hindering or obstructing an enquiry.

10. Any person who wilfully interrupts the proceedings at an enquiry under this Act or who wilfully hinders or obstructs the court in the performance of its functions at any such enquiry shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Penalties for failure to comply with maintenance order.

11. (1) Subject to the provisions of sub-section (3) any person who fails to make any particular payment in terms of a maintenance order, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine and any court with civil jurisdiction may, in addition to or in lieu of any penalty, on the application of the public prosecutor grant an order for the recovery from the convicted person of any amount he failed to pay in terms of the firstmentioned order, whereupon the order so granted shall have the effect of a civil judgment of that court and shall be executed in the prescribed manner

7. (1) 'n Persoon wat hom veronreg voel deur 'n bevel wat Appèl teen kragtens sub-artikel (4) van artikel *vijf* uitgevaardig is, kan binne onderhoudsbevel die voorgeskrewe tydperk en op die voorgeskrewe wyse teen die bevel appelleer—

- (a) in die geval van 'n bevel uitgevaardig deur 'n onderhoudshof wat ooreenstem met 'n ander landdroshof as 'n Bantoesakekommissarishof, na die provinsiale of plaaslike afdeling van die Hooggereghof wat met regsbevoegdheid in die saak beklee is;
- (b) in die geval van 'n bevel uitgevaardig deur 'n onderhoudshof wat met 'n Bantoesakekommissarishof ooreenstem, na die Bantoe-appèlhof wat met regsbevoegdheid in die saak beklee is.

(2) By appèl kan so 'n afdeling of appèlhof so 'n bevel in die saak uitvaardig as wat hy goed ag.

(3) In sub-artikel (1) beteken „bevel“ ook—

- (a) 'n weiering om so 'n bevel uit te vaardig;
- (b) 'n weiering om 'n voorlopige onderhoudsbevel kragtens artikel *vijf* uit hoofde van die bepalings van enige ander wet uit te vaardig.

8. (1) 'n Ander persoon as 'n persoon teen wie 'n onderhoudsbevel uitgevaardig word, wat by 'n ondersoek kragtens hierdie Wet as getuie aanwesig is, is op 'n toelae geregtig asof hy by 'n strafsaak as getuie vir die Staat aanwesig is. Regte en privilege van getuies.

(2) Die beampete wat by so 'n ondersoek voorsit, kan gelas dat aan 'n persoon teen wie 'n onderhoudsbevel uitgevaardig word, die toelae betaal word wat aan 'n getuie vir die beskuldigte in 'n strafsaak betaal kan word.

(3) In verband met die afle van getuenis of die oorlegging van 'n boek, dokument of staat by so 'n ondersoek, is dieregs-bepalings omtrent privilege van toepassing soos dit op 'n getuie wat in 'n strafsaak in 'n landdroshof getuenis afle of gedagvaar is om 'n boek, dokument of staat oor te lê, van toepassing is.

(4) Geen persoon is by so 'n ondersoek verplig om getuenis met betrekking tot sy aanspreeklikheid om 'n ander persoon te onderhou, af te lê nie.

9. (1) Iemand wat gedagvaar is om voor 'n hof wat 'n ondersoek kragtens hierdie Wet waarneem, te verskyn en getuenis af te lê of 'n boek, dokument of staat oor te lê, en wat sonder voldoende rede in gebreke bly om op die bepaalde tyd en plek aanwesig te wees of om aanwesig te bly totdat die ondersoek voltooi is of totdat die hof hom verlof gegee het om nie langer aanwesig te wees nie, of weier om as getuie die eed of 'n plegtige verklaring af te lê, of wat na eedaflegging of die afle van 'n plegtige verklaring, in gebreke bly om 'n vraag aan hom gestel, ten volle en op bevredigende wyse te beantwoord, of wat in gebreke bly om 'n boek, dokument of staat in sy besit of bewaring of onder sy beheer en tot oorlegging waarvan hy gedagvaar is, oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande. Misdrywe deur getuics.

(2) 'n Persoon wat na eedaflegging of die afle van 'n plegtige verklaring valse getuenis voor die hof wat die ondersoek waarneem, afle, met die wete dat die getuenis vals is of sonder dat hy weet of glo dat dit waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe strawwe vir meeneed.

10. 'n Persoon wat die verrigtinge by 'n ondersoek kragtens hierdie Wet opsetlik verstoor of die hof by die verrigting van sy werksaamhede by so 'n ondersoek opsetlik hinder of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf. Stoornis by of dwarsbomming van onderzoek.

11. (1) Behoudens die bepalings van sub-artikel (3) is 'n Strawwe vir persoon wat versuim om 'n bepaalde betaling ooreenkomsdig 'n versuim om onderhoudsbevel te doen, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en kan 'n hof met siviele regsbevoegdheid, benewens of in plaas van enige straf, op aansoek van die staatsaanklaar 'n bevel toestaan dat enige bedrag wat die veroordeelde persoon versuim het om ooreenkomsdig eersgenoemde bevel te betaal, op hom verhaal word, en daarna het die aldus toegestane bevel die uitwerking van 'n siviele vonnis van daardie hof en word dit op die voorgeskrewe wyse ten uitvoer gelê. Strawwe vir versuim om onderhoudsbevel na te kom.

(2) Notwithstanding anything to the contrary in any law contained, any pension, annuity, gratuity or compassionate allowance or other similar benefit shall be liable to be attached or subjected to execution under an order having the effect of a civil judgment under sub-section (1).

(3) Proof that any failure which is the subject of a charge under sub-section (1) was due to lack of means and that such lack of means was not due to unwillingness to work or misconduct on the part of the person charged, shall be a good defence to any such charge.

(4) A magistrate's court shall have jurisdiction to impose summarily the full penalty for any offence under sub-section (1).

Court may authorize payment of maintenance monies by employer on behalf of employee.

12. (1) Any court which has convicted any person of any offence under sub-section (1) of section *eleven*, may, whether or not any penalty is imposed or any order is granted under that sub-section make an order authorizing any employer of such person to make on behalf of such person any payments required to be made in terms of the maintenance order concerned, from the salary, wages or any other form of remuneration or allowance of such person, whereupon the maintenance officer of the court which made such maintenance order may from time to time in the prescribed manner cause a notice to be served on any such employer requiring him so to make any such payments at such times and in such manner as may be specified in such notice.

(2) Any notice under this section shall have precedence over any order of court requiring payments to be made from the salary, wages, remuneration or allowance aforesaid.

(3) Any person who fails to comply with any such notice shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months.

When proceedings in respect of failure to comply with maintenance order to be converted into enquiry.

13. If during the course of any proceedings in a magistrate's court in respect of a contravention of sub-section (1) of section *eleven* or in respect of the enforcement of any sentence suspended on condition that the convicted person make periodical payments of sums of money towards the maintenance of any other person, it appears to the court that it is desirable that an enquiry under section *five* be held or when the public prosecutor so requests, the court shall convert the proceedings into such an enquiry.

Person against whom maintenance order has been made, to give notice of change of address.

14. (1) If any person against whom a maintenance order has been made changes the place of his residence or employment during the currency of the order, he shall forthwith give notice thereof in writing to the person, officer, organization or institution to whom or to which payment is to be made in terms of the order, and shall state fully and clearly where the new place of his residence or employment is situate.

(2) Any person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months.

Rules.

15. The Minister may by notice in the *Gazette* make rules—

(a) prescribing the procedure and rules of evidence to be followed at or in connection with any enquiry under this Act;

(b) as to any matter which may in terms of this Act be prescribed.

Repeal of laws.

16. (1) Subject to the provisions of sub-section (2) the laws specified in the Schedule are hereby repealed to the extent set out in the fourth column thereof.

(2) Any order made and any action taken under any provision of any law repealed by sub-section (1), shall be deemed to have been made or taken under the corresponding provisions of this Act.

Short title.

17. This Act shall be called the Maintenance Act, 1963, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Ondanks andersluidende wetsbepalings is enige pensioen, jaargeld, gratifikasie of toelae gegrond op barmhartigheidsoorwegings of ander dergelike voordeel vatbaar vir beslaglegging of ekskusie ingevolge 'n bevel wat kragtens sub-artikel (1) die uitwerking van 'n siviele vonnis het.

(3) Die bewys dat 'n versuim waarop 'n aanklag kragtens sub-artikel (1) berus, te wye was aan gebrek aan middele en dat sodanige gebrek nie te wye was aan onwilligheid om te werk of aan wangedrag aan die kant van die aangeklaagde nie, is 'n geldige verweer teen so 'n aanklag.

(4) 'n Landdroshof is bevoeg om summier die volle straf weens 'n misdryf kragtens sub-artikel (1) op te lê.

12. (1) 'n Hof wat 'n persoon weens 'n misdryf kragtens sub-artikel (1) van artikel *elf* skuldig bevind het, kan, hetsy 'n straf opgelê word of 'n bevel kragtens daardie sub-artikel toegestaan word al dan nie, 'n bevel uitvaardig wat enige werkewer van daardie persoon magtig om namens daardie persoon enige betalings te doen wat kragtens die betrokke onderhoudsbevel gedoen moet word, uit die salaris, loon of enige ander vorm van vergoeding of toelae van daardie persoon, en daarna kan die onderhoudsbeampte van die hof wat bedoelde onderhoudsbevel uitgevaardig het van tyd tot tyd op die voorgeskrewe wyse 'n kennisgewing aan enige sodanige werkewer laat bestel waarvolgens hy op die tye en op die wyse wat in die kennisgewing vermeld word enige sodanige betalings aldus moet doen.

Hof kan betaling van onderhoudsgelde deur werkewer namens werknemer magtig.

(2) 'n Kennisgewing kragtens hierdie artikel geniet voorrang bo enige hofbevel wat vereis dat betalings uit voormalde salaris, loon, vergoeding of toelae gedoen moet word.

(3) Iemand wat in gebreke bly om aan so 'n kennisgewing gevolg te gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

13. Indien in die loop van verrigtinge in 'n landdroshof ten opsigte van 'n oortreding van sub-artikel (1) van artikel *elf* of ten opsigte van die tenuitvoerlegging van 'n vonnis wat opgeskort is op voorwaarde dat die veroordeelde periodieke betalings van bedrae geld doen tot onderhoud van 'n ander persoon, dit die hof blyk dat dit wenslik is dat 'n ondersoek kragtens artikel *vijf* gehou moet word of wanneer die staatsaanklager dit versoek, moet die hof die verrigtinge in so 'n ondersoek omskep.

Wanneer verrigtinge ten opsigte van versuim om onderhoudsbevel na te kom in ondersoek omskep moet word.

14. (1) Indien 'n persoon teen wie 'n onderhoudsbevel uitgevaardig is, van woon- of werkplek verander tydens die geldigheid van die bevel, moet hy onverwyld skriftelik daarvan kennis gee aan die persoon, beampte, organisasie of inrigting aan wie of waaraa betaling kragtens die bevel moet geskied, en moet hy volledig en duidelik aandui waar sy nuwe woon- of werkplek geleë is.

Iemand teen wie 'n onderhoudsbevel uitgevaardig is, moet kennis van adres- verandering gee.

(2) Iemand wat in gebreke bly om die bepalings van sub-artikel (1) na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

15. Die Minister kan by kennisgewing in die *Staatskoerant* Reëls, reëls uitvaardig—

- (a) wat die prosedure en bewysleerreëls wat by of in verband met 'n ondersoek kragtens hierdie Wet gevolg moet word, voorskryf;
- (b) met betrekking tot enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word.

16. (1) Behoudens die bepalings van sub-artikel (2) word die Herroeping van wette in die Bylae vermeld hierby herroep in die mate in die wette, vierde kolom daarvan uiteengesit.

(2) 'n Bevel uitgevaardig en enige optrede kragtens 'n bepaling van 'n wet wat by sub-artikel (1) herroep word, word geag kragtens die ooreenstemmende bepalings van hierdie Wet uitgevaardig te wees of te geskied het.

17. Hierdie Wet heet die Wet op Onderhoud, 1963, en tree in Kort titel, werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Schedule.

Republic or Province.	No. and year of Law.	Title.	Extent of Repeal.
Cape.	Act 7 of 1895.	Deserted Wives and Children Protection Act.	The whole.
Natal.	Act 10 of 1896.	Deserted Wives and Children Protection Act, 1896.	The whole.
Orange Free State.	Ordinance 51 of 1903.	Deserted Wives and Children Protection Ordinance, 1903.	The whole.
Transvaal.	Ordinance 44 of 1903.	Deserted Wives and Children Protection Ordinance, 1903.	The whole.
Republic.	Act 38 of 1927.	Native Administration Act, 1927.	Section <i>ten bis</i> , except in so far as it may impose any liability upon any person to maintain any other person.
	Act 46 of 1935.	General Law Amendment Act, 1935.	Section <i>one hundred and ten.</i>
	Act 37 of 1953.	Matrimonial Affairs Act, 1953.	Section <i>four.</i>

Bylae.

Republiek of Provincie.	No. en jaar van Wet.	Titel.	In watter mate herroep.
Kaap.	Wet 7 van 1895.	„Deserted Wives and Children Protection Act”.	Die geheel.
Natal.	Wet 10 van 1896.	„Deserted Wives and Children Protection Act, 1896”.	Die geheel.
Oranje- Vrystaat.	Ordonnansie 51 van 1903.	„Deserted Wives and Children Protection Ordinance, 1903”.	Die geheel.
Transvaal.	Ordonnansie 44 van 1903.	„Deserted Wives and Children Protection Ordinance, 1903”.	Die geheel.
Republiek.	Wet 38 van 1927.	Naturelle-administrasie Wet, 1927.	Artikel <i>tien</i> <i>bis</i> , be- halwe vir sover dit iemand 'n verpligting ople om iemand anders te onderhou.
	Wet 46 van 1935.	Algemene Regswy- singwet, 1935.	Artikel <i>honderd-</i> <i>en-tien</i> .
	Wet 37 van 1953.	Wet op Huweliksaan- geleenthede, 1953.	Artikel <i>vier</i> .

No. 24, 1963.]

ACT

To consolidate and amend the law relating to the control, improvement and development of rural Coloured areas, the disposal of land in such areas, and other incidental matters.

*(English text signed by the State President.)
(Assented to 23rd March, 1963.)*

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) “Act of 1909” means the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909), of the Cape of Good Hope, including the said Act as applied to the other provinces of the Republic by section *sixteen* of the Coloured Mission Stations and Reserves Act, 1949 (Act No. 12 of 1949); (xxii)
 - (ii) “advisory board” means an advisory board established in pursuance of a direction by the Minister under paragraph (c) of section *twenty-one*; (i)
 - (iii) “beneficiary” means the person to whom an erf in any township, residential area or other sub-divided area referred to in section *nine* was originally donated, allotted or assigned; (iii)
 - (iv) “board area”, in relation to an existing area or an incorporated area, means the whole area excluding any portions thereof which have in terms of this Act been excluded from the provisions thereof, and includes any area incorporated therein in terms of this Act; (xx)
 - (v) “board of management” or “board” means a board of management established under this Act for the administration and control of any board area; (vi)
 - (vi) “Coloured person” means—
 - (a) any person who has in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), been classified as a member of the Cape Coloured, Malay or Griqua Group or the Other Coloured Group as defined for the purposes of that Act;
 - (b) a European male or a woman belonging to any other group who immediately prior to the fixed date was lawfully married to a member of any group referred to in paragraph (a); and
 - (c) any company in which all the shares are held by persons who are Coloured persons in terms of the provisions of paragraph (a); (xiv)
 - (vii) “disqualified person” means any person other than a Coloured person; (xviii)
 - (viii) “erf” or “property” means every piece of land referred to in section *nine* or *ten* in respect of which a separate diagram was in existence on the fixed date, and every erf, residential erf, lot or holding which has been surveyed for the purposes of paragraph (d) of section *twenty-one* or section *forty-three*, and includes any sub-division of any such piece of land, erf, residential erf, lot or holding which has been approved in terms of this Act and, in the case of an area which has not yet been planned under this Act, includes any unsurveyed plot or piece of land in respect of which the right of occupation has been granted to a registered occupier; (ix)
 - (ix) “estate erf” means an erf which on the fixed date is registered in the name of the beneficiary or his successor in title, but has not been transferred into the name of the person claiming to be entitled to ownership thereof; (vii)
 - (x) “existing area” means any area consisting of one or more pieces of land (whether contiguous or not) to which the provisions of the Act of 1909 are applicable at the commencement of this Act, but does not include Siloh in the district of Queenstown and Goschen in the district of Cathcart; (v)

No. 24, 1963.]

WET

**Tot samevatting en wysiging van die wetsbepalings op die beheer,
verbetering en ontwikkeling van landelike Kleurlinggebiede,
die beskikking oor die grond in daardie gebiede en ander
bykomstige aangeleenthede.**

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Maart 1963.)*

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

- 1. Tensy uit die samehang anders blyk, beteken in hierdie Woord-
Wet—**
- (i) „adviesraad” ’n adviesraad op las van die Minister
ingevolge paragraaf (c) van artikel *een-en-twintig*
 ingestel; (ii)
 - (ii) „beampte”, met betrekking tot ’n raadsgebied, ’n
persoon aangestel—
 - (a) kragtens paragraaf (b) van sub-artikel (1) van
artikel *twee-en-twintig* as voorsitter van die
adviesraad vir daardie gebied; of
 - (b) kragtens paragraaf (c) van sub-artikel (1) van
artikel *vier-en-twintig* as voorsitter van die
besturusraad vir daardie gebied; (xv)
 - (iii) „begiftigde” die oorspronklike persoon aan wie ’n
erf, in ’n in artikel *nege* bedoelde dorp, woonbuurt of
ander onderverdeelde gebied geskenk, toegeken of
toegestaan was; (iii)
 - (iv) „bepaalde datum”—
 - (a) met betrekking tot ’n bestaande gebied wat by
proklamasie kragtens artikel *drie* van die Wet
vir die Behoud van Kleurlinggebiede, 1961 (Wet
No. 31 van 1961), voorbehou is, die datum van
afkondiging van bedoelde proklamasie;
 - (b) met betrekking tot ’n ander bestaande gebied,
die datum van inwerkingtreding van hierdie Wet;
en
 - (c) met betrekking tot ’n ingelyfde gebied, die datum
van afkondiging van die proklamasie kragtens
sub-artikel (1) van artikel *vier* waarby daardie
gebied vir okkupasie of besit deur Kleurlinge
voorbehou verklaar is; (xi)
 - (v) „bestaande gebied” enige gebied bestaande uit een
of meer stukke grond (het sy aangrensend al dan nie)
waarop die bepalings van die Wet van 1909 by die
inwerkingtreding van hierdie Wet van toepassing is,
maar nie ook Siloh in die distrik Queenstown en
Goschen in die distrik Cathcart nie; (x)
 - (vi) „besturusraad” of „raad” die liggaam kragtens
hierdie Wet ingestel vir die administrasie en beheer
van ’n raadsgebied; (v)
 - (vii) „boedelerf” ’n erf wat op die bepaalde datum
geregistreer is op die naam van die begiftigde of sy
regsopvolger, maar wat nie op die naam van die
persoon wat op die eiendomsreg daarop aanspraak
maak, oorgedra is nie; (ix)
 - (viii) „eiennaar”, met betrekking tot grond of ’n reg op of
oor grond in ’n bestaande of ’n ingelyfde gebied, die
persoon op wie se naam dié grond of reg op of oor
grond op die bepaalde datum geregistreer staan of op
wie se naam dié grond of reg op of oor grond
ingevolge hierdie Wet geregistreer is; (xvi)
 - (ix) „erf” of „eiendom” elke stuk grond bedoel in artikel
nege of *tiendien* opsigte waarvan daar op die bepaalde
datum ’n aparte kaart bestaan het, en elke erf, woonerf,
perseel of hoeve wat vir die doeleindes van paragraaf
(d) van artikel *een-en-twintig* of artikel *drie-en-veertig*
opgemee is en ook ’n kragtens hierdie Wet goedge-
keurde onderverdeling van bedoelde stuk grond, erf,
woonerf, perseel of hoeve, en in die geval van ’n
gebied wat nog nie ingevolge hierdie Wet beplan is
nie, ook elke onopgemene perseel of stuk grond waarop
okkupasiereg aan ’n geregistreerde okkupeerder ver-
leen is; (viii)

- (xi) "fixed date" means—
 - (a) in relation to an existing area reserved by proclamation under section *three* of the Preservation of Coloured Areas Act, 1961 (Act No. 31 of 1961), the date of publication of such proclamation;
 - (b) in relation to any other existing area, the date of commencement of this Act; and
 - (c) in relation to an incorporated area, the date of publication of the proclamation under sub-section (1) of section *four* whereby such area was declared to be reserved for occupation or ownership of Coloured persons; (iv)
- (xii) "incorporated area" means an area consisting of one or more pieces of land (whether contiguous or not) which has been declared to be reserved for occupation or ownership of Coloured persons by proclamation under sub-section (1) of section *four*; (xiii)
- (xiii) "magistrate" means the magistrate of the district in which a board area is situated, and includes any additional, acting or assistant magistrate acting on behalf or on the instructions of the magistrate; (xvi)
- (xiv) "Minister" means the Minister of Coloured Affairs; (xvii)
- (xv) "officer", in relation to any board area, means a person appointed—
 - (a) under paragraph (b) of sub-section (1) of section *twenty-two* as chairman of the advisory board for that area; or
 - (b) under paragraph (c) of sub-section (1) of section *twenty-four* as chairman of the board of management for that area; (ii)
- (xvi) "owner", in relation to land or any right in or to land in an existing area or an incorporated area, the person in whose name such land or right in or to land is registered on the fixed date or in whose name such land or right in or to land is registered under this Act; (viii)
- (xvii) "prescribed" means prescribed by or under this Act; (xxi)
- (xviii) "probationary lessee" means a person to whom a temporary right of occupation in respect of a holding in a closer settlement referred to in section *forty-three* has been allotted under that section; (xix)
- (xix) "registered occupier", in relation to any board area, means the person who has been admitted as a registered occupier of an erf or property in that area in terms of this Act or any law repealed thereby and whose name appears in the prescribed register of registered occupiers; (xi)
- (xx) "rural area" means an area outside the boundaries of any municipal area fixed by law; (xv)
- (xxi) "society" means any mission society or religious body which prior to the application of the Act of 1909 to any area held land in such area in trust for the Coloured inhabitants thereof or was the owner of land on which a mission station for Coloured persons existed and to which the provisions of the Act of 1909 applied on the fixed date in terms of section *twenty-seven* of that Act; (x)
- (xxii) "this Act" includes the regulations. (xii).

Certain areas reserved for Coloured persons.

2. Every area to which the provisions of this Act apply shall subject to the provisions of this Act be reserved for occupation and ownership of Coloured persons.

Application of Act.

3. (1) Save as is expressly otherwise provided in this Act or the conditions and reservations set out in any proclamation issued under sub-section (1) of section *four*, the provisions of this Act shall in so far as they can be applied *mutatis mutandis* apply also to every existing area.

(2) Any proclamation, notice, direction, permit or other document issued or approval, consent or authority given or exemption granted or body constituted or appointment made or person elected or appointed or other steps taken or anything done under any law hereby repealed and re-enacted with or without modification, shall be deemed to have been issued, given, granted, constituted, made, elected, appointed, taken or done under the corresponding provisions of this Act.

- (x) „genootskap” ’n sendinggenootskap of godsdiensstige liggaam wat voor die toepassing van die Wet van 1909 op ’n gebied, grond in so ’n gebied vir die Kleurlinginwoners daarvan in trust gehou het, of die eienaar van grond was waarop ’n sendingstasie vir Kleurlinge was en waarop die bepalings van die Wet van 1909 kragtens artikel *sewe-en-twintig* daarvan op die bepaalde datum van toepassing was; (xi)
- (xi) „geregistreerde okkuperder”, met betrekking tot ’n raadsgebied, die persoon wat kragtens hierdie Wet of ’n hierby herroepé wet as ’n geregistreerde okkuperder van ’n erf of eiendom in daardie gebied toegelaat is en wie se naam in die voorgeskrewe register van geregistreerde okkuperders verskyn; (xii) „hierdie Wet” ook die regulasies; (xiii) „ingelyfde gebied” ’n gebied bestaande uit een of meer stukke grond (hetpsy aangrensend al dan nie) wat by proklamasie ingevolge sub-artikel (1) van artikel *vier* vir okkupasie of besit deur Kleurlinge voorbehou is; (xiv) „Kleurling”—
 - (a) iemand wat kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), geklassifiseer is as ’n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurdes soos vir die doeleindes van daardie Wet omskryf;
 - (b) ’n blanke man of ’n vrou wat tot ’n ander groep behoort maar onmiddellik voor die bepaalde datum wettiglik met ’n lid van ’n in paragraaf (a) bedoelde groep getroud was; en
 - (c) ’n maatskappy waarin al die aandele besit word deur persone wat volgens die bepalings van paragraaf (a) Kleurlinge is; (v)
- (xv) „landelike gebied” ’n gebied buite die grense van ’n ingevolge wet bepaalde munisipale gebied; (xvi) „landdros” die landdros van die distrik waarin ’n raadsgebied geleë is, met inbegrip van ’n addisionele, waarnemende of assistent-landdros handelende namens of in opdrag van die landdros; (xvii) „Minister” die Minister van Kleurlingsake; (xviii) „onbevoegde persoon” ’n ander persoon as ’n Kleurling; (xix) „proefhuurder” ’n persoon aan wie kragtens artikel *drie-en-veertig* ’n tydelike okkupasiereg ten opsigte van ’n hoeve in ’n in daardie artikel bedoelde digtere nedersetting toegesê is; (xx)
- (xx) „raadsgebied”, met betrekking tot ’n bestaande of ’n ingelyfde gebied, die hele gebied met uitsluiting van enige gedeeltes daarvan wat kragtens hierdie Wet van die bepalings daarvan onthef is, en ook enige gebied wat kragtens hierdie Wet daarby ingelyf word; (xxi) „voorgeskrewe” of „voorgeskryf” deur of ingevolge hierdie Wet voorgeskryf; (xxii) „Wet van 1909” die „Mission Stations and Communal Reserves Act, 1909” (Wet No. 29 van 1909), van die Kaap die Goeie Hoop, en ook daardie Wet soos by artikel *sesien* van die Wet op Sendingstasies en Reservewes vir Kleurlinge, 1949 (Wet No. 12 van 1949), op die ander provinsies in die Republiek toegepas. (i)

2. Elke gebied waarop die bepalings van hierdie Wet van ^{Sekere gebiede}
toepassing is, is behoudens die bepalings van hierdie Wet vir ^{vir Kleurlinge}
okkupasie en besit deur Kleurlinge voorbehou.

3. (1) Behalwe vir sover in hierdie Wet of die voorwaardes ^{Toepassing}
en voorbehoude vervat in ’n kragtens sub-artikel (1) van artikel ^{van Wet.}
vier uitgevaardigde proklamasie uitdruklik anders bepaal word,
is die bepalings van hierdie Wet *mutatis mutandis* vir sover
dit toegepas kan word ook van toepassing op elke bestaande
gebied.

(2) Enige proklamasie, kennisgewing, lasgewing, permit of ander dokument uitgereik of goedkeuring, toestemming of magtiging verleen of vrystelling toegestaan of liggaam ingestel of aanstelling gedoen of persoon verkies of aangestel of ander stappe gedoen of enigiets uitgevoer ingevolge ’n hierby herroepé wetsbepaling wat met of sonder wysiging hierby herverorden word, word geag ingevolge die ooreenstemmende bepalings van hierdie Wet uitgereik, verleen, toegestaan, ingestel, gedoen, verkies, aangestel of uitgevoer te wees.

Reservation
of land for
occupation or
ownership of
Coloured persons.

4. (1) The State President may by proclamation in the *Gazette*, and subject to such reservations and conditions as he may deem fit, declare any rural area defined in the proclamation—

- (a) which consists of State land; or
- (b) which has at any time prior to the twenty-eighth day of April, 1961, been granted, transferred or set aside for occupation or ownership of Coloured persons or was on that date a traditional or locally recognized Coloured area, and which is occupied or owned mainly by Coloured persons; or
- (c) on which there is a mission station for Coloured persons or on which a community of Coloured persons in the nature of a mission station or settlement is resident,

to be reserved for occupation and ownership of Coloured persons.

(2) No area shall be declared to be reserved in terms of sub-section (1), except after consultation with the Administrator of the province concerned and with the lawful occupiers and owners of land in such area, and, in the case of any area referred to in paragraph (c) of that sub-section, on the written request or with the written consent of the owner of the land.

(3) If the majority of the persons present at a meeting of registered occupiers of any area convened for the purpose in the manner prescribed by regulation and (in the case of an area referred to in paragraph (c) of sub-section (1)) the owner concerned has agreed thereto, the State President may by proclamation in the *Gazette* amend or withdraw any reservation or condition imposed under sub-section (1) or any law hereby repealed.

Incorporated
area may be
excluded from
provisions of
Act or in-
corporated in
any other area.

5. The State President may, after the Minister has in the prescribed manner consulted the board of management concerned or, where no board of management exists, the lawful inhabitants and owners, by proclamation in the *Gazette* exclude any incorporated area or any portion thereof from the provisions of this Act or, subject to such reservations and conditions as may be set out in the proclamation, incorporate it with any other incorporated area or any existing area.

Application
of certain
provisions for
administration
of estates.

6. (1) If after consultation between the Minister and the board of management concerned, the State President is of the opinion that undesirable conditions exist or may arise in any existing area or incorporated area in consequence of delays in connection with the administration of estates involving estate erven, he may by proclamation in the *Gazette* declare the provisions of section seven to be applicable to such area.

(2) Any such proclamation may at any time be withdrawn by the State President by proclamation in the *Gazette* if he is of the opinion that it is no longer required.

Appointment,
duties and
functions of
administrators.

7. (1) After the publication of any proclamation under sub-section (1) of section six, the Minister shall, subject to the laws governing the public service, by notice in the *Gazette* appoint in respect of the area in question a person as administrator of the estates involving estate erven which according to a certificate of the Master of the Supreme Court concerned are not properly represented or are not being effectively administered.

(2) Any such administrator shall in relation to any estate erf and to the exclusion of any other person have the powers of a lawfully appointed executor dative and shall in addition exercise such powers and perform such duties as are conferred or imposed upon an administrator by this section.

(3) Notwithstanding anything contained in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, the administrator shall be empowered to give transfer of any estate erf to the person entitled thereto without prior transfer to any previous owner or holder being required.

(4) If the deed of grant or deed of transfer of any estate erf has been destroyed or lost, the administrator shall publish in the *Gazette* and in a newspaper circulating in the area in question a notice signifying his intention to apply for a certified copy of the deed of grant or deed of transfer after the expiration of thirty days subsequent to the publication of the notice, and the registrar of deeds concerned shall have power at the request of the administrator and upon production of proof that the prescribed notice has been published, to issue such a copy free of charge provided no lawful objection has been submitted during the said period of thirty days.

4. (1) Die Staatspresident kan by proklamasie in die Voorbehou van Staatsskoerant, en onderworpe aan die voorbehoud en voorwaardes wat hy goedvind, 'n in die proklamasie omskreve landelike gebied—

- (a) wat uit Staatsgrond bestaan; of
- (b) wat te eniger tyd voor die agt-en-twintigste dag van April 1961 vir okkupasie of besit deur Kleurlinge toegeken, getransporteer of afgesonder is of op dié datum 'n tradisionele of plaaslik erkende Kleurlingebied was, en wat hoofsaaklik deur Kleurlinge geokkupeer of besit word; of
- (c) waarop daar 'n sendingstasie vir Kleurlinge bestaan of 'n gemeenskap van Kleurlinge van die aard van 'n sendingstasie of nedersetting saamwoon,

vir okkupasie en besit deur Kleurlinge voorbehou verklaar.

(2) Geen gebied word kragtens sub-artikel (1) voorbehou verklaar nie behalwe na oorlegpleging met die Administrateur van die betrokke provinsie en met die wettige bewoners en eienaars van grond in dié gebied, en, in die geval van 'n gebied in paragraaf (c) van daardie sub-artikel bedoel, op skriftelike versoek of met skriftelike toestemming van die eienaar van daardie grond.

(3) Indien die meerderheid van die persone teenwoordig op 'n vergadering van geregistreerde okkupueerders van 'n gebied wat op die regulasie voorgeskrewe wyse vir die doel belê is, en (in die geval van 'n gebied in paragraaf (c) van sub-artikel (1) bedoel) die betrokke eienaar daartoe ingestem het, kan die Staatspresident enige voorbehou of voorwaarde ingevolge sub-artikel (1) of 'n hierby herroepde wetsbepaling opgelê, by proklamasie in die Staatsskoerant wysig of intrek.

5. Die Staatspresident kan, nadat die Minister die betrokke Ingelyfde bestuursraad of, waar daar geen bestuursraad is nie, die wettige inwoners en eienaars op die voorgeskrewe wyse geraadpleeg het, by proklamasie in die Staatsskoerant 'n ingelyfde gebied of gedeelte daarvan van die bepalings van hierdie Wet uitsluit of, onderworpe aan die voorbehoude en voorwaardes in daardie proklamasie uiteengesit, by 'n ander ingelyfde gebied of 'n bestaande gebied inlyf.

6. (1) Indien die Staatspresident, na oorlegpleging tussen die Minister en die betrokke bestuursraad van oordeel is dat daar in 'n bestaande of 'n ingelyfde gebied wantoestande bestaan of kan ontstaan as gevolg van vertragings in verband met die bereddering van boedels waarby boedelerwe betrokke is, kan hy by proklamasie in die Staatsskoerant die bepalings van artikel sewe op dié gebied van toepassing verklaar.

(2) So 'n proklamasie kan te eniger tyd deur die Staatspresident by proklamasie in die Staatsskoerant ingetrek word indien hy van oordeel is dat geen verdere behoefte daaraan bestaan nie.

7. (1) Na afkondiging van 'n proklamasie ingevolge sub-artikel (1) van artikel ses, stel die Minister met inagneming van die wetsbepalings op die Staatsdiens by kennisgewing in die Staatsskoerant ten opsigte van die betrokke gebied iemand aan as beredderaar van die boedels waarby boedelerwe betrokke is en wat volgens 'n sertifikaat van die betrokke Meester van die Hooggereghof nie behoorlik verteenwoordig is of doeltreffend geadmireer word nie.

(2) So 'n beredderaar het met betrekking tot 'n boedelerf tot uitsluiting van enige ander persoon die bevoegdhede van 'n wettiglik aangestelde eksekuteur datief en moet daarbenewens die bevoegdhede uitoefen en die pligte uitvoer wat by hierdie artikel aan 'n beredderaar verleen of opgelê word.

(3) Ondanks die bepalings van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of ander wetsbepalings, is die beredderaar gemagtig om transport van enige boedelerf aan die daarop geregtigde persoon te gee sonder dat transport eers aan 'n vorige eienaar of besitter gegee moet word.

(4) Indien die grondbrief of transportakte van 'n boedelerf vernietig is of verlore geraak het, plaas die beredderaar 'n kennisgewing in die Staatsskoerant en in 'n koerant wat in die betrokke omgewing in omloop is, waarin hy sy voorname bekend maak om na verloop van dertig dae vanaf die publikasie van die kennisgewing om 'n gesertifiseerde afskrif van die grondbrief of transportakte aansoek te doen, en die betrokke registrateur van aktes is gemagtig om op versoek van die beredderaar en by voorlegging van bewys van die publikasie van die voorgeskrewe kennisgewing, sodanige afskrif gratis uit te reik mits geen wettige beswaar gedurende genoemde tydperk van dertig dae ingedien is nie.

(5) Where there is more than one lawful claimant to an estate erf, the administrator shall act in accordance with the provisions of section *forty-seven* and shall have the powers therein conferred upon the magistrate.

- (6) (a) If the administrator is unable to ascertain who is the lawful claimant to an estate erf, he shall publish in the *Gazette* and in a newspaper circulating in the area in question an advertisement in which it is made known that applications supported by documentary proof by persons laying claim to such estate erf will be awaited during a period of six months from the date of such advertisement and that no application will be recognized after the expiration of the said period.
- (b) After the administrator has in consultation with the magistrate arrived at a decision in regard to the validity of any claim, he shall by registered letter advise all claimants of such decision.
- (c) A claimant may within six months appeal against any such decision to the division of the Supreme Court having jurisdiction whose decision on any such appeal shall be final, and where no appeal is so lodged the decision of the administrator shall be final.

(7) Where after having given effect to the requirements of sub-section (6), the administrator is unable to trace or ascertain any lawful claimant, he shall sell the estate erf in question by public auction and give transfer to the buyer and pay the purchase price after deduction of expenses to the Master of the Supreme Court for payment into the Guardian's Fund.

(8) Any transfer under this section, other than a transfer under sub-section (7), shall be effected by endorsement, and the registrar of deeds concerned shall upon receipt of a notice from the administrator accompanied by a certificate to the effect that the provisions of this section have been complied with and payment by the transferee of a comprehensive amount of two rand, make the necessary endorsements and entries upon the appropriate documents and in his registers and, if submitted to him, upon the title deed of the estate erf.

Land in incorporated area vested in Minister in trust for Coloured community.

8. Notwithstanding anything to the contrary contained in any law, but subject to the provisions of sections *nine* and *ten*, the land in any incorporated area shall on the fixed date vest free of any restriction, restrictive condition or personal or real encumbrance whatsoever affecting the ownership, use or occupation of such land (except a right of way, aqueduct or transmission or in respect of the route relating to any public matter or any right to minerals of whatever nature in favour of the State) in the Minister in trust for the community for division, allotment and disposal by the Minister under the provisions of this Act, and the Minister shall cause the title deed of such land to be endorsed accordingly in accordance with the provisions of section *twelve*.

Effect of sub-division of land in incorporated area.

9. (1) If land in an incorporated area is on the fixed date sub-divided and laid out for residential or other purposes and the sub-division is approved by the Minister, or a township in respect of which an approved general plan under the Land Survey Act, 1927 (Act No. 9 of 1927), is in existence has been laid out thereon in accordance with the appropriate requirements—

- (a) the plan of sub-division or general plan shall be deemed to have been prepared in terms of section *twenty-one*;
- (b) any registered owner of land appearing on the plan of sub-division or general plan shall retain his ownership of such land, subject to the condition that in the case of any such owner who is a disqualified person the land in question shall be dealt with as in this section provided.

(2) A disqualified person referred to in sub-section (1) may at any time sell the property of which he is the owner to a person who is not a disqualified person or to the Minister or a disqualified person approved by him, and if after the expiration of a period of twelve months from the fixed date such property has not been so sold, the Minister may cause such owner to be directed in writing to dispose of the property within a period specified in the direction to a person who is not a disqualified person.

(3) After the expiration of the period specified in any direction under sub-section (2), the property in question, including any real rights therein, but without prejudice to any rights to

(5) Waar daar meer as een wettige aanspraakmaker op 'n boedelerf is, handel die beredderaar ooreenkomstig die bepalings van artikel *sewe-en-veertig* en is hy beklee met die bevoegdhede daarin aan die landdros verleen.

(6) (a) Ingeval die beredderaar nie in staat is om die wettige aanspraakmaker op 'n boedelerf vas te stel nie, moet hy in die *Staatskoerant* en in 'n koorant wat in die betrokke omgewing in omloop is, 'n advertensie plaas waarin hy bekend maak dat gedurende 'n tydperk van ses maande vanaf die datum van daardie advertensie aansoek met bewyssstukke ingewag word van persone wat op sodanige boedelerf aanspraak maak en dat geen aansoek na verloop van bedoelde tydperk erken sal word nie.

(b) Nadat die beredderaar in oorleg met die landdros oor die geldigheid van enige aanspraak beslis het, stel hy alle aanspraakmakers per geregistreerde brief van sy beslissing in kennis.

(c) Enige aanspraakmaker is geregtig om binne ses maande by die bevoegde afdeling van die Hooggereghof teen sodanige beslissing te appelleer en die uitspraak van daardie hof op die appèl is afdoende, en waar appèl nie aldus aangeteken word nie, is die beredderaar se beslissing afdoende.

(7) Waar die beredderaar, nadat hy aan die vereistes van sub-artikel (6) uitvoering gegee het, geen wettige aanspraakmaker kan opsoor of vassel nie, verkoop hy die betrokke boedelerf by openbare veiling en gee hy transport aan die koper, en betaal hy die koopsom na aftrekking van koste oor aan die Meester van die Hooggereghof om in die Voogdysfonds gestort te word.

(8) Oordrag ingevolge hierdie artikel, uitgesonderd 'n oordrag kragtens sub-artikel (7), geskied by wyse van endossement, en die betrokke registrateur van aktes moet by ontvangs van 'n kennissaming van die beredderaar vergesel van 'n sertifikaat dat aan die voorskrifte van hierdie artikel uitvoering gegee is, en betaling deur die transportontvanger van 'n omvattende bedrag van twee rand, op die gepaste dokumente en in sy registers en (indien aan hom voorgelê) op die titelbewys van die boedelerf die nodige endossemente en inskrywings aanbring.

8. Ondanks andersluidende wetsbepalings, maar behoudens Grond in ingelyfde die bepalings van artikels *nege* en *tien*, gaan die grond in 'n gebied berus by Minister ingelyfde gebied op die bepaalde datum vry van enige beperking, in trust vir beperkende voorwaarde of persoonlike of saaklike las van Kleurling-watter aard ook al rakende die besit, gebruik of okkupasie van gemeenskap. daardie grond (uitgesonderd 'n reg van weg, waterleiding, transmissie of ten opsigte van die roete van 'n openbare aangeleentheid of 'n reg op minerale van watter aard ook al ten gunste van die Staat) oor op die Minister in trust vir die gemeenskap vir verdeling, toekenning en beskikking deur die Minister ingevolge die bepalings van hierdie Wet, en die Minister laat die titelbewys van bedoelde grond dienooreenkomstig ingevolge artikel *twaalf* endosseer.

9. (1) Indien grond in 'n ingelyfde gebied op die bepaalde datum as 'n woonbuurt of vir ander doeleindes onderverdeel en uitgelê is en die onderverdeling deur die Minister goedgekeur word, of 'n dorp volgens die toepaslike vereistes daarop uitgelê is ten opsigte waarvan 'n kragtens die Opmetingswet, 1927 (Wet No. 9 van 1927), goedgekeurde algemene plan bestaan—

(a) word die plan van die onderverdeling of algemene plan geag kragtens artikel *een-en-twintig* opgestel te wees;

(b) behou 'n geregistreerde eienaar van grond wat op die plan van die onderverdeling of algemene plan voorkom, sy eiendomsreg in die betrokke grond, onderworpe aan die voorwaarde dat in die geval van so 'n eienaar wat 'n onbevoegde persoon is, oor die betrokke grond beskik moet word soos in hierdie artikel bepaal.

(2) 'n Onbevoegde persoon in sub-artikel (1) bedoel, kan te eniger tyd die eiendom waarvan hy eienaar is, verkoop aan iemand wat nie 'n onbevoegde persoon is nie of aan die Minister of 'n deur hom goedgekeurde onbevoegde persoon, en indien bedoelde eiendom na verloop van 'n tydperk van twaalf maande vanaf die bepaalde datum nog nie aldus verkoop is nie, kan die Minister so 'n eienaar skriftelik laat aansê om die eiendom te verkoop binne 'n tydperk in die aanseggung vermeld aan iemand wat nie 'n onbevoegde persoon is nie.

(3) Na verstryking van die tydperk in 'n aanseggung ingevolge sub-artikel (2) vermeld, gaan die betrokke eiendom, met inbegrip van enige saaklike reg daarop, maar sonder afbreuk aan enige

Ownership in land for religious purposes or undertakings in favour of community.

Vesting of property in board of management.

Endorsement of title deeds.

Compensation in respect of property vested in Minister.

Alternative method of compensation.

which any person may be entitled by virtue of a registered mortgage bond, shall vest in the Minister in accordance with the provisions of section *eight*, but subject to the payment of compensation as provided in section *thirteen* or *fourteen*.

10. (1) The provisions of sections *eight* and *nine* shall not apply with reference to property registered in the name of any denominational society.

(2) The Minister may on such conditions and for such a period as he may deem fit, permit any owner to retain his property in an incorporated area, or authorize a disqualified person to acquire a property in an incorporated area, if he is of the opinion that any business undertaking which is to the benefit of the community is or will be conducted on such property.

11. (1) Subject to the provisions of this Act, any property which has in terms of section *nine* vested in the Minister, shall, as soon as a board of management has been established for the area in question, and subject to such conditions as the Minister may determine, vest in the board of management, and any expenditure incurred by the Minister in connection with compensation in respect thereof shall be deemed to be expenditure incurred in respect of development work to which the provisions of section *forty-two* apply.

(2) A board of management may, subject to such conditions as the Minister may deem fit, alienate any property which is vested in it in terms of sub-section (1), to persons who are not disqualified persons.

12. The registrar of deeds concerned shall upon receipt of a notice signed by the Minister or a person authorized thereto by him, and without payment of transfer duty or registration or other fees, make the necessary endorsements and entries on the appropriate documents and in his registers and, if submitted to him, on the title deed of any land in an incorporated area which in terms of section *eight* or sub-section (2) or (3) of section *nine* becomes vested in the Minister or in terms of section *eleven* or paragraph (f) of section *twenty-one* becomes vested in the board of management.

13. (1) The Minister shall, subject to the provisions of sub-section (1) of section *fourteen*, out of moneys appropriated by Parliament for the purpose, pay compensation to the owner in respect of any property or right which has vested in the Minister by virtue of section *eight* or sub-section (3) of section *nine*, except in the case of—

- (a) a person who held such property or right in trust for the inhabitants of the area in question; or
- (b) an owner who is in terms of section *twenty-one* admitted as a registered occupier of land in the area in question: Provided that the Minister may pay compensation to any such lastmentioned owner in respect of improvements effected by him on the said land before the fixed date if such improvements do not form part of the erf or property allotted to him.

(2) The compensation payable under this section shall, failing agreement between the Minister and the owner be determined by arbitration.

14. (1) The Minister may, if he deems fit, instead of paying compensation in terms of section *thirteen* to any disqualified person in respect of his property or right in an incorporated area, compensate such disqualified person who consents thereto—

- (a) if his right consisted of a piece of surveyed land in respect of which an approved or a registered diagram exists, by retransferring that land to him or transferring to him other land in the said area;
- (b) if his right consisted of an undivided share in land, by causing the portion of the land representing that undivided share (after the Minister has determined the situation of that portion in such manner as in his opinion will promote the objects of this Act) to be surveyed and to be transferred to such person: Provided that where two or more disqualified persons held undivided shares in the same piece of land, the Minister may so determine the situation of one piece of land to represent their joint shares and cause it to be so surveyed and transferred to them.

regte wat iemand uit hoofde van 'n geregistreerde verband besit, ooreenkomsdig die bepalings van artikel *agt* oor op die Minister onderworpe aan die betaling van vergoeding soos in artikel *dertien* of *veertien* bepaal.

10. (1) Die bepalings van artikels *agt* en *nege* is nie met Eiendomsreg op betrekking tot eiendom wat op die naam van 'n kerkgenootskap geregistreer is, van toepassing nie.

(2) Die Minister kan op die voorwaardes en vir 'n tydperk wat hy goedvind 'n eienaar toelaat om sy eiendom in 'n ingelyfde gebied te behou of 'n onbevoegde persoon magtig om 'n eiendom in 'n ingelyfde gebied te verkry, indien hy van oordeel is dat daar op dié eiendom 'n sake-onderneming wat in belang van daardie gemeenskap is, gedryf word of sal word.

11. (1) Behoudens die bepalings van hierdie Wet, gaan Oorgang van eiendom op bestuursraad.
eiendom wat ingevolge artikel *nege* op die Minister oorgegaan het, sodra 'n bestuursraad vir die betrokke gebied ingestel is, en onderworpe aan die voorwaardes wat die Minister bepaal, op die bestuursraad oor, en enige uitgawes deur die Minister in verband met vergoeding ten opsigte daarvan aangegaan, word geag uitgawes te wees wat ten opsigte van ontwikkelingswerk aangegaan is waarop die bepalings van artikel *twee-en-veertig* van toepassing is.

(2) 'n Bestuursraad kan, onderworpe aan die voorwaardes wat die Minister goedvind, eiendom wat ingevolge sub-artikel (1) op hom oorgegaan het, vervreem aan persone wat nie onbevoegde persone is nie.

12. Die betrokke registrator van aktes moet by ontvangs van Endossering van titelbewys.
'n kennisgewing onderteken deur die Minister of sy gemagtigde, sonder die betaling van hereregte of registrasie- of ander gelde, op die gepaste dokumente en in sy registers en (indien aan hom voorgelê) op die titelbewys van grond in 'n ingelyfde gebied wat ingevolge artikel *agt* of sub-artikel (2) of (3) van artikel *nege* op die Minister oorgaan of ingevolge artikel *elf* of paragraaf (*f*) van artikel *een-en-twintig* op die bestuursraad oorgaan, die nodige endossemente en inskrywings aanbring.

13. (1) Die Minister moet, behoudens die bepalings van sub-artikel (1) van artikel *veertien*, uit fondse deur die Parlement vir die doel bewillig, aan die eienaar vergoeding betaal ten opsigte van enige eiendom of reg wat ingevolge artikel *agt* of sub-artikel (3) van artikel *nege* op die Minister oorgegaan het, behalwe in die geval van—

- (a) iemand wat die eiendom of reg vir die inwoners van die betrokke gebied in trust besit het; of
- (b) 'n eienaar wat ingevolge artikel *een-en-twintig* as geregistreerde okkuperer van grond in die betrokke gebied toegelaat word: Met dien verstande dat die Minister vergoeding aan laasbedoelde eienaar kan betaal ten opsigte van verbeterings wat hy voor die bepaalde datum op bedoelde grond aangebring het, indien sodanige verbeterings nie deel uitmaak van die erf of eiendom wat aan hom toegeken word nie.

(2) Die vergoeding wat ingevolge hierdie artikel betaalbaar is, word by ontstentenis van ooreenkoms tussen die Minister en die eienaar, by arbitrasie bepaal.

14. (1) Die Minister kan na goeddunke, in plaas daarvan om Alternatiewe wyse van vergoeding.
ingevolge artikel *dertien* vergoeding aan 'n onbevoegde persoon ten opsigte van sy eiendom of reg in 'n ingelyfde gebied te betaal, so 'n onbevoegde persoon wat daarin toestem, vergoed—

- (a) indien sy reg 'n stuk opgemete grond was ten opsigte waarvan 'n goedgekeurde of geregistreerde kaart bestaan, deur daardie grond aan hom terug te transporteer of ander grond in bedoelde gebied aan hom te transporteer;
- (b) indien sy reg 'n onverdeelde aandeel in grond was, deur nadat die Minister die ligging van die gedeelte van die grond wat daardie onverdeelde aandeel verteenwoordig, bepaal het op 'n wyse wat volgens sy oordeel die oogmerke van hierdie Wet sal bevorder, bedoelde gedeelte te laat opmeet en aan hom te laat transporteer: Met dien verstande dat waar twee of meer onbevoegde persone onverdeelde aandele in dieselfde stuk grond besit het, die Minister die ligging van een stuk grond wat hul gesamentlike aandele verteenwoordig, aldus kan bepaal en laat opmeet en aan hulle kan laat transporteer.

(2) No transfer duty or registration fees shall be payable by a disqualified person in respect of any transfer given under sub-section (1), but such disqualified person shall pay the cost of the survey and of any diagram which may be necessary in order to give effect to the provisions of paragraph (b) of that sub-section.

Notice to owners and mortgagees.

15. (1) The Minister or a person authorized thereto by him shall as soon as practicable cause to be served by personal delivery or by registered post, upon every disqualified person who on the fixed date was an owner of property which has become vested in the Minister in terms of this Act, and upon every registered holder of a mortgage bond over such property whose place of residence he can readily ascertain, a notice containing a clear description of the land or particulars of the right or mortgage bond in question, and wherein either the compensation, if any, offered for the land, right or mortgage bond is stated or such disqualified person or mortgagee is requested to state the amount, if any, claimed by him for the land, right or mortgage bond.

(2) If the place of residence of any such disqualified person or mortgagee cannot be readily ascertained, or if the Minister is, on account of the number of persons who had registered rights in respect of the land, satisfied that the service of notices under sub-section (1) is not practicable the Minister or the person authorized thereto by him shall cause to be published in one ordinary issue of the *Gazette* and once every week for three consecutive weeks in a newspaper circulating in the district, a notice complying with the provisions of the said sub-section.

Lodging of claims.

16. (1) Within two months after the date of service of a notice or the date of the last publication thereof in terms of section *fifteen*, or within such further period as the Minister may in writing allow—

- (a) every holder of a mortgage bond which was registered against the land in question on the fixed date, shall submit to the Minister or a person acting under his authority a statement in writing setting forth particulars of the number and date of the bond and of the amount still due thereunder;
- (b) every disqualified person who on the fixed date was the owner of any property which has vested in the Minister in terms of this Act, shall submit to the Minister or the person authorized thereto by him—
 - (i) a statement in writing setting forth the amount of compensation, if any, claimed by him in respect of the said property; and
 - (ii) the documents of title of his ownership of or other registered right in or to the land.

(2) Any person who fails to comply with the provisions of sub-section (1) or to furnish any information requested of him shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or in default of payment to imprisonment for a period not exceeding three months.

Information as to unregistered rights.

17. (1) The Minister may before offering compensation in respect of land under this Act or agreeing to pay any amount claimed in respect of land, by notice in writing call upon the owner of such land to furnish within a period of not less than fourteen days specified in the notice, the name and address of any unregistered lessee or sub-lessee of the land and of any other person who owns any unregistered right in respect of the land.

(2) The provisions of sub-section (2) of section *sixteen* shall *mutatis mutandis* apply in the case of any person who fails to comply with a notice under sub-section (1).

Determination of compensation by arbitration.

18. (1) If the owner and the Minister do not within a period of three months after the date of service of the notice referred to in sub-section (1) of section *fifteen* or the date of the last publication thereof in terms of sub-section (2) of that section, or within such longer period as the Minister may in writing allow, reach agreement in regard to the compensation payable in respect of the property or right in question, that compensation shall, subject to the provisions of section *nineteen*, be determined by two arbitrators of whom one shall be nominated by the Minister and the other by the owner or, if there is more than one owner, by such owners jointly.

(2) Geen hereregte of registrasiegelde is deur 'n onbevoegde persoon ten opsigte van 'n transport wat kragtens sub-artikel (1) gepasseer word, betaalbaar nie, maar bedoelde onbevoegde persoon moet die koste betaal van opmeting en van enige kaart wat nodig mag wees ten einde aan die bepalings van paragraaf (b) van daardie sub-artikel gevold te kan gee.

15. (1) Die Minister of sy gemagtigde laat so gou doenlik aan **Kennisgewing aan eienaars en verbandhouers.** elke onbevoegde persoon wat op die bepaalde datum 'n eiener was van eiendom wat ingevolge die bepalings van hierdie Wet op die Minister oorgegaan het, en aan elke geregistreerde houer van 'n verband op bedoelde eiendom wie se verblyfplek hy geredelik kan vasstel, deur persoonlike afluwing of per aangetekende pos 'n kennisgewing bestel wat 'n duidelike beskrywing van die betrokke grond of besonderhede van die betrokke reg of verband bevat en waarin of die vergoeding (as daar is) genoem word wat vir die grond, reg of verband aangebied word, of bedoelde onbevoegde persoon of verbandhouer versoek word om die bedrag (as daar is) te noem wat hy eis vir die grond, reg of verband.

(2) Indien die verblyfplek van so 'n onbevoegde persoon of verbandhouer nie geredelik vasgestel kan word nie, of indien die Minister vanweë die aantal persone wat geregistreerde regte ten opsigte van die grond gehad het, oortuig is dat die bestelling van kennisgewings ingevolge sub-artikel (1) nie doenlik is nie, laat die Minister of sy gemagtigde in een gewone uitgawe van die *Staatskoerant* en een maal per week vir drie agtereenvolgende weke in 'n koerant wat in die distrik in omloop is, 'n kennisgewing publiseer wat aan die bepalings van genoemde sub-artikel voldoen.

16. (1) Binne twee maande na die datum van bestelling van **Indiening van eise.** 'n kennisgewing of die datum van die laaste publikasie daarvan kragtens artikel *vyftien*, of binne so 'n langer tydperk as wat die Minister skriftelik toelaat—

(a) moet die houer van elke verband wat op die bepaalde datum teen die betrokke grond geregistreer was, aan die Minister of sy gemagtigde 'n skriftelike verklaring voorlê waarin besonderhede van die nommer en datum van die verband en van die bedrag wat nog daarvolgens verskuldig is, uiteengesit word;

(b) moet elke onbevoegde persoon wat op die bepaalde datum die eiener was van 'n eiendom wat ingevolge hierdie Wet op die Minister oorgegaan het, aan die Minister of sy gemagtigde—

(i) 'n skriftelike verklaring voorlê waarin die bedrag van vergoeding (as daar is) wat hy ten opsigte van bedoelde eiendom eis, uiteengesit word; en

(ii) die stukke voorlê wat die titelbewys van sy eiendomsreg in of ander geregistreerde reg op of oor die grond uitmaak.

(2) Iemand wat versuim om aan die bepalings van sub-artikel (1) te voldoen of om enige gevraagde inligting te verstrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

17. (1) Die Minister kan, alvorens hy ingevolge hierdie Wet vergoeding ten opsigte van grond aanbied of toestem tot betaling van 'n bedrag wat ten opsigte van grond geëis word, die eiener van daardie grond by skriftelike kennisgewing aansê om binne 'n tydperk van minstens veertien dae in die kennisgewing vermeld die naam en adres te verstrek van enige ongeregistreerde huurder of onderhuurder van die grond en van enige ander persoon wat 'n ongeregistreerde reg ten opsigte van die grond besit.

(2) Die bepalings van sub-artikel (2) van artikel *sestien* is *mutatis mutandis* van toepassing in die geval van iemand wat versuim om aan 'n kennisgewing ingevolge sub-artikel (1) te voldoen.

18. (1) Indien die eiener en die Minister nie binne 'n tydperk van drie maande na die datum van bestelling van die in sub-artikel (1) van artikel *vyftien* bedoelde kennisgewing of die datum van die laaste publikasie daarvan kragtens sub-artikel (2) van daardie artikel of binne so 'n langer tydperk as wat die Minister skriftelik toelaat, tot 'n ooreenkoms aangaande die vergoeding betaalbaar ten opsigte van die betrokke eiendom of reg geraak nie, word daardie vergoeding, onderworpe aan die bepalings van artikel *negentien*, bepaal deur twee arbiters van wie een deur die Minister en die ander deur die eiener of, indien daar meer as een eiener is, deur die eiener gesamentlik benoem word.

**Inligting aan-
gaande onge-
registreerde regte.**

**Vasstelling van
vergoeding by
arbitrasie.**

(2) If an owner or owners fail to nominate an arbitrator or to advise the Minister in writing of the name and address of such arbitrator within fourteen days after having been called upon by the Minister to do so, under the circumstances contemplated in sub-section (1), the Minister may himself nominate such an arbitrator, and any arbitrator so nominated shall be deemed to have been duly nominated by the owner or owners concerned.

(3) (a) The arbitrators shall before taking any steps in connection with the arbitration, appoint a suitable person to act as umpire in the event of their being unable to agree, and if the arbitrators fail to appoint such a person or are unable to agree in regard to the appointment, the Minister shall appoint a suitable person as umpire.

(b) The decision of an umpire appointed under paragraph (a) on any matter in regard to which the arbitrators are unable to agree, shall be final.

(4) The arbitrators and the umpire shall, except in the case of persons in the full-time service of the State, receive such remuneration and allowances for their services as may be determined by the Minister in consultation with the Minister of Finance.

(5) The costs in connection with any determination of compensation under this section, as determined in accordance with the scale of costs in magistrates' courts, shall failing agreement between the parties be paid as may be determined by the arbitrators or, if the arbitrators are unable to agree, by the umpire, and the decision of the arbitrators or the umpire shall be final.

Manner of determining compensation.

19. (1) The compensation payable to an owner under this Act shall not exceed such an amount as in the opinion of the Minister or (in the case of a determination under section eighteen) the arbitrator or the umpire is equal to the sum of the fair market value on the day preceding the fixed date of the land and the improvements thereon or of the right in question, together with reasonable compensation for any inconvenience or loss actually caused in consequence of the vesting in the Minister of the land or right.

(2) In the determination of the compensation—

(a) any advantage which may be derived in consequence of the use of the land in question in an unlawful manner or in a manner which is detrimental to the health of the person residing thereon or to the public health shall not be taken into consideration;

(b) no improvement effected to the land in question after the fixed date without the consent of the Minister (not being an improvement which was necessary for the proper maintenance of existing improvements or which was undertaken in terms of obligations incurred before that date) shall be taken into consideration; and

(c) regard shall be had to any compensation which may be payable to the owner of any unregistered right in respect of the land, in so far as such right results in a reduction of the fair market value of the land.

Compensation to be paid to owner or into Guardian's Fund.

20. Any compensation payable to an owner under this Act shall, if his address is not known, be paid to the Master of the Supreme Court to be deposited in the Guardian's Fund: Provided that where land is mortgaged the compensation may in so far as may be necessary be applied in payment of the claims of mortgagees in their legal order of preference, provided such mortgagees have complied with the provisions of section sixteen: Provided further that if the land was before the fixed date sold to any person who furnishes proof that he has paid the purchase price either wholly or in part, the whole amount of the compensation, less any amount still due to the seller by way of the purchase price, may be paid to the purchaser.

Planning and allotment of land in incorporated area.

21. The Minister may after the issue of any proclamation under section four, and after enquiry in the prescribed manner by the magistrate or an officer appointed for the purpose—

(a) determine the persons who are on the fixed date entitled according to local usage to occupy or own land in the area defined in that proclamation, and their respective rights;

(b) direct that a register be prepared of such persons and of the number and sizes of erven or properties owned or occupied by them or allotted to them respectively;

(2) Indien 'n eienaar of eienaars versuim om binne veertien dae na ontvangs van 'n aanseggingsdaartoe deur die Minister onder die omstandighede in sub-artikel (1) bedoel, 'n arbiter te benoem of die naam en adres van daardie arbiter skriftelik aan die Minister mee te deel, kan die Minister self so 'n arbiter benoem, en 'n aldus benoemde arbiter word geag behoorlik deur die betrokke eienaar of eienaars benoem te wees.

(3) (a) Die arbiters moet voordat hulle enige stappe in verband met die arbitrasie doen, 'n geskikte persoon as skeidsregter aanstel ingeval hulle nie kan ooreenkom nie, en indien die arbiters versuim om so 'n persoon aan te stel of nie oor die aanstelling kan ooreenkom nie, stel die Minister 'n geskikte persoon aan as skeidsregter.

(b) Die beslissing van 'n kragtens paragraaf (a) aangestelde skeidsregter oor 'n aangeleentheid waaromtrent die arbiters nie kan ooreenkom nie, is afdoende.

(4) Die arbiters en die skeidsregter ontvang, behalwe in die geval van persone in die voltydse diens van die Staat, die besoldiging en toelaes vir hul dienste wat die Minister in ooreleg met die Minister van Finansies bepaal.

(5) Die koste, bereken volgens die tarief van koste in landdros-howe, in verband met 'n bepaling van vergoeding ingevolge hierdie artikel word by ontstetenis van ooreenkoms tussen die partye betaal soos die arbiters gelas of, indien die arbiters nie kan ooreenkom nie, soos die skeidsregter gelas, en die beslissing van die arbiters of die skeidsregter is afdoende.

19. (1) Die vergoeding kragtens hierdie Wet aan 'n eienaar betaalbaar, beloop nie meer nie as 'n bedrag wat volgens die oordeel van die Minister of (in die geval van 'n bepaling kragtens artikel *agtien*) die arbiters of die skeidsregter gelyk is aan die som van die billike markwaarde op die dag voor die bepaalde datum van die grond met verbeterings daarop of van die betrokke reg en billike vergoeding vir enige ongerief en verlies werklik veroorsaak deur die oorgang van die grond of reg op die Minister.

(2) By die bepaling van die vergoeding—

(a) word enige voordeel wat verky mag word uit die gebruik van die betrokke grond op 'n onwettige wyse of op 'n wyse wat vir die gesondheid van die persoon wat daarop woon of vir die openbare gesondheid skadelik is, nie in aanmerking geneem nie;

(b) word geen verbetering wat na die bepaalde datum sonder die Minister se toestemming op die betrokke grond aangebring is (behalwe 'n verbetering wat nodig was om bestaande verbeterings behoorlik in stand te hou of wat onderneem is ingevolge verpligtings voor bedoelde datum aangegaan), in aanmerking geneem nie; en

(c) word rekening gehou met enige vergoeding wat aan die besitter van 'n ongeregistreerde reg ten opsigte van die grond betaalbaar mag wees, vir sover daardie reg 'n vermindering in die billike markwaarde van die grond teweegbring.

20. Enige vergoeding ingevolge hierdie Wet aan 'n eienaar betaalbaar, word, indien sy adres nie bekend is nie, aan die Meester van die Hooggereghof betaal om in die Voogdyfonds gestort te word: Met dien verstande dat waar grond met verband beswaar is, die vergoeding vir sover nodig aangewend kan word vir die betaling van eise van verbandhouers volgens hul wetlike rangorde, mits bedoelde verbandhouers aan die voorskrifte van artikel *sestien* voldoen het: Met dien verstande voorts dat indien die grond voor die bepaalde datum verkoop is aan iemand wat bewys lewer dat hy die koopprys of ten volle of ten dele betaal het, die volle bedrag van die vergoeding min enige bedrag nog by wyse van die koopprys aan die verkoper verskuldig, aan die koper betaal kan word.

21. Die Minister kan na die uitvaardiging van 'n proklamasie ingevolge artikel *vier*, en na ondersoek op die voorgeskrewe wyse deur die landdros of 'n beampete vir die doel aangestel—

(a) bepaal watter persone op die bepaalde datum volgens plaaslike gebruik geregtig is om grond in die bydaardie proklamasie omskrewe gebied te okkuper of grond daarin te besit, en wat hul onderskeie regte is;

(b) gelas dat 'n register opgestel word van sodanige persone en die getal en grootte van erwe of eiendomme deur hulle geokkuper of besit of aan hulle onderskeidelik toegeken;

Wyse van be-paling van vergoeding.

Vergoeding moet aan eienaar betaal of in Voogdyfonds gestort word.

Beplanning en toewysing van grond in ingelyfde gebied.

- (c) after completion of the register direct that either an advisory board or a board of management be constituted in the prescribed manner for the area;
- (d) with due regard to local circumstances prepare a plan of and classify and sub-divide the board area, excluding land appearing on a plan of sub-division or general plan referred to in section nine, in order to provide—
 - (i) for one or more residential areas in which provision is made in accordance with existing town-planning standards, and after consultation with the provincial authority concerned and with due regard to such matters as the Minister may determine, for residential erven and erven for business and other purposes, and for public conveniences including open spaces, parks, recreation grounds, playgrounds for children and erven for the Government, the provincial authority and schools and zoning of areas for various purposes in terms of any town-planning scheme;
 - (ii) for a town commonage for the dumping of rubbish, night soil and other refuse from the residential area, future expansion of the residential area, and, if and so long as it may be available for the purpose, as grazing for animals of owners and registered occupiers of erven in the residential area;
 - (iii) for areas for cemeteries and for afforestation or other suitable purposes;
 - (iv) for an agricultural area sub-divided into lots of such size, shape and situation as the Minister may determine;
 - (v) for an outer commonage being the remaining extent of the board area for the exclusive use in the prescribed manner of *bona fide* farmers;
- (e) after provision has been made as contemplated in paragraph (d) and the rights of every registered occupier have been determined, and with due regard to the provisions of this Act, grant to every registered occupier an erf in the residential area and any other erf which may be allotted to him, and upon payment of the ascertained costs of survey issue to him a deed of grant or deed of transfer in respect of such erf in accordance with such conditions as may be determined by the State President, which shall be incorporated in every subsequent title deed;
- (f) transfer the remaining extent of the board area to the board of management, on such conditions as he may determine.

**Constitution
and functions
of advisory
board.**

22. (1) An advisory board shall consist of—
- (a) not less than five and not more than nine members as may be determined by the Minister in the case of each particular area; and
 - (b) the magistrate or a person appointed for the purpose by the Minister subject to the laws governing the public service.
- (2) The members referred to in paragraph (a) of sub-section (1) shall be elected in the prescribed manner by and from amongst the registered Coloured occupiers and owners in the area affected—
- (a) in the case of the first election of the advisory board concerned, by such occupiers and owners; and
 - (b) in the case of any subsequent election, by the persons registered in the prescribed manner as voters in respect of the area in question.
- (3) The magistrate or person appointed under paragraph (b) of sub-section (1) shall act as chairman at any meeting at which he is present, and whenever he is not present at a meeting the members present thereat shall elect one of their number to act as chairman.
- (4) The functions of an advisory board shall be to advise the Minister in regard to all matters affecting the board area which may be submitted to it and generally to advise and assist the Minister in connection with the due administration of the board area.

**Powers of
Minister where
no board of
management
established.**

23. (1) The Minister shall exercise the powers and perform the functions of a board of management in respect of any board area for which a board of management has not been established.

- (c) na voltooiing van die register gelas dat óf 'n adviesraad óf 'n bestuursraad op die voorgeskrewe wyse vir die gebied saamgestel word;
- (d) na gelang van plaaslike omstandighede die raadsgebied, uitgesonderd grond wat in 'n in artikel *nege* bedoelde plan van onderverdeling of algemene plan voorkom, beplan, indeel en verdeel om voorsiening te maak—
 - (i) vir een of meer woongebiede waarin volgens bestaande standaarde van dorpsbeplanning en na oorlegpleging met die betrokke provinsiale owerheid, en met inagneming van die aangeleenthede wat die Minister bepaal, voorsiening gemaak word vir woonerwe en erwe vir besigheids- en ander doeleinades, en openbare geriewe, met inbegrip van oop ruimtes, parke, ontspanningsgrond, speelgrond vir kinders en erwe vir doeleinades van die regering, provinsiale owerheid en skole, en sonering van buurte vir verskillende doeleinades ingevolge 'n dorpsbeplanningskema;
 - (ii) vir 'n dorpsmeent as bergingsterrein vir vullis, nagvuil en ander afvalstowwe van die woonbuurt, toekomstige uitbreiding van die woonbuurt, en, indien en solank dit daarvoor beskikbaar is, as weiding vir diere van eienaars en geregistreerde okkuperders van erwe in die woongebied;
 - (iii) vir gebiede vir begraafplase en vir bebossing of ander geskikte doeleinades;
 - (iv) vir 'n akkerbougebied wat onderverdeel word in erwe waarvan die grootte, vorm en ligging deur die Minister bepaal word;
 - (v) vir 'n buitemeent synde die restant van die raadsgebied vir die uitsluitlike gebruik op die voorgeskrewe wyse van *bona fide*-boere;
- (e) nadat die in paraaf (d) bedoelde voorsiening gemaak is en die regte van elke geregistreerde okkuperder bepaal is, en met inagneming van die bepalings van hierdie Wet, aan elke geregistreerde okkuperder 'n erf in die woongebied en enige ander erf wat aan so 'n geregistreerde okkuperder toegewys mag word, aan hom toeken en by betaling van die bepaalde opmeetkoste 'n grondbrief of transportakte vir sodanige toegekende erf aan hom uitrek onder die voorwaardes wat die Staatspresident bepaal en wat in elke latere transport opgeneem moet word;
- (f) die restant van die raadsgebied op voorwaardes wat hy bepaal aan die bestuursraad oordra.

22. (1) 'n Adviesraad bestaan uit—

Samestelling en
werksaamhede
van adviesraad.

- (a) minstens vyf en hoogstens nege lede soos deur die Minister vir elke gebied afsonderlik bepaal; en
- (b) die landdros of iemand deur die Minister met inagneming van die wetsbepalings op die staatsdiens vir die doel aangestel.

(2) Die in paraaf (a) van sub-artikel (1) bedoelde lede word op die voorgeskrewe wyse deur en uit die geregistreerde Kleurlingokkuperders en -eienaars in die betrokke gebied gekies—

- (a) in die geval van die eerste verkiesing van die betrokke adviesraad, deur bedoelde okkuperders en eienaars; en
- (b) in die geval van 'n latere verkiesing, deur die persone wat ten opsigte van die betrokke gebied op die voorgeskrewe wyse as kiesers geregistreer is.

(3) Die landdros of persoon ingevolge paraaf (b) van sub-artikel (1) aangestel, tree as voorsitter op by enige vergadering waar hy aanwesig is, en wanneer hy nie op 'n vergadering aanwesig is nie, kies die aldaar aanwesige lede een uit hul midde om as voorsitter op te tree.

(4) Die werksaamhede van 'n adviesraad is om die Minister van advies te bedien in verband met alle aangeleenthede rakende die raadsgebied wat vir oorweging aan hom voorgelê word en die Minister in die algemeen te adviseer oor en by te staan in verband met die behoorlike administrasie van die raadsgebied.

23. (1) Die Minister oefen die bevoegdhede uit en verrig die Bevoegdhede
werksaamhede van 'n bestuursraad ten opsigte van enige van Minister
raadsgebied waarvoor daar nie 'n bestuursraad ingestel is nie. waar bestuursraad
nie ingestel is nie.

(2) The Minister may at any time when he is of the opinion that the administration and control of a board area for which an advisory board has been instituted should be taken over by a board of management, take such steps or cause such steps to be taken as may be necessary for the constitution of a board of management under this Act.

(3) Whenever a board of management has been constituted for any area—

- (a) the advisory board concerned, if any, shall cease to exist and the powers and functions of the Minister under sub-section (1) shall devolve upon the board of management;
- (b) anything done by the Minister in the exercise of his powers or the performance of his functions under sub-section (1) shall be deemed to have been done by such board of management;
- (c) any right acquired or liability incurred by the Minister in respect of the area in the exercise of his powers or the performance of his functions under sub-section (1) shall devolve upon the board of management.

**Constitution
of board of
management.**

24. (1) A board of management shall consist of—

- (a) six persons elected as provided in sub-section (3);
- (b) three persons appointed by the Minister of whom one shall be a person recommended by the society, if any; and
- (c) the magistrate or a person appointed for the purpose by the Minister subject to the laws governing the public service.

(2) The Minister may, after consultation with the board of management, by notice in the *Gazette* determine that the persons whom he is in terms of paragraph (b) of sub-section (1) entitled to appoint, and (with the consent of the society, if any) also the person whom the society is entitled to recommend, shall be elected in the same manner as the persons referred to in paragraph (a) of that sub-section.

(3) The provisions of sub-section (2) of section *twenty-two* shall *mutatis mutandis* apply with reference to the election of the persons referred to in paragraph (a) of sub-section (1) of this section: Provided that the first election in the case of a board of management for an area in respect of which an advisory board was previously in existence shall not be regarded as the first election in respect of that board of management.

(4) The person referred to in paragraph (c) of sub-section (1) shall act as chairman at all meetings of the board of management at which he is present, and whenever he is not present at a meeting the members present thereat shall elect one of their number to act as chairman.

(5) In the event of the persons entitled to vote at an election failing to elect any member they are entitled to elect or to fill any vacancy which has occurred on a board of management and which they are entitled to fill, the Minister may appoint such member or fill such vacancy from amongst the persons who are qualified to be elected as members of the board: Provided that the Minister may, in the case where no person qualified for appointment by him is available or prepared to accept appointment, appoint some other person who is not a registered Coloured occupier or owner, or, in the case where there is no quorum, act *mutatis mutandis* in accordance with the applicable provisions of section *forty*.

(6) Any person appointed as a member of the board by the Minister under sub-section (5), shall be deemed to have been duly elected and shall hold office for the same period as in the case of a person who has been duly elected, but shall vacate his office as soon as some other person is duly elected in his stead.

**Powers and
duties of officer.**

25. The Minister may subject to the provisions of this Act prescribe the powers and duties which shall be exercised or performed by an officer in respect of the board area for which he has been appointed.

**Board of
management to be
a body corporate.**

26. A board of management shall be a body corporate capable of suing and being sued in its corporate name and doing all such acts as are necessary for or incidental to the exercise of its powers or the performance of its functions.

**Powers of
board of
management.**

27. A board of management shall have power—

- (a) to make, construct and keep in repair roads (other than proclaimed roads), streets, sidewalks, culverts, bridges, stormwater and other drains within its area;
- (b) to provide for the lighting of streets and roads;

(2) Die Minister kan te eniger tyd wanneer hy van oordeel is dat die administrasie en beheer van 'n raadsgebied waarvoor 'n adviesraad ingestel is, deur 'n bestuursraad oorgeneem moet word, die stappe doen of laat doen wat nodig mag wees vir die samestelling van 'n bestuursraad kragtens hierdie Wet.

- (3) Wanneer 'n bestuursraad vir 'n gebied saamgestel is—
 (a) hou die betrokke adviesraad (as daar een is) op om te bestaan en gaan die Minister se bevoegdhede en werkzaamhede ingevolge sub-artikel (1) oor op die bestuursraad;
 (b) word enigets wat die Minister by die uitoefening van sy bevoegdhede of die verrigting van sy werkzaamhede ingevolge sub-artikel (1) gedoen het, geag deur daardie bestuursraad gedoen te wees;
 (c) berus enige reg verkry of aanspreeklikheid aangegaan deur die Minister ten opsigte van die gebied by die uitoefening van sy bevoegdhede en die verrigting van sy werkzaamhede ingevolge sub-artikel (1), by die bestuursraad.

24. (1) 'n Bestuursraad bestaan uit—

Samestelling van
bestuursraad.

- (a) ses persone verkies soos in sub-artikel (3) bepaal;
 (b) drie persone deur die Minister aangestel van wie een deur die genootskap (as daar een is) aanbeveel word; en
 (c) die landdros of iemand deur die Minister met inagneming van die wetsbepalings op die staatsdiens vir die doel aangestel.

(2) Die Minister kan, na oorlegpleging met die bestuursraad, by kennisgewing in die *Staatskoerant* bepaal dat die persone wat hy ingevolge paragraaf (b) van sub-artikel (1) geregtig is om aan te stel, en met instemming van die genootskap (as daar een is) ook die persoon wat die genootskap geregtig is om aan te beveel, verkies word op dieselfde wyse as die persone bedoel in paragraaf (a) van genoemde sub-artikel.

(3) Die bepalings van sub-artikel (2) van artikel *twee-en-twintig* is *mutatis mutandis* van toepassing met betrekking tot die verkiesing van die persone in paragraaf (a) van sub-artikel (1) van hierdie artikel bedoel: Met dien verstande dat die eerste verkiesing in die geval van 'n bestuursraad vir 'n gebied ten opsigte waarvan daar tevore 'n adviesraad bestaan het, nie as die eerste verkiesing ten opsigte van daardie bestuursraad beskou word nie.

(4) Die persoon in paragraaf (c) van sub-artikel (1) bedoel, tree op as voorsitter by alle vergaderings van die bestuursraad waarop hy aanwesig is, en wanneer hy nie op 'n vergadering aanwesig is nie, kies die aldaar aanwesige lede een uit hul midde om as voorsitter op te tree.

(5) Ingeval die persone wat geregtig is om by 'n verkiesing te stem, versuim om 'n lid te kies wat hulle geregtig is om te kies, of om 'n vakature te vul wat in 'n bestuursraad ontstaan het en wat hulle geregtig is om te vul, kan die Minister daardie lid aanstel of daardie vakature vul uit die persone wat bevoeg is om as lede van die raad verkies te word: Met dien verstande dat die Minister in die geval waar geen bevoegde persone vir aanstelling deur hom beskikbaar is of bereid is om aanstelling te aanvaar nie, ander persone kan aanstel wat nie geregistreerde Kleurlingokkuperders of -eienaars is nie, of, in die geval waar daar nie 'n kworum bestaan nie, *mutatis mutandis* ooreenkomsdig die toepaslike bepalings van artikel *veertig* kan handel.

(6) Iemand wat kragtens sub-artikel (5) deur die Minister as raadslid aangestel is, word geag behoorlik verkies te wees en sy ampstryd is dieselfde as in die geval van iemand wat behoorlik verkies is, maar hy ontruim sy amp sodra 'n ander persoon behoorlik in sy plek gekies word.

25. Die Minister kan, behoudens die bepalings van hierdie Wet, die bevoegdhede en pligte voorskryf wat 'n beampete ten opsigte van die raadsgebied waarvoor hy aangestel is, moet uitoefen en verrig.

26. 'n Bestuursraad is met regspersoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerde in regte op te tree en alle handelinge te verrig wat vir die uitvoering van sy pligte of die verrigting van sy werkzaamhede nodig is of daarmee in verband staan.

27. 'n Bestuursraad is bevoeg—

Bevoegdhede van
bestuursraad.

- (a) om paaie (uitgesonderd geproklameerde paaie), strate, sypaadjies, duikslote, brûe, stormwater- en sugsłote binne sy gebied aan te lê, te bou en in stand te hou;
 (b) om voorsiening te maak vir die verligting van strate en paaie;

- (c) to provide and maintain a sufficient supply of water for the domestic or other purposes of the inhabitants of its area, and to acquire land and water or other rights for the purpose, and to establish, provide, carry out and maintain within or outside its area all waterworks required in order to enable it to provide and maintain and where necessary to augment and improve such supply, and for that purpose to purchase or take over any existing waterworks from any person and to take over and to exercise any rights, powers, duties and obligations exercised or possessed by any such person in connection with such waterworks, and to do all things necessary to obtain information and for the investigation of any proposed source of water supply or any scheme for the supply of water;
- (d) to undertake, carry out and maintain a system for the collection, removal and disposal of night soil, slopwater or household or other refuse within its area, or to enter into contracts for the undertaking, carrying out or maintenance thereof;
- (e) to provide and maintain public wash-houses, washing places and bleaching and drying grounds;
- (f) to provide and maintain public sanitary conveniences;
- (g) to provide and maintain public slaughter houses within or outside its area;
- (h) to provide and maintain public places for the gutting, curing and packing of fish;
- (i) to provide and maintain dipping tanks;
- (j) to erect, maintain and improve buildings which may be necessary for the due exercise of its powers and performance of its duties;
- (k) to appoint on such conditions and at such remuneration as the board may with due regard to any applicable prescriptions determine, such servants as the board may consider necessary for the exercise of its powers and the performance of its duties;
- (l) to levy fees which shall be payable in respect of any service provided by the board;
- (m) with the approval of the Minister to carry out any other work or undertaking which the board may consider necessary for the proper exercise of its powers or performance of its duties.

Power of board of management to make regulations.

28. A board of management may with the approval of the Minister make regulations in the manner prescribed—

- (1) for the prevention and prohibition of nuisance and the preservation of the public health;
- (2) for compelling owners and registered occupiers to keep their houses and even clean and free from anything offensive or unwholesome;
- (3) for preventing the disposal of night soil, domestic slopwater or decaying or offensive matter in such a manner as to be a danger or injurious to health;
- (4) for the protection from pollution of water for drinking purposes and water under the control of the board;
- (5) for defining and preventing overcrowding, joint occupation and unhealthy use of dwellings and buildings;
- (6) for preventing the occupation of dwellings or buildings which are unhealthy or dangerous to life and requiring the demolition thereof;
- (7) for requiring the provision of sanitary conveniences for dwellings, cafes, shops and public buildings and prescribing and regulating the nature, construction and use of such conveniences and prohibiting the occupation of dwellings or use of public buildings unless provision has been made as prescribed;
- (8) for regulating, restricting or prohibiting the washing by the public of clothes or other articles in any river, water course or other place and for establishing or appointing public washing places and regulating the use thereof;
- (9) for regulating, restricting or prohibiting the slaughtering of animals, the establishment, locality and supervision of slaughterhouses and the disposal of waste products of slaughtering and for requiring and prescribing the use of public slaughterhouses;

- (c) om 'n voldoende toevoer van water vir huishoudelike of ander doeleindes van die inwoners van sy gebied te voorsien en in stand te hou, en om grond en water of ander regte vir die doel te verkry, en om binne of buite sy gebied alle nodige waterwerke op te rig, te voorsien, uit te voer en te onderhou ten einde sodanige toevoer te kan voorsien en in stand hou, en na vereiste van omstandighede aan te vul en te verbeter, en om vir dié doel bestaande waterwerke van enige persoon te koop of oor te neem en om enige regte, bevoegdhede, pligte en verantwoordelikhede wat so 'n persoon in verband daar mee uitgeoefen of besit het, oor te neem en uit te oefen, en om alles te doen wat nodig is vir die inwin van inligting en vir die ondersoek van enige voorgestelde bron van watertoevoer of enige skema vir die toevoer van water;
- (d) om 'n stelsel vir die versameling, verwydering en wegdoen van nagvuil, vuilwater of huishoudelike en ander vullis binne sy gebied te onderneem, uit te voer en in stand te hou of kontrakte vir die onderneming, uitvoering of instandhouding daarvan te sluit;
- (e) om openbare washuise, wasplekke en bleik- en droogmaakplekke te voorsien en in stand te hou;
- (f) om openbare sanitêre geriewe te voorsien en in stand te hou;
- (g) om openbare slagpale binne of buite sy gebied te voorsien en in stand te hou;
- (h) om openbare plekke vir die skoonmaak, droogmaak en pak van vis te voorsien en in stand te hou;
- (i) om dipbakke te voorsien en in stand te hou;
- (j) om geboue wat vir die behoorlike uitoefening van sy bevoegdhede en verrigting van sy pligte nodig mag wees, op te rig, in stand te hou en te verbeter;
- (k) om die werknemers aan te stel wat die raad vir die uitoefening van sy bevoegdhede en die verrigting van sy pligte nodig ag en wel op die voorwaardes en teen die besoldiging wat die raad met behoorlike inagneming van enige toepaslike voorskrifte bepaal;
- (l) om gelde te hef wat betaalbaar is ten opsigte van enige diens deur die raad voorsien;
- (m) om met goedkeuring van die Minister enige ander werk of onderneming uit te voer wat die raad vir die behoorlike uitoefening van sy bevoegdhede of verrigting van sy pligte nodig ag.

28. 'n Bestuursraad kan met die Minister se goedkeuring op die voorgeskrewe wyse regulasies uitvaardig—

Bevoegdheid van bestuursraad om regulasies uit te vaardig.

- (1) om oorlas te voorkom en te verbied en om die openbare gesondheid te beveilig;
- (2) om eienaars en geregistreerde okkuperders te verplig om hul huise en erwe skoon en vry te hou van enigets wat aanstootlik of ongesond is;
- (3) om te belet dat nagvuil, vuilwater uit huise en verrottende of aanstootlike stof op 'n wyse weggedoen word wat gevaaalik of vir die gesondheid nadeig is;
- (4) om drinkwater en water waaroor die raad beheer het, teen besoedeling te beskerm;
- (5) om oorbewoning, gesamentlike okkupasie en ongesonde gebruik van wonings en geboue te omskryf en te verhoed;
- (6) om te voorkom dat ongesonde of lewensgevaarlike huise of geboue bewoon word en om die sloping daarvan te gelas;
- (7) om te vereis dat wonings, kafees, winkels en openbare geboue van sanitêre geriewe voorsien word, en om die aard, oprigting en gebruik van bedoelde geriewe voor te skryf en te reël en te verbied dat wonings bewoon of openbare geboue gebruik word tensy voorsiening soos voorgeskryf, gemaak is;
- (8) om die was van klere of ander artikels deur die publiek in enige rivier, watersloot of ander plek te reël, te beperk of te belet en om openbare wasplekke op te rig of aan te wys en die gebruik daarvan te reël;
- (9) om die slag van diere, die oprigting, ligging en toesig van slagpale, en die beskikking oor die afvalprodukte wat by die slag van vee ontstaan, te reël, te beperk of te verbied, en om die gebruik van openbare slagpale te vereis en voor te skryf;

- (10) for regulating the sale, preparation, manufacture, storing, keeping, conveying, handling and exposure for sale of food, for preventing the sale, preparation, manufacture, keeping, storage, conveyance or exposure for sale of food that is unwholesome, unfit for consumption or contaminated, for regulating and prescribing cleanliness, lighting, ventilation, water supply, drainage and sanitary conveniences of premises wherein food is sold or prepared, manufactured, stored, kept or exposed for sale, and for preventing the use of unsuitable premises for such purposes;
- (11) for regulating, prohibiting, restricting or preventing the carrying on of dangerous or unhealthy trades;
- (12) for combating and destroying injurious animals and insects and for preventing or removing conditions conducive to the breeding, hatching or propagation of such animals and insects;
- (13) for regulating the supply, distribution and use of water under the control or management of the board (with power to differentiate in respect of water used for different purposes), including—
 - (a) the quantity of water to be supplied to any erf or property;
 - (b) the manner in which, the persons by whom and the places where connections may be made;
 - (c) generally for the protection against damage or improper use of waterworks, water mains and leadings and fittings of the board, whether within or outside the board area;
 - (d) the withholding of supplies on account of failure to pay any charges levied in terms of regulations or on account of the contravention of any regulation relating to waste, misuse or contamination of water;
- (14) for compelling owners or registered occupiers of premises which in the opinion of the board are not provided with an adequate supply of good water for drinking and water for domestic or sanitary purposes, to take such supply from any pipe or main belonging to the board, that is situated within a reasonable distance from such premises;
- (15) for regulating, prohibiting or providing for the closing of cesspits, and for regulating the collection, removal or disposal of night soil and other offensive and unhealthy matter, including slopwatet and domestic refuse, and the times and manner of such collection and removal;
- (16) for regulating and controlling the erection of new and the alteration of existing buildings, for preventing the erection of buildings that are dangerous, unhealthy or unhygienic and for ensuring stability, the observance of sanitary precautions, the provision of adequate air space about and lighting and ventilation of buildings and precautions against the occurrence and spread of fire;
- (17) for prohibiting the execution of work in respect of which the plans and specifications have not been approved by the board in accordance with its regulations or which do not comply with plans and specifications approved by the board, and for providing for the alteration, removal or demolition of such work by the owner or registered occupier or by the board at the expense of the owner or registered occupier;
- (18) for providing for the securing, repair, alteration, removal or demolition by the owner or registered occupier or by the board at the expense of such owner or registered occupier, of buildings or structures which are or are showing signs of becoming dangerous or which have fallen into a ruinous or dilapidated condition, and for prohibiting the occupation or use of such buildings or structures until they have been secured, repaired or altered to the satisfaction of the board;
- (19) for prohibiting the erection of buildings considered by the board to be objectionable or unsuitable by reason of the nature of such buildings, the purposes for which they are to be used or the locality where they are situated;

- (10) om die verkoop, bereiding, vervaardiging, bewaring, opberging, hou, vervoer, hantering en uitstalling vir verkoop van voedsel te reël, om die verkoop, bereiding, vervaardiging, bewaring, opberging, hou, vervoer of uitstalling van voedsel wat ongesond, ongeskik vir gebruik of besmet is, te verhoed, om die sindelikheid, verligting, ventilasie, watervoorraad, dreinering en sanitêre geriewe van enige perseel waarin voedsel verkoop of vir verkoop berei, vervaardig, gebêre, bewaar, gehou of uitgestal word, te reël en voor te skryf, en om die gebruik vir sodanige doeleinades van enige perseel wat daarvoor ongeskik is, te verhoed;
- (11) om die uitoefening van gevaaarlike of ongesonde bedrywe te reël, te verbied, te beperk of te verhoed;
- (12) om skadelike diere en insekte te bestry en uit te roei en om toestande wat die uitbroei of aanteel van bedoelde insekte en diere bevorder, te verhoed of uit die weg te ruim;
- (13) om die lewering, distribusie en gebruik van water onder die beheer of bestuur van die raad te reël (met bevoegdheid om onderskeid te maak met betrekking tot water wat vir verskillende doeleinades gebruik word), insluitende—
 - (a) die hoeveelheid water wat aan enige erf of eiendom gelewer word;
 - (b) die wyse waarop, die persone deur wie, en die plekke waar aansluitings gemaak mag word;
 - (c) in die algemeen vir die beskerming teen beskadiging of onbehoorlike gebruik van waterwerke, hoofwaterpype en -leidings en toebehore van die raad, hetsy binne of buite die raadsgebied;
 - (d) die afsluiting van water weens versuim om enige geldte te betaal wat kragtens regulasie gehef word of weens oortreding van enige regulasie insake vermorsing, misbruik of besoedeling van water;
- (14) om die eienaars of geregistreerde okkuperders van persele wat volgens die raad se oordeel nie van 'n genoegsame toevoer goeie drinkwater en water vir huishoudelike of sanitêre doeleinades voorsien is nie, te verplig om so 'n toevoer te neem uit enige pyp of hoofpyp wat aan die raad behoort en binne 'n redelike afstand van sodanige persele geleë is;
- (15) om sinkputte te beheer of te verbied of vir die toemaak daarvan voorsiening te maak, en om die versameling, verwydering of wegdoen van nagvuil en ander aantastlike en ongesonde stof, met inbegrip van vuilwater en huishoudelike afval, en die tye en wyse van sodanige versameling en verwydering te reël;
- (16) om die oprigting van nuwe en die verandering van bestaande geboue te reël en te beheer, om die oprigting van geboue wat gevaaarlik, ongesond of onhygiënies is te verbied, om stewigheid, die nakoming van sanitêre voorsorgsmaatreëls, genoegsame lugruimte om geboue en behoorlike verligting en ventilasie en voorsorgsmaatreëls teen die ontstaan en verspreiding van brand te verseker;
- (17) om die uitvoering van werk ten opsigte waarvan planne en spesifikasies nie deur die raad in ooreenstemming met sy regulasies goedgekeur is nie of wat nie aan deur die raad goedgekeurde planne en spesifikasies voldoen nie, te verbied, en om vir die verandering, verwydering of sloping van sodanige werk deur die eienaar of geregistreerde okkuperder of deur die raad op koste van die eienaar of geregistreerde okkuperder voorsiening te maak;
- (18) om voorsiening te maak vir die beveiliging, herstel, verandering, verwydering of sloping deur die eienaar of geregistreerde okkuperder of deur die raad op koste van so 'n eienaar of geregistreerde okkuperder, van geboue of strukture wat gevaaarlik is of wat teekens toon dat dit gevaaarlik word of wat in 'n vervalle of bouvallige toestand verval het, en om die okkupasie of gebruik van bedoelde geboue of strukture te verbied totdat hulle tot genoëe van die raad beveilig, herstel of verander is;
- (19) om die oprigting te verbied van geboue wat deur die raad as aanstootlik of ongeskik beskou word weens die aard van die geboue, die doeleinades waarvoor dit gebruik gaan word of die omgewing waar dit geleë is;

- (20) for regulating or restricting the keeping of horses, donkeys, mules, cattle, goats, sheep, pigs or poultry, and for prohibiting the use of any stable, cowshed, kraal, sty or fowl house or run which in the opinion of the board is unsuitable, undesirable or objectionable by reason of the locality thereof or the manner in which it is constructed or used;
- (21) for regulating fish markets and appointing and regulating places to be used for the landing, gutting, curing and packing of fish, and for regulating the removal of refuse from such markets and places;
- (22) for preventing the obstruction of any road, street or other public place;
- (23) for preventing vehicles from being kept in any road, street or other public place for an unreasonable time;
- (24) for preventing inconvenience to the public from wandering animals in the board area;
- (25) for regulating, restricting or prohibiting the keeping of dogs and of vicious or dangerous animals, including provision for the seizure and destruction of such animals;
- (26) for preventing the making of unnecessary noise in streets and other public places;
- (27) for preventing dangerous or undesirable use of explosives;
- (28) for providing for the prevention and extinguishing of fires;
- (29) for preventing damage to property belonging to the board or to common property of the inhabitants of the board area, and for providing for the recovery of compensation in the event of such damage;
- (30) for providing for the grant of permits for the making of bricks, the taking of clay, gravel and stone, firewood, brushwood and grass from the commonage;
- (31) for providing for the management, control and protection of all grazing and land (except the outer commonage) vested in the board or under its control, and for—
 - (a) the preservation of the vegetation thereon;
 - (b) the determination and limitation of the number and description of livestock which the owners or registered occupiers may keep and graze thereon or on any portion thereof free of charge, and the determination and limitation of the number and kinds of livestock which such owners and registered occupiers may keep thereon against payment;
 - (c) the granting of special privileges to butchers, dairy farmers and traders to keep and graze livestock;
 - (d) the granting of temporary grazing rights to carriers, travellers and other persons visiting or passing through or temporarily sojourning in the board area;
 - (e) the impounding of animals trespassing thereon; and
 - (f) the removal of unauthorized houses, huts and other structures thereon;
- (32) for the planting and preserving of trees and shrubs and other vegetation in streets or on land vested in the board or under its control, and for controlling the cutting or removal thereof;
- (33) for prohibiting or restricting bill-posting and advertising and the disfiguring of walls, fences, lands, rocks, trees or other natural features;
- (34) for preventing any person from conveying any article, load or burden in such a manner as to obstruct or inconvenience pedestrians and vehicles in any street or on any sidewalk, and for prohibiting the wheeling of wheelbarrows, cycles or vehicles, other than perambulators and bath chairs, on any sidewalk, except for the purpose of crossing in proceeding to or from any premises, and for prohibiting the throwing of fruit peelings and other objects which may be dangerous to persons or vehicles, on to any street used by the public;
- (35) for regulating and restricting traffic, processions, performances, singing, dancing and meetings in streets and other public places, for maintaining order in streets and other public places, and for regulating the temporary closing of streets for the purpose of repairs or festivities or on account of serious disease or emergency;

- (20) om die aanhou van perde, donkies, muile, beeste, bokke, skape, varke of pluimvee te reël of te beperk, en om die gebruik van enige stal, koeistal, kraal, varkhok, hoenderhok of -kamp te verbied wat volgens die raad se oordeel ongesik, ongewens of aanstootlik is weens die ligging daarvan of die wyse waarop dit gebou is of gebruik word;
- (21) vir die reëling van vismarkte en die vasstelling en reëling van plekke wat vir die landing, skoonmaak, droogmaak en verpakking van vis gebruik moet word, en vir die reëling van die verwydering van vullis van sodanige markte en plekke;
- (22) om die belemmering van enige pad, straat of ander openbare plek te belet;
- (23) om te voorkom dat rytuie vir 'n onredelike tyd in enige pad, straat of ander openbare plek gehou word;
- (24) om enige ongerief aan die publiek as gevolg van rondlopende diere in die raadsgebied te verhoed;
- (25) om die aanhou van honde en van kwaadaardige of gevaaarlike diere te reël, te beperk of te verbied, met inbegrip van voorsiening om op sodanige diere beslag te lê en hulle van kant te maak;
- (26) om die maak van onnodige geraas in strate en ander openbare plekke te belet;
- (27) om die gevaaarlike of ongewenste gebruik van plos-towwe te belet;
- (28) om vir die voorkoming en blus van brande voorsiening te maak;
- (29) om beschadiging van raads- of gemeenskaplike eiendom van die inwoners van die raadsgebied te verhoed en om voorsiening te maak vir die verhaal van skadevergoeding in geval van sodanige beschadiging;
- (30) om vir die toestaan van permitte vir die maak van stene, die neem van klei, gruis en klip, brandhout, bossies en gras op die meent voorsiening te maak;
- (31) om voorsiening te maak vir die bestuur, beheer en beskerming van alle weiveld en grond (uitgesondert die buitenemeent) wat by die raad berus of deur die raad beheer word, asook vir—
 - (a) die behoud van die plantegroei daarop;
 - (b) die vasstelling en beperking van die getal en bestrywing van lewende hawe wat die eienaars en geregistreerde okkuperders daarop of op enige gedeelte daarvan gratis mag aanhou en laat wei, en die vasstelling en beperking van die getal en soort lewende hawe wat bedoelde eienaars en geregistreerde okkuperders teen betaling daarop mag aanhou;
 - (c) die verlening van spesiale voorregte aan slagters, melkboere en handelaars om lewende hawe aan te hou en te laat wei;
 - (d) die toestaan van tydelike weiding aan karweiers, reisigers en ander persone wat die raadsgebied besoek of daardeur gaan of tydelik daar vertoef;
 - (e) die skut van diere wat daarop oortree; en
 - (f) die verwydering van ongemagtigde huise, hutte en ander strukture daarop;
- (32) om bome en struikgewasse en ander gewasse in strate of op grond wat by die raad berus of onder sy beheer is te plant en te beskerm, en om die afkap of verwijdering daarvan te beheer;
- (33) om die aanplak van biljette en adverteer en die ontstiering van mure, heinings, grond, rotse, bome of ander natuurlike kenmerke te verbied of te beperk;
- (34) om te verhoed dat enige persoon 'n artikel, vrag of pak op so 'n wyse vervoer dat dit voetgangers en voertuie in enige straat of op 'n sypaadjie hinder of ontrief, en om die stoot van kruibaens, fietse of voertuie, uitgesondert kinderwaentjies en rol- en siekestoele, op enige sypaadjie te verbied, behalwe vir die doel om na of van 'n perseel daaroor te gaan, en om die gooi van vrugteskille en ander voorwerpe wat gevaaarlik vir persone of voertuie kan wees, in enige straat wat deur die publiek gebruik word, te verbied;
- (35) om verkeer, optogte, uitvoerings, sing, dans en vergaderings in strate en ander openbare plekke te reël en te beperk, om orde in strate en ander openbare plekke te handhaaf, en om die tydelike sluiting van strate vir die doel van herstel of feestelikhede of weens ernstige siekte of 'n noodtoestand te reël;

- (36) for regulating and controlling camping within the board area, whether on private ground or otherwise, with power to prohibit such camping where in the opinion of the board proper sanitary or other arrangements for preserving the public health are not provided;
- (37) for regulating the use of dipping tanks provided or maintained by the board;
- (38) in connection with any matter in respect of which the Minister has in terms of paragraph (k) of section *fifty-two* conferred the power or imposed the duty upon the board to make regulations;
- (39) for the fixing and payment of charges for any services provided by the board;
- (40) for regulating the proceedings and maintaining order at meetings of the board and committees thereof and for excluding from meetings members guilty of infringements;
- (41) generally for maintaining order and good rule and for the convenience, comfort and safety of the inhabitants.

Powers of Minister in event of failure of board of management.

29. (1) In the event of failure on the part of a board of management to make, amend or repeal any regulations under section *twenty-eight* which in the opinion of the Minister are necessary or desirable, the Minister may direct the board to make, amend or repeal such regulations.

(2) If a board of management fails to comply with the Minister's direction under sub-section (1) within three months after receipt thereof, the Minister may make, amend or repeal such regulations as he may deem fit.

(3) Any regulation made, amended or repealed by the Minister under sub-section (2) shall be deemed to have been made, amended or repealed by the board concerned.

Standard regulations.

30. (1) The Minister may make standard regulations in regard to any matter in respect of which a board of management is empowered to make regulations and cause them to be published in the *Gazette*.

(2) Standard regulations or, where they are divided into parts, any part thereof, may be adopted without alteration by any board as regulations for its area, and a notice that such regulations or any part thereof has been so adopted, in which the number and date of the notice whereby the standard regulations in question were published is mentioned, shall be deemed to be sufficient publication of the standard regulations or part thereof so adopted as regulations of the said area.

(3) Any standard regulations or part thereof which have been adopted by a board and are in force in its area, shall, notwithstanding the fact that such standard regulations or part thereof may have been amended, substituted or repealed, remain in force in that area unless and until the repeal, substitution or amendment has been adopted by the board and published in the prescribed manner.

Annual levy of rates by board of management.

31. A board of management shall, subject to the provisions of section *thirty-four*, in the prescribed manner levy annually general rates of not less than four rand in respect of every separate erf or property allotted in the board area.

Exemption from or reduction of rates.

32. The Minister may on the recommendation of the board of management, and on such conditions as he may deem fit, in respect of any rates levied—

(a) under section *thirty-one* grant a reduction of rates in respect of any erf or property on the ground that the unimproved value thereof is less than the average unimproved value of erven or properties of the same kind or class in the board area;

(b) under section *thirty-one* or *thirty-four* grant exemption or reduction to any person liable to rates on the ground of indigence caused by circumstances beyond his control.

- (36) om kampeer binne die raadsgebied, ongeag of dit op private grond is al dan nie, te reël en te beheer, met bevoegdheid om sodanige kampeer te verbied waar daar volgens die raad se oordeel geen behoorlike sanitêre of ander reëlings ter beveiliging van die openbare gesondheid voorsien word nie;
- (37) om die gebruik van dipbakke wat deur die raad voorseen of onderhou word, te reël;
- (38) in verband met enige aangeleentheid ten opsigte waarvan die Minister kragtens paragraaf (k) van artikel *twee-en-vyftig* aan die raad 'n bevoegdheid verleen of hom 'n plig opgelê het om regulasies uit te vaardig;
- (39) vir die vasstelling en betaling van geldte vir enige dienste deur die raad gelewer;
- (40) om die verrigtinge te reël en orde te handhaaf op vergaderings van die raad en komitees daarvan en om oortredende lede van vergaderings uit te sluit;
- (41) in die algemeen vir die handhawing van die goeie orde en bestuur en vir die gerief, gemak en veiligheid van die inwoners.

29. (1) Indien 'n bestuursraad in gebreke bly om ingevolge Minister se artikel *agt-en-twintig* regulasies uit te vaardig, te wysig of te bevoegdheid in herroep wat volgens die Minister se oordeel nodig of raadsaam is, kan die Minister die raad gelas om sodanige regulasies uit te vaardig, te wysig of te herroep.

(2) Indien 'n raad in gebreke bly om binne drie maande na ontvangs daarvan aan die Minister se lasgewing ingevolge sub-artikel (1) te voldoen, kan die Minister na goeddunke sodanige regulasies uitvaardig, wysig of herroep.

(3) Enige regulasie deur die Minister ingevolge sub-artikel (2) uitgevaardig, gewysig of herroep, word geag deur die betrokke raad uitgevaardig, gewysig of herroep te wees.

30. (1) Die Minister kan standaardregulasies uitvaardig oor Standaard-aangeleentheid ten opsigte waarvan 'n bestuursraad bevoeg is om regulasies uit te vaardig en dit in die *Staatskoerant* laat afkondig.

(2) Standaardregulasies of, ingeval dit in dele ingedeel is, enige deel daarvan kan onveranderd deur 'n raad as regulasies vir sy gebied aangeneem word, en 'n kennisgewing dat sodanige regulasies of deel daarvan aldus aangeneem is, met vermelding van die nommer en datum van die kennisgewing waarby die betrokke standaardregulasies afgekondig is, word geag voldoende afkondiging van die aldus aangenome standaardregulasies of deel daarvan as regulasies van bedoelde gebied te wees.

(3) Enige standaardregulasies of deel daarvan wat deur 'n raad aangeneem en in sy gebied van toepassing is, bly in daardie gebied van krag, al word bedoelde standaardregulasies of deel daarvan ook gewysig, vervang of herroep, tensy en totdat die herroeping, vervanging of wysiging deur die raad aangeneem en op die voorgeskrewe wyse afgekondig is.

31. 'n Bestuursraad moet, behoudens die bepalings van artikel *vier-en-dertig*, elke jaar op die voorgeskrewe wyse 'n algemene belasting van minstens vier rand hef ten opsigte van elke afsonderlike toegekende erf of eiendom in die raadsgebied.

32. Die Minister kan op aanbeveling van die bestuursraad Vrystelling of en op die voorwaardes wat hy goedvind ten opsigte van belasting vermindering van gehef—

- (a) kragtens artikel *een-en-dertig* vermindering van belasting toestaan ten opsigte van 'n erf of eiendom op grond daarvan dat die onverbeterde waarde daarvan minder is as die gemiddelde onverbeterde waarde van erwe of eiendomme van dieselfde soort of klas in bedoelde raadsgebied;
- (b) kragtens artikel *een-en-dertig* of *vier-en-dertig* vrystelling of korting van belasting toestaan aan 'n belastingpligtige op grond van behoeftigheid veroorsaak deur omstandighede buite sy beheer.

**Valuation of
property for
rates purposes.**

33. (1) The Minister may on the request of the board of management, or whenever he deems it expedient, for the purposes of rates in any board area cause properties in that area to be valued in the manner prescribed by regulation.

(2) The cost of the valuation shall be paid initially out of moneys appropriated by Parliament for the purpose, but the board of management in whose area the valuation takes place shall repay one-half of such cost within a period of not more than two years as may be determined by the Minister: Provided that in respect of the first valuation the board of management shall repay one quarter of the cost.

(3) In respect of every area in which a valuation is to take place—

(a) the Minister shall appoint a valuator on such conditions and at such remuneration as he may deem fit, but the same person may be appointed for more than one area;

(b) the Minister shall cause to be constituted a valuation court of which the magistrate shall be the chairman to deal with the valuation roll for that area and to hear and decide on objections thereto.

(4) (a) The Minister may in respect of any area in which a valuation is to take place for the first time under this Act, and in respect of which a valid valuation roll existed prior to the fixed date under any other law, declare such valuation roll to be valid for the purposes of this section without a fresh valuation being undertaken.

(b) If any such valuation roll prepared under any other law was still subject to objection for consideration and decision by a valuation court, the Minister may adopt such roll and direct that it be published for objections and that any objection thereto be heard and determined in accordance with the provisions of this Act by the valuation court constituted thereunder, after which the roll shall be deemed to be a valid valuation roll in terms of this Act: Provided that an appeal may be lodged with the Minister against the decision of a valuation court within a period of sixty days, and his decision on any such appeal shall be final.

(5) The Minister may make regulations as to—

(a) the powers, disqualifications and duties of valiators;

(b) the number of members, constitution and period of office of its members of a valuation court, the circumstances under which a member shall vacate his seat, and the remuneration and travelling and subsistence allowances of members;

(c) the procedure at sittings of the valuation court and the hearing and determination of objections to the valuation roll;

(d) the manner in which the valuation shall be carried out;

(e) the factors to be taken into consideration in connection with a valuation;

(f) the basis of valuation of land and of buildings and other improvements on land;

(g) the properties to be valued;

(h) the properties which qualify for exemption from rates, including properties used for the benefit of the community generally;

(i) the circumstances under which buildings and improvements may be exempted from rates;

(j) the form of the valuation roll, of notice to owners, of objections to the valuation roll and of appeal to the Minister against the decision of the valuation court;

(k) the period between valuations, the circumstances under which interim valuations of particular properties may be carried out and the circumstances under which and the procedure in accordance with which the valuation roll may be amended in respect of interim valuations; and

(l) any matter which is in the opinion of the Minister necessary to prescribe in order to give effect to the objects of this section.

**Levy of rates
upon property
according to
valuation.**

34. (1) Upon completion of a valuation roll under section *thirty-three* the Minister may by notice in the *Gazette* exempt the board of management of the area in question from the provisions of section *thirty-one* and direct that as from a date specified in the notice rates shall be levied and assessed on the valuation of rateable property appearing on the valuation roll.

33. (1) Die Minister kan op versoek van die bestuursraad of Waardering van wanneer hy dit raadsaam ag, vir die doeleindest van belasting eiendom vir in 'n raadsgebied, eiendomme in daardie gebied op 'n by belastingdoel- regulasie voorgeskrewe wyse laat waardeer.

(2) Die koste van die waardering word in die eerste plek betaal uit gelde wat die Parlement vir die doel bewillig, maar die bestuursraad in wie se gebied die waardering uitgevoer word, moet die helfte van daardie koste binne 'n tydperk van hoogstens twee jaar, soos deur die Minister bepaal, terugbetaal: Met dien verstande dat die bestuursraad ten opsigte van die eerste waardering 'n kwart van die koste moet terugbetaal.

(3) Ten opsigte van elke gebied waar 'n waardering uitgevoer moet word—

(a) moet die Minister op die voorwaardes en teen die vergoeding wat hy goedvind 'n waardeerde aanstel, maar dieselfde persoon kan vir meer as een gebied aangestel word;

(b) laat die Minister 'n waarderingshof saamstel, waarvan die landdros die voorsitter is, om met die waarderingslys vir daardie gebied te handel en om besware daarteen te verhoor en daaroor te beslis.

(4) (a) Die Minister kan ten opsigte van 'n gebied waar 'n waardering vir die eerste maal ingevolge hierdie Wet uitgevoer moet word en ten opsigte waarvan daar voor die bepaalde datum 'n geldige waarderingslys ingevolge ander wetsbepalings bestaan het, daardie waarderingslys vir die doeleindest van hierdie artikel geldig verklaar sonder dat 'n waardering opnuut uitgevoer word.

(b) Indien so 'n waarderingslys kragtens 'n ander wet opgestel, nog aan besware vir oorweging en beslissing deur 'n waarderingshof onderhewig was, kan die Minister daardie lys aanvaar en gelas dat dit vir besware geadverteer word en dat enige beswaar daarteen ooreenkomsdig die bepalings van hierdie Wet deur die daarkragtens saamgestelde waarderingshof verhoor en beslis word, waarna die lys 'n geldige waarderingslys ingevolge hierdie Wet geag word: Met dien verstande dat daar binne sestig dae teen die beslissing van die waarderingshof by die Minister appèl aangeteken kan word en sy beslissing oor so 'n appèl is afdoende.

(5) Die Minister kan regulasies uitvaardig betreffende—

(a) die bevoegdhede, onbevoegdhede en pligte van waardeerdeers;

(b) die ledetal en samestelling van 'n waarderingshof en die dienstyd van sy lede, die omstandighede waaronder 'n lid sy setel ontruim, en die vergoeding en reis- en verblyftoeplaas van lede;

(c) die prosedure by sittings van die waarderingshof en die aanhoor van en beslissing oor besware teen die waarderingslys;

(d) die wyse waarop die waardering uitgevoer moet word;

(e) die faktore wat by 'n waardering in ag geneem moet word;

(f) die grondslag van waardering van grond en van geboue en ander verbeterings op grond;

(g) watter eiendomme gewaardeer moet word;

(h) watter eiendomme vir vrystelling van belasting in aanmerking kom, met inbegrip van eiendomme wat tot algemene voordeel van die gemeenskap gebruik word;

(i) die omstandighede waaronder geboue en verbeterings van belasting vrygestel kan word;

(j) die vorm van die waarderingslys, van kennisgewing aan eienaars, van besware teen die waarderingslys en van appèl na die Minister teen die beslissing van die waarderingshof;

(k) die tydperk tussen waarderings, die omstandighede waaronder tussenwaarderings van bepaalde eiendomme uitgevoer kan word en die omstandighede waaronder en die prosedure waarvolgens die waarderingslys ten opsigte van tussenwaarderings gewysig kan word; en

(l) enige aangeleentheid wat volgens die Minister se oordeel nodig is om voorgeskryf te word ten einde aan die oogmerke van hierdie artikel gevold te gee.

34. (1) By voltooiing van 'n waarderingslys kragtens artikel drie-en-dertig kan die Minister by kennisgewing in die *Staatskoerant* die bestuursraad van die betrokke gebied van die bepalings van artikel een-en-dertig vrystel en gelas dat belastings vanaf 'n in die kennisgewing vermelde datum gehef en aangeslaan word op die waardasie van belasbare eiendom wat op die waarderingslys aangatoon word.

Heffing van belasting op eiendom volgens waardasie.

(2) A board which has been exempted from the provisions of section *thirty-three* shall once every year in the prescribed manner and at the prescribed time assess and levy general rates of not less than one cent and not more than three cents per rand on all rateable property in its area: Provided that—

- (a) the rates may after reference of the matter to the voters in the prescribed manner be assessed and levied at not more than five cents per rand;
- (b) the Minister may after consultation with the board determine that differential rates may be levied in respect of site value, improvements and properties used for agricultural purposes.

Levy of health rates.

35. The board may in addition to any other rates assess and levy once every year health rates on all rateable property in its area at a rate not exceeding one-half of the general rates fixed and levied for that year, to meet any expenditure incurred in the exercise of the powers, the provision of the services and the performance of the duties conferred or imposed upon it under the Public Health Act, 1919 (Act No. 36 of 1919), or matters incidental thereto.

All immovable property liable to rates unless exempted.

36. (1) (a) All immovable property in a board area shall be rateable by the board of management unless it qualifies for exemption in terms of any law or under the regulations and the board has at the request of the owner thereof determined that it is not rateable.

- (b) The board shall notify the owner in writing where it has determined that such owner's property is exempt from rates, and shall in respect of all properties which have been exempted from rates prepare a list showing the grounds or conditions on which exemption has been granted.

(2) No rates shall be levied or be payable in respect of immovable property included in such list until such time as it is removed therefrom or a change occurs in the use thereof or the conditions by virtue of which exemption was granted.

Steps in regard to arrears of rates.

37. (1) If any rates remain unpaid after the thirtieth day of April of the year in respect of which they are payable, they shall be deemed to be in arrear and interest thereon shall be claimed and recovered by the board at the rate of seven per cent per annum calculated from the first day of May in that year in respect of each month such rates remain unpaid, and for the purposes of this section any portion of a month shall be regarded as a month.

(2) The board shall in the prescribed manner serve on every person who has failed to pay his rates on or before the thirtieth day of April in each year or a date on which he has agreed with the board to pay his rates, a notice calling upon him to pay the amount due within one month from the date of that notice, and any person who fails to pay his rates accordingly shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five rand.

(3) If any rates in respect of which the person concerned has been convicted under sub-section (2) remain unpaid for a period of six months after the date of the conviction, without such person having made arrangements for payment thereof with the board, the rates may on the order of the magistrate be recovered by seizure and sale of such person's movable property.

Dog tax.

38. A board of management may in the prescribed manner levy a tax upon dogs in its area, and in such event no dog tax shall be levied by any other authority having jurisdiction in the area in question: Provided that the dog tax so levied by the board shall be the same as that levied by the other authority concerned.

Trading licences.

39. Notwithstanding anything to the contrary contained in any law, no licence for any trading business or trade in respect of which a licence is required under the provisions of the Licences Act, 1962 (Act No. 44 of 1962), shall be approved or issued by any licensing authority in respect of any board area (including any proclaimed road over such area) except with the written consent of the Minister.

(2) 'n Raad wat van die bepalings van artikel *een-en-dertig* vrygestel is, bepaal en hef een keer elke jaar op die voorgeskrewe wyse en tyd 'n algemene belasting van minstens een sent en hoogstens drie sent in die rand op alle belasbare eiendom in sy gebied: Met dien verstande dat—

- (a) na voorlegging van die saak aan die kasers op die voorgeskrewe wyse, die belasting teen hoogstens vyf sent in die rand bepaal en gehef kan word;
- (b) die Minister na oorlegpleging met die raad kan bepaal dat 'n differensiële belasting gehef kan word ten opsigte van terreinwaarde, verbeterings en eiendomme wat vir landbou aangewend word.

35. Benewens enige ander belastings kan die raad een keer elke jaar op alle belasbare eiendom in sy gebied 'n gesondheidsbelasting bepaal en hef van hoogstens die helfte van die algemene belasting wat vir daardie jaar bepaal en gehef word, vir die bestryding van enige onkoste aangegaan in verband met die uitoefening van die bevoegdhede, verskaffing van die dienste en verrigting van die pligte aan hom verleent of aan hom opgelê ingevolge die „Volksgesondheidswet, 1919“ (Wet No. 36 van 1919), of aangeleenthede wat daarmee in verband staan.

Heffing van gesondheidsbelasting.

36. (1) (a) Alle onroerende eiendom in 'n raadsgebied is deur die bestuursraad belasbaar tensy dit ingevolge 'n wetsbepaling of by regulasie vir vrystelling van belasting in aanmerking kom en die raad op versoek van die eienaar daarvan bepaal het dat dit nie belasbaar is nie.
 (b) Die raad stel die eienaar van eiendom skriftelik in kennis waar hy bepaal dat so 'n eienaar se eiendom van belasting vrygestel is en moet 'n lys opstel van alle eiendomme wat van belasting vrygestel is met vermelding van die gronde of voorwaardes waarop vrystelling verleent is.

Alle onroerende eiendom is belasbaar tensy vrygestel.

(2) Geen belasting word gehef of is betaalbaar nie ten opsigte van onroerende eiendom wat in bedoelde lys opgencem is tot tyd en wyl dit daaruit verwyder word of 'n verandering plaasvind in die gebruik daarvan of die voorwaardes uit hoofde waarvan vrystelling verleent is.

37. (1) Indien enige belasting onvereffen bly na die dertigste dag van April van die jaar waarvoor dit betaalbaar is, word dit as agterstallig beskou en word rente daarop, bereken vanaf die eerste dag van Mei van daardie jaar teen sewe persent per jaar, deur die raad gevorder en verhaal vir elke maand wat sodanige belasting onvereffen bly, en by die toepassing van hierdie sub-artikel word 'n gedeelte van 'n maand as 'n maand beskou.

Stappe in verband met agterstallige belastings.

(2) Die raad dien op elke persoon wat versuim het om sy belasting te betaal voor of op die dertigste dag van April van elke jaar of 'n datum waarop hy met die raad ooreengekom het om sy belasting te betaal, op die voorgeskrewe wyse 'n kennisgewing waarby hy aangesê word om die verskuldige bedrag binne een maand vanaf die datum van daardie kennisgewing te betaal, en enige persoon wat versuim om sy belasting dienooreenkomsdig te betaal, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig rand.

(3) Indien enige belasting ten opsigte waarvan die betrokke persoon kragtens sub-artikel (2) veroordeel is, vir 'n tydperk van ses maande na die datum van die veroordeling onvereffen bly, sonder dat dié persoon met die raad vir betaling daarvan gereel het, kan die belasting op bevel van die landdros deur beslaglegging op en verkoop van die persoon se losgoed verhaal word.

38. 'n Bestuursraad kan op die voorgeskrewe wyse 'n belasting op honde in sy gebied hef, en in so 'n geval word geen hondebelaстиng deur 'n ander owerheid wat in die betrokke gebied regsvvoegdheid besit, gehef nie: Met dien verstande dat die hondebelaстиng aldus deur die raad gehef dieselfde moet wees as wat deur die betrokke ander owerheid gehef word.

Hondebelaстиng.

39. Ondanks andersluidende wetsbepalings, word ten opsigte van 'n raadsgebied (met inbegrip van 'n geproklameerde pad oor so 'n gebied) geen lisensie vir 'n handelsbesigheid of 'n bedryf waaroor ingevolge die bepalings van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), 'n lisensie vereis word, deur 'n lisensie-owerheid goedgekeur of uitgerek nie, behalwe met skriftelike toestemming van die Minister.

Handelslisensies.

Powers of Minister where board of management fails to perform its duties.

40. (1) The Minister may whenever he is satisfied that a board of management after having been warned remains in default in carrying out any duty imposed upon it under this Act, by notice in the *Gazette* and in a newspaper circulating in the area affected appoint a person to carry out such duty with effect from the twenty-second day after the publication of the notice.

(2) Any person appointed under sub-section (1)—

- (a) shall hold office during the Minister's pleasure;
- (b) shall perform the duties imposed upon him in the said notice and shall exercise the powers conferred upon the board of management in respect thereof by this Act.

(3) The cost incurred in carrying out any such duty or exercising any such power shall be met from the funds of the board, and in the absence of funds the Minister may for the purpose levy and recover from every person who is required under this Act to pay annual rates, special rates not exceeding one quarter of the last general rates levied in respect of such area.

(4) The provisions of sections *thirty-two* and *thirty-seven* shall *mutatis mutandis* apply in respect of any special rates levied under sub-section (3).

Board area to be regarded as single undivided property for certain purposes.

41. (1) Notwithstanding anything to the contrary in any law contained, a board area shall for the purposes of the law relating to divisional councils or local authorities be regarded as a single undivided property.

(2) Any rates levied by a divisional council or other local authority in respect of land in a board area shall be paid by the board out of its funds: Provided that the rates so payable shall not in any year exceed an amount calculated at the rate of forty cents per registered occupier or, in the case of owners, in respect of each separate erf or property in the board area which is not exempted from rates in terms of section *thirty-six*.

(3) The names of the members of the board shall after their election or appointment, and after having been communicated in writing to the divisional council by the chairman of the board, be included in the voters' roll of the divisional council.

Declaration of board area or part thereof to be betterment area.

42. (1) The Minister may after consultation with the board of management concerned—

- (a) by notice in the *Gazette* declare any board area or part thereof to be a betterment area;
- (b) out of moneys appropriated by Parliament for the purpose undertake and maintain such works as he may consider advisable for the development and improvement of a betterment area or for the promotion of health or social conditions in such area.

(2) The Minister may, in consultation with the Minister of Finance, in any notice issued under sub-section (1)—

- (a) determine the percentage of the cost of any works undertaken under the said sub-section which shall be repayable to the State by the board of management;
- (b) determine the percentage of the proceeds of any rates levied under section *thirty-one* or *thirty-four* which shall be payable to the Minister by the board of management in redemption of the cost referred to in paragraph (a), and the manner in which and times at which such percentage shall be paid: Provided that such percentage shall not exceed ten per cent unless the board has agreed thereto.

(3) The Minister may in consultation with the Minister of Finance, and after consultation with the board of management; amend or withdraw any notice issued under this section by notice in the *Gazette*.

(4) All income derived from works carried out under this section shall be applied towards defraying the cost of construction and maintenance of such works or for such other public purpose or service as the Minister may determine.

Laying out of closer settlements in board area.

43. (1) The Minister may after consultation with the board of management concerned—

- (a) on any portion of a board area which has been declared to be a betterment area (not being an area in respect of which a plan of sub-division or general plan referred to in section *nine* exists or an area which has been planned and allotted for individual occupation or ownership under this Act), and which he considers suitable for the purpose, lay out a closer

40. (1) Die Minister kan wanneer hy oortuig is dat 'n bestuursraad na waarskuwing in gebreke bly om behoorlike uitvoering te gee aan enige plig wat by hierdie Wet aan hom opgedra word, by kennisgewing in die *Staatskoerant* en in 'n nuusblad wat in die betrokke omgewing in omloop is, 'n persoon aanstel om met ingang van die twee-en-twintigste dag na publicasie van daardie kennisgewing bedoelde plig uit te voer.

(2) 'n Ingevolge sub-artikel (1) aangestelde persoon—

- (a) beklee sy amp solank dit die Minister behaag;
- (b) voer die pligte uit wat in bedoelde kennisgewing hom opgedra is en oefen die bevoegdhede uit wat ingevolge hierdie Wet ten opsigte daarvan aan die bestuursraad verleen word.

(3) Die koste van uitvoering van so 'n plig of uitoefening van so 'n bevoegdheid word uit die fondse van die raad betaal, en by gebrek aan fondse kan die Minister vir die doel 'n spesiale belasting van hoogstens een kwart van die laaste algemene belasting wat ten opsigte van daardie gebied gehef is, hef en van elke persoon vorder wat ingevolge hierdie Wet 'n jaarlikse belasting moet betaal.

(4) Die bepalings van artikels *twee-en-dertig* en *sewe-en-dertig* is *mutatis mutandis* van toepassing ten opsigte van 'n spesiale belasting kragtens sub-artikel (3) gehef.

41. (1) Ondanks andersluidende wetsbepalings word 'n Raadsgebied vir sekere doeleindes van die wetsbepalings op afdelingsrade of plaaslike owerhede geag een onverdeelde eiendom te wees.

(2) Enige belasting deur 'n afdelingsraad of ander plaaslike owerheid ten opsigte van grond in 'n raadsgebied gehef, word deur die raad uit sy fondse betaal: Met dien verstande dat die belasting aldus betaalbaar in geen jaar meer bedra nie as 'n bedrag bereken teen veertig sent per geregistreerde okkuperdeer of, in die geval van eienaars, ten opsigte van elke afsonderlike erf of eiendom in die raadsgebied wat nie kragtens artikel *ses-en-dertig* van belasting vrygestel is nie.

(3) Die name van die lede van die raad word na verkiesing of aanstelling en nadat die voorzitter die afdelingsraad skriftelik daarvan verwittig het, in die kieserslys van die afdelingsraad opgeneem.

42. (1) Die Minister kan, na oorlegpleging met die betrokke bestuursraad—

- (a) by kennisgewing in die *Staatskoerant* enige raadsgebied of 'n gedeelte daarvan tot 'n ontwikkelingsgebied verklaar;
- (b) uit gelde deur die Parlement vir die doel bewillig, werke onderneem en onderhou wat hy raadsaam ag vir die ontwikkeling en verbetering van 'n ontwikkelingsgebied of ter bevordering van die gesondheids- of maatskaplike toestande in bedoelde gebied.

(2) Die Minister kan in oorleg met die Minister van Finansies in 'n kennisgewing kragtens sub-artikel (1) uitgevaardig—

- (a) bepaal watter persentasie van die koste van werke onderneem kragtens bedoelde sub-artikel die bestuursraad aan die Staat moet terugbetaal;
- (b) bepaal watter persentasie van die opbrengs uit belasting ingevolge artikel *een-en-dertig* of *vier-en-dertig* gehef deur die bestuursraad aan die Minister betaalbaar is ter delging van die in paragraaf (a) bedoelde koste, en op watter wyse en tye daardie persentasie betaal moet word: Met dien verstande dat bedoelde persentasie nie tien persent oorskry nie tensy die bestuursraad daar toe ingewillig het.

(3) Die Minister kan, in oorleg met die Minister van Finansies en na oorlegpleging met die bestuursraad, enige kennisgewing uitgevaardig ingevolge hierdie artikel by kennisgewing in die *Staatskoerant* wysig of intrek.

(4) Al die inkomst verkry uit werke uitgevoer ingevolge hierdie artikel, word aangewend vir die bestryding van die koste van oprigting en instandhouding van daardie werke of vir 'n ander openbare doel of diens wat die Minister bepaal.

43. (1) Die Minister kan, na oorlegpleging met die betrokke bestuursraad—

- (a) op enige gedeelte van 'n raadsgebied wat tot 'n ontwikkelingsgebied verklaar is (uitgesonderd 'n gebied ten opsigte waarvan 'n in artikel *nege* bedoelde plan van onderverdeling of algemene plan bestaan of 'n gebied wat ingevolge hierdie Wet beplan en vir individuele okkupasie of besit toegeken is) wat hy vir die doel geskik ag, 'n digtere nedersetting uitê en dit vir die

settlement and cause it to be divided and surveyed into economic holdings for allotment of rights of occupation for the purposes of paragraph (d) of section twenty-one;

- (b) in respect of any closer settlement make regulations as to—
 - (i) the offering of unallotted holdings;
 - (ii) the principles and methods to be adopted in the selection of persons to whom rights of occupation are to be granted;
 - (iii) the form in which and the conditions (including a probationary lesseeship system for a period not exceeding five years) subject to which rights of occupation are to be granted;
 - (iv) the circumstances under which probationary lessees may be required to vacate their holdings;
 - (v) the manner in which the vacation of a holding may be enforced; and
 - (vi) generally any matter which in the opinion of the Minister is necessary to be prescribed in order to give effect to the objects of this section.

(2) Different regulations may be made under paragraph (b) of sub-section (1) in respect of different areas.

Allotment of holdings to probationary lessees.

44. (1) If a probationary lessee has completed his period of probation under the regulations made in terms of paragraph (b) of sub-section (1) of section forty-three to the satisfaction of the Minister, he shall become a registered occupier in respect of the holding allotted to him in the closer settlement in question.

(2) The provisions of paragraph (e) of section twenty-one and sub-section (2) of section forty-nine shall *mutatis mutandis* apply in respect of a registered occupier referred to in sub-section (1): Provided that there shall be payable in respect of the holding in question in addition to the cost of survey a reasonable purchase price which shall be payable in such instalments and at such times as the Minister may after consultation with the board of management determine.

(3) The purchase price referred to in sub-section (2) shall be payable to the board of management and shall be applied by the board for the development of its area or for such purposes of service as the Minister may approve.

45. The Minister may in consultation with the Minister of Finance out of moneys appropriated by Parliament for the purpose and on such conditions as he may deem fit, lend or advance money to any board of management to undertake such works as may be approved by the Minister for the development and betterment of the board area or for combating flood, drought or other natural disasters or to provide services for the promotion of health or social conditions.

46. Every deed of grant or deed of transfer issued under section twenty-one, forty-four or fifty shall embody a condition which shall be incorporated in any such subsequent transfer deed to the effect that the erf or property in question or any portion thereof shall not without the written consent of the Minister be sub-divided or held in joint ownership.

47. (1) Where in terms of a testamentary provision or on intestate succession or on the dissolution of a marriage in community of property, any erf would normally come to be in the occupation or ownership of more than one person or have to be sub-divided, the magistrate or an officer appointed by the Minister shall after consultation with the board of management concerned determine the respective values of the shares of the beneficiaries in such erf and designate one of such beneficiaries as the person to whom such erf shall be assigned: Provided that no person shall be designated unless he has to the satisfaction of the other beneficiaries or their lawful representatives and of the magistrate or the appointed officer made arrangements for the payment to such other beneficiaries of the determined values of their respective shares.

(2) In the event of failure on the part of the person designated to observe the arrangements for payment of the shares of the said other beneficiaries, the magistrate or the appointed officer shall cause to be posted up at the court house and at the office of the board of management or at some other suitable place in the board area a notice in which such failure is notified and indicating that unless effect is given to such arrangements within thirty days, one of the other beneficiaries who is willing and able to carry out such arrangements will be appointed in substitution.

Loans and advances to boards of management.

Prohibition on subdivision or joint ownership.

Determination of right of occupation or ownership of property in deceased estate.

- doeleindes van paragraaf (d) van artikel *een-en-twintig* in ekonomiese hoeweë vir toesegging van okkupasie-regte laat verdeel en opmeet;
- (b) ten opsigte van enige digtere nedersetting regulasies uitvaardig betreffende—
- (i) die aanbieding van onuitgegewe hoeweë;
 - (ii) die beginsels en metodes wat gevolg moet word by die keuse van persone aan wie okkupasieregte verleen moet word;
 - (iii) die vorm waarin en die voorwaardes (met inbegrip van 'n proefhuurstsel vir 'n tydperk van hoogstens vyf jaar) waarop okkupasieregte verleen moet word;
 - (iv) die omstandighede waaronder proefhuurders aangesê kan word om hul hoeweë te ontruim;
 - (v) die wyse waarop ontruiming van 'n hoewe afgedwing kan word; en
 - (vi) in die algemeen betreffende enige aangeleentheid wat volgens die Minister se oordeel nodig is om voorgeskryf te word ten einde aan die oogmerke van hierdie artikel gevolg te gee.

(2) Verskillende regulasies kan kragtens paragraaf (b) van sub-artikel (1) ten opsigte van verskillende gebiede uitgevaardig word.

44. (1) Indien 'n proefhuurder sy proeftyd ingevolge die regulasies kragtens paragraaf (b) van sub-artikel (1) van artikel *drie-en-veertig* tot bevrediging van die Minister voltooi het, word hy 'n geregistreerde okkuppeerder ten opsigte van die hoewe in die betrokke digtere nedersetting aan hom toegeken.

(2) Die bepalings van paragraaf (e) van artikel *een-en-twintig* en sub-artikel (2) van artikel *nege-en-veertig* is *mutatis mutandis* van toepassing ten opsigte van 'n in sub-artikel (1) bedoelde geregistreerde okkuppeerder: Met dien verstande dat ten opsigte van die betrokke hoewe benewens opmeekoste 'n redelike koopsom gevorder kan word wat betaalbaar is in paaiememente en op tye wat die Minister na oorlegpleging met die bestuursraad bepaal.

(3) Die in sub-artikel (2) bedoelde koopsom is aan die bestuursraad betaalbaar en word deur die raad aangewend vir die ontwikkeling van sy gebied of vir die doeleindes of diens wat die Minister goedkeur.

45. Die Minister kan in oorleg met die Minister van Finansies uit geldie deur die Parlement vir die doel bewillig en op voorwaardes wat hy goedvind, aan 'n bestuursraad geld leen of voorskiet om deur die Minister goedgekeurde werke vir die ontwikkeling en verbetering van die raadsgebied te onderneem of om noodtoestande as gevolg van oorstroming, droogte of ander natuurrampe te bestry of om dienste vir die bevordering van gesondheids- of maatskaplike toestande te verskaf.

46. Elke grondbrief of transportakte uitgereik kragtens artikel *een-en-twintig*, *vier-en-veertig* of *vyftig* moet 'n voorwaarde bevat, wat in elke latere transport opgeneem moet word, dat die betrokke erf of eiendom of 'n gedeelte daarvan, nie sonder skriftelike goedkeuring van die Minister onderverdeel of gesamentlik besit mag word nie.

47. (1) Waar 'n erf ingevolge 'n testamentêre bepaling of intestate opvolging of die ontbinding van 'n huwelik in gemeenskap van goedere, normalerwys in okkupasie of besit van meer as een persoon sou kom of onderverdeel sou moet word, bepaal die landdros of 'n beampete deur die Minister benoem, na oorlegpleging met die betrokke bestuursraad die onderskeie waardes van aandele van begunstigde persone in sodanige erf en wys hy een van dié begunstigdes aan as die persoon aan wie bedoelde erf toegeken moet word: Met dien verstande dat niemand aangewys word nie tensy hy tot bevrediging van die ander begunstigdes of hul wettige verteenwoordigers en van die landdros of benoemde beampete reëlings getref het om die bepaalde waardes van hul onderskeie aandele aan dié ander begunstigdes uit te betaal.

(2) By versuim van die aangewese persoon om die vereiste reëlings vir uitbetaling van aandele van bedoelde ander begunstigdes na te kom, laat die landdros of benoemde beampete by die hof en by die kantoor van die bestuursraad of op 'n ander geskikte plek in die raadsgebied 'n kennisgewing aanplak waarin kennis van sodanige versuim gegee word en vermeld word dat tensy binne dertig dae uitvoering aan bedoelde reëlings gegee word, een van die ander begunstigdes wat daartoe bereid en in staat is om bedoelde reëlings na te kom as plaasvervanger aangestel sal word.

(3) After the lapse of the period referred to in sub-section (2) the magistrate or appointed officer shall designate some other beneficiary as the person to whom the erf in question is to be assigned, and in the selection of such beneficiary the magistrate or appointed officer shall be guided by the wishes of the majority in value of the beneficiaries, unless in his opinion effect should not be given to the wishes of such majority or the wishes of the majority cannot be readily ascertained, but any beneficiary may appeal to the Minister against the recommendation of the magistrate or appointed officer, and the decision of the Minister on any such appeal shall be final.

(4) If the magistrate or appointed officer is unable to designate any person under this section by reason of the inability of any beneficiary to make adequate arrangements to the satisfaction of the other beneficiaries or their lawful representatives and of the magistrate or appointed officer for the payment of the value of the shares of such beneficiaries, the Minister may direct that the right of occupation or ownership of the erf in question be sold to a person who is not a disqualified person on such terms and conditions and at such a price as he may deem fit, and that the proceeds of such sale after deduction of any expenses incurred in connection therewith be divided amongst all the beneficiaries in proportion to their respective shares.

Registration of transfer or sub-division or joint ownership of property.

48. The registrar of deeds shall not register—

- (a) any transfer of any erf or property or any portion thereof unless there is submitted to him a certificate issued by the chairman and the secretary of the board of management concerned to the effect that all taxes and charges due and payable to the board for the current calendar year and for the immediately preceding two calendar years have been paid; or
- (b) any sub-division or joint ownership of any erf or property except upon production of a certificate from the Minister or an authorized officer to the effect that such sub-division or joint ownership has been approved by the Minister.

Planning of existing area.

49. (1) The provisions of paragraphs (d), (e) and (f) of section twenty-one shall in so far as they can be applied *mutatis mutandis* apply in respect of any existing area (not being an area which has already been planned and allotted for individual occupation or ownership under this Act) which has not been planned to the satisfaction of the Minister: Provided that—

- (a) in the event of replanning agricultural lots shall be demarcated and grazing rights on the outer commonage shall be allocated in such a manner that with economic and beneficial use thereof a reasonable livelihood will be ensured to the occupier;
- (b) the Minister may, subject to the provisions of this section, cancel the existing rights of registered occupiers in respect of building and other sites and grazing rights on the commonage allotted to them under any law repealed by this Act which do not fit in with the planning;
- (c) the Minister shall allot to every person whose rights have been cancelled under proviso (b), a residential erf in the residential area referred to in paragraph (d) of section twenty-one and cause a deed of grant to be issued to him upon payment of the cost of survey of such erf and the cost of such deed of grant, subject to such cost being paid in one sum or in such instalments, but within a period not exceeding five years, as the Minister may determine, in default of which the person concerned shall forfeit his rights;
- (d) agricultural lots shall be allotted to applicants and subject to payment as approved by the Minister after consultation with the board of management, subject to such conditions regarding applications, qualifications of applicants, beneficial use, payment of costs of survey and other expenses, and manner in which and times at which and person to whom payment shall be made, as the Minister may in respect of each area prescribe by regulation;
- (e) the board of management may after planning and allotment in accordance with provisos (c) and (d), pay to a registered occupier, in respect of any right to a building or other lot which has been cancelled in terms of proviso (b), compensation at the market value of the right so cancelled: Provided further that

(3) Na verstryking van die tydperk in sub-artikel (2) bedoel, wys die landdros of benoemde beamppte 'n ander begunstigde aan as die persoon aan wie die betrokke erf toegeken moet word en by die keuse van die begunstigde laat die landdros of benoemde beamppte hom lei deur die wense van die meerderheid in waarde van die begunstigdes, tensy daar volgens sy oordeel nie aan die wense van die meerderheid gevold gegee behoort te word nie of die wense van die meerderheid nie geredelik vasgestel kan word nie, maar enige begunstigde kan teen die landdros of benoemde beamppte se aanbeveling by die Minister appelleer en die Minister se beslissing op so 'n appèl is afdoende.

(4) Ingeval die landdros of benoemde beamppte nie daarin slaag om iemand ingevolge hierdie artikel aan te wys nie vanweë die onvermoë van enige van die begunstigdes om voldoende reëlings tot bevrediging van die ander begunstigdes of hul wettige verteenwoordigers en van die landdros of benoemde beamppte vir uitbetaling van die waardes van aandele van daardie begunstigdes te tref, kan die Minister gelas dat die okkupasierg of besitreg in die betrokke erf aan iemand wat nie 'n onbevoegde persoon is nie verkoop word op die voorwaardes en bedinge en teen die prys wat hy goedvind, en dat die opbrengs van so 'n verkoop na aftrek van enige koste in verband daarvan aangegaan onder al die begunstigdes na verhouding van hul onderskeie aandele verdeel word.

48. Die registrator van aktes registreer nie—

- (a) 'n oordrag van 'n erf of eiendom of 'n gedeelte daarvan nie tensy 'n sertifikaat aan hom oorgelê word wat uitgereik is deur die voorsitter en die sekretaris van die betrokke bestuursraad ten effekte dat alle belastings en gelde aan die raad verskuldig en betaalbaar vir die lopende kalenderjaar en vir die onmiddellik voorafgaande twee kalenderjare betaal is; of
- (b) 'n onderverdeling of die gesamentlike besit van 'n erf of eiendom nie tensy 'n sertifikaat oorgelê word wat uitgereik is deur die Minister of 'n gemagtigde beamppte ten effekte dat sodanige onderverdeling of gesamentlike besit deur die Minister goedgekeur is.

49. (1) Die bepalings van paragrawe (d), (e) en (f) van artikel *een-en-twintig* is *mutatis mutandis* en vir sover dit toegepas kan word van toepassing ten opsigte van enige bestaande gebied wat nie tot genoeë van die Minister beplan is nie (behalwe 'n gebied wat reeds ingevolge hierdie Wet beplan en vir individuele okkupasie of besit toegeken is): Met dien verstande dat—

- (a) in geval van herbeplanning, akkerboupersele uitgemeent moet word en weiregte op die buitemeent toegeken moet word wat met ekonomiese en voordelige benutting daarvan 'n redelike bestaan aan die okkuperer sal verseker;
- (b) die Minister, behoudens die bepalings van hierdie artikel, die bestaande regte van geregistreerde okkuperers ten opsigte van bou- en ander persele en weiregte op die meent, wat ingevolge 'n by hierdie Wet herroepse wetsbepaling aan hulle toegeken is, en wat nie by die beplanning inpas nie, kan kanselleer;
- (c) die Minister aan elke persoon wie se regte ingevolge voorbehoudsbepaling (b) kanselleer is, 'n woonerf in die in paragraaf (d) van artikel *een-en-twintig* bedoelde woongebied moet toeken en by betaling van opmeetkoste van daardie erf en van die koste van die grondbrief 'n grondbrief aan hom moet laat uitreik, onderworpe daaraan dat bedoelde koste in een bedrag of in die paaiemente wat die Minister bepaal, maar binne 'n tydperk van hoogstens vyf jaar, betaal moet word, by gebreke waaraan bedoelde persoon sy reg verbeur;
- (d) akkerboupersele toegeken moet word aan applikante en teen betaling wat deur die Minister na oorlegpleging met die bestuursraad goedgekeur is, onderworpe aan die voorwaardes betreffende aansoeke, kwalifikasies van applikante, voordelige benutting, betaling van opmeet- en ander koste, en die wyse en tye waarop en die persoon aan wie betaling gemaak moet word, wat die Minister in die geval van elke gebied by regulasie voorskryf;
- (e) die bestuursraad aan 'n geregistreerde okkuperer ten opsigte van enige reg op 'n bou- of ander perseel wat ingevolge voorbehoud (b) kanselleer is, na beplanning en toekenning ooreenkomsdig voorbehoudsbepalings (c) en (d), vergoeding betaal teen die markwaarde van die reg wat aldus kanselleer is: Met dien

Registrasie van
oordrag of
onderverdeling of
gesamentlike
besit van eiendom.

Beplanning van
bestaande gebied.

the costs of planning and the expenses in connection with such compensation shall be deemed to be expenditure incurred in respect of a development work to which the provisions of section *forty-two* apply;

- (f) permanent leases of grazing rights on the outer commonage shall be allotted subject to such conditions as to applications, qualifications of applicants, kinds and numbers of stock which may be grazed, culling of stock, counting of stock, grazing in rotation, beneficial use, rent, times and manner of payment and person to whom rent shall be paid and generally as to such matters as the Minister may in the case of each area consider necessary, and may prescribe by regulation; and
- (g) the Minister may subject to the provisions of this Act, transfer the town commonage and the outer commonage to the board of management by causing the title deeds thereof to be endorsed accordingly.

(2) Every deed of grant issued in respect of an agricultural lot referred to in sub-section (1) shall, in addition to the conditions set out in section *forty-six*, embody conditions in respect of the land constituting such agricultural lot or any portion thereof, which shall be incorporated in any subsequent title deed, to the effect that—

- (a) the mineral rights shall be reserved to the State;
- (b) on the authority of the Minister such deed of grant or subsequent title deed may be cancelled and the lot in question may be sold by public auction on such conditions and at such price as the Minister may deem fit to any person who is not a disqualified person where in the opinion of the Minister the owner has for a period of two years failed to make beneficial use of such lot: Provided that—
 - (i) no cancellation shall take place unless the owner has had at least twelve months prior warning and has persisted in his failure to make beneficial use of the lot; and
 - (ii) upon a sale the full purchase price, less costs any amount which may be due to the State or to the board of management, shall be paid to the owner whose right has been cancelled.

(3) A lease of a grazing right on the outer commonage shall not be required to be executed before a notary public and no fees shall be payable in respect of the registration of such a lease.

Purchase and sale of immovable property by board of management.

50. A board of management may with the approval of the Minister and on such conditions as it may deem expedient, purchase immovable property and let, hypothecate and alienate immovable property belonging to the board, except where alienation is prohibited in terms of the conditions on which it has been acquired by the Board.

Prospecting and mining in board area.

51. (1) For the purposes of any law in force in the Republic relating to prospecting for and the mining of metals, precious stones, natural oil or any other minerals, any area or portion of an area to which the provisions of this Act apply and which is referred to in the Second Schedule to this Act or which the State President may from time to time by proclamation in the *Gazette* include in the said Schedule, shall be deemed to be unalienated State Land.

(2) The State President may by proclamation in the *Gazette* amend the Second Schedule to this Act by including therein or excluding therefrom any area or portion of an area.

(3) Notwithstanding anything to the contrary contained in any law relating to prospecting for or the mining of metals, precious stones, natural oil or any other minerals, no prospecting for or mining of metals, precious stones, natural oil or any other minerals or any operations connected therewith, shall be undertaken on any land within a board area except with the consent of the Minister and subject to such conditions as he may determine or prescribe.

(4) Any person who contravenes this section or any provision determined or prescribed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or imprisonment for a period not exceeding six months.

Regulations.

52. The Minister may make regulations in connection with—

- (a) the method of consultation of interested persons and of any investigation referred to in section *four* or *twenty-one*, the preparation of a register of persons

verstande voorts dat die koste van beplanning en uitgawes in verband met bedoelde vergoeding, geag word uitgawes te wees wat ten opsigte van 'n ontwikkelingswerk aangegaan is waarop die bepalings van artikel *twee-en-veertig* van toepassing is;

- (f) voortdurende huurweiregte op die buitemeent toegeken moet word onderworpe aan die voorwaardes betreffende aansoek, kwalifikasies van applikante, soort en getal vee wat daaronder aangehou mag word, die keur van vee, die tel van vee, die toepassing van wisselweiding, voordelige benutting, huurgeld, die tye en wyse waarop en die persoon aan wie huurgeld betaal moet word en in die algemeen die aangeleenthede wat die Minister in die geval van elke gebied nodig ag en by regulasie voorskryf; en
- (g) die Minister die dorpsmeent en die buitemeent onderworpe aan die bepalings van hierdie Wet aan die bestuursraad kan oordra deur die titelbewyse daarvan dienooreenkomsdig te laat endosseer.

(2) Elke grondbrief uitgereik ten opsigte van 'n in sub-artikel (1) bedoelde akkerbouperseel moet, benewens die voorwaardes vervat in artikel *ses-en-veertig*, voorwaardes ten opsigte van die grond wat bedoelde akkerbouperseel of 'n gedeelte daarvan uitmaak, bevat wat in elke latere transport opgeneem moet word, ten effekte dat—

- (a) die minerale-regte aan die Staat voorbehou word;
- (b) bedoelde grondbrief of latere transportakte op gesag van die Minister gekanselleer kan word en die betrokke perseel op die voorwaardes en teen die prys wat die Minister goedvind aan iemand wat nie 'n onbevoegde persoon is nie per openbare veiling verkoop kan word waar die eienaar volgens die oordeel van die Minister vir 'n tydperk van twee jaar versuum het om dié perseel voordelig te benut: Met dien verstande dat—
 - (i) geen kanselliasie plaasvind nie tensy die betrokke eienaar minstens twaalf maande voor die tyd skriftelik gewaarsku is en hy volhard het in sy versuum om die perseel voordelig te benut; en
 - (ii) by verkoop die hele koopsom min koste en enige bedrag wat aan die Staat of die bestuursraad verskuldig mag wees, aan die eienaar wie se reg gekanselleer is, oorbetaal moet word.

(3) 'n Huurkontrak van 'n huurweireg op die buitemeent hoef nie voor 'n notaris verly te word nie, en geen gelde is ten opsigte van die registrasie van so 'n huurkontrak betaalbaar nie.

50. 'n Bestuursraad kan met goedkeuring van die Minister op Aankoop en voorwaardes wat hy dienstig ag, onroerende goed aankoop en verkoop van onroerende goed wat aan die raad behoort, verhuur, verpand of vervreem, behalwe waar vervreemding daarvan ingevolge die voorwaardes waarop dit deur die raad verkry is, verbied word.

51. (1) By die toepassing van enige wet op prospektering vir Prospectier en die ontginning van metale, edelgesteentes, aardolie of enige ander minerale wat in die Republiek van krag is, word enige gebied of gedeelte van 'n gebied waarop die bepalings van hierdie Wet van toepassing is en wat in die Tweede Bylae by hierdie Wet gemeld word of wat van tyd tot tyd deur die Staatspresident by proklamasie in die *Staatskoerant* in gemelde Bylae gesluit word, geag onvervreemde Staatsgrond te wees.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* die Tweede Bylae by hierdie Wet wysig deur enige gebied of gedeelte van 'n gebied daarby in te sluit of daaruit te verwijder.

(3) Ondanks andersluidende wetsbepalings op prospektering of die ontginning van metale, edelgesteentes, aardolie of enige ander minerale, word op grond in 'n raadsgebied nie vir metale, edelgesteentes, aardolie of enige ander minerale geprospekteer of mynbou of daarmee in verband staande werkzaamhede onderneem nie, behalwe met die Minister se toestemming en onderworpe aan die voorwaardes wat hy bepaal of voorskryf.

(4) Iemand wat hierdie artikel of 'n daarkragtens bepaalde of voorgeskrewe voorwaarde oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

52. Die Minister kan regulasies uitvaardig in verband met— Regulasies.

- (a) die wyse van raadpleging van belanghebbendes en van enige ondersoek in artikel *vier* of *een-en-twintig* bedoel, die opstel van 'n register van persone wat geregtig is om

- entitled to occupy land in any area or who own land therein and of their rights, the lodging and consideration of claims for inclusion in and objections to such a register, and the removal from such a register of the names of persons who by reason of transfer of rights or death or for any other reason are not competent to exercise the rights of registered occupiers;
- (b) the qualifications and disqualifications of voters, the preparation of a voters' roll, including the power of exclusion from the voters' roll of registered occupiers and owners whose rates are in arrear, the manner and time of election and the period of office of board members and the circumstances under which members shall vacate their seats;
 - (c) the procedure for the levying and collection of rates, taxes and other fees by the board, the utilization of rates, taxes and other moneys and the authorization of the expenditure of the board;
 - (d) the circumstances under which exemption from dog tax may be granted, the powers and duties of any authorized official of the board in respect of the collection of dog tax, the issue of licences, and the destruction of unlicensed dogs;
 - (e) the manner and form in which accounts shall be kept by the board and the manner in which and the times at which such accounts shall be audited and statements of account and reports of operations shall be furnished;
 - (f) the calling and conduct of meetings of the board or of the registered occupiers and owners and the proceedings at such meetings;
 - (g) the admission and registration of and the assignment of rights to new inhabitants in a board area in which registered occupiers have not yet acquired rights of ownership;
 - (h) the manner in which and conditions subject to which ownership shall be offered to registered occupiers in any area in which they held rights of occupation prior to planning and sub-division under section *twenty-one*;
 - (i) the planning and sub-division of board areas or any particular board area to give effect to the objects of paragraph (d) of section *twenty-one*;
 - (j) the manner and form in which application shall be made for consent to exercise a right to prospect or mine for precious stones or precious or base minerals in any board area, the manner and form in which an application shall be granted or refused, the conditions subject to which consent shall be granted and the moneys which shall be payable in connection therewith;
 - (k) the granting or imposing of additional powers and duties to or on a board of management;
 - (l) the regulation of such matters and circumstances as may be necessary in respect of any board of management;
 - (m) the procedure for the making of regulations by the board under section *twenty-eight* and for the adoption of standard regulations;
 - (n) the control, regulation or prohibition of meetings of persons within a board area;
 - (o) generally all matters which in terms of this Act are required to be prescribed and for the better carrying out of the objects and purposes of this Act.

Penalties for contravention of regulations.

53. Any regulation made under this Act may prescribe penalties for contravention thereof or failure to comply therewith, not exceeding a fine of fifty rand or in default of payment imprisonment for a period of thirty days.

Delegation of Minister's powers.

54. The Minister may delegate to an officer in the public service any of the powers conferred upon him by virtue of this Act except the powers conferred under section *fifty-two*.

grond in 'n gebied te okkuper of wat grond daarin besit en van hul regte, die indiening en oorweging van eise vir insluiting in en van besware teen so 'n register, en die verwydering van die register van die name van persone wat weens oordrag van regte, oorlyde of ander rede onbevoeg is om die regte van 'n geregtreerde okkuperder uit te oefen;

- (b) die bevoegdhede en onbevoegdhede van kiesers, die opstel van 'n kieserslys, met inbegrip van die bevoegdheid om geregistreerde okkuperders en eienaars wie se belasting agterstallig is van die kieserslys uit te sluit, die metode en tye van verkiesing en die dienstermyn van raadslede en die omstandighede waaronder raadslede hul setels ontruim;
- (c) die procedure vir die heffing en invordering van belastings en ander gelde deur die raad, die aanwending van belasting- en ander gelde en die magtiging van uitgawes van die raad;
- (d) die omstandighede waaronder vrystelling van hondebelasting verleen kan word, die bevoegdhede en pligte van 'n deur die raad gemagtigde beampete ten opsigte van die invordering van hondebelasting, die uitrek van lisenses, en die van kant maak van ongelisensieerde honde;
- (e) die wyse waarop en die vorm waarin die raad sy rekenings moet hou en die wyse waarop en tye wanneer die rekenings geouditeer en rekeningstate en verslae van verrigtings verstrek moet word;
- (f) die byeenroep en hou van vergaderings van die raad of van die geregistreerde okkuperders en eienaars en die verrigtings by sulke vergaderings;
- (g) die toelating en registrasie van en die toekenning van regte aan nuwe inwoners in 'n raadsgebied waarin geregistreerde okkuperders nog nie eiendomsreg verkry het nie;
- (h) die wyse waarop en voorwaardes waaronder eiendomsreg aangebied word aan geregistreerde okkuperders in 'n gebied waarin hul okkupasiereg gehad het voor beplanning en onderverdeling kragtens artikel *een-en-twintig*;
- (i) die beplanning en onderverdeling van raadsgebiede of 'n bepaalde raadsgebied om aan die oogmerke van paragraaf (d) van artikel *een-en-twintig* uitvoering te gee;
- (j) die wyse waarop en die vorm waarin aansoek gedoen moet word om toestemming om 'n reg om in 'n raadsgebied vir edelgesteentes of edele of onedele minerale te prospekteer of te myn, uit te oefen, die wyse waarop en die vorm waarin 'n aansoek toegestaan of geweier word, die voorwaardes waaronder toestemming verleen word en die gelde wat in verband daarmee betaalbaar is;
- (k) die verlening en oplegging van bykomende bevoegdhede en pligte aan 'n bestuursraad;
- (l) die reëeling van aangeleenthede en omstandighede wat ten opsigte van 'n ontwikkelingsgebied nodig mag wees;
- (m) die procedure vir die uitvaardiging van regulasies deur die raad kragtens artikel *agt-en-twintig* en vir die aanname van standaardregulasies;
- (n) die beheer, reëeling of verbied van vergaderings van persone in 'n raadsgebied;
- (o) in die algemeen alle aangeleenthede wat volgens voorskrif van hierdie Wet voorgeskry moet word, en vir die beter uitvoering van die oogmerke en doelstellings van hierdie Wet.

53. Enige regulasie kragtens hierdie Wet uitgevaardig, kan vir Strawwe vir die oortreding daarvan of versuim om daaraan te voldoen oortreding van strawwe voorskryf wat 'n boete van vyftig rand of by wanbetaling *evangenisstraf vir 'n tydperk van dertig dae nie te bowe gaan ie.*

54. Die Minister kan enige bevoegdheid wat uit hoofde van hierdie Wet aan hom verleen word, behalwe die bevoegdheid Delegering van Minister se bevoegdhede. kragtens artikel *twoe-en-vyftig* verleen, aan 'n beampete in die staatsdiens deleger.

Delayed action by board.

55. Whenever anything which according to the provisions of this Act is required to be done or performed by a board of management on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that it is in the interests of the community concerned and that no person will be divested of any right lawfully vested in him on the date on which the act should have been performed, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and effect and be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

Repeal of laws.

56. The laws mentioned in the First Schedule to this Act are hereby repealed to the extent indicated in the third column of that Schedule: Provided that—

- (a) the right to reside in an existing area in the case of a person who was lawfully resident in that area at the commencement of this Act and who would have been entitled to reside therein by virtue of any law hereby repealed, shall remain in existence as if such right had been acquired by virtue of this Act;
- (b) the regulations and standard regulations which immediately prior to the commencement of this Act were in force in any existing area shall, in so far as they are not in conflict or inconsistent with the provisions of this Act, remain in force until repealed or substituted under this Act.

Short title and commencement.

57. This Act shall be called the Rural Coloured Areas Act, 1963, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

First Schedule.**LAWS REPEALED.**

No. and Year of Law.	Title of Law.	Extent of Repeal.
No. 29 of 1909 (Cape of Good Hope.)	Mission Stations and Communal Reserves Act, 1909.	The whole, in so far as it relates to existing areas.
No. 12 of 1929.	Cape Mission Stations and Communal Reserves Amendment Act, 1929.	The whole, in so far as it relates to existing areas.
No. 12 of 1949.	Coloured Mission Stations and Communal Reserves Act, 1949.	The whole.
No. 35 of 1955.	Coloured Mission Stations and Reserves Amendment Act, 1955.	The whole.
No. 32 of 1959.	Coloured Mission Stations and Reserves Amendment Act, 1959.	The whole.
No. 64 of 1960.	Finance Act, 1960.	Section seven.
No. 31 of 1961.	Preservation of Coloured Areas Act, 1961.	The whole.

55. Wanneer iets wat volgens die bepalings van hierdie Wet voor of op 'n bepaalde dag of op 'n bepaalde tyd of gedurende 'n bepaalde tydperk deur die bestuursraad gedoen of verrig moet word, nie aldus gedoen of verrig is nie, kan die Minister, indien hy oortuig is dat dit in belang van die betrokke gemeenskap is en niemand 'n reg sal ontnem wat hy wettiglik gehad het op die datum waarop die handeling moes plaasgevind het nie, magtig verleen om so iets voor of op 'n ander dag of voor of op 'n ander tyd of gedurende 'n ander tydperk, al na hy gelas, te doen of te verrig, en enigets wat aldus gedoen of verrig is, is ten volle van krag en regsgeldig en word geag wettiglik in ooreenstemming met die bepalings van hierdie Wet gedoen te wees.

56. Die wette in die Eerste Bylae by hierdie Wet genoem, word **Herroeping van hierby herroep vir sover in die derde kolom van daardie Bylae wette.** aangedui: Met dien verstande—

- (a) dat die reg om in bestaande gebied te woon in die geval van 'n persoon wat by die inwerkingtreding van hierdie Wet wettiglik in daardie gebied woonagtig was, en wat uit hoofde van 'n hierby herroope Wet daarin sou kon gewoon het, bly voortbestaan asof die reg uit hoofde van hierdie Wet verky is;
- (b) dat die regulasies en standaardregulasies wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet in 'n bestaande gebied van krag was, vir sover dit nie strydig of onbestaanbaar met die bepalings van hierdie Wet is nie, van krag bly totdat dit kragtens hierdie Wet herroep of vervang word.

57. Hierdie Wet heet die **Wet op Landelike Kleurlinggebiede, Kort titel en 1963, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding, proklamasie in die *Staatskoerant* bepaal.**

Eerste Bylae.

HERROEPE WETTE.

Nommer en jaar van Wet.	Titel van Wet.	In hoeverre herroep.
No. 29 van 1909 (Kaap die Goeie Hoop).	„Mission Stations and Communal Reserves Act, 1909”.	Die geheel vir sover dit op bestaande gebiede betrekking het.
No. 12 van 1929.	Wysigingswet op Kaapse Sendingstasies en Meentresserwes, 1929.	Die geheel vir sover dit op bestaande gebiede betrekking het.
No. 12 van 1949.	Wet op Sendingstasies en Reservewes vir Kleurlinge, 1949.	Die geheel.
No. 35 van 1955.	Wysigingswet op Sendingstasies en Reservewes vir Kleurlinge, 1955.	Die geheel.
No. 32 van 1959.	Wysigingswet op Sendingstasies en Reservewes vir Kleurlinge, 1959.	Die geheel.
No. 64 van 1960.	Finansiewet, 1960.	Artikel sewe.
No. 31 van 1961.	Wet vir die Behoud van Kleurlinggebiede, 1961.	Die geheel.

Second Schedule.

Area.	Description of Area.
1. Concordia ..	As defined in paragraph D of the Schedule to Proclamation No. 53 of 1912.
2. Komaggas ..	As defined in paragraph B of the Schedule to Proclamation No. 53 of 1912, together with the farm Bontekoe as defined by Proclamation No. 333 of 1960.
3. Leliefontein ..	As defined in paragraph A of the Schedule to Proclamation No. 53 of 1912, together with the farms Tweerivieren and Hoornsgat as defined by Proclamation No. 114 of 1960.
4. Richtersveld ..	As defined in the Schedule to Proclamation No. 182 of 1957.
5. Rietpoort ..	As defined in the Schedule to Proclamation No. 232 of 1959.
6. Steinkopf ..	As defined in paragraph C of the Schedule to Proclamation No. 53 of 1912, together with the farm Wolfstoen as defined by Proclamation No. 94 of 1962.

Tweede Bylae.

Gebied.	Beskrywing van Gebied.
1. Concordia ..	Soos omskryf in paragraaf D van die Bylae by Proklamasie No. 53 van 1912.
2. Komaggas ..	Soos omskryf in paragraaf B van die Bylae by Proklamasie No. 53 van 1912, tesame met die plaas Bontekoe soos omskryf by Proklamasie No. 333 van 1960.
3. Leliefontein ..	Soos omskryf in paragraaf A van die Bylae by Proklamasie No. 53 van 1912, tesame met die plase Tweerivieren en Hoornsgat soos omskryf by Proklamasie No. 114 van 1960.
4. Richtersveld ..	Soos omskryf in die Bylae by Proklamasie No. 182 van 1957.
5. Rietpoort ..	Soos omskryf in die Bylae by Proklamasie No. 232 van 1959.
6. Steinkopf ..	Soos omskryf in paragraaf C van die Bylae by Proklamasie No. 53 van 1912, tesame met die plaas Wolfstoen soos omskryf by Proklamasie No. 94 van 1962.

No. 25, 1963.]

ACT

To provide for a moratorium in certain circumstances for the protection of citizens undergoing nine months continuous compulsory military training in the Citizen Force; to provide for the application of this Act to members of the South African Defence Force and the Reserve called up for service under Chapter X of the Defence Act, 1957 (Act No. 44 of 1957); and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 23rd March, 1963.)*

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) "citizen" means a South African citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949); (i)
 - (ii) "compulsory military training" means nine months continuous training in the Citizen Force as contemplated in sub-paragraph (i) of paragraph (b) of subsection (2) of section *twenty-two* of the Defence Act, 1957 (Act No. 44 of 1957), and which is undergone by a citizen whose name has been drawn in a ballot referred to in section *seventy* of the said Act, and includes any period of service by such a citizen in terms of Chapter X of that Act performed during the said period of nine months and further includes any period during which such a citizen is undergoing treatment in hospital for any illness contracted or injury sustained as a result of such training or service if such treatment commenced during the said period of nine months. (ii).

**Moratorium
in certain
circumstances.**

2. (1) Save as provided in sub-sections (2) and (3) of this section, all civil legal remedies whatsoever against any citizen undergoing compulsory military training in respect of contractual debts incurred by such citizen shall be suspended during the whole of the period during which such citizen is undergoing such training and for three months thereafter.

(2) The provisions of sub-section (1) of this section shall not apply—

- (a) to an action or any other legal proceeding of a civil nature against any partnership, if any member of such partnership is not undergoing compulsory military training at the time such action or proceeding is instituted;
- (b) to an action for the recovery of the rent of any dwelling-house, room or tenement becoming due from a citizen after he has commenced to undergo compulsory military training, or to an action for ejection from any such premises, and service of process for the purpose of this paragraph shall be considered as sufficient if such process is served upon the occupier of such premises;
- (c) to an action for the recovery of the price of actual necessaries of life supplied by persons in the ordinary course of their business, to or at the instance of any such citizen after he has commenced to undergo compulsory military training;
- (d) to an action claiming an amount due in respect of board or lodging supplied or afforded to or at the instance of such citizen after he has commenced to undergo compulsory military training;
- (e) to an action under a hire-purchase agreement as defined in section *one* of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), entered into by a citizen after he had received notice that his name had been drawn in a ballot referred to in section *seventy* of the Defence Act, 1957 (Act No. 44 of 1957), and before he has completed his compulsory military training, if at the time of entering into such agreement such citizen had failed to inform the other party to such agreement of the receipt of such notice or that he is undergoing such training;

No. 25, 1963.]

WET

Om voorsiening te maak vir 'n moratorium onder sekere omstandighede ter beskerming van burgers wat nege maande ononderbroke verpligte militêre opleiding in die Burgermag onderraan; om voorsiening te maak vir die toepassing van hierdie Wet op lede van die Suid-Afrikaanse Weermag en die Reservé opgeroep vir diens ingevolge Hoofstuk X van die Verdedigingswet, 1957 (Wet No. 44 van 1957); en om vir aangeleenthede wat daar mee in verband staan voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Maart 1963.)*

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
 - (i) „burger” ‘n Suid-Afrikaanse burger binne die bedoeling van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949); (i)
 - (ii) „verpligte militêre opleiding” nege maande ononderbroke opleiding in die Burgermag soos in sub-paragraaf (i) van paragraaf (b) van sub-artikel (2) van artikel *twee-en-twintig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), bedoel en wat deur ‘n burger wie se naam in ‘n in artikel *sewentig* van daardie Wet bedoelde loting getrek is, onderraan word, en ook enige tydperk van diens deur so ‘n burger verrig ingevolge Hoofstuk X van daardie Wet gedurende bedoelde tydperk van nege maande en verder ook enige tydperk waartydens so ‘n burger in ‘n hospitaal behandeling onderraan weens ‘n siekte of besering opgedoen as gevolg van sodanige opleiding of diens indien sodanige behandeling ‘n aanvang geneem het gedurende bedoelde tydperk van nege maande. (ii)
2. (1) Behoudens die bepalings van sub-artikels (2) en (3) van hierdie artikel, word alle siviele regsmiddels hoe-genaamd teen enige burger wat verpligte militêre opleiding onderraan, opgeskort ten opsigte van kontraktuele skulde deur sodanige burger aangegaan vir die hele tydperk waartydens daardie burger sodanige opleiding onderraan en gedurende drie maande daarna.

(2) Die bepalings van sub-artikel (1) van hierdie artikel is nie van toepassing nie—

 - (a) op ‘n aksie of enige ander regsgeding van ‘n siviele aard teen enige vennootskap, indien ‘n lid van sodanige vennootskap nie ten tyde van die instelling van sodanige aksie of geding verpligte militêre opleiding onderraan nie;
 - (b) op ‘n aksie vir die verhaal van die huurgelde van ‘n woonhuis, kamer of woning wat verskuldig word deur ‘n burger nadat hy begin het om verpligte militêre opleiding te onderraan, of op ‘n aksie vir ontruiming van so ‘n perseel, en betekening van prosesstukke vir die doeleindes van hierdie paragraaf word as voldoende beskou indien sodanige prosesstukke beteken word aan die bewoner van sodanige perseel;
 - (c) op ‘n aksie vir die verhaal van die prys van werklike lewensbenodigdhede deur persone voorsien in die gewone loop van hulle besigheid aan of op versoek van so ‘n burger nadat hy begin het om verpligte militêre opleiding te onderraan;
 - (d) op ‘n aksie waarin ‘n bedrag geëis word wat verskuldig is ten opsigte van losies of inwoning voorsien of verskaf aan of op versoek van sodanige burger nadat hy begin het om verpligte militêre opleiding te onderraan;
 - (e) op ‘n aksie kragtens ‘n huurkoopkontrak soos omskryf in artikel *een* van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), deur ‘n burger aangegaan nadat hy ‘n kennisgewing ontvang het dat sy naam getrek was in ‘n in artikel *sewentig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), bedoelde loting en voordat hy sy verpligte militêre opleiding voltooi het, indien die burger ten tyde van die aangaan van die huurkoopkontrak versuum het om die ander party by die huurkoopkontrak te verwittig van die ontvangs van daardie kennisgewing of dat hy sodanige opleiding onderraan;

(f) to the issue of process for the execution of any judgment or order in any action or proceedings mentioned in this sub-section or to the execution of such a judgment or order under such process: Provided that nothing in this paragraph contained shall be deemed to permit the issue of a writ of civil imprisonment of such citizen or to permit attachment or arrest of his person or attachment of salary or wages or pay which is or may become due to him or of any allowance made to his dependants from funds appropriated for this purpose by Parliament or of any allowance made by or out of any public fund, or the issue of an order in terms of paragraph (d) of sub-section (9) of section *sixty-five* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944):

Provided that any action or proceeding so instituted may be stayed by the court on such terms as it may deem proper.

(3) Notwithstanding anything in sub-section (1) of this section contained, upon application made to the provincial or local division of the Supreme Court having jurisdiction for leave to sue any citizen who is undergoing compulsory military training, such division, if satisfied that there is a probability of such citizen taking advantage of the suspension of civil legal remedies against him to carry on any trade or business without paying his creditors or to dispose of his assets to the prejudice of his creditors or that for any other reason whatsoever it would be just and equitable to allow the applicant to proceed with his action, may grant leave to the applicant so to proceed in any court of competent jurisdiction; and process may be issued in execution of any judgment given in favour of the plaintiff on the action so allowed to proceed and execution may be levied accordingly: Provided that the said division may at any time on application made to it, order that further proceedings in the action so allowed to proceed or that execution of any judgment therein shall be stayed for such period or on such conditions as it may think fit, if it appear to the said division just and equitable to make such order.

**Suspension of
prescription.**

3. Prescription in regard to any contract, obligation, liability, judgment or order, the time for fulfilment or satisfaction whereof has been extended or the execution whereof has been stayed or postponed or in respect whereof the legal remedies have been suspended under this Act, shall be suspended for so long as such extension or postponement lasts, and the period of such suspension shall not be deemed to form part of the period of prescription.

**Interest may
be claimed.**

4. Whenever a person is debarred under this Act from obtaining payment of any money due to him he shall be entitled to claim interest at the rate of six per cent per annum on all such moneys due to him during the period of the extension or postponement or suspension by which he is debarred from obtaining payment under this Act, or until payment of the principal sum due before the termination of such period.

**Extension of
time for doing
acts, lodging
documents, etc.**

5. Whenever any statutory officer or other statutory authority is satisfied that any citizen was prevented from doing any act, or making any application or lodging or transmitting any document within a time prescribed by the statute concerned or a regulation made thereunder, by reason of such citizen undergoing compulsory military training or of any other circumstances arising out of such training, such officer or authority may, unless the statutory rights of any other person will be detrimentally affected, extend the prescribed time for such further period as seems to him or it to be equitable in the circumstances.

**Application of
this Act in time of
war, internal dis-
order or other
emergency.**

6. The State President may by proclamation in the *Gazette* apply the provisions of this Act *mutatis mutandis* to members of the South African Defence Force and the Reserve called out for service in terms of Chapter X of the Defence Act, 1957 (Act No. 44 of 1957), and may in the same manner terminate the application of this Act to such members.

(f) op die uitreiking van 'n lasbrief vir die tenuitvoerlegging van enige vonnis of order in 'n aksie of geding vermeld in hierdie sub-artikel of op die tenuitvoerlegging van sodanige vonnis of sodanige order ingevalge sodanige lasbrief: Met dien verstande dat die bepalings van hierdie paragraaf nie so uitgelê word nie dat dit die uitreiking van 'n lasbrief tot gyseling van sodanige burger toelaat of dat dit die aanhouding of arres van sy persoon of die inbeslagneming van sy salaris of loon of besoldiging wat aan hom verskuldig is of word of van enige toelae toegeken aan sy afhanklikes uit fondse vir hierdie doel deur die Parlement bewillig of van enige toelae toegeken deur of uit enige openbare fonds, of die uitreiking van 'n order ingevalge paragraaf (d) van sub-artikel (9) van artikel *vijf-en-sestig* van die Wet op Landdroshewe, 1944 (Wet No. 32 van 1944), magtig nie:

Met dien verstande dat enige aksie of geding aldus ingestel, opgeskort mag word deur die hof op sodanige voorwaardes as wat die hof goedvind.

(3) Ondanks die bepalings van sub-artikel (1) van hierdie artikel kan die bevoegde provinsiale of plaaslike afdeling van die Hooggereghof by wie aansoek gedoen word om verlof om 'n burger wat verpligte militêre opleiding ondergaan te dagvaar, indien hy oortuig is dat die waarskynlikheid bestaan dat sodanige burger gebruik sal maak van die opskorting van siviele regsmiddels teen hom om enige bedryf of besigheid voort te sit sonder om sy skuldeisers te betaal of om sy bates van die hand te sit tot nadeel van sy skuldeisers of dat dit om 'n ander rede reg en billik sou wees om die applikant toe te laat om met sy aksie voort te gaan, aan die applikant verlof gee om aldus voort te gaan in enige bevoegde hof; en 'n lasbrief kan uitgereik word ten uitvoerlegging van enige vonnis ten gunste van die eiser gegee in die aksie wat aldus voortgesit word en tenuitvoerlegging kan dienooreenkomsdig geskied: Met dien verstande dat bedoelde afdeling te eniger tyd op aansoek by hom gedoen, kan gelas dat verdere verrigtinge in die aksie wat aldus voortgesit word of dat die tenuitvoerlegging van 'n vonnis ten opsigte daarvan opgeskort word gedurende die tydperk of op die voorwaardes wat hy goedvind, indien dit vir bedoelde afdeling reg en billik voor-kom om so 'n bevel uit te reik.

3. Verjaring ten aansien van 'n kontrak, verpligting, skuld, Opskorting van verjaring.
vonnis of order waarvan die tyd vir die nakoming of vereffening daarvan verleng is, of waarvan die tenuitvoerlegging opgeskort of uitgestel is, of ten aansien waarvan die regsmiddels ingevalge hierdie Wet opgeskort is, word opgeskort vir solank sodanige verlenging of uitstel duur, en die tydperk van sodanige opskorting word nie geag deel van die verjaringstermyn te wees nie.

4. Wanneer iemand ingevalge hierdie Wet belet word om Rente mag betaling van aan hom verskuldigde geld te verkry, is hy geregtig geëis word. om rente teen ses persent per jaar te eis op al die aan hom verskuldigde geld gedurende die duur van die verlenging of uitstel of opskorting uit hoofde waarvan hy ingevalge hierdie Wet belet word om betaling te verkry, of totdat betaling van die verskuldigde hoofsom vóór die verstryking van sodanige tydperk geskied.

5. Wanneer 'n kragtens wet aangestelde amptenaar of ander statutêre owerheid oortuig is dat 'n burger verhinder is om die een of ander handeling te verrig of om aansoek te doen of om 'n dokument in te dien of te versend binne 'n tydperk voorgeskryf deur die betrokke wet of 'n regulasie daarkragtens uitgevaardig, omdat daardie burger verpligte militêre opleiding ondergaan of wens enige ander omstandighede wat uit sodanige opleiding ontstaan, kan sodanige beampete of owerheid, tensy die wetlike regte van iemand anders benadeel sal word, die voorgeskrewe tydperk met die verdere tydperk verleng wat hy onder die omstandighede billik ag.

6. Die Staatspresident kan by proklamasie in die *Staatskoerant* Toepassing van die bepalings van hierdie Wet *mutatis mutandis* van toepassing hierdie Wet in maak op lede van die Suid-Afrikaanse Weermag en die Reservwe oorlogstyd, binelandse wat vir diens ingevalge Hoofstuk X van die Verdedingswet, onluste of ander 1957 (Wet No. 44 van 1957), opgeroep word en kan op dieselfde noodtoestand. wyse die toepassing van hierdie Wet op sodanige lede beëindig.

- Act to apply
in South-West
Africa.
7. This Act shall also apply in the territory of South-West Africa.
- Repeal
of law.
8. The Moratorium Act, 1962 (Act No. 53 of 1962), is hereby repealed.
- Short title.
9. This Act shall be called the Moratorium Act, 1963.

7. Hierdie Wet is ook in die gebied Suidwes-Afrika van Wet van toepassing.
toepassing in
Suidwes-Afrika.
8. Die Moratoriumwet, 1962 (Wet No. 53 van 1962), word Herroeping hereby herroep.
van wet.
9. Hierdie Wet heet die Moratoriumwet, 1963. Kort titel.