

# ACT

To provide for criminal sanctions for failure to comply with orders of court granting access to minors and for the cancellation or removal of certain restrictions contained in certain title deeds, to repeal the Occupation Farms Ordinance 1904 (Transvaal), the Occupation Farms Amendment Ordinance 1905 (Transvaal), the Occupation Farms Amendment Act 1907 (Transvaal) and certain regulations under the Irrigation Settlements Act, 1909 (Orange Free State), to amend the Crimes Ordinance 1904 (Transvaal), the Criminal Law Amendment Act, 1909 (Natal), the Administration of Estates Act, 1913, the Companies Act, 1926, the Succession Act, 1934, the Arms and Ammunition Act, 1937, the Magistrates' Courts Act, 1944, the Welfare Organizations Act, 1947, the Matrimonial Affairs Act, 1953, the Housing Act, 1957, the Special Justices of the Peace Act, 1957, the State Attorney Act, 1957, the Supreme Court Act, 1959, the Housing Amendment Act, 1962, the Stamp Duties Act, 1962, to empower the Natives Resettlement Board to undertake work on behalf of certain statutory bodies and to prescribe penalties for defacement or disfigurement of property.

*(Afrikaans text signed by the State President.)  
(Assented to 27th June, 1962.)*

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

1. (1) Any parent having the sole custody of his minor child in terms of an order of court, who contrary to such order and without reasonable cause refuses the child's other parent access to such child or prevents such other parent from having such access, 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.

Failure to comply with order of court relating to access to children or to notify change of address of parent having sole custody of child.

(2) Any parent having the sole custody of his minor child in terms of an order of court whereby the other parent is entitled to access to such child shall upon any change in his residential address forthwith in writing notify such other parent of such change.

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

(4) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section.

2. (1) The registrar of deeds in charge of the deeds registry at Pretoria shall on application of the owner of land cancel free of charge any provision in the title deeds of such land whereby the grant of such land was made subject to conditions prescribed in Act No. 8 of 1886 of the Transvaal or in the Farms Occupation Ordinance 1904 (Ordinance No. 25 of 1904 of Transvaal) and shall at the same time record the cancellation in the relative registers.

Cancellation of certain provisions in certain title deeds and repeal of Ordinance 25 of 1904, Ordinance 13 of 1905 and Act 31 of 1907 of Transvaal.

(2) The Occupation Farms Ordinance 1904, the Occupation Farms Amendment Ordinance 1905 and the Occupation Farms Amendment Act 1907 of the Transvaal are hereby repealed.

3. Section *seven* of the Crimes Ordinance 1904 of the Transvaal is hereby amended—

Amendment of section 7 of Ordinance 26 of 1904 (Transvaal).

(a) by the deletion of the words "by night";

(b) by the insertion at the beginning of paragraph (a) and at the beginning of paragraph (c) of the words "by night".

5. (1) Any restrictive condition relating to the issue of liquor licences registered against the title deeds of any land within the municipal area of Koppies in the province of the Orange Free State is hereby removed and the registrar of deeds in charge of the deeds registry at Bloemfontein shall on application of the owner of any such land cancel free of charge any entry in the title deeds of that land relating to any such condition and shall at the same time record the cancellation in the relative registers.

Removal of restrictive conditions relating to issue of liquor licences in Koppies and repeal of certain regulations under Act 31 of 1909 of the Orange Free State.

(2) Regulations 4 and 6 of the Kopjes Township Regulations made under the Irrigation Settlements Act, 1909 (Act No. 31 of 1909 of the Orange Free State), and published in the *Government Gazette* of the Orange River Colony of the 18th March, 1910, are hereby repealed.

6. (1) Section *ten* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (1) for the words "Each Master may" of the words "The Minister may for any area" and the deletion in the said sub-section of the words "residing within the area in respect of which he has been appointed".

Amendment of section 10 of Act 24 of 1913.

(2) Every person holding an appointment as appraiser under the provisions of section *ten* of the Administration of Estates Act, 1913, immediately prior to the commencement of this Act shall be deemed to have been appointed under that section as amended by this section.

7. Section *eleven* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (2) for the word "Master" of the words "Secretary for Justice".

Amendment of section 11 of Act 24 of 1913.

8. The following section is hereby substituted for section *ninety-two* of the Administration of Estates Act, 1913:

Substitution of section 92 of Act 24 of 1913.

"Statements of certain unclaimed moneys to be published and amounts unclaimed to be paid into Guardian's Fund.

92. (1) Every person carrying on business within the Republic shall in the month of January in each year prepare in the form prescribed by regulation under this Act and publish in the *Gazette* separate detailed statements in respect of all amounts of one rand or more but of less than twenty rand and all amounts of twenty rand or more which were held by him or by any agent on his behalf within the Republic on the thirty-first day of December of the immediately preceding year and which were not his property or subject to any valid lien, but at the date of the said statements have remained unclaimed for a period of five years or more by the rightful owners.

(2) Any person who has prepared the said statements for publication, may deduct from the said amounts the cost of publication apportioned as far as possible among the owners.

(3) After the expiration of three months from the date of publication of the said statements, such person shall forthwith transmit to the Master a statement and affidavit in the form prescribed by regulation under this Act and deposit in the Guardian's Fund to the credit of the rightful owners all such amounts still remaining unclaimed.

(4) Any person who fails to comply with any provision of sub-section (1) or (3) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

(5) In addition to any penalty which it may impose the court convicting any person may order him—

(a) in the case of failure to comply with the provisions of sub-section (1), to prepare and publish the required statements within such period as the court may fix;

(b) in the case of failure to comply with the provisions of sub-section (3), to transmit to the Master the required statement and affidavit or deposit in the Guardian's Fund the amounts concerned within such period as the court may fix."

9. (1) The following section is hereby substituted for section *ninety-three* of the Administration of Estates Act, 1913: Substitution of section 93 of Act 24 of 1913, as amended by section 3 of Act 44 of 1926, section 4 of Act 45 of 1931, section 8 of Act 49 of 1935, section 20 of Act 17 of 1938, section 18 of Act 46 of 1944, section 19 of Act 57 of 1946, section 12 of Act 45 of 1953, section 8 of Act 81 of 1957, section 10 of Act 37 of 1958 and section 5 of Act 76 of 1961.
- “Interest on moneys of minors, lunatics, unborn heirs or persons having an interest of a usufructuary, fiduciary or fidei-commissary nature.”
93. (1) Subject to the provisions of sub-sections (2) and (3), interest calculated on a monthly basis at the rate of four and one half per cent per annum compounded annually at the thirty-first day of March, shall be allowed on each rand of the principal of every sum of money received by the Master for account of any minor, lunatic, unborn heir or any person having an interest therein of a usufructuary, fiduciary or fidei-commissary nature.
- (2) No interest shall be allowed on any sum of money—
- (a) in the case of money which became legally claimable before the first day of April, 1962, in respect of any period after it became so claimable;
- (b) in the case of money which became legally claimable on or after the said date, in respect of any period after the expiration of five years after it became so claimable, unless it is legally claimed before such expiration.
- (3) Interest shall be calculated in the case of any sum of money held by the Master on the first day of April, 1962, from that date, and in all other cases from the first day of the month following that in which the money has been received by the Master, until—
- (a) in the case of any sum of money claimed after the expiration of a period of five years after it became claimable, the last day of the month preceding the month during which such period expires;
- (b) in all other cases, the last day of the month preceding the month during which the money is paid out.”.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1962.
10. Section *ninety-six* of the Administration of Estates Act, 1913, is hereby amended by the substitution in sub-section (1) for the words “three hundred pounds” of the words “four thousand rand”. Amendment of section 96 of Act 24 of 1913.
11. Section *ninety-seven* of the Administration of Estates Act, 1913, is hereby amended— Amendment of section 97 of Act 24 of 1913.
- (a) by the insertion after the word “amounts” of the words “of twenty rand or more”;
- (b) by the substitution for the words “and re-unclaimed” of the words “and have remained unclaimed for a period exceeding one year but not exceeding five years and”;
- (c) by the deletion of the proviso.
12. The Third Schedule to the Administration of Estates Act, 1913, is hereby deleted. Deletion of Third Schedule to Act 24 of 1913.
13. (1) The following section is hereby substituted for section *one hundred and twenty-one* of the Companies Act, 1926: Amendment of section 121 of Act 46 of 1926.
- “Jurisdiction of Master and Assistant Master.”
121. (1) In relation to any company, jurisdiction shall for the purposes of this Act, lie with the Master or Assistant Master of the Supreme Court in whose area of jurisdiction the registered office of the company is situated.
- (2) In relation to any company the Master or Assistant Master having jurisdiction is in this Act referred to as ‘the Master’.”.
- (2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1927.
14. Section *one hundred and eighty bis* of the Companies Act, 1926, is hereby amended by the addition of the following sub-section: Amendment of section 180bis of Act 46 of 1926, as inserted by section 105 of Act 46 of 1952.
- “(4) Any director, manager or secretary who fails to comply with the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.”.
15. Section *one* of the Succession Act, 1934, is hereby amended by the substitution in sub-section (1) for the words “six hundred pounds” wherever they occur of the words “ten thousand rand”. Amendment of section 1 of Act 13 of 1934.

16. Section *two* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (7) of the following sub-sections:

“(7) No person shall be in possession of any arm which has no manufacturer’s serial number or other number by which it may be identified, stamped or engraved on the metal of the arm.  
 (7)*bis* Any prohibition contained in sub-section (6) or (7) shall not apply in respect of the barrel of an arm.”

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952, section 1 of Act 2 of 1956, section 33 of Act 68 of 1957 and section 1 of Act 39 of 1961.

17. Section *six* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for the words “holder resides” of the words “was issued” and for the word “him” of the words “the licence holder”, and by the deletion of the words “if it was issued from his office, or a certificate in the prescribed form.”

Amendment of section 6 of Act 28 of 1937.

18. The following section is hereby substituted for section *thirteen* of the Arms and Ammunition Act, 1937:

“Proof of declaration of unfitness. 13. A certificate, purporting to have been signed by a magistrate, stating that a person mentioned therein has under this Act been declared to be unfit to possess an arm, shall upon its mere production by any person be *prima facie* evidence of the facts therein stated.”

Substitution of section 13 of Act 28 of 1937.

19. Section *seventeen* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 17 of Act 28 of 1937.

“(1) A licence to deal in arms and ammunition shall not be transferred by the holder thereof unless the premises to which it is intended to transfer the licence are situated within the same district as the premises specified in the licence and the magistrate of such district is satisfied—  
 (a) that the transferee is a fit and proper person to deal in arms and ammunition; and  
 (b) that the premises in which he intends so to deal are suitable and reasonably safe for the storage of arms and ammunition.”

20. Section *eighteen* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 18 of Act 28 of 1937.

“(1) A dealer’s licence may without charge be endorsed so as to be valid for premises other than those for which the licence was issued, situated in the same district as the licensed premises, if application is made to the magistrate of the district, and he is satisfied that the premises are suitable and reasonably safe for the storage of arms and ammunition.”

21. Section *twenty-one* of the Arms and Ammunition Act, 1937, is hereby amended by the substitution in sub-section (2) for the words “magistrate of the district” of the words “district commandant of the police district”.

Amendment of section 21 of Act 28 of 1937.

22. Section *thirty-six* of the Arms and Ammunition Act, 1937, is hereby amended by the insertion in the definition of “deal” after the word “person” where it occurs for the second time of the words “other than a licensed dealer” and before the word “person” where it occurs for the third time of the word “such”.

Amendment of section 36 of Act 28 of 1937, as amended by section 8 of Act 2 of 1956.

23. Section *seven* of the Magistrates’ Courts Act, 1944, is hereby amended by the substitution in the proviso thereto for the words “fifteen years from the date of judgment in any proceedings” of the words “three years from the date of passing sentence in the case of proceedings in which sentence was passed in terms of sub-section (5) of section *three hundred and fifty-one* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or after fifteen years from the date of the judgment in the case of any other proceedings”.

Amendment of section 7 of Act 32 of 1944.

24. Section *nine* of the Magistrates’ Courts Act, 1944, is hereby amended by the insertion after sub-section (1) of the following sub-section:

Amendment of section 9 of Act 32 of 1944, as amended by section 8 of Act 40 of 1952, section 17 of Act 50 of 1956 and section 38 of Act 68 of 1957.

“(1)*bis* (a) Subject to the provisions of paragraph (c) no person holding any appointment under sub-section (1) shall perform the functions of a judicial officer in any magistrate’s court, unless he has taken an oath or made an affirmation subscribed by him, in the form set out below, namely—

'I, .....  
(full name)

do hereby swear/solemnly and sincerely affirm and declare that whenever I may be called upon to perform the functions of a judicial officer in any magistrate's court, I will administer justice to all persons alike without fear, favour or prejudice and in accordance with the law and customs of the Republic.

- (b) Any such oath or affirmation shall be taken or made in open court before the senior available magistrate of the district concerned or a justice of the peace who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.
- (c) The provisions of paragraph (a) shall apply in respect of any person who held an appointment under sub-section (1) before the date of commencement of the General Law Further Amendment Act, 1962, only after the expiration of three months after the said date."
25. Section *sixty-seven* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for the words "fifty pounds" wherever they occur in paragraph (b), (c), (e) or (f) of the words "four hundred rand". Amendment of section 67 of Act 32 of 1944.
26. Section *seventy-two* of the Magistrates' Courts Act, 1944, is hereby amended— Amendment of section 72 of Act 32 of 1944, as substituted by section 17 of Act 40 of 1952.
- (a) by the substitution in sub-section (1) for the words "messenger of the court" wherever they occur of the words "judgment creditor or his attorney";
- (b) by the substitution in sub-section (3) for the word "messenger" of the words "judgment creditor or his attorney".
27. Section *seventy-four* of the Magistrates' Courts Act, 1944, is hereby amended— Amendment of section 74 of Act 32 of 1944, as amended by section 19 of Act 40 of 1952 and section 2 of Act 14 of 1954.
- (a) by the substitution for paragraph (a) of sub-section (5) of the following paragraph:  
"(a) The court shall appoint an administrator when an order has been granted under sub-section (1).";
- (b) by the addition at the end of sub-section (5) of the following paragraph:  
"(c) An administrator, other than an officer of the court or a practitioner, shall give security to the satisfaction of the court for the due and punctual payment by him to the parties entitled thereto of all moneys which shall come into his hands by virtue of his appointment as administrator.";
- (c) by the insertion in sub-section (9) after the words "from time to time" of the words "after notice to such creditors".
28. Section *ninety-eight* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 98 of Act 32 of 1944, as amended by section 40 of Act 68 of 1957.
- "(2) (a) If, upon considering the proceedings aforesaid, it appears to the judge that they are not in accordance with justice or that doubts exist whether or not they are in accordance with justice, he shall lay them before the court of appeal for its consideration.
- (b) The court of appeal shall, before considering the said proceedings, obtain from the judicial officer who presided at the trial a statement setting forth his reasons for convicting the accused and for the sentence imposed.
- (c) The said court may at any sitting thereof hear any evidence and for that purpose it may summon any person to appear and give evidence or produce any document or other article.
- (d) The court of appeal, whether or not it has heard any evidence, may—
- (i) confirm, alter or quash the conviction and in the event of the conviction being quashed where the accused was convicted on one of two or more alternative counts, convict the accused on the other alternative count or on one or other of the alternative counts; or
- (ii) confirm, reduce, alter or set aside the sentence or any order of the magistrate's court; or
- (iii) set aside or correct the proceedings of the magistrate's court; or

- (iv) generally give such judgment or impose such sentence or make such order as the magistrate's court ought to have given, imposed or made on any matter which was before it at the trial of the case in question; or
  - (v) remit the case to the magistrate's court with instructions to deal with any matter in such manner as the court of appeal may think fit; and
  - (vi) make any such order in regard to the suspension of the execution of any sentence against the person convicted or the admission of such person to bail, or, generally, in regard to any matter or thing connected with him or the proceedings in regard to him as to the said court seems calculated to promote the ends of justice.
- (e) In the event of any conviction being quashed or proceedings being set aside on any grounds mentioned in sub-section (7) of section *one hundred and three*, the provisions of that sub-section in respect of the institution of fresh proceedings shall *mutatis mutandis* apply."

29. Section *one hundred and three* of the Magistrates' Courts Act, 1944, is hereby amended by the insertion in sub-section (6) after the word "conviction" of the words "or sentence or any order of court upon conviction".

Amendment of section 103 of Act 32 of 1944, as amended by section 8 of Act 16 of 1959.

30. Section *eight* of the Welfare Organizations Act, 1947, is hereby amended by the insertion in paragraph (a) of sub-section (3) before the word "under" of the words "cancel any authority granted".

Amendment of section 8 of Act 40 of 1947, as substituted by section 6 of Act 75 of 1961.

31. Section *one* of the Matrimonial Affairs Act, 1953, is hereby amended—

Amendment of section 1 of Act 37 of 1953.

- (a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

"(b) any immovable property held in community, which the wife has at the marriage brought into the community and in respect of which an endorsement or note has been made under sub-section (2).";

- (b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Any immovable property held in community which during the marriage has been inherited by or donated to the wife or has been acquired in one or more of the following ways, namely, with money or other means brought into the community by her at the marriage or inherited by or donated to her during the marriage or consisting of her earnings or the proceeds of immovable property brought into the community by her at the marriage, shall for the purposes of this section be deemed to have been brought into the community by the wife at the marriage."

32. (1) Section *forty-one* of the Housing Act, 1957, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 41 of Act 10 of 1957.

"(2) For the purposes of sub-section (1) purchaser shall include any cessionary of the rights under a deed of sale entered into with the Commission approved by it, and notwithstanding any conditions in such deed of sale contained whereby registration of transfer is made subject to payment of a certain portion of the purchase price of the dwelling, the Commission may, in the case where there is such a cessionary, give transfer of the dwelling to the original purchaser if transfer to him and to all such cessionaries is, subject to the provisions of section *fourteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), registered simultaneously: Provided that notwithstanding anything to the contrary in any law contained a first mortgage in favour of the Commission may be registered by the last such cessionary."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of June, 1957.

33. (1) Section *fifty-six* of the Housing Act, 1957, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 56 of Act 10 of 1957.

“(2) For the purposes of sub-section (1) purchaser shall include any cessionary of the rights under a deed of sale entered into with a local authority approved by such local authority, and notwithstanding any conditions in such deed of sale contained whereby registration of transfer is made subject to payment of a certain portion of the purchase price of the dwelling, the local authority may, in the case where there is such a cessionary, give transfer of the dwelling to the original purchaser if transfer to him and to all such cessionaries is, subject to the provisions of section *fourteen* of the Deeds Registries Act, 1937 (Act No. 47 of 1937), registered simultaneously: Provided that notwithstanding anything to the contrary in any law contained a first mortgage in favour of the local authority may be registered by the last such cessionary.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of June, 1957.

34. Section *one* of the Special Justices of the Peace Act, 1957, is hereby amended—

Amendment of section 1 of Act 19 of 1957.

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) Any place at which the court of a special justice of the peace (not being an officer in the public service) is to be held shall not be less than twenty miles from the seat of magistracy of a district or sub-district.”;

(b) by the insertion in sub-section (4) and in sub-section (5) after the word “Minister” of the words “or any person acting under his authority”.

35. Section *three* of the State Attorney Act, 1957, is hereby amended by the substitution for sub-section (3) of the following sub-section:

Amendment of section 3 of Act 56 of 1957.

“(3) Unless the Minister of Justice otherwise directs, there may also be performed at the State Attorney’s office or at any of its branches like functions in or in connection with any matter in which the Government or such an administration as aforesaid, though not a party, is interested or concerned in, or in connection with any matter where, in the opinion of the State Attorney or of any person acting under his authority, it is in the public interest that such functions be performed at the said office or at one of its branches.”.

36. The following section is hereby substituted for section *six* of the State Attorney Act, 1957:

Substitution of section 6 of Act 56 of 1957.

6. (1) In every application, motion, action, suit or other legal proceedings of a civil nature in or in connection with which the State Attorney, or any person employed in the State Attorney’s office or a branch thereof and admitted and entitled to practise as aforesaid, has appeared, or in any matter wherein he or any such person has acted in the performance of any of the said functions, fees and costs may be taxed and recovered in the same manner as if such functions had been performed by a practitioner in private practice.

“Recovery of costs when work performed at State Attorney’s office.”

(2) Notwithstanding anything to the contrary in any law, such fees and costs shall in the case of any such application, motion, action, suit or other legal proceedings include the amount of any stamp duty and fee of office which would have been payable and borne by the Government of the Republic (including any administration referred to in sub-section (2) of section *three*) in respect of any document filed, lodged, registered or issued by the State Attorney or by any person employed in the State Attorney’s office or any branch thereof, if such document were not exempt from such duty or fee under the provisions of any law.

(3) Notwithstanding anything to the contrary in any law but subject to the provisions of sub-section (2), any document filed, lodged, registered or issued by the State Attorney or by any person employed in the State Attorney’s office or any branch thereof shall not be subject to stamp duty or any fee of office payable by means of stamps: Provided that any such duty or fee which would but for this sub-section be legally payable and borne otherwise

than by the Government of the Republic (including any administration referred to in sub-section (2) of section *three*), may be recovered from the person concerned by the State Attorney or by any person employed in the State Attorney's office or any branch thereof.

(4) Any duty, fees and costs recovered shall be paid into the Consolidated Revenue Fund."

37. Section *eight* of the State Attorney Act, 1957, is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 8 of Act 56 of 1957.

"(1)*bis* Notwithstanding anything to the contrary in any law, the provisions of sub-sections (2), (3) and (4) of section *six* shall *mutatis mutandis* apply in respect of any legal proceedings or matters in which any such attorney or other person has been so instructed and employed."

38. The State Attorney Act, 1957, is hereby amended by the substitution for the word "Union" wherever it occurs of the word "Republic". Substitution in Act 56 of 1957 for the word "Union" of the word "Republic".

39. Section *forty-three* of the Supreme Court Act, 1959, is hereby amended by the insertion after paragraph (g) of sub-section (3) of the following paragraph: Amendment of section 43 of Act 59 of 1959.

"(g)*bis* the tariff of court fees other than court fees in respect of the South-West Africa division;"

40. (1) The Second Schedule to the Supreme Court Act, 1959, is hereby amended by the substitution in the fourth column thereof for the expression "Paragraph XLVII" of the expression "Paragraph XLVIII". Amendment of Second Schedule to Act 59 of 1959.

(2) Sub-section (1) shall be deemed to have come into operation on the date of commencement of the said Act.

41. (1) Section *twenty-two* of the Housing Amendment Act, 1962, is hereby amended by the substitution for the proviso of the following proviso: Amendment of section 22 of Act 5 of 1962.

"Provided that sections *one* and *five*, paragraph (a) of section *seven* and sections *ten*, *thirteen* and *fifteen* shall be deemed to have come into operation on the third day of November, 1961."

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

42. (1) Section *thirty-three* of the Stamp Duties Act, 1962, is hereby repealed in so far as it relates to the Supreme Court of South Africa. Amendment of section 33 of Act 59 of 1962.

(2) Any regulation made under the said section prescribing court fees in respect of the Supreme Court of South Africa shall be deemed to be a rule made by the competent authority under the Supreme Court Act, 1959 (Act No. 59 of 1959).

43. Notwithstanding anything in any other law contained the Natives Resettlement Board established by section *two* of the Natives Resettlement Act, 1954 (Act No. 19 of 1954), shall, with the approval of the Minister of Bantu Administration and Development, have power in any area which is or becomes a specified area within the meaning of the definition of "specified area" in section *one* of that Act to undertake, on such terms and conditions as may be agreed upon by the parties concerned— Natives Resettlement Board may undertake work on behalf of statutory bodies.

(a) at the instance and on behalf of the Group Areas Development Board established by section *two* of the Group Areas Development Act, 1955 (Act No. 69 of 1955), any work which that Board is empowered in terms of section *twelve* of the last-mentioned Act to undertake;

(b) at the instance and on behalf of the National Housing Commission established by section *six* of the Housing Act, 1957 (Act No. 10 of 1957), any work which that Commission is empowered in terms of section *forty* of the last-mentioned Act to undertake.

44. (1) Notwithstanding anything to the contrary in any other law contained, any person who commits an offence by placing any placard, poster, writing, word, letter, sign, symbol, drawing or other mark on any property, whether movable or Penalties for defacement or disfigurement of property.

immovable, of any other person or of the State, and thereby defaces or disfigures such property, shall be liable on conviction to imprisonment for a period not exceeding six months in lieu of or in addition to any other penalty which may be imposed in respect of such an offence.

(2) If the court imposing upon a person over the age of eighteen years any penalty in respect of an offence referred to in sub-section (1), is satisfied that the property concerned belongs to some particular person or to the State and if the owner of such property does not apply under the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955) for compensation, the court shall, in addition to such penalty sentence the convicted person to a fine equal to the cost or estimated cost of restoration of such property less any such cost which may have been paid to such owner or imprisonment for a period not exceeding twelve months in default of payment of the fine and the convicted person shall serve such additional sentence of imprisonment after the expiration of any other sentence of imprisonment imposed upon him in respect of such offence except where the operation of such other sentence has been suspended in which case he shall commence to serve the additional sentence forthwith.

(3) Such fine may be recovered in the manner provided in section *three hundred and thirty-seven* of the said Act and any amount recovered shall be paid to the owner of the property defaced or disfigured.

(4) Notwithstanding anything to the contrary in any other law contained, a magistrate's court other than the court of a regional division shall have jurisdiction to impose summarily any sentence in respect of an offence referred to in sub-section (1) which the court of a regional division may impose.

45. This Act shall be called the General Law Further Amendment Act, 1962.