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DEPARTMENT OF THE PRIME MINISTER.

No. 757.] [26th May, 1965.

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

PAGE

No. 55 of 1965: Expropriation Act, 1965 2
No. 56 of 1965: Group Areas Amendment Act, 1965 24
No. 57 of 1965: War Measures Continuation Amendment Act, 1965 94
No. 58 of 1965: Financial Relations Further Amendment Act, 1965 42
No. 59 of 1965: Correspondence Colleges Act, 1965 .. 44
No. 60 of 1965: Marketing Amendment Act, 1965 .. 62
No. 61 of 1965: Indians Education Act, 1965 .. 64
No. 62 of 1965: Government Service Pensions Act, 1965 96

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 757.] [26 Mei 1965.

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

BLADSY

No. 55 van 1965: Onteieningswet, 1965 3
No. 56 van 1965: Wysigingswet op Groepsgebiede, 1965 25
No. 57 van 1965: Wysigingswet op die Voortsetting van Oorlogsmaatreëls, 1965 95
No. 58 van 1965: Verdere Wysigingswet op Finansiële Verhoudings, 1965 43
No. 59 van 1965: Wet op Korrespondensiekolleges, 1965 45
No. 60 van 1965: Wysigingswet op Bemarking, 1965 63
No. 61 van 1965: Wet op Onderwys vir Indiërs, 1965 65
No. 62 van 1965: Regeringsdienspensioenwet, 1965 .. 97

No. 55, 1965.]

ACT

To provide for the expropriation of land and other property for public purposes, to provide for matters incidental thereto, and to amend Act No. 18 of 1936, Act No. 29 of 1937, Act No. 13 of 1941, Act No. 25 of 1945, Act No. 45 of 1946, Act No. 39 of 1951, Act No. 61 of 1955, Act No. 21 of 1956, Act No. 44 of 1957, Act No. 40 of 1958, Act No. 44 of 1958, Act No. 45 of 1959, Act No. 42 of 1962 and Act No. 74 of 1962.

(*Afrikaans text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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) "date of notice" means the date on which a notice is in terms of sub-section (1) of section *four* delivered or posted to a person or is in terms of sub-section (4) of the said section published in the *Gazette*, and if a notice in respect of the same property is so delivered or posted and published, the date on which it is so published; (i)

(ii) "immovable property" includes a real right in or over land; (v)

(iii) "local authority" means an institution or body contemplated in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (vi)

(iv) "Minister" means the Minister of Lands and includes an Administrator; (iv)

(v) "owner" means, in relation to land or a registered right in or over land, the person in whose name such land or right is registered, and—

(*a*) if the owner of any property is deceased, the executor in his estate;

(*b*) if the estate of the owner of any property has been sequestrated, the trustee of his insolvent estate;

(*c*) if the owner of any property is a company which is being wound up, the liquidator thereof;

(*d*) if any property has vested in a liquidator or trustee elected or appointed in terms of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), that liquidator or trustee;

(*e*) if the owner of any property is otherwise under legal disability, his legal representative;

(*f*) in relation to a holding allotted, leased, sold or granted in terms of the Land Settlement Act, 1956 (Act No. 21 of 1956), the person to whom it has been so allotted, leased, sold or granted;

(*g*) if the owner of any property is absent from the Republic or his whereabouts are unknown, his authorized representative in the Republic; (ii)

(vi) "property" means both movable and immovable property. (iii)

No. 55, 1965.]

WET

Om voorsiening te maak vir die onteiening van grond en ander goed vir openbare doeleindes, om voorsiening te maak vir aangeleenthede wat daarmee in verband staan, en tot wysiging van Wet No. 18 van 1936, Wet No. 29 van 1937, Wet No. 13 van 1941, Wet No. 25 van 1945, Wet No. 45 van 1946, Wet No. 39 van 1951, Wet No. 61 van 1955, Wet No. 21 van 1956, Wet No. 44 van 1957, Wet No. 40 van 1958, Wet No. 44 van 1958, Wet No. 45 van 1959, Wet No. 42 van 1962 en Wet No. 74 van 1962.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

Woordomskrywing.

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

(i) „datum van kennisgewing" die datum waarop 'n kennisgewing ingevolge sub-artikel (1) van artikel *vier* aan iemand afgelewer of gepos of ingevolge sub-artikel (4) van genoemde artikel in die *Staatskoerant* gepubliseer word, en indien 'n kennisgewing ten opsigte van dieselfde goed aldus afgelewer of gepos en gepubliseer word, die datum waarop dit aldus gepubliseer word; (i)

(ii) „eienaar", met betrekking tot grond of 'n geregistreerde reg in of oor grond, die persoon op wie se naam dié grond of reg geregistreer is, en—

(*a*) indien die eienaar van enige goed oorlede is, die eksekuteur van sy boedel;

(*b*) indien die boedel van die eienaar van enige goed gesekwestreer is, die kurator van sy insolvente boedel;

(*c*) indien die eienaar van enige goed 'n maatskappy is wat gelikwideer word, die likwidateur daarvan;

(*d*) indien enige goed oorgegaan het op 'n beredderaar of kurator gekies of aangestel ingevolge die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), daardie beredderaar of kurator;

(*e*) indien die handelingsbevoegdheid van die eienaar van enige goed andersins beperk is, sy verteenwoordiger in regte;

(*f*) met betrekking tot 'n hoewe wat ingevolge die Nedersettingswet, 1956 (Wet No. 21 van 1956), toegeken, verhuur, verkoop of uitgegee is, die persoon aan wie dit aldus toegeken, verhuur, verkoop of uitgegee is;

(*g*) indien die eienaar van enige goed uit die Republiek afwesig is of dit nie bekend is waar hy hom bevind nie, sy gevolmagtigde verteenwoordiger in die Republiek; (v)

(iii) „goed" roerende sowel as onroerende goed; (vi)

(iv) „Minister" die Minister van Lande en ook 'n Administrateur; (iv)

(v) „onroerende goed" ook 'n saaklike reg in of oor grond; (ii)

(vi) „plaaslike bestuur" 'n instelling of liggaam beoog in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961). (iii)

Powers of Minister to expropriate, or to take the right to use, property for public purposes.

2. (1) Subject to the provisions of this Act the Minister may, subject to an obligation to pay compensation, expropriate, or take the right to use temporarily, any property for public purposes.

(2) The Minister may not, except with the concurrence of the Minister of Mines, so expropriate, or so take the right to use, any land which, in terms of any law relating to mining, is or is deemed to be proclaimed land, or which forms part of any such land, or upon which prospecting, digging or mining operations are being carried on, or in respect of which a prospecting contract or a prospecting licence is registered in the office of the Registrar of Mining Titles, or on which, in the opinion of the Minister of Mines, minerals exist in workable and payable quantities.

(3) The Minister may not, except with the concurrence of the Minister of Coloured Affairs, so expropriate, or so take the right to use, any land in an area to which the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), applies.

Exploring of land for purposes of expropriation or taking of right to use temporarily.

3. (1) If any land or the temporary use of any land is required for public purposes, the Minister may—

(*a*) for the purpose of ascertaining whether any particular land is suitable for the purposes or the use contemplated, authorize any person to—

(i) enter upon that land with the necessary workmen, equipment and vehicles;

(ii) survey and take levels of that land;

(iii) dig or bore on or into that land;

(iv) construct and maintain a measuring weir in any river or stream;

(v) in so far as it may be necessary to gain access to that land, enter upon and go across any other land with the necessary workmen, equipment and vehicles;

(vi) do any other act which may be necessary to enable him to come to a decision thereon;

(*b*) authorize any person to demarcate the boundaries of any land required for the said purposes or use:

Provided that no such person shall, without the consent of the owner or occupier, enter any building or enter upon any enclosed yard or garden attached to any building, unless he has given the owner or occupier at least twenty-four hours' notice of his intention to do so.

(2) If any person has suffered any damage as a result of the exercise of any power conferred in terms of sub-section (1), the Minister shall pay compensation for any such damage.

(3) The amount of such compensation shall, in the absence of agreement, be determined by the court, and the provisions of sections *seven*, *nine* and *ten* shall *mutatis mutandis* apply in connection with the determination of such amount.

Notification that property is to be expropriated or is to be used temporarily.

4. (1) If the Minister has decided to expropriate, or to take the right to use temporarily, any property in terms of the provisions of section *two*, he shall, subject to the provisions of sub-section (4) of this section, cause to be served upon the owner in question an appropriate notice by having it delivered or sent by registered post to him.

(2) If the property to be expropriated or used is land, the Minister shall, subject to the provisions of sub-section (4), cause a copy of such notice to be so served upon every person who, according to the title deed of that land or the registers of the Registrar of Mining Titles or of any other Government office in which rights granted in terms of any law relating to prospecting or mining are recorded, has any interest in that land, and, if such land is situated within the area of a local authority, upon such local authority.

(3) Such notice shall contain a clear and full description of the property in question or, if a right to use property is being taken, of such right, shall, subject to the provisions of sub-sections (5) and (6), state the date on which the expropriation shall take effect or, as the case may be, the date as from which the property will be used as well as the period during which it will be used, and shall either state the amount offered as compensation for the property or the use thereof, and require the owner to notify the Minister in writing within thirty days whether he accepts

2. (1) Behoudens die bepalings van hierdie Wet kan die Minister, onderworpe aan 'n verpligting om vergoeding te betaal, enige goed vir openbare doeleindes onteien of die reg neem om enige goed vir openbare doeleindes tydelik te gebruik.

Bevoegdheid van Minister om goed vir openbare doeleindes te onteien of om die reg te neem om goed vir openbare doeleindes te gebruik.

(2) Die Minister kan nie grond wat ingevolge 'n wet op mynbou geproklameerde grond is of geag word geproklameerde grond te wees of wat deel van sodanige grond uitmaak, of waarop geprospekteer of gedelf of mynbouwerksaamhede uitgeoefen word, of ten opsigte waarvan 'n prospekteerkontrak of -lisensie in die kantoor van die Registrateur van Mynbriewe geregistreer is, of waarop daar, volgens die oordeel van die Minister van Mynwese, minerale in ontginbare en lonende hoeveelhede voorkom, aldus onteien of die reg om sodanige grond te gebruik aldus neem nie, behalwe met die instemming van die Minister van Mynwese.

(3) Die Minister kan nie grond in 'n gebied waarop die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), van toepassing is, aldus onteien of die reg om sodanige grond te gebruik aldus neem nie, behalwe met die instemming van die Minister van Kleurlingsake.

3. (1) Indien grond of die tydelike gebruik van grond vir openbare doeleindes benodig is, kan die Minister—

Ondersoek van grond vir doeleindes van onteiening of neem van reg op tydelike gebruik.

(*a*) ten einde vas te stel of enige bepaalde grond vir die beoogde doeleindes of gebruik geskik is, iemand magtig om—

(i) daardie grond met die nodige werksmense, toerusting en voertuie te betree;

(ii) daardie grond op te meet en die hoogtes daarvan te bepaal;

(iii) op of in daardie grond te grawe of te boor;

(iv) 'n meetdam in enige rivier of stroom te bou en in stand te hou;

(v) vir sover dit nodig is om toegang tot daardie grond te verkry, met die nodige werksmense, toerusting en voertuie enige ander grond te betree en daaroor te gaan;

(vi) enige ander handeling te verrig wat nodig is om hom in staat te stel om tot 'n besluit daaroor te geraak;

(*b*) iemand magtig om die grense van enige grond wat vir genoemde doeleindes of gebruik benodig is, af te baken:

Met dien verstande dat so iemand nie sonder die toestemming van die eienaar of bewoner, 'n gebou mag binnegaan of 'n afgekampte werf of tuin aan 'n gebou verbonde, mag betree nie, tensy hy die eienaar of bewoner minstens vier-en-twintig uur kennis gegee het van sy voorneme om dit te doen.

(2) Indien iemand skade gely het as gevolg van die uitoefening van 'n bevoegdheid ingevolge sub-artikel (1) verleen, moet die Minister vergoeding vir sodanige skade betaal.

(3) Die bedrag van sodanige vergoeding word by ontstentenis van ooreenkoms deur die hof bepaal, en die bepalings van artikels *sewe*, *nege* en *tien* is *mutatis mutandis* van toepassing in verband met die bepaling van sodanige bedrag.

4. (1) Indien die Minister besluit het om ingevolge die bepalings van artikel *twee* enige goed te onteien of die reg te neem om goed tydelik te gebruik, moet hy, behoudens die bepalings van sub-artikel (4) van hierdie artikel, aan die betrokke eienaar 'n gepaste kennisgewing laat bestel deur dit aan hom te laat oorhandig of per aangetekende pos aan hom te laat stuur.

Kennisgewing dat goed onteien of tydelik gebruik gaan word.

(2) Indien die goed wat onteien of gebruik gaan word, grond is, moet die Minister, behoudens die bepalings van sub-artikel (4), 'n afskrif van sodanige kennisgewing aldus laat bestel aan iedereen wat, volgens die titelbewys van dié grond of die registers van die Registrateur van Mynbriewe of van enige ander Staatskantoor waar regte aangeteken word wat toegestaan is ingevolge 'n wet op prospekteer- of mynbouwerksaamhede, enige belang in daardie grond het, en, indien die grond binne die gebied van 'n plaaslike bestuur geleë is, aan dié plaaslike bestuur.

(3) Sodanige kennisgewing moet 'n duidelike en volledige beskrywing bevat van die betrokke goed of, indien 'n reg om goed te gebruik geneem word, van dié reg, moet, met inagneming van die bepalings van sub-artikels (5) en (6), die datum vermeld waarop die onteiening van krag word of, na gelang van die geval, die datum vermeld vanaf wanneer die goed gebruik sal word, sowel as die tydperk waarin dit gebruik sal word, en moet òf die bedrag vermeld wat as vergoeding vir die goed of die gebruik daarvan aangebied word, en die eienaar aansê om die Minister binne dertig dae skriftelik in kennis te

that amount, or require the owner to notify the Minister in writing within thirty days of the amount claimed by him as such compensation.

(4) If the whereabouts of the owner or of every owner of the property in question or of a person referred to in sub-section (2) is not readily ascertainable by the Minister, or, if by reason of the number of owners or persons having such an interest, as is contemplated in the said sub-section, in that property, the Minister is satisfied that service of a notice in accordance with sub-section (1) or (2) is not practicable, or if the property is subject to a *fideicommissum* and it is not known to him who all the fideicommissaries are or will be, he shall cause to be published once in the *Gazette* and once a week during two consecutive weeks in an Afrikaans and in an English newspaper circulating in the district in which the property in question is or is situated, a notice complying with the provisions of sub-section (3).

(5) Except where property is, in the opinion of the Minister, urgently required, at least sixty days shall lapse between the date of notice and the date contemplated in sub-section (3).

(6) If the Minister has caused a notice to be served in terms of sub-section (1) or to be published in terms of sub-section (4), he may, subject to the provisions of sub-sections (2) and (5), advance the date stated in such notice by causing to be served or published, as the case may be, a notice to that effect in accordance with sub-section (1) or (4), and such advanced date shall for all purposes be deemed to be the date stated in terms of sub-section (3) in the first-mentioned notice.

Passing of ownership in expropriated property and exercise of right to use property.

5. (1) If any property is expropriated in terms of section *two* the ownership in such property shall, on the date stated in the notice in question, vest in the State, released from all mortgage bonds, if any, and the State may on such date enter upon or take possession of and use as from that date such property, but if such property is land, it shall remain subject to all registered real rights (except mortgage bonds), in favour of third parties, with which it was burdened immediately prior to the said date, unless and until such rights have been expropriated from the owner thereof in accordance with the provisions of section *two*.

(2) If the Minister has in terms of section *two* taken the right to use any property for any purpose, the State may, as from the date stated in the notice in question, exercise that right.

Duties of owner of, and of holder of mortgage bond over, property expropriated, and of owner of property which is to be used by State.

6. (1) An owner whose property has been expropriated in terms of section *two* shall within thirty days (or such longer period as the Minister may in writing allow) from the date of notice in question deliver or cause to be delivered to the Minister—

(*a*) a written statement indicating—

(i) if any compensation was offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation; or

(ii) if no such compensation was offered, the amount claimed by him as compensation;

(*b*) if such property is immovable property, his title deed thereof, if it is in his possession or under his control;

(*c*) if such title deed is not in his possession or under his control, written particulars of the name and address of the person in whose possession or under whose control it is.

(2) The Minister may by written notice require any person contemplated in paragraph (*c*) of sub-section (1) to deliver or cause to be delivered to him within the period stated in the notice, the title deed in question.

(3) The provisions of paragraph (*a*) of sub-section (1) of this section shall *mutatis mutandis* apply in respect of the taking, in terms of section *two*, of a right to use any property for public purposes.

(4) Any person who—

(*a*) fails to comply with the provisions of paragraph (*b*) or (*c*) of sub-section (1);

(*b*) fails to comply with the provisions of a notice under sub-section (2); or

(*c*) wilfully furnishes false particulars in any written instrument which he is in terms of paragraph (*c*) of sub-section (1) required to deliver or cause to be delivered to the Minister,

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 six months or to both such fine and such imprisonment.

stel of hy dié bedrag aanneem, òf die eienaar aansê om die Minister binne dertig dae skriftelik in kennis te stel wat die bedrag is wat hy as sodanige vergoeding eis.

(4) Indien die Minister nie die verblyfplek van die eienaar of van iedere eienaar van die betrokke goed of van iemand in sub-artikel (2) vermeld, geredelik kan vasstel nie, of indien hy, vanweë die aantal eienaars of persone wat 'n belang, in genoemde sub-artikel beoog, in dié goed het, oortuig is dat die bestelling van 'n kennisgewing volgens voorskrif van sub-artikel (1) of (2) nie doenlik is nie, of indien die goed aan 'n fideikommis onderhewig is en die Minister nie weet wie almal fideikommissêre erfgename is of gaan wees nie, moet hy een maal in die *Staatskoerant* en een maal per week vir twee agtereenvolgende weke in 'n Afrikaanse en 'n Engelse nuusblad wat in omloop is in die distrik waarin die betrokke goed is of geleë is, 'n kennisgewing wat aan die bepalings van sub-artikel (3) voldoen, laat publiseer.

(5) Behalwe wanneer goed volgens die oordeel van die Minister dringend benodig is, moet daar minstens sestig dae verloop tussen die datum van kennisgewing en die datum in sub-artikel (3) beoog.

(6) Indien die Minister 'n kennisgewing ingevolge sub-artikel (1) laat bestel of ingevolge sub-artikel (4) laat publiseer het, kan hy, behoudens die bepalings van sub-artikels (2) en (5), die datum vermeld in dié kennisgewing vervroeg deur 'n kennisgewing in dier voege te laat bestel of te laat publiseer, na gelang van die geval, volgens voorskrif van sub-artikel (1) of (4), en sodanige vervroegde datum word vir alle doeleindes geag die datum te wees wat ingevolge sub-artikel (3) in eersgenoemde kennisgewing vermeld is.

Oorgang van eiendomsreg op onteiende goed en uitoefening van reg om goed te gebruik.

5. (1) Indien goed ingevolge artikel *twee* onteien word, gaan die eindomsreg op dié goed, op die datum vermeld in die betrokke kennisgewing, op die Staat oor, bevry van alle verbande, as daar is, en kan die Staat die goed op dié datum betree of in besit neem en vanaf dié datum gebruik, maar indien sodanige goed grond is, bly dit onderworpe aan alle geregistreerde saaklike regte (uitgesonderd verbande) ten gunste van derdes waarmee dit onmiddellik vóór genoemde datum beswaar was, tensy en totdat sodanige regte ooreenkomstig die bepalings van artikel *twee* van die eienaar daarvan onteien is.

(2) Indien die Minister ingevolge artikel *twee* die reg om goed vir die een of ander doel te gebruik, geneem het, kan die Staat vanaf die datum in die betrokke kennisgewing vermeld, daardie reg uitoefen.

Pligte van eienaar van en van houer van verband oor goed wat onteien is, en van eienaar van goed wat deur Staat gebruik gaan word.

6. (1) 'n Eienaar wie se goed ingevolge artikel *twee* onteien is, moet binne dertig dae (of die langer tydperk wat die Minister skriftelik toelaat) vanaf die betrokke datum van kennisgewing aan die Minister lewer of laat lewer—

(*a*) 'n skriftelike verklaring waarin aangedui word—

(i) indien vergoeding vir dié goed aangebied is, of hy daardie vergoeding aanneem of nie en, indien hy dit nie aanneem nie, wat die bedrag is wat hy as vergoeding eis; of

(ii) indien geen sodanige vergoeding aangebied is nie, wat die bedrag is wat hy as vergoeding eis;

(*b*) indien dié goed onroerende goed is, sy titelbewys daarvan, indien dit in sy besit of onder sy beheer is;

(*c*) indien sodanige titelbewys nie in sy besit of onder sy beheer is nie, skriftelike besonderhede van die naam en adres van die persoon in wie se besit of onder wie se beheer dit is.

(2) Die Minister kan iemand beoog in paragraaf (*c*) van sub-artikel (1) by skriftelike kennisgewing aansê om binne die tydperk in die kennisgewing vermeld, die betrokke titelbewys aan hom te lewer of te laat lewer.

(3) Die bepalings van paragraaf (*a*) van sub-artikel (1) van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van die neem, ingevolge artikel *twee*, van 'n reg om goed vir openbare doeleindes te gebruik.

(4) Iemand wat—

(*a*) versuim om te voldoen aan die bepalings van paragraaf (*b*) of (*c*) van sub-artikel (1);

(*b*) versuim om te voldoen aan die bepalings van 'n kennisgewing kragtens sub-artikel (2); of

(*c*) opsetlik valse besonderhede verstrek in 'n skriftelike stuk wat hy ingevolge paragraaf (*c*) van sub-artikel (1) aan die Minister moet lewer of laat lewer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Determination of compensation in absence of agreement.

7. (1) In the absence of agreement the compensation to be paid by the State for property expropriated by the Minister, or for a right to use any property taken by the Minister, shall on the application of any party in question be determined by the magistrate's court of the district in which the property in question is or is situated, if the amount of compensation offered, or if no offer was made, the amount of compensation claimed, is less than three thousand rand, or by the provincial or local division of the Supreme Court of South Africa in whose area of jurisdiction the property in question is or is situated, if the amount offered or so claimed is three thousand rand or more.

(2) If the Minister has offered compensation and no such application is filed with the proper court by the owner in question within six months (or such longer period as the Minister may determine) from the date of notice, such owner shall be deemed to have accepted the compensation offered.

(3) In any proceeding in terms of sub-section (1) the magistrate or judge, as the case may be, may invoke the assistance of not more than two persons who are skilled and experienced in the matter and are prepared to sit as assessors in an advisory capacity.

(4) Any such assessor shall receive remuneration at the rate applicable in respect of assessors in a magistrate's court or a superior court, as the case may be.

Basis on which compensation is to be determined.

8. (1) The amount of the compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not exceed—

(*a*) in the case of any property other than a right, the aggregate of—

(i) the amount which the property would have realized if sold on the date of notice in the open market by a willing seller to a willing buyer; and

(ii) an amount to make good any actual financial loss or inconvenience caused by the expropriation; and

(*b*) in the case of a right, an amount to make good any actual financial loss or inconvenience caused by the expropriation or the taking of the right.

(2) Interest at a rate determined from time to time by the Minister after consultation with the Minister of Finance shall, with effect from the date referred to in sub-section (3) of section *four* or, in a case contemplated in sub-section (4) of section *twelve*, from the date of the settlement of the dispute or the resolution of the doubt, but subject to the provisions of sub-section (3) of this section, be paid on any outstanding amount payable as compensation in terms of this Act.

(3) If the owner of property which has been expropriated is permitted and agrees to occupy or utilize that property or any portion thereof on such conditions as the Minister may determine, no interest shall in terms of sub-section (2) be paid on so much of the outstanding amount as, in the opinion of the Minister, relates to the property so occupied or utilized.

(4) In determining the amount of the compensation to be paid in terms of this Act the following rules shall apply in so far as they may be relevant:

(*a*) No allowance shall be made for the fact that the property or the right to use the property has been taken without the consent of the owner in question;

(*b*) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose in the open market or that the right to use the property for that purpose would have been so purchased;

(*c*) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful or detrimental to the health of a person living thereon or utilizing it, or to the public health, such enhancement shall not be taken into account;

(*d*) improvements made after the date of notice on or to the property in question (except where they were necessary for the proper maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;

(*e*) no allowance shall be made for any unregistered right in respect of any other property, or any indirect

7. (1) By ontstentenis van ooreenkoms word die vergoeding wat die Staat moet betaal vir goed wat deur die Minister onteien is of vir 'n reg om goed te gebruik wat deur die Minister geneem is, op aansoek van enige betrokke party vasgestel deur die landdroshof van die distrik waarin die betrokke goed is of geleë is, indien die bedrag van die vergoeding wat aangebied is, of indien geen aanbod gedoen is nie, die bedrag van die vergoeding wat geëis word, minder as drieduisend rand is, of deur die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika in die regsgebied waarvan die betrokke goed is of geleë is, indien die bedrag wat aangebied is of aldus geëis word, drieduisend rand of meer bedra. Vasstelling van vergoeding by ontstentenis van ooreenkoms.

(2) Indien die Minister vergoeding aangebied het en so 'n aansoek nie binne ses maande (of die langer tydperk wat die Minister bepaal) vanaf die datum van kennisgewing by die gepaste hof deur die betrokke eienaar ingedien word nie, word dié eienaar geag die aangebode vergoeding te aanvaar het.

(3) In 'n geding ingevolge sub-artikel (1) kan die landdros of regter, na gelang van die geval, die hulp inroep van hoogstens twee persone wat in die saak kundig en ervare is en bereid is om as assessors in 'n raadgewende hoedanigheid sitting te neem.

(4) So 'n assessor ontvang besoldiging teen die skaal van toepassing ten opsigte van assessore in 'n landdroshof of hooggeregshof, na gelang van die geval.

8. (1) Die bedrag van die vergoeding wat ingevolge hierdie Wet aan 'n eienaar betaal moet word ten opsigte van goed wat ingevolge hierdie Wet onteien is, of ten opsigte van die neem, ingevolge hierdie Wet, van 'n reg om goed te gebruik, mag nie meer beloop nie as— Grondslag waarop vergoeding bereken moet word.

(*a*) in die geval van ander goed as 'n reg, die som van—

(i) die bedrag wat vir die goed verkry sou geword het indien dit op die datum van kennisgewing op die ope mark deur 'n gewillige verkoper aan 'n gewillige koper verkoop was; en

(ii) 'n bedrag om enige werklike geldelike verlies of ongerief wat deur die onteiening veroorsaak word, te vergoed; en

(*b*) in die geval van 'n reg, 'n bedrag om enige werklike geldelike verlies of ongerief wat deur die onteiening of die neem van die reg veroorsaak word, te vergoed.

(2) Rente teen 'n koers wat van tyd tot tyd deur die Minister na oorlegpleging met die Minister van Finansies bepaal word, moet met ingang van die datum bedoel in sub-artikel (3) van artikel *vier*, of, in 'n geval beoog in sub-artikel (4) van artikel *twaalf*, van die datum van beslegting van die geskil of verdwyning van die twyfel, maar behoudens die bepalings van sub-artikel (3) van hierdie artikel, betaal word op enige uitstaande bedrag wat ingevolge hierdie Wet as vergoeding betaalbaar is.

(3) Indien die eienaar van goed wat onteien is, toegelaat word en instem om op die voorwaardes deur die Minister bepaal, daardie goed of enige gedeelte daarvan te okkupeer of te benut, word geen rente ingevolge sub-artikel (2) betaal nie op soveel van die uitstaande bedrag as wat, volgens die oordeel van die Minister, betrekking het op die goed wat aldus geokkupeer of benut word.

(4) By die vasstelling van die bedrag van die vergoeding wat ingevolge hierdie Wet betaal moet word, geld die volgende reëls vir sover hulle ter sake is:

(*a*) Die feit dat die goed of die reg op die gebruik van goed sonder die toestemming van die betrokke eienaar geneem is, word buite rekening gelaat;

(*b*) die besondere geskiktheid of bruikbaarheid van die betrokke goed vir die doel waarvoor dit deur die Staat benodig is, word nie in aanmerking geneem nie, indien dit onwaarskynlik is dat die goed vir daardie doel, of die reg om die goed vir daardie doel te gebruik, op die ope mark gekoop sou geword het;

(*c*) indien die waarde van die goed verhoog is ten gevolge van die gebruik daarvan op 'n wyse wat onwettig is of skadelik is vir die gesondheid van iemand wat daarop woon of dit benut, of vir die openbare gesondheid, word geen rekening met sodanige verhoging gehou nie;

(*d*) verbeterings wat na die datum van kennisgewing op of aan die betrokke goed aangebring is (behalwe waar dit nodig was om bestaande verbeterings behoorlik in stand te hou of waar dit onderneem is ingevolge verpligtings wat vóór genoemde datum aangegaan is), word nie in aanmerking geneem nie;

(*e*) 'n ongeregistreerde reg ten opsigte van ander goed, of indirekte skade of winsderwing of enigiets wat gedoen

damage or loss of profit or anything done with the object of obtaining compensation therefor;

(*f*) any enhancement, before or after the date of notice, in the value of the goods in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequence of any work or act which the State may carry out or perform or intends to carry out or perform in connection with such purpose, shall not be taken into account;

(*g*) account shall be taken of—

(i) the cost of any works which the State may have constructed or undertaken to construct for the benefit of the person to be compensated, with a view to mitigating his damage;

(ii) any benefit which will enure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken.

Procedure.

9. (1) Proceedings contemplated in sub-section (1) of section *seven* shall be instituted and conducted by way of action.

(2) The law of procedure applicable in civil proceedings in the court in which such proceedings are conducted shall, subject to the provisions of this Act and any regulations made thereunder, apply *mutatis mutandis* in respect of such proceedings, and any award of compensation shall be regarded as if it were a civil judgment of that court.

Costs.

10. (1) Costs in any proceedings contemplated in sub-section (1) of section *seven* shall be calculated in accordance with the table of costs applicable in the court in question.

(2) If the compensation awarded by the court in any such proceedings—

(*a*) is equal to or exceeds the amount last claimed by the owner in question before the commencement of the proceedings, costs shall be awarded against the Minister;

(*b*) is equal to or less than the amount last offered by the Minister before the commencement of the proceedings, costs shall be awarded against the owner in question; or

(*c*) is less than the amount last so claimed by the owner in question, but exceeds the amount last so offered by the Minister, so much of the costs of the owner shall be awarded against the Minister as bears to such costs the same proportion as the difference between the compensation so awarded and the amount so offered bears to the difference between the amount so offered and the amount so claimed.

(3) In any case not referred to in sub-section (2) the court shall in its discretion decide as to costs.

(4) The liability for costs and taxation fees of a party to be compensated shall be a first charge against the money which, in terms of the order of court, is to be paid to him, and that money shall be applied as far as it may be required towards the payment of those costs and fees.

Discharge of debt secured by mortgage bond over land.

11. (1) If any land expropriated in terms of this Act was encumbered by a registered mortgage bond immediately prior to such expropriation, the Minister shall not pay out any portion of the compensation money in question, except to such person and on such terms as may have been agreed upon between the owner of that land and the mortgagee and as the Minister may have been notified of in writing by them.

(2) If the owner and mortgagee in question cannot so come to an agreement as to the payment of the compensation money, the Minister may, after written notice to such owner and mortgagee, apply to the court which would, in terms of sub-section (1) of section *seven*, have been competent to determine a dispute with regard to the compensation payable by the Minister in respect of the expropriation, for directions as to disposal of the compensation money, and the court may make such order on the application as it may deem fit.

(3) The court may order the costs incurred by the State in connection with such application to be paid by the owner or the mortgagee, or by them jointly, in such proportion as it may deem fit, and any amount so becoming payable by either of

is met die oogmerk om vergoeding daarvoor te verkry, word buite rekening gelaat;

(*f*) enige verhoging vóór of ná die datum van kennisgewing in die waarde van die betrokke goed wat toe te skryf is aan die doel waarvoor of in verband waarmee die goed onteien of gebruik gaan word, of wat die gevolg is van enige werk of handeling wat die Staat in verband met sodanige doel uitvoer of verrig of voornemens is om uit te voer of te verrig, word nie in aanmerking geneem nie;

(*g*) rekening word gehou met—

(i) die koste van enige werke wat die Staat gebou het of onderneem het om te bou ten bate van die persoon wat vergoed moet word, met die oog op vermindering van sy skade;

(ii) enige voordeel wat deur sodanige persoon behaal sal word as gevolg van die onteiening van die goed of die gebruik daarvan vir die doel waarvoor dit onteien is of, na gelang van die geval, die betrokke reg geneem is.

Prosedure.

9. (1) 'n Geding beoog in sub-artikel (1) van artikel *sewe* word by wyse van aksie ingestel en gevoer.

(2) Die prosesreg wat geld in siviele gedinge in die hof waarin so 'n geding gevoer word, geld, *mutatis mutandis* en behoudens die bepalings van hierdie Wet en enige regulasies daarkragtens uitgevaardig, ten opsigte van so 'n geding, en 'n toekenning van vergoeding word beskou asof dit 'n siviele vonnis van daardie hof was.

Koste.

10. (1) Koste in 'n geding beoog in sub-artikel (1) van artikel *sewe* word bereken volgens die tabel van koste van toepassing in die betrokke hof.

(2) Indien die vergoeding wat in so 'n geding deur die hof toegeken word—

(*a*) gelyk is aan of meer is as die bedrag wat deur die betrokke eienaar laas vóór die aanvang van die geding geëis is, word koste teen die Minister toegeken;

(*b*) gelyk is aan of minder is as die bedrag wat deur die Minister laas vóór die aanvang van die geding aangebied is, word koste teen die betrokke eienaar toegeken;

(*c*) minder is as die bedrag wat laas deur die betrokke eienaar aldus geëis is, maar meer is as die bedrag wat laas deur die Minister aldus aangebied is, word soveel van die koste van die eienaar teen die Minister toegeken as wat tot sodanige koste in dieselfde verhouding staan as wat die verskil tussen die vergoeding aldus toegeken en die bedrag aldus aangebied, staan tot die verskil tussen die bedrag aldus aangebied en die bedrag aldus geëis.

(3) In enige geval nie in sub-artikel (2) vermeld nie, beslis die hof na goeddunke oor koste.

(4) Die aanspreeklikheid van 'n party wat vergoed moet word, vir koste en taksasiegelde is 'n preferente vordering teen die geld wat ingevolge die hofbevel aan hom betaal moet word, en daardie geld word vir sover nodig ter vereffening van daardie koste en gelde aangewend.

Delging van skuld verseker deur verband oor grond.

11. (1) Indien grond wat ingevolge hierdie Wet onteien is, onmiddellik vóór die onteiening met 'n geregistreerde verband beswaar was, mag die Minister geen gedeelte van die betrokke vergoedingsgeld uitbetaal nie, behalwe aan die persoon op wie, en op die voorwaardes waarop, tussen die eienaar van daardie grond en die verbandhouer ooreengekom is en van wie en waarvan hulle die Minister skriftelik in kennis gestel het.

(2) Indien die betrokke eienaar en verbandhouer nie aldus oor die uitbetaling van die vergoedingsgeld kan ooreenkom nie, kan die Minister, ná skriftelike kennisgewing aan dié eienaar en verbandhouer, aansoek doen by die hof wat ingevolge sub-artikel (1) van artikel *sewe* bevoeg sou gewees het om 'n geskil met betrekking tot die vergoeding betaalbaar deur die Minister ten opsigte van die onteiening te besleg, om 'n opdrag omtrent hoe daar oor die vergoedingsgeld beskik moet word, en dié hof kan aan die hand van die aansoek die bevel uitreik wat hy goedvind.

(3) Die hof kan beveel dat die koste wat deur die Staat in verband met die aansoek aangegaan is, betaal word deur die eienaar of die verbandhouer of deur hulle gesamentlik in die verhouding wat die hof goedvind, en enige bedrag wat aldus deur enigeen van hulle betaalbaar word, maak 'n preferente

them shall form a first charge against any portion of the compensation money which, in terms of the order of the court, is to be paid to him.

(4) Any order made by a court in terms of this section shall be deemed to be an order made in civil proceedings.

Payment of compensation money to Master, and retention thereof by Minister, in certain cases.

12. (1) If property expropriated under this Act was burdened with a *fideicommissum* or if compensation is payable in terms of this Act to a person whose place of residence is not known, the Minister may pay the amount of the compensation payable in terms of this Act to the Master of the Supreme Court appointed for the area in which the property is or is situated, and after such payment the Minister shall cease to be liable in respect of that amount.

(2) Any moneys received by the Master in terms of sub-section (1) shall—

(*a*) if the property in question was burdened with a *fideicommissum*, *mutatis mutandis* be subject to all the terms and conditions contained in the will or other instrument by which such *fideicommissum* was constituted; and

(*b*) subject to the provisions of paragraph (*a*), be paid into the Guardian's Fund referred to in section *ninety-one* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), for the benefit of the persons who are or may become entitled thereto, and bear interest at a rate determined from time to time by the Minister of Finance.

(3) The provisions of sub-sections (1) and (2) shall not affect the jurisdiction of any court to make an order in respect of any such moneys.

(4) In the event of a dispute or doubt as to the person who is to receive any compensation payable in terms of this Act, or in the event of the issue of an interdict in respect of the payment of any such compensation, the Minister shall retain the amount of such compensation until the dispute has been settled or the doubt has been resolved.

Termination of unregistered rights in respect of expropriated land.

13. If a notice in terms of sub-section (1) or (4) of section *four* relates to the expropriation of any land, all rights in respect of such land not registered against the title deed thereof or in any office referred to in sub-section (2) of the said section, shall terminate on the date referred to in sub-section (1) of section *five*, and the State shall not be obliged to pay any compensation for such rights.

Assignment of powers and duties.

14. The Minister may either generally or in relation to particular property or in any particular case assign to an officer in the employment of the State any power or duty conferred or imposed on him by or in terms of this Act.

Conferring by an Administrator on a local authority of the same powers that he has in terms of this Act in relation to land.

15. An Administrator may either generally or in relation to particular land or in a particular case confer on a local authority in the province in question which is by ordinance empowered to expropriate land, any such power as he has in terms of this Act in relation to land or any right in, over or in respect of land, other than the power conferred upon him by section *fourteen*, and in the exercise of such power by such local authority the provisions of this Act shall apply and any reference therein to the Minister and the State shall be construed as a reference to such local authority.

Regulations.

16. The State President may make such regulations as he may deem necessary or expedient for achieving the objects and purposes of this Act.

Application of Act.

17. (1) The provisions of this Act shall not be construed as if they substituted any law relating to expropriation, and any such law shall, notwithstanding those provisions, remain of full force and effect.

(2) The fact that any such law makes provision for the expropriation of any property or any right or interest in or over any property shall, subject to the provisions of sub-section (3), not be a bar to such property, right or interest being expropriated in terms of the provisions of this Act.

(3) Any purpose for which the South African Railways and Harbours Administration requires or intends to use any property, shall for the purpose of this Act not be regarded as a public purpose.

vordering uit teen enige gedeelte van die vergoedingsgeld wat ingevolge die bevel van die hof aan hom betaal moet word.

(4) Enige bevel deur 'n hof ingevolge hierdie artikel uitgereik, word geag 'n bevel te wees wat in 'n siviele geding uitgereik is.

Inbetaling van vergoedingsgeld by Meester, en terughouding daarvan deur Minister, in sekere gevalle.

12. (1) Indien goed wat kragtens hierdie Wet onteien is, met 'n fideikommis belas was, of indien vergoeding ingevolge hierdie Wet betaalbaar is aan iemand wie se verblyfplek onbekend is, kan die Minister die bedrag van die vergoeding wat ingevolge hierdie Wet betaalbaar is, inbetaal by die Meester van die Hooggeregshof wat aangestel is vir die gebied waarin die goed is of geleë is, en ná sodanige inbetaling is die Minister nie verder ten opsigte van daardie bedrag aanspreeklik nie.

(2) Geld wat ingevolge sub-artikel (1) deur 'n Meester ontvang word—

(*a*) is, indien die betrokke goed met 'n fideikommis belas was, *mutatis mutandis* onderworpe aan al die bepalings en voorwaardes wat vervat is in die testament of ander geskrif waardeur dié fideikommis geskep is; en

(*b*) word, behoudens die bepalings van paragraaf (*a*), ten voordele van die persone wat daarop geregtig is of word, in die Voogdyfonds vermeld in artikel *een-en-negentig* van die Boedelwet, 1913 (Wet No. 24 van 1913), gestort, en dra rente teen 'n koers wat die Minister van Finansies van tyd tot tyd bepaal.

(3) Die bepalings van sub-artikels (1) en (2) raak nie die bevoegdheid van 'n hof om ten opsigte van sodanige geld 'n bevel uit te reik nie.

(4) In die geval van geskil of twyfel oor wie enige vergoeding moet ontvang wat ingevolge hierdie Wet betaalbaar is, of in die geval van die uitreiking van 'n interdik ten opsigte van die uitbetaling van sodanige vergoeding, hou die Minister die bedrag van sodanige vergoeding totdat die geskil besleg is of die twyfel verdwyn het.

Beëindiging van ongeregistreerde regte ten opsigte van onteiende grond.

13. Indien 'n kennisgewing ingevolge sub-artikel (1) of (4) van artikel *vier* op die onteiening van grond betrekking het, word alle regte ten opsigte van dié grond wat nie teen die titelbewys daarvan of in 'n kantoor bedoel in sub-artikel (2) van genoemde artikel geregistreer is nie, beëindig op die datum bedoel in sub-artikel (1) van artikel *vyf*, en die Staat is nie verplig om enige vergoeding vir sodanige regte te betaal nie.

Oordrag van bevoegdhede en pligte.

14. Die Minister kan 'n bevoegdheid of plig by of ingevolge hierdie Wet aan hom verleen of opgedra, aan 'n beampte in diens van die Staat in die algemeen of met betrekking tot bepaalde goed of in 'n bepaalde geval oordra.

Verlening deur 'n Administrateur aan 'n plaaslike bestuur van dieselfde bevoegdheid as wat hy ingevolge hierdie Wet met betrekking tot grond besit.

15. 'n Administrateur kan aan 'n plaaslike bestuur in die betrokke provinsie wat by ordonnansie gemagtig is om grond te onteien, in die algemeen of met betrekking tot bepaalde grond of in 'n bepaalde geval enige bevoegdheid verleen soos dié wat hy ingevolge hierdie Wet met betrekking tot grond of 'n reg in, oor of ten opsigte van grond besit, uitgesonderd die bevoegdheid by artikel *veertien* aan hom verleen, en by die uitoefening van so 'n bevoegdheid deur so 'n plaaslike bestuur geld die bepalings van hierdie Wet en word enige verwysing daarin na die Minister en die Staat as 'n verwysing na sodanige plaaslike bestuur uitgelê.

Regulasies.

16. Die Staatspresident kan die regulasies uitvaardig wat hy nodig of dienstig ag vir die verwesenliking van die oogmerke en doeleindes van hierdie Wet.

Toepassing van Wet.

17. (1) Die bepalings van hierdie Wet word nie uitgelê asof hulle enige wet op onteiening vervang nie, en enige sodanige wet bly, ondanks daardie bepalings, ten volle van krag.

(2) Die feit dat so 'n wet vir die onteiening van enige goed of 'n reg of belang in of oor enige goed voorsiening maak, belet, behoudens die bepalings van sub-artikel (3), nie dat sodanige goed, reg of belang ooreenkomstig die bepalings van hierdie Wet onteien word nie.

(3) 'n Doel waarvoor die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens enige goed nodig het of wil gebruik, word by die toepassing van hierdie Wet nie as 'n openbare doel beskou nie.

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956, section 3 of Act 41 of 1958 and section 16 of Act 42 of 1964.

18. Section *thirteen* of the Bantu Trust and Land Act, 1936, is hereby amended—

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

"(1) For the purpose of the acquisition of land by the Trust as in section *ten* provided, the Minister of Lands may expropriate any such land as is referred to in paragraph (*a*), (*b*) or (*c*) of sub-section (2) of that section: Provided that in the case of any farm or other piece of land of which one person is the registered owner, the Minister of Lands shall not, except with the consent of that person, expropriate a part only of that farm or piece of land.";

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

"(2) The Minister of Lands may expropriate any land outside a scheduled Bantu area and a released area of which a Bantu is the registered owner or which is registered in the name of the Minister or any other person in trust for a Bantu tribe or community or which is registered in the name of a Bantu who has died: Provided that in the case of any farm or other piece of land of which one person is the registered owner, the Minister of Lands shall not, except with the consent of that person, expropriate a part only of that farm or piece of land.";

(*c*) by the substitution for sub-section (3) of the following sub-section:

"(3) (*a*) The provisions of sections *three* to *fourteen*, inclusive, of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the expropriation of land in terms of sub-section (1) or (2) of this section: Provided that in the case of land held in trust for a Bantu tribe or community the individual members of which are not described in the title deed, notice to such tribe or community and to the individual members thereof shall be deemed to have been given in accordance with the provisions of sub-section (1) of section *four* of the said Act if the members of such tribe or community present at a public meeting convened by the Bantu Affairs Commissioner for the purpose, be informed by the Bantu Affairs Commissioner of the proposed expropriation and the other particulars which a notice is in terms of the provisions of sub-section (3) of the last-mentioned section required to contain.

(*b*) In any case contemplated in the proviso to paragraph (*a*) the written certificate of the Bantu Affairs Commissioner to the effect that the provisions of that proviso have been complied with shall be conclusive proof of such notice to such tribe or community and the members thereof, and the date of the meeting in question shall for the purpose of the said Act be deemed to be the date of such notice.";

(*d*) by the deletion of sub-sections (4) and (5).

Amendment of section 18 of Act 18 of 1936, as amended by section 8 of Act 17 of 1939 and section 17 of Act 42 of 1964.

19. Section *eighteen* of the Bantu Trust and Land Act, 1936, is hereby amended by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* The amount of any compensation payable in terms of sub-section (1) shall, in the absence of agreement, be determined by the court, and the provisions of sections *seven*, *eight*, *nine* and *ten* of the Expropriation Act, 1965, shall *mutatis mutandis* apply in connection with the determination of the said amount.".

Amendment of section 2 of Act 29 of 1937, as amended by section 1 of Act 35 of 1939.

20. Section *two* of the Unbeneficial Occupation of Farms Act, 1937, is hereby amended by the addition of the following sub-section:

"(3) The provisions of sections *four* to *twelve*, inclusive, of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the appropriation of any land or any right or interest in respect of land in terms of sub-section (1).".

18. Artikel *dertien* van die Bantoetrust en -grond Wet, 1936, word hierby gewysig—

Wysiging van artikel 13 van Wet 18 van 1936, soos gewysig deur artikel 7 van Wet 17 van 1939, artikel 2 van Wet 18 van 1954, artikel 5 van Wet 73 van 1956, artikel 3 van Wet 41 van 1958 en artikel 16 van Wet 42 van 1964.

(*a*) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Vir die doeleindes van die verkryging van grond deur die Trust, soos in artikel *tien* bepaal, kan die Minister van Lande enige grond in paragraaf (*a*), (*b*) of (*c*) van sub-artikel (2) van daardie artikel bedoel, onteien: Met dien verstande dat in die geval van 'n plaas of ander stuk grond waarvan een enkele persoon die geregistreerde eienaar is, die Minister van Lande nie sonder toestemming van daardie persoon 'n deel alleen van daardie plaas of stuk grond onteien nie.";

(*b*) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Minister van Lande kan enige grond wat buite 'n afgesonderde Bantoegebied en 'n oopgestelde gebied geleë is, en waarvan 'n Bantoe die geregistreerde eienaar is, of wat op naam van die Minister of enige ander persoon in trust vir 'n Bantoestam of -gemeenskap geregistreer staan of wat op naam van 'n Bantoe wat oorlede is geregistreer staan, onteien: Met dien verstande dat in die geval van 'n plaas of ander stuk grond waarvan een enkele persoon die geregistreerde eienaar is, die Minister van Lande nie sonder toestemming van daardie persoon 'n deel alleen van daardie plaas of stuk grond onteien nie.";

(*c*) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) (*a*) Die bepalings van artikels *drie* tot en met *veertien* van die Onteieningswet, 1965, is *mutatis mutandis* van toepassing ten opsigte van onteiening van grond ingevolge sub-artikel (1) of (2) van hierdie artikel: Met dien verstande dat in die geval van grond wat besit word in trust vir 'n Bantoestam of -gemeenskap waarvan die individuele lede nie in die titelbewys beskrywe word nie, kennisgewing aan sodanige stam of gemeenskap en die individuele lede daarvan ooreenkomstig die bepalings van sub-artikel (1) van artikel *vier* van genoemde Wet geag word gegee te gewees het indien die lede van sodanige stam of gemeenskap wat teenwoordig is op 'n openbare vergadering vir dié doel deur die Bantoesakekommissaris byeengeroep, deur die Bantoesakekommissaris van die voorgenome onteiening en die ander besonderhede wat 'n kennisgewing ingevolge die bepalings van sub-artikel (3) van laasgenoemde artikel moet bevat, verwittig is.

(*b*) In 'n geval beoog in die voorbehoudsbepaling by paragraaf (*a*) is die skriftelike sertifikaat van die Bantoesakekommissaris ten effekte dat die bepalings van dié voorbehoudsbepaling nagekom is, afdoende bewys van bedoelde kennisgewing aan sodanige stam of gemeenskap en die lede daarvan, en word by die toepassing van genoemde Wet die datum van die betrokke vergadering geag die datum van die kennisgewing te wees.";

(*d*) deur sub-artikels (4) en (5) te skrap.

19. Artikel *agtien* van die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur die volgende sub-artikel na sub-artikel (1) in te voeg:

Wysiging van artikel 18 van Wet 18 van 1936, soos gewysig deur artikel 8 van Wet 17 van 1939 en artikel 17 van Wet 42 van 1964.

„(1)*bis* Die bedrag van vergoeding ingevolge sub-artikel (1) betaalbaar, word by ontstentenis van ooreenkoms deur die hof bepaal, en die bepalings van artikels *sewe*, *agt*, *nege* en *tien* van die Onteieningswet, 1965, is *mutatis mutandis* in verband met die bepaling van genoemde bedrag van toepassing.".

20. Artikel *twee* van die Wet op Onvoordelige Okkupasie van Plase, 1937, word hierby gewysig deur die volgende sub-artikel by te voeg:

Wysiging van artikel 2 van Wet 29 van 1937, soos gewysig deur artikel 1 van Wet 35 van 1939.

„(3) Die bepalings van artikels *vier* tot en met *twaalf* van die Onteieningswet, 1965, is *mutatis mutandis* van toepassing ten opsigte van die toeëiening van grond of 'n reg of belang ten opsigte van grond ingevolge sub-artikel (1).".

Repeal of sections 3 to 10, inclusive, of Act 29 of 1937.

21. Sections *three* to *ten*, inclusive, of the Unbeneficial Occupation of Farms Act, 1937, are hereby repealed.

Substitution of section 4 of Act 13 of 1941, as amended by section 36 of Act 45 of 1946.

22. The following section is hereby substituted for section *four* of the Forest Act, 1941:

"Expropriation of land for forestry purposes.

4. If the Minister of Lands considers it necessary that any land or any right or interest in or over land be expropriated for the conservation of State forests or plantations, he may expropriate such land or right or interest, and the provisions of the Expropriation Act, 1965, shall apply in connection with such expropriation.".

Amendment of section 7 of Act 13 of 1941, as amended by section 38 of Act 45 of 1946.

23. Section *seven* of the Forest Act, 1941, is hereby amended—

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

"(*b*) to demand that the holding upon which such a forest or plantation is situate shall be expropriated in accordance with the provisions of section *four*, provided the Central Land Board referred to in section *two* of the Land Settlement Act, 1956 (Act No. 21 of 1956), is of opinion that such proclamation, suspension, refusal or restriction will result in a substantial interference with the owner's beneficial occupation of his holding, or the rendering of a substantial portion thereof unavailable for the purposes for which such portion was at the time of the proclamation in use."; and

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

"(2) The amount of damages recoverable under paragraph (*a*) of sub-section (1) shall, in the absence of agreement, be determined by the court, and the provisions of sections *seven*, *nine* and *ten* of the Expropriation Act, 1965, shall *mutatis mutandis* apply in the determination of such amount.".

Amendment of section 16 of Act 25 of 1945, as amended by section 7 of Act 16 of 1955 and section 53 of Act 42 of 1964.

24. Section *sixteen* of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended—

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

"(*a*) acquire any land or interest in land, within or without the urban area, deemed by the urban local authority to be necessary, and, in the absence of agreement with the owner of such land or the holder of such interest, and subject to the provisions of sub-sections (1)*bis* and (4), expropriate such land or interest subject to an obligation to pay compensation;";

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

"(1)*bis* When an urban local authority wishes to acquire land without the urban area, and such land is portion of a farm and such acquisition would unduly interfere with the full and beneficial occupation of the remainder of the farm, the urban local authority shall not be entitled to expropriate such land unless it expropriates such portion of that remainder as is reasonable in the circumstances of the case."; and

(*c*) by the substitution for sub-section (4) of the following sub-section:

"(4) (*a*) The provisions of sections *three* to *thirteen*, inclusive, of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the expropriation of any land or any interest in land under paragraph (*a*) of sub-section (1) of this section.

(*b*) In the application of the said Act in terms of paragraph (*a*) of this sub-section any reference in that Act to the Minister and the State shall be construed as a reference to the urban local authority in question.".

Substitution of section 28 of Act 45 of 1946, as amended by section 13 of Act 31 of 1964.

25. The following section is hereby substituted for section *twenty-eight* of the Soil Conservation Act, 1946:

"Expropriation of land for conservation and reclamation purposes.

28. (1) Whenever in the opinion of the Minister of Lands any land is required for—

(*a*) the prevention of soil erosion or the reclamation of land affected thereby; or

(*b*) the prevention of sand drift or the reclamation of land affected thereby; or

21. Artikels *drie* tot en met *tien* van die Wet op Onvoordelige Okkupasie van Plase, 1937, word hierby herroep.

Herroeping van artikels 3 tot en met 10 van Wet 29 van 1937.

22. Artikel *vier* van die Boswet, 1941, word hierby deur die volgende artikel vervang:

Vervanging van artikel 4 van Wet 13 van 1941, soos gewysig deur artikel 36 van Wet 45 van 1946.

„Onteiening van grond vir bosboudoeleindes.

4. Indien die Minister van Lande dit nodig ag dat enige grond of 'n reg of belang in of oor grond vir die bewaring van Staatsbosse of -plantasies onteien word, kan hy daardie grond of reg of belang onteien, en in verband met sodanige onteiening geld die bepalings van die Onteieningswet, 1965.".

23. Artikel *sewe* van die Boswet, 1941, word hierby gewysig—

Wysiging van artikel 7 van Wet 13 van 1941, soos gewysig deur artikel 38 van Wet 45 van 1946.

(*a*) deur paragraaf (*b*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*b*) te eis dat die hoewe waarop so 'n bos of plantasie geleë is, ooreenkomstig die bepalings van artikel *vier* onteien word, mits die Sentrale Landraad vermeld in artikel *twee* van die Nedersettingswet, 1956 (Wet No. 21 van 1956), van oordeel is dat sodanige proklamering, opskorting, weiering of beperking 'n wesentlike belemmering van die eienaar se voordelige okkupering van sy hoewe tot gevolg sal hê, of tot gevolg sal hê dat 'n aansienlike gedeelte daarvan nie-beskikbaar gemaak word vir die doel waarvoor daardie gedeelte ten tyde van die proklamering in gebruik was."; en

(*b*) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die bedrag van skadevergoeding kragtens paragraaf (*a*) van sub-artikel (1) verhaalbaar, word, by ontstentenis van ooreenkoms, deur die hof vasgestel, en die bepalings van artikels *sewe*, *nege* en *tien* van die Onteieningswet, 1965, geld *mutatis mutandis* by die vasstelling van so 'n bedrag.".

24. Artikel *sestien* van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig—

Wysiging van artikel 16 van Wet 25 van 1945, soos gewysig deur artikel 7 van Wet 16 van 1955 en artikel 53 van Wet 42 van 1964.

(*a*) deur paragraaf (*a*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*a*) grond of 'n belang in grond, geleë binne of buite die grense van die stadsgebied, wat deur die stedelike plaaslike bestuur nodig geag word, verkry en, by ontstentenis van ooreenkoms met die eienaar van dié grond of die besitter van dié belang, en behoudens die bepalings van sub-artikels (1)*bis* en (4), sodanige grond of belang onteien onderworpe aan 'n verpligting om vergoeding te betaal;";

(*b*) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Wanneer 'n stedelike plaaslike bestuur verlang om grond buite die stadsgebied te verkry, en sodanige grond deel van 'n plaas uitmaak en sodanige verkryging die volle en voordelige okkupasie van die restant van so 'n plaas uitermate sou belemmer, het die stedelike plaaslike bestuur nie die reg om daardie grond te onteien nie tensy hy so 'n gedeelte van daardie restant onteien as wat onder die omstandighede van die geval redelik is."; en

(*c*) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) (*a*) Die bepalings van artikels *drie* tot en met *dertien* van die Onteieningswet, 1965, geld *mutatis mutandis* ten opsigte van die onteiening van grond of 'n belang in grond kragtens paragraaf (*a*) van sub-artikel (1) van hierdie artikel.

(*b*) By die toepassing van genoemde Wet ingevolge paragraaf (*a*) van hierdie sub-artikel word 'n verwysing in daardie Wet na die Minister en die Staat as 'n verwysing na die betrokke stedelike plaaslike bestuur uitgelê.".

25. Artikel *agt-en-twintig* van die Grondbewaringswet, 1946, word hierby deur die volgende artikel vervang:

Vervanging van artikel 28 van Wet 45 van 1946, soos gewysig deur artikel 13 van Wet 31 van 1964.

„Onteiening van grond vir bewarings en herwinnings-doeleindes.

28. (1) Wanneer na die oordeel van die Minister van Lande grond benodig is vir—

(*a*) die voorkoming van gronderosie of die herwinning van grond daaraan onderhewig; of

(*b*) die voorkoming van waaisand of die herwinning van grond daaraan onderhewig; of

(*c*) the protection of catchment areas or the conservation of water sources,

he may, on the recommendation of the board, expropriate such land.

(2) The provisions of the Expropriation Act, 1965, shall *mutatis mutandis* apply with reference to the expropriation of land under this section.".

Amendment of section 2 of Act 39 of 1951, as amended by section 1 of Act 52 of 1955.

26. Section *two* of the Expropriation (Establishment of Undertakings) Act, 1951, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) Any person who has established or intends to establish any undertaking which has by resolution of both Houses of Parliament been declared to be an undertaking to which this Act applies, may with the approval of the Minister, granted on the written application of such person, and subject to such conditions as the Minister may impose, acquire any land, described in the application, in the manner contemplated in section *three* for the purpose of constructing, operating or maintaining any structure used for or in connection with the conveyance of any solid, liquid or gas, including any pipe line, conveyor belt, cableway, cocopan tramline, rackrailway, private railway branch line or railway siding.".

Substitution of section 3 of Act 39 of 1951.

27. The following section is hereby substituted for section *three* of the Expropriation (Establishment of Undertakings) Act, 1951:

"Application of laws relating to expropriation.

3. Upon the approval of the Minister being granted under sub-section (1) of section *two* in respect of any land, the provisions of sections *four* to *thirteen*, inclusive, of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the acquisition of that land by the person to whom the approval has been granted, and in such application thereof any reference therein to the Minister and the State shall be construed as a reference to such person.".

Amendment of section 23*ter* of Act 61 of 1955, as inserted by section 6 of Act 82 of 1959.

28. Section *twenty-three ter* of the Universities Act, 1955, is hereby amended—

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

"(2) The provisions of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the expropriation of any land in terms of sub-section (1).";

(*b*) by the substitution in sub-section (3) for the word "order" of the word "notice"; and

(*c*) by the deletion of sub-section (5).

Amendment of section 21 of Act 21 of 1956, as amended by section 7 of Act 13 of 1959, section 6 of Act 28 of 1960, section 4 of Act 66 of 1963 and section 11 of Act 68 of 1964.

29. Section *twenty-one* of the Land Settlement Act, 1956, is hereby amended—

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

"(1) The provisions of the Expropriation Act, 1965, shall *mutatis mutandis* apply in respect of the expropriation of any land under section *eighteen*."; and

(*b*) by the deletion of sub-sections (3) and (5).

Substitution of section 78 of Act 44 of 1957.

30. The following section is hereby substituted for section *seventy-eight* of the Defence Act, 1957:

"Expropriation of land for defence purposes.

78. If the Minister of Lands considers it necessary that any land or any right or interest in or over land be expropriated for defence purposes, he may expropriate such land or right or interest, and the provisions of the Expropriation Act, 1965, shall apply in connection with such expropriation.".

Amendment of section 43 of Act 40 of 1958.

31. Section *forty-three* of the Electricity Act, 1958, is hereby amended by the substitution for sub-section (4) of the following sub-section:

"(4) Upon the approval of the State President to such acquisition being granted, the provisions of sections *four* to *thirteen*, inclusive, of the Expropriation Act, 1965, shall *mutatis mutandis* apply in connection with such acquisition, and in such application thereof any reference therein to the Minister and the State shall be construed as a reference to the undertaker or person in question.".

(*c*) die beskerming van opvanggebiede of die bewaring van waterbronne,

kan hy op aanbeveling van die raad daardie grond onteien.

(2) Die bepalings van die Onteieningswet, 1965, is *mutatis mutandis* van toepassing met betrekking tot die onteiening van grond kragtens hierdie artikel.".

26. Artikel *twee* van die Wet op Onteiening (Oprigting van Ondernemings), 1951, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 2 van Wet 39 van 1951, soos gewysig deur artikel 1 van Wet 52 van 1955.

„(1) 'n Persoon wat 'n onderneming opgerig het of voornemens is om 'n onderneming op te rig wat by besluit van albei Huise van die Parlement tot 'n onderneming verklaar is waarop hierdie Wet van toepassing is, kan met goedkeuring van die Minister, op skriftelike aansoek van daardie persoon verleen, en onderworpe aan die voorwaardes wat die Minister oplê, en op die wyse in artikel *drie* bedoel, grond, in die aansoek omskryf, verkry met die doel om enige struktuur wat gebruik word vir of in verband met die vervoer van enige vaste stof, vloeistof of gas, met inbegrip van 'n pyplyn, vervoerband, kabelbaan, koekepanspoor, tandratspoorweg, private spoorwegtaklyn of spoorwegsylyn te bou, te eksploiteer of in stand te hou.".

27. Artikel *drie* van die Wet op Onteiening (Oprigting van Ondernemings), 1951, word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 39 van 1951.

„Toepassing van wetsbepalings betreffende onteiening.

3. Sodra die Minister kragtens sub-artikel (1) van artikel *twee* sy goedkeuring ten opsigte van enige grond verleen het, is die bepalings van artikels *vier* tot en met *dertien* van die Onteieningswet, 1965, *mutatis mutandis* van toepassing ten opsigte van die verkryging van daardie grond deur die persoon aan wie die goedkeuring verleen is, en by sodanige toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na daardie persoon uitgelê.".

28. Artikel *drie-en-twintig ter* van die Wet op Universiteite, 1955, word hierby gewysig—

Wysiging van artikel 23*ter* van Wet 61 van 1955, soos ingevoeg deur artikel 6 van Wet 82 van 1959.

(*a*) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die bepalings van die Onteieningswet, 1965, is *mutatis mutandis* van toepassing ten opsigte van die onteiening van grond ingevolge sub-artikel (1).";

(*b*) deur in sub-artikel (3) die woord „onteieningsbevel" deur die woord „onteieningskennisgewing" te vervang; en

(*c*) deur sub-artikel (5) te skrap.

29. Artikel *een-en-twintig* van die Nedersettingswet, 1956, word hierby gewysig—

Wysiging van artikel 21 van Wet 21 van 1956, soos gewysig deur artikel 7 van Wet 13 van 1959, artikel 6 van Wet 28 van 1960, artikel 4 van Wet 66 van 1963 en artikel 11 van Wet 68 van 1964.

(*a*) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die bepalings van die Onteieningswet, 1965, geld *mutatis mutandis* ten opsigte van die onteiening van grond kragtens artikel *agtien*."; en

(*b*) deur sub-artikels (3) en (5) te skrap.

30. Artikel *agt-en-sewentig* van die Verdedigingswet, 1957, word hierby deur die volgende artikel vervang:

Vervanging van artikel 78 van Wet 44 van 1957.

„Onteiening van grond vir verdedigingsdoeleindes.

78. Indien die Minister van Lande dit nodig ag dat enige grond of 'n reg of belang in of oor grond vir verdedigingsdoeleindes onteien word, kan hy daardie grond of reg of belang onteien, en in verband met sodanige onteiening geld die bepalings van die Onteieningswet, 1965.".

31. Artikel *drie-en-veertig* van die Elektrisiteitswet, 1958, word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:

Wysiging van artikel 43 van Wet 40 van 1958.

„(4) Sodra die goedkeuring van die Staatspresident tot so 'n verkryging verleen is, geld die bepalings van artikels *vier* tot en met *dertien* van die Onteieningswet, 1965, *mutatis mutandis* in verband met sodanige verkryging, en by sodanige toepassing daarvan word 'n verwysing daarin na die Minister en die Staat uitgelê as 'n verwysing na die betrokke ondernemer of persoon.".

Substitution of section 79 of Act 44 of 1958.

32. The following section is hereby substituted for section *seventy-nine* of the Post Office Act, 1958:

"Postmaster-General may take over private lines after notice.

79. The Postmaster-General may, subject to an obligation to pay such compensation as may, in the absence of agreement, be determined by the court, *mutatis mutandis*, in accordance with the provisions of sections *seven*, *eight*, *nine* and *ten* of the Expropriation Act, 1965, after giving six months' notice of his intention so to do, take over the whole or any part of any telegraph line or system, not being a system of communication constructed and maintained by the South African Railways and Harbours Administration, whether constructed before or after the commencement of this Act, and whether constructed, maintained or operated under any special or general legislative authority or otherwise.".

Amendment of section 82 of Act 44 of 1958.

33. Section *eighty-two* of the Post Office Act, 1958, is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The compensation in the case of injury aforesaid being caused to any work, property or standing crops shall, if the amount cannot be otherwise agreed upon, be settled by the court, *mutatis mutandis*, in accordance with the provisions of sections *seven*, *eight*, *nine* and *ten* of the Expropriation Act, 1965.".

Substitution of section 39 of Act 45 of 1959.

34. The following section is hereby substituted for section *thirty-nine* of the Extension of University Education Act, 1959:

"Power to expropriate land for university college purposes.

39. The Minister of Lands may in consultation with the Minister of Finance expropriate any land required for or in connection with any university college, and the provisions of the Expropriation Act, 1965, shall, *mutatis mutandis*, apply in respect of any such expropriation.

Substitution of section 3 of Act 42 of 1962.

35. The following section is hereby substituted for section *three* of the National Parks Act, 1962:

"Acquisition of private land in a park.

3. (1) The Minister may, by purchase or otherwise, including exchange for State land situate outside a park, or, failing agreement with the owner, by expropriation acquire any land included in a park or any mineral right in such land, for the purposes of that park.

(2) The provisions of the Expropriation Act, 1965, shall *mutatis mutandis* apply in connection with any expropriation of land or any mineral right under sub-section (1).".

Amendment of section 6 of Act 74 of 1962.

36. Section *six* of the Aviation Act, 1962, is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The provisions of the Expropriation Act, 1965, shall, if necessary, apply in connection with the acquisition in terms of this section of any land and interests in and rights to or over land.".

Repeal of laws.

37. The laws specified in the Schedule are hereby repealed to the extent shown in the third column of the Schedule.

Savings.

38. Expropriation proceedings and proceedings for the determination of compensation commenced before the commencement of this Act, shall be concluded as if this Act had not been passed.

Short title.

39. This Act shall be called the Expropriation Act, 1965.

32. Artikel *nege-en-sewentig* van die Poswet, 1958, word hierby deur die volgende artikel vervang:

Vervanging van artikel 79 van Wet 44 van 1958.

„Posmeester-generaal kan private lyne na kennisgewing oorneem.

79. Die Posmeester-generaal kan, onderworpe aan 'n verpligting om vergoeding te betaal wat, by ontstentenis van ooreenkoms, *mutatis mutandis*, deur die hof, ooreenkomstig die bepalings van artikels *sewe*, *agt*, *nege* en *tien* van die Onteieningswet, 1965, bepaal word, en na ses maande kennisgewing van sy voorneme om dit te doen, 'n telegraaflyn of -stelsel (of deel daarvan), hetsy voor of na die inwerkingtreding van hierdie Wet en hetsy ingevolge spesiale of algemene wetgewende gesag of andersins opgerig, in stand gehou of geëksploiteer, uitgesonderd 'n kommunikasiestelsel wat deur die Suid-Afrikaanse Spoorweg- en Hawensadministrasie opgerig is en in stand gehou word, oorneem.".

33. Artikel *twee-en-tagtig* van die Poswet, 1958, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 82 van Wet 44 van 1958.

„(2) Die skadevergoeding in die geval van skade soos voormeld aan enige werk, eiendom of op die land staande oeste veroorsaak, word, indien die bedrag nie by skikking bepaal kan word nie, *mutatis mutandis* deur die hof ooreenkomstig die bepalings van artikels *sewe*, *agt*, *nege* en *tien* van die Onteieningswet, 1965, vasgestel.".

34. Artikel *nege-en-dertig* van die Wet op Uitbreiding van Universiteitsopleiding, 1959, word hierby deur die volgende artikel vervang:

Vervanging van artikel 39 van Wet 45 van 1959.

„Bevoegdheid om grond vir doeleindes van universiteitskolleges te onteien.

39. Die Minister van Lande kan in oorleg met die Minister van Finansies enige grond wat vir of in verband met 'n universiteitskollege benodig is, onteien, en die bepalings van die Onteieningswet, 1965, is *mutatis mutandis* ten opsigte van elke sodanige onteiening van toepassing.".

35. Artikel *drie* van die Wet op Nasionale Parke, 1962, word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 42 van 1962.

„Verkryging van private grond in 'n park.

3. (1) Die Minister kan deur koop of op 'n ander wyse, met inbegrip van die in ruil gee van Staatsgrond buite 'n park geleë, of, as met die eienaar nie ooreengekom word nie, deur onteiening grond wat deel van 'n park uitmaak of 'n mineraalreg oor sodanige grond, vir die doeleindes van daardie park verkry.

(2) Die bepalings van die Onteieningswet, 1965, geld *mutatis mutandis* in verband met onteiening van grond of 'n mineraalreg kragtens sub-artikel (1).".

36. Artikel *ses* van die Lugvaartwet, 1962, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 6 van Wet 74 van 1962.

„(2) Die bepalings van die Onteieningswet, 1965, is, indien nodig, van toepassing in verband met die verkryging van grond en belange in en regte in of oor grond ingevolge hierdie artikel.".

37. Die wette in die Bylae vermeld word hierby herroep, vir sover in die derde kolom van die Bylae aangedui.

Herroeping van wette.

38. Onteieningsverrigtinge en verrigtinge ter vasstelling van vergoeding waarmee voor die inwerkingtreding van hierdie Wet begin is, word voltooi asof hierdie Wet nie aangeneem was nie.

Voorbehoud.

39. Hierdie Wet heet die Onteieningswet, 1965.

Kort titel.

Schedule.

LAWS REPEALED.

No. and year of law.	Territory and title or subject-matter.	Extent of repeal.
	CAPE OF GOOD HOPE.	
Act 6 of 1882.	The Lands and Arbitrations Clauses Act, 1882.	The whole.
Act 29 of 1898.	The Arbitrations Act, 1898 ..	Section *thirty-one.*
	NATAL.	
Law 16 of 1872.	The Lands Clauses Consolidation Law, 1872.	The whole.
Law 23 of 1906.	To enable the Government to acquire land for certain public purposes.	The whole.
	ORANGE FREE STATE.	
Ordinance 11 of 1905.	The Expropriation of Lands and Arbitration Clauses Ordinance, 1905.	The whole.
Act 37 of 1909.	Expropriation (Police and School) Act, 1909.	The whole.
	TRANSVAAL.	
Proclamation 5 of 1902.	The Expropriation of Lands and Arbitration Clauses Proclamation, 1902.	The whole.
Ordinance 24 of 1904.	The Arbitration Ordinance, 1904 ..	Section *thirty.*
	REPUBLIC.	
Act No. 21 of 1952.	Expropriation Amendment Act, 1952.	The whole.
Act No. 31 of 1958.	Expropriation Amendment Act, 1958.	The whole.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Gebied en Titel of onderwerp.	Omvang van herroeping.
	KAAP DIE GOEIE HOOP.	
Wet 6 van 1882.	„The Lands and Arbitrations Clauses Act, 1882".	Die geheel.
Wet 29 van 1898.	„The Arbitrations Act, 1898". ..	Artikel *een-en-dertig.*
	NATAL.	
Wet 16 van 1872.	„The Lands Clauses Consolidation Law, 1872".	Die geheel.
Wet 23 van 1906.	Om die Regering in staat te stel om grond vir sekere openbare doeleindes te verkry.	Die geheel.
	ORANJE-VRYSTAAT.	
Ordonnansie 11 van 1905.	„The Expropriation of Lands and Arbitration Clauses Ordinance, 1905".	Die geheel.
Wet 37 van 1909.	„Expropriation (Police and School) Act, 1909".	Die geheel.
	TRANSVAAL.	
Proklamasie 5 van 1902.	„The Expropriation of Lands and Arbitration Clauses Proclamation, 1902".	Die geheel.
Ordonnansie 24 van 1904.	„The Arbitration Ordinance, 1904".	Artikel *dertig.*
	REPUBLIEK.	
Wet No. 21 van 1952.	Wysigingswet op Onteiening, 1952.	Die geheel.
Wet No. 31 van 1958.	Wysigingswet op Onteiening, 1958.	Die geheel.

No. 56, 1965.]

ACT

To amend the Group Areas Act, 1957.

(*English text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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

Amendment of section 1 of Act 77 of 1957, as amended by section 1 of Act 23 of 1961 and section 1 of Act 49 of 1962.

1. Section *one* of the Group Areas Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the deletion in sub-section (1) of the definition of "inspector";

(*b*) by the substitution in that sub-section for the definition of "local authority" of the following definition:

"'local authority' means any institution or body contemplated in paragraph (*f*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);";

(*c*) by the substitution in that sub-section for the definition of "Minister" of the following definition:

"'Minister' means—

(*a*) for the purposes of the application of section *five*, *five bis* or *six bis*, sub-section (5) of section *seven*, section *sixteen*, *eighteen*, *nineteen* or *twenty*, sub-section (3) of section *twenty-four*, section *twenty-five*, *twenty-six*, *twenty-eight*, *twenty-nine*, *thirty-seven* or *forty*, sub-section (4) of section *forty-one* or section *forty-three bis* in relation to—

(i) the definition of a group under sub-section (2) of section *ten* consisting of members of the Bantu group; or

(ii) any group area for the Bantu group or for any group defined under sub-section (2) of section *ten* consisting of members of the Bantu group; or

(iii) any area referred to in sub-section (1) of section *twenty-one* which is declared to be an area for future occupation or future ownership by members of the Bantu group or of any group defined under sub-section (2) of section *ten* consisting of members of the Bantu group; or

(iv) any area which is a released area in terms of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936); or

(v) any area referred to in sub-section (1) of section *eight* of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945); or

(vi) any immovable property, land or premises in any such area; or

(vii) the acquisition outside any such area of any immovable property, or the occupation of any land or premises by a member of the Bantu group or of a group defined under sub-section (2) of section *ten* consisting of members of the Bantu group; or

No. 56, 1965.]

WET

Tot wysiging van die Wet op Groepsgebiede, 1957.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

1. Artikel *een* van die Wet op Groepsgebiede, 1957 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 77 van 1957, soos gewysig deur artikel 1 van Wet 23 van 1961 en artikel 1 van Wet 49 van 1962.

(*a*) deur in sub-artikel (1) die omskrywing van „inspekteur" te skrap;

(*b*) deur in daardie sub-artikel die omskrywing van „Minister" deur die volgende omskrywing te vervang: „'Minister'—

(*a*) vir die doeleindes van die toepassing van artikel *vyf*, *vyf bis* of *ses bis*, sub-artikel (5) van artikel *sewe*, artikel *sestien*, *agtien*, *negentien* of *twintig*, sub-artikel (3) van artikel *vier-en-twintig*, artikel *vyf-en-twintig*, *ses-en-twintig*, *agt-en-twintig*, *nege-en-twintig*, *sewe-en-dertig* of *veertig*, sub-artikel (4) van artikel *een-en-veertig* of artikel *drie-en-veertig bis* met betrekking tot—

(i) die omskrywing ingevolge sub-artikel (2) van artikel *tien* van 'n groep wat uit lede van die Bantoegroep bestaan; of

(ii) 'n groepsgebied vir die Bantoegroep of vir 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die Bantoegroep bestaan; of

(iii) 'n in sub-artikel (1) van artikel *een-en-twintig* bedoelde gebied wat tot 'n gebied vir toekomstige okkupasie of toekomstige grondbesit deur lede van die Bantoegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die Bantoegroep bestaan, verklaar word; of

(iv) 'n gebied wat volgens die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), 'n oopgestelde gebied is; of

(v) 'n gebied in sub-artikel (1) van artikel *agt* van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bedoel; of

(vi) enige onroerende goed, grond of perseel in so 'n gebied; of

(vii) die verkryging van onroerende goed buite so 'n gebied, of die okkupasie van grond of 'n perseel deur 'n lid van die Bantoegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die Bantoegroep bestaan; of

(viii) 'n aanwysing kragtens artikel *sestien* ten gunste van 'n lid van die Bantoegroep of van 'n kragtens sub-artikel (2) van artikel *tien* omskrewe groep wat uit lede van die Bantoegroep bestaan,

(viii) any determination under section *sixteen* in favour of a member of the Bantu group or of a group defined under sub-section (2) of section *ten* consisting of members of the Bantu group,

the Minister of Bantu Administration and Development;

(*b*) subject to the provisions of paragraph (*a*), for the purpose of the application of section *five bis*, *six bis*, *sixteen*, *eighteen* or *nineteen*, sub-section (1) *bis* or (1)*ter* of section *twenty*, sub-section (3) of section *twenty-four*, sub-section (1)*bis* or (2) of section *twenty-eight*, section *twenty-nine* or *forty*, sub-section (4) of section *forty-one* or section *forty-three bis*, in relation to any area, immovable property, building, land or premises which is the subject of a proclamation issued or deemed to have been issued under section *sixteen bis*, *twenty*, *twenty-one* or *twenty-two*, and for the purpose of the application of sections *twenty-five*, *twenty-five bis*, *twenty-six*, *thirty-two*, *thirty-three*, *thirty-four* and *thirty-seven*, the Minister of Community Development; and

(*c*) for the purpose of the application of any other provision of this Act, the Minister of Planning;"; and

(*d*) by the deletion in that sub-section of the definition of "Secretary".

Substitution of section 5 of Act 77 of 1957, as amended by section 5 of Act 23 of 1961 and section 3 of Act 49 of 1962.

2. The following section is hereby substituted for section *five* of the principal Act:

"Functions of board.

5. (1) The board shall enquire into and by means of a written report advise the Minister in regard to—

(*a*) the desirability or otherwise of issuing, amending or withdrawing any proclamation referred to in sub-section (1) of section *twenty-eight*; and

(*b*) any matter relating to the administration of this Act which the Minister may refer to it.

(2) Before the board advises the Minister as to any proclamation under sub-section (1) of section *sixteen bis*, sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*, the Secretary for Planning or any deputy secretary of the Department of Planning authorized thereto by the said Secretary shall publish at least once in a newspaper circulating in the district in which the area concerned will be or the land or premises concerned are situated, as the case may be, a notice setting forth the matter which is being investigated (including, in the case of any such area, the proposed situation or the approximate proposed situation thereof or the place within the district where a plan showing such situation may be inspected) and inviting all persons who have an interest therein to lodge with the said Secretary at an address specified in the notice and within a period so specified (which shall not be less than ten days after the last publication of the notice) any representations in writing which they may wish to make to the board in connection with such matter.

(3) Before publishing a notice in relation to any area referred to in sub-section (2), the Secretary for Planning or a deputy secretary of the Department of Planning authorized thereto by the said Secretary may define an area and may publish at least once in a newspaper circulating in the district in which such defined area is situated, a notice specifying such defined area and stating that he intends to publish in terms of sub-section (2) a notice in relation to areas situated within such

die Minister van Bantoe-administrasie en -ontwikkeling;

(*b*) onderworpe aan die bepalings van paragraaf (*a*), vir die doeleindes van die toepassing van artikel *vyf bis*, *ses bis*, *sestien*, *agtien* of *negentien*, sub-artikel (1)*bis* of (1)*ter* van artikel *twintig*, sub-artikel (3) van artikel *vier-en-twintig*, sub-artikel (1)*bis* of (2) van artikel *agt-en-twintig*, artikel *nege-en-twintig* of *veertig*, sub-artikel (4) van artikel *een-en-veertig* of artikel *drie-en-veertig bis* met betrekking tot enige gebied, onroerende goed, gebou, grond of perseel wat die onderwerp is van 'n proklamasie uitgevaardig of geag uitgevaardig te wees kragtens artikel *sestien bis*, *twintig*, *een-en-twintig* of *twee-en-twintig*, en vir die doeleindes van die toepassing van artikels *vyf-en-twintig*, *vyf-en-twintig bis*, *ses-en-twintig*, *twee-en-dertig*, *drie-en-dertig*, *vier-en-dertig* en *sewe-en-dertig*, die Minister van Gemeenskapsbou; en

(*c*) vir die doeleindes van die toepassing van enige ander bepaling van hierdie Wet, die Minister van Beplanning;";

(*c*) deur in daardie sub-artikel die omskrywing van „plaaslike bestuur" deur die volgende omskrywing te vervang:

„'plaaslike bestuur' 'n instelling of liggaam in paragraaf (*f*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoel;"; en

(*d*) deur in daardie sub-artikel die omskrywing van „Sekretaris" te skrap.

2. Artikel *vyf* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 5 van Wet 77 van 1957, soos gewysig deur artikel 5 van Wet 23 van 1961 en artikel 3 van Wet 49 van 1962.

„Werksaamhede van raad.

5. (1) Die raad stel ondersoek in na en dien die Minister deur middel van 'n skriftelike verslag van advies met betrekking tot—

(*a*) die wenslikheid of andersins van die uitreiking, wysiging of intrekking van 'n in sub-artikel (1) van artikel *agt-en-twintig* bedoelde proklamasie; en

(*b*) enige aangeleentheid betreffende die uitvoering van hierdie Wet wat die Minister na die raad verwys.

(2) Voordat die raad die Minister met betrekking tot 'n proklamasie kragtens sub-artikel (1) van artikel *sestien bis*, sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig* adviseer, publiseer die Sekretaris van Beplanning of 'n deur hom daartoe gemagtigde adjunk-sekretaris van die Departement van Beplanning minstens een maal in 'n nuusblad in omloop in die distrik waarin die betrokke gebied gaan wees of waarin die betrokke grond of perseel geleë is, na gelang van die geval, 'n kennisgewing waarin die aangeleentheid wat ondersoek word (met inbegrip, in die geval van so 'n gebied, van die voorgestelde ligging daarvan of naasteby die voorgestelde ligging daarvan of die plek binne die distrik waar 'n kaart wat bedoelde ligging aantoon, ingesien kan word) aangegee word, en alle persone wat daarby belang het, versoek word om enige skriftelike vertoë wat hulle in verband met daardie aangeleentheid aan die raad wil rig, by 'n adres in die kennisgewing vermeld en binne 'n aldus vermelde tydperk (wat minstens tien dae na die laaste publikasie van die kennisgewing moet wees) by genoemde Sekretaris in te dien.

(3) Voordat hy 'n kennisgewing met betrekking tot 'n in sub-artikel (2) bedoelde gebied publiseer, kan die Sekretaris van Beplanning of 'n deur hom daartoe gemagtigde adjunk-sekretaris van die Departement van Beplanning 'n gebied omskryf en in 'n nuusblad in omloop in die distrik waarin daardie omskrewe gebied geleë is, minstens een maal 'n kennisgewing publiseer waarin bedoelde omskrewe gebied genoem word en vermeld word dat hy voornemens is om ingevolge sub-artikel (2) 'n kennisgewing met betrekking tot gebiede geleë binne die

defined area and inviting all interested persons to lodge with the said Secretary at an address specified in such notice and within a period so specified (which shall not be less than twenty-one days from the last publication of such notice) or within such extended period or periods as he may from time to time allow on a written application lodged with him prior to the expiration of such firstmentioned period or any such extended period, proposals as to any area or areas to be included in such notice, together with the reasons in support of any such proposal.

(4) Upon receipt of any proposal lodged in terms of sub-section (3), the Secretary for Planning shall transmit it to the board, and the board shall conduct such enquiry as it may consider necessary to enable it to decide whether such proposal should be accepted or rejected: Provided that the board shall not reject any such proposal unless it has afforded the person who made the proposal an opportunity of being heard or of submitting written representations to it, and the Minister has approved of the rejection of the proposal.

(5) If the Minister so directs, the Secretary for Planning shall comply with the provisions of sub-section (2) also in regard to any proclamation referred to in sub-section (1) of section *twenty-eight* (other than a proclamation under sub-section (1) of section *sixteen bis*, sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two*) or to any matter referred to in paragraph (*b*) of sub-section (1), or shall follow such other procedure for bringing the matter (including any matter to be dealt with by any such proclamation), to the notice of interested persons, as the Minister may determine.

(6) The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of section *twenty* without taking into consideration whether or not suitable accommodation will be available outside the area affected for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamation.

(7) The board shall not by reason of the provisions of paragraph (*c*) of sub-section (3) of section *twenty* or sub-section (3) of section *twenty-one* be precluded from enquiring into and advising the Minister as to the desirability or otherwise of issuing a proclamation under sub-section (1) of section *twenty* or sub-section (1) of section *twenty-one* in respect of any area which includes any land referred to in sub-paragraph (i) or (vi) of the said paragraph (*c*) or any location, native village or native hostel referred to in sub-paragraph (ii) of that paragraph.".

Insertion of section *5bis* in Act 77 of 1957.

3. The following section is hereby inserted after section *five* of the principal Act:

"Functions of officers designated by the Minister.

5bis. (1) An officer designated thereto by the Minister shall enquire into and by means of a written report advise the Minister in regard to—

(*a*) any determination to be made under section *sixteen*;

(*b*) the issue or revoking of or the amendment of the conditions of any permit under section *eighteen*; and

(*c*) the desirability or otherwise of issuing, amending or withdrawing any proclamation referred to in sub-section (1)*bis* of section *twenty-eight*.

(2) The Minister may in any particular case direct that the provisions of sub-section (2) of section *five* shall *mutatis mutandis* apply with reference to any advice to be furnished to the Minister by any officer so designated in regard to any proclamation referred to in sub-section (1)*bis* of section *twenty-eight* or any matter referred to in

omskrewe gebied te publiseer, en alle persone wat daarby belang het, versoek word om by bedoelde Sekretaris by 'n adres in die kennisgewing vermeld en binne 'n aldus vermelde tydperk (wat minstens een-en-twintig dae vanaf die laaste publikasie van die kennisgewing moet wees), of binne so 'n langer tydperk of tydperke as wat hy van tyd tot tyd op skriftelike aansoek by hom ingedien voor die verstryking van eersbedoelde tydperk of so 'n langer tydperk toelaat, voorstelle in te dien met betrekking tot enige gebied of gebiede wat by so 'n kennisgewing ingesluit moet word, tesame met die redes ter ondersteuning van so 'n voorstel.

(4) By ontvangs van 'n voorstel wat ingevolge sub-artikel (3) ingedien is, stuur die Sekretaris van Beplanning dit aan die raad en stel die raad die ondersoek in wat hy nodig ag om hom in staat te stel om te besluit of so 'n voorstel aanvaar of verwerp behoort te word: Met dien verstande dat die raad nie so 'n voorstel verwerp nie tensy hy aan die persoon wat die voorstel gedoen het 'n geleentheid toegestaan het om gehoor te word of om skriftelike vertoë aan hom te rig, en die Minister die verwerping van die voorstel goedgekeur het.

(5) Indien die Minister dit gelas, voldoen die Sekretaris van Beplanning ook wat betref 'n in sub-artikel (1) van artikel *agt-en-twintig* bedoelde proklamasie (behalwe 'n proklamasie kragtens sub-artikel (1) van artikel *sestien bis*, sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig*) of 'n aangeleentheid in paragraaf (*b*) van sub-artikel (1) bedoel, aan die bepalings van sub-artikel (2), of volg hy so 'n ander prosedure om die aangeleentheid (met inbegrip van 'n aangeleentheid waaroor so 'n proklamasie gaan handel) tot die kennis van belanghebbende persone te bring, as wat die Minister bepaal.

(6) Die raad dien die Minister nie in verband met die uitreiking van 'n proklamasie kragtens sub-artikel (1) van artikel *twintig* van advies nie sonder om in aanmerking te neem of daar geskikte huisvesting buite die betrokke gebied beskikbaar sal wees al dan nie vir persone wie se okkupasie van grond of persele in daardie gebied deur bedoelde proklamasie onwettig gemaak sou word.

(7) Die bepalings van paragraaf (*c*) van sub-artikel (3) van artikel *twintig* of sub-artikel (3) van artikel *een-en-twintig* belet nie dat die raad ondersoek instel na en die Minister van advies dien aangaande die wenslikheid al dan nie van die uitvaardiging van 'n proklamasie ingevolge sub-artikel (1) van artikel *twintig* of sub-artikel (1) van artikel *een-en-twintig* ten opsigte van 'n gebied waarby grond in sub-paragraaf (i) of (vi) van bedoelde paragraaf (*c*), of 'n lokasie, naturelledorp of naturelletehuis in sub-paragraaf (ii) van daardie paragraaf bedoel, inbegrepe is nie.".

Invoeging van artikel *5bis* in Wet 77 van 1957.

3. Die volgende artikel word hierby na artikel *vyf* van die Hoofwet ingevoeg:

„Werksaamhede van beamptes deur die Minister aangewys.

5bis. (1) 'n Beampte deur die Minister daartoe aangewys, stel ondersoek in na en dien die Minister deur middel van 'n skriftelike verslag van advies met betrekking tot—

(*a*) enige aanwysing wat kragtens artikel *sestien* gedoen moet word;

(*b*) die uitreiking of intrekking van of die wysiging van die voorwaardes van 'n permit kragtens artikel *agtien*; en

(*c*) die wenslikheid of andersins van die uitreiking, wysiging of intrekking van 'n in sub-artikel (1)*bis* van artikel *agt-en-twintig* bedoelde proklamasie.

(2) Die Minister kan in 'n bepaalde geval gelas dat die bepalings van sub-artikel (2) van artikel *vyf mutatis mutandis* van toepassing is met betrekking tot enige advies deur 'n aldus aangewese beampte aan die Minister verstrek te word aangaande 'n in sub-artikel (1)*bis* van artikel *agt-en-twintig* bedoelde proklamasie of 'n in paragraaf (*a*) of (*b*) van sub-

paragraph (*a*) or (*b*) of sub-section (1) of this section, or that such officer shall adopt such other procedure for advising interested persons of any enquiry to be undertaken by him as the Minister may determine.".

Amendment of section 6 of Act 77 of 1957, as amended by section 6 of Act 23 of 1961 and section 4 of Act 49 of 1962.

4. Section *six* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) A summons for the attendance before the board of any person or for the production of any book, document or thing shall be in writing, signed by the chairman or any member of the board and shall be served by registered post.".

Substitution of section 6*bis* of Act 77 of 1957, as inserted by section 5 of Act 49 of 1962.

5. The following section is hereby substituted for section *six bis* of the principal Act:

"Powers of officers conducting enquiries.

6*bis*. The provisions of section *six* shall *mutatis mutandis* apply in respect of any enquiry held under section *five bis* by an officer designated by the Minister, and for the purpose of such application any reference in the said section *six* to the board or to the chairman or a member thereof shall be construed as a reference to such officer.".

Amendment of section 7 of Act 77 of 1957, as substituted by section 7 of Act 23 of 1961 and amended by section 6 of Act 49 of 1962.

6. Section *seven* of the principal Act is hereby amended by the substitution for sub-section (6) of the following sub-section:

"(6) A summons under this section read with section *six* for the attendance of any person before a committee conducting an inquiry or for the production of any book, document or thing may be signed by any member of such committee.".

Amendment of section 8 of Act 77 of 1957, as substituted by section 7 of Act 49 of 1962.

7. Section *eight* of the principal Act is hereby amended by the substitution for the words "Community Development" of the word "Planning".

Amendment of section 15 of Act 77 of 1957, as amended by section 10 of Act 23 of 1961 and section 11 of Act 49 of 1962.

8. Section *fifteen* of the principal Act is hereby amended by the substitution in paragraph (*e*) of sub-section (2) for the expression "Native Labour Regulation Act, 1911 (Act No. 15 of 1911)" of the expression "Bantu Labour Act, 1964 (Act No. 67 of 1964)".

Amendment of section 17 of Act 77 of 1957, as amended by section 13 of Act 23 of 1961 and section 14 of Act 49 of 1962.

9. Section *seventeen* of the principal Act is hereby amended by the substitution in paragraph (*j*) of sub-section (2) for the expression "Native Labour Regulation Act, 1911 (Act No. 15 of 1911)" of the expression "Bantu Labour Act, 1964 (Act No. 67 of 1964)".

Amendment of section 19 of Act 77 of 1957, as amended by section 15 of Act 23 of 1961 and section 16 of Act 49 of 1962.

10. Section *nineteen* of the principal Act is hereby amended—

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

"(*a*) to the Secretary or a deputy secretary or an under-secretary in his Department any of his powers under paragraph (*b*) of sub-section (1)*bis* or sub-section (1)*ter* of section *twenty*, sub-section (3) of section *twenty-four*, sub-section (1) of section *twenty-seven* or section *thirty-seven*;"; and

(*b*) by the substitution for sub-section (3) of the following sub-section:

"(3) Any provision of this Act relating to the exercise of any powers or the performance of any functions by the Minister shall *mutatis mutandis* apply with reference to the exercise of any such powers or the performance of any such functions by any person by virtue of a delegation by the Minister under this section.".

Amendment of section 20 of Act 77 of 1957, as amended by section 16 of Act 23 of 1961 and section 17 of Act 49 of 1962.

11. Section *twenty* of the principal Act is hereby amended—

(*a*) by the substitution for sub-section (1)*bis* of the following sub-section:

"(1)*bis* In respect of land or premises situated in an area to which a proclamation under paragraph (*a*) of sub-section (1) relates and lawfully occupied by a disqualified person immediately prior to the date

artikel (1) van hierdie artikel bedoelde aangeleentheid of dat dié beampte die ander prosedure moet volg wat die Minister bepaal om belanghebbende persone in kennis te stel van enige ondersoek wat deur hom ingestel staan te word.".

4. Artikel *ses* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) 'n Dagvaarding aan enigiemand om voor die raad te verskyn of om 'n boek, geskrif of saak oor te lê, moet in skrif en deur die voorsitter of 'n lid van die raad onderteken wees en moet per geregistreerde pos besorg word.".

Wysiging van artikel 6 van Wet 77 van 1957, soos gewysig deur artikel 6 van Wet 23 van 1961 en artikel 4 van Wet 49 van 1962.

5. Artikel *ses bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Bevoegdhede van beamptes wat ondersoek instel.

6bis. Die bepalings van artikel *ses* is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek ingestel kragtens artikel *vyf bis* deur 'n beampte wat deur die Minister aangewys is, en vir die doel van sodanige toepassing word enige verwysing in bedoelde artikel *ses* na die raad of na die voorsitter of 'n lid daarvan uitgelê as 'n verwysing na sodanige beampte.".

Vervanging van artikel *6bis* van Wet 77 van 1957, soos ingevoeg deur artikel 5 van Wet 49 van 1962.

6. Artikel *sewe* van die Hoofwet word hierby gewysig deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) 'n Dagvaarding ingevolge hierdie artikel, gelees met artikel *ses*, aan enigiemand om voor 'n komitee wat 'n ondersoek instel, te verskyn, of om 'n boek, geskrif of saak oor te lê, kan onderteken word deur enige lid van sodanige komitee.'.

Wysiging van artikel 7 van Wet 77 van 1957, soos vervang deur artikel 7 van Wet 23 van 1961 en gewysig deur artikel 6 van Wet 49 van 1962.

7. Artikel *agt* van die Hoofwet word hierby gewysig deur die woord „Gemeenskapsbou" deur die woord „Beplanning" te vervang.

Wysiging van artikel 8 van Wet 77 van 1957, soos vervang deur artikel 7 van Wet 49 van 1962.

8. Artikel *vyftien* van die Hoofwet word hierby gewysig deur in paragraaf (*e*) van sub-artikel (2) die uitdrukking „'Naturellearbeid Regelingswet, 1911' (Wet No. 15 van 1911)" deur die uitdrukking „Wet op Bantoe-arbeid, 1964 (Wet No. 67 van 1964)" te vervang.

Wysiging van artikel 15 van Wet 77 van 1957, soos gewysig deur artikel 10 van Wet 23 van 1961 en artikel 11 van Wet 49 van 1962.

9. Artikel *sewentien* van die Hoofwet word hierby gewysig deur in paragraaf (*j*) van sub-artikel (2) die uitdrukking „'Naturellearbeid Regelingswet, 1911' (Wet No. 15 van 1911)" deur die uitdrukking „Wet op Bantoe-arbeid, 1964 (Wet No. 67 van 1964)" te vervang.

Wysiging van artikel 17 van Wet 77 van 1957, soos gewysig deur artikel 13 van Wet 23 van 1961 en artikel 14 van Wet 49 van 1962.

10. Artikel *negentien* van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*a*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*a*) aan die Sekretaris of 'n adjunk-sekretaris of ondersekretaris in sy Departement enige van sy bevoegdhede kragtens paragraaf (*b*) van sub-artikel (1)*bis* of sub-artikel (1)*ter* van artikel *twintig*, sub-artikel (3) van artikel *vier-en-twintig*, sub-artikel (1) van artikel *sewe-en-twintig* of artikel *sewe-en-dertig* delegeer;"; en

(*b*) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Enige bepaling van hierdie Wet met betrekking tot die uitoefening van bevoegdhede of die verrigting van werksaamhede deur die Minister is *mutatis mutandis* van toepassing met betrekking tot die uitoefening van sodanige bevoegdhede of die verrigting van sodanige werksaamhede deur enige persoon uit hoofde van 'n delegasie deur die Minister ingevolge hierdie artikel.".

Wysiging van artikel 19 van Wet 77 van 1957, soos gewysig deur artikel 15 van Wet 23 van 1961 en artikel 16 van Wet 49 van 1962.

11. Artikel *twintig* van die Hoofwet word hierby gewysig—

(*a*) deur sub-artikel (1)*bis* deur die volgende sub-artikel te vervang:

„(1)*bis* In die geval van grond of 'n perseel geleë in 'n gebied waarop 'n proklamasie kragtens paragraaf (*a*) van sub-artikel (1) betrekking het en wat onmiddellik voor die datum in die betrokke proklamasie ver-

Wysiging van artikel 20 van Wet 77 van 1957, soos gewysig deur artikel 16 van Wet 23 van 1961 en artikel 17 van Wet 49 van 1962.

specified in the relative proclamation and not vacated by him since that date, the provisions of section *twenty-three* shall—

(*a*) with effect from a date determined by the Minister, which shall be not less than one year after the date specified in such proclamation and of which not less than three or, in the case of business premises, twelve months' prior notice has been given in the *Gazette* and in one or more newspapers circulating in the area in question, but subject to the provisions of paragraph (*c*), apply with reference to the area defined in that proclamation or any portion of that area so determined;

(*b*) except in the case of land or premises in respect of which paragraph (*c*) applies, with effect from a date determined by the Minister, which shall be a date not less than one year after the date so specified, and of which not less than three or, in the case of business premises, twelve months' prior notice in writing has been given by the Minister to the occupier of any land or premises situated in the area to which the proclamation relates, not being an area which is the subject of a notice under paragraph (*a*), and, if the Minister deems it desirable, also to the person who allows the occupation of such land or premises, apply with reference to such land or premises;

(*c*) in the case of land or premises occupied in pursuance of any permit which was issued prior to the date specified in such proclamation and which expires before a date determined in terms of paragraph (*a*) or (*b*), apply with reference to such land or premises with effect from the date of expiry of such permit.";

(*b*) by the substitution for sub-section (1)*ter* of the following sub-section:

"(1)*ter* A notice in terms of paragraph (*b*) of sub-section (1)*bis* shall be signed by an officer designated thereto by the Minister, and may be served—

(*a*) by delivery of the notice to the occupier personally or to an adult inmate of the premises; or

(*b*) by despatching the notice by registered post in an envelope addressed to the occupier at such land or premises; or

(*c*) by delivery of the notice to the person allowing the occupation personally or by despatching it by registered post in an envelope addressed to him at his last known address.";

(*c*) by the insertion after sub-section (1)*ter* of the following sub-section:

"(1)*quat* Notwithstanding anything to the contrary contained in any law, any contract in terms of which any disqualified person occupies land or premises to which any such notice or permit relates, shall lapse with effect from the date determined in terms of sub-section (1)*bis* or (in the case of land or premises occupied in pursuance of a permit which expires on an earlier date) with effect from the date of expiry of such permit, and the magistrate's court of the district in which the land or premises are situated shall have jurisdiction to hear an action for the ejectment of such disqualified person and to make an order for his ejectment.";

(*d*) by the substitution for sub-paragraph (i) of paragraph (*a*) of sub-section (3) of the following sub-paragraph:

"(i) if it is issued in respect of a group area for a group other than the Bantu group or a group defined under sub-section (2) of section *ten* consisting of members of the Bantu group; or";

(*e*) by the substitution for sub-paragraph (iii)*bis* of paragraph (*c*) of sub-section (3) of the following paragraph:

"(iii)*bis* any incorporated area as defined in section *one* of the Preservation of Coloured Areas Act, 1961 (Act No. 31 of 1961) or section *one* of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963); or"; and

(*f*) by the deletion of sub-section (5).

meld wettiglik deur 'n onbevoegde persoon geokkupeer was en nie sedertdien deur hom ontruim is nie, is die bepalings van artikel *drie-en-twintig*—

(*a*) behoudens die bepalings van paragraaf (*c*), vanaf 'n datum deur die Minister bepaal, wat nie vroeër as een jaar na die in bedoelde proklamasie vermelde datum moet wees nie, en waarvan minstens drie of, in die geval van besigheidspersele, twaalf maande vooraf kennis gegee is in die *Staatskoerant* en in een of meer nuusblaaie wat in die betrokke gebied in omloop is, van toepassing met betrekking tot die in daardie proklamasie omskrewe gebied of 'n aldus bepaalde deel daarvan;

(*b*) behalwe in die geval van grond of 'n perseel ten opsigte waarvan paragraaf (*c*) van toepassing is, vanaf 'n datum deur die Minister bepaal, wat nie vroeër as een jaar na die aldus vermelde datum moet wees nie, en waarvan minstens drie of, in die geval van besigheidspersele, twaalf maande vooraf deur die Minister skriftelik kennis gegee is aan die okkupeerder van grond of 'n perseel geleë in die gebied waarop die proklamasie betrekking het, maar nie 'n gebied wat die onderwerp van 'n kennisgewing ingevolge paragraaf (*a*) is nie, en ook, indien die Minister dit wenslik ag, aan die persoon wat okkupasie van bedoelde grond of perseel toelaat, van toepassing met betrekking tot daardie gebied of perseel;

(*c*) in die geval van grond of 'n perseel wat geokkupeer word ingevolge 'n permit voor die datum vermeld in bedoelde proklamasie uitgereik wat verval voor 'n datum ingevolge paragraaf (*a*) of (*b*) bepaal, met betrekking tot bedoelde grond of perseel van toepassing met ingang van die vervaldag van daardie permit.";

(*b*) deur sub-artikel (1)*ter* deur die volgende sub-artikel te vervang:

„(1)*ter* 'n Kennisgewing ingevolge paragraaf (*b*) van sub-artikel (1)*bis* word onderteken deur 'n beampte wat die Minister daartoe aanwys en kan bestel word—

(*a*) deur die kennisgewing aan die okkupeerder persoonlik of aan 'n volwasse bewoner van die perseel af te lewer; of

(*b*) deur die kennisgewing per aangetekende pos te stuur in 'n koevert wat aan die okkupeerder op daardie grond of perseel gerig is; of

(*c*) deur die kennisgewing aan die persoon wat die okkupasie toelaat persoonlik af te lewer of dit per aangetekende pos te stuur in 'n koevert wat by sy laaste bekende adres aan hom gerig is.";

(*c*) deur na sub-artikel (1)*ter* die volgende sub-artikel in te voeg:

„(1)*quat* Ondanks andersluidende wetsbepalings, verval enige kontrak ingevolge waarvan 'n onbevoegde persoon grond of 'n perseel okkupeer waarop so 'n kennisgewing of permit betrekking het vanaf die datum ingevolge sub-artikel (1)*bis* bepaal of (in die geval van grond of 'n perseel geokkupeer ingevolge 'n permit wat op 'n vroeër datum verval) vanaf die vervaldag van die permit, en het die landdroshof van die distrik waarin die grond of perseel geleë is, regsbevoegdheid om 'n aksie om uitsetting van daardie onbevoegde persoon te verhoor en 'n uitsettingsbevel teen hom toe te staan.";

(*d*) deur sub-paragraaf (i) van paragraaf (*a*) van sub-artikel (3) deur die volgende sub-paragraaf te vervang:

„(i) indien dit uitgereik word ten opsigte van 'n groepsgebied vir 'n ander groep dan die Bantoe-groep of 'n groep ingevolge sub-artikel (2) van artikel *tien* omskryf wat uit lede van die Bantoe-groep bestaan; of";

(*e*) deur sub-paragraaf (iii)*bis* van paragraaf (*c*) van sub-artikel (3) deur die volgende sub-paragraaf te vervang:

„(iii)*bis* 'n ingelyfde gebied soos in artikel *een* van die Wet vir die Behoud van Kleurlinggebiede, 1961 (Wet No. 31 van 1961), of artikel *een* van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), omskryf; of"; en

(*f*) deur sub-artikel (5) te skrap.

Amendment of section 23 of Act 77 of 1957, as amended by section 18 of Act 23 of 1961 and section 20 of Act 49 of 1962.

12. Section *twenty-three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) As from the date specified in a proclamation under paragraph (*a*) of sub-section (1) of section *twenty*, and notwithstanding anything contained in any special or other statutory provision relating to the occupation of land or premises, but subject to the provisions of sub-section (1)*bis* of the said section, no disqualified person shall occupy and no person shall allow a disqualified person to occupy any land or premises in the area to which the proclamation relates except under the authority of a permit.".

Amendment of section 28 of Act 77 of 1957, as amended by section 21 of Act 23 of 1961.

13. Section *twenty-eight* of the principal Act is hereby amended—

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

"(1) No proclamation under sub-section (4) of section *one*, sub-section (2) of section *ten*, sub-section (1) of section *fourteen*, sub-section (3) of section *sixteen*, sub-section (1) of section *sixteen bis*, sub-section (1) of section *twenty*, sub-section (1) of section *twenty-one* or sub-section (1) of section *twenty-two* shall be issued, withdrawn or amended unless the Minister has considered a report made by the board under section *five* in regard thereto."; and

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

"(1)*bis* No proclamation under paragraph (*c*) of sub-section (2) or sub-section (4) of section *fifteen*, paragraph (*h*), (*i*) or (*o*) of sub-section (2) or sub-section (3) of section *seventeen* or paragraph (*c*) of sub-section (2) or paragraph (*a*) of sub-section (3) of section *twenty-three* shall be issued, withdrawn or amended, and no determination under section *sixteen* shall be made by the Minister and no permit shall be issued, withdrawn or revoked nor shall any of its conditions be amended under section *eighteen*, unless the Minister has considered a report made under section *five bis* in regard thereto.".

Substitution of section 31 of Act 77 of 1957, as substituted by section 23 of Act 23 of 1961.

14. The following section is hereby substituted for section *thirty-one* of the principal Act:

"Use of land or premises by disqualified company or person.

31. Any person who uses any land or premises in relation to which he is a disqualified person for any purpose other than the letting thereof, or company which so uses any land or premises in relation to which it is a disqualified company, except under the authority of a permit, shall be guilty of an offence and liable on conviction to the penalties prescribed by this Act in respect of the unlawful occupation of land or premises by a disqualified person, and any person who occupies any land or premises for any purpose connected with such use thereof by such a disqualified person or disqualified company otherwise than under the authority of a permit, shall for the purposes of sub-section (1) of section *fifteen*, sub-section (1) of section *seventeen* and sub-section (1) of section *twenty-three* be deemed to be a disqualified person in relation to such land or premises.".

Substitution of section 39 of Act 77 of 1957, as amended by section 25 of Act 23 of 1961.

15. The following section is hereby substituted for section *thirty-nine* of the principal Act:

"Powers of members of the S.A. Police.

39. (1) When a member of the South African Police investigates an offence or alleged or suspected offence under the provisions of this Act or any other law prohibiting or restricting the ownership, acquisition or occupation or use of land or premises by any person or class of persons, he may without warrant—

(*a*) at any time during the day or night without previous notice enter upon any premises whatsoever and make such examination and enquiry as may be necessary;

(*b*) at any time and at any place require from any person who has the possession, custody or control of any book, document or thing, the production thereof then and there or at a time and place fixed by him;

12. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 23 van Wet 77 van 1957, soos gewysig deur artikel 18 van Wet 23 van 1961 en artikel 20 van Wet 49 van 1962.

„(1) Vanaf die datum in 'n proklamasie kragtens paragraaf (*a*) van sub-artikel (1) van artikel *twintig* vermeld, mag, ondanks enigiets in enige spesiale of ander statutêre bepaling met betrekking tot die okkupasie van grond of 'n perseel vervat, maar behoudens die bepalings van sub-artikel (1)*bis* van bedoelde artikel, geen onbevoegde persoon grond of 'n perseel in die gebied waarop die proklamasie betrekking het, okkupeer nie en mag niemand 'n onbevoegde persoon toelaat om dit te okkupeer nie, dan alleen uit hoofde van 'n permit.".

13. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 28 van Wet 77 van 1957, soos gewysig deur artikel 21 van Wet 23 van 1961.

(*a*) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Geen proklamasie kragtens sub-artikel (4) van artikel *een*, sub-artikel (2) van artikel *tien*, sub-artikel (1) van artikel *veertien*, sub-artikel (3) van artikel *sestien*, sub-artikel (1) van artikel *sestien bis*, sub-artikel (1) van artikel *twintig*, sub-artikel (1) van artikel *een-en-twintig* of sub-artikel (1) van artikel *twee-en-twintig* word uitgereik, ingetrek of gewysig nie, tensy die Minister 'n verslag wat deur die raad kragtens artikel *vyf* in verband daarmee gedoen is, oorweeg het."; en

(*b*) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Geen proklamasie kragtens paragraaf (*c*) van sub-artikel (2) of sub-artikel (4) van artikel *vyftien*, paragraaf (*h*), (*i*) of (*o*) van sub-artikel (2) of sub-artikel (3) van artikel *sewentien* of paragraaf (*c*) van sub-artikel (2) of paragraaf (*a*) van sub-artikel (3) van artikel *drie-en-twintig*, word uitgereik, ingetrek of gewysig nie, en geen aanwysing word kragtens artikel *sestien* deur die Minister gedoen nie en geen permit word uitgereik of ingetrek nie en sy voorwaardes word nie kragtens artikel *agtien* gewysig nie, tensy die Minister 'n verslag wat kragtens artikel *vyf bis* in verband daarmee gedoen is, oorweeg het.".

14. Artikel *een-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 31 van Wet 77 van 1957, soos vervang deur artikel 23 van Wet 23 van 1961.

„Gebruik van grond of perseel deur onbevoegde persoon of maatskappy.

31. Enige persoon wat grond of 'n perseel met betrekking waartoe hy 'n onbevoegde persoon is vir 'n ander doel as die verhuur daarvan gebruik, of maatskappy wat grond of 'n perseel met betrekking waartoe dié maatskappy 'n onbevoegde maatskappy is aldus gebruik, behalwe uit hoofde van 'n permit, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe by hierdie Wet ten opsigte van die onwettige okkupasie van grond of 'n perseel deur 'n onbevoegde persoon voorgeskryf, en iemand wat grond of 'n perseel okkupeer vir 'n doel wat met sodanige gebruik daarvan deur so 'n onbevoegde persoon of onbevoegde maatskappy in verband staan, behalwe uit hoofde van 'n permit, word by die toepassing van sub-artikel (1) van artikel *vyftien*, sub-artikel (1) van artikel *sewentien* en sub-artikel (1) van artikel *drie-en-twintig* geag met betrekking tot bedoelde grond of perseel 'n onbevoegde persoon te wees.".

15. Artikel *nege-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 39 van Wet 77 van 1957, soos gewysig deur artikel 25 van Wet 23 van 1961.

„Bevoegdhede van lede van die S.A. Polisie.

39. (1) Wanneer 'n lid van die Suid-Afrikaanse Polisie 'n misdryf of beweerde of vermoedelike misdryf ondersoek ingevolge die bepalings van hierdie Wet of 'n ander wet wat die eiendomsreg op of die verkryging of okkupasie of gebruik van grond of 'n perseel deur enige persoon of kategorie persone verbied of beperk, kan hy sonder lasbrief—

(*a*) te eniger tyd gedurende die dag of nag sonder voorafgaande kennisgewing enige perseel hoegenaamd betree en die ondersoek instel en die navraag doen wat nodig is;

(*b*) te eniger tyd en op enige plek van iemand wat 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer het, eis dat dit daar en dan of op 'n deur hom bepaalde tyd en plek oorgelê word;

(*c*) examine and make extracts from and copies of any such book, document or thing, and require from any person an explanation of any entries therein, and seize any such book, document or thing, as in his opinion may afford evidence of a contravention or evasion of any provision relating to the acquisition, ownership, use or occupation of immovable property;

(*d*) question either alone or in the presence of any other person as he thinks fit, with respect to any matter relevant to any such purpose, any person whom he finds on any premises entered under this section;

(*e*) require any person whom he has reasonable grounds for believing to be in possession of information relevant to any such purpose to appear before him at a time and place fixed by him and then and there question that person concerning any matter relevant to any such purpose.

(2) A member of the South African Police exercising any power under paragraph (*d*) or (*e*) of sub-section (1) shall keep a record of any statement made to him, and the person who made the statement shall be entitled to a copy of the statement as so recorded.

(3) Any person who is questioned under paragraph (*d*) or (*e*) of sub-section (1) shall be entitled to all the privileges to which a person giving evidence before a court of law is entitled.

(4) Every person occupying or residing upon any premises entered in terms of sub-section (1) or employed by any such person, shall at all times furnish such facilities as are required to exercise the powers under the said sub-section.

(5) Notwithstanding anything to the contrary contained in any law, an officer in charge of a deeds registry is hereby authorized to detain any deed lodged with him and to suspend the examination thereof pending a report (to be submitted within a period determined by such officer) by a member of the South African Police to whom any matter relating to such deed may have been referred by such officer for investigation.".

Amendment of section 40 of Act 77 of 1957

16. Section *forty* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) No member of the South African Police shall disclose any information in relation to the financial or business affairs of any person, firm or business, acquired in the exercise of his powers or in the performance of his duties under section *thirty-nine*, to any person except—

(*a*) to the Minister or a member of the board or any committee thereof or an officer in the public service for the purposes of the performance of any duty in connection with any matter investigated under the said section; or

(*b*) for the purpose of the performance of his duties; or

(*c*) for the purpose of the institution of any legal proceedings or when required to do so before a court or under any law.".

Substitution of section 42 of Act 77 of 1957, as amended by section 27 of Act 23 of 1961, section 26 of Act 49 of 1962 and section 35 of Act 80 of 1964.

17. The following section is hereby substituted for section *forty-two* of the principal Act:

"Penalties.

42. (1) Any person who—

(*a*) contravenes the provisions of sub-section (1) of section *eleven*, section *twelve*, sub-section (1) of section *fifteen*, sub-section (2) of section *sixteen bis*, sub-section (1) of section *seventeen*, sub-section (4) of section *twenty-one*, paragraph (*b*) or (*c*) of sub-section (2) or sub-section (3) of section *twenty-two*, sub-section (1) of section *twenty-three*, paragraph (*a*), (*b*) or (*c*) of sub-section (1) of section *twenty-four*, sub-section (1) of section *thirty-three* or section *thirty-six*; or

(*b*) contravenes or fails to comply with any condition of a permit; or

(*c*) so 'n boek, geskrif of saak ondersoek en uittreksels daaruit en afskrifte daarvan maak, en van enige persoon 'n uitleg vorder van enige inskrywings daarin, en beslag lê op so 'n boek, geskrif of saak wat volgens sy oordeel bewys sou kon lewer van 'n oortreding of ontduiking van enige bepaling betreffende die verkryging, besit, gebruik of okkupasie van onroerende goed;

(*d*) enigiemand wat hy op 'n kragtens hierdie artikel betrede perseel vind, ondervra met betrekking tot enige aangeleentheid wat by so 'n doel ter sake is, òf alleen òf in die teenwoordigheid van 'n ander persoon soos hy goedvind;

(*e*) enige persoon omtrent wie hy op redelike gronde vermoed dat hy inligting besit wat by so 'n doel ter sake is, gelas om op 'n tyd en plek deur hom bepaal voor hom te verskyn, en daar en dan daardie persoon ondervra omtrent enige aangeleentheid wat by so 'n doel ter sake is.

(2) 'n Lid van die Suid-Afrikaanse Polisie wat 'n bevoegdheid kragtens paragraaf (*d*) of (*e*) van sub-artikel (1) uitoefen, moet aantekening hou van enige verklaring wat aan hom gedoen word, en die persoon wat die verklaring gedoen het, is geregtig op 'n afskrif van die verklaring soos aldus aangeteken.

(3) Iemand wat kragtens paragraaf (*d*) of (*e*) van sub-artikel (1) ondervra word, is geregtig op al die voorregte waarop iemand wat voor 'n geregshof getuienis aflê, geregtig is.

(4) Iedere persoon wat 'n perseel okkupeer of bewoon wat ingevolge sub-artikel (1) betree word of by so 'n persoon in diens is, moet te alle tye die fasiliteite verskaf wat nodig is om die bevoegdhede ingevolge genoemde sub-artikel uit te oefen.

(5) Ondanks andersluidende wetsbepalings, word 'n beampte aan die hoof van 'n regstrasiekantoor hierby gemagtig om enige akte wat by hom ingedien word in bewaring te hou en die ondersoek daarvan uit te stel in afwagting van 'n verslag (wat binne 'n deur bedoelde beampte bepaalde tydperk ingedien moet word) van 'n lid van die Suid-Afrikaanse Polisie na wie bedoelde beampte enige aangeleentheid rakende daardie akte vir ondersoek verwys het.".

Wysiging van artikel 40 van Wet 77 van 1957.

16. Artikel *veertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Geen lid van die Suid-Afrikaanse Polisie, mag inligting in verband met die geld- of besigheidsake van enige persoon, firma of besigheid, wat by die uitoefening van sy bevoegdhede of die vervulling van sy pligte kragtens artikel *nege-en-dertig* ingewin is, aan enige persoon openbaar nie, dan alleen—

(*a*) aan die Minister of 'n lid van die raad of 'n komitee daarvan of 'n beampte in die Staatsdiens vir die doeleindes van die vervulling van die een of ander plig in verband met 'n aangeleentheid wat ingevolge genoemde artikel ondersoek is; of

(*b*) vir die doeleindes van die vervulling van sy pligte; of

(*c*) vir die doeleindes van die instelling van 'n regsproses of wanneer dit in 'n hof of ingevolge 'n wetsbepaling van hom vereis word.".

Vervanging van artikel 42 van Wet 77 van 1957, soos gewysig deur artikel 27 van Wet 23 van 1961, artikel 26 van Wet 49 van 1962 en artikel 35 van Wet 80 van 1964.

17. Artikel *twee-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Strafbepalings.

42. (1) Iemand wat—

(*a*) die bepalings van sub-artikel (1) van artikel *elf*, artikel *twaalf*, sub-artikel (1) van artikel *vyftien*, sub-artikel (2) van artikel *sestien bis*, sub-artikel (1) van artikel *sewentien*, sub-artikel (4) van artikel *een-en-twintig*, paragraaf (*b*) of (*c*) van sub-artikel (2) of sub-artikel (3) van artikel *twee-en-twintig*, sub-artikel (1) van artikel *drie-en-twintig*, paragraaf (*a*), (*b*) of (*c*) van sub-artikel (1) van artikel *vier-en-twintig*, sub-artikel (1) van artikel *drie-en-dertig* of artikel *ses-en-dertig* oortree; of

(*b*) 'n voorwaarde van 'n permit oortree of versuim om daaraan te voldoen; of

(*c*) contravenes or fails to comply with the provisions of sub-section (2) or (4) of section *thirty-two*, sub-section (4) of section *thirty-nine* or section *forty*; or

(*d*) having been summoned or called under section *six* or under the said section read with section *six bis* or *seven*, fails without sufficient cause to attend at the time and place specified in the summons or to remain in attendance until excused from further attendance, or refuses to be sworn or to affirm as a witness; or

(*e*) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him at an enquiry under section *six* or under the said section read with section *six bis* or *seven*, or to produce any book, document or thing in his possession or custody or under his control which he has been lawfully required to produce at such enquiry; or

(*f*) having been sworn or having made affirmation at any such enquiry, gives an answer to any relevant question lawfully put to him or makes any relevant statement, which is false in any material particular, knowing such answer or statement to be false; or

(*g*) refuses or fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any relevant question lawfully put to him by a member of the South African Police in the exercise of his powers or to comply with any lawful requirement of a member of the South African Police in the exercise of his powers; or

(*h*) gives an answer to any such question or makes any relevant statement to a member of the South African Police which is false in any material particular, knowing such answer or statement to be false; or

(*i*) hinders or obstructs the chairman or any member of the board or of a committee thereof or any officer designated under section *five bis* or any person nominated under paragraph (*c*) of sub-section (1) of section *six* or any member of the South African Police, in the exercise of his powers or functions under this Act; or

(*j*) whether on his own behalf or on behalf or in the interest of any other person, enters into any agreement in terms whereof any immovable property is or purports to be disposed of to any person in contravention of sub-section (1) or (2) of section *thirteen* or paragraph (*a*) of sub-section (2) of section *twenty-two*,

shall be guilty of an offence, and liable on conviction, in the case of an offence referred to in paragraph (*a*), (*b*), (*f*) or (*j*), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and in the case of an offence referred to in any other paragraph, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) (*a*) The court convicting any person of occupying any land or premises in contravention of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen*, sub-section (2) of section *twenty-two* or sub-section (1) of section *twenty-three*, may in addition to any penalty imposed—

(i) make an order for the ejectment, at State expense, from such land or premises, of such person and any other person of the same group proved to be living with him whether permanently or otherwise;

(*c*) die bepalings van sub-artikel (2) of (4) van artikel *twee-en-dertig*, sub-artikel (4) van artikel *nege-en-dertig* of artikel *veertig* oortree of versuim om daaraan te voldoen; of

(*d*) nadat hy kragtens artikel *ses* of kragtens genoemde artikel gelees met artikel *ses bis* of *sewe* gedagvaar of opgeroep is, sonder voldoende rede versuim om op die in die dagvaarding genoemde tyd en plek te verskyn of om aanwesig te bly totdat hy van verdere bywoning onthef is, of weier om as getuie beëdig te word of te bevestig; of

(*e*) sonder voldoende rede weier of versuim om volledig en op bevredigende wyse na die beste van sy wete en oortuiging te antwoord op enige ter sake dienende vraag wat wettiglik by 'n ondersoek kragtens artikel *ses* of kragtens genoemde artikel gelees met artikel *ses bis* of *sewe* aan hom gestel is, of om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer by so 'n ondersoek oor te lê nadat dit wettiglik van hom verlang is; of

(*f*) nadat hy by so 'n ondersoek beëdig is of 'n bevestiging gedoen het, 'n antwoord gee op 'n ter sake dienende vraag wat wettiglik aan hom gestel is, of 'n ter sake dienende verklaring doen wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of

(*g*) sonder voldoende rede weier of versuim om volledig en op bevredigende wyse na die beste van sy wete en oortuiging te antwoord op enige ter sake dienende vraag wat 'n lid van die Suid-Afrikaanse Polisie by die uitoefening van sy bevoegdhede wettiglik aan hom gestel het, of aan 'n vereiste wettiglik in die uitoefening van sy bevoegdhede deur 'n lid van die Suid-Afrikaanse Polisie gestel, te voldoen; of

(*h*) 'n antwoord gee op so 'n vraag of 'n ter sake dienende verklaring aan 'n lid van die Suid-Afrikaanse Polisie doen wat vals is wat 'n wesenlike besonderheid betref, met die wete dat die antwoord of verklaring vals is; of

(*i*) die voorsitter of 'n lid van die raad of van 'n komitee daarvan of 'n beampte kragtens artikel *vyf bis* aangewys of 'n persoon wat kragtens paragraaf (*c*) van sub-artikel (1) van artikel *ses* benoem is, of 'n lid van die Suid-Afrikaanse Polisie by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie Wet hinder of belemmer; of

(*j*) hetsy ten behoewe van homself of ten behoewe of ten voordele van 'n ander persoon 'n ooreenkoms aangaan waarvolgens onroerende goed in stryd met sub-artikel (1) of (2) van artikel *dertien* of paragraaf (*a*) van sub-artikel (2) van artikel *twee-en-twintig*, aan 'n persoon van die hand gesit word of gesit heet te word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n in paragraaf (*a*), (*b*), (*f*) of (*j*) bedoelde misdryf, met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf, en in die geval van 'n misdryf in enige ander paragraaf bedoel met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) (*a*) Die hof wat iemand skuldig bevind weens die okkupering van grond of 'n perseel in stryd met sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien*, sub-artikel (2) van artikel *twee-en-twintig* of sub-artikel (1) van artikel *drie-en-twintig*, kan benewens enige straf opgelê—

(i) 'n bevel uitvaardig tot uitsetting van bedoelde grond of perseel, op Staatskoste, van so iemand en enigiemand anders van dieselfde groep van wie daar bewys word dat hy, hetsy permanent of andersins, saam met die veroordeelde woon;

(ii) make such orders, give such instructions and confer such authority as it may deem reasonably necessary to give effect to the said order of ejectment and for the removal from such land or premises of the possessions of any person to be ejected.

(*b*) Any order may be made under paragraph (*a*) against any person proved to be living with the convicted person without prior notice having been given to such first-mentioned person.

(3) Any person ejected from any land or premises under an order made under sub-section (2) who is at any time found to be on such land or premises without lawful excuse, the onus of proof whereof shall be upon him, shall be guilty of an offence and liable on conviction to the penalties prescribed for an offence referred to in paragraph (*a*) of sub-section (1).

(4) For the purpose of paragraph (*j*) of sub-section (1) a sheriff, deputy sheriff, messenger of the court, trustee, executor, liquidator, curator or administrator dealing with immovable property in his capacity as such, or any other person dealing with immovable property in a representative capacity, shall be deemed to be acting on behalf or in the interest of the person in whose name the property is registered.

(5) Whenever two or more persons are in any indictment, summons or charge alleged to have committed, at the same or approximately the same time, offences under the provisions of sub-section (1) of section *fifteen*, section *sixteen bis*, sub-section (1) of section *seventeen*, sub-section (2) of section *twenty-two* or sub-section (1) of section *twenty-three* in respect of the same land or premises, such persons may, notwithstanding anything to the contrary in any other law or the common law contained, be tried jointly for such offences on that indictment, summons or charge.

(6) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this section and to make any order under sub-section (2).".

Amendment of section 44 of Act No. 77 of 1957.

18. Section *forty-four* of the principal Act is hereby amended by the substitution for sub-section (6) of the following sub-section:

"(6) Notwithstanding the repeal by section *twenty-seven* of the Group Areas Further Amendment Act, 1955, of section *ten* of the Municipal Amending Ordinance, 1905 (Ordinance No. 17 of 1905), of the Transvaal, the provisions of that section shall continue to apply in and in relation to any area which has, prior to the commencement of that Act, been set apart under the said section and which has not been proclaimed under section *three*, *three bis* or *three ter* of the Group Areas Act, 1950 (Act No. 41 of 1950), and shall continue so to apply until such area is proclaimed under section *sixteen bis*, *twenty*, *twenty-one* or *twenty-two* of this Act.".

Short title.

19. This Act shall be called the Group Areas Amendment Act, 1965.

(ii) die bevele uitvaardig, die instruksies gee en die magtiging verleen wat die hof redelikerwys nodig ag om aan bedoelde bevel tot uitsetting gevolg te gee en vir die verwydering van bedoelde grond of perseel van die besittings van iemand wat uitgesit staan te word.

(*b*) 'n Bevel kan ingevolge paragraaf (*a*) uitgevaardig word teen enigiemand van wie daar bewys word dat hy saam met die veroordeelde woon, sonder dat vooraf kennis aan so iemand gegee is.

(3) Enigiemand wat kragtens 'n ingevolge sub-artikel (2) uitgevaardigde bevel van enige grond of perseel uitgesit is en te eniger tyd op daardie grond of perseel gevind word, sonder dat hy 'n wettige verskoning het, waarvan die bewyslas op hom rus, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat voorgeskryf word vir 'n in paragraaf (*a*) van sub-artikel (1) bedoelde misdryf.

(4) By die toepassing van paragraaf (*j*) van sub-artikel (1) word 'n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwidateur, kurator of administrateur wat in dié hoedanigheid met betrekking tot onroerende goed handel, of enige ander persoon wat in 'n verteenwoordigende hoedanigheid met betrekking tot onroerende goed handel, geag ten behoewe of ten voordele van die persoon op wie se naam die goed geregistreer is, te handel.

(5) Wanneer dit in enige akte van beskuldiging, dagvaarding of klagskrif beweer word dat twee of meer persone op dieselfde of ongeveer dieselfde tyd misdrywe ingevolge die bepalings van sub-artikel (1) van artikel *vyftien*, artikel *sestien bis*, sub-artikel (1) van artikel *sewentien*, sub-artikel (2) van artikel *twee-en-twintig* of sub-artikel (1) van artikel *drie-en-twintig* ten opsigte van dieselfde grond of perseel gepleeg het, kan daardie persone ondanks andersluidende wetsbepalings of gemeenregtelike bepalings, gesamentlik weens bedoelde misdrywe, op daardie akte van beskuldiging, dagvaarding of klagskrif verhoor word.

(6) Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige by hierdie artikel voorgeskrewe straf op te lê en om enige bevel kragtens sub-artikel (2) uit te vaardig.".

18. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (6) deur die volgende sub-artikel te vervang: Wysiging van artikel 44 van Wet 77 van 1957.

„(6) Ondanks die herroeping by artikel *sewe-en-twintig* van die Verdere Wysigingswet op Groepsgebiede, 1955, van artikel *tien* van die ‚Municipal Amending Ordinance, 1905' (Ordonnansie No. 17 van 1905), van Transvaal, bly die bepalings van daardie artikel van toepassing in en met betrekking tot 'n gebied wat voor die inwerkingtreding van daardie Wet kragtens bedoelde artikel afgesonder is en wat nie ingevolge artikel *drie*, *drie bis* of *drie ter* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), geproklameer is nie, totdat bedoelde gebied kragtens artikel *sestien bis*, *twintig*, *een-en-twintig* of *twee-en-twintig* van hierdie Wet geproklameer word.".

19. Hierdie Wet heet die Wysigingswet op Groepsgebiede, 1965. **Kort** titel.

No. 58, 1965.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945, and to empower provincial councils to provide for certain contributions and expenditure in connection with the celebration of Republic Day.

(*English text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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

Insertion of section 18*quin* in Act 38 of 1945.

1. The following section is hereby inserted in the Financial Relations Consolidation and Amendment Act, 1945, after section *eighteen quat*:

"The executive committee of a province may provide buildings for the advancement of performing arts.

18*quin*. The executive committee of a province may, notwithstanding anything to the contrary in any law contained, out of funds appropriated by the provincial council concerned for the purpose, erect or acquire and maintain buildings for the advancement of opera, music, the stage or ballet, and let such buildings or permit such buildings to be used subject to the terms and conditions which the executive committee may determine.".

A provincial council may provide for contributions and expenditure in connection with the celebration of Republic Day.

2. A provincial council may provide for the payment from the provincial revenue fund—

(*a*) of contributions to any person or body of persons towards the cost of any function which is organized within or without the province by that person or body of persons in connection with the celebration of Republic Day as defined in the Public Holidays Act, 1952 (Act No. 5 of 1952); and

(*b*) of any amount to meet expenditure which is incurred within or without the province in connection with the said celebration.

Short title.

3. This Act shall be called the Financial Relations Further Amendment Act, 1965.

No. 58, 1965.]

WET

Om die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, te wysig, en om provinsiale rade te magtig om voorsiening te maak vir sekere bydraes en uitgawes in verband met die viering van Republiekdag.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

Invoeging van artikel 18*quin* in Wet 38 van 1945.

1. Die volgende artikel word hierby in die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, na artikel *agtien quat* ingevoeg:

„Die uitvoerende komitee van 'n provinsie kan geboue voorsien vir die bevordering van uitvoerende kunste.

18*quin*. Die uitvoerende komitee van 'n provinsie kan, ondanks andersluidende wetsbepalings, uit fondse wat die betrokke provinsiale raad vir die doel beskikbaar gestel het, geboue vir die bevordering van opera, musiek, toneel of ballet oprig of verkry en onderhou, en sodanige geboue verhuur of laat gebruik onderworpe aan die bedinge en voorwaardes wat die uitvoerende komitee bepaal.".

'n Provinsiale raad kan voorsiening maak vir bydraes en uitgawes in verband met die viering van Republiekdag.

2. 'n Provinsiale raad kan voorsiening maak vir die betaling uit die provinsiale inkomstefonds—

(*a*) van bydraes aan enige persoon of liggaam van persone tot die koste van enige funksie wat binne of buite die provinsie deur daardie persoon of liggaam van persone gereël word in verband met die viering van Republiekdag soos in die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), omskryf; en

(*b*) van enige bedrag vir die bestryding van uitgawes wat binne of buite die provinsie in verband met bedoelde viering aangegaan word.

Kort titel.

3. Hierdie Wet heet die Verdere Wysigingswet op Finansiële Verhoudings, 1965.

No. 59, 1965.]

ACT

To provide for the registration of correspondence colleges, for the establishment of a Correspondence College Council and of a Fidelity Guarantee Fund for Correspondence Colleges, and for matters incidental thereto, and to amend the Vocational Education Act, 1955.

(*Afrikaans text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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) "Correspondence college" means any person maintaining, managing or conducting any correspondence course or providing correspondence tuition for reward, but does not include any person who receives any grant-in-aid from the State; (iv)

(ii) "Council" means the Correspondence College Council established by section *two*; (vi)

(iii) "Fund" means the Correspondence College Fidelity Guarantee Fund established by section *twenty*; (i)

(iv) "Minister" means the Minister of Education, Arts and Science; (v)

(v) "prescribed" means prescribed by rules made under section *thirty-nine*; (ix)

(vi) "principal officer" means any principal officer referred to in section *twelve*; (iii)

(vii) "register" means the register referred to in section *eleven*; (vii)

(viii) "registered correspondence college" means a correspondence college registered in terms of section *eleven*; (ii)

(ix) "Registrar" means the Registrar of Correspondence Colleges appointed in terms of section *ten*. (viii)

Establishment of a Correspondence College Council.

2. There is hereby established a council, to be known as the Correspondence College Council, which shall be a body corporate.

Members and alternate members of Council, tenure of office of such members and filling of vacancies.

3. (1) The Council shall have six members, of whom—

(*a*) two shall be appointed by the Minister; and

(*b*) four shall be appointed or elected in accordance with the provisions of section *four*.

(2) The person who appoints or elects a member of the Council shall appoint or elect, as the case may be, an alternate member to such member.

(3) An alternate member so appointed or elected may attend and take part in the proceedings at any meeting of the Council whenever the member to whom he has been appointed or elected as alternate member is absent from such meeting.

(4) A member referred to in paragraph (*a*) of sub-section (1) and an alternate to such member shall hold office for such period as the Minister may determine at the time of the relevant appointment, and any other member of the Council and an alternate to such member shall hold office for a period of two years.

(5) If the office of a member or of an alternate member of the Council becomes vacant before the expiration of the period for which he was appointed or elected, the person who appointed or elected him, shall appoint or elect, as the case may be, a person to fill the vacancy for the unexpired portion of the period for which such member or alternate member was appointed or elected.

No. 59, 1965.]

WET

Om voorsiening te maak vir die registrasie van korrespondensiekolleges, vir die instelling van 'n Korrespondensiekollegeraad en van 'n Getrouheidswaarborgfonds vir Korrespondensiekolleges, en vir aangeleenthede wat daarmee in verband staan, en tot wysiging van die Wet op Beroepsonderwys, 1955.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

Woordomskrywing.

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

(i) „Fonds" die Getrouheidswaarborgfonds vir Korrespondensiekolleges ingestel by artikel *twintig*; (iii)

(ii) „geregistreerde korrespondensiekollege" 'n korrespondensiekollege wat ingevolge artikel *elf* geregistreer is; (viii)

(iii) „hoofamptenaar" 'n hoofamptenaar vermeld in artikel *twaalf*; (vi)

(iv) „korrespondensiekollege" iemand wat teen vergoeding 'n korrespondensiekursus in stand hou, beheer of bestuur of korrespondensie-onderrig verskaf, maar nie ook iemand wat 'n hulptoelae van die Staat ontvang nie; (i)

(v) „Minister" die Minister van Onderwys, Kuns en Wetenskap; (iv)

(vi) „Raad" die Korrespondensiekollegeraad ingestel by artikel *twee*; (ii)

(vii) „register" die register vermeld in artikel *elf*; (vii)

(viii) „Registrateur" die Registrateur van Korrespondensiekolleges aangestel ingevolge artikel *tien*; (ix)

(ix) „voorgeskryf" voorgeskryf by reëls wat kragtens artikel *nege-en-dertig* uitgevaardig is. (v)

Instelling van Korrespondensiekollegeraad.

2. Hierby word 'n raad ingestel wat die Korrespondensiekollegeraad heet en 'n regspersoon is.

Lede en plaasvervangende lede van Raad, ampstermyn van sodanige lede, en vul van vakatures.

3. (1) Die Raad het ses lede van wie—

(*a*) twee deur die Minister aangestel word; en

(*b*) vier ooreenkomstig die bepalings van artikel *vier* aangestel of gekies word.

(2) Die persoon wat 'n lid van die Raad aanstel of kies, moet 'n plaasvervangende lid vir so 'n lid aanstel of kies, na gelang van die geval.

(3) 'n Plaasvervangende lid wat aldus aangestel of gekies is, kan 'n vergadering van die Raad bywoon en daar aan die verrigtinge deelneem, wanneer die lid vir wie hy as plaasvervangende lid aangestel of gekies is, van dié vergadering afwesig is.

(4) 'n Lid vermeld in paragraaf (*a*) van sub-artikel (1), en 'n plaasvervanger vir so 'n lid, beklee hul ampte vir die termyn wat die Minister ten tyde van die betrokke aanstelling bepaal, en enige ander lid van die Raad en 'n plaasvervanger vir so 'n lid beklee hul ampte vir 'n termyn van twee jaar.

(5) Indien die setel van 'n lid of van 'n plaasvervangende lid van die Raad vakant raak vóór die verstryking van die termyn waarvoor hy aangestel of gekies is, moet die persoon wat hom aangestel of gekies het, iemand aanstel of kies, na gelang van die geval, om die vakature te vul vir die onverstreke gedeelte van die termyn waarvoor sodanige lid of plaasvervangende lid aangestel of gekies is.

Appointment or election of members other than members to be appointed by Minister.

4. (1) As soon as possible after the commencement of this Act the South African Association of Correspondence Colleges shall appoint four members of the Council.

(2) If the said Association fails, after having been called upon by the Minister to do so, to appoint within the period specified by the Minister, four members and four alternate members of the Council, the Minister shall appoint such members and alternate members, who shall be persons who are not in the full-time employment of the State.

(3) After the expiration of the period of office of the members of the Council appointed in terms of sub-section (1) or (2), and thereafter as occasion arises, the four members of the Council referred to in paragraph (*b*) of sub-section (1) of section *three* shall be elected, in the manner prescribed by regulation made under section *forty*, by registered correspondence colleges, each such college being entitled to one vote plus an additional vote in respect of each completed twenty thousand rand of its revenue derived from correspondence tuition fees in its financial year (if any) immediately preceding the date of voting, but not exceeding ten votes altogether.

Chairman and vice-chairman of the Council.

5. (1) The members of the Council shall at their first meeting and thereafter as occasion arises, elect from among their number a chairman and a vice-chairman of the Council.

(2) The chairman and the vice-chairman so elected shall hold office for such period as the Council may determine when the person in question is elected.

Meetings of the Council, quorum and majority decision.

6. (1) The first meeting of the Council shall be held at such time and place as the Minister may determine, and all subsequent meetings thereof shall be held at such times and places as the Council may fix: Provided that the Council shall meet at least once in every year ending on the thirty-first day of December.

(2) The chairman may at any time, and shall when requested to do so by any two members of the Council, call a special meeting of the Council, to be held at such time and place as the chairman may direct.

(3) Four members of the Council shall form a quorum, provided at least one of them was appointed in terms of paragraph (*a*) of sub-section (1) of section *three*.

(4) (*a*) The chairman shall preside at all meetings of the Council at which he is present, and if he is absent from any meeting of the Council and the vice-chairman is present thereat, the latter shall preside at such meeting.

(*b*) If both the chairman and the vice-chairman are absent from any meeting of the Council, the members present shall elect from among their number an acting chairman, who shall preside at that meeting.

(5) All questions arising at any meeting of the Council shall be decided by a majority of the votes of the members present and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(6) Any member of the Council may require the person presiding at a meeting to direct that his dissent from any resolution passed by the Council, and the reasons for such dissent, be recorded in the minutes of the proceedings at which such resolution was passed.

(7) No decision of or act performed under the authority of the Council shall be invalid by reason only of a vacancy on the Council or of the fact that a person who is disqualified from being a member of the Council, or with respect to whose appointment or election the provisions of this Act had not been observed, sat or acted as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by a majority of the members of the Council who were at the time present and entitled to sit and act as members.

Allowances payable to members of the Council.

7. (1) The members of the Council who are not in the full-time employment of the State may be paid from the funds of the Council the prescribed travelling and subsistence allowances in respect of any period during which they are engaged on the business of the Council.

(2) The Council shall refund to the State any travelling and subsistence allowances paid by the State to a person in the full-time employment of the State in respect of any period during which such person was engaged on the business of the Council as a member thereof.

4. (1) So spoedig doenlik ná die inwerkingtreding van hierdie Wet moet die Suid-Afrikaanse Vereniging van Korrespondensiekolleges vier lede van die Raad aanstel.

Aanstelling of verkiesing van ander lede as dié wat deur Minister aangestel moet word.

(2) Indien genoemde Vereniging, nadat hy deur die Minister aangesê is om dit te doen, versuim om binne die tydperk deur die Minister bepaal, vier lede en vier plaasvervangende lede van die Raad aan te stel, moet die Minister sodanige lede en plaasvervangende lede aanstel, wat persone moet wees wat nie in die voltydse diens van die Staat is nie.

(3) Ná verstryking van die ampstermyn van lede van die Raad wat ingevolge sub-artikel (1) of (2) aangestel is, en daarná wanneer dit nodig word, moet, op die wyse voorgeskryf by regulasie uitgevaardig kragtens artikel *veertig*, die vier lede van die Raad vermeld in paragraaf (*b*) van sub-artikel (1) van artikel *drie*, gekies word deur geregistreerde korrespondensiekolleges waarvan elkeen geregtig is op een stem sowel as 'n bykomende stem ten opsigte van iedere volle twintigduisend rand van sy inkomste verkry uit gelde vir korrespondensieonderrig gedurende sy boekjaar (indien daar een is) wat die datum van stemming onmiddellik voorafgaan, maar hoogstens tien stemme altesame.

5. (1) Die lede van die Raad moet op hul eerste vergadering, en daarná wanneer dit nodig word, uit eie geledere 'n voorsitter en ondervoorsitter van die Raad kies.

Voorsitter en ondervoorsitter van die Raad.

(2) Die aldus gekose voorsitter en ondervoorsitter beklee hul ampte vir die termyn wat die Raad bepaal wanneer die betrokke persoon gekies word.

6. (1) Die eerste vergadering van die Raad word gehou op die tyd en plek wat die Minister bepaal, en al die daaropvolgende vergaderings daarvan word gehou op die tye en plekke wat die Raad vasstel: Met dien verstande dat die Raad minstens een maal in iedere jaar wat op die een-en-dertigste dag van Desember eindig, bymekaar moet kom.

Vergaderings van die Raad, kworum en meerderheidsbesluit.

(2) Die voorsitter kan te eniger tyd, en moet, wanneer hy daartoe versoek word deur twee lede van die Raad, 'n spesiale vergadering van die Raad belê wat gehou moet word op die tyd en plek wat die voorsitter gelas.

(3) Vier lede van die Raad maak 'n kworum uit, mits ten minste een van hulle ingevolge paragraaf (*a*) van sub-artikel (1) van artikel *drie* aangestel is.

(4) (*a*) Die voorsitter moet voorsit op al die vergaderings van die Raad waarop hy aanwesig is, en indien hy afwesig is van 'n vergadering van die Raad waarop die ondervoorsitter aanwesig is, moet laasgenoemde op dié vergadering voorsit.

(*b*) Indien die voorsitter sowel as die ondervoorsitter van 'n vergadering van die Raad afwesig is, moet die aanwesige lede uit eie geledere 'n waarnemende voorsitter kies wat op daardie vergadering moet voorsit.

(5) Alle vraagstukke wat op 'n vergadering van die Raad ontstaan, word deur 'n meerderheid van die stemme van die aanwesige lede beslis, en by 'n staking van stemme het die persoon wat op die vergadering voorsit, 'n beslissende stem benewens sy beraadslagende stem.

(6) 'n Lid van die Raad kan eis dat die persoon wat op 'n vergadering voorsit, gelas dat sy nie-instemming met 'n besluit wat die Raad geneem het, en die redes vir sodanige nie-instemming, aangeteken word in die notule van die verrigtinge waarby sodanige besluit geneem is.

(7) Geen besluit van of handeling verrig op gesag van die Raad is ongeldig nie slegs vanweë 'n vakature in die Raad of die feit dat iemand wat onbevoeg is om 'n lid van die Raad te wees, of met betrekking tot wie se aanstelling of verkiesing die bepalings van hierdie Wet nie nagekom is nie, as 'n lid gesit of opgetree het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur 'n meerderheid van die lede van die Raad wat toe aanwesig was en geregtig was om as lede te sit en op te tree.

7. (1) Aan die lede van die Raad wat nie in die voltydse diens van die Staat is nie, kan uit die fondse van die Raad die voorgeskrewe reis- en verblyftoelae betaal word ten opsigte van enige tydperk wat hulle met die sake van die Raad besig is.

Toelae betaalbaar aan lede van die Raad.

(2) Die Raad moet aan die Staat enige reis- en verblyftoelae terugbetaal wat die Staat aan iemand wat in die voltydse diens van die Staat is, betaal het ten opsigte van 'n tydperk wat sodanige persoon met die sake van die Raad as 'n lid daarvan besig was.

Qualifications of members of Council.

8. (1) Any of the following persons shall be disqualified from being appointed or elected a member of the Council:

(*a*) any minor or other person under legal disability, except a married woman, whether married in or out of community of property;

(*b*) any unrehabilitated insolvent;

(*c*) any person who has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery, uttering a forged document, or perjury, and has been sentenced therefor to imprisonment without the option of a fine, or to a fine exceeding fifty rand;

(*d*) any person removed by a court from an office of trust on account of misconduct; or

(*e*) any person of unsound mind.

(2) A member of the Council shall vacate his office if—

(*a*) his estate is sequestrated under any law relating to insolvency;

(*b*) he is convicted (whether in the Republic or elsewhere) of theft, fraud, forgery, uttering a forged document, or perjury, and is sentenced therefor to imprisonment without the option of a fine, or to a fine exceeding fifty rand;

(*c*) he is removed by a court from any office of trust on account of misconduct;

(*d*) he becomes of unsound mind; or

(*e*) he is absent from three consecutive meetings of the Council without leave of the Council, which leave shall not be granted in respect of a period exceeding six consecutive months.

Rectification of errors.

9. If anything required to be done in the election of members of the Council, is omitted or is not done within the time allowed and the Minister is satisfied that such omission or failure was due to an error or inadvertence, he may declare such election to be valid or may order the election to be held as if such omission or failure had not occurred, and the Minister may validate anything which may have been irregularly done as regards manner or form in connection therewith.

Registrar of Correspondence Colleges and officers of the Council.

10. (1) The Council shall appoint a Registrar of Correspondence Colleges on such conditions and at such remuneration as the Council may determine.

(2) The Council may, subject to such conditions and at such remuneration as it may determine, appoint such administrative or clerical officers as it may deem necessary to assist it in carrying out its functions and exercising its powers.

Registration and termination of registration of correspondence colleges.

11. (1) The Registrar shall maintain a register in which shall be recorded the name, situation of the principal office (referred to in section *twelve*), date of registration, and such other particulars as the Council may from time to time determine, of every correspondence college registered by him under this section, and also the name and address of the principal officer of such correspondence college.

(2) Every correspondence college which is in existence at the commencement of this Act, shall be entitled to be registered as a correspondence college under this Act, and the Registrar shall, upon written application by such a correspondence college, register it as a correspondence college and issue to it, free of charge, a certificate of registration in the prescribed form.

(3) A person who, after the commencement of this Act, wishes to commence maintaining, managing or conducting a correspondence course or providing correspondence tuition for reward within the Republic, shall apply to the Registrar for registration as a correspondence college.

(4) If an applicant referred to in sub-section (3) has furnished the Registrar with the relevant particulars which, in terms of sub-section (1), must be entered in the register if the applicant is registered as a correspondence college, and the Registrar is satisfied that the applicant has taken or is taking adequate steps to comply with the requirements prescribed in terms of section *thirteen*, he shall, if the applicant has paid the prescribed fees, register the applicant as a correspondence college and issue to him a certificate of registration in the prescribed form: Provided that the Registrar shall not so register any person who was

8. (1) Enigeen van die volgende persone is onbevoeg om as lid van die Raad aangestel of gekies te word: Kwalifikasies van lede van Raad.

(*a*) 'n minderjarige of iemand anders wat nie handelingsbevoeg is nie, behalwe 'n getroude vrou, hetsy in of buite gemeenskap van goedere getroud;

(*b*) 'n ongerehabiliteerde insolvente persoon;

(*c*) iemand wat te eniger tyd skuldig bevind is (hetsy in die Republiek of elders) aan diefstal, bedrog, vervalsing, uitgifte van 'n vervalste stuk, of meineed en daarvoor gevonnis is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as vyftig rand; of

(*d*) iemand wat deur 'n hof weens wangedrag uit 'n vertrouensamp verwyder is; of

(*e*) 'n kranksinnige.

(2) 'n Lid van die Raad ontruim sy amp indien—

(*a*) sy boedel kragtens 'n wet op insolvensie gesekwestreer word;

(*b*) hy skuldig bevind word (hetsy in die Republiek of elders) aan diefstal, bedrog, vervalsing, uitgifte van 'n vervalste stuk, of meineed en daarvoor gevonnis word tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as vyftig rand;

(*c*) hy deur 'n hof weens wangedrag uit 'n vertrouensamp verwyder word;

(*d*) hy kranksinnig word; of

(*e*) hy van drie agtereenvolgende vergaderings van die Raad afwesig is sonder verlof van die Raad, wat nie verleen mag word ten opsigte van 'n langer tydperk as ses agtereenvolgende maande nie.

9. Indien enigiets wat by die verkiesing van lede van die Raad gedoen moet word, nie gedoen of nie binne die toegelate tydperk gedoen word nie, en die Minister oortuig is dat die late of versuim te wyte is aan 'n fout of onagsaamheid, kan hy sodanige verkiesing geldig verklaar of gelas dat die verkiesing gehou word asof sodanige late of versuim nie voorgeval het nie, en die Minister kan enigiets geldig verklaar wat in verband daarmee op onreëlmatige wyse of in 'n onreëlmatige vorm gedoen is. Regstelling van foute.

10. (1) Die Raad moet 'n Registrateur van Korrespondensiekolleges aanstel op die voorwaardes en teen die vergoeding wat die Raad bepaal. Registrateur van Korrespondensiekolleges en amptenare van die Raad.

(2) Die Raad kan op die voorwaardes en teen die vergoeding wat hy bepaal, die administratiewe of klerklike amptenare aanstel wat hy nodig ag om hom by te staan by die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.

11. (1) Die Registrateur moet 'n register hou waarin aangeteken word die naam, ligging van die hoofkantoor (vermeld in artikel *twaalf*), datum van registrasie, en die ander besonderhede wat die Raad van tyd tot tyd bepaal, van iedere korrespondensiekollege wat kragtens hierdie artikel deur hom geregistreer is, asook die naam en adres van die hoofamptenaar van sodanige korrespondensiekollege. Registrasie en beëindiging van registrasie van korrespondensiekolleges.

(2) Iedere korrespondensiekollege wat by die inwerkingtreding van hierdie Wet bestaan, is geregtig om kragtens hierdie Wet as 'n korrespondensiekollege geregistreer te word, en die Registrateur moet, op skriftelike aansoek deur so 'n korrespondensiekollege, hom as 'n korrespondensiekollege registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm kosteloos uitreik.

(3) Iemand wat na die inwerkingtreding van hierdie Wet wil begin om in die Republiek teen vergoeding 'n korrespondensiekursus in stand te hou, te beheer of te bestuur, of korrespondensie-onderrig te verskaf, moet by die Registrateur aansoek om registrasie as 'n korrespondensiekollege doen.

(4) Indien 'n aansoeker vermeld in sub-artikel (3) aan die Registrateur die toepaslike besonderhede verstrek het wat ingevolge sub-artikel (1) in die register aangeteken moet word indien die aansoeker as 'n korrespondensiekollege geregistreer word, en die Registrateur oortuig is dat die aansoeker toereikende stappe gedoen het of doen om te voldoen aan die vereistes wat ingevolge artikel *dertien* voorgeskryf is, moet hy, indien die aansoeker die voorgeskrewe gelde betaal het, die aansoeker as 'n korrespondensiekollege registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik: Met dien verstande

previously registered under this section but whose registration as a correspondence college was cancelled in terms of sub-section (6) of this section or in terms of section *fifteen* or *sixteen* unless, in a case where such cancellation took place in terms of the said sub-section (6), the annual registration fees owing by him have been paid or, in any other case, the Council has authorized such registration in terms of section *seventeen*.

(5) (*a*) The Council may require every registered correspondence college to pay to it an annual registration fee, the amount whereof shall be as prescribed.

(*b*) Such fee shall be paid not later than the prescribed date and, if it is not so paid, may be recovered by the Council by action in a competent court.

(6) If any correspondence college fails to pay the annual registration fee referred to in sub-section (5) within a period of three months after the date referred to in the said sub-section, or within such further period as the Council may in any particular case allow, the person in question shall cease to be registered and the Registrar shall cancel his registration as a correspondence college under this section.

(7) If any person ceases to maintain, manage or conduct correspondence courses and to provide correspondence tuition for reward within the Republic, the Registrar shall, at the request of such person, cancel his registration as a correspondence college under this section.

(8) For the purposes of sub-section (7) a correspondence college shall, so long as it remains liable under any contract for the supply of a correspondence course or correspondence tuition within the Republic, be deemed to be providing correspondence tuition for reward within the Republic.

(9) The Registrar shall remove from the register the name of the correspondence college in question, if a person's registration as a correspondence college under this section has been cancelled in terms of this section or paragraph (*c*) of sub-section (1) of section *fifteen*, or section *sixteen*.

(10) If the name of a correspondence college has been so removed from the register, the person referred to in sub-section (9) shall return to the Registrar, within seven days after having being requested in writing by the Registrar to do so, the certificate of registration issued to him in terms of this section.

(11) Any person who fails to comply with the provisions of sub-section (10) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Principal office and principal officer of, and service of process on, correspondence college.

12. (1) A registered correspondence college shall have a principal office within the Republic and shall appoint a principal officer for the Republic and shall notify the Registrar in writing of the situation of that office and of the name and address of such principal officer.

(2) If such correspondence college has changed such principal office or has appointed a new principal officer, it shall within a period of twenty-one days from such change or appointment give notice in writing thereof to the Registrar.

(3) Process in any legal proceedings against a registered correspondence college may be served by leaving it at such principal office of the correspondence college.

Qualifications of persons compiling courses, and minimum standards of service.

13. (1) Subject to the approval of the Minister, the Council may from time to time prescribe—

(*a*) the minimum qualifications of persons compiling and revising the courses of registered correspondence colleges and of persons responsible for the marking of students' scripts;

(*b*) the minimum standards of service to be observed by registered correspondence colleges in the conduct of tuition; and

(*c*) generally any other requirement with which, in the opinion of the Council, registered correspondence colleges should comply, in the provision of tuition, for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of correspondence tuition and the protection of the interests of persons to whom such tuition is supplied for reward: Provided that the Council may not prescribe minimum fees for tuition service or lectures.

dat die Registrateur nie iemand aldus registreer nie wat voorheen kragtens hierdie artikel geregistreer is maar wie se registrasie as 'n korrespondensiekollege ingevolge sub-artikel (6) van hierdie artikel of ingevolge artikel *vyftien* of *sestien* ingetrek is, tensy, in 'n geval waar sodanige intrekking ingevolge genoemde sub-artikel (6) geskied het, die jaarlikse registrasiegelde wat deur hom verskuldig is, betaal is, of, in 'n ander geval, die Raad sodanige registrasie ingevolge artikel *sewentien* gemagtig het.

(5) (*a*) Die Raad kan eis dat iedere geregistreerde korrespondensiekollege jaarlikse registrasiegelde aan hom betaal, die bedrag waarvan dié is wat voorgeskryf is.

(*b*) Sodanige gelde moet nie later as op die voorgeskrewe datum betaal word nie en, indien dit nie aldus betaal word nie, kan dit deur die Raad by wyse van aksie in 'n bevoegde hof verhaal word.

(6) Indien 'n korrespondensiekollege versuim om die jaarlikse registrasiegelde vermeld in sub-artikel (5) te betaal binne drie maande ná die datum vermeld in genoemde sub-artikel, of binne die verdere tydperk wat die Raad in 'n besondere geval toelaat, hou die betrokke persoon op om as korrespondensiekollege kragtens hierdie artikel geregistreer te wees, en moet die Registrateur sy registrasie as sodanig intrek.

(7) Indien iemand ophou om in die Republiek teen vergoeding korrespondensiekursusse in stand te hou, te beheer of te bestuur en korrespondensie-onderrig te verskaf, moet die Registrateur, op versoek van so iemand, sy registrasie as 'n korrespondensiekollege kragtens hierdie artikel intrek.

(8) Solank 'n korrespondensiekollege kragtens 'n kontrak aanspreeklik bly vir die verskaffing in die Republiek van 'n korrespondensiekursus of korrespondensie-onderrig, word hy by die toepassing van sub-artikel (7) geag korrespondensie-onderrig in die Republiek teen vergoeding te verskaf.

(9) Die Registrateur moet die naam van die betrokke korrespondensiekollege in die register skrap indien iemand se registrasie as 'n korrespondensiekollege kragtens hierdie artikel ingetrek is ingevolge hierdie artikel of paragraaf (*c*) van sub-artikel (1) van artikel *vyftien*, of artikel *sestien*.

(10) Indien 'n korrespondensiekollege se naam aldus in die register geskrap is, moet die persoon bedoel in sub-artikel (9) binne sewe dae nadat hy deur die Registrateur skriftelik versoek is om dit te doen, die registrasiesertifikaat wat ingevolge hierdie artikel aan hom uitgereik is, aan die Registrateur terugbesorg.

(11) Iemand wat versuim om aan die bepalings van sub-artikel (10) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Hoofkantoor en hoofamptenaar van, en bestelling van prosesstukke aan, korrespondensiekollege.

12. (1) 'n Geregistreerde korrespondensiekollege moet 'n hoofkantoor in die Republiek hê en moet 'n hoofamptenaar vir die Republiek aanstel, en moet die Registrateur skriftelik in kennis stel van die ligging van daardie kantoor en van die naam en adres van sodanige hoofamptenaar.

(2) Indien so 'n korrespondensiekollege van sodanige hoofkantoor verander het of 'n nuwe hoofamptenaar aangestel het, moet hy binne een-en-twintig dae vanaf sodanige verandering of aanstelling skriftelike kennis daarvan aan die Registrateur gee.

(3) Prosesstukke in 'n regsgeding teen 'n geregistreerde korrespondensiekollege kan bestel word deur dit te laat by sodanige hoofkantoor van die korrespondensiekollege.

Kwalifikasies van persone wat kursusse opstel, en minimum diensstandaarde.

13. (1) Die Raad kan, onderworpe aan die goedkeuring van die Minister, van tyd tot tyd die volgende voorskryf, naamlik—

(*a*) die minimum kwalifikasies van persone wat die kursusse van geregistreerde korrespondensiekolleges opstel en hersien, en van persone wat vir die nasien van studente se antwoorde verantwoordelik is;

(*b*) die minimum diensstandaarde wat deur geregistreerde korrespondensiekolleges by die verskaffing van onderrig nagekom moet word; en

(*c*) in die algemeen, enige ander vereiste waaraan, volgens die oordeel van die Raad, geregistreerde korrespondensiekolleges by die verskaffing van onderrig moet voldoen vir die handhawing van die integriteit, die verhoging van die status en die verbetering van die standaarde van korrespondensie-onderrig en die beskerming van die belange van persone aan wie sodanige onderrig teen vergoeding verskaf word: Met dien verstande dat die Raad nie minimum gelde vir onderrigdiens of lesings kan voorskryf nie.

(2) In order to satisfy itself that the requirements prescribed in terms of sub-section (1) are being complied with, the Council may at any time and without assigning any reason therefor, appoint a person to investigate on its behalf and to report to it on the tuition service and lectures supplied by a registered correspondence college.

(3) If, after consideration of a report submitted by such person, it appears to the Council that the tuition supplied by the correspondence college in question is inadequate or unsatisfactory in any respect or that such college has failed or refused after due notice to produce or supply to such person any lectures, book, record, document or thing required for the purpose of the investigation, such report shall be treated as a complaint for the purposes of section *fourteen*.

Enquiry by Council into complaint of misconduct.

14. (1) The Council may, subject to the provisions of sub-section (2), enquire into any complaint or allegation of improper or disgraceful conduct against any registered correspondence college.

(2) The Council shall not in terms of sub-section (1) enquire into any matter if and so long as any criminal proceedings in respect thereof are pending.

(3) If the Council has decided to enquire, in terms of sub-section (1), into a complaint or allegation against a correspondence college, it shall advise such college of such complaint or allegation and of the time and place of the enquiry.

(4) At such enquiry the correspondence college in question may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the complaint or allegation, to inspect any documents produced in evidence, to call other persons as witnesses and to give evidence, either itself or through a representative.

(5) (*a*) For the purpose of such enquiry the Council may summon witnesses and require the production of any book, record, document or thing, may through its chairman administer an oath or affirmation to any witness, may take evidence and may examine any book, record, document or thing that any witness has been required to produce.

(*b*) A subpoena for attendance before the Council or for the production to it of any book, record, document or thing shall be, as nearly as practicable, in the form prescribed by regulation made in terms of section *forty*, and shall be signed by the chairman of the Council or by the Registrar, and shall be served either by registered post or in the same manner as it would be served if it were a subpoena issued out of a magistrate's court.

(*c*) A person summoned in terms of paragraph (*a*) shall obey the summons served on him and any such person who fails, without sufficient cause, to attend and give evidence relevant to the enquiry, at the time and place specified in the summons, or who refuses to be sworn or to make an affirmation when the chairman of the Council desires to administer an oath to him, or to produce any book, record, document or thing that he has been required by subpoena to produce, or to answer fully and satisfactorily, to the best of his knowledge and belief, any question lawfully put to him, 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 or to both such fine and imprisonment: Provided that any person so summoned shall be entitled to all the privileges to which a witness summoned to give evidence before a division of the Supreme Court of South Africa is entitled.

(6) Any person who, after having been sworn or having made an affirmation, gives false evidence before the Council on any matter, 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 the crime of perjury.

(7) The Council may appoint a legal assessor to be present at any enquiry under this section to advise it on matters of law, procedure or evidence.

(2) Ten einde homself te oortuig dat die vereistes voorgeskryf ingevolge sub-artikel (1) nagekom word, kan die Raad te eniger tyd en sonder aangifte van enige rede, iemand aanstel om namens hom ondersoek in te stel na en aan hom verslag te doen oor die onderrigdiens en lesings wat deur 'n geregistreerde korrespondensiekollege verskaf word.

(3) Indien ná oorweging van 'n verslag voorgelê deur so iemand, dit vir die Raad blyk dat die onderrig wat deur die betrokke korrespondensiekollege verskaf word, in enige opsig ontoereikend of onbevredigend is of dat sodanige kollege ná behoorlike kennisgewing versuim of geweier het om aan so iemand enige lesings, boek, aantekeninge, stuk of voorwerp, benodig vir die doeleindes van die ondersoek, voor te lê of te verskaf, moet sodanige verslag as 'n klagte vir die doeleindes van artikel *veertien* behandel word.

Ondersoek deur Raad na klagte van wangedrag.

14. (1) Die Raad kan, behoudens die bepalings van sub-artikel (2), ondersoek instel na 'n klagte of bewering van onbehoorlike of skandelike gedrag teen 'n geregistreerde korrespondensiekollege.

(2) Die Raad mag nie ingevolge sub-artikel (1) ondersoek instel na enige aangeleentheid indien en solank 'n strafgeding ten opsigte daarvan hangende is nie.

(3) Indien die Raad besluit het om ingevolge sub-artikel (1) ondersoek in te stel na 'n klagte of bewering teen 'n korrespondensiekollege, moet hy sodanige kollege van dié klagte of bewering en van die tyd en plek van die ondersoek in kennis stel.

(4) By so 'n ondersoek kan die betrokke korrespondensiekollege teenwoordig wees, en het hy die reg om aangehoor te word, om iemand wat as getuie ter stawing van die klagte of bewering opgeroep is, onder kruisverhoor te neem, om stukke wat in die loop van getuienis oorgelê is, in te sien, om ander persone as getuies op te roep en om getuienis af te lê, en wel self of deur middel van 'n verteenwoordiger.

(5) (*a*) Vir die doeleindes van so 'n ondersoek kan die Raad getuies dagvaar en die oorlegging van enige boek, aantekening, stuk of voorwerp eis, en kan deur middel van sy voorsitter 'n getuie 'n eed of bevestiging afneem, kan getuienis afneem, en kan enige boek, aantekening, stuk of voorwerp waarvan die oorlegging van 'n getuie vereis is, ondersoek.

(*b*) 'n Getuiedagvaarding vir die verskyning voor die Raad of vir die oorlegging aan hom van 'n boek, aantekening, stuk of voorwerp moet, sover doenlik, wees in die vorm voorgeskryf by regulasie ingevolge artikel *veertig* uitgevaardig, en moet deur die voorsitter van die Raad of deur die Registrateur onderteken word, en moet bestel word òf per aangetekende pos òf op dieselfde wyse waarop dit bestel sou word indien dit 'n getuiedagvaarding, uitgereik in 'n landdroshof, was.

(*c*) Iemand wat ingevolge paragraaf (*a*) gedagvaar is, moet aan die dagvaarding wat aan hom bestel is, gehoor gee, en so iemand wat sonder voldoende oorsaak versuim om op die tyd en plek in die dagvaarding vermeld, teenwoordig te wees en getuienis af te lê wat ten opsigte van die ondersoek ter sake is, of wat weier om 'n eed of bevestiging af te lê wanneer die voorsitter van die Raad 'n eed van hom wil afneem, of om 'n boek, aantekening, stuk of voorwerp oor te lê waarvan die oorlegging deur middel van 'n getuiedagvaarding van hom vereis is, of om volledig en bevredigend, na die beste van sy wete en oortuiging, enige vraag te beantwoord wat wettiglik aan hom gestel is, 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 of met dié boete sowel as dié gevangenisstraf: Met dien verstande dat iemand wat aldus gedagvaar is, geregtig is op al die voorregte waarop 'n getuie geregtig is wat gedagvaar is om getuienis voor 'n afdeling van die Hooggeregshof van Suid-Afrika af te lê.

(6) Iemand wat, nadat hy 'n eed of bevestiging afgelê het, valse getuienis oor enige aangeleentheid voor die Raad aflê, terwyl hy weet dat sodanige getuienis vals is of nie weet of nie glo dat dit waar is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdaad meineed voorgeskryf is.

(7) Die Raad kan 'n regsassessor aanstel om by 'n ondersoek kragtens hierdie artikel aanwesig te wees om hom van advies te dien oor aangeleenthede rakende die reg, prosedure of bewyslewering.

Penalties for misconduct.

15. (1) If the Council after enquiry in terms of section *fourteen* finds that the correspondence college in question is guilty of the improper or disgraceful conduct enquired into, it may—

(*a*) caution, or reprimand and caution, such college;

(*b*) impose on it a fine not exceeding one thousand rand; or

(*c*) cancel the registration under section *eleven* of the person in question as a correspondence college.

(2) If a fine imposed in terms of paragraph (*b*) of sub-section (1) is not paid by the correspondence college in question, it may be recovered by the Council by action in any competent court.

(3) The taking effect of the cancellation of the registration of a correspondence college in terms of paragraph (*c*) of sub-section (1) may be suspended by the Council for a period not exceeding three years on such conditions (whether as to the payment of compensation for damage, improvement of deficient lectures or services, good conduct or otherwise) as it may specify.

(4) If such conditions are fulfilled the cancellation of the registration shall not take effect, but if they are not fulfilled the Council may order that such cancellation shall take effect.

Appeal against decision of Council.

16. (1) Any person feeling aggrieved by any decision of the Council or a penalty imposed by the Council under section *fifteen* may, within thirty days after the giving of such decision or the imposition of such penalty, appeal against that decision or penalty to the Minister.

(2) After having considered such appeal the Minister may confirm, vary or set aside the decision or penalty in question or give such other decision or impose such other penalty as in his opinion the Council ought to have given or imposed and may make such order as to costs as he may deem fit: Provided that the decision of the Council shall not be set aside by reason only of an irregularity that did not embarrass or prejudice the appellant in answering the complaint or allegation against him or in the conduct of his defence.

Authority for registration of a person whose registration as a correspondence college was cancelled in terms of section 15 or 16.

17. The Council may, upon the written application of a person whose registration as a correspondence college in terms of section *eleven* was cancelled in terms of section *fifteen* or *sixteen*, authorize the Registrar to register such person again in terms of sub-section (4) of the said section *eleven*, if the requirements of the said sub-section (4) have been complied with.

Privileges of the Council and its members and officers.

18. Save as is provided in this Act, no legal proceedings, civil or criminal, shall lie against the Council or any member or officer thereof in respect of anything done under the provisions of this Act.

Unregistered Correspondence Colleges and certain advertisements forbidden.

19. (1) After the expiration of a period of six months from the date of commencement of this Act, no person shall maintain, manage or conduct a correspondence course or provide correspondence tuition for reward within the Republic unless he is registered under section *eleven* as a correspondence college.

(2) After the expiration of a period of six months from the date of commencement of this Act, no person shall publish or cause to be published in any publication circulating mainly in the Republic any advertisement in relation to a correspondence college that is not registered in terms of section *eleven*, and no person shall exhibit or cause to be exhibited to the public view in any place within the Republic or send or cause to be sent through the post to any address in the Republic any advertisement in relation to a correspondence college not so registered.

Establishment of Fidelity Guarantee Fund.

20. There is hereby established a fund to be known as the Correspondence College Fidelity Guarantee Fund.

Administration of Fund.

21. The Fund shall be administered by the Council.

Rights to moneys in Fund.

22. The moneys in the Fund shall vest in the Council and be held in trust by it for the purposes mentioned in section *twenty-five*.

Banking account in respect of moneys in Fund.

23. All moneys in the Fund shall be paid into or transferred to a bank registered, otherwise than provisionally, in terms of the Banks Act, 1965 (Act No. 23 of 1965), or a building society registered in terms of the Building Societies Act, 1965 (Act

15. (1) Indien die Raad ná ondersoek ingevolge artikel *veertien* bevind dat die betrokke korrespondensiekollege skuldig is aan die onbehoorlike of skandelike gedrag waarna ondersoek ingestel is, kan hy— Strawwe vir wangedrag.

(*a*) sodanige kollege waarsku, of berispe en waarsku;
(*b*) hom 'n boete van hoogstens duisend rand oplê; of
(*c*) die registrasie van die betrokke persoon kragtens artikel *elf* as 'n korrespondensiekollege intrek.

(2) Indien 'n boete wat ingevolge paragraaf (*b*) van sub-artikel (1) opgelê is, nie deur die betrokke korrespondensiekollege betaal word nie, kan dit deur die Raad by wyse van aksie in 'n bevoegde hof verhaal word.

(3) Die inwerkingtreding van die intrekking van die registrasie van 'n korrespondensiekollege ingevolge paragraaf (*c*) van sub-artikel (1) kan deur die Raad opgeskort word vir 'n tydperk van hoogstens drie jaar op die voorwaardes (hetsy betreffende die betaling van skadevergoeding, verbetering van ontoereikende lesings of dienste, goeie gedrag of andersins) wat hy bepaal.

(4) Indien sodanige voorwaardes nagekom word, tree die intrekking van die registrasie nie in werking nie, maar indien hulle nie nagekom word nie, kan die Raad gelas dat sodanige intrekking in werking tree.

16. (1) Enige persoon wat hom veronreg voel deur 'n beslissing van die Raad of deur 'n straf wat die Raad kragtens artikel *vyftien* opgelê het, kan binne dertig dae nadat dié beslissing gegee of sodanige straf opgelê is, teen daardie beslissing of straf na die Minister appelleer. Appèl teen beslissing van Raad.

(2) Nadat die Minister sodanige appèl oorweeg het, kan hy die betrokke beslissing of straf bekragtig, wysig of tersyde stel of dié ander beslissing gee of dié ander straf oplê wat, volgens sy oordeel, die Raad behoort te gegee of op te gelê het, en dié bevel betreffende koste uitreik wat hy goedvind: Met dien verstande dat die beslissing van die Raad nie tersyde gestel word nie slegs omrede 'n onreëlmatigheid wat die appellant nie in sy antwoord op die klagte of bewering teen hom of in die voer van sy verdediging belemmer of benadeel het nie.

17. Die Raad kan op skriftelike aansoek van iemand wie se registrasie as 'n korrespondensiekollege ingevolge artikel *elf*, gekanselleer is ingevolge artikel *vyftien* of *sestien*, die Registrateur magtig om so iemand weer ingevolge sub-artikel (4) van genoemde artikel *elf* te registreer, indien aan die vereistes van genoemde sub-artikel (4) voldoen is. Magtiging vir registrasie van iemand wie se registrasie as 'n korrespondensiekollege ingevolge artikel 15 of 16 ingetrek is.

18. Behalwe soos in hierdie Wet bepaal word, kan geen regsgeding, hetsy siviel- of strafregtelik, teen die Raad of 'n lid of amptenaar van die Raad ingestel word ten opsigte van iets wat kragtens die bepalings van hierdie Wet gedoen is nie. Voorregte van die Raad en sy lede en amptenare.

19. (1) Ná verstryking van 'n tydperk van ses maande vanaf die datum van inwerkingtreding van hierdie Wet, mag niemand in die Republiek teen vergoeding 'n korrespondensiekursus in stand hou, beheer of bestuur of korrespondensie-onderrig verskaf nie, tensy hy kragtens artikel *elf* as 'n korrespondensiekollege geregistreer is. Ongeregistreerde korrespondensiekolleges en sekere advertensies verbode.

(2) Ná verstryking van 'n tydperk van ses maande vanaf die datum van inwerkingtreding van hierdie Wet, mag niemand in 'n publikasie wat hoofsaaklik in die Republiek in omloop is, enige advertensie publiseer of laat publiseer met betrekking tot 'n korrespondensiekollege wat nie ingevolge artikel *elf* geregistreer is nie, en mag niemand enige advertensie met betrekking tot 'n korrespondensiekollege wat nie aldus geregistreer is nie, op enige plek in die Republiek in die openbaar ten toon stel of laat ten toon stel, of oor die pos na enige adres in die Republiek stuur of laat stuur nie.

20. Hierby word 'n fonds met die naam die Getrouheidswaarborgfonds vir Korrespondensiekolleges ingestel. Instelling van Getrouheidswaarborgfonds.

21. Die Fonds word deur die Raad beheer. Beheer van Fonds.

22. Die geld in die Fonds berus by die Raad en word deur hom in trust gehou vir die doeleindes vermeld in artikel *vyf-en-twintig*. Regte op geld in Fonds.

23. Al die geld in die Fonds moet inbetaal word by of oorgedra word na 'n handelsbank wat op 'n ander wyse as voorlopig ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is, of 'n bouvereniging wat ingevolge die Bouverenigingswet, Bankrekening ten opsigte van geld in Fonds.

No. 24 of 1965), to the credit of an account to be called the Correspondence College Fidelity Guarantee Fund Account.

Moneys payable into the Fund.

24. The moneys in the Fund shall consist of—

(*a*) all sums paid to or on account of the Fund as annual contributions in accordance with the provisions of section *twenty-seven*;

(*b*) the income from time to time accruing from the investment of moneys in the Fund as provided in section *thirty*;

(*c*) all moneys recovered by or on behalf of the Fund in terms of section *thirty-four*;

(*d*) all moneys received on behalf of the Fund from any insurance company as provided in section *thirty-six*;

(*e*) any other moneys that may be lawfully paid into the Fund.

Expenditure from the Fund.

25. Subject to the provisions of this Act, there shall from time to time be paid out of the Fund—

(*a*) the amount of all claims, including costs, allowed or established against the Fund;

(*b*) all legal expenses incurred in defending claims made against the Fund or otherwise incurred in relation to the Fund;

(*c*) all premiums payable in respect of contracts of insurance entered into by the Council pursuant to the provisions of section *thirty-five*;

(*d*) all refunds made to a registered correspondence college or its legal representative in terms of section *thirty-seven*;

(*e*) all expenses involved in the administration of the Fund;

(*f*) any other moneys payable out of the Fund in accordance with this Act or with any regulation made in terms of section *forty*.

Audit of accounts.

26. (1) The accounts of the Fund shall be audited by an accountant appointed by the Council.

(2) Every person acting as auditor under this section shall, not later than the thirty-first day of August in each year, frame a balance sheet and income and expenditure account of the Fund and forthwith submit certified copies thereof and of his report thereon to the Council.

Contributions to the Fund by registered correspondence colleges.

27. Every registered correspondence college shall, on making application in any year for a certificate under section *twenty-eight*, pay as an annual contribution to the Fund the prescribed sum.

Applications for and issue of fidelity fund certificates.

28. (1) Every registered correspondence college shall annually apply in the prescribed form to the Registrar for a fidelity fund certificate.

(2) Upon receipt of such application and the contribution referred to in section *twenty-seven*, the Registrar shall issue to the applicant a fidelity fund certificate in the prescribed form, which shall be valid until the thirty-first day of December of the year in respect of which it was issued.

(3) No fidelity fund certificate shall be issued unless the provisions of sub-sections (1) and (2) have been complied with.

(4) After the expiration of a period of six months from the date of commencement of this Act, no correspondence college shall maintain, manage or conduct a correspondence course or provide correspondence tuition for reward within the Republic unless it is in possession of a valid fidelity fund certificate issued to it in terms of this section.

Limitation of contributions to Fund.

29. The provisions of sections *twenty-seven* and *twenty-eight* shall not apply in any particular year if the amount of the moneys in the Fund, including any investments thereof and after deducting the amount of all unpaid claims and other liabilities outstanding against the Fund, at the preceding thirty-first day of October, was not less than one hundred thousand rand.

Investment of moneys in the Fund.

30. Any moneys in the Fund which are not immediately required for the purposes thereof shall be invested in such Government or other securities as the Council may determine.

1965 (Wet No. 24 van 1965), geregistreer is, op kredit van 'n rekening met die naam die Rekening van die Getrouheidswaarborgfonds vir Korrespondensiekolleges.

Gelde wat in Fonds inbetaal word.

24. Die geld in die Fonds bestaan uit—

(*a*) al die bedrae wat aan of ten bate van die Fonds betaal word as jaarlikse bydraes ooreenkomstig die bepalings van artikel *sewe-en-twintig*;

(*b*) die inkomste wat van tyd tot tyd verkry word uit die belegging van geld in die Fonds, soos in artikel *dertig* bepaal word;

(*c*) al die geld wat deur of ten behoewe van die Fonds ingevolge artikel *vier-en-dertig* verhaal word;

(*d*) al die geld wat ten behoewe van die Fonds van 'n versekeringsmaatskappy ontvang word, soos in artikel *ses-en-dertig* bepaal word;

(*e*) enige ander geld wat wettiglik in die Fonds inbetaal word.

Uitbetalings uit Fonds.

25. Behoudens die bepalings van hierdie Wet moet daar van tyd tot tyd uit die Fonds betaal word—

(*a*) die bedrag van alle eise, met inbegrip van koste, wat teen die Fonds toegelaat of bewys is;

(*b*) alle regskoste wat aangegaan is by die verdediging van eise wat teen die Fonds ingestel is of wat andersins met betrekking tot die Fonds aangegaan is;

(*c*) al die premies wat betaalbaar is ten opsigte van versekeringskontrakte wat die Raad ooreenkomstig die bepalings van artikel *vyf-en-dertig* aangegaan het;

(*d*) al die terugbetalings wat ingevolge artikel *sewe-en-dertig* aan 'n geregistreerde korrespondensiekollege of sy regsverteenwoordiger gedoen word;

(*e*) al die uitgawes wat die beheer van die Fonds meebring;

(*f*) enige ander geld wat ooreenkomstig hierdie Wet of 'n regulasie ingevolge artikel *veertig* uitgevaardig, uit die Fonds betaalbaar is.

Ouditering van rekenings.

26. (1) Die rekenings van die Fonds moet geouditeer word deur 'n rekenmeester wat deur die Raad aangestel is.

(2) Iemand wat kragtens hierdie artikel as rekenmeester optree, moet nie later nie as die een-en-dertigste dag van Augustus van iedere jaar 'n balansstaat en 'n staat van inkomste en uitgawe van die Fonds opstel en onverwyld gewaarmerkte afskrifte daarvan en van sy verslag daaroor aan die Raad voorlê.

Bydraes tot Fonds deur geregistreerde korrespondensiekolleges.

27. Iedere geregistreerde korrespondensiekollege moet, wanneer hy in enige jaar om 'n sertifikaat kragtens artikel *agt-en-twintig* aansoek doen, die voorgeskrewe bedrag as 'n jaarlikse bydrae tot die Fonds betaal.

Aansoeke om en uitreiking van getrouheidsfondssertifikate.

28. (1) Iedere geregistreerde korrespondensiekollege moet jaarliks by die Registrateur in die voorgeskrewe vorm aansoek doen om 'n getrouheidsfondssertifikaat.

(2) By ontvangs van sodanige aansoek en die bydrae vermeld in artikel *sewe-en-twintig*, moet die Registrateur aan die applikant 'n getrouheidsfondssertifikaat in die voorgeskrewe vorm uitreik, wat geldig is tot die een-en-dertigste dag van Desember van die jaar ten opsigte waarvan dit uitgereik is.

(3) Geen getrouheidsfondssertifikaat word uitgereik nie tensy die bepalings van sub-artikels (1) en (2) nagekom is.

(4) Ná verstryking van 'n tydperk van ses maande vanaf die datum van inwerkingtreding van hierdie Wet, mag geen korrespondensiekollege in die Republiek teen vergoeding 'n korrespondensiekursus in stand hou, beheer of bestuur of korrespondensie-onderrig verskaf nie, tensy hy in besit is van 'n geldige getrouheidsfondssertifikaat wat ingevolge hierdie artikel aan hom uitgereik is.

Beperking op bydraes tot Fonds.

29. Die bepalings van artikels *sewe-en-twintig* en *agt-en-twintig* geld nie in enige besondere jaar indien die bedrag in die Fonds, met inbegrip van enige beleggings daarvan en ná aftrekking van die bedrag van alle onbetaalde eise teen en ander uitstaande laste van die Fonds, op die voorafgaande een-en-dertigste dag van Oktober, nie minder as honderdduisend rand was nie.

Belegging van geld in die Fonds.

30. Enige geld in die Fonds wat nie onmiddellik vir die doeleindes daarvan benodig is nie, word belê in dié Staats- of ander sekuriteite wat die Raad bepaal.

Application of moneys in the Fund.

31. (1) Subject to the provisions of this Act, the moneys in the Fund shall be held and applied for the purposes of reimbursing persons who have suffered any damage by reason of any breach of contract, after the commencement of this Act, by a registered correspondence college.

(2) No person shall be entitled to recover from the Fund an amount greater than the balance of the damage suffered by him which remains after deducting from the total amount of such damage the amount or value of all moneys or other benefits received or receivable by him from any source other than the Fund in reduction of such damage.

Claims against the Fund.

32. (1) The Council may receive and settle any claim against the Fund at any time after the breach of contract in respect of which such claim arose.

(2) The Council shall not be obliged to pay any claim made against the Fund, unless written notice of such claim was given to the Registrar within one year after the claimant became aware of the breach of contract in question.

(3) No person may, without leave of the Council, commence any action against the Fund unless the claimant has exhausted all relevant rights of action and other legal remedies available against the registered correspondence college in relation to which the claim arose, and against all other persons liable in respect of the loss suffered by such claimant.

(4) Any action against the Council in relation to the Fund may, subject to the provisions of this Act and any regulations made in terms of section *forty*, be brought in any provincial or local division of the Supreme Court of South Africa within the jurisdiction of which the cause of action arose.

Defences to claims against Fund.

33. In any action brought against the Council in relation to the Fund, all defences which would have been available to the registered correspondence college against whom the claim arose shall be available to the Council.

Subrogation to rights of action.

34. On payment out of the Fund of any moneys in settlement in whole or in part of any claim under this Act, the Council shall be subrogated, to the extent of such payment, to all the rights and remedies of the claimant against the registered correspondence college in relation to which the claim arose, or the legal representative of such college.

Council may enter into contracts of insurance.

35. (1) The Council may enter into any contract with any person registered as an insurer in terms of the Insurance Act, 1943 (Act No. 27 of 1943), whereby the Fund will be indemnified, to the extent and in the manner provided by such contract, against liability to pay claims under this Act.

(2) Any such contract shall be entered into in respect of registered correspondence colleges generally.

Application of insurance moneys.

36. No claimant against the Fund shall have any right of action against any person with whom a contract of indemnity has been entered into under section *thirty-five*, in respect of such contract, or have any right or claim to any moneys paid by the insurer in accordance with any such contract, which moneys shall be paid into the Fund and applied in or towards the settlement of relevant claims.

Council may refund contributions in certain cases.

37. If a registered correspondence college ceases to maintain, manage or conduct a correspondence course and to provide correspondence tuition for reward within the Republic, the Council may, in its discretion and after satisfying itself that no claim is likely to be made in respect of such college under this Act, pay to such college or its legal representative, as the case may be, a sum not exceeding the aggregate amount of the contributions made to the Fund by such college, less the amount of any claims paid by the Fund in respect of such college.

Fund exempt from insurance laws and tax.

38. (1) No provision of any law relating to insurance (other than a law relating to the compulsory insurance of employees) or the provision of security in connection therewith shall apply to the Fund.

(2) The income of the Fund shall be exempt from the provisions of any law relating to the payment of income tax or any other tax or levy by the State.

Making of rules by Council.

39. (1) The Council may, by notice in the *Gazette* and subject to the approval of the Minister, make rules as to—

31. (1) Behoudens die bepalings van hierdie Wet, word die geld in die Fonds gehou en aangewend ten einde persone te vergoed wat skade gely het as gevolg van kontrakbreuk deur 'n geregistreerde korrespondensiekollege na die inwerkingtreding van hierdie Wet. Aanwending van geld in die Fonds.

(2) Niemand is geregtig om op die Fonds 'n groter bedrag te verhaal nie as die restant van die skade deur hom gely wat oorbly nadat van die totale bedrag van sodanige skade afgetrek is die bedrag of waarde van al die geld of ander voordele wat uit enige ander bron as die Fonds deur hom ontvang is of invorderbaar is ter vermindering van sodanige skade.

32. (1) Die Raad kan 'n eis teen die Fonds aanvaar en vereffen, te eniger tyd ná die kontrakbreuk ten opsigte waarvan dié eis ontstaan het. Eise teen die Fonds.

(2) Die Raad is nie verplig om 'n eis wat teen die Fonds ingestel is, te betaal nie, tensy skriftelike kennis van sodanige eis aan die Registrateur gegee is binne 'n jaar nadat die eiser van die betrokke kontrakbreuk te wete gekom het.

(3) Niemand mag sonder toestemming van die Raad 'n aksie teen die Fonds begin nie, tensy die eiser gebruik gemaak het van alle toepaslike regte van aksie en ander regsmiddele beskikbaar teen die geregistreerde korrespondensiekollege met betrekking waartoe die eis ontstaan het, en teen alle ander persone wat aanspreeklik is ten opsigte van die skade deur sodanige eiser gely.

(4) 'n Aksie teen die Raad met betrekking tot die Fonds kan, behoudens die bepalings van hierdie Wet en enige regulasies ingevolge artikel *veertig* uitgevaardig, ingestel word in enige provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika binne die regsgebied waarvan die skuldoorsaak ontstaan het.

33. In 'n aksie wat teen die Raad met betrekking tot die Fonds ingestel word, is alle verwere wat beskikbaar sou gewees het vir die geregistreerde korrespondensiekollege teen wie die eis ontstaan het, vir die Raad beskikbaar. Verwere teen eise teen Fonds.

34. By betaling uit die Fonds van geld ter algehele of gedeeltelike vereffening van 'n eis kragtens hierdie Wet, vervang die Raad, in die mate van sodanige betaling, die eiser wat betref sy regte en regsmiddele teen die geregistreerde korrespondensiekollege met betrekking waartoe die eis ontstaan het, of die regsverteenwoordiger van sodanige kollege. Vervanging wat betref regte van aksie.

35. (1) Die Raad kan met iemand wat ingevolge die Versekeringswet, 1943 (Wet No. 27 van 1943), as 'n versekeraar geregistreer is, 'n kontrak aangaan waarvolgens die Fonds in die mate en op die wyse in dié kontrak bepaal, skadeloos gestel word teen aanspreeklikheid om eise kragtens hierdie Wet te betaal. Raad kan versekeringskontrakte aangaan.

(2) So 'n kontrak moet ten opsigte van geregistreerde korrespondensiekolleges in die algemeen aangegaan word.

36. Geen eiser teen die Fonds het enige reg van aksie teen iemand met wie 'n skadeloosstellingskontrak kragtens artikel *vyf-en-dertig* aangegaan is, ten opsigte van sodanige kontrak, of het enige reg of aanspraak op geld wat deur die versekeraar ooreenkomstig so 'n kontrak betaal word nie, en sodanige geld word in die Fonds gestort en aangewend vir of by die vereffening van toepaslike eise. Aanwending van versekeringsgeld.

37. Indien 'n geregistreerde korrespondensiekollege ophou om in die Republiek teen vergoeding 'n korrespondensiekursus in stand te hou, te beheer of te bestuur en korrespondensieonderrig te verskaf, kan die Raad na goeddunke en nadat hy hom daarvan oortuig het dat daar waarskynlik geen eis ten opsigte van sodanige kollege kragtens hierdie Wet ingestel sal word nie, aan sodanige kollege of sy regsverteenwoordiger, na gelang van die geval, 'n bedrag betaal wat hoogstens gelyk is aan die totale bedrag van die bydraes deur sodanige kollege tot die Fonds gedoen, min die bedrag van enige eise wat deur die Fonds ten opsigte van sodanige kollege betaal is. Raad kan bydraes in sekere gevalle terugbetaal.

38. (1) Geen bepaling van 'n wet op versekering (uitgesonderd 'n wet op die verpligte versekering van werknemers) of die verskaffing van sekerheid in verband daarmee, is op die Fonds van toepassing nie. Fonds vrygestel van versekeringswette en belasting.

(2) Die inkomste van die Fonds word vrygestel van die bepalings van 'n wet betreffende die betaling van inkomstebelasting of 'n ander belasting of heffing deur die Staat.

39. (1) Die Raad kan, by kennisgewing in die *Staatskoerant* en onderworpe aan die goedkeuring van die Minister, reëls uitvaardig betreffende— Uitvaardiging van reëls deur Raad.

(*a*) the manner in which complaints or allegations against a registered correspondence college shall be lodged;
(*b*) the manner in which a correspondence college shall be advised of a complaint or allegation against it, and of the holding of an enquiry in respect thereof;
(*c*) any other matter incidental to the holding of an enquiry under section *fourteen*;
(*d*) the acts or omissions of which the Council may take cognisance under section *fourteen*;
(*e*) the travelling and subsistence allowance payable by the Council to its members;
(*f*) the procedure to be followed at the meetings of the Council;
(*g*) the fees payable in terms of sub-section (4) of section *eleven* by an applicant;
(*h*) the annual registration fees payable in terms of sub-section (5) of section *eleven*, and the date on which such fees shall be due;
(*i*) the manner in which the annual revenue of a correspondence college from correspondence tuition fees is to be established for the purposes of sub-section (3) of section *four*;
(*j*) the manner and form in which correspondence colleges may issue certificates relating to the completion of a course of study or the passing of an examination, the particulars to be furnished in any such certificate and the conditions upon which any such certificate may be issued;
(*k*) the time when applications for fidelity fund certificates shall be made in terms of section *twenty-eight*;
(*l*) the form in which notice is to be given to the Council in respect of a claim against the Fund, and the particulars thereof;
(*m*) the forms of certificates to be issued to registered correspondence colleges, and of declarations, applications, notices and documents to be used in relation to any application or refusal of any application under this Act;
(*n*) the annual contributions payable in terms of section *twenty-seven*.

(2) Any fee or contribution prescribed in terms of sub-section (1) shall be the same in respect of all correspondence colleges.

Making of regulations by Minister.

40. The Minister may make regulations as to—
(*a*) the mode of election of members of the Council in terms of paragraph (*b*) of sub-section (1) of section *three*;
(*b*) the form of subpoenas for attendance before the Council or for the production to it of any book, record, document or thing; and
(*c*) all matters, generally, that he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

General penalty.

41. Any person who contravenes any provision of this Act shall be guilty of an offence and, if no penalty is specially prescribed in this Act for such contravention, be liable on conviction, if he is a natural person, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding one year, and, in any other case, to such fine.

Amendment of section 33*bis* of Act 70 of 1955, as inserted by section 8 of Act 72 of 1957 and amended by section 8 of Act 25 of 1958.

42. Section *thirty-three bis* of the Vocational Education Act, 1955, is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) No person shall establish, maintain, manage or control any school or course of training and instruction, other than a state-aided vocational school, to provide for reward—
(*a*) vocational education, or
(*b*) any training or tuition in a designated trade as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), whether in or outside the area in respect of which the trade has been designated,

unless such school or course of training and instruction (hereinafter called a private vocational school) is registered with the Department as a school providing vocational education.".

Short title and date of commencement.

43. This Act shall be called the Correspondence Colleges Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(*a*) die wyse waarop klagtes of bewerings teen 'n geregistreerde korrespondensiekollege ingedien moet word;
(*b*) die wyse waarop 'n korrespondensiekollege in kennis gestel moet word van 'n klagte of bewering teen hom en van die hou van 'n ondersoek ten opsigte daarvan;
(*c*) enige ander aangeleentheid wat in verband staan met die hou van 'n ondersoek kragtens artikel *veertien*;
(*d*) die dade of versuime waarvan die Raad kragtens artikel *veertien* kennis kan neem;
(*e*) die reis- en verblyftoelae wat deur die Raad aan sy lede betaalbaar is;
(*f*) die prosedure wat op vergaderings van die Raad gevolg moet word;
(*g*) die gelde wat ingevolge sub-artikel (4) van artikel *elf* deur 'n aansoeker betaalbaar is;
(*h*) die jaarlikse registrasiegelde wat ingevolge sub-artikel (5) van artikel *elf* betaalbaar is, en die datum waarop sodanige gelde verskuldig is;
(*i*) die wyse waarop die jaarlikse inkomste van 'n korrespondensiekollege uit gelde vir korrespondensie-onderrig vasgestel moet word by die toepassing van sub-artikel (3) van artikel *vier*;
(*j*) die wyse waarop en die vorm waarin korrespondensiekolleges sertifikate betreffende die voltooiing van 'n studiekursus of die slaag in 'n eksamen kan uitreik, die besonderhede wat op enige sodanige sertifikaat verstrek moet word, en die voorwaardes waarop enige sodanige sertifikaat uitgereik kan word;
(*k*) die tyd wanneer aansoek om getrouheidsfondssertifikate ingevolge artikel *agt-en-twintig* gedoen moet word;
(*l*) die vorm waarin kennis aan die Raad ten opsigte van 'n eis teen die Fonds gegee moet word, en die besonderhede daarvan;
(*m*) die vorms van sertifikate wat aan geregistreerde korrespondensiekolleges uitgereik moet word, en van verklarings, aansoeke, kennisgewings en stukke wat met betrekking tot 'n aansoek of die weiering van 'n aansoek kragtens hierdie Wet gebruik moet word;
(*n*) die jaarlikse bydraes wat ingevolge artikel *sewe-en-twintig* betaalbaar is.

(2) Enige gelde of bydrae wat ingevolge sub-artikel (1) voorgeskryf word, moet ten opsigte van alle korrespondensiekolleges dieselfde wees.

Uitvaardiging van regulasies deur Minister.

40. Die Minister kan regulasies uitvaardig betreffende—
(*a*) die wyse van verkiesing van lede van die Raad ingevolge paragraaf (*b*) van sub-artikel (1) van artikel *drie*;
(*b*) die vorm van getuiedagvaardings vir verskyning voor die Raad of vir die oorlegging aan hom van enige boek, aantekening, stuk of voorwerp; en
(*c*) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet verwesenlik kan word.

Algemene straf.

41. Iemand wat enige bepaling van hierdie Wet oortree, is aan 'n misdryf skuldig en, indien geen straf in die besonder in hierdie Wet vir sodanige oortreding voorgeskryf is nie, by skuldbevinding strafbaar, indien hy 'n natuurlike persoon is, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, en, in 'n ander geval, met sodanige boete.

Wysiging van artikel 33*bis* van Wet 70 van 1955, soos ingevoeg deur artikel 8 van Wet 72 van 1957 en gewysig deur artikel 8 van Wet 25 van 1958.

42. Artikel *drie-en-dertig bis* van die Wet op Beroepsonderwys, 1955, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Niemand mag 'n skool of 'n opleidings- en onderwyskursus, met uitsondering van 'n staatsondersteunde beroepskool, oprig, in stand hou, bestuur of beheer om teen beloning—
(*a*) beroepsonderwys, of
(*b*) enige opleiding of onderrig in 'n aangewese bedryf soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, hetsy in of buite die gebied ten opsigte waarvan die bedryf aangewys is,
te verskaf, tensy sodanige skool of opleidings- en onderwyskursus (hieronder 'n private beroepskool genoem) by die Departement as 'n skool wat beroepsonderwys verskaf, geregistreer is nie.".

Kort titel en datum van inwerkingtreding.

43. Hierdie Wet heet die Wet op Korrespondensiekolleges, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

No. 60, 1965.]

ACT

To amend the Marketing Act, 1937.

(*English text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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

Amendment of section 1 of Act 26 of 1937, as amended by section 1 of Act 19 of 1938, section 1 of Act 12 of 1941, section 1 of Act 50 of 1946, section 1 of Act 45 of 1951, section 1 of Act 34 of 1961, section 1 of Act 47 of 1962 and section 1 of Act 57 of 1963.

1. (1) Section *one* of the Marketing Act, 1937, is hereby amended by the substitution for the definition of "dealing in the course of trade" in sub-section (1) of the following definition:

"'dealing in the course of trade', in relation to any product, includes, except to the extent excluded in any scheme for that product—

(*a*) every purchase and every act performed in the manufacture or processing of that product by any person, if the product so purchased, manufactured or processed or any quantity thereof is or is intended to be disposed of by that person for any consideration whatsoever, whether in the form in which it was purchased or into which it was manufactured or processed, or in any other form, or is used or is intended to be used in the manufacture or processing of any product or commodity disposed of or intended to be disposed of by that person for any consideration whatsoever;

(*b*) every purchase and every act performed in the manufacture, processing or preparation of that product by any person, if the product so purchased, manufactured, processed or prepared, or any quantity thereof, is or is intended to be supplied, in any form whatsoever, and whether separately or as part of any meal or dish, to any other person not being a member of his household or a *bona fide* non-paying guest of himself or of a member of his household; and

(*c*) for the purposes of paragraphs (*a*)*bis* and (*b*) of sub-section (1) of section *nineteen* and paragraphs (*p*)*bis* and (*s*) of sub-section (2) of the said section, the processing, treatment, storage, conveyance or sale of such product on behalf of the owner thereof;".

(2) Sub-section (1) shall be deemed to have come into operation on the fifth day of July, 1946.

Short title.

2. This Act shall be called the Marketing Amendment Act, 1965.

No. 60, 1965.]

WET

Tot wysiging van die Bemarkingswet, 1937.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

1. (1) Artikel *een* van die Bemarkingswet, 1937, word hierby gewysig deur die omskrywing van „as 'n besigheid handel" in sub-artikel (1) deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 26 van 1937, soos gewysig deur artikel 1 van Wet 19 van 1938, artikel 1 van Wet 12 van 1941, artikel 1 van Wet 50 van 1946, artikel 1 van Wet 45 van 1951, artikel 1 van Wet 34 van 1961, artikel 1 van Wet 47 van 1962 en artikel 1 van Wet 57 van 1963.

„'as 'n besigheid handel', met betrekking tot 'n produk, behalwe vir sover 'n skema vir daardie produk dit uitsluit, ook—

(*a*) elke aankoop en elke handeling by die vervaardiging of verwerking van daardie produk deur enige persoon verrig, indien die aldus aangekoopte, vervaardigde of verwerkte produk, of 'n hoeveelheid daarvan, van die hand gesit word of bestem is om van die hand gesit te word deur daardie persoon vir enige vergoeding hoegenaamd, hetsy in die vorm waarin dit aangekoop, vervaardig of verwerk is, of in 'n ander vorm, of gebruik word of bestem is om gebruik te word by die vervaardiging of verwerking van 'n produk of handelsartikel wat van die hand gesit word, of bestem is om van die hand gesit te word deur daardie persoon vir enige vergoeding hoegenaamd;

(*b*) elke aankoop en elke handeling by die vervaardiging, verwerking of voorbereiding van daardie produk deur enige persoon verrig, indien die aldus aangekoopte, vervaardigde, verwerkte of voorbereide produk, of 'n hoeveelheid daarvan, in watter vorm ook al, en hetsy afsonderlik of as deel van enige maaltyd of gereg, verskaf word of bestem is om verskaf te word aan iemand anders as 'n lid van sy huisgesin of 'n *bona fide* nie-betalende gas van hom of van 'n lid van sy huisgesin; en

(*c*) vir die doeleindes van paragrawe (*a*)*bis* en (*b*) van sub-artikel (1) van artikel *negentien* en paragrawe (*p*)*bis* en (*s*) van sub-artikel (2) van genoemde artikel, die verwerking, behandeling, opberging, vervoer of verkoop van daardie produk ten behoewe van die eienaar daarvan;".

(2) Sub-artikel (1) word geag op die vyfde dag van Julie 1946 in werking te getree het.

2. Hierdie Wet heet die Wysigingswet op Bemarking, 1965. **Kort titel.**

No. 61, 1965.]

ACT

To provide for the control of education for Indians by the Department of Indian Affairs, to amend the Special Education Act, 1948, the Vocational Education Act, 1955, and the Republic of South Africa Constitution Act, 1961, and to provide for matters incidental thereto.

(*Afrikaans text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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) "agricultural school" means a school for the education of Indians in agriculture and allied subjects; (xvi)

(ii) "continuation class" means a part-time class offered by any person or institution, except a State school, and approved by the Minister; (xxxi)

(iii) "commercial vocational education" means education and training consisting of a course in which more than a third of the subjects are prescribed commercial subjects or in respect of which more than eight hours per week are devoted to prescribed commercial subjects; (ix)

(iv) "Department" means the Department of Indian Affairs; (viii)

(v) "domestic science vocational education" means education and training consisting of a course in respect of which more than eight hours per week are devoted to prescribed domestic subjects; (xii)

(vi) "education" means any education other than education provided by a university or a university college established by or in terms of any law, or a "declared institution" referred to in section *one* of the Higher Education Act, 1923 (Act No. 30 of 1923), and includes vocational education and special education not so provided; (xix)

(vii) "employee" means any person who is an employee as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957); (xxxii)

(viii) "governing body", in relation to any school, including a nursery school, or a hostel, means the person managing such school or hostel; (v)

(ix) "handicapped child" means an Indian between the ages of three and twenty-three years who, in the opinion of the Secretary, is capable of deriving appreciable benefit from a suitable course of education, but deviates to such an extent from the majority of persons of his age in body, mind or behaviour that he—

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

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

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

(x) "high school" means a school for the education of Indians up to such standard, not exceeding the tenth standard, as the Secretary may in any particular case determine; (xi)

No. 61, 1965.]

WET

Om voorsiening te maak vir die beheer oor onderwys vir Indiërs deur die Departement van Indiërsake, om die Wet op Buitengewone Onderwys, 1948, die Wet op Beroepsonderwys, 1955, en die Grondwet van die Republiek van Suid-Afrika, 1961, te wysig, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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— Woordomskrywing.

(i) „afwykende kind" 'n Indiër tussen die ouderdomme van drie en drie-en-twintig jaar wat volgens die oordeel van die Sekretaris in staat is om aanmerklike voordeel uit 'n geskikte onderwyskursus te trek, maar wat in so 'n mate in liggaam, verstand of gedrag van die meerderheid van persone van sy ouderdom afwyk dat hy—
(*a*) nie voldoende voordeel kan trek uit die onderrig wat gewoonlik in die normale loop van onderwys verskaf word nie; of
(*b*) buitengewone onderwys nodig het om sy aanpassing by die gemeenskap te vergemaklik; of
(*c*) nie 'n gewone klas in 'n gewone skool behoort by te woon nie, omdat sodanige bywoning vir homself of vir die ander leerlinge in daardie klas nadelig kan wees; (ix)

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

(iii) „beroepskool" 'n skool, of 'n klas verbonde aan 'n ander skool, vir die verskaffing van beroepsonderwys aan Indiërs; (xxii)

(iv) „beroepsonderwys" handel-beroepsonderwys, huishoudkundige beroepsonderwys en tegniese beroepsonderwys; (xxxi)

(v) „bestuursliggaam", met betrekking tot 'n skool, met inbegrip van 'n kleuterskool, of 'n koshuis, die persoon wat dié skool of koshuis bestuur; (viii)

(vi) „buitengewone onderwys" onderwys van 'n gespesialiseerde aard wat verskaf word om by die behoeftes van afwykende kinders aan te pas, en ook algemene kulturele onderwys, beroepsvoorligting, beroepsonderwys en mediese, tandheelkundige en geestelike ondersoek en behandeling, asook versorging in 'n koshuis, wanneer dit verskaf word aan of geskied ten opsigte van sodanige kinders; (xxiv)

(vii) „deeltydse klas" 'n onderwys-, onderrig- en opleidingskursus vir Indiërs, maar hoofsaaklik Indiërs wat nie aan verpligte skoolbesoek onderworpe is nie; (xvi)

(viii) „Departement" die Departement van Indiërsake; (iv)

(ix) „handel-beroepsonderwys" onderwys en opleiding bestaande uit 'n kursus waarvan meer as 'n derde van die vakke voorgeskrewe handelsvakke is of ten opsigte waarvan meer as agt uur per week aan voorgeskrewe handelsvakke gewy word; (iii)

(x) „hierdie Wet" ook 'n regulasie; (xxix)

(xi) „hoërskool" 'n skool vir die onderwys van Indiërs tot 'n standerd, nie hoër nie as die tiende standerd, wat die Sekretaris in 'n besondere geval bepaal; (x)

(xi) "home" means an institution in which handicapped children are accommodated and cared for and receive education; (xxviii)

(xii) "Indian" means a person classified in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Indian group; (xiii)

(xiii) "Minister" means the Minister of Indian Affairs; (xvii)

(xiv) "nursery school" means a school for the education of Indians above the age of two years who have not yet attained the age at which they may be admitted to an ordinary school; (xiv)

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

(xvi) "part-time class" means a course of education, instruction and training for Indians, but mainly Indians who are not subject to compulsory school attendance; (vii)

(xvii) "prescribed" means prescribed by regulation; (xxx)

(xviii) "primary school" means a school for the education of Indians up to such standard, not exceeding the sixth standard, as the Secretary may in any particular case determine; (xv)

(xix) "reform school" means a reform school established and maintained by the Minister under the provisions of the Children's Act, 1960 (Act No. 33 of 1960); (xxix)

(xx) "regulation" means a regulation made under this Act; (xxi)

(xxi) "school" means an institution referred to in paragraph (*a*) or (*b*) of sub-section (1) of section *three*, and includes any other institution or class for the education or training of Indians; (xxiii)

(xxii) "school of industries" means a school of industries established and maintained by the Minister under the provisions of the Children's Act, 1960 (Act No. 33 of 1960); (xviii)

(xxiii) "Secretary" means the Secretary for Indian Affairs; (xxii)

(xxiv) "special education" means education of a specialized nature provided to suit the needs of handicapped children, and includes general cultural education, vocational guidance, vocational education and medical, dental and mental examination and treatment, as well as care in a hostel, when provided for or taking place in respect of such children; (vi)

(xxv) "special school" means a school in which handicapped children receive special education, either on a full-time or on a part-time basis, and includes a class which is attached to an ordinary school and in which such children receive special education; (xxiv)

(xxvi) "State-aided school" means a school in respect of which grants-in-aid or subsidies are paid in terms of section *four*, or in respect of which a loan was granted in terms of that section, and which the Minister has by written notice to the governing body in question declared to be a State-aided school for the purposes of this Act; (xxvi)

(xxvii) "State school" means a school established under section *three* or deemed in terms of that section or section *five* to have been established thereunder; (xxv)

(xxviii) "technical vocational education" means education and training (theoretical or practical or both theoretical and practical) consisting of a course that includes education and training in any prescribed trade but does not include education or training in woodwork, metal work or any other practical art or craft not being specific education or training for any prescribed trade, if the duration of the education and training in such subjects does not exceed eight hours per week, irrespective of the number of handicraft subjects taken; (xxvii)

(xxix) "this Act" includes any regulation; (x)

(xxx) "training-college" means an institution for the education and training of student teachers who are Indians; (xx)

(xxxi) "vocational education" means commercial vocational education, domestic science vocational education and technical vocational education; (iv)

(xii) „huishoudkundige beroepsonderwys" onderwys en opleiding bestaande uit 'n kursus ten opsigte waarvan meer as agt uur per week aan voorgeskrewe huishoudkundige vakke gewy word; (v)

(xiii) „Indiër" iemand wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as 'n lid van die Indiërgroep geklassifiseer is; (xii)

(xiv) „kleuterskool" 'n skool vir die onderwys van Indiërs wat ouer as twee jaar is maar nog nie die ouderdom bereik het waarop hulle tot 'n gewone skool toegelaat kan word nie; (xiv)

(xv) „laerskool" 'n skool vir die onderwys van Indiërs tot 'n standerd, nie hoër nie as die sesde standerd, wat die Sekretaris in 'n besondere geval bepaal; (xviii)

(xvi) „landbouskool" 'n skool vir die onderwys van Indiërs in landbou en aanverwante vakke; (i)

(xvii) „Minister" die Minister van Indiërsake; (xiii)

(xviii) „nywerheidskool" 'n nywerheidskool wat deur die Minister kragtens die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), opgerig is en in stand gehou word; (xxii)

(xix) „onderwys" ander onderwys as onderwys wat verskaf word deur 'n universiteit of 'n universiteitskollege wat by of ingevolge 'n wet ingestel is, of 'n „verklaarde instelling" vermeld in artikel *een* van die „Hoger Onderwijs Wet, 1923" (Wet No. 30 van 1923), en ook beroepsonderwys en buitengewone onderwys wat nie aldus verskaf word nie; (vi)

(xx) „opleidingskollege" 'n inrigting vir die onderwys en opleiding van leerlingonderwysers wat Indiërs is; (xxx)

(xxi) „regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xx)

(xxii) „Sekretaris" die Sekretaris van Indiërsake; (xxiii)

(xxiii) „skool" 'n inrigting vermeld in paragraaf (*a*) of (*b*) van sub-artikel (1) van artikel *drie*, en ook enige ander inrigting of klas vir die onderwys of opleiding van Indiërs; (xxi)

(xxiv) „spesiale skool" 'n skool waarin afwykende kinders buitengewone onderwys ontvang, hetsy op 'n voltydse of op 'n deeltydse grondslag, en ook 'n klas wat verbonde is aan 'n gewone skool en waarin sodanige kinders buitengewone onderwys ontvang; (xxv)

(xxv) „Staatskool" 'n skool wat kragtens artikel *drie* ingestel is of wat ingevolge dié artikel of artikel *vyf* geag word daarkragtens ingestel te wees; (xxvii)

(xxvi) „Staatsondersteunde skool" 'n skool ten opsigte waarvan hulptoelaes of subsidies ingevolge artikel *vier* betaal word of ten opsigte waarvan 'n lening ingevolge daardie artikel toegestaan is, en wat die Minister by skriftelike kennisgewing aan die betrokke bestuursliggaam as 'n Staatsondersteunde skool vir die doeleindes van hierdie Wet verklaar het; (xxvi)

(xxvii) „tegniese beroepsonderwys" onderwys en opleiding (teoreties of prakties of teoreties sowel as prakties) bestaande uit 'n kursus wat onderwys en opleiding in enige voorgeskrewe ambag insluit maar nie ook onderwys of opleiding in houtwerk, metaalwerk of enige ander praktiese kuns of handwerk wat nie spesifieke onderwys of opleiding vir 'n voorgeskrewe ambag is nie, indien die duur van die onderwys en opleiding in sodanige vakke hoogstens agt uur per week is, afgesien van die getal handwerkvakke wat geloop word; (xxviii)

(xxviii) „tehuis" 'n inrigting waarin afwykende kinders gehuisves en versorg word en onderwys ontvang; (xi)

(xxix) „verbeteringskool" 'n verbeteringskool wat deur die Minister kragtens die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), opgerig is en in stand gehou word; (xix)

(xxx) „voorgeskryf" by regulasie voorgeskryf; (xvii)

(xxxi) „voortsettingsklas" 'n deeltydse klas wat deur enige persoon of inrigting, behalwe 'n Staatskool, aangebied word en deur die Minister goedgekeur is; (ii)

(xxxii) "vocational school" means a school, or a class attached to another school, for the provision of vocational education to Indians. (iii)

Control of education for Indians.

2. As from the date of commencement of this Act education for Indians shall, subject to the provisions of the said Act, be controlled by the Department in which there shall, for that purpose, be a division of Education at the head of which shall be an officer who has expert knowledge of education matters.

Establishment, erection and maintenance of schools.

3. (1) The Minister may in consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose—

(*a*) establish, erect and maintain training-colleges, high schools, primary schools, agricultural schools, vocational schools, special schools and homes;

(*b*) establish and maintain part-time classes;

(*c*) establish, erect and maintain hostels, teachers' quarters, school clinics and any other accessories in connection with State schools.

(2) Any school for the education of Indians which at the commencement of this Act is being maintained by a provincial administration, and any hostel, teachers' quarters, school clinic or other accessories established or erected by a provincial administration and used in connection with any such school, shall be deemed to have been established or erected under the appropriate provision of sub-section (1) of this section, on the date of such commencement.

(3) The Minister may at any time close or disestablish any State school or any hostel, teachers' quarters, school clinic or other accessories used in connection with a State school.

Award of grants-in-aid or subsidies and loans in respect of schools and hostels.

4. (1) Subject to the provisions of sub-section (2) the Minister may out of moneys appropriated by Parliament for the purpose, award grants-in-aid or subsidies and loans to the governing body of any school, including any nursery school, or of a hostel used in connection with such a school.

(2) The award of grants-in-aid or subsidies and loans in terms of sub-section (1) shall be effected on such basis and subject to such conditions as the Minister in consultation with the Minister of Finance may in every particular case determine, and subject to such other conditions as may be prescribed.

Transfer of management and control of State-aided schools to the Department.

5. (1) The Minister may, in consultation with the Minister of Finance and after negotiation and agreement with the governing body of a State-aided school, by notice in the *Gazette* transfer the management and control of such school to the Department with effect from a date fixed in that notice.

(2) The school to which a notice issued in terms of sub-section (1) of this section relates shall be deemed to have been established in terms of the appropriate provision of sub-section (1) of section *three* on the date fixed in that notice.

(3) As from the date so fixed the governing body in question shall no longer have any rights, powers or duties in respect of the school in question.

Registration and management of private schools.

6. (1) No person shall manage any school which is not a State school or a State-aided school—

(*a*) unless such school is registered with the Department in the prescribed manner and complies with the prescribed requirements; and

(*b*) otherwise than in accordance with the prescribed conditions.

(2) Any school for the education of Indians which at the commencement of this Act is registered with a provincial administration or the Department of Education, Arts and Science under any law, shall be deemed to have been registered with the Department under sub-section (1).

(3) Any person who contravenes 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.

(xxxii) „werknemer" iemand wat 'n werknemer is soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957). (vii)

Beheer oor onderwys vir Indiërs.

2. Vanaf die datum van inwerkingtreding van hierdie Wet word, behoudens die bepalings van genoemde Wet, onderwys vir Indiërs deur die Departement beheer, en vir dié doel is daar in die Departement 'n afdeling Onderwys met 'n beampte met vakkundige kennis van onderwysaangeleenthede aan die hoof daarvan.

Instelling, oprigting en instandhouding van skole.

3. (1) Die Minister kan in oorleg met die Minister van Finansies en uit geld wat die Parlement vir dié doel bewillig het—

(*a*) opleidingskolleges, hoërskole, laerskole, landbouskole, beroepskole, spesiale skole en tehuise instel, oprig en in stand hou;

(*b*) deeltydse klasse instel en in stand hou;

(*c*) koshuise, kwartiere vir onderwysers, skoolklinieke en ander toebehore in verband met Staatskole instel, oprig en in stand hou.

(2) 'n Skool vir die onderwys van Indiërs wat by die inwerkingtreding van hierdie Wet deur 'n provinsiale administrasie in stand gehou word, en enige koshuis, kwartiere vir onderwysers, skoolkliniek of ander toebehore wat deur 'n provinsiale administrasie ingestel of opgerig is en in verband met so 'n skool gebruik word, word geag kragtens die toepaslike bepaling van sub-artikel (1) van hierdie artikel ingestel of opgerig te wees, en wel op die datum van genoemde inwerkingtreding.

(3) Die Minister kan te eniger tyd 'n Staatskool of enige koshuis, kwartiere vir onderwysers, skoolkliniek of ander toebehore wat in verband met 'n Staatskool gebruik word, sluit of die instelling daarvan intrek.

Toekenning van hulptoelaes of subsidies en lenings ten opsigte van skole en koshuise.

4. (1) Behoudens die bepalings van sub-artikel (2) kan die Minister uit geld wat die Parlement vir dié doel bewillig het, hulptoelaes of subsidies en lenings toeken aan die bestuursliggaam van 'n skool, met inbegrip van 'n kleuterskool, of van 'n koshuis wat in verband met so 'n skool gebruik word.

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

Oordrag van bestuur van en beheer oor Staatsondersteunde skole aan die Departement.

5. (1) Die Minister kan, in oorleg met die Minister van Finansies en ná onderhandeling en ooreenkoms met die bestuursliggaam van 'n Staatsondersteunde skool, by kennisgewing in die *Staatskoerant* die bestuur van en beheer oor dié skool aan die Departement oordra met ingang van 'n datum in daardie kennisgewing vasgestel.

(2) Die skool waarop 'n kennisgewing, uitgereik ingevolge sub-artikel (1) van hierdie artikel, betrekking het, word geag ingevolge die toepaslike bepaling van sub-artikel (1) van artikel *drie* ingestel te wees, en wel op die datum in daardie kennisgewing vasgestel.

(3) Vanaf die datum aldus vasgestel, het die betrokke bestuursliggaam nie langer enige regte, bevoegdhede of pligte ten opsigte van die betrokke skool nie.

Registrasie en bestuur van private skole.

6. (1) Niemand mag 'n skool wat nie 'n Staatskool of 'n Staatsondersteunde skool is nie, bestuur nie—

(*a*) tensy die skool by die Departement op die voorgeskrewe wyse geregistreer is en aan die voorgeskrewe vereistes voldoen; en

(*b*) anders as ooreenkomstig die voorgeskrewe voorwaardes.

(2) 'n Skool vir die onderwys van Indiërs wat by die inwerkingtreding van hierdie Wet by 'n provinsiale administrasie of die Departement van Onderwys, Kuns en Wetenskap geregistreer is kragtens die een of ander wet, word geag kragtens sub-artikel (1) by die Departement geregistreer te wees.

(3) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Admission of persons to and their discharge from State schools and State-aided schools.

7. The admission of persons to State schools and State-aided schools shall take place in the prescribed circumstances and subject to the prescribed conditions, and any person so admitted to any such school may be discharged therefrom in the prescribed circumstances.

Appointment, promotion, transfer and discharge of staff at State schools, schools of industries, reform schools and certain State-aided schools.

8. (1) Notwithstanding anything to the contrary contained in any other law the establishment of any State school, school of industries or reform school or any State-aided school shall be determined by the Minister, on such basis as he may fix from time to time in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of this Act, the power to appoint any person to any post included in the establishment of any State school, school of industries or reform school, or any State-aided school other than a State-aided vocational school, and to promote, transfer or discharge any person occupying any such post, shall be vested in the Minister.

Transfer of certain persons to the service of the Department, and regulation of conditions of service of certain persons employed at private and special schools.

9. (1) Any person other than an officer or an employee who immediately prior to the commencement of this Act is employed by a provincial administration at a school referred to in sub-section (2) of section *three*, shall, as from such commencement, be transferred to the service of the Department, and any such person, and any other person, not being an employee, who immediately prior to such commencement is by virtue of any appointment by or with the approval of a provincial administration employed at any school for the education of Indians subsidized by such administration, shall be deemed to have been appointed in terms of the provisions of this Act and on the date of such commencement, to a post included in the establishment of such school.

(2) Any person other than an officer or an employee who immediately prior to the commencement of this Act occupies a post included in the establishment of a special school subsidized under the Special Education Act, 1948 (Act No. 9 of 1948), shall be deemed to have been appointed to such post in terms of the provisions of this Act and on the date of such commencement.

Transfer of persons employed at a State-aided school to the service of the Department, in the event of the transfer of such school.

10. Any person not employed by the Department who immediately prior to the date on which the management and control of a State-aided school is transferred to the Department in terms of sub-section (1) of section *five*, occupies a post included in the establishment of such school, shall, as from that date, be transferred to the service of the Department and shall, subject to the provisions of this Act, be deemed to have been appointed in terms of the provisions of the said Act to such post on that date.

Conditions of service of persons employed at State schools, schools of industries, reform schools and State-aided schools.

11. (1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of sub-sections (2) and (3) of this section, the conditions of service, salary scales, allowances and leave privileges of persons (other than officers) employed in any post included in the establishment of a State school, school of industries, reform school or a State-aided school, shall be determined or prescribed by the Minister in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

(2) The salary, salary scale, allowances and leave privileges of any person who is, by virtue of the provisions of sub-section (1) of section *nine*, deemed to have been appointed to a post in terms of the provisions of this Act, shall remain the same, as if he had continued occupying the post occupied by him immediately prior to the commencement of this Act, unless or until the Minister determines that the provisions of sub-sections (1) and (3) of this section shall apply in respect of him.

(3) As from the date on which a person is in terms of the provisions of section *ten* transferred to the service of the Department, his salary shall be adjusted to the salary scale applicable to his post, at such notch on that scale as the Minister may determine.

(4) Subject to the provisions of this Act any continuous whole-time employment of any person referred to in section *ten* at any State-aided school immediately prior to the date referred to in that section, shall, for leave purposes, be deemed to be employment in the service of the Department: Provided that any sick and accumulative vacational leave to which such person is entitled on that date shall, subject to such conditions as the Minister on the recommendation of the Public Service Commission may determine, be deemed to be leave earned in terms of this Act.

7. Die toelating van persone tot Staatskole en Staatsondersteunde skole geskied onder die voorgeskrewe omstandighede en onderworpe aan die voorgeskrewe voorwaardes, en iemand wat aldus tot so 'n skool toegelaat is, kan onder die voorgeskrewe omstandighede daaruit ontslaan word.

Toelating van persone tot en hul ontslag uit Staatskole en Staatsondersteunde skole.

8. (1) Ondanks andersluidende bepalings van enige ander wet word die diensstaat van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool deur die Minister bepaal, en wel op 'n grondslag wat hy van tyd tot tyd in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie vasstel.

(2) Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van hierdie Wet, berus die bevoegdheid om iemand aan te stel in 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, en om iemand wat so 'n pos beklee, te bevorder, te verplaas of te ontslaan, by die Minister.

Aanstelling, bevordering, verplasing en ontslag van personeel by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

9. (1) Iemand anders as 'n beampte of werknemer wat onmiddellik vóór die inwerkingtreding van hierdie Wet in die diens is van 'n provinsiale administrasie by 'n skool vermeld in sub-artikel (2) van artikel *drie*, word vanaf sodanige inwerkingtreding oorgeplaas na die diens van die Departement, en so iemand, en iemand anders wat nie 'n werknemer is nie en wat onmiddellik vóór sodanige inwerkingtreding ten gevolge van 'n aanstelling deur of met die goedkeuring van 'n provinsiale administrasie in diens is by 'n skool vir die onderwys van Indiërs wat deur dié administrasie gesubsidieer word, word geag ingevolge die bepalings van hierdie Wet aangestel te wees in 'n pos wat inbegrepe is by die diensstaat van dié skool, en wel op die datum van sodanige inwerkingtreding.

(2) Iemand anders as 'n beampte of werknemer wat onmiddellik vóór die inwerkingtreding van hierdie Wet 'n pos beklee wat inbegrepe is by die diensstaat van 'n spesiale skool wat kragtens die Wet op Buitengewone Onderwys, 1948 (Wet No. 9 van 1948), gesubsidieer word, word geag ingevolge die bepalings van hierdie Wet in dié pos aangestel te wees, en wel op die datum van sodanige inwerkingtreding.

Oorplasing van sekere persone na die diens van die Departement, en reëling van diensvoorwaardes van sekere persone in diens by private en spesiale skole.

10. Iemand wat nie in die diens van die Departement is nie en onmiddellik vóór die datum waarop die bestuur van en beheer oor 'n Staatsondersteunde skool aan die Departement ingevolge sub-artikel (1) van artikel *vyf* oorgedra word, 'n pos beklee wat inbegrepe is by die diensstaat van dié skool, word vanaf daardie datum na die diens van die Departement oorgeplaas en word, behoudens die bepalings van hierdie Wet, geag ingevolge die bepalings van dié Wet in dié pos aangestel te wees, en wel op daardie datum.

Oorplasing van persone in diens by 'n Staatsondersteunde skool na die diens van die Departement, in geval van oordrag van dié skool.

11. (1) Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van sub-artikels (2) en (3) van hierdie artikel, word die diensvoorwaardes, salarisskale, toelaes en verlofvoorregte van persone (behalwe beamptes) in diens in 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool, deur die Minister in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie bepaal of voorgeskryf.

(2) Die salaris, salarisskaal, toelaes en verlofvoorregte van iemand wat uit hoofde van die bepalings van sub-artikel (1) van artikel *nege* geag word in 'n pos aangestel te wees ingevolge die bepalings van hierdie Wet, bly dieselfde asof hy aangebly het in die pos wat hy onmiddellik vóór die inwerkingtreding van hierdie Wet beklee het, tensy of totdat die Minister bepaal dat die bepalings van sub-artikels (1) en (3) van hierdie artikel ten opsigte van hom van toepassing is.

(3) Vanaf die datum waarop iemand ingevolge die bepalings van artikel *tien* na die diens van die Departement oorgeplaas word, word sy salaris aangepas by die salarisskaal wat op sy pos van toepassing is, en wel op die kerf van daardie skaal wat die Minister bepaal.

(4) Behoudens die bepalings van hierdie Wet word die ononderbroke voltydse diens van iemand vermeld in artikel *tien* by 'n Staatsondersteunde skool onmiddellik vóór die datum in daardie artikel vermeld, vir verlofdoeleindes geag diens by die Departement te wees: Met dien verstande dat siekte- en oplopende vakansieverlof waarop so iemand op genoemde datum geregtig is, geag word, onderworpe aan die voorwaardes wat die Minister op aanbeveling van die Staatsdienskommissie bepaal, verlof te wees wat ingevolge hierdie Wet verdien is.

Diensvoorwaardes van persone in diens by Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole.

Pension rights and retirement benefits of persons employed at State schools and certain State-aided schools.

12. Notwithstanding anything to the contrary contained in any other law but subject to the provisions of section *thirteen* any person (other than an officer) employed on a whole-time basis and in a permanent capacity at—

(*a*) a State school; or

(*b*) a State-aided school, if his salary is paid in full by the Department,

shall in respect of pension rights and retirement benefits be dealt with as if he occupied a post included in a division of the public service referred to in paragraph (*a*) of sub-section (1) of section *three* of the Public Service Act, 1957 (Act No. 54 of 1957).

Pension rights and retirement benefits of certain persons who are being or have been transferred to the service of the Department or are deemed to have been appointed in terms of this Act.

13. (1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of sub-sections (2), (3) and (4) of this section, the provisions of section *thirteen* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), shall *mutatis mutandis* apply in respect of any person—

(*a*) who by virtue of the provisions of section *nine* is transferred to the service of the Department or is deemed to have been appointed to a post under the provisions of this Act; and

(*b*) who immediately prior to the date of commencement of this Act was subject to a pension law administered by a provincial administration,

as if such person was, with effect from the said date, transferred to employment in respect of which he is liable to contribute to the fund referred to in paragraph (*a*) of sub-section (1) of section *two* of the Government Service Pensions Act, 1955.

(2) (*a*) If any person to whom the provisions of sub-section (1) apply, does not elect in terms of the provisions of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, to reckon his past pensionable service as pensionable service under that Act, he shall, notwithstanding anything to the contrary contained in any law, remain a member of but not a contributor to the pension or provident fund to which he contributed in respect of such past service.

(*b*) If for any reason such person retires or is retired or discharged from the service of the Department or from the public service, he shall be entitled to the benefit which would have been payable to him under the provisions of the law which immediately prior to the date of commencement of this Act governed such fund or any other pension or provident fund to which he previously contributed and of which he retained his membership, if on that date he had retired or had been retired or discharged from such past service for the same reason: Provided that if such person is so retired or discharged for a reason mentioned in paragraph (*c*), (*d*) or (*e*) of sub-section (1) of section *twenty-seven* of the Government Service Pensions Act, 1955, any such benefit shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be retired on pension if the provisions of section *nine* of this Act had not become applicable to him: Provided further that if he is so retired or discharged for a reason mentioned in paragraph (*c*) or (*d*) of sub-section (1) of the said section *twenty-seven*, there shall be no addition to the benefit payable to him from any such fund.

(3) If any person to whom the provisions of sub-section (1) apply, retires or is retired or discharged from the service of the Department or from the public service for any reason before he has made an election in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, the provisions of paragraph (*b*) of sub-section (2) of this section shall *mutatis mutandis* apply in respect of him: Provided that if such person so retires and he was not, for reasons which the Secretary for Social Welfare and Pensions considers good and sufficient, called upon, prior to his retirement, to make an election in terms of sub-section (2) of the said section *thirteen*, the said Secretary may, notwithstanding anything to the contrary contained in any law, permit such person to make such election on or after the date of his retirement but before any pension benefit has been paid to him, and any election so made shall be deemed to have been made in terms of the last-mentioned sub-section before the retirement of such person.

12. Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van artikel *dertien*, word iemand (behalwe 'n beampte) wat op 'n voltydse grondslag en in 'n permanente hoedanigheid in diens is by—

(*a*) 'n Staatskool; of

(*b*) 'n Staatsondersteunde skool, indien sy salaris ten volle deur die Departement betaal word,

ten opsigte van pensioenregte en aftredingsvoordele behandel asof hy 'n pos beklee wat inbegrepe is by 'n afdeling van die Staatsdiens vermeld in paragraaf (*a*) van sub-artikel (1) van artikel *drie* van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

Pensioenregte en aftredingsvoordele van persone in diens by Staatskole en sekere Staatsondersteunde skole.

13. (1) Ondanks andersluidende bepalings van enige ander wet, maar behoudens die bepalings van sub-artikels (2), (3) en (4) van hierdie artikel, is die bepalings van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), *mutatis mutandis* van toepassing ten opsigte van iemand—

(*a*) wat uit hoofde van die bepalings van artikel *nege* oorgeplaas word na die diens van die Departement of geag word aangestel te wees in 'n pos kragtens die bepalings van hierdie Wet; en

(*b*) wat onmiddellik vóór die datum van inwerkingtreding van hierdie Wet onderworpe was aan 'n pensioenwet wat deur 'n provinsiale administrasie geadministreer word,

asof dié persoon met ingang van genoemde datum oorgeplaas was na diens ten opsigte waarvan hy verplig is om by te dra tot die fonds vermeld in paragraaf (*a*) van sub-artikel (1) van artikel *twee* van die Regeringsdiens-pensioenwet, 1955.

Pensioenregte en aftredingsvoordele van sekere persone wat na die diens van die Departement oorgeplaas word of is, of geag word ingevolge hierdie Wet aangestel te wees.

(2) (*a*) Indien iemand vir wie die bepalings van sub-artikel (1) geld, nie ingevolge die bepalings van sub-artikel (2) van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955, kies om sy vorige pensioengewende diens as pensioengewende diens kragtens dié Wet te reken nie, bly hy, ondanks andersluidende bepalings van enige wet, 'n lid van, maar nie 'n bydraer nie tot, die pensioen- of voorsieningsfonds waartoe hy bygedra het ten opsigte van sodanige vorige diens.

(*b*) Indien so iemand om die een of ander rede uit die diens van die Departement of die Staatsdiens tree of daaruit afgedank of ontslaan word, is hy geregtig op die voordeel wat aan hom betaalbaar sou gewees het kragtens die bepalings van die wet wat sodanige fonds, of enige ander pensioen- of voorsieningsfonds waartoe hy voorheen bygedra het en waarvan hy sy lidmaatskap behou het, gereël het onmiddellik vóór die datum van inwerkingtreding van hierdie Wet, indien hy op daardie datum om dieselfde rede uit sodanige vorige diens getree het of daaruit afgedank of ontslaan is: Met dien verstande dat indien so iemand aldus afgedank of ontslaan word om 'n rede vermeld in paragraaf (*c*), (*d*) of (*e*) van sub-artikel (1) van artikel *sewe-en-twintig* van die Regeringsdiens-pensioenwet, 1955, enige sodanige voordeel slegs betaalbaar is vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen uit diens te tree en met pensioen afgedank sou moes geword het indien die bepalings van artikel *nege* van hierdie Wet nie op hom van toepassing geword het nie: Met dien verstande voorts dat indien hy aldus afgedank of ontslaan word om 'n rede vermeld in paragraaf (*c*) of (*d*) van sub-artikel (1) van genoemde artikel *sewe-en-twintig*, daar geen byvoeging is nie by die voordeel wat uit enige sodanige fonds aan hom betaalbaar is.

(3) Indien iemand vir wie die bepalings van sub-artikel (1) geld, om die een of ander rede uit die diens van die Departement of die Staatsdiens tree of daaruit afgedank of ontslaan word voordat hy 'n keuse uitgeoefen het ingevolge sub-artikel (2) van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955, is die bepalings van paragraaf (*b*) van sub-artikel (2) van hierdie artikel *mutatis mutandis* ten opsigte van hom van toepassing: Met dien verstande dat indien so iemand aldus uit diens tree en hy om redes wat die Sekretaris van Volkswelsyn en Pensioene as grondig en voldoende beskou, nie voor sy uitdienstreding aangesê was om 'n keuse ingevolge sub-artikel (2) van genoemde artikel *dertien* uit te oefen nie, genoemde Sekretaris, ondanks andersluidende bepalings van enige wet, so iemand kan toelaat om op of na die datum van sy uitdienstreding, maar voordat 'n pensioenvoordeel aan hom betaal is, so 'n keuse uit te oefen, en 'n keuse wat aldus uitgeoefen word, word geag ingevolge laasgenoemde sub-artikel uitgeoefen te gewees het, en wel voor die uitdienstreding van so iemand.

(4) If any person to whom the provisions of sub-section (1) of this section apply, dies before he has made an election in terms of sub-section (2) of section *thirteen* of the Government Service Pensions Act, 1955, or if any person to whom the provisions of sub-section (2) of this section apply, dies before his retirement or discharge from the service of the Department or from the public service, there shall be paid from the relevant pension or provident fund referred to in paragraph (*b*) of sub-section (2) of this section, the benefit which would have been payable under the law governing such fund if he had died on the day immediately preceding the date of commencement of this Act.

(5) The provisions of this Act shall, subject to the provisions of sub-section (1), not affect the rights and benefits acquired or the obligations incurred by any person referred to in sub-section (2) of section *nine* for pension or retirement purposes under or by virtue of any law which applied in respect of him immediately prior to the date of commencement of this Act.

(6) The provisions of this Act shall not affect the rights and obligations of the Department in respect of the pension rights and retirement benefits of any person referred to in sub-section (2) of section *nine*.

Transfer and secondment of certain persons employed at State schools, schools of industries, reform schools and certain State-aided schools.

14. (1) Any person (other than an officer) occupying a post included in the establishment of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school, may, subject to the provisions of sub-section (2), be transferred from the post in which he is employed to any other post at the said school or any other such school, or at any other institution under the control of the Department, whether established under this Act or any other law, and whether or not it is a transfer to a post of a lower grade.

(2) If a transfer in terms of sub-section (1) involves a reduction of the pensionable emoluments of the person in question for the purposes of any law, such transfer shall not be made without his consent, unless it is made in consequence of a reduction of rank under section *seventeen* or *eighteen*.

(3) Any person referred to in sub-section (1) may, subject to the provisions of sub-section (4) and upon such conditions as the Minister in consultation with the Minister of Finance may determine, be seconded by the Minister—

(*a*) upon the recommendation of the Public Service Commission, to the service of the State or the administration of the territory of South-West Africa or the service of the State in any other capacity; or

(*b*) with his own consent, to the service of the government of any other country or of any person.

(4) If any person is so seconded such secondment shall not affect the application in respect of him of any law which would have applied in respect of him if he had continued occupying his post at the school in question.

Discharge of persons employed at State schools, schools of industries, reform schools and certain State-aided schools.

15. (1) Any person (other than an officer) occupying on a whole-time basis a post included in the establishment of a State school, school of industries or reform school, or a State-aided school other than a State-aided vocational school, may be discharged by the Minister—

(*a*) on account of attaining the pensionable age as fixed by or in terms of any law which applies in respect of him, if he is not a person to whom sub-section (1) of section *thirteen* applies;

(*b*) on account of continued ill-health;

(*c*) on account of the abolition of his post or a reduction, reorganization or rearrangement of the staff of the school in question;

(*d*) subject to the provisions of section *eighteen*, on account of unfitness for his duties or incapacity to perform them efficiently;

(*e*) if for reasons other than those referred to in paragraph (*d*), his discharge will, in the opinion of the Minister, promote efficiency or economy in the school in question;

(*f*) subject to the provisions of section *seventeen*, on account of misconduct as defined in section *sixteen*;

(*g*) in the case of a female, if she marries.

(2) Any person referred to in sub-section (1) who without the permission of the Secretary or the head or the governing body of the school in question—

(*a*) is absent from duty for a period exceeding one month; or

(4) Indien iemand vir wie die bepalings van sub-artikel (1) van hierdie artikel geld, te sterwe kom voordat hy 'n keuse uitgeoefen het ingevolge sub-artikel (2) van artikel *dertien* van die Regeringsdiens-pensioenwet, 1955, of indien iemand vir wie die bepalings van sub-artikel (2) van hierdie artikel geld, te sterwe kom vóór sy uittrede of ontslag uit die diens van die Departement of die Staatsdiens, moet daar uit die toepaslike pensioen- of voorsieningsfonds vermeld in paragraaf (*b*) van sub-artikel (2) van hierdie artikel die voordeel betaal word wat kragtens die wet wat dié fonds reël, betaalbaar sou gewees het indien hy te sterwe gekom het op die dag onmiddellik vóór die datum van inwerkingtreding van hierdie Wet.

(5) Behoudens die bepalings van sub-artikel (1), raak die bepalings van hierdie Wet nie die regte en voorregte of die verpligtings nie wat iemand vermeld in sub-artikel (2) van artikel *nege* vir pensioen- of aftredingsdoeleindes verkry of opgeloop het kragtens of uit hoofde van die een of ander wet wat ten opsigte van hom van toepassing was onmiddellik vóór die datum van inwerkingtreding van hierdie Wet.

(6) Die bepalings van hierdie Wet raak nie die regte en pligte van die Departement ten opsigte van die pensioenregte en aftredingsvoordele van iemand vermeld in sub-artikel (2) van artikel *nege* nie.

Verplasing en afstaan van sekere persone in diens by Staat-, nywerheid- of verbeteringskole en sekere Staatsondersteunde skole.

14. (1) Iemand (behalwe 'n beampte) wat 'n pos beklee wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, kan, behoudens die bepalings van sub-artikel (2), verplaas word van die pos waarin hy diens doen na enige ander pos in genoemde skool of enige ander sodanige skool, of in enige ander inrigting onder beheer van die Departement, hetsy dit ingevolge hierdie Wet of 'n ander wet ingestel is, en hetsy dit 'n verplasing na 'n pos met 'n laer graad is of nie.

(2) Indien 'n verplasing ingevolge sub-artikel (1) 'n vermindering van die betrokke persoon se pensioengewende verdienste vir die doeleindes van enige wet sal meebring, kan sodanige verplasing nie sonder sy toestemming geskied nie, tensy dit geskied ten gevolge van 'n verlaging van rang kragtens artikel *sewentien* of *agtien*.

(3) Iemand vermeld in sub-artikel (1) kan, behoudens die bepalings van sub-artikel (4), deur die Minister op die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, tydelik afgestaan word—

(*a*) op aanbeveling van die Staatsdienskommissie, aan die diens van die Staat of die administrasie van die gebied Suidwes-Afrika of die diens van die Staat in 'n ander hoedanigheid; of

(*b*) met sy eie toestemming, aan die diens van die regering van 'n ander land of van 'n persoon.

(4) Indien iemand aldus afgestaan word, raak dit nie die toepassing, ten opsigte van hom, van enige wet wat ten opsigte van hom van toepassing sou gewees het indien hy sy pos by die betrokke skool bly beklee het nie.

Ontslag van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

15. (1) Iemand (behalwe 'n beampte) wat op 'n voltydse grondslag 'n pos beklee wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool, of 'n Staatsondersteunde skool wat nie 'n Staatsondersteunde beroepskool is nie, kan deur die Minister ontslaan word—

(*a*) weens bereiking van die pensioenleeftyd soos bepaal by of ingevolge 'n wet wat ten opsigte van hom van toepassing is, indien hy nie iemand is vir wie sub-artikel (1) van artikel *dertien* geld nie;

(*b*) weens voortdurende swak gesondheid;

(*c*) weens die afskaffing van sy pos of 'n vermindering, reorganisasie of herindeling van die personeel van die betrokke skool;

(*d*) behoudens die bepalings van artikel *agtien*, weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(*e*) indien, om ander redes as dié in paragraaf (*d*) vermeld, sy ontslag, volgens die oordeel van die Minister, doeltreffendheid of besuiniging by die betrokke skool sal bevorder;

(*f*) behoudens die bepalings van artikel *sewentien*, weens wangedrag soos omskryf in artikel *sestien*;

(*g*) in die geval van 'n vrouepersoon, indien sy in die huwelik tree.

(2) Iemand vermeld in sub-artikel (1) wat sonder verlof van die Sekretaris of die hoof of bestuursliggaam van die betrokke skool—

(*a*) vir langer as 'n maand van sy diens afwesig is; of

(*b*) is absent from duty and has accepted other employment,

shall, subject to the provisions of sub-section (3), be deemed to have been discharged on account of misconduct in terms of sub-section (1), in the case contemplated in paragraph (*a*), with effect from the date immediately succeeding the last day on which he was on duty and, in the case contemplated in paragraph (*b*), with effect from the date on which he accepted such employment.

(3) If any person referred to in paragraph (*a*) of sub-section (2) reports for duty at any time after the expiry of the period referred to in the said paragraph, the Minister may, on such conditions as he may determine, reinstate such person in his former post or appoint him to any other post referred to in sub-section (1), and in that event the period of absence from duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Minister may determine.

Definition of misconduct.

16. Any person referred to in sub-section (1) of section *fifteen* shall be guilty of misconduct and be subject to the provisions of section *seventeen* if—

(*a*) he contravenes or fails to comply with any provision of this Act with which he is obliged to comply;

(*b*) he does or causes or permits to be done or connives at anything which is prejudicial to the administration, discipline or efficiency of any department, office or institution of the State or a State-aided school;

(*c*) he disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination;

(*d*) he is negligent or indolent in the discharge of his duties;

(*e*) he undertakes, without the permission of the Minister, any private agency or private work in connection with any matter connected with the performance of his functions or the carrying out of his duties;

(*f*) he publicly, otherwise than at a meeting convened by an association or organization recognized by the Minister as representative of persons contemplated in sub-section (1) of section *fifteen*, criticizes the administration of any department, office or institution of the State;

(*g*) he is a member of any party-political organization or of any organization which the Minister may by notice in the *Gazette* declare to be an organization of which a person contemplated in sub-section (1) of section *fifteen* may not be a member, or takes an active part in party-political matters, or takes part in any activity or furthers the objects of any organization to which any such notice relates, or encourages disobedience to or resistance against the laws of the State;

(*h*) he attempts to secure intervention, through any person who is not in the employment of the Department, in relation to his position and conditions of service, unless it is done to obtain redress of any grievance through Parliament;

(*i*) he conducts himself in a disgraceful, improper or unbecoming manner or, whilst on duty, is grossly discourteous to any person;

(*j*) he uses intoxicants or stupefying drugs excessively;

(*k*) he becomes insolvent or compromises with his creditors or if a decree of civil imprisonment is made against him by any court of law, unless it is shown that his insolvency or the composition or the making of such decree against him has been occasioned by unavoidable misfortune;

(*l*) he becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment is not due to any imprudent or other reprehensible act or omission on his part and is not prejudicial to the faithful performance of his duties;

(*m*) he, without first having obtained the permission of the Secretary, discloses, otherwise than in the discharge of his duties, information gathered or obtained by him through his employment in the Department or at a State-aided school, or uses such information for any purpose other than the discharge of his duties, whether or not he discloses such information;

(*b*) van sy diens afwesig is en ander werk aanvaar het, word, behoudens die bepalings van sub-artikel (3), geag ingevolge sub-artikel (1) weens wangedrag ontslaan te wees, en wel in die geval beoog in paragraaf (*a*), met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy diens verrig het en, in die geval beoog in paragraaf (*b*), met ingang van die datum waarop hy sodanige werk aanvaar het.

(3) Indien iemand vermeld in paragraaf (*a*) van sub-artikel (2) hom te eniger tyd na verstryking van die tydperk vermeld in genoemde paragraaf vir diens aanmeld, kan die Minister op die voorwaardes deur hom bepaal, so iemand in sy vorige pos herstel of in 'n ander pos vermeld in sub-artikel (1) aanstel, en in so 'n geval word die tydperk van afwesigheid van diens geag afwesigheid te wees met vakansieverlof sonder betaling of verlof op die ander voorwaardes wat die Minister bepaal.

Omskrywing van wangedrag.

16. Iemand vermeld in sub-artikel (1) van artikel *vyftien* is aan wangedrag skuldig en aan die bepalings van artikel *sewentien* onderhewig indien—

(*a*) hy 'n bepaling van hierdie Wet wat hy moet nakom, oortree of versuim om dit na te kom;

(*b*) hy enigiets ten nadele van die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Staat of 'n Staatsondersteunde skool doen of laat doen of toelaat, of oogluikend toelaat, dat dit gedoen word;

(*c*) hy 'n wettige bevel wat aan hom gegee is deur iemand wat die bevoegdheid besit om dit te gee, nie gehoorsaam nie of veronagsaam, of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom aan weerspannigheid skuldig maak;

(*d*) hy nalatig of traag by die vervulling van sy pligte is;

(*e*) hy sonder die toestemming van die Minister 'n private agentskap of private werk onderneem in verband met enige aangeleentheid wat in verband staan met die verrigting van sy werksaamhede of die uitvoering van sy pligte;

(*f*) hy in die openbaar, behalwe op 'n vergadering belê deur 'n vereniging of organisasie wat deur die Minister erken is as verteenwoordigend van persone bedoel in sub-artikel (1) van artikel *vyftien*, kritiek uitoefen aangaande die administrasie van 'n departement, kantoor of inrigting van die Staat;

(*g*) hy lid is van 'n partypolitieke organisasie of van enige organisasie wat die Minister by kennisgewing in die *Staatskoerant* verklaar tot 'n organisasie waarvan iemand bedoel in sub-artikel (1) van artikel *vyftien* nie lid mag wees nie, of op aktiewe wyse deelneem aan partypolitieke aangeleenthede, of deelneem aan enige bedrywigheid van 'n organisasie waarop so 'n kennisgewing betrekking het of die oogmerke daarvan bevorder, of ongehoorsaamheid aan of verset teen die wette van die Staat aanmoedig;

(*h*) hy deur middel van iemand wat nie in die diens van die Departement is nie, ingryping in verband met sy posisie en diensvoorwaardes probeer verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te verkry;

(*i*) hy hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n ander skuldig maak;

(*j*) hy buitensporige gebruik van sterk drank of bedwelmende middels maak;

(*k*) hy insolvent word of 'n akkoord met sy skuldeisers aangaan, of daar 'n bevel tot siviele gyseling deur 'n geregshof teen hom uitgereik word, tensy daar bewys word dat sy insolvensie of dié akkoord of die uitreiking van dié bevel teen hom deur onvermydelike teenspoed veroorsaak is;

(*l*) hy in geldelike moeilikheid raak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van 'n onversigtige of ander laakbare handeling of versuim van sy kant, en nie nadelig vir die getroue uitvoering van sy pligte is nie;

(*m*) hy, sonder om eers die toestemming van die Sekretaris te verkry, inligting wat hy ingewin of bekom het as gevolg van sy diens in die Departement of by 'n Staatsondersteunde skool, openbaar maak anders as by die vervulling van sy pligte, of sodanige inligting gebruik vir 'n ander doel as die vervulling van sy pligte, hetsy hy dié inligting openbaar maak of nie;

(*n*) any person corruptly offers him any gift or consideration in respect of or for the discharge or neglect of his duties, and he fails to report it as soon as possible to the Secretary;

(*o*) he misappropriates or improperly uses any property of the State, and such misappropriation or use does not constitute an offence;

(*p*) he commits a criminal offence;

(*q*) he absents himself from duty without leave or valid reason;

(*r*) he, with a view to obtaining any privilege or advantage in relation to his position or duties in the employment of the Department or any State-aided school, or to causing prejudice or injury to the State or such a school or any person in the employment of the Department or such a school, makes a false or incorrect statement, knowing it to be false or incorrect.

Procedure in case of misconduct.

17. (1) If any person referred to in sub-section (1) of section *fifteen* is accused of misconduct as defined in section *sixteen*, the Secretary may charge him in writing under his hand with that misconduct.

(2) The Secretary shall serve the signed charge upon the person charged by causing it to be delivered or sent by certified or registered post to him, or to be left at his place of residence or last known place of residence.

(3) The charge shall contain or shall be accompanied by a direction calling upon the person charged to transmit or deliver, within a period which is to be specified in such direction and is to be reasonable, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Minister may suspend from duty any person accused of misconduct, as defined in section *sixteen*, whether or not such person has been charged with misconduct.

(5) The Minister or any person who, under any power conferred upon him in terms of section *thirty-two*, has suspended any person in terms of sub-section (4), may at any time cancel the suspension, but the cancellation of the suspension shall not affect any proceedings in connection with the accusation of misconduct.

(6) A person who has been supended from duty in terms of sub-section (4), shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister may order payment to the said person of the whole or a portion of his emoluments.

(7) If no charge under this section is preferred against a person who has been so suspended from duty, he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(8) (*a*) If the person charged admits the charge, he shall be deemed to have been found guilty in terms of this section of the misconduct with which he has been charged.

(*b*) If the person charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Secretary shall appoint a person to enquire into the charge.

(*c*) The Secretary may appoint one or more persons to sit in an advisory capacity as assessor or assessors with the person who is to hold the enquiry.

(9) (*a*) The person who is to hold the enquiry shall, in consultation with the person who signed the charge fix the time and place of the enquiry, and the person who signed the charge shall give the person charged reasonable written notice of the time and place so fixed: Provided that the Secretary shall have the power to postpone the enquiry on good cause shown.

(*b*) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court, shall *mutatis mutandis* apply for the purposes of and at any such enquiry: Provided that subpoenas to procure the attendance of witnesses thereat shall be issued by the person who is to hold the enquiry.

(10) The Secretary may authorize any person to be present at the enquiry and to adduce evidence and arguments in support of the charge, and to cross-examine any person called as a witness for the defence.

(*n*) iemand hom op korrupte wyse enige geskenk of vergoeding aanbied ten opsigte van of vir die uitvoering of nalating van sy pligte, en hy versuim om dit so spoedig doenlik aan die Sekretaris mee te deel;

(*o*) hy hom eiendom van die Staat wederregtelik toeëien of onbehoorlike gebruik daarvan maak, en sodanige toeëiening of gebruik nie 'n misdryf uitmaak nie;

(*p*) hy 'n kriminele misdryf pleeg;

(*q*) hy sonder verlof of grondige rede van sy diens afwesig is;

(*r*) hy met die oog op die verkryging van 'n voorreg of voordeel met betrekking tot sy posisie of sy pligte in die diens van die Departement of 'n Staatsondersteunde skool, of op die veroorsaking van enige nadeel of skade aan die Staat of so 'n skool of iemand in diens van die Departement of so 'n skool, 'n valse of onjuiste verklaring aflê terwyl hy weet dat dit vals of onjuis is.

Prosedure in geval van wangedrag.

17. (1) Indien iemand vermeld in sub-artikel (1) van artikel *vyftien* beskuldig word van wangedrag soos in artikel *sestien* omskryf, kan die Sekretaris hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die Sekretaris moet die ondertekende aanklag aan die aangeklaagde bestel deur dit aan hom te laat oorhandig of stuur per gesertifiseerde of aangetekende pos of dit te laat afgee by sy woonplek of die plek waar, sover bekend, hy die laaste gewoon het.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging gepaard gaan waarby die aangeklaagde aangesê word om binne 'n tydperk wat in die aansegging vermeld moet word en redelik moet wees, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verduideliking van die wangedrag waarvan hy aangekla word, aan iemand insgelyks vermeld, te stuur of te oorhandig.

(4) Die Minister kan iemand wat beskuldig word van wangedrag, soos in artikel *sestien* omskryf, in sy diens skors, hetsy hy van wangedrag aangekla is of nie.

(5) Die Minister of iemand wat, kragtens 'n bevoegdheid ingevolge artikel *twee-en-dertig* aan hom verleen, iemand ingevolge sub-artikel (4) geskors het, kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtings in verband met die beskuldiging van wangedrag nie.

(6) Iemand wat ingevolge sub-artikel (4) in sy diens geskors is, is nie op enige besoldiging ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister kan gelas dat aan so iemand sy volle besoldiging of 'n gedeelte daarvan betaal word.

(7) As geen aanklag kragtens hierdie artikel ingebring word nie teen iemand wat aldus in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(8) (*a*) Indien die aangeklaagde die aanklag erken, word hy geag ingevolge hierdie artikel skuldig bevind te wees aan die wangedrag waarvan hy aangekla is.

(*b*) Indien die aangeklaagde die aanklag ontken of versuim om te voldoen aan die aansegging vermeld in sub-artikel (3), moet die Sekretaris iemand aanstel om ondersoek na die aanklag in te stel.

(*c*) Die Sekretaris kan een of meer persone aanstel om in 'n raadgewende hoedanigheid as assessor of assessore saam te sit met die persoon wat die ondersoek moet instel.

(9) (*a*) Die persoon wat die ondersoek moet instel, moet in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die persoon wat die aanklag onderteken het, moet die aangeklaagde redelike skriftelike kennis gee van die tyd en plek aldus vasgestel: Met dien verstande dat die Sekretaris die bevoegdheid het om die ondersoek uit te stel indien goeie redes daarvoor aangevoer word.

(*b*) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* vir die doeleindes van en by so 'n ondersoek: Met dien verstande dat dagvaardings om die aanwesigheid van getuies daarby te verkry, uitgereik moet word deur die persoon wat die ondersoek moet instel.

(10) Die Sekretaris kan iemand magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer, en om iemand wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.

(11) (*a*) At the enquiry the person charged may be present, shall have the right to be heard, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, either personally or by a representative, and may give evidence himself.

(*b*) The failure of the person charged to be present at the enquiry, either personally or by a representative, shall not invalidate the proceedings.

(*c*) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of the evidence given thereat.

(12) If the misconduct with which any person is charged, is the commission of an offence and it is proved that he has been convicted thereof by a court of law, a certified copy of the record of his trial and conviction by that court shall be *prima facie* evidence of the commission by him of that offence.

(13) The person holding the enquiry shall after the conclusion thereof decide whether the person charged is guilty or not guilty of the misconduct with which he is charged and inform him and the Secretary of his decision.

(14) If the person holding the enquiry finds that the person charged is not guilty of the misconduct with which he was charged, and the person charged was suspended from duty in terms of sub-section (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(15) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, the person charged may within fourteen days after the date on which he was informed of the finding, appeal therefrom to the Minister by delivering or posting to the person who held the enquiry a written notice of appeal in which are set forth fully the grounds on which the appeal is based.

(16) If the person holding the enquiry finds that the person charged is guilty of the misconduct with which he is charged, he shall—

(*a*) after expiry of the period referred to in sub-section (15), forward to the Secretary—

(i) the record of the proceedings at the enquiry;

(ii) the documentary evidence admitted thereat;

(iii) a statement of his finding and his reasons therefor;

(iv) any observations which he may wish to make on the case; and

(v) if there is an appeal from his finding in terms of sub-section (15), the notice of appeal; and

(*b*) if there is such an appeal from his finding, furnish the appellant with a copy of his reasons for the finding.

(17) If the appellant applies to the Secretary for a copy of the record of the proceedings at the enquiry and of the documentary evidence admitted thereat, within seven days after the date upon which he was furnished with a copy of the reasons for the finding, the Secretary shall furnish him with it.

(18) The appellant may, if he has made an application in terms of sub-section (17), within fourteen days after the date upon which he was furnished with the copy in question, or, if he did not make such an application, within twenty-one days after the date upon which he was furnished with the copy of the reasons for the finding, submit to the Secretary written representations in support of his appeal, and the Secretary shall after receipt thereof or, if he did not receive such representations within the prescribed period, after the expiry of such period, submit to the Minister the record of the proceedings at the enquiry, the other documents in his possession which relate to the enquiry or appeal, and his recommendation concerning the appeal.

(19) After consideration of the record and other documents in question the Minister may allow the appeal in whole or in part and set aside or vary the finding, dismiss the appeal and confirm the finding, or, before arriving at a final decision on the appeal, remit any matter in connection with the enquiry to the person who held the enquiry and direct him to report thereon or to hold a further enquiry and to arrive at a finding thereon.

(20) If the Minister has directed that a further enquiry be held, the provisions of sub-sections (9), (10) and (11) shall apply in respect thereof.

(11) (*a*) By die ondersoek kan die aangeklaagde teenwoordig wees, het hy die reg om persoonlik of deur 'n verteenwoordiger aangehoor te word, iemand wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, stukke wat as getuienis voorgelê is, in te sien, en ander persone as getuies op te roep, en kan hy self getuienis aflê.

(*b*) Die versuim van die aangeklaagde om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak nie die verrigtings ongeldig nie.

(*c*) Die persoon wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek, en van die getuienis wat daarby afgelê word.

(12) Indien die wangedrag waarvan iemand aangekla word, die pleeg van 'n misdryf is en daar bewys word dat hy deur 'n geregshof daaraan skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof *prima facie*-bewys dat hy daardie misdryf gepleeg het.

(13) Die persoon wat die ondersoek instel, moet na afloop daarvan beslis of die aangeklaagde skuldig of onskuldig is aan die wangedrag waarvan hy aangekla is, en hom en die Sekretaris van sy beslissing verwittig.

(14) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde onskuldig is aan die wangedrag waarvan hy aangekla is en die aangeklaagde ingevolge sub-artikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(15) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, kan die aangeklaagde binne veertien dae ná die datum waarop hy van die bevinding verwittig is, na die Minister daarteen appelleer deur aan die persoon wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te oorhandig of te pos waarin die gronde waarop die appèl gebaseer is, volledig uiteengesit word.

(16) Indien die persoon wat die ondersoek instel, bevind dat die aangeklaagde skuldig is aan die wangedrag waarvan hy aangekla is, moet hy—

(*a*) ná verstryking van die tydperk vermeld in sub-artikel (15), aan die Sekretaris stuur—

(i) die notule van die verrigtings by die ondersoek;

(ii) die dokumentêre bewysstukke wat daarby toegelaat is;

(iii) 'n uiteensetting van sy bevinding en sy redes daarvoor;

(iv) enige opmerkings wat hy oor die saak wil maak; en

(v) indien teen sy bevinding ingevolge sub-artikel (15) geappelleer is, die kennisgewing van appèl; en

(*b*) indien daar aldus teen sy bevinding geappelleer is, aan die appellant 'n afskrif van sy redes vir die bevinding verstrek.

(17) Indien die appellant binne sewe dae na die datum waarop 'n afskrif van die redes vir die bevinding aan hom verstrek is, by die Sekretaris aansoek doen om 'n afskrif van die notule van die verrigtings by die ondersoek en die dokumentêre bewysstukke wat daarby toegelaat is, moet die Sekretaris dit aan hom verstrek.

(18) Die appellant kan, indien hy 'n aansoek ingevolge sub-artikel (17) gedoen het, binne veertien dae ná die datum waarop die betrokke afskrif aan hom verstrek is, of, indien hy nie aldus aansoek gedoen het nie, binne een-en-twintig dae ná die datum waarop die afskrif van die redes vir die bevinding aan hom verstrek is, skriftelike vertoë ter stawing van sy appèl aan die Sekretaris voorlê, en die Sekretaris moet na ontvangs daarvan of, indien hy geen sodanige vertoë binne die voorgeskrewe tydperk ontvang het nie, ná verstryking van dié tydperk, die notule van die verrigtings by die ondersoek, die ander stukke in sy besit wat op die ondersoek of appèl betrekking het, en sy aanbeveling omtrent die appèl, aan die Minister voorlê.

(19) Ná oorweging van die betrokke notule en ander stukke kan die Minister die appèl geheel en al of ten dele toestaan en die bevinding tersyde stel of wysig, die appèl van die hand wys en die bevinding bekragtig, of, voordat hy tot 'n finale beslissing oor die appèl kom, 'n aangeleentheid in verband met die ondersoek terugverwys na die persoon wat die ondersoek ingestel het, en hom gelas om verslag daaroor te doen of nadere ondersoek in te stel en 'n bevinding daaroor te doen.

(20) Indien die Minister gelas het dat nadere ondersoek ingestel word, is die bepalings van sub-artikels (9), (10) en (11) ten opsigte daarvan van toepassing.

(21) If the Minister has arrived at a final decision on the appeal, he shall convey that decision in writing to the Secretary who shall convey it in writing to the appellant.

(22) If the Minister allows the appeal and the appellant was suspended from duty in terms of sub-section (4), he shall be allowed to resume duty as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already.

(23) If the person charged has admitted the charge of misconduct as is contemplated in sub-section (3), or if he has been found guilty of misconduct in terms of sub-section (13) and has not appealed therefrom within the period prescribed, or has appealed therefrom and the appeal has been dismissed wholly or in part in terms of this section, the Secretary shall, subject to the provisions of sub-section (24), recommend to the Minister that—

(*a*) the person charged be cautioned or reprimanded;

(*b*) a fine, not exceeding two hundred rand, be imposed upon the person charged;

(*c*) the person charged be transferred to another post;

(*d*) the emoluments or grade or both the emoluments and grade of the person charged be reduced; or

(*e*) the person charged be discharged from the service of his employer or be called upon to resign therefrom.

(24) (*a*) Except where the Secretary makes a recommendation under paragraph (*a*) or (*e*) of sub-section (23), he may make a recommendation under more than one of the other paragraphs of that sub-section.

(*b*) The Secretary may postpone for a period not exceeding twelve months the making of a recommendation under sub-section (23).

(25) (*a*) The Minister may act in accordance with the recommendation of the Secretary in terms of sub-section (23) or take any other action which he could have taken if the Secretary had recommended it in terms of that sub-section.

(*b*) If a fine is imposed upon any person in terms of this sub-section, such fine may be recovered by deducting it from his emoluments in such instalments as the Minister may determine.

(*c*) If the Minister discharges any person in terms of this sub-section, the discharge shall take effect on a date fixed by the Minister.

(*d*) If the Minister in terms of this sub-section calls upon any person to resign from the service of his employer and such person fails so to resign with effect from a date fixed by the Minister, such person shall be deemed to have been discharged in terms of this sub-section from such service with effect from that date.

(26) If any person has been suspended from duty in terms of sub-section (4) and the Minister deals with him in a manner contemplated in paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (23), or the Secretary deals with him in accordance with paragraph (*b*) of sub-section (24), such person shall be allowed to resume duty in an appropriate post as soon as practicable and be paid his emoluments in respect of the period of his suspension in so far as it has not been done already: Provided that, if the emoluments or grade of such person is reduced as is contemplated in paragraph (*d*) of sub-section (23), his emoluments in respect of the period of his suspension shall be calculated on the basis of the reduced emoluments or grade, as the case may be: Provided further that, if in respect of the period of his suspension emoluments in excess of the emoluments so calculated have already been paid to him in terms of sub-section (6), he shall not be obliged to refund the excess.

(27) If any person who has been suspended or charged with misconduct in terms of this section, resigns from the service of his employer or assumes other employment before the appropriate charge of misconduct has been disposed of under this section, he shall be deemed to have been discharged, on account of misconduct, from such service with effect from a date fixed by the Minister, unless prior to the receipt of his notification of resignation or his assumption of other employment, he was notified that he would not be charged with misconduct or, as the case may be, that the charge of misconduct against him had been withdrawn.

(28) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, shall not preclude the taking of any steps in terms of this section against such person.

(29) (*a*) If any person referred to in sub-section (1) of section *fifteen* who is deemed to have been appointed

(21) Indien die Minister tot 'n finale beslissing oor die appèl gekom het, moet hy dié beslissing skriftelik meedeel aan die Sekretaris wat dit skriftelik aan die appellant moet meedeel.

(22) Indien die Minister die appèl toestaan en die appellant ingevolge sub-artikel (4) in sy diens geskors is, moet hy toegelaat word om so spoedig doenlik sy diens te hervat en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word, vir sover dit nie reeds gedoen is nie.

(23) Indien die aangeklaagde die aanklag van wangedrag erken het soos in sub-artikel (3) beoog, of indien hy aan wangedrag skuldig bevind is ingevolge sub-artikel (13) en nie binne die voorgeskrewe tydperk daarteen geappelleer het nie, of daarteen geappelleer het en dié appèl geheel en al of ten dele van die hand gewys is ingevolge hierdie artikel, moet die Sekretaris behoudens die bepalings van sub-artikel (24) by die Minister aanbeveel dat—

(*a*) die aangeklaagde gewaarsku of berispe word;

(*b*) die aangeklaagde 'n boete van hoogstens tweehonderd rand opgelê word;

(*c*) die aangeklaagde na 'n ander pos oorgeplaas word;

(*d*) die aangeklaagde se besoldiging of rang of sy besoldiging sowel as sy rang verlaag word; of

(*e*) die aangeklaagde uit die diens van sy werkgewer ontslaan word of gelas word om daaruit te bedank.

(24) (*a*) Behalwe wanneer die Sekretaris 'n aanbeveling kragtens paragraaf (*a*) of (*e*) van sub-artikel (23) doen, kan hy 'n aanbeveling kragtens meer as een van die ander paragrawe van daardie sub-artikel doen.

(*b*) Die Sekretaris kan die doen van 'n aanbeveling kragtens sub-artikel (23) vir 'n tydperk van hoogstens twaalf maande uitstel.

(25) (*a*) Die Minister kan volgens die aanbeveling van die Sekretaris ingevolge sub-artikel (23) handel of enigiets anders doen wat hy sou kon gedoen het indien die Sekretaris dit ingevolge daardie sub-artikel aanbeveel het.

(*b*) Indien iemand ingevolge hierdie sub-artikel 'n boete opgelê word, kan dié boete verhaal word deur dit van sy besoldiging af te trek in die paaiemente wat die Minister bepaal.

(*c*) Indien die Minister iemand ingevolge hierdie sub-artikel ontslaan, tree die ontslag in werking op 'n datum wat die Minister bepaal.

(*d*) Indien die Minister ingevolge hierdie sub-artikel iemand gelas om uit die diens van sy werkgewer te bedank en so iemand versuim om aldus te bedank met ingang van 'n datum wat die Minister bepaal, word so iemand geag uit dié diens ingevolge hierdie sub-artikel ontslaan te wees met ingang van daardie datum.

(26) Indien iemand ingevolge sub-artikel (4) in sy diens geskors is en die Minister met hom handel soos in paragraaf (*a*), (*b*), (*c*) of (*d*) van sub-artikel (23) beoog, of die Sekretaris met hom handel ooreenkomstig paragraaf (*b*) van sub-artikel (24), moet so iemand toegelaat word om so spoedig doenlik diens in 'n gepaste pos te hervat, en moet sy besoldiging ten opsigte van die tydperk van sy skorsing aan hom betaal word vir sover dit nie reeds gedoen is nie: Met dien verstande dat indien so iemand se besoldiging of rang verlaag word soos beoog in paragraaf (*d*) van sub-artikel (23), sy besoldiging ten opsigte van die tydperk van sy skorsing bereken word op die grondslag van die verlaagde besoldiging of rang, na gelang van die geval: Met dien verstande voorts dat indien ten opsigte van die tydperk van sy skorsing reeds 'n hoër besoldiging aan hom ingevolge sub-artikel (6) betaal is as die besoldiging aldus bereken, hy nie verplig is om die verskil terug te betaal nie.

(27) Indien iemand wat ingevolge hierdie artikel geskors of van wangedrag aangekla is, uit die diens van sy werkgewer bedank of ander werk aanvaar voordat die toepaslike aanklag van wangedrag kragtens hierdie artikel afgehandel is, word hy geag weens wangedrag uit dié diens ontslaan te wees met ingang van 'n datum wat die Minister bepaal, tensy, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, hy in kennis gestel is dat hy nie van wangedrag aangekla sal word nie of, na gelang van die geval, dat die aanklag van wangedrag teen hom terruggetrek is.

(28) Die feit dat iemand deur 'n geregshof skuldig of onskuldig aan die pleeg van 'n misdryf bevind is, belet nie dat enige stappe teen so iemand ingevolge hierdie artikel gedoen word nie.

(29) (*a*) Indien iemand vermeld in sub-artikel (1) van artikel *vyftien* wat geag word ingevolge die bepalings van

to his post in terms of the provisions of this Act, committed, prior to the commencement of this Act, any misconduct in contravention of the provisions of any law which applied prior to such commencement in respect of him, proceedings on account of such misconduct may, in terms of this section, be instituted or continued against him and he may be dealt with thereunder.

(*b*) If any penalty on account of misconduct was prior to the commencement of this Act imposed upon any person referred to in paragraph (*a*), and such penalty is still in force at such commencement, it shall remain in force unless the Minister otherwise directs.

Action in the case of persons employed at State schools, schools of industries, reform schools and certain State-aided schools, who are inefficient.

18. (1) If it is alleged that any person referred to in sub-section (1) of section *fifteen* is unfit for, or is incapable of performing efficiently, the duties attached to his post from causes not within his control and not attributable to the performance of his duties in the employment of the Department or the school in question, the Secretary may appoint a person to enquire into the allegation: Provided that the Secretary shall not so appoint any person unless, if the allegation is made by a person who is not an officer or who is not in the service of the Department, such allegation is contained in an affidavit or solemn declaration.

(2) The Secretary may appoint one or more persons to sit in an advisory capacity as assessor or assessors with the person who is to hold the enquiry.

(3) The provisions of sub-sections (9), (10), (11), (13), (15) to (21), inclusive, and (23), paragraphs (*a*) and (*c*) of sub-section (25) and paragraph (*a*) of sub-section (29) of section *seventeen* shall *mutatis mutandis* apply in respect of any enquiry referred to in sub-section (1) and the person in respect of whom the allegation was made: Provided that in the application of the said sub-section (23) the Secretary shall only have the power to recommend that the person in question be discharged from the service of his employer or that his grade be reduced and his emoluments be reduced to the maximum for the reduced grade.

Powers of persons employed at State schools, schools of industries, reform schools and certain State-aided schools in respect of acceptance of other employment or remuneration.

19. (1) Any person referred to in sub-section (1) of section *fifteen*—

(*a*) shall, as far as is practicable, place the whole of his time at the disposal of the school at which he is employed;

(*b*) shall not, without the permission of the Secretary, perform or bind himself to perform other remunerative work; and

(*c*) shall not be entitled to additional remuneration in respect of any duty or work performed by him by order of a competent authority,

unless his conditions of service provide otherwise or, in the case contemplated in paragraph (*c*), the Secretary determines otherwise.

(2) If any person referred to in sub-section (1) receives any remuneration or allowance otherwise than in terms or by virtue of the provisions of this Act or any other law, he shall pay it into the Consolidated Revenue Fund, and if he fails to do so, the Minister of Finance may recover it from him by legal proceedings or in such other manner as the said Minister may deem fit, and pay it into that fund.

Classification of certain posts at State schools, schools of industries and reform schools as posts in the public service.

20. The Minister may, on the recommendation of the Public Service Commission, designate any non-teaching post included in the establishment of a State school, school of industries or reform school, as a post which is to be classified in terms of the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), under the fixed establishment as defined in section *one* of the said Act, and in respect of which the provisions of the said Act shall apply.

Courses for the education or training of persons in State schools, schools of industries, reform schools and State-aided schools, and conducting of examinations.

21. (1) The Minister may institute courses for the education or training of persons in State schools, schools of industries, reform schools and State-aided schools, and abolish any course so instituted.

(2) The Minister shall determine the nature and length of, and the conditions for admission to, any course instituted in terms of sub-section (1).

(3) The Minister may cause examinations to be conducted in respect of any course instituted in terms of sub-section (1), and may cause diplomas or certificates to be issued to persons who have passed such examinations.

(4) Until the Minister otherwise determines the Department of Education, Arts and Science shall institute the courses for the education and training of persons in special schools, homes, vocational schools, schools of industries and reform schools

hierdie Wet in sy pos aangestel te wees, hom voor die inwerkingtreding van hierdie Wet skuldig gemaak het aan wangedrag in stryd met die bepalings van 'n wet wat voor sodanige inwerkingtreding ten opsigte van hom van toepassing was, kan stappe weens dié wangedrag ingevolge hierdie artikel teen hom ingestel of voortgesit word, en daarkragtens met hom gehandel word.

(*b*) Indien iemand vermeld in paragraaf (*a*) vóór die inwerkingtreding van hierdie Wet 'n straf weens wangedrag opgelê is wat by sodanige inwerkingtreding nog van krag is, bly dié straf van krag tensy die Minister anders gelas.

Optrede in die geval van onbekwame persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole.

18. (1) Indien beweer word dat iemand vermeld in sub-artikel (1) van artikel *vyftien* ongeskik is vir die pligte wat aan sy betrekking verbonde is of nie in staat is om daardie pligte op bekwame wyse uit te voer nie weens oorsake wat buite sy eie beheer is en nie aan die uitvoering van sy pligte in die diens van die Departement of die betrokke skool toe te skryf is nie, kan die Sekretaris iemand aanstel om ondersoek na die bewering in te stel: Met dien verstande dat die Sekretaris nie iemand aldus aanstel nie tensy, indien die bewering gemaak word deur iemand wat nie 'n beampte of nie in die diens van die Departement is nie, dié bewering in 'n beëdigde of plegtige verklaring vervat is.

(2) Die Sekretaris kan een of meer persone aanstel om in 'n raadgewende hoedanigheid as assessor of assessore saam te sit met die persoon wat die ondersoek moet instel.

(3) Die bepalings van sub-artikels (9), (10), (11), (13), (15) tot en met (21), en (23), paragrawe (*a*) en (*c*) van sub-artikel (25) en paragraaf (*a*) van sub-artikel (29) van artikel *sewentien* is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek vermeld in sub-artikel (1) en die persoon ten opsigte van wie die bewering gedoen is: Met dien verstande dat by die toepassing van genoemde sub-artikel (23) die Sekretaris slegs kan aanbeveel dat die betrokke persoon uit die diens van sy werkgewer ontslaan word of dat sy rang verlaag en sy besoldiging tot die maksimum vir die verlaagde rang verminder word.

Bevoegdheid van persone in diens by Staat-, nywerheid- en verbeteringskole en sekere Staatsondersteunde skole ten opsigte van aanvaarding van ander werk of vergoeding.

19. (1) Iemand vermeld in sub-artikel (1) van artikel *vyftien*—

(*a*) moet sover doenlik al sy tyd ter beskikking stel van die skool waarby hy in diens is;

(*b*) mag nie sonder die toestemming van die Sekretaris ander besoldigde werk verrig of hom verbind om sodanige werk te verrig nie; en

(*c*) is nie geregtig op bykomende besoldiging ten opsigte van enige diens of werk wat hy op las van 'n bevoegde gesag verrig nie,

tensy sy diensvoorwaardes anders bepaal of, in die geval beoog in paragraaf (*c*), die Sekretaris anders bepaal.

(2) Indien iemand vermeld in sub-artikel (1) enige besoldiging of toelae ontvang anders as ingevolge of uit hoofde van die bepalings van hierdie Wet of 'n ander wet, moet hy dit in die Gekonsolideerde Inkomstefonds stort, en indien hy versuim om dit te doen, kan die Minister van Finansies dit deur middel van geregtelike stappe of op die ander wyse wat dié Minister goedvind, op hom verhaal en in daardie fonds stort.

Indeling van sekere poste by Staat-, nywerheid- en verbeteringskole as poste in die Staatsdiens.

20. Die Minister kan op aanbeveling van die Staatsdienskomissie 'n pos wat inbegrepe is by die diensstaat van 'n Staat-, nywerheid- of verbeteringskool en nie 'n onderwyspos is nie, aanwys as 'n pos wat ingevolge die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), ingedeel moet word by die vaste diensstaat soos in artikel *een* van dié Wet omskryf, en ten opsigte waarvan die bepalings van genoemde Wet van toepassing is.

Kursusse vir die onderwys of opleiding van persone in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, en afneem van eksamens.

21. (1) Die Minister kan kursusse vir die onderwys of opleiding van persone in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole instel, en 'n kursus aldus ingestel, afskaf.

(2) Die Minister bepaal die aard en duur van, en die voorwaardes vir toelating tot, 'n kursus wat ingevolge sub-artikel (1) ingestel is.

(3) Die Minister kan eksamens laat afneem ten opsigte van 'n kursus wat ingevolge sub-artikel (1) ingestel is, en kan diplomas of sertifikate laat uitreik aan persone wat in sodanige eksamens geslaag het.

(4) Totdat die Minister anders bepaal, moet die Departement van Onderwys, Kuns en Wetenskap die kursusse vir die onderwys en opleiding van persone in spesiale skole, tehuise en beroep-, nywerheid- en verbeteringskole instel en eksamens ten

and conduct examinations in respect thereof, and a provincial administration shall institute courses for the education and training of persons in other State schools and State-aided schools and conduct examinations in respect thereof, in the same manner in which it would have been done if the control of such education were still vested in that Department or, as the case may be, in the provincial administrations.

Inspection of schools and hostels, and enquiries in connection with matters relating to schools or hostels.

22. (1) The Secretary may inspect any school or hostel, or enquire into any matter relating to any school or hostel, and may require the head of or any other person employed at any school to furnish him with such information at the disposal of such head or person as, in his opinion, may be necessary for the exercise of his powers and the performance of his functions and duties in terms of this Act.

(2) Any person who inspects any school or hostel or holds an enquiry in terms of sub-section (1) may—

(*a*) if he has reason to believe that any person is able to give evidence or to produce any document or other article which will be relevant to any inspection or enquiry in terms of sub-section (1), summon such person by a subpoena under his hand, to appear before him at a time and place specified in the subpoena, to be interrogated or to produce that document or other article; and

(*b*) call as a witness and administer an oath or affirmation to any person present at such inspection or enquiry who was or might have been summoned in terms of paragraph (*a*), interrogate such person and require him to produce any document or other article in his possession or custody or under his control which the person holding the enquiry has reason to believe may be relevant to the inspection or enquiry.

(3) The law relating to witnesses and evidence which applies in connection with criminal cases in a magistrate's court shall *mutatis mutandis* apply in respect of any person summoned or called as a witness in terms of sub-section (2).

(4) Any person who prevents any other person from appearing in accordance with a subpoena issued in terms of paragraph (*a*) of sub-section (2) at the time and place in question, or from producing any document or other article as required in terms of paragraph (*b*) of the said sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Compulsory school attendance.

23. (1) If the Minister is satisfied that sufficient and suitable school accommodation is available he may by notice in the *Gazette* declare that regular attendance at such kind of State school or State-aided school as may be specified in such notice, shall be compulsory for every Indian belonging to an age group and resident in an area so specified.

(2) If a parent or the guardian or the person having the custody or charge of any person who by virtue of the provisions of sub-section (1) is required to attend a school regularly, after a period of six months from the date of the relevant notice referred to in that sub-section fails, without reasonable cause and after a written warning by the Department, to cause such person to attend an appropriate school regularly, he shall be guilty of an offence and liable on conviction, if it is the first time that he is convicted of such an offence, to a fine not exceeding ten rand or to imprisonment for a period not exceeding one month and, if it is the second or a subsequent time that he is so convicted, to a fine not exceeding forty rand or to imprisonment for a period not exceeding two months.

(3) The compulsory education provided for in sub-sections (1) and (2) shall be free.

Financial and other assistance to pupils at certain schools.

24. The Minister may out of moneys appropriated by Parliament for the purpose and on such basis and subject to such conditions as he may in consultation with the Minister of Finance determine, grant financial or other material assistance or both financial and other material assistance to a pupil at a State school or a State-aided school.

Payment of school and boarding fees.

25. (1) Any person admitted to a State school or the person liable for the maintenance of any such person, shall pay such school fees (if any) and, if such person is being provided with board by the Department, such boarding fees as the Minister may in consultation with the Minister of Finance determine or prescribe.

opsigte daarvan afneem, en moet 'n provinsiale administrasie kursusse vir die onderwys en opleiding van persone in ander Staatskole en Staatsondersteunde skole instel en eksamens ten opsigte daarvan afneem, en wel op dieselfde wyse waarop dit gedoen sou geword het indien die beheer oor sodanige onderwys nog by daardie Departement of, na gelang van die geval, by die provinsiale administrasies berus het.

Inspeksie van skole en koshuise, en ondersoeke in verband met aangeleenthede wat op skole of koshuise betrekking het.

22. (1) Die Sekretaris kan enige skool of koshuis inspekteer, of ondersoek instel na 'n aangeleentheid wat op 'n skool of koshuis betrekking het, en kan eis dat die hoof van of iemand anders in diens by 'n skool aan hom die inligting verstrek waaroor dié hoof of so iemand beskik en wat volgens sy oordeel nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet.

(2) Iemand wat ingevolge sub-artikel (1) 'n skool of koshuis inspekteer of 'n ondersoek instel, kan—

(*a*) indien hy rede het om te dink dat iemand in staat is om getuienis af te lê of om 'n stuk of ander voorwerp oor te lê wat by 'n inspeksie of ondersoek ingevolge sub-artikel (1) ter sake sal wees, so iemand deur middel van 'n dagvaarding deur hom onderteken, dagvaar om op 'n tyd en plek vermeld in die dagvaarding, voor hom te verskyn om ondervra te word of om daardie stuk of ander voorwerp oor te lê; en

(*b*) iemand wat by so 'n inspeksie of ondersoek teenwoordig is en wat ingevolge paragraaf (*a*) gedagvaar is of gedagvaar kon gewees het, as getuie oproep, 'n eed of bevestiging van hom afneem en hom ondervra en aansê om 'n stuk of ander voorwerp oor te lê wat in sy besit of bewaring of onder sy beheer is, en ten opsigte waarvan die persoon wat die ondersoek instel, rede het om te dink dat dit by die inspeksie of ondersoek ter sake sal wees.

(3) Die reg met betrekking tot getuies en getuienis wat geld in verband met strafsake in 'n landdroshof, geld *mutatis mutandis* ten opsigte van iemand wat ingevolge sub-artikel (2) as getuie gedagvaar of opgeroep word.

(4) Iemand wat iemand anders verhinder om ooreenkomstig 'n dagvaarding uitgereik ingevolge paragraaf (*a*) van sub-artikel (2), te verskyn op die betrokke tyd en plek, of 'n stuk of ander voorwerp oor te lê soos ingevolge paragraaf (*b*) van genoemde sub-artikel vereis, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

Verpligte skoolbesoek.

23. (1) Indien die Minister oortuig is dat daar voldoende en geskikte skoolruimte beskikbaar is, kan hy by kennisgewing in die *Staatskoerant* verklaar dat gereelde besoek aan 'n soort Staatskool of Staatsondersteunde skool vermeld in dié kennisgewing, verpligtend is vir elke Indiër wat behoort tot 'n ouderdomsgroep en woonagtig is in 'n gebied aldus vermeld.

(2) Indien 'n ouer of die voog van iemand wat uit hoofde van die bepalings van sub-artikel (1) verplig is om 'n skool gereeld te besoek, of die persoon in wie se bewaring of onder wie se toesig so iemand is, na 'n tydperk van ses maande vanaf die datum van die betrokke kennisgewing in daardie sub-artikel beoog, sonder redelike oorsaak en na 'n skriftelike waarskuwing deur die Departement, versuim om so iemand gereeld 'n gepaste skool te laat besoek, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien dit die eerste keer is dat hy aan so 'n misdryf skuldig bevind word, met 'n boete van hoogstens tien rand of met gevangenisstraf vir 'n tydperk van hoogstens een maand en, indien dit die tweede of 'n daaropvolgende keer is dat hy aldus skuldig bevind word, met 'n boete van hoogstens veertig rand of met gevangenisstraf vir 'n tydperk van hoogstens twee maande.

(3) Die verpligte onderwys waarvoor in sub-artikels (1) en (2) voorsiening gemaak word, is gratis.

Finansiële en ander hulp aan leerlinge van sekere skole.

24. Die Minister kan uit geld wat die Parlement vir dié doel bewillig het, en op die grondslag en voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, finansiële of ander materiële hulp of finansiële sowel as ander materiële hulp verleen aan 'n leerling van 'n Staatskool of 'n Staatsondersteunde skool.

Betaling van skool- en losiesgelde.

25. (1) Iemand wat tot 'n Staatskool toegelaat is, of die persoon wat vir die onderhoud van so iemand verantwoordelik is, moet die skoolgelde (indien daar is) en, indien losies deur die Departement aan so iemand verskaf word, die losiesgelde betaal wat die Minister in oorleg met die Minister van Finansies bepaal of voorskryf.

(2) Different fees may in terms of sub-section (1) be determined or prescribed in respect of different classes of persons, and the Minister may after such consultation exempt in such manner as he may deem fit any person or any class of persons wholly or partly from the payment of fees so determined or prescribed.

Exercise of rights acquired and fulfilment of obligations incurred by a provincial administration in connection with education for Indians.

26. (1) As from the commencement of this Act—

(*a*) the control of all property which is being used immediately prior to or was acquired prior to such commencement by a provincial administration exclusively for the purposes of or in connection with education for Indians and which is the property of the State, and all obligations of such provincial administration in respect thereof, shall pass to the Department;

(*b*) all the other obligations lawfully incurred by a provincial administration for the purposes of or in connection with education for Indians and existing immediately prior to the said commencement (excluding any obligation to pay a bonus or an allowance to a retired teacher or retired employee who was in the service of such provincial administration in connection with education for Indians or to a dependant or any person receiving a pension in respect of such service of such teacher or employee, in supplementation of any pension payable to any such person) shall pass to the Department;

(*c*) all rights which a provincial administration has against any person immediately prior to the said commencement and which were acquired for the purposes of or in connection with education for Indians, shall vest in the Department:

Provided that the provisions of this section shall not apply to any asset acquired or liability incurred in connection with any pension, retirement or provident fund administered by a provincial administration.

(2) The Secretary may, in consultation with the Treasury, compensate a provincial administration for any property or rights referred to in paragraphs (*a*) and (*c*) of sub-section (1).

Passing of certain property and obligations to State on transfer of State-aided school to Department.

27. (1) As from the date on which the management and control of a State-aided school is, in terms of section *five*, transferred to the Department, all the property which immediately prior to that date was vested in the governing body of that school and used or intended to be used exclusively for the purposes of such school, shall vest in the State, and after the said date all the property which would have accrued to such governing body for such purposes if this Act had not been passed, shall vest in the State.

(2) If any property which by trust, donation or bequest was vested in or would have accrued to any governing body, vests in the State in terms of sub-section (1), the Secretary shall deal with such property in accordance with the conditions of such trust, donation or bequest.

(3) As from the date referred to in sub-section (1) the rights and liabilities acquired or incurred by the governing body in question for the purposes of or in connection with the school in question, shall pass to the State.

(4) No transfer duty, stamp duty or registration fees shall be payable in respect of the acquisition of any property or rights by the State in terms of this section.

Expropriation of land.

28. If a provincial administration prior to the commencement of this Act commenced the taking of steps to expropriate any land for the purposes of education for Indians, such steps may be continued by such administration as if this Act had not been passed, and the provisions of paragraph (*a*) of sub-section (1) and sub-section (2) of section *twenty-six* shall *mutatis mutandis* apply in respect of any land so expropriated.

Exclusion of provisions of Act 30 of 1941.

29. No pupil at a State school, school of industries, reform school or a State-aided school shall for the purposes of the Workmen's Compensation Act, 1941, and in connection with his attendance at such school be regarded as a workman under the said Act or some other person entitled to payment thereunder.

(2) Verskillende gelde kan ingevolge sub-artikel (1) ten opsigte van verskillende kategorieë persone bepaal of voorgeskryf word, en die Minister kan ná sodanige oorlegpleging enige persoon of enige kategorie persone geheel en al of ten dele op die wyse wat hy goedvind, vrystel van die betaling van gelde aldus bepaal of voorgeskryf.

Uitoefening van regte verkry en nakoming van verpligtings aangegaan deur 'n provinsiale administrasie in verband met onderwys vir Indiërs.

26. (1) Vanaf die inwerkingtreding van hierdie Wet—

(*a*) gaan die beheer oor alle goedere wat deur 'n provinsiale administrasie uitsluitend vir die doeleindes van of in verband met onderwys vir Indiërs onmiddellik vóór genoemde inwerkingtreding gebruik word of vóór genoemde inwerkingtreding verkry is, en wat die eiendom van die Staat is, en alle verpligtings van dié provinsiale administrasie ten opsigte daarvan, op die Departement oor;

(*b*) gaan op die Departement oor alle ander verpligtings wat 'n provinsiale administrasie wettiglik aangegaan het vir die doeleindes van of in verband met onderwys vir Indiërs en wat onmiddellik vóór genoemde inwerkingtreding nog bestaan (met uitsondering van enige verpligting om 'n bonus of toelae te betaal aan 'n afgetrede onderwyser of afgetrede werknemer wat in verband met onderwys vir Indiërs in diens van dié provinsiale administrasie was, of aan 'n afhanklike van of iemand wat 'n pensioen ontvang ten opsigte van sodanige diens van so 'n onderwyser of werknemer, ter aanvulling van enige pensioen aan so iemand betaalbaar);

(*c*) gaan op die Departement oor alle regte wat 'n provinsiale administrasie onmiddellik voor genoemde inwerkingtreding teenoor iemand besit en vir die doeleindes van of in verband met onderwys vir Indiërs verkry is:

Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op enige bate verkry of verpligting aangegaan in verband met 'n pensioen-, uitdienstredings- of voorsieningsfonds wat deur 'n provinsiale administrasie geadministreer word.

(2) Die Sekretaris kan, in oorleg met die Tesourie, 'n provinsiale administrasie vergoed vir enige goedere of regte bedoel in paragrawe (*a*) en (*c*) van sub-artikel (1).

Oorgang van sekere eiendom en verpligtings op Staat by oordrag van Staatsondersteunde skool aan Departement.

27. (1) Vanaf die datum waarop die bestuur van en beheer oor 'n Staatsondersteunde skool ingevolge artikel *vyf* aan die Departement oorgedra word, gaan alle goedere wat onmiddellik vóór daardie datum aan die bestuursliggaam van daardie skool behoort het en uitsluitend vir die doeleindes van dié skool gebruik was of bestem was om aldus gebruik te word, op die Staat oor, en ná genoemde datum verkry die Staat alle goedere wat aan sodanige bestuursliggaam vir genoemde doeleindes sou toegeval het, indien hierdie Wet nie aangeneem was nie.

(2) Indien goedere wat uit hoofde van 'n trust, skenking of bemaking aan 'n bestuursliggaam behoort het of sou toegeval het, ingevolge sub-artikel (1) op die Staat oorgaan, moet die Sekretaris met dié goedere ooreenkomstig die voorwaardes van dié trust, skenking of bemaking handel.

(3) Vanaf die datum in sub-artikel (1) vermeld, gaan die regte en verpligtings wat die betrokke bestuursliggaam vir die doeleindes van of in verband met die betrokke skool verkry of opgeloop het, op die Staat oor.

(4) Geen hereregte, seëlregte of registrasiegelde is betaalbaar nie ten opsigte van die verkryging van enige goedere of regte deur die Staat ingevolge hierdie artikel.

Onteiening van grond.

28. Indien 'n provinsiale administrasie voor die inwerkingtreding van hierdie Wet stappe begin doen het om enige grond vir die doeleindes van onderwys vir Indiërs te onteien, kan sodanige stappe deur dié administrasie voortgesit word asof hierdie Wet nie aangeneem was nie, en die bepalings van paragraaf (*a*) van sub-artikel (1) en sub-artikel (2) van artikel *seven-twintig* is *mutatis mutandis* van toepassing ten opsigte van grond wat aldus onteien word.

Uitsluiting van bepalings van Wet 30 van 1941.

29. By die toepassing van die Ongevallewet, 1941, word geen leerling van 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool, in verband met sy bywoning van die skool beskou as 'n werksman kragtens dié Wet of iemand anders wat daarkragtens op betaling geregtig is nie.

Recognition of teachers' associations.

30. The Minister may for purposes of consultation recognize associations of Indian teachers.

Establishment of education advisory council for Indians, and committees or bodies for schools.

31. (1) The Minister may establish an education advisory council for Indians in the manner prescribed by regulation.

(2) The Minister may in the manner prescribed by regulation establish a committee or other body for a State school or a State-aided school.

(3) The constitution, powers, duties and functions, and the period of office of and allowances payable to members, of the council and a committee or body established in terms of sub-section (1) or (2), shall be as prescribed.

Assignment of powers and duties by Minister and Secretary.

32. (1) The Minister may assign, either generally or in any particular case, any power or duty conferred or imposed upon him by this Act, other than the powers conferred upon him by sections *twenty-three* and *thirty-three*, to the Secretary or any other officer in the Department.

(2) The Secretary may with the approval of the Minister assign, either generally or in any particular case, any power or duty conferred or imposed upon him by or in terms of this Act, to any other officer in the Department.

Regulations.

33. (1) Subject to the provisions of sub-section (3) the Minister may make regulations—

(*a*) as to teachers' associations for the purpose of recognition in terms of section *thirty*;

(*b*) as to the establishment, erection, maintenance, management and control of State schools and hostels, teachers' quarters, school clinics and any other accessories in connection with such schools;

(*c*) as to the award of grants-in-aid or subsidies and loans to governing bodies of State-aided schools, including nursery schools, and hostels;

(*d*) as to the registration and management of private schools referred to in section *six*, and the requirements to be complied with by such schools;

(*e*) as to the admission of persons to, the control of pupils at and their discharge from State schools and State-aided schools, and the suspension of or the imposition or infliction of other punishments upon pupils at such schools;

(*f*) subject to the provisions of sub-section (6), as to the medium of instruction and religious instruction in State schools, schools of industries, reform schools or State-aided schools;

(*g*) as to the appointment of persons for duty at State schools, schools of industries and reform schools and State-aided schools, and the grading, remuneration, promotion, transfer, discharge, discipline, behaviour, powers, duties, hours of attendance, leave privileges and other conditions of service of, and the occupation of teachers' quarters by, and the payment of travelling, subsistence and other allowances and remuneration for services outside the prescribed hours of attendance to such persons and persons deemed to be appointed in terms of this Act;

(*h*) providing for the registration of Indians qualified as teachers;

(*i*) as to the medical examination of teachers employed at, and of pupils at State schools, schools of industries, reform schools and State-aided schools, and the issue of certificates in connection with such examinations;

(*j*) as to the mental, bodily or other examination of any person who is suspected of being a handicapped child and is in terms of section *twenty-three* required to attend a school regularly;

(*k*) as to the school which any person is to attend for the purposes of section *twenty-three*, and exemption from the obligation so to attend a school;

(*l*) as to the courses of education and training in State schools, schools of industries, reform schools and State-aided schools;

(*m*) as to the inspection of State schools, schools of industries, reform schools and State-aided schools, of

30. Die Minister kan vir doeleindes van raadpleging verenigings van Indiëronderwysers erken.

Erkenning van onderwysersverenigings.

31. (1) Die Minister kan 'n onderwysadviesraad vir Indiërs instel op die wyse by regulasie voorgeskryf.

(2) Die Minister kan vir 'n Staat- of Staatsondersteunde skool 'n komitee of ander liggaam instel op die wyse by regulasie voorgeskryf.

(3) Die samestelling, bevoegdhede, pligte en werksaamhede, en die ampstermyn van en toelaes betaalbaar aan lede, van die raad en 'n komitee of liggaam ingestel ingevolge sub-artikel (1) of (2) is soos voorgeskryf.

Instelling van onderwysadviesraad vir Indiërs, en komitees of ander liggame vir skole.

32. (1) Die Minister kan 'n bevoegdheid of plig by hierdie Wet aan hom verleen of opgelê, uitgesonderd die bevoeghede aan hom verleen by artikels *drie-en-twintig* en *drie-en-dertig*, aan die Sekretaris of 'n ander beampte in die Departement in die algemeen of in 'n besondere geval oordra.

(2) Die Sekretaris kan 'n bevoegdheid of plig by of ingevolge hierdie Wet aan hom verleen of opgelê, met die goedkeuring van die Minister aan 'n ander beampte in die Departement in die algemeen of in 'n besondere geval oordra.

Oordrag van bevoegdhede en pligte deur Minister en Sekretaris.

33. (1) Behoudens die bepalings van sub-artikel (3) kan die Minister regulasies uitvaardig—

Regulasies.

(*a*) betreffende onderwysersverenigings vir die doeleindes van erkenning ingevolge artikel *dertig*;

(*b*) betreffende die instelling, oprigting, instandhouding en bestuur van en beheer oor Staatskole en koshuise, kwartiere vir onderwysers, skoolklinieke en ander toebehore in verband met sodanige skole;

(*c*) betreffende die toekenning van hulptoelaes of subsidies en lenings aan bestuursliggame van Staatsondersteunde skole, met inbegrip van kleuterskole, en koshuise;

(*d*) die registrasie en bestuur van private skole vermeld in artikel *ses*, en die vereistes waaraan sodanige skole moet voldoen;

(*e*) betreffende die toelating van persone tot, die beheer van leerlinge by en hul ontslag uit Staatskole en Staatsondersteunde skole, en die skorsing van of die oplegging of toediening van ander strawwe aan leerlinge van sodanige skole;

(*f*) behoudens die bepalings van sub-artikel (6), betreffende die medium van onderrig en godsdiensonderrig in Staat-, nywerheid- of verbeteringskole of Staatsondersteunde skole;

(*g*) betreffende die aanstelling van persone vir diens by Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, en die gradering, besoldiging, bevordering, verplasing, ontslag, tug, gedrag, bevoegdhede, pligte, diensure, verlofvoorregte en ander diensvoorwaardes van, en die bewoning van kwartiere vir onderwysers deur, en die betaling van reis-, verblyf- en ander toelaes en vergoeding vir diens buite die voorgeskrewe diensure, aan sodanige persone en persone wat geag word ingevolge hierdie Wet aangestel te wees;

(*h*) wat voorsiening maak vir die registrasie van Indiërs wat hulle as onderwysers bekwaam het;

(*i*) betreffende die mediese ondersoek van onderwysers in diens by en leerlinge van Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, en die uitreiking van sertifikate in verband met sodanige ondersoeke;

(*j*) betreffende die geestelike, liggaamlike of ander ondersoek van iemand wat, na vermoed word, 'n afwykende kind is en ingevolge artikel *drie-en-twintig* verplig is om 'n skool gereeld te besoek;

(*k*) betreffende die skool wat iemand vir die doeleindes van artikel *drie-en-twintig* moet besoek, en vrystelling van die verpligting om 'n skool aldus te besoek;

(*l*) betreffende onderwys- en opleidingskursusse in Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole;

(*m*) betreffende die inspeksie van Staat-, nywerheid- en verbeteringskole en Staatsondersteunde skole, van kos-

hostels, quarters, clinics and other accessories used in connection with such schools, and of pupils at such schools;

(*n*) as to the conducting of examinations in respect of and the granting of diplomas and certificates to persons who attended a course of education or training at a State school, school of industries, reform school or State-aided school;

(*o*) as to the fees (if any) payable in respect of board provided by the Department and the attendance at schools or courses referred to in paragraph (*l*), and in respect of examinations, diplomas and certificates referred to in paragraph (*n*), and as to the exemption from the payment of such fees;

(*p*) as to the granting of financial or other material assistance to pupils at State schools or State-aided schools;

(*q*) as to the control of moneys collected for any State school or any State-aided school;

(*r*) generally, as to any other matter in respect of which the Minister may deem it necessary or expedient to make regulations to achieve the objects of this Act.

(2) The generality of the power conferred by paragraph (*r*) of sub-section (1) shall not be limited by the provisions of the other paragraphs of the said sub-section.

(3) Regulations as to any fees or allowances payable by or to any person or the control of any moneys, may only be made in consultation with the Minister of Finance.

(4) Different regulations may in terms of sub-section (1) be made in respect of different schools or different kinds of schools.

(5) Regulations made in terms of sub-section (1) may prescribe in respect of any contravention thereof or failure to comply therewith, a penalty of a fine not exceeding twenty rand or imprisonment for a period not exceeding one month.

(6) Regulations under paragraph (*f*) of sub-section (1) shall not deprive any parent of the right of final decision regarding the medium of instruction of a child of such parent where any doubt exists as to the official language in which such child is more proficient.

Substitution of section 1*bis* of Act 9 of 1948, as inserted by section 35 of Act 47 of 1963 and amended by section 25 of Act 24 of 1964.

34. (1) The following section is hereby substituted for section *one bis* of the Special Education Act, 1948:

"Application of Act.

1*bis*. The provisions of this Act shall not apply in respect of any handicapped child as defined in section *one* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or section *one* of the Bantu Special Education Act, 1964 (Act No. 24 of 1964), or section *one* of the Indians Education Act, 1965.".

(2) Any regulation made under the Special Education Act, 1948, which immediately prior to the commencement of this Act applies in respect of any special school for Indians shall, in so far as it is not in conflict with the provisions of this Act, continue so to apply until a date fixed by the Minister by notice in the *Gazette*.

Substitution of section 1*bis* of Act 70 of 1955, as inserted by section 36 of Act 47 of 1963 and amended by section 26 of Act 24 of 1964.

35. The following section is hereby substituted for section *one bis* of the Vocational Education Act, 1955:

"Application of Act.

1*bis*. The provisions of this Act shall not apply in respect of any school for vocational education, part-time class or continuation class established and maintained exclusively for the education of Coloured persons as defined in section *one* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or of Bantu persons as defined in section *one* of the Bantu Special Education Act, 1964 (Act No. 24 of 1964), or of Indians as defined in section *one* of the Indians Education Act, 1965.".

Amendment of section 84 of Act 32 of 1961, as amended by section 37 of Act 47 of 1963.

36. (1) Section *eighty-four* of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for paragraph (*c*) of sub-section (1) of the following paragraph:

huise, kwartiere, klinieke en ander toebehore wat in verband met sodanige skole gebruik word, en van leerlinge van sodanige skole;

(*n*) betreffende die afneem van eksamens van en die toekenning van diplomas en sertifikate aan persone wat 'n onderwys- of opleidingskursus gevolg het in 'n Staat-, nywerheid- of verbeteringskool of 'n Staatsondersteunde skool;

(*o*) betreffende die gelde (indien daar is) wat betaalbaar is ten opsigte van losies verskaf deur die Departement en die bywoning van skole of kursusse vermeld in paragraaf (*l*), en ten opsigte van eksamens, diplomas en sertifikate vermeld in paragraaf (*n*), en betreffende die vrystelling van betaling van sodanige gelde;

(*p*) betreffende die verlening van finansiële of ander materiële hulp aan leerlinge van Staatskole of Staatsondersteunde skole;

(*q*) betreffende beheer oor geld wat vir 'n Staatskool of 'n Staatsondersteunde skool ingesamel word;

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

(2) Die algemeenheid van die bevoegdheid by paragraaf (*r*) van sub-artikel (1) verleen, word nie deur die bepalings van die ander paragrawe van genoemde sub-artikel beperk nie.

(3) Regulasies betreffende gelde of toelaes betaalbaar deur of aan iemand of die beheer oor enige geld, kan slegs in oorleg met die Minister van Finansies uitgevaardig word.

(4) Verskillende regulasies kan ingevolge sub-artikel (1) ten opsigte van verskillende skole of verskillende soorte skole uitgevaardig word.

(5) Regulasies ingevolge sub-artikel (1) uitgevaardig, kan ten opsigte van 'n oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf van 'n boete van hoogstens twintig rand of gevangenisstraf vir 'n tydperk van hoogstens een maand.

(6) Regulasies kragtens paragraaf (*f*) van sub-artikel (1) ontneem 'n ouer nie die reg om finaal te besluit oor die medium van onderrig van 'n kind van so 'n ouer waar daar twyfel bestaan oor die amptelike taal waarin so 'n kind die bedrewenste is nie.

Vervanging van artikel 1*bis* van Wet 9 van 1948, soos ingevoeg deur artikel 35 van Wet 47 van 1963 en gewysig deur artikel 25 van Wet 24 van 1964.

34. (1) Artikel *een bis* van die Wet op Buitengewone Onderwys, 1948, word hierby deur die volgende artikel vervang:

„Toepassing van Wet.

1*bis*. Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van 'n afwykende kind soos omskryf in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), of artikel *een* van die Wet op Buitengewone Onderwys vir die Bantoe, 1964 (Wet No. 24 van 1964), of artikel *een* van die Wet op Onderwys vir Indiërs, 1965.".

(2) Enige regulasie wat kragtens die Wet op Buitengewone Onderwys, 1948, uitgevaardig is en onmiddellik voor die inwerkingtreding van hierdie Wet ten opsigte van 'n spesiale skool vir Indiërs van toepassing is, bly, vir sover dit nie met die bepalings van hierdie Wet in stryd is nie, aldus van toepassing tot op 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

Vervanging van artikel 1*bis* van Wet 70 van 1955, soos ingevoeg deur artikel 36 van Wet 47 van 1963 en gewysig deur artikel 26 van Wet 24 van 1964.

35. Artikel *een bis* van die Wet op Beroepsonderwys, 1955, word hierby deur die volgende artikel vervang:

„Toepassing van Wet.

1*bis*. Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van 'n skool vir beroepsonderwys, deeltydse klas of voortsettingsklas wat uitsluitend ingestel is en in stand gehou word vir die onderwys van Kleurlinge soos in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), omskryf, of van Bantoepersone soos in artikel *een* van die Wet op Buitengewone Onderwys vir die Bantoe, 1964 (Wet No. 24 van 1964), omskryf, of van Indiërs soos in artikel *een* van die Wet op Onderwys vir Indiërs, 1965, omskryf.".

Wysiging van artikel 84 van Wet 32 van 1961, soos gewysig deur artikel 37 van Wet 47 van 1963.

36. (1) Artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur paragraaf (*c*) van sub-artikel (1) deur die volgende paragraaf te vervang:

"(*c*) education, other than higher education, education for Coloured persons as defined in section *one* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), education for Indians as defined in section *one* of the Indians Education Act, 1965, and Bantu Education, until Parliament otherwise provides;".

(2) Notwithstanding the provisions of sub-section (1) a provincial council shall continue to be as competent to make ordinances for the proper administration of any pension or provident fund referred to in sub-section (2) of section *thirteen* as it would have been if this Act had not been passed.

Short title and commencement.

37. (1) This Act shall be called the Indians Education Act, 1965, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provinces or different kinds of schools in the Republic or different provinces.

(3) If a date is so fixed in respect of a particular kind of school only—

(*a*) any reference in this Act and in paragraph (*c*) of sub-section (1) of section *eighty-four* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), to education for Indians shall, in respect of any province in question, be construed as a reference to such education provided in such schools; and

(*b*) any reference in this Act to schools in general shall, in respect of any province in question, be construed as a reference to such schools.

No. 57, 1965.]

ACT

To provide for the further continuation of certain regulations made under section *one bis* of the War Measures Act, 1940, or promulgated by proclamations validated by section *two* of the said Act.

(*Afrikaans text signed by the State President.*)
(*Assented to* 17*th May*, 1965.)

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

Substitution of section 1 of Act 58 of 1956, as amended by section 1 of Act 39 of 1959 and section 1 of Act 66 of 1962.

1. The following section is hereby substituted for section *one* of the War Measures Continuation Act, 1956:

"Certain regulations made under section 1*bis* of Act 13 of 1940, as inserted by section 1 of Act 32 of 1940, or promulgated under proclamations validated by section 2 of Act 13 of 1940, to continue in operation.

1. (1) The regulations set out in the Schedule shall, notwithstanding the provisions of section *one* of the War Measures Continuation Act, 1954 (Act No. 51 of 1954), or any other law, continue in operation to the extent mentioned in the fourth column of the said Schedule, until the thirtieth day of June, 1968, unless previously repealed by the State President in terms of sub-section (2).

(2) The State President may at any time by proclamation in the *Gazette* repeal any of the regulations referred to in sub-section (1).".

Short title.

2. This Act shall be called the War Measures Continuation Amendment Act, 1965.

„(*c*) onderwys, behalwe hoër onderwys, onderwys vir Kleurlinge soos omskryf in artikel *een* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), onderwys vir Indiërs soos omskryf in artikel *een* van die Wet op Onderwys vir Indiërs, 1965, en Bantoe-onderwys, totdat die Parlement anders bepaal;".

(2) Ondanks die bepalings van sub-artikel (1) bly 'n provinsiale raad net so bevoeg om ordonnansies te maak vir die behoorlike administrasie van 'n pensioen- of voorsieningsfonds in sub-artikel (2) van artikel *dertien* vermeld, as wat hy sou gewees het indien hierdie Wet nie aangeneem was nie.

Kort titel en inwerkingtreding.

37. (1) Hierdie Wet heet die Wet op Onderwys vir Indiërs, 1965, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

(2) Verskillende datums kan aldus vasgestel word ten opsigte van verskillende provinsies of verskillende soorte skole in die Republiek of verskillende provinsies.

(3) Indien 'n datum slegs ten opsigte van 'n bepaalde soort skool aldus vasgestel word—

(*a*) word, ten opsigte van enige betrokke provinsie, 'n verwysing in hierdie Wet en in paragraaf (*c*) van sub-artikel (1) van artikel *vier-en-tagtig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), na onderwys vir Indiërs, uitgelê as 'n verwysing na sodanige onderwys wat in sodanige skole verskaf word; en

(*b*) word, ten opsigte van enige betrokke provinsie, 'n verwysing in hierdie Wet na skole in die algemeen, uitgelê as 'n verwysing na sodanige skole.

No. 57, 1965.]

WET

Om voorsiening te maak vir die verdere voortsetting van sekere regulasies uitgevaardig kragtens artikel *een bis* van die Wet op Oorlogsmaatreëls, 1940, of afgekondig by proklamasies deur artikel *twee* van genoemde Wet bekragtig.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 17 *Mei* 1965.)

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

Vervanging van artikel 1 van Wet 58 van 1956, soos gewysig deur artikel 1 van Wet 39 van 1959 en artikel 1 van Wet 66 van 1962.

1. Artikel *een* van die Wet op die Voortsetting van Oorlogsmaatreëls, 1956, word hierby deur die volgende artikel vervang:

„Sekere regulasies uitgevaardig kragtens artikel 1*bis* van Wet 13 van 1940, soos deur artikel 1 van Wet 32 van 1940 ingevoeg, of afgekondig by proklamasies deur artikel 2 van Wet 13 van 1940 bekragtig, bly van krag.

1. (1) Ondanks die bepalings van artikel *een* van die Wet op die Voortsetting van Oorlogsmaatreëls, 1954 (Wet No. 51 van 1954), of enige ander wet, bly die regulasies wat in die Bylae uiteengesit word, van krag in die mate in die vierde kolom van bedoelde Bylae vermeld, tot die dertigste dag van Junie 1968, tensy hulle eerder deur die Staatspresident ingevolge sub-artikel (2) herroep word.

(2) Die Staatspresident kan te eniger tyd by proklamasie in die *Staatskoerant* enigeen van die in sub-artikel (1) bedoelde regulasies herroep.".

Kort titel.

2. Hierdie Wet heet die Wysigingswet op die Voortsetting van Oorlogsmaatreëls, 1965.

No. 62, 1965.]

ACT

To provide for pensions and other financial benefits for officers of the public service and other Government employees, and for their dependants; and to provide for other incidental matters.

(*English text signed by the State President.*)
(*Assented to* 18*th May*, 1965.)

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) "actuary" means a Fellow of the Institute of Actuaries of England or the Faculty of Actuaries in Scotland or the Society of Actuaries of America; (i)

(ii) "Additional Benefits Account" means the Additional Benefits Account referred to in sub-section (5) of section *two*; (iii)

(iii) "annuity" means an amount which is payable each year; (xi)

(iv) "Consolidated Revenue Fund", in relation to any payment to be made out of that Fund, means moneys appropriated by Parliament for the purpose of such payment; (vii)

(v) "employee" means a person in the employ of the Government and includes a member of any group of persons who, for the purposes of this Act, are declared by the Minister, in consultation with the Minister of Finance, to be employees of the Government but does not include—

(*a*) a person who is an officer; or

(*b*) a person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or a pension law (other than this Act) administered by the Minister; (xxv)

(vi) "fixed date" means the date of commencement of this Act; (xxiv)

(vii) "Government" means the Government of the Republic and includes every provincial administration and the administration of the territory, but does not include the railway administration; (xvi)

(viii) "Minister" means the Minister of Social Welfare and Pensions; (xii)

(ix) "officer" means an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957), and includes any person who according to any law is deemed for pension and retirement purposes to be employed in a post classified in the public service, but does not include any person in the public service who by virtue of the provisions of any other law is a member of a pension or provident fund or scheme not provided for in this Act which makes provision for the payment of a retirement benefit; (ii)

(x) "old fund" means the Union public service pension fund established under section *three* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936); (xiii)

(xi) "pension" means any annuity, gratuity or other benefit; (xiv)

(xii) "permanent force" means the Permanent Force as constituted under the Defence Act, 1957 (Act No. 44 of 1957); (xix)

No. 62, 1965.]

WET

Om voorsiening te maak vir pensioene en ander geldelike voordele vir beamptes in die staatsdiens en ander werknemers van die Regering, en vir hulle afhanklikes; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 18 *Mei* 1965.)

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

Woordbepaling.

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

(i) „aktuaris" 'n „Fellow" van die „Institute of Actuaries of England" of van die „Faculty of Actuaries in Scotland" of van die „Society of Actuaries of America"; (i)

(ii) „beampte" 'n beampte soos omskrywe in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), en ook iemand wat ooreenkomstig enige wet vir pensioen- en aftredingsdoeleindes geag word in diens te wees in 'n pos onder die staatsdiens geklassifiseer, maar nie ook iemand in die staatsdiens wat ooreenkomstig die bepalings van enige ander wet 'n lid is van 'n pensioen- of voorsorgfonds of skema waarvoor nie in hierdie Wet voorsiening gemaak word nie en wat vir die betaling van 'n aftredingsvoordeel voorsiening maak; (ix)

(iii) „Bykomstige Voordelerekening" die in sub-artikel (5) van artikel *twee* bedoelde Bykomstige Voordelerekening; (ii)

(iv) „die gebied" die Gebied Suidwes-Afrika; (xxiv)

(v) „die Kommissie" die Staatsdienskommissie aangestel kragtens die Staatsdienswet, 1957; (xxii)

(vi) „die Pensioenwet" die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955); (xxiii)

(vii) „Gekonsolideerde Inkomstefonds", met betrekking tot 'n betaling wat uit daardie fonds gemaak moet word, gelde wat vir die doeleindes van sodanige betaling deur die Parlement bewillig word; (iv)

(viii) „gevangenisdiens" die Gevangenisdiens soos omskrywe in artikel *een* van die Wet op Gevangenisse, 1959 (Wet No. 8 van 1959), of van daardie Wet soos deur Proklamasie No. 271 van 1959 gewysig en op die gebied van toepassing gemaak; (xv)

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

(x) „inkomste" die Gekonsolideerde Inkomstefonds of, met betrekking tot beamptes of werknemers wat in diens is by of persone wat uitgetree het of ontslaan is uit die diens van 'n provinsiale administrasie, die provinsiale inkomstefonds van die betrokke provinsie, of, met betrekking tot beamptes of werknemers wat in diens is by of persone wat uitgetree het of ontslaan is uit die diens van die administrasie van die gebied, die Inkomstefonds van die gebied kragtens artikel *ses-en-dertig* van die „Zuidwest-Afrika Konstitutie Wet, 1925" (Wet No. 42 van 1925), gestig; (xix)

(xi) „jaargeld" 'n bedrag wat elke jaar betaalbaar is; (iii)

(xii) „Minister" die Minister van Volkswelsyn en Pensioene; (viii)

(xiii) „ou fonds" die Unie-staatsdienspensioenfonds kragtens artikel *drie* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), gestig; (x)

(xiii) "Permanent Force Pension Fund" means the Permanent Force Pension Fund referred to in sub-section (1) of section *two*; (xx)

(xiv) "police force" means the Force referred to in section *two* of the Police Act, 1958 (Act No. 7 of 1958), with the exception of the members of the Police Reserve of Officers or the Reserve Police Force and special constables; (xv)

(xv) "prisons service" means the Prisons Service as defined in section *one* of the Prisons Act, 1959 (Act No. 8 of 1959), or of that Act as modified and applied to the territory by Proclamation No. 271 of 1959; (viii)

(xvi) "public service" means the posts classified in a division referred to in sub-paragraph (i) of paragraph (*a*) of sub-section (1) of section *three* of the Public Service Act, 1957, and includes any post which according to any law is deemed for pension and retirement purposes to be a post so classified; (xxi)

(xvii) "Public Service Pension Fund" means the Public Service Pension Fund referred to in sub-section (1) of section *two*; (xxii)

(xviii) "regulation" means any regulation made and in force under this Act; (xvii)

(xix) "revenue" means the Consolidated Revenue Fund or, in respect of officers or employees serving under or persons retired or discharged from service under a provincial administration, the provincial revenue fund of the province concerned, or, in respect of officers or employees serving under or persons retired or discharged from service under the administration of the territory, the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (x)

(xx) "Secretary" means the Secretary for Social Welfare and Pensions; (xviii)

(xxi) "South African Police and Prisons Service Pension Fund" means the South African Police and Prisons Service Pension Fund referred to in sub-section (1) of section *two*; (xxiii)

(xxii) "the Commission" means the Public Service Commission appointed under the Public Service Act, 1957; (v)

(xxiii) "the Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (vi)

(xxiv) "the territory" means the Territory of South-West Africa; (iv)

(xxv) "this Act" includes any regulation. (ix)

Continuation of certain funds and the additional benefits account.

2. (1) The funds referred to in section *two* of the Pensions Act shall be continued—

(*a*) in the case of the Public Service Pension Fund, under the name of the Public Service Pension Fund;

(*b*) in the case of the South African permanent force pension fund, under the name of the Permanent Force Pension Fund; and

(*c*) in the case of the South African police and prisons service pension fund, under the name of the South African Police and Prisons Service Pension Fund.

(2) The fund referred to in section *seventy-one* of the Pensions Act shall be continued under the name of the Government Service Widows' Pension Fund.

(3) The Government Employees' Provident Fund referred to in section *eighty-four* of the Pensions Act shall be continued under the name of the Government Employees' Provident Fund.

(4) Each such fund shall consist of—

(*a*) the amount standing to the credit of the Fund concerned at the fixed date; and

(*b*) any other amounts which are to be credited to the fund concerned.

(5) The additional benefits account referred to in section *fifty-seven* of the Pensions Act shall be continued under the name of the Additional Benefits Account and shall consist of—

(*a*) the amount standing to the credit of that account at the fixed date; and

(*b*) any other amounts which are to be credited to that account.

(xiv) „pensioen" 'n jaargeld, gratifikasie of ander voordeel; (xi)

(xv) „polisiemag" die Mag in artikel *twee* van die Polisiewet, 1958 (Wet No. 7 van 1958), bedoel, maar uitgesonderd die lede van die Polisiereserwe van Offisiere of die Reserwepolisiemag en spesiale konstabels; (xiv)

(xvi) „Regering" die Regering van die Republiek en ook elke provinsiale administrasie en die administrasie van die gebied, maar nie ook die spoorwegadministrasie nie; (vii)

(xvii) „regulasie" 'n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xviii)

(xviii) „Sekretaris" die Sekretaris van Volkswelsyn en Pensioene; (xx)

(xix) „staande mag" die Staande Mag soos kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), saamgestel; (xii)

(xx) „Staandemag-pensioenfonds" die in sub-artikel (1) van artikel *twee* bedoelde Staandemag-pensioenfonds; (xiii)

(xxi) „staatsdiens" die poste ingedeel in 'n afdeling waarna verwys word in sub-paragraaf (i) van paragraaf (*a*) van sub-artikel (1) van artikel *drie* van die Staatsdienswet, 1957, en ook enige pos wat volgens een of ander wet vir pensioen- en aftredingsdoeleindes geag word 'n pos te wees wat aldus ingedeel is; (xvi)

(xxii) „Staatsdiens-pensioenfonds" die in sub-artikel (1) van artikel *twee* bedoelde Staatsdiens-pensioenfonds; (xvii)

(xxiii) „Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds" die in sub-artikel (1) van artikel *twee* bedoelde Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds; (xxi)

(xxiv) „vasgestelde datum" die datum van inwerkingtreding van hierdie Wet; (vi)

(xxv) „werknemer" iemand in die diens van die Regering en ook 'n lid van enige groep persone wat, vir die doeleindes van hierdie Wet, deur die Minister in oorleg met die Minister van Finansies as werknemers van die Regering verklaar word, maar nie ook—

(*a*) iemand wat 'n beampte is nie; of

(*b*) iemand wat onderhewig is aan 'n pensioenwet wat uitgevoer word deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) of 'n pensioenwet (uitgesonderd hierdie Wet) wat deur die Minister uitgevoer word nie. (v)

Voortsetting van sekere fondse en die bykomstige voordelerekening.

2. (1) Die in artikel *twee* van die Pensioenwet bedoelde fondse bly voortbestaan—

(*a*) in die geval van die Staatsdiens-pensioenfonds, onder die naam van die Staatsdiens-pensioenfonds;

(*b*) in die geval van die Suid-Afrikaanse staandemag-pensioenfonds, onder die naam van die Staandemag-pensioenfonds; en

(*c*) in die geval van die Suid-Afrikaanse polisie- en gevangenisdiens-pensioenfonds, onder die naam van die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds.

(2) Die in artikel *een-en-sewentig* van die Pensioenwet bedoelde fonds, bly onder die naam van die Regeringsdiensweduweespensioenfonds voortbestaan.

(3) Die in artikel *vier-en-tagtig* van die Pensioenwet bedoelde Regerings-werknemersondersteuningsfonds bly onder die naam van die Regerings-werknemersondersteuningsfonds voortbestaan.

(4) Elke sodanige fonds bestaan uit—

(*a*) die bedrag wat op die vasgestelde datum tot die kredit van die betrokke fonds staan; en

(*b*) enige ander bedrae waarmee die betrokke fonds gekrediteer moet word.

(5) Die in artikel *sewe-en-vyftig* van die Pensioenwet bedoelde bykomstige voordelerekening, bly onder die naam van die Bykomstige Voordelerekening voortbestaan, en bestaan uit—

(*a*) die bedrag wat op die vasgestelde datum tot die kredit van daardie rekening staan; en

(*b*) enige ander bedrae waarmee daardie rekening gekrediteer moet word.

Contributions by persons contributing immediately prior to fixed date.

3. Any person who, immediately prior to the fixed date, was contributing to a fund referred to in section *two* shall, subject to the provisions of this Act, continue to contribute to the fund to which he was so contributing and to be liable for the payment of any amounts which were due by him to such a fund immediately prior to that date but which were unpaid on that date.

Continuation of certain annuities.

4. (1) Subject to the provisions of this Act, any annuity which, immediately prior to the fixed date, was payable to any person in terms of the Pensions Act, shall not be reduced.

(2) As from the fixed date any annuity which immediately prior to that date was, in accordance with the Pensions Act, being paid from a fund referred to in section *two* or from revenue, or partly from such a fund and partly from revenue, or from the Additional Benefits Account, shall, subject to the provisions of this Act, continue to be paid from the fund from which it was being paid, or partly from such fund and partly from revenue, or from the Additional Benefits Account, as the case may be.

(3) Any annuity or portion of an annuity which, immediately prior to the fixed date, was payable from revenue for a period specified in the Pensions Act, and which would, after the lapse of such period, have been payable from a fund referred to in section *two*, shall continue to be paid from revenue up to and including the last day of the month in which the said period would have expired and shall thereafter be paid from the fund from which it would, in terms of the said Pensions Act, have been payable after the expiry of that period.

Regulations.

5. (1) Notwithstanding anything to the contrary contained in any other law, the Minister may, from time to time, make regulations—

(*a*) for the management and control of the funds referred to in section *two* and of the Additional Benefits Account;

(*b*) providing for the payment of contributions to any such fund and of benefits from any such fund or the Additional Benefits Account or revenue to or in respect of officers or employees on their retirement, discharge, resignation or death;

(*c*) in regard to any matter which under this Act is permitted to be prescribed,

and generally for the better carrying out of the objects and purposes of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) such regulations may—

(*a*) prescribe the classes of persons who shall be or may become members of any fund referred to in section *two* and shall contribute to such fund and the conditions subject to which they shall so contribute;

(*b*) prescribe the rate (determined on the basis of emoluments received or on such other basis as may be determined by the Minister and specified in the regulations) at which contributions shall be paid to any such fund by persons who are or become contributors thereto and the times at which such contributions shall be payable, and provide for the deduction of such contributions from the emoluments of the person concerned;

(*c*) prescribe the circumstances in which, the basis on which and the conditions subject to which members of any such fund may be permitted to include in their pensionable service any period prior to becoming such members (whether or not such period consisted of or included any period of prior service) and the authority by whom such permission may be granted;

(*d*) prescribe the contributions, interest and other amounts which shall be paid to any such fund out of revenue and the circumstances in which, the basis on which and the manner in which such contributions, interest and amounts shall be so paid;

(*e*) provide for the payment from revenue to the Additional Benefits Account of such amounts as the Minister may, in consultation with the Minister of Finance, from time to time determine;

(*f*) prescribe the benefits (determined on the basis of emoluments received over any period or on such other basis as may be determined by the Minister and specified in the regulations) payable from any such fund or from revenue or from the Additional Benefits

3. Iemand wat onmiddellik voor die vasgestelde datum tot 'n in artikel *twee* bedoelde fonds bygedra het, moet, behoudens die bepalings van hierdie Wet, voortgaan om tot die fonds by te dra waartoe hy aldus bygedra het en bly aanspreeklik vir die betaling van enige bedrae wat onmiddellik voor daardie datum deur hom aan so 'n fonds verskuldig was maar wat op daardie datum onbetaald was. Bydraes deur persone wat onmiddellik voor die vasgestelde datum bygedra het.

4. (1) 'n Jaargeld wat onmiddellik voor die vasgestelde datum ingevolge die Pensioenwet aan iemand betaalbaar was, word, behoudens die bepalings van hierdie Wet, nie verminder nie. Voortsetting van sekere jaargelde.

(2) 'n Jaargeld wat onmiddellik voor die vasgestelde datum ingevolge die Pensioenwet uit 'n in artikel *twee* bedoelde fonds of uit inkomste, of gedeeltelik uit so 'n fonds en gedeeltelik uit inkomste, of uit die Bykomstige Voordelerekening betaal is, word, behoudens die bepalings van hierdie Wet, vanaf daardie datum nog uit die fonds waaruit dit betaal is, of gedeeltelik uit bedoelde fonds en gedeeltelik uit inkomste, of uit die Bykomstige Voordelerekening, na gelang van die geval, betaal.

(3) 'n Jaargeld of gedeelte van 'n jaargeld wat onmiddellik voor die vasgestelde datum vir 'n tydperk in die Pensioenwet voorgeskryf, uit inkomste betaalbaar was en wat na verstryking van bedoelde tydperk uit 'n in artikel *twee* bedoelde fonds betaalbaar sou gewees het, word tot en met die laaste dag van die maand waarin bedoelde tydperk sou verstryk het nog uit inkomste betaal, en moet daarna uit die fonds betaal word waaruit dit ingevolge bedoelde Pensioenwet na verstryking van daardie tydperk betaalbaar sou gewees het.

5. (1) Ondanks andersluidende wetsbepalings kan die Minister van tyd tot tyd regulasies uitvaardig— Regulasies.

(*a*) aangaande die bestuur en beheer van die in artikel *twee* bedoelde fondse en die Bykomstige Voordelerekening;

(*b*) om voorsiening te maak vir die betaling van bydraes aan so 'n fonds en van voordele uit so 'n fonds of die Bykomstige Voordelerekening of inkomste aan of ten opsigte van beamptes of werknemers by hulle uitdienstreding, ontslag, bedanking of dood;

(*c*) met betrekking tot enige aangeleentheid wat volgens hierdie Wet voorgeskryf kan word,

en oor die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie Wet.

(2) Sonder om afbreuk te doen aan die algemene aard van die bepalings van sub-artikel (1) kan bedoelde regulasies—

(*a*) die klasse persone voorskryf wat lede van enige in artikel *twee* bedoelde fonds moet wees of kan word en tot die fonds moet bydra en die voorwaardes waarop hulle aldus moet bydra;

(*b*) die skaal voorskryf (vasgestel op die grondslag van besoldiging ontvang of op dié ander grondslag wat deur die Minister bepaal word en in die regulasies uiteengesit word) waarvolgens persone wat bydraers tot so 'n fonds is of word, daartoe moet bydra en die tye wanneer die bydraes betaalbaar is, en voorsiening maak vir die aftrek van die bydraes van die besoldiging van die betrokke persoon;

(*c*) die omstandighede waaronder en die grondslag en voorwaardes waarop toestemming aan lede van so 'n fonds verleen kan word om by hulle pensioengewende diens enige tydperk voordat hulle sodanige lede geword het (hetsy bedoelde tydperk 'n tydperk van vorige diens uitgemaak of ingesluit het al dan nie) in te sluit en die gesag deur wie bedoelde toestemming verleen kan word, voorskryf;

(*d*) die bydraes, rente en ander bedrae wat uit inkomste in so 'n fonds gestort moet word en die omstandighede waaronder en die grondslag en die wyse waarop bedoelde bydraes, rente en bedrae aldus gestort moet word, voorskryf;

(*e*) voorsiening maak vir die betaling uit inkomste aan die Bykomstige Voordelerekening van die bedrae wat die Minister, in oorleg met die Minister van Finansies, van tyd tot tyd bepaal;

(*f*) die voordele (vasgestel op die grondslag van besoldiging ontvang oor enige tydperk of op die ander grondslag wat deur die Minister bepaal word en in die regulasies uiteengesit word) wat uit so 'n fonds of uit inkomste of uit die Bykomstige Voordelereke-

Account and the circumstances in which and the conditions subject to which such benefits shall be payable in particular cases or classes of cases;

(*g*) prescribe the salaries, wages or allowances, whether in cash or in kind, in respect of which contributions shall be paid to any such fund and on which the benefits payable from that fund or the Additional Benefits Account or revenue shall be based;

(*h*) provide for—

(i) the investment of amounts standing to the credit of any such fund or the Additional Benefits Account;

(ii) the periodical valuation of the assets and liabilities of any such fund by an actuary;

(*i*) prescribe the method of determination of the amounts to be paid from any such fund or from revenue or by a contributor if such contributor is transferred or appointed to employment in respect of which he becomes liable to contribute to another fund referred to in section *two* or to any other pension or provident fund;

(*j*) prescribe the conditions subject to which and the proportions in which the amounts referred to in paragraph (*i*) shall be paid;

(*k*) prescribe in respect of any amount (determined by such method as may be specified in the regulations) which may, in the case of any person who is transferred or appointed to employment in respect of which he becomes liable to contribute to a fund referred to in section *two* and who prior to such transfer or appointment was a member of any other fund referred to in that section or of any other pension or provident fund, be required in respect of such person's service prior to the date of transfer or appointment, for the purpose of the fund to which he so becomes liable to contribute, the proportions in which and the conditions subject to which such amount shall be paid from the other fund or from revenue or by that person.

(3) Different regulations may be made in respect of different funds and of officers or employees belonging to different races, classes or categories.

(4) Any regulation relating to—

(*a*) the Public Service Pension Fund or a fund referred to in sub-section (2) or (3) of section *two* shall be made in consultation with the Minister of Finance and with the Minister of the Interior and on the recommendation of the Commission;

(*b*) the Permanent Force Pension Fund shall be made in consultation with the Minister of Finance and with the Minister of Defence and on the recommendation of the Commission;

(*c*) the South African Police and Prisons Service Pension Fund or the Additional Benefits Account, shall be made in consultation with the Minister of Finance and with the Minister of Justice and on the recommendation of the Commission;

(*d*) the basis on which benefits shall be payable, shall be made in consultation with the Minister of Finance and on the recommendation of the Commission.

(5) Any regulation, not being a regulation which amends existing regulations and which relates to the rate at which contributions shall be made to any fund referred to in section *two* or to the amount and nature of any benefits payable, may be made with retrospective effect from a date not earlier than the fixed date.

(6) If the provisions of any regulation are in conflict with the provisions of any ordinance of any province or the territory or any proclamation issued by the Administrator of the territory, the provisions of the regulation shall prevail.

Ages for retirement of members of the Public Service Pension Fund.

6. (1) In this section, unless the context otherwise indicates, "member" means a person who is contributing to the Public Service Pension Fund and includes a person on leave of absence or under suspension from duty who was so contributing immediately prior to the commencement of such absence or suspension.

(2) Subject to the provisions of this section, a member (other than a member to whom sub-section (5) applies) who is or was appointed to a post in the public service with effect from a date after the twenty-third day of June, 1955, shall have the right to retire on pension and shall be retired on pension—

ning betaalbaar is en die omstandighede waaronder en die voorwaardes waarop bedoelde voordele in besondere gevalle of klasse gevalle betaalbaar is, voorskryf;

(*g*) die salarisse, lone of toelaes, hetsy in kontant of natura, voorskryf ten opsigte waarvan bydraes in so 'n fonds gestort moet word en waarop die voordele wat uit daardie fonds of die Bykomstige Voordelerekening of inkomste betaalbaar is, gebaseer moet word;

(*h*) voorsiening maak vir—

(i) die belegging van bedrae wat tot die kredit van so 'n fonds of die Bykomstige Voordelerekening staan;

(ii) die periodieke waardering van die bates en laste van so 'n fonds deur 'n aktuaris;

(*i*) die metode van berekening voorskryf van die bedrae wat uit so 'n fonds of uit inkomste of deur 'n bydraer betaal moet word indien bedoelde bydraer oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy onder verpligting kom om tot 'n ander in artikel *twee* bedoelde fonds of tot enige ander pensioen- of voorsorgfonds by te dra;

(*j*) die voorwaardes waarop en die verhouding waarvolgens die in paragraaf (*i*) bedoelde bedrae betaal moet word, voorskryf;

(*k*) ten opsigte van enige bedrag (vasgestel volgens die metode in die regulasies uiteengesit) wat in die geval van enige persoon wat oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy onder verpligting kom om tot 'n in artikel *twee* bedoelde fonds by te dra en wat voor bedoelde oorplasing of aanstelling 'n lid van enige ander in daardie artikel bedoelde fonds of van enige ander pensioen- of voorsorgfonds was, vereis word ten opsigte van sodanige persoon se diens voor die datum van oorplasing of aanstelling vir die doeleindes van die fonds waartoe hy aldus onder verpligting kom om by te dra, die verhouding waarvolgens en die voorwaardes waarop sodanige bedrag uit die ander fonds of uit inkomste of deur daardie persoon betaal moet word, voorskryf.

(3) Verskillende regulasies kan ten opsigte van verskillende fondse en van beamptes of werknemers van verskillende rasse, klasse of kategorieë, uitgevaardig word.

(4) Enige regulasie—

(*a*) wat die Staatsdiens-pensioenfonds of 'n in sub-artikel (2) of (3) van artikel *twee* bedoelde fonds raak, moet in oorleg met die Minister van Finansies en met die Minister van Binnelandse Sake en op aanbeveling van die Kommissie uitgevaardig word;

(*b*) wat die Staandemag-pensioenfonds raak, moet in oorleg met die Minister van Finansies en met die Minister van Verdediging en op aanbeveling van die Kommissie uitgevaardig word;

(*c*) wat die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds of die Bykomstige Voordelerekening raak, moet in oorleg met die Minister van Finansies en met die Minister van Justisie en op aanbeveling van die Kommissie uitgevaardig word;

(*d*) wat betrekking het op die grondslag waarop voordele betaalbaar is, moet in oorleg met die Minister van Finansies en op aanbeveling van die Kommissie uitgevaardig word.

(5) Enige regulasie, wat nie 'n regulasie is wat bestaande regulasies wysig en wat betrekking het op die skaal waarvolgens bydraes tot 'n in artikel *twee* bedoelde fonds gemaak moet word of op die bedrag en aard van die voordele betaalbaar nie, kan met terugwerkende krag uitgevaardig word vanaf 'n datum wat nie vroeër is as die vasgestelde datum nie.

(6) Indien die bepalings van 'n regulasie in stryd is met die bepalings van 'n ordonnansie van enige provinsie of die gebied of 'n deur die Administrateur van die gebied uitgevaardigde proklamasie, geld die bepalings van die regulasie.

Leeftye vir uitdienstreding van lede van die Staatsdiens-pensioenfonds.

6. (1) In hierdie artikel, tensy uit die samehang anders blyk, beteken „lid" iemand wat tot die Staatsdiens-pensioenfonds bydra en ook iemand wat met verlof afwesig is of in sy diens geskors is en wat onmiddellik voor die aanvang van die afwesigheid of skorsing aldus bygedra het.

(2) Behoudens die bepalings van hierdie artikel, het 'n lid (behalwe 'n lid op wie sub-artikel (5) van toepassing is) wat met ingang van 'n datum na die drie-en-twintigste dag van Junie 1955 in 'n pos in die staatsdiens aangestel word of is, die reg om met pensioen af te tree en word hy met pensioen afgedank—

(*a*) on the day on which he attains the age of sixty-five years if he attains that age on the first day of any month in the year;

(*b*) on the first day of the month immediately following the month in which he attains the age of sixty-five years if he attains that age after the first day of any month in the year.

(3) Subject to the provisions of this section, a member (other than a member to whom sub-section (2) or (5) applies) who was appointed to a post in the public service with effect from a date prior to the twenty-fourth day of June, 1955, shall have the right to retire on pension and shall be retired on pension—

(*a*) on the day on which he attains the age of sixty-three years if he attains that age on the first day of any month in the year and he was born before the first day of January, 1903;

(*b*) on the first day of the month immediately following the month in which he attains the age of sixty-three years if he attains that age after the first day of any month in the year and he was born before the first day of January, 1903;

(*c*) on the day on which he attains the age of sixty-five years if he attains that age on the first day of any month in the year and he was born on or after the first day of January, 1903;

(*d*) on the first day of the month immediately following the month in which he attains the age of sixty-five years if he attains that age after the first day of any month in the year and he was born after the first day of January, 1903.

(4) A member to whom sub-section (3) applies shall have the right at any time before or after attaining, in the case of a male member, the age of sixty years or, in the case of a female member, the age of fifty-five years, to give written notification to the head of his department of his wish to be retired on pension and if he gives such notification he shall—

(*a*) if such notification is given at least three months prior to the date on which he attains the said age, be retired on pension—

(i) on the day on which he attains that age if he attains the said age on the first day of any month in the year;

(ii) on the first day of the month immediately following the month in which he attains that age if he attains the said age after the first day of any month in the year; or

(*b*) if such notification is not given at least three months prior to the date on which he attains that age, be retired on pension on the first day of the fourth month following the month in which such notification is received.

(5) Subject to the provision of sub-section (6) of this section, the provisions of sub-sections (2), (3), (4), (5) and (7) of section *eight* shall *mutatis mutandis* apply to a member who is a member of the police force or prisons service.

(6) A member to whom sub-section (5) applies—

(*a*) may be retired on pension if he has attained the age of forty-five years; and

(*b*) shall have the right to retire on pension if he has attained that age.

(7) Subject to the provisions of this Act, a member who immediately prior to the fixed date was subject to the provisions of Part B of Chapter I of the Pensions Act and who, in terms of the regulations governing the Public Service Pension Fund, retains the rights acquired by virtue of those provisions and who has continuously occupied for at least ten years immediately preceding retirement an office or post in a leper hospital or in a government institution used for the treatment of infectious or contagious diseases or in a mental hospital shall, if his duties bring him into regular daily contact with patients suffering from leprosy or such diseases or from mental disorder, have the right to retire on pension on or after attaining the age of fifty years.

(8) (*a*) If it is in the public interest to retain a member (other than a member to whom sub-section (5) applies) in his office or post after the day immediately preceding the day on which in accordance with sub-section (2) or (3) he shall be retired on pension, he may be so retained from time to time, on the recommendation of the Commission, for periods which shall not,

(*a*) op die dag waarop hy die leeftyd van vyf-en-sestig jaar bereik indien hy daardie leeftyd op die eerste dag van enige maand van die jaar bereik;

(*b*) op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van vyf-en-sestig jaar bereik indien hy daardie leeftyd na die eerste dag van enige maand van die jaar bereik.

(3) Behoudens die bepalings van hierdie artikel, het 'n lid (behalwe 'n lid op wie sub-artikel (2) of (5) van toepassing is) wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 in 'n pos in die staatsdiens aangestel is, die reg om met pensioen af te tree en word hy met pensioen afgedank—

(*a*) op die dag waarop hy die leeftyd van drie-en-sestig jaar bereik indien hy daardie leeftyd op die eerste dag van enige maand van die jaar bereik en hy voor die eerste dag van Januarie 1903 gebore is;

(*b*) op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van drie-en-sestig jaar bereik indien hy daardie leeftyd na die eerste dag van enige maand van die jaar bereik en hy voor die eerste dag van Januarie 1903 gebore is;

(*c*) op die dag waarop hy die leeftyd van vyf-en-sestig jaar bereik indien hy daardie leeftyd op die eerste dag van enige maand van die jaar bereik en hy op of na die eerste dag van Januarie 1903 gebore is;

(*d*) op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van vyf-en-sestig jaar bereik indien hy daardie leeftyd na die eerste dag van enige maand van die jaar bereik en hy na die eerste dag van Januarie 1903 gebore is.

(4) 'n Lid op wie sub-artikel (3) van toepassing is, het die reg om te eniger tyd voor of nadat hy in die geval van 'n manlike lid die leeftyd van sestig jaar of in die geval van 'n vroulike lid die leeftyd van vyf-en-vyftig jaar bereik het, aan die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen af te tree, en indien hy aldus kennis gee, word hy—

(*a*) indien kennis aldus gegee word minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, met pensioen afgedank—

(i) op die dag waarop hy daardie leeftyd bereik indien hy bedoelde leeftyd op die eerste dag van enige maand van die jaar bereik;

(ii) op die eerste dag van die maand onmiddellik na die maand waarin hy daardie leeftyd bereik indien hy bedoelde leeftyd na die eerste dag van enige maand van die jaar bereik; of

(*b*) indien kennis nie minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik aldus gegee word nie, met pensioen afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(5) Die bepalings van sub-artikels (2), (3), (4), (5) en (7) van artikel *agt* is, behoudens die bepalings van sub-artikel (6) van hierdie artikel, *mutatis mutandis* van toepassing op 'n lid wat 'n lid van die polisiemag of gevangenisdiens is.

(6) 'n Lid op wie sub-artikel (5) van toepassing is—

(*a*) kan met pensioen afgedank word indien hy die leeftyd van vyf-en-veertig jaar bereik het; en

(*b*) het die reg om met pensioen af te tree indien hy daardie leeftyd bereik het.

(7) 'n Lid wat onmiddellik voor die vasgestelde datum aan die bepalings van Deel B van Hoofstuk 1 van die Pensioenwet onderhewig was en wat, ingevolge die regulasies wat die Staatsdiens-pensioenfonds beheer, die regte behou wat uit hoofde van daardie bepalings verkry is en wat vir 'n ononderbroke tydperk van minstens tien jaar onmiddellik voor sy uitdienstreding 'n betrekking of pos in 'n hospitaal vir melaatses of in 'n Staatsinrigting gebruik vir die behandeling van aansteeklike of besmetlike siektes of in 'n hospitaal vir sielsiekes beklee het, is, behoudens die bepalings van hierdie Wet en indien sy pligte hom in gereelde daaglikse aanraking bring met pasiënte wat aan melaatsheid of sulke siektes ly of geestelik gekrenk is, geregtig om met pensioen af te tree wanneer of nadat hy die leeftyd van vyftig jaar bereik het.

(8) (*a*) Indien dit in die openbare belang is om 'n lid (behalwe 'n lid op wie sub-artikel (5) van toepassing is) in sy betrekking of pos in diens te hou na die dag wat die dag onmiddellik voorafgaan waarop hy ingevolge sub-artikel (2) of (3) met pensioen afgedank moet word, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie in diens gehou word vir tydperke

except with the approval, by resolution, of the Senate and of the House of Assembly, exceed in the aggregate two years.

(*b*) A member who, prior to the fixed date, was retained in his office or post in terms of sub-section (4) of section *twenty-six* of the Pensions Act or sub-section (4) of section *fourteen* of the Public Service Act, 1957 (Act No. 54 of 1957), shall be deemed to have been retained in such office or post in terms of this sub-section.

(9) A member (other than a member to whom sub-section (5) applies) who has reached the age of sixty years may, subject in every case to the recommendation of the Commission, be retired on pension: Provided that in the case of a member to whom sub-section (3) refers, the age at or after which such member may be so retired shall, in the case of a male member, be fifty-five years and, in the case of a female member, be fifty years.

(10) Notwithstanding anything to the contrary contained in sub-section (2) or in any other law, the provisions of sub-sections (3) and (4) shall *mutatis mutandis* apply in respect of any person who immediately prior to the twenty-fourth day of June, 1955, was a member of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and who has elected in terms of sub-section (2) of section *twenty-five* of the Vocational Education Act, 1955 (Act No. 70 of 1955), to become a member of the Public Service Pension Fund, as if such person had been appointed to a post in the public service with effect from a date prior to such day.

(11) Notwithstanding anything to the contrary contained in sub-section (2) or in any other law, the provisions of sub-sections (3) and (4) shall *mutatis mutandis* apply in respect of the following persons as if such persons had been appointed to posts in the public service with effect from a date prior to the twenty-fourth day of June, 1955, namely—

(*a*) any person who immediately prior to such day was a teacher to whom sub-section (5) of section *ten* of the Bantu Education Act, 1953 (Act No. 47 of 1953), applied and who has elected in terms of sub-regulation (2) of regulation 56 of the regulations made under the said Bantu Education Act, 1953, and published in Government Notice No. 2583 of the 30th December, 1955, or in terms of sub-section (1) of section *fifty-two* of the Pension Laws Amendment Act, 1959 (Act No. 67 of 1959), to become a member of the Public Service Pension Fund;

(*b*) any person—

(i) who in terms of sub-regulation (3) of regulation 3 of the said regulations was deemed to have been appointed under such regulations;

(ii) who immediately prior to the twenty-fourth day of June, 1955, was a contributor to a pension fund established by a provincial ordinance for the benefit of teachers; and

(iii) who prior to the commencement of the Pension Laws Amendment Act, 1959, was admitted to membership of the Public Service Pension Fund in pursuance of the provisions of sub-regulation (1) of regulation 56 of the said regulations;

(*c*) any person—

(i) to whom sub-section (2) of section *fifty-two* of the Pension Laws Amendment Act, 1959, applies;

(ii) who has elected in terms of the proviso to that sub-section to become a member of the Public Service Pension Fund; and

(iii) who immediately prior to the twenty-fourth day of June, 1955, was a contributor to a pension fund established by a provincial ordinance for the benefit of teachers.

(12) Notwithstanding anything to the contrary contained in sub-section (2) or in any other law, the provisions of sub-sections (3) and (4) shall *mutatis mutandis* apply in respect of any person—

(*a*) to whom sub-section (1) of section *thirteen* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), applies; and

(*b*) whose pensionable service under a pension law referred to in paragraph (*b*) of sub-section (1) of the said section *thirteen* commenced prior to the twenty-fourth day of June, 1955,

wat, behalwe met die goedkeuring, by besluit, van die Senaat en van die Volksraad, altesame nie twee jaar te bowe gaan nie.

(*b*) 'n Lid wat voor die vasgestelde datum ingevolge sub-artikel (4) van artikel *ses-en-twintig* van die Pensioenwet of sub-artikel (4) van artikel *veertien* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), in sy betrekking of pos in diens gehou is, word geag ingevolge hierdie sub-artikel in bedoelde betrekking of pos in diens gehou te gewees het.

(9) 'n Lid (behalwe 'n lid op wie sub-artikel (5) van toepassing is) wat die leeftyd van sestig jaar bereik het, kan, onderworpe in elke geval aan die aanbeveling van die Kommissie, met pensioen afgedank word: Met dien verstande dat in die geval van 'n lid in sub-artikel (3) bedoel, die leeftyd waarop of waarna bedoelde lid aldus afgedank kan word, vyf-en-vyftig jaar is in die geval van 'n manlike lid en vyftig jaar in die geval van 'n vroulike lid.

(10) Ondanks andersluidende bepalings van sub-artikel (2) of van enige ander wet, is die bepalings van sub-artikels (3) en (4) *mutatis mutandis* van toepassing ten opsigte van iemand wat onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n lid was van die voorsorgfonds gestig kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923" (Wet No. 30 van 1923), en wat ooreenkomstig sub-artikel (2) van artikel *vyf-en-twintig* van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), gekies het om 'n lid van die Staatsdiens-pensioenfonds te word, asof bedoelde persoon met ingang van 'n datum voor bedoelde dag in 'n pos in die Staatsdiens aangestel was.

(11) Ondanks andersluidende bepalings van sub-artikel (2) of van enige ander wet, is die bepalings van sub-artikels (3) en (4) *mutatis mutandis* van toepassing ten opsigte van die volgende persone asof sodanige persone met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 in poste in die staatsdiens aangestel was, naamlik—

(*a*) iemand wat onmiddellik voor bedoelde dag 'n onderwyser was op wie sub-artikel (5) van artikel *tien* van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), van toepassing was en wat ingevolge sub-regulasie (2) van regulasie 56 van die regulasies uitgevaardig kragtens bedoelde Wet op Bantoe-onderwys, 1953, en gepubliseer in Goewermentskennisgewing No. 2583 van 30 Desember 1955, of ingevolge sub-artikel (1) van artikel *twee-en-vyftig* van die Wysigingswet op die Pensioenwette, 1959 (Wet No. 67 van 1959), gekies het om 'n lid van die Staatsdiens-pensioenfonds te word;

(*b*) iemand—

(i) wat ooreenkomstig sub-regulasie (3) van regulasie 3 van bedoelde regulasies beskou is asof hy kragtens daardie regulasies aangestel is;

(ii) wat onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n bydraer was tot 'n pensioenfonds wat deur 'n provinsiale ordonnansie ten voordele van onderwysers gestig is; en

(iii) wat voor die inwerkingtreding van die Wysigingswet op die Pensioenwette, 1959, uit hoofde van die bepalings van sub-regulasie (1) van regulasie 56 van bedoelde regulasies tot lidmaatskap van die Staatsdiens-pensioenfonds toegelaat is;

(*c*) iemand—

(i) op wie sub-artikel (2) van artikel *twee-en-vyftig* van die Wysigingswet op die Pensioenwette, 1959, van toepassing is;

(ii) wat ingevolge die voorbehoudsbepaling by daardie sub-artikel gekies het om 'n lid van die Staatsdiens-pensioenfonds te word; en

(iii) wat onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n bydraer was tot 'n pensioenfonds wat deur 'n provinsiale ordonnansie ten voordele van onderwysers gestig is.

(12) Ondanks andersluidende bepalings van sub-artikel (2) of van enige ander wet, is die bepalings van sub-artikels (3) en (4) *mutatis mutandis* van toepassing ten opsigte van iemand—

(*a*) op wie sub-artikel (1) van artikel *dertien* van die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), van toepassing is; en

(*b*) wie se pensioengewende diens kragtens 'n pensioenwet bedoel in paragraaf (*b*) van sub-artikel (1) van gemelde artikel *dertien*, voor die vier-en-twintigste dag van Junie 1955 'n aanvang geneem het,

as if such person had been appointed to a post in the public service with effect from a date prior to such day.

(13) Notwithstanding anything to the contrary contained in sub-section (2) or in any other law, the provisions of sub-section (4) shall *mutatis mutandis* apply in respect of the following members (other than members to whom sub-section (10), (11) or (12) applies) as if sub-section (3) applied in respect of such members, namely—

(*a*) a member who immediately prior to the date on which he was or is transferred to service in respect of which he became or becomes liable to contribute to the Public Service Pension Fund, was a contributor to the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, if—

(i) immediately prior to the twenty-fourth day of June, 1955, he was a contributor to the old fund;

(ii) his pensionable service commenced from a date prior to such day; and

(iii) the period of such service is in fact continuous;

(*b*) a member to whom the provisions of sub-section (1) of section *thirteen* of the Pensions Act applied immediately prior to the fixed date if—

(i) immediately prior to the date as from which he contributed to the Public Service Pension Fund in terms of that sub-section or immediately prior to any break in his service referred to in paragraph (*c*) of that sub-section, as the case may be, he was a member of a pension or provident fund administered under a pension law referred to in that sub-section; and

(ii) his past pensionable service under such pension law commenced from a date prior to the twenty-fourth day of June, 1955, and he elected in terms of sub-section (2) of the said section *thirteen* to reckon such service as pensionable service under the Pensions Act; and

(iii) on the date on which he became subject to such pension law, or (if he became subject to such pension law more than once) on the date on which he last became subject to such law, he would have become a contributor to the old fund had he been appointed to a post in the public service on that date; or

(iv) such past pensionable service includes a period of continuous pensionable service in the public service during which he was a contributor to the old fund;

(*c*) a member who in the circumstances described in section *thirteen* of the Pensions Act and in terms of any regulation which corresponds to that section, becomes liable to contribute to the Public Service Pension Fund and who would, but for the repeal of the Pensions Act by this Act, have complied with the requirements of sub-paragraphs (i) and (ii) and sub-paragraph (iii) or (iv) of paragraph (*b*) of sub-section (9) of section *twenty-six* of the Pensions Act: Provided that for the purposes of this paragraph any election made in terms of such regulation shall be deemed to have been made in terms of section *thirteen* of the Pensions Act;

(*d*) a member to whom the provisions of sub-section (5) of section *thirteen* or sub-section (7) of section *fifteen* of the Pensions Act applied immediately prior to the fixed date or to whom corresponding provisions of the regulations apply, if—

(i) he was a contributor to the old fund;

(ii) his first period of pensionable service under the Government Service Pensions Act, 1936 (Act No. 32 of 1936), or the Pensions Act or the regulations commenced prior to the twenty-fourth day of June, 1955; and

(iii) the period of such service was in fact continuous;

(*e*) a member to whom the provisions of sub-section (1) of section *fifteen* of the Pensions Act applied immediately prior to the fixed date or to whom corresponding provisions of the regulations apply, if—

asof so iemand met ingang van 'n datum voor bedoelde dag in 'n pos in die staatsdiens aangestel was.

(13) Ondanks andersluidende bepalings van sub-artikel (2) of van enige ander wet, is die bepalings van sub-artikel (4) *mutatis mutandis* van toepassing ten opsigte van die volgende lede (behalwe lede op wie sub-artikel (10), (11) of (12) van toepassing is) asof sub-artikel (3) ten opsigte van sodanige lede van toepassing is, naamlik—

(*a*) 'n lid wat onmiddellik voor die datum waarop hy oorgeplaas is of word na diens ten opsigte waarvan hy onder verpligting gekom het of kom om tot die Staatsdiens-pensioenfonds by te dra, 'n lid was van die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds indien—

(i) hy onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n bydraer tot die ou fonds was;

(ii) sy pensioengewende diens vanaf 'n datum voor bedoelde dag 'n aanvang geneem het; en

(iii) die tydperk van bedoelde diens werklik ononderbroke is;

(*b*) 'n lid op wie die bepalings van sub-artikel (1) van artikel *dertien* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was, indien—

(i) hy onmiddellik voor die datum waarop hy ingevolge daardie sub-artikel tot die Staatsdiens-pensioenfonds begin bydra het of onmiddellik voor 'n in paragraaf (*c*) van daardie sub-artikel bedoelde onderbreking van sy diens, na gelang van die geval, 'n lid was van 'n pensioen- of voorsorgfonds wat ingevolge 'n in daardie sub-artikel bedoelde pensioenwet uitgevoer word; en

(ii) sy vorige pensioengewende diens ingevolge bedoelde pensioenwet vanaf 'n datum voor die vier-en-twintigste dag van Junie 1955 'n aanvang geneem het en hy ooreenkomstig sub-artikel (2) van bedoelde artikel *dertien* gekies het om bedoelde diens as pensioengewende diens ingevolge die Pensioenwet te reken; en

(iii) hy op die datum waarop hy aan bedoelde pensioenwet onderhewig geword het of (ingeval hy meer as een maal aan bedoelde pensioenwet onderhewig geword het) op die datum waarop hy die laaste maal aan daardie wet onderhewig geword het, 'n bydraer tot die ou fonds sou geword het indien hy op daardie datum in 'n pos in die staatsdiens aangestel was; of

(iv) bedoelde vorige pensioengewende diens 'n tydperk van ononderbroke pensioengewende diens in die staatsdiens insluit waartydens hy 'n bydraer tot die ou fonds was;

(*c*) 'n lid wat in die in artikel *dertien* van die Pensioenwet aangeduide omstandighede en ingevolge 'n regulasie wat met daardie artikel ooreenstem onder verpligting kom om tot die Staatsdiens-pensioenfonds by te dra en wat indien die Pensioenwet nie deur hierdie Wet herroep was nie, aan die vereistes van sub-paragrawe (i) en (ii) en sub-paragraaf (iii) of (iv) van paragraaf (*b*) van sub-artikel (9) van artikel *ses-en-twintig* van die Pensioenwet sou voldoen het: Met dien verstande dat by die toepassing van hierdie paragraaf enige keuse uitgeoefen ingevolge sodanige regulasie geag word ingevolge artikel *dertien* van die Pensioenwet uitgeoefen te gewees het;

(*d*) 'n lid op wie die bepalings van sub-artikel (5) van artikel *dertien* of sub-artikel (7) van artikel *vyftien* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was of op wie ooreenstemmende bepalings van die regulasies van toepassing is, indien—

(i) hy 'n bydraer tot die ou fonds was;

(ii) sy eerste tydperk van pensioengewende diens ingevolge die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), of die Pensioenwet of die regulasies voor die vier-en-twintigste dag van Junie 1955 'n aanvang geneem het; en

(iii) die tydperk van bedoelde diens werklik ononderbroke was;

(*e*) 'n lid op wie die bepalings van sub-artikel (1) van artikel *vyftien* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was of op wie ooreenstemmende bepalings van die regulasies van toepassing is, indien—

(i) he had continuous pensionable employment under the railway administration from a date prior to the twenty-fourth day of June, 1955; and

(ii) immediately prior to the twenty-fourth day of June, 1955, he was a member of the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960); or

(iii) such pensionable employment includes a period of continuous pensionable service in the public service during which he was a contributor to the old fund.

(14) If any member to whom the provisions of sub-section (3) of section *twenty-six* of the Pensions Act applied immediately prior to the fixed date, has, prior to the fixed date, given notification in terms of that sub-section of his wish to be retired on pension, he shall be retired on pension on the day on which, but for the repeal of the said section *twenty-six* by this Act, he would, subject to the provisions of sub-section (1) of section *thirty-one* of the Pension Laws Amendment Act, 1964 (Act No. 84 of 1964), have been so retired in terms of the said sub-section (3).

Ages for retirement of members of the Permanent Force Pension Fund.

7. (1) In this section, unless the context otherwise indicates, "member" means a person who is contributing to the Permanent Force Pension Fund and includes a person who is absent with or without leave or under suspension from duty who was so contributing immediately prior to the commencement of such absence or suspension.

(2) Subject to the provisions of this section, a person who became or becomes a member on or after the sixteenth day of August, 1963, shall have the right to retire on pension on attaining the age prescribed under the Defence Act, 1957 (Act No. 44 of 1957), as the age for his retirement on pension, and shall be retired on pension on attaining that age: Provided that no age under forty-five years or over sixty years and one month shall be so prescribed.

(3) Subject to the provisions of this section, a member who has been a member continuously with effect from a date prior to the sixteenth day of August, 1963, shall have the right to retire on pension and shall be retired on pension—

(*a*) in the case of a member who is an officer of the general duties branch of the permanent force, on attaining the age of—

(i) forty-seven years if he is a field-cornet and was born on or after the first day of January, 1918, but before the first day of January, 1920;

(ii) forty-nine years if he is a field-cornet and was born on or after the first day of January, 1920, but before the first day of January, 1922;

(iii) fifty-one years if he is a field-cornet and was born on or after the first day of January, 1922;

(iv) forty-eight years if he is a captain and was born on or after the first day of January, 1917, but before the first day of January, 1919;

(v) fifty years if he is a captain and was born on or after the first day of January, 1919, but before the first day of January, 1921;

(vi) fifty-one years if he is a captain and was born on or after the first day of January, 1921;

(vii) fifty-two years if he is a major and was born on or after the first day of January, 1913, but before the first day of January, 1915;

(viii) fifty-four years if he is a major and was born on or after the first day of January, 1915, but before the first day of January, 1917;

(ix) fifty-five years if he is a major and was born on or after the first day of January, 1917;

(x) fifty-six years if he is a commandant and was born on or after the first day of January, 1909, but before the first day of January, 1911;

(xi) fifty-eight years if he is a commandant and was born on or after the first day of January, 1911, but before the first day of January, 1913;

(xii) sixty years if he is a commandant and was born on or after the first day of January, 1913;

(*b*) in the case of a member who is a private or lance corporal in the permanent force but who is not an artisan or artificer, on attaining the age of—

(i) hy vanaf 'n datum voor die vier-en-twintigste dag van Junie 1955 ononderbroke pensioengewende diens in die spoorwegadministrasie gehad het; en

(ii) hy onmiddellik voor die vier-en-twintigste dag van Junie 1955 'n lid was van die in artikel *drie* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), bedoelde Nuwe Spoorweg- en Hawesuperannuasiefonds; of

(iii) bedoelde pensioengewende diens 'n tydperk van ononderbroke pensioengewende diens in die staatsdiens insluit waartydens hy 'n bydraer tot die ou fonds was.

(14) Indien 'n lid op wie die bepalings van sub-artikel (3) van artikel *ses-en-twintig* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was, voor die vasgestelde datum ingevolge daardie sub-artikel kennis gegee het van sy begeerte om met pensioen af te tree, word hy met pensioen afgedank op die dag waarop hy, indien bedoelde artikel *ses-en-twintig* nie deur hierdie Wet herroep was nie, behoudens die bepalings van sub-artikel (1) van artikel *een-en-dertig* van die Wysigingswet op die Pensioenwette, 1964 (Wet No. 84 van 1964), ingevolge bedoelde sub-artikel (3) aldus afgedank sou gewees het.

Leeftye vir uitdienstreding van lede van die Staandemag-pensioenfonds.

7. (1) In hierdie artikel, tensy uit die samehang anders blyk, beteken „lid" iemand wat tot die Staandemag-pensioenfonds bydra, en ook iemand wat met of sonder toestemming afwesig is of in sy diens geskors is en wat onmiddellik voor die aanvang van die afwesigheid of skorsing aldus bygedra het.

(2) Behoudens die bepalings van hierdie artikel, het iemand wat op of na die sestiende dag van Augustus 1963 lid word of geword het, die reg om met pensioen af te tree wanneer hy die leeftyd bereik wat ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), as die leeftyd vir sy uitdienstreding met pensioen voorgeskryf word, en moet hy, wanneer hy daardie leeftyd bereik, met pensioen afgedank word: Met dien verstande dat geen leeftyd onder vyf-en-veertig jaar of bo sestig jaar en een maand aldus voorgeskryf mag word nie.

(3) Behoudens die bepalings van hierdie artikel, het 'n lid wat sonder onderbreking met ingang van 'n datum voor die sestiende dag van Augustus 1963 lid was, die reg om met pensioen af te tree en word hy met pensioen afgedank—

(*a*) in die geval van 'n lid wat 'n offisier van die algemene diensvertakking van die staande mag is, wanneer hy die leeftyd bereik van—

(i) sewe-en-veertig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1918 maar voor die eerste dag van Januarie 1920 gebore is;

(ii) nege-en-veertig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1920 maar voor die eerste dag van Januarie 1922 gebore is;

(iii) een-en-vyftig jaar indien hy 'n veldkornet is en op of na die eerste dag van Januarie 1922 gebore is;

(iv) agt-en-veertig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1917 maar voor die eerste dag van Januarie 1919 gebore is;

(v) vyftig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1919 maar voor die eerste dag van Januarie 1921 gebore is;

(vi) een-en-vyftig jaar indien hy 'n kaptein is en op of na die eerste dag van Januarie 1921 gebore is;

(vii) twee-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1913 maar voor die eerste dag van Januarie 1915 gebore is;

(viii) vier-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1915 maar voor die eerste dag van Januarie 1917 gebore is;

(ix) vyf-en-vyftig jaar indien hy 'n majoor is en op of na die eerste dag van Januarie 1917 gebore is;

(x) ses-en-vyftig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1909 maar voor die eerste dag van Januarie 1911 gebore is;

(xi) agt-en-vyftig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1911 maar voor die eerste dag van Januarie 1913 gebore is;

(xii) sestig jaar indien hy 'n kommandant is en op of na die eerste dag van Januarie 1913 gebore is;

(*b*) in die geval van 'n lid wat 'n weerman of onderkorporaal in die staande mag is maar wat nie 'n ambags- of vakman is nie, wanneer hy die leeftyd bereik van—

(i) fifty-two years if he was born on or after the first day of January, 1913, but before the first day of January, 1915;

(ii) fifty-four years if he was born on or after the first day of January, 1915, but before the first day of January, 1917;

(iii) fifty-five years if he was born on or after the first day of January, 1917;

(*c*) in the case of a member to whom paragraph (*a*) or (*b*) does not apply, on attaining the age of—

(i) fifty-seven years if he was born on or after the first day of January, 1908, but before the first day of January, 1910;

(ii) fifty-nine years if he was born on or after the first day of January, 1910, but before the first day of January, 1912;

(iii) sixty years if he was born on or after the first day of January, 1912:

Provided that the State President may from time to time by proclamation in the *Gazette* substitute for any age referred to in this sub-section a higher age not exceeding sixty years and one month.

(4) A member to whom sub-section (3) applies shall have the right to give notification as prescribed under the Defence Act, 1957 (Act No. 44 of 1957), of his wish to be retired on pension on the date of or a specified date after attaining the age at which, under the provisions of any applicable law which was in force on the day immediately preceding the sixteenth day of August, 1963, he would have had the right to retire on pension and would have had to be retired on pension, and if he gives such notification he shall be retired on the said date, provided such date is earlier than the date on which he shall have the right to retire on pension and shall be retired on pension in terms of sub-section (3).

(5) (*a*) If the Minister of Defence considers it to be in the interest of the permanent force to retain a member in the permanent force beyond the age at which in accordance with sub-section (2) or (3), he shall be retired on pension, such member may with his consent be so retained from time to time for further periods which shall not exceed in the aggregate five years.

(*b*) A member (other than a member to whom sub-section (8) applies), who, prior to the fixed date, was retained in the permanent force in terms of sub-section (4) of section *thirty-five* of the Pensions Act, shall be deemed to have been so retained in terms of this sub-section.

(6) Notwithstanding anything contained in this section or the Defence Act, 1957 (Act No. 44 of 1957), a member who has attained the age of forty-five years may be retired on pension.

(7) If a member who is entitled to retire on pension or is required to be retired on pension on attaining an age prescribed in sub-section (2), (3) or (4), attains the said age after the first day of any month in the year, he shall for the purposes of this section be deemed to have attained that age on the first day of the next succeeding month.

(8) The provisions of the foregoing sub-sections shall not apply in relation to any member who prior to the first day of January, 1963, was retained in his office or post beyond the age at which he had the right to retire on pension and had to be retired on pension under any law which was in force when he was so retained and such law shall, in so far as it relates to his retention in or retirement from the permanent force, continue to apply in respect of him.

(9) If any member to whom the provisions of sub-section (3) of section *thirty-five* of the Pensions Act applied immediately prior to the fixed date, has prior to the fixed date, given the notification referred to in that sub-section of his wish to be retired on pension, he shall be retired on pension on the date on which, but for the repeal of the said section *thirty-five* by this Act, he would, subject to the provisions of sub-section (1) of section *thirty-one* of the Pension Laws Amendment Act, 1964 (Act No. 84 of 1964), have been so retired in terms of the said sub-section (3).

(i) twee-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1913 maar voor die eerste dag van Januarie 1915 gebore is;
(ii) vier-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1915 maar voor die eerste dag van Januarie 1917 gebore is;
(iii) vyf-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1917 gebore is;

(*c*) in die geval van 'n lid op wie paragraaf (*a*) of (*b*) nie van toepassing is nie, wanneer hy die leeftyd bereik van—

(i) sewe-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1908 maar voor die eerste dag van Januarie 1910 gebore is;
(ii) nege-en-vyftig jaar indien hy op of na die eerste dag van Januarie 1910 maar voor die eerste dag van Januarie 1912 gebore is;
(iii) sestig jaar indien hy op of na die eerste dag van Januarie 1912 gebore is:

Met dien verstande dat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* enige in hierdie sub-artikel bedoelde leeftyd deur 'n hoër leeftyd van hoogstens sestig jaar en een maand kan vervang.

(4) 'n Lid op wie sub-artikel (3) van toepassing is, het die reg om soos ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), voorgeskryf, kennis te gee van sy begeerte om met pensioen afgedank te word op die datum waarop of 'n bepaalde datum nadat hy die leeftyd bereik waarop hy ingevolge die bepalings van enige toepaslike wet wat op die dag wat die sestiende dag van Augustus 1963 onmiddellik voorafgaan, van krag was, die reg sou gehad het om met pensioen af te tree en met pensioen afgedank sou moes word, en indien hy aldus kennis gee, moet hy op bedoelde datum afgedank word, mits bedoelde datum vroeër is as die datum waarop hy ingevolge sub-artikel (3) die reg het om met pensioen af te tree en met pensioen afgedank moet word.

(5) (*a*) Indien die Minister van Verdediging dit in die belang van die staande mag ag om 'n lid in die staande mag in diens te hou bo die leeftyd waarop hy ooreenkomstig sub-artikel (2) of (3) met pensioen afgedank moet word, kan daardie lid van tyd tot tyd met sy toestemming aldus aangehou word vir tydperke wat in die geheel vyf jaar nie te bowe gaan nie.

(*b*) 'n Lid (behalwe 'n lid op wie sub-artikel (8) van toepassing is) wat voor die vasgestelde datum ingevolge sub-artikel (4) van artikel *vyf-en-dertig* van die Pensioenwet in die staande mag in diens gehou is, word geag ingevolge hierdie sub-artikel aldus in diens gehou te gewees het.

(6) Ondanks die bepalings van hierdie artikel of die Verdedigingswet, 1957 (Wet No. 44 van 1957), kan 'n lid wat die leeftyd van vyf-en-veertig jaar bereik het, met pensioen afgedank word.

(7) Indien 'n lid wat by bereiking van 'n leeftyd voorgeskryf in sub-artikel (2), (3) of (4) geregtig is om met pensioen af te tree of met pensioen afgedank moet word, bedoelde leeftyd na die eerste dag van enige maand van die jaar bereik, word hy by die toepassing van hierdie artikel geag bedoelde leeftyd op die eerste dag van die eersvolgende maand te bereik het.

(8) Die bepalings van die voorgaande sub-artikels is nie van toepassing nie met betrekking tot 'n lid wat voor die eerste dag van Januarie 1963 in sy betrekking of pos aangehou was bo die leeftyd waarop hy ingevolge 'n wetsbepaling wat van krag was toe hy aldus aangehou was, die reg gehad het om met pensioen af te tree en met pensioen afgedank moes word, en bedoelde wetsbepaling, vir sover dit betrekking het op sy aanhouding in of uitdienstreding uit die staande mag, bly van toepassing ten opsigte van hom.

(9) Indien 'n lid op wie die bepalings van sub-artikel (3) van artikel *vyf-en-dertig* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was, voor die vasgestelde datum die in daardie sub-artikel bedoelde kennis gegee het van sy begeerte om met pensioen af te tree, word hy met pensioen afgedank op die datum waarop hy, indien bedoelde artikel *vyf-en-dertig* nie deur hierdie Wet herroep was nie, behoudens die bepalings van sub-artikel (1) van artikel *een-en-dertig* van die Wysigingswet op die Pensioenwette, 1964 (Wet No. 84 van 1964), ingevolge bedoelde sub-artikel (3) aldus afgedank sou gewees het.

Ages for retirement of members of the South African Police and Prisons Service Pension Fund.

8. (1) In this section, unless the context otherwise indicates, "member" means a person who is contributing to the South African Police and Prisons Service Pension Fund and includes a person who is absent with or without leave or under suspension from duty who was so contributing immediately prior to the commencement of such absence or suspension.

(2) Subject to the provisions of this section, a member (including a member who, prior to the fixed date, was retained in his office or post in terms of sub-section (4) of section *forty-six* of the Pensions Act) shall have the right to retire on pension and shall be retired on pension—

(*a*) on the day on which he attains the age of sixty years if he attains that age on the first day of any month in the year;

(*b*) on the first day of the month immediately following the month in which he attains the age of sixty years if he attains that age after the first day of any month in the year.

(3) A member who was appointed to the police force or prisons service prior to the fixed date shall have the right at any time to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

(*a*) if he was so appointed prior to the twenty-fourth day of June, 1955, and such notification is given at least three months prior to the date on which he attains the age of fifty-five years, be retired on pension—

(i) on the day on which he attains that age if he attains the said age on the first day of any month in the year;

(ii) on the first day of the month immediately following the month in which he attains that age if he attains the said age after the first day of any month in the year; or

(*b*) if he was so appointed prior to the twenty-fourth day of June, 1955, and such notification is not given at least three months prior to the date on which he attains the age of fifty-five years, be retired on pension on the first day of the fourth month following the month in which such notification is received; or

(*c*) if he was so appointed on or after the twenty-fourth day of June, 1955, and such notification is given at least three months prior to the date on which he attains the age of fifty-eight years, be retired on pension—

(i) on the day on which he attains that age if he attains the said age on the first day of any month in the year;

(ii) on the first day of the month immediately following the month in which he attains that age if he attains the said age after the first day of any month in the year; or

(*d*) if he was so appointed on or after the twenty-fourth day of June, 1955, and such notification is not given at least three months prior to the date on which he attains the age of fifty-eight years, be retired on pension on the first day of the fourth month following the month in which such notification is received.

(4) If a member who attains the age of fifty-eight years on or within four months after the fixed date, had the right, immediately prior to that date, to retire on pension on the day on which he attained the age of fifty-eight years or on the first day of the month immediately following the month in which he attains that age, then, notwithstanding anything to the contrary contained in sub-section (2) or (3), such member shall retain the right to retire on pension on that day and shall, subject to the provisions of sub-section (5), be retired on pension on that day: Provided that such a member may at any time prior to the day on which he shall be so retired, elect in writing to be subject to the provisions of sub-sections (2) and (3), and if he makes such an election the provisions of this sub-section shall cease to apply to him.

(5) If it is in the public interest to retain a member in the police force or prisons service after the day immediately preceding the day on which, in accordance with sub-section (2) or (4), he shall be retired on pension, he may be so retained from time to time—

Leeftye vir uitdienstreding van lede van die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds.

8. (1) In hierdie artikel, tensy uit die samehang anders blyk, beteken „lid" iemand wat tot die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds bydra, en ook iemand wat met of sonder toestemming afwesig is of in sy diens geskors is en wat onmiddellik voor die aanvang van die afwesigheid of skorsing aldus bygedra het.

(2) Behoudens die bepalings van hierdie artikel, het 'n lid (met inbegrip van 'n lid wat voor die vasgestelde datum ingevolge sub-artikel (4) van artikel *ses-en-veertig* van die Pensioenwet in sy betrekking of pos aangehou is) die reg om met pensioen af te tree en word hy met pensioen afgedank—

(*a*) op die dag waarop hy die leeftyd van sestig jaar bereik indien hy daardie leeftyd op die eerste dag van enige maand van die jaar bereik;

(*b*) op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van sestig jaar bereik indien hy daardie leeftyd na die eerste dag van enige maand van die jaar bereik.

(3) 'n Lid wat voor die vasgestelde datum in die polisiemag of gevangenisdiens aangestel is, het die reg om te eniger tyd die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen afgedank te word, en indien hy aldus kennis gee, word hy—

(*a*) indien hy voor die vier-en-twintigste dag van Junie 1955 aldus aangestel is en bedoelde kennisgewing minstens drie maande voor die datum waarop hy die leeftyd van vyf-en-vyftig jaar bereik, gegee word, met pensioen afgedank—

(i) op die dag waarop hy daardie leeftyd bereik indien hy bedoelde leeftyd op die eerste dag van enige maand van die jaar bereik;

(ii) op die eerste dag van die maand onmiddellik na die maand waarin hy daardie leeftyd bereik indien hy bedoelde leeftyd na die eerste dag van enige maand van die jaar bereik; of

(*b*) indien hy voor die vier-en-twintigste dag van Junie 1955 aldus aangestel is en bedoelde kennisgewing nie minstens drie maande voor die datum waarop hy die leeftyd van vyf-en-vyftig jaar bereik, gegee word nie, met pensioen afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word; of

(*c*) indien hy op of na die vier-en-twintigste dag van Junie 1955 aldus aangestel is en bedoelde kennisgewing minstens drie maande voor die datum waarop hy die leeftyd van agt-en-vyftig jaar bereik, gegee word, met pensioen afgedank—

(i) op die dag waarop hy daardie leeftyd bereik indien hy bedoelde leeftyd op die eerste dag van enige maand van die jaar bereik;

(ii) op die eerste dag van die maand onmiddellik na die maand waarin hy daardie leeftyd bereik indien hy bedoelde leeftyd na die eerste dag van enige maand van die jaar bereik; of

(*d*) indien hy op of na die vier-en-twintigste dag van Junie 1955 aldus aangestel is en bedoelde kennisgewing nie minstens drie maande voor die datum waarop hy die leeftyd van agt-en-vyftig jaar bereik, gegee word nie, met pensioen afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(4) Indien 'n lid wat op of binne vier maande na die vasgestelde datum die leeftyd van agt-en-vyftig jaar bereik, onmiddellik voor daardie datum die reg gehad het om met pensioen af te tree op die dag waarop hy die leeftyd van agt-en-vyftig jaar bereik het of op die eerste dag van die maand onmiddellik na die maand waarin hy daardie leeftyd bereik, dan, ondanks andersluidende bepalings van sub-artikel (2) of (3), behou so 'n lid die reg om op daardie dag met pensioen af te tree en word hy, behoudens die bepalings van sub-artikel (5) op daardie dag met pensioen afgedank: Met dien verstande dat so 'n lid te eniger tyd voor die dag waarop hy aldus afgedank moet word, skriftelik kan kies om aan die bepalings van sub-artikels (2) en (3) onderhewig te wees, en indien hy so 'n keuse doen, is die bepalings van hierdie sub-artikel nie langer op hom van toepassing nie.

(5) Indien dit in die openbare belang is om 'n lid in die polisiemag of die gevangenisdiens in diens te hou na die dag wat die dag onmiddellik voorafgaan waarop hy ooreenkomstig sub-artikel (2) of (4) met pensioen afgedank moet word, kan hy van tyd tot tyd aldus in diens gehou word—

(*a*) on the recommendation of the Commission, for periods which shall not exceed in the aggregate three years; and

(*b*) with the approval, by resolution, of the Senate and of the House of Assembly, after the expiry of the said three years, for further periods which shall not exceed in the aggregate two years.

(6) Notwithstanding anything to the contrary contained in this section, a member who has attained the age of fifty years may, subject in every case to the recommendation of the Commission, be retired on pension.

(7) If any member to whom the provisions of sub-section (2) of section *forty-six* of the Pensions Act applied immediately prior to the fixed date, has, prior to the fixed date, given notification in terms of that sub-section of his wish to be retired on pension, he shall be retired on pension on the day on which, but for the repeal of the said section *forty-six* by this Act, he would, subject to the provisions of sub-section (1) of section *thirty-one* of the Pension Laws Amendment Act, 1964 (Act No. 84 of 1964), have been so retired in terms of the said sub-section (2).

Continuation of joint pre-Union fund.

9. (1) The joint pre-Union fund referred to in section *ninety-seven* of the Pensions Act shall be continued under the name of the joint pre-Union fund.

(2) For the purposes of any law relating to any payments to be made to or from the Civil Service Pension Fund referred to in the Civil Service and Pensions Funds Act, 1895 (Act No. 32 of 1895), of the Cape of Good Hope, and the Administrative and Clerical Service Pension Fund established under the Public Service and Pensions Act, 1908 (Act No. 19 of 1908), of the Transvaal, the joint pre-Union fund shall be deemed to have been substituted for the fund concerned.

(3) The joint pre-Union fund shall consist of—

(*a*) the amount standing to the credit of that fund at the fixed date; and

(*b*) any other amounts which are to be credited to that fund.

Investment of moneys of joint pre-Union fund.

10. (1) The amounts referred to in sub-section (3) of section *nine* shall be lodged in the Treasury to the credit of the joint pre-Union fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) There shall be paid out of the Consolidated Revenue Fund to the joint pre-Union fund on the thirty-first day of March in each year, interest at the rate of four per cent. per annum on the average of the uninvested amounts in that fund at the end of each month during the period in respect of which the interest is paid.

(4) If the interest earned by the joint pre-Union fund on deposits referred to in sub-section (2) should be less than four per cent. in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and four per cent. shall be paid out of the Consolidated Revenue Fund to the joint pre-Union fund as soon as the Controller and Auditor-General has certified such sum.

Quinquennial valuation and payments to or from the Consolidated Revenue Fund.

11. (1) The assets and liabilities of the joint pre-Union fund as at the thirty-first day of March, 1968, and every five years thereafter, shall be valued by an actuary who shall declare any surplus or deficiency which appears therein, and report thereon to the Minister.

(2) The report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within sixty days of the receipt thereof by the Minister, if Parliament is then in session or, if Parliament is not then in session, within sixty days after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, there may be paid to the Consolidated Revenue Fund from the joint pre-Union fund, or from the Consolidated Revenue Fund to the joint pre-Union fund, as the circumstances require, such an amount as the Minister, in consultation with the Minister of Finance, on the recommendation of the actuary, may determine.

(4) A statement embodying the decision of the Minister under sub-section (3) shall be laid upon the Table in the Senate and in the House of Assembly within one year from the date on which the report of the actuary was laid thereon.

(*a*) op aanbeveling van die Kommissie, vir tydperke wat altesame nie drie jaar te bowe gaan nie; en

(*b*) met die goedkeuring, by besluit, van die Senaat en van die Volksraad, na die verstryking van bedoelde drie jaar, vir verdere tydperke wat altesame nie twee jaar te bowe gaan nie.

(6) 'n Lid wat die leeftyd van vyftig jaar bereik het, kan, ondanks andersluidende bepalings van hierdie artikel en onderworpe in elke geval aan die aanbeveling van die Kommissie, met pensioen afgedank word.

(7) Indien 'n lid op wie die bepalings van sub-artikel (2) van artikel *ses-en-veertig* van die Pensioenwet onmiddellik voor die vasgestelde datum van toepassing was, voor die vasgestelde datum ingevolge daardie sub-artikel kennis gegee het van sy begeerte om met pensioen af te tree, word hy met pensioen afgedank op die dag waarop hy, indien bedoelde artikel *ses-en-veertig* nie deur hierdie Wet herroep was nie, behoudens die bepalings van sub-artikel (1) van artikel *een-en-dertig* van die Wysigingswet op die Pensioenwette, 1964 (Wet No. 84 van 1964), ingevolge bedoelde sub-artikel (2) aldus afgedank sou gewees het.

Voortbestaan van die gesamentlike voor-Unie-fonds.

9. (1) Die in artikel *sewe-en-negentig* van die Pensioenwet bedoelde gesamentlike voor-Unie-fonds bly onder die naam van die gesamentlike voor-Unie-fonds voortbestaan.

(2) By die toepassing van 'n wet betreffende betalings wat moet geskied aan of uit die Siviele Diens Pensioenfonds in die „Civil Service and Pensions Funds Act, 1895" (Wet No. 32 van 1895), van die Kaap die Goeie Hoop, bedoel, en die Administratiewe en Klerklike Diens Pensioenfonds kragtens die „Public Service and Pensions Act, 1908" (Wet No. 19 van 1908), van Transvaal, gestig, word die betrokke fonds geag deur die gesamentlike voor-Unie-fonds vervang te gewees het.

(3) Die gesamentlike voor-Unie-fonds bestaan uit—

(*a*) die bedrag wat op die vasgestelde datum tot die kredit van daardie fonds staan; en

(*b*) enige ander bedrae waarmee daardie fonds gekrediteer moet word.

Belegging van gelde van die gesamentlike voor-Unie-fonds.

10. (1) Die in sub-artikel (3) van artikel *nege* bedoelde bedrae word op kredit van die gesamentlike voor-Unie-fonds by die Tesourie inbetaal.

(2) Soveel van die aldus inbetaalde bedrae as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die doeleindes van die „Openbare Schuld Kommissarissen Wet, 1911" (Wet No. 18 van 1911), en word dienooreenkomstig belê.

(3) Op die een-en-dertigste dag van Maart in elke jaar word daar uit die Gekonsolideerde Inkomstefonds in die gesamentlike voor-Unie-fonds rente gestort teen die koers van vier persent per jaar op die gemiddelde van die onbelegde bedrae in daardie fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente gestort word.

(4) Indien die rente wat deur die gesamentlike voor-Unie-fonds verdien word op in sub-artikel (2) bedoelde deposito's in enige jaar wat op die een-en-dertigste dag van Maart eindig, in totaal minder as vier persent bedra, word 'n bedrag wat gelyk is aan die verskil tussen die aldus verdiende rente en vier persent uit die Gekonsolideerde Inkomstefonds in die gesamentlike voor-Unie-fonds gestort sodra die Kontroleur en Ouditeur-generaal bedoelde bedrag gesertifiseer het.

Vyfjaarlikse waardering en betalings aan of uit die Gekonsolideerde Inkomstefonds.

11. (1) Die bates en laste van die gesamentlike voor-Unie-fonds op die een-en-dertigste dag van Maart 1968, en elke vyf jaar daarna, word deur 'n aktuaris gewaardeer, en hy moet enige oorskot of tekort wat daaruit blyk, vasstel, en 'n verslag dienaangaande by die Minister indien.

(2) Die verslag van die aktuaris word binne sestig dae vanaf die ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter Tafel gelê, as die Parlement dan in sessie is, of as die Parlement nie dan in sessie is nie, binne sestig dae na die aanvang van sy eersvolgende sessie.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesentlike oorskot of 'n wesentlike tekort is, kan daar na gelang die omstandighede vereis, uit die gesamentlike voor-Unie-fonds in die Gekonsolideerde Inkomstefonds of uit die Gekonsolideerde Inkomstefonds in die gesamentlike voor-Unie-fonds so 'n bedrag gestort word as wat die Minister in oorleg met die Minister van Finansies op aanbeveling van die aktuaris bepaal.

(4) 'n Verklaring wat die beslissing van die Minister kragtens sub-artikel (3) behels, word binne 'n jaar vanaf die datum waarop die verslag van die aktuaris ter Tafel gelê is, in die Senaat en in die Volksraad ter Tafel gelê.

Joint pre-Union fund to be administered by Secretary.

12. The business of the joint pre-Union fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

Benefits may not be granted or varied except in accordance with statute.

13. Save as is otherwise provided in this Act, no grant of a pension or other similar benefit or any increase thereof in respect of any person's former employment in the public service, the permanent force, the police force or the prisons service or in the public or civil service of any part of South Africa now included in the Republic or in respect of any person's former employment by the Government during any period during which the person concerned was a member of the Government Employees' Provident Fund referred to in sub-section (3) of section *two*, and no alteration of any condition or condonation of a breach of any condition upon which such pension or benefit is by law earned or to be earned, shall be lawful unless the grant, increase, alteration or condonation is specifically authorized by Act of Parliament.

Pensions not assignable or executable.

14. (1) No pension or right in respect of a pension payable under this Act or any other law relating to a pension fund or scheme administered by the Minister shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in sub-section (2) of section *eleven* of the Maintenance Act, 1963 (Act No. 23 of 1963), be liable to be attached or subjected to any form of execution under a judgement or order of a court of law.

(2) If any person attempts to assign or transfer or otherwise cede or to pledge or hypothecate any such pension to which he is entitled or any right in respect of such pension, payment of such pension may, if the Minister so directs, be withheld, suspended or discontinued: Provided that the Minister may direct that such pension or a part thereof be paid to one or more of the dependants of such person or to a trustee for such person or his dependants during such period as the Minister may determine.

(3) Notwithstanding anything contained in sub-section (1) or in any other law—

(*a*) any amount which is payable by an officer or employee to the Government at the date of his retirement or discharge or which the Government is liable to pay in respect of such an officer or employee; or

(*b*) any amount which, in accordance with the provisions of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), has been paid to any person by way of allowance or bonus and to which that person was not entitled; or

(*c*) the amount of any loss certified by the Controller and Auditor-General or a provincial auditor to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of any officer or employee,

may be deducted from the pension payable to such an officer, employee or person under this Act or any other law contemplated in sub-section (1), in a lump sum or in such instalments as the Secretary may determine.

Power to reduce pensions in certain cases.

15. If any person who has retired or been retired or discharged from the service of the Government—

(*a*) is found by the Commission, after enquiry in accordance with any law—

(i) to have misappropriated public money or Government property before his retirement; or

(ii) to have made a false statement for the purpose of obtaining a pension, knowing the statement to be false; or

(*b*) refuses to comply with any reasonable request made by a Minister or an Administrator to give such assistance as is in his power or such information as he is able to give, in connection with any matter within the scope of his duties while he was in the said service,

the Minister may, on the recommendation of the Commission, reduce any pension or substitute a gratuity for any annuity to which such person may be entitled: Provided that such person shall not, as a result of the exercise of the powers conferred by

12. Die sake van die gesamentlike voor-Unie-fonds word deur die Sekretaris bestuur en die koste in verband daarmee en van enige aktuariële ondersoek en daarmee in verband staande aangeleenthede word uit die Gekonsolideerde Inkomstefonds betaal.

Gesamentlike voor-Unie-fonds word deur die Sekretaris bestuur.

13. Behalwe vir sover in hierdie Wet anders bepaal word, is geen toekenning van 'n pensioen of ander soortgelyke voordeel of 'n verhoging daarvan ten opsigte van iemand se vorige diens in die staatsdiens, die staande mag, die polisiemag of die gevangenisdiens, of in die staats- of siviele diens van 'n deel van Suid-Afrika tans in die Republiek opgeneem, of ten opsigte van iemand se vorige diens by die Regering gedurende 'n tydperk waartydens die betrokke persoon 'n lid was van die in sub-artikel (3) van artikel *twee* bedoelde Regerings-werknemersondersteuningsfonds, en geen verandering van 'n voorwaarde of kondonasie van 'n versuim om 'n voorwaarde na te kom, waarop so 'n pensioen of voordeel volgens wet verdien word of moet word, wettig nie, tensy die toekenning, verhoging, verandering of kondonasie uitdruklik by Wet van die Parlement gemagtig word.

Voordele mag nie toegeken of gewysig word nie, behalwe volgens wetsbepaling.

14. (1) Geen pensioen of reg ten opsigte van 'n pensioen wat betaalbaar is kragtens hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema deur die Minister uitgevoer, kan oorgemaak of oorgedra of andersins gesedeer, of verpand of verhipotekeer word nie, of is, behalwe soos in sub-artikel (2) van artikel *elf* van die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), bepaal, vir beslaglegging vatbaar of aan enige vorm van eksekusie ingevolge 'n vonnis of bevel van 'n geregshof onderhewig nie.

Pensioene kan nie gesedeer word en is nie vir beslaglegging vatbaar nie.

(2) Indien iemand poog om so 'n pensioen waarop hy geregtig is of 'n reg ten opsigte van so 'n pensioen oor te maak of oor te dra of andersins te sedeer, of te verpand of te verhipotekeer, kan betaling van so 'n pensioen, indien die Minister dit gelas, weerhou, opgeskort of gestaak word: Met dien verstande dat die Minister kan gelas dat so 'n pensioen of 'n gedeelte daarvan aan een of meer van die afhanklikes van so iemand of aan 'n kurator ten behoewe van so iemand of sy afhanklikes betaal word gedurende die tydperk wat die Minister vasstel.

(3) Ondanks die bepalings van sub-artikel (1) of enige ander wet kan—

(*a*) 'n bedrag wat deur 'n beampte of werknemer aan die Regering betaalbaar is op die datum van sy uitdienstreding of ontslag of wat die Regering ten opsigte van so 'n beampte of werknemer moet betaal; of

(*b*) 'n bedrag wat ooreenkomstig die bepalings van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (Wet No. 33 van 1943), aan iemand betaal is by wyse van toelae of bonus en waarop so iemand nie geregtig was nie; of

(*c*) die bedrag van enige verlies wat die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur sertifiseer deur die Regering gely is as gevolg van diefstal, bedrog, nalatigheid of wangedrag aan die kant van 'n beampte of werknemer,

in 'n enkele bedrag of die paaiemente wat die Sekretaris bepaal, afgetrek word van die pensioen wat aan so 'n beampte, werknemer of so iemand kragtens hierdie wet of enige ander in sub-artikel (1) beoogde wet betaalbaar is.

15. Indien iemand wat uit die diens van die Regering afgetree het of afgedank of ontslaan is—

Bevoegdheid om pensioene in sekere gevalle te verminder.

(*a*) volgens bevinding van die Kommissie na ondersoek ooreenkomstig enige wet—

(i) voor sy uitdienstreding hom wederregtelik staatsgeld of -eiendom toegeëien het; of

(ii) 'n valse verklaring gedoen het met die doel om 'n pensioen te verkry, wetende dat die verklaring vals is; of

(*b*) weier om te voldoen aan 'n redelike versoek deur 'n Minister of 'n Administrateur om hulp te verleen wat hy by magte is om te verleen of om inligting te verstrek wat hy in staat is om te verstrek, in verband met 'n aangeleentheid binne die bestek van sy pligte terwyl hy in bedoelde diens was,

kan die Minister op aanbeveling van die Kommissie 'n pensioen waarop so iemand geregtig is, verminder, of 'n jaargeld waarop hy geregtig is deur 'n gratifikasie vervang: Met dien verstande dat so iemand nie as gevolg van die uit-

this section, receive a gratuity which is less than the amount by which the contributions paid by him to a fund referred to in sub-section (1) of section *two* exceed the pension benefits received by him to the date of the reduction or substitution, or an annuity which, according to actuarial calculation, is of a lesser value than the said amount.

Annuities on sequestration.

16. If the estate of any annuitant under this Act or any other law relating to a pension fund or scheme administered by the Minister is sequestrated, the annuity shall not form part of the assets in his insolvent estate.

Annuities on conviction of certain offences.

17. (1) If any annuitant under this Act or any other law relating to a pension fund or scheme administered by the Minister is convicted of any offence, and sentenced to death or to any term of imprisonment exceeding twelve months without the option of a fine, payment of the annuity to him shall be discontinued.

(2) The annuity or a portion thereof shall, during such annuitant's imprisonment, be paid to or for the benefit of such of his dependants and according to such allocation amongst them as the Secretary may determine.

(3) On the discharge of such annuitant from prison, the payment to him of the annuity shall be resumed and he shall also be paid any portion of his annuity which may have been withheld.

Pensions may be paid to other person than pensioner himself.

18. If the Secretary is satisfied that it is undesirable for any reason to pay the whole amount of any pension payable to a person under this Act or any other law relating to a pension fund or scheme administered by the Minister, directly to such person himself, the Secretary may order that such pension or a portion thereof shall be paid to some other person under such conditions as to its administration for the benefit of such pensioner or his dependants as the Secretary may determine.

Prescription of actions.

19. (1) No legal proceedings of any nature shall be brought against the Government, the Minister or any other Minister or any Administrator or any officer or employee in respect of anything done or omitted under this Act or any other law relating to a pension fund or scheme administered by the Minister, unless such proceedings are brought before the expiry of a period of twelve months as from the date upon which the claimant had knowledge or could reasonably have had knowledge of the act or omission alleged.

(2) No such proceedings shall be commenced until one month after written notice of the intention to bring such proceedings has been served on the Minister, Administrator, officer or employee concerned, and particulars as to the alleged act or omission shall be clearly and explicitly given in such notice.

Provisions relating to certain employees at agricultural schools.

20. The provisions of section *six* shall, notwithstanding anything to the contrary in the first proviso to sub-section (1) of section *three* of the Agricultural Schools Transfer Act, 1937 (Act No. 30 of 1937), contained, apply to any person who in terms of sub-section (4) of the said section *three* was a contributor to the old fund immediately prior to the twenty-fourth day of June, 1955, and who is a contributor to the Public Service Pension Fund.

Provisions relating to certain members of the National Road Board Provident Fund.

21. (1) If a person in the public service who in terms of paragraph (*a*) of sub-section (1) of section *fourteen* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), has retained his membership of the National Road Board Provident Fund established under the regulations made under paragraph (*d*) of sub-section (1) of section *sixteen* of the National Roads Act, 1935 (Act No. 42 of 1935), does not retire or is not retired or discharged on attaining, in the case of a male the age of sixty years, or in the case of a female the age of fifty-five years, any policy or policies of insurance taken out in respect of him in accordance with the said regulations, shall, notwithstanding anything to the contrary in such regulations or the said section *fourteen* of the Transport (Co-ordination) Act, 1948, contained, not be ceded or delivered to him, and—

oefening van die bevoegdheid deur hierdie artikel verleen, 'n gratifikasie ontvang wat minder is as die bedrag waarmee die bydraes wat hy in 'n in sub-artikel (1) van artikel *twee* bedoelde fonds gestort het, die pensioenvoordele deur hom tot op die datum van die vermindering of vervanging ontvang, te bowe gaan nie, of 'n jaargeld ontvang wat volgens aktuariële berekening van minder waarde as daardie bedrag is nie.

Jaargelde by sekwestrasie.

16. Indien die boedel van iemand gesekwestreer word wat ingevolge hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema wat deur die Minister uitgevoer word, 'n jaargeld trek, maak die jaargeld nie deel van die bates in sy insolvente boedel uit nie.

Jaargelde by skuldigbevinding aan sekere misdrywe.

17. (1) Indien iemand wat kragtens hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema wat deur die Minister uitgevoer word, 'n jaargeld trek, aan 'n misdryf skuldig bevind word en tot die dood veroordeel of tot 'n tydperk van gevangenisstraf van meer as twaalf maande sonder die keuse van 'n boete gevonnis word, word die betaling van die jaargeld aan hom gestaak.

(2) Die jaargeld of 'n gedeelte daarvan word gedurende so 'n jaargeldtrekker se gevangenskap betaal aan of ten bate van sodanige van sy afhanklikes en volgens sodanige toewysing onder hulle as wat die Sekretaris bepaal.

(3) Wanneer so 'n jaargeldtrekker uit die gevangenis ontslaan word, word die betaling van die jaargeld aan hom hervat en word ook enige gedeelte van sy jaargeld wat weerhou is, aan hom betaal.

Pensioene kan aan iemand anders as pensioentrekker self betaal word.

18. Indien die Sekretaris oortuig is dat dit om die een of ander rede onwenslik is om die hele bedrag van 'n pensioen wat kragtens hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema wat deur die Minister uitgevoer word, aan iemand betaalbaar is, regstreeks aan so iemand self te betaal, kan die Sekretaris gelas dat daardie pensioen of 'n gedeelte daarvan aan iemand anders betaal word op sulke voorwaardes wat betref die beheer daarvan ten bate van so 'n pensioentrekker of sy afhanklikes as wat die Sekretaris bepaal.

Verjaring van vorderingsregte.

19. (1) Geen regsgeding van watter aard ook al word teen die Regering, die Minister of enige ander Minister, of 'n Administrateur of enige beampte of werknemer ingestel ten opsigte van enigiets wat ingevolge hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema wat deur die Minister uitgevoer word, gedoen of nagelaat is nie, tensy daardie geding ingestel word voor die verstryking van 'n tydperk van twaalf maande vanaf die datum waarop die eiser die beweerde daad of versuim te wete gekom het of redelikerwys daarvan kon geweet het.

(2) Geen sodanige geding word aanhangig gemaak nie voordat 'n maand verloop het na bestelling aan die betrokke Minister, Administrateur, beampte of werknemer van skriftelike kennisgewing van die voorneme om so 'n geding in te stel, en besonderhede omtrent die beweerde daad of versuim moet duidelik en uitdruklik in bedoelde kennisgewing aangegee word.

Bepalings betreffende sekere werknemers in diens by landbouskole.

20. Die bepalings van artikel *ses* is, ondanks andersluidende bepalings van die eerste voorbehoudsbepaling by sub-artikel (1) van artikel *drie* van die Wet op Oordrag van Landbouskole, 1937 (Wet No. 30 van 1937), van toepassing op enigiemand wat onmiddellik voor die vier-en-twintigste dag van Junie 1955 ingevolge sub-artikel (4) van bedoelde artikel *drie* 'n bydraer tot die ou fonds was en wat 'n bydraer tot die Staatsdienspensioenfonds is.

Bepalings betreffende sekere lede van die Voorsieningsfonds van die Nasionale Padraad.

21. (1) Indien iemand in die staatsdiens wat ooreenkomstig paragraaf (*a*) van sub-artikel (1) van artikel *veertien* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), sy lidmaatskap van die Voorsieningsfonds van die Nasionale Padraad, gestig ingevolge die regulasies uitgevaardig kragtens paragraaf (*d*) van sub-artikel (1) van artikel *sestien* van die Wet op Nasionale Paaie, 1935 (Wet No. 42 van 1935), behou het, nie by die bereiking, in die geval van 'n man, van die leeftyd van sestig jaar of, in die geval van 'n vrou, van die leeftyd van vyf-en-vyftig jaar, aftree of afgedank of ontslaan word nie, word 'n versekeringspolis of versekeringspolisse wat ooreenkomstig bedoelde regulasies ten opsigte van hom uitgeneem is, ondanks andersluidende bepalings van bedoelde regulasies of bedoelde artikel *veertien* van die Wet op die Koördinering van Vervoer, 1948, nie aan hom gesedeer of oorhandig nie, en—

(*a*) on maturity the said policy or policies shall be realized and the full amount of the proceeds thereof shall be placed to his credit in the Government Employees' Provident Fund referred to in sub-section (3) of section *two*; and

(*b*) if for any reason thereafter he ceases to be employed in the public service, the said amount, together with interest at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated from the date such amount was placed to his credit in the said Government Employees' Provident Fund and up to the date upon which payment is made, shall, notwithstanding anything to the contrary contained in any regulation relating to the said Government Employees' Provident Fund, be paid from the last-mentioned fund to him or his legal representative or his estate, as the case may be.

(2) Notwithstanding anything to the contrary contained in any regulation relating to the said Government Employees' Provident Fund, a person to whom sub-section (1) refers may, if he so wishes, elect to contribute to the said Government Employees' Provident Fund as from the date he ceased to be a member of the said National Road Board Provident Fund, and if he so elects he shall in respect of his service from that date be deemed to be a person who is required to contribute to the said Government Employees' Provident Fund in terms of any such regulation.

Provisions relating to certain officers and employees formerly employed in the Pretoria Branch of the Royal Mint.

22. Any reference to the Government Service Pensions Act, 1936, in those sections of the South African Mint Act, 1941 (Act No. 16 of 1941), which, in terms of sub-section (3) of section *twenty-five* of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), continue to apply to or in relation to any person referred to in that sub-section, shall be deemed to be a reference to this Act, and any such person who elected or is deemed to have elected to have the conditions of his service determined as set forth in paragraph (*b*) of sub-section (1) of section *ten* of the said South African Mint Act, 1941, shall continue to pay to the Treasury from time to time in respect of his service under the Government, such sums of money as he would have been required to pay to the Public Service Pension Fund or to the Government Employees' Provident Fund, referred to in sub-section (3) of section *two*, had he been liable to contribute to the said Pension Fund or Provident Fund, as the case may be.

Interpretation of references in other laws to provisions of Act 32 of 1936 or Act 58 of 1955.

23. (1) Any reference in any other law to any provision of the Government Service Pensions Act, 1936, or of the Pensions Act, shall, subject to the provisions of sub-section (2), be deemed to be a reference to the corresponding provision of this Act, irrespective of whether or not such first-mentioned provision has been modified in any respect.

(2) Any reference to section *nineteen* of the Government Service Pensions Act, 1936, or section *twenty-six* of the Pensions Act, in any law which provides that a person in the public service shall be a member of some pension or provident fund or scheme administered in accordance with that law, shall be deemed to be a reference to section *six* of this Act, and any reference in any such law to the expression "pensionable age", as defined in section *eighty-three* of the said Government Service Pensions Act, 1936, or section *twenty-one* of the Pensions Act, shall in relation to such a person be deemed to be a reference to the age of such person on the day on which in terms of sub-section (2) or (3) of section *six* of this Act he would have had the right to retire on pension and would have been required to be so retired if he had been a member as defined in sub-section (1) of the said section *six*.

Assignment of certain powers, duties and functions to the Secretary.

24. Whenever any provision of any other law relating to the pension rights of any person, confers a power or imposes a duty on or entrusts a function to the Commissioner of Pensions whether directly or indirectly, that power may be exercised and that duty shall be carried out and that function may be performed by the Secretary.

Delegation of powers.

25. The Secretary may, with the approval of the Minister—

(*a*) delegate to any officer in his department who occupies a post classified in the administrative division of the public service, any of the powers conferred upon him by this Act;

(*a*) word bedoelde polis of polisse by vervaldatum tot geld gemaak en die volle bedrag van die opbrengs daarvan tot sy kredit in die in sub-artikel (3) van artikel *twee* bedoelde Regerings-werknemersondersteuningsfonds geplaas; en

(*b*) word bedoelde bedrag, indien sy diens in die staatsdiens daarna om enige rede beëindig word, ondanks andersluidende bepalings van enige regulasie wat betrekking het op bedoelde Regerings-werknemersondersteuningsfonds, tesame met rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken vanaf die datum waarop bedoelde bedrag tot sy kredit in bedoelde Regerings-werknemersondersteuningsfonds geplaas is en tot die datum waarop betaling geskied, uit laasgenoemde fonds aan hom of sy regsverteenwoordiger of sy boedel, na gelang van die geval, betaal.

(2) 'n In sub-artikel (1) bedoelde persoon kan, ondanks andersluidende bepalings van enige regulasie wat betrekking het op bedoelde Regerings-werknemersondersteuningsfonds, indien hy dit verlang, kies om tot bedoelde Regerings-werknemersondersteuningsfonds by te dra vanaf die datum waarop hy opgehou het om lid van bedoelde Voorsieningsfonds van die Nasionale Padraad te wees, en indien hy aldus kies, word hy ten opsigte van sy diens vanaf daardie datum geag iemand te wees wat ingevolge so 'n regulasie verplig is om tot bedoelde Regerings-werknemersondersteuningsfonds by te dra.

Bepalings betreffende sekere beamptes en werknemers voorheen in diens by die Pretoriase tak van die Koninklike Munt.

22. Enige verwysing na die Regeringsdiens Pensioenwet, 1936, in daardie artikels van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), wat, ingevolge sub-artikel (3) van artikel *vyf-en-twintig* van die Wet op die Suid-Afrikaanse Munt en Munte, 1964 (Wet No. 78 van 1964), aanhou om van toepassing te wees op of met betrekking tot enige in daardie sub-artikel bedoelde persoon, word geag 'n verwysing na hierdie Wet te wees, en so 'n persoon wat gekies het of geag word te gekies het dat sy diensvoorwaardes volgens voorskrif van paragraaf (*b*) van sub-artikel (1) van artikel *tien* van bedoelde Wet op die Suid-Afrikaanse Munt, 1941, bepaal word, gaan voort om ten opsigte van sy diens onder die Regering, van tyd tot tyd aan die Tesourie die geldbedrae te betaal wat hy aan die Staatsdiens-pensioenfonds of aan die in sub-artikel (3) van artikel *twee* bedoelde Regerings-werknemersondersteuningsfonds, sou moes bygedra het, indien hy onder verpligting was om tot bedoelde pensioenfonds of ondersteuningsfonds, na gelang van die geval, by te dra.

Uitleg van verwysings in ander wette na bepalings van Wet 32 van 1936 of Wet 58 van 1955.

23. (1) 'n Verwysing na enige bepaling van die Regeringsdiens Pensioenwet, 1936, of van die Pensioenwet in enige ander wet, word, behoudens die bepalings van sub-artikel (2), geag 'n verwysing na die ooreenstemmende bepaling van hierdie Wet te wees, ongeag of eersbedoelde bepaling in enige opsig gewysig is al dan nie.

(2) 'n Verwysing na artikel *negentien* van die Regeringsdiens Pensioenwet, 1936, of artikel *ses-en-twintig* van die Pensioenwet in enige wet wat bepaal dat iemand in die staatsdiens 'n lid moet wees van een of ander pensioen- of voorsorgfonds of -skema wat ooreenkomstig daardie wet uitgevoer word, word geag 'n verwysing na artikel *ses* van hierdie Wet te wees, en 'n verwysing in so 'n wet na die uitdrukking „pensioenleeftyd" soos in artikel *drie-en-tagtig* van bedoelde Regeringsdiens Pensioenwet, 1936, of artikel *een-en-twintig* van die Pensioenwet omskrywe, word met betrekking tot so iemand geag 'n verwysing te wees na die leeftyd van so iemand op die dag waarop hy ingevolge sub-artikel (2) of (3) van artikel *ses* van hierdie Wet die reg sou gehad het om met pensioen af te tree en met pensioen afgedank sou moes gewees het indien hy 'n lid soos in sub-artikel (1) van bedoelde artikel *ses* omskryf, was.

Oordrag van sekere bevoegdhede, pligte en funksies aan die Sekretaris.

24. Wanneer 'n bepaling van 'n ander wet wat betrekking het op die pensioenregte van enige persoon, aan die Kommissaris van Pensioene 'n bevoegdheid verleen of 'n plig opleê of 'n funksie toevertrou, hetsy direk of indirek, kan daardie bevoegdheid uitgeoefen word en moet daardie plig uitgevoer word en kan daardie funksie waargeneem word deur die Sekretaris.

Delegering van bevoegdhede.

25. Die Sekretaris kan met die goedkeuring van die Minister—

(*a*) aan 'n beampte van sy departement wat 'n pos ingedeel by die administratiewe afdeling van die staatsdiens beklee, enige bevoegdheid delegeer wat by hierdie Wet aan hom verleen word;

(*b*) authorize any such officer to perform any of the functions assigned to him under this Act;

(*c*) delegate to any such officer any power referred to in section *twenty-four*, or authorize any such officer to carry out any of the duties or to perform any of the functions referred to in that section.

Male contributors to certain pension funds may become members of Government Service Widows' Pension Fund.

26. (1) Male contributors to a pension fund—

(*a*) which has been established by or under an ordinance of any province or the territory or by or under a proclamation issued by the Administrator of the territory;

(*b*) which is administered by a provincial administration or the administration of the territory; and

(*c*) which the Minister, in consultation with the Minister of Finance, may approve for the purposes of the Government Service Widows' Pension Fund referred to in sub-section (2) of section *two*,

may be permitted to become members of and to contribute to the last-mentioned fund subject to such conditions as the Minister, in consultation with the Administrator of the province concerned or the Administrator of the territory, may determine.

(2) A provincial council and the legislative assembly of the territory shall be competent to make ordinances requiring such male contributors to become members of and to contribute to the said Government Service Widows' Pension Fund subject to the conditions referred to in sub-section (1).

(3) Any fund in respect of which the provisions of paragraphs (*a*) and (*b*) of sub-section (1) apply and which, prior to the fixed date, was in terms of the definition of "approved fund" in section *seventy* of the Pensions Act, approved for the purposes of the said Government Service Widows' Pension Fund, shall be deemed to have been approved in terms of paragraph (*c*) of sub-section (1) of this section, and any ordinance which prior to the said date was made in terms of sub-section (2) of section *seventy-two bis* of that Act shall be deemed to have been made in terms of sub-section (2) of this section.

Repeal of laws.

27. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule to this Act are hereby repealed to the extent indicated in the third column of that Schedule.

(2) Notwithstanding the repeal of sections *eight*, *thirteen*, *fourteen*, *fifteen* and *ninety-three* of the Pensions Act—

(*a*) the provisions of the proviso to sub-section (1) and of sub-section (2) of section *eight* of that Act shall continue to apply in respect of any person to whom the said sub-section (1) became applicable prior to the fixed date if the period referred to in that proviso had not expired prior to the fixed date;

(*b*) the appropriate provisions of sub-sections (3) to (7), inclusive, of the said section *eight* shall continue to apply in respect of any application which was made in terms of sub-section (3), (4) or (4)*bis* of that section prior to the fixed date;

(*c*) the provisions of sub-sections (2), (3), (4) and (5) of section *thirteen* of that Act shall continue to apply in respect of any person to whom sub-section (1) of that section became applicable prior to the fixed date and who at that date had not been called upon to make an election in terms of the said sub-section (2), or who, if he had been so called upon prior to the said date, makes such election on or after that date;

(*d*) the appropriate provisions of section *fourteen* of that Act shall continue to apply in respect of any person to whom sub-section (1) of that section became applicable prior to the fixed date and who at that date had not been called upon to make the election referred to in sub-section (1) or (2) of that section, or who, if he had been so called upon prior to the said date, makes such election on or after that date;

(*e*) the provisions of sub-sections (4) and (5) of section *fifteen* of that Act shall continue to apply in respect of any person to whom sub-section (2) of that section became applicable prior to the fixed date and who at that date had not been called upon to make an election in terms of the said sub-section (4), or who, if he had been so called upon prior to the said date, makes such election on or after that date;

(*b*) so 'n beampte magtig om enige funksie wat kragtens hierdie Wet aan hom toevertrou word, waar te neem;

(*c*) aan so 'n beampte enige in artikel *vier-en-twintig* bedoelde bevoegdheid delegeer, of so 'n beampte magtig om enige in daardie artikel bedoelde plig of funksie uit te voer of waar te neem.

Manlike bydraers tot sekere pensioenfondse kan lede van die Regeringsdiens-weduweespensioenfonds word.

26. (1) Manlike bydraers tot 'n pensioenfonds—

(*a*) wat deur of kragtens 'n ordonnansie van enige provinsie of die gebied of deur of kragtens 'n deur die Administrateur van die gebied uitgevaardigde proklamasie gestig is;

(*b*) wat deur 'n provinsiale administrasie of die administrasie van die gebied uitgevoer word; en

(*c*) wat die Minister, in oorleg met die Minister van Finansies, vir die doeleindes van die in sub-artikel (2) van artikel *twee* bedoelde Regeringsdiens-weduweespensioenfonds goedkeur,

kan toegelaat word om lede van laasgenoemde fonds te word en om daartoe by te dra, onderworpe aan die voorwaardes wat die Minister, in oorleg met die Administrateur van die betrokke provinsie of die Administrateur van die gebied, bepaal.

(2) 'n Provinsiale raad en die wetgewende vergadering van die gebied is bevoeg om ordonnansies te maak waardeur bedoelde manlike bydraers verplig word om lede van bedoelde Regeringsdiens-weduweespensioenfonds te word en om daartoe by te dra, onderworpe aan die in sub-artikel (1) bedoelde voorwaardes.

(3) 'n Fonds ten opsigte waarvan die bepalings van paragrawe (*a*) en (*b*) van sub-artikel (1) van toepassing is en wat voor die vasgestelde datum ingevolge die omskrywing van „goedgekeurde fonds" in artikel *sewentig* van die Pensioenwet goedgekeur is vir die doeleindes van bedoelde Regeringsdiens-weduweespensioenfonds, word geag goedgekeur te wees ingevolge paragraaf (*c*) van sub-artikel (1) van hierdie artikel, en 'n ordonnansie wat voor bedoelde datum ingevolge sub-artikel (2) van artikel *twee-en-sewentig bis* van daardie Wet gemaak is, word geag gemaak te wees ingevolge sub-artikel (2) van hierdie artikel.

Herroeping van Wette.

27. (1) Die wette in die Bylae by hierdie Wet vermeld, word, behoudens die bepalings van sub-artikel (2), hierby herroep vir sover in die derde kolom van daardie Bylae aangetoon.

(2) Ondanks die herroeping van artikels *agt*, *dertien*, *veertien*, *vyftien* en *drie-en-negentig* van die Pensioenwet—

(*a*) bly die bepalings van die voorbehoudsbepaling by sub-artikel (1) en van sub-artikel (2) van artikel *agt* van daardie Wet van toepassing ten opsigte van iemand op wie bedoelde sub-artikel (1) van toepassing geword het voor die vasgestelde datum indien die in daardie voorbehoudsbepaling bedoelde tydperk nie voor die vasgestelde datum verstryk het nie;

(*b*) bly die toepaslike bepalings van sub-artikels (3) tot en met (7) van bedoelde artikel *agt* van toepassing ten opsigte van 'n aansoek wat voor die vasgestelde datum ingevolge sub-artikel (3), (4) of (4)*bis* van daardie artikel gedoen is;

(*c*) bly die bepalings van sub-artikels (2), (3), (4) en (5) van artikel *dertien* van daardie Wet van toepassing ten opsigte van iemand op wie sub-artikel (1) van daardie artikel voor die vasgestelde datum van toepassing geword het en wat op daardie datum nie aangesê was om ingevolge bedoelde sub-artikel (2) 'n keuse te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê was, so 'n keuse op of na daardie datum doen;

(*d*) bly die toepaslike bepalings van artikel *veertien* van daardie Wet van toepassing ten opsigte van iemand op wie sub-artikel (1) van daardie artikel voor die vasgestelde datum van toepassing geword het en wat op daardie datum nie aangesê was om die in sub-artikel (1) of (2) van daardie artikel bedoelde keuse te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê was, so 'n keuse op of na daardie datum doen;

(*e*) bly die bepalings van sub-artikels (4) en (5) van artikel *vyftien* van daardie Wet van toepassing ten opsigte van iemand op wie sub-artikel (2) van daardie artikel voor die vasgestelde datum van toepassing geword het en wat op daardie datum nie aangesê was om ingevolge bedoelde sub-artikel (4), 'n keuse te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê was, so 'n keuse op of na daardie datum doen;

(*f*) the appropriate provisions of sub-sections (1), (2) and (2)*bis* of section *ninety-three* of that Act shall continue to apply in respect of any person to whom paragraph (*a*), (*b*) or (*c*) of the said sub-section (1) became applicable prior to the fixed date and who at that date had not been called upon to make the election referred to in paragraph (*d*) of sub-section (1) or sub-section (2) of that section, or who, if he had been so called upon prior to the said date, makes such election on or after that date;

(*g*) the provisions of sub-sections (3) and (4) of section *ninety-three* of that Act shall continue to apply in respect of any person to whom the said sub-section (3) became applicable prior to the fixed date and who at that date had not been called upon to make an election in terms of the said sub-section (3), or who, if he had been so called upon prior to the said date, makes such election on or after that date.

Application of Act to South-West Africa.

28. This Act shall, in so far as is necessary for the effective application thereof, apply also in the territory.

Short title and commencement.

29. This Act shall be called the Government Service Pensions Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule.

Number and year of law.	Short title.	Extent of repeal.
Act No. 58 of 1955.	Government Service Pensions Act, 1955.	The whole.
Act No. 56 of 1956.	Pension Laws Amendment Act, 1956	Sections *nine* to *twenty-eight*, inclusive.
Act No. 62 of 1957.	Pension Laws Amendment Act, 1957	Sections *five* to *eight*, inclusive.
Act No. 67 of 1959.	Pension Laws Amendment Act, 1959	Sections *twelve* to *fifty*, inclusive.
Act No. 61 of 1960.	Pension Laws Amendment Act, 1960	Sections *one* to *thirteen*, inclusive.
Act No. 38 of 1961.	Diplomatic Mission in United Kingdom Service Act, 1961.	Sections *three* and *four*.
Act No. 76 of 1961.	Finance Act, 1961	Sections *eleven* and *twelve*.
Act No. 78 of 1961.	Pension Laws Amendment Act, 1961	Sections *thirty-nine* to *forty-five*, inclusive.
Act No. 92 of 1962.	Pension Laws Amendment Act, 1962	Sections *seven* to *thirty-two*, inclusive.
Act No. 95 of 1963.	Pension Laws Amendment Act, 1963	Sections *one* to *twenty-three*, inclusive.
Act No. 84 of 1964.	Pension Laws Amendment Act, 1964	Sections *seven* and *eight*.

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(*f*) bly die toepaslike bepalings van sub-artikels (1), (2) en (2)*bis* van artikel *drie-en-negentig* van daardie Wet van toepassing ten opsigte van iemand op wie paragraaf (*a*), (*b*) of (*c*) van bedoelde sub-artikel (1) voor die vasgestelde datum van toepassing geword het en wat op daardie datum nie aangesê was om die in paragraaf (*d*) van sub-artikel (1) of sub-artikel (2) van daardie artikel bedoelde keuse te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê was, so 'n keuse op of na daardie datum doen;

(*g*) bly die bepalings van sub-artikels (3) en (4) van artikel *drie-en-negentig* van daardie Wet van toepassing ten opsigte van iemand op wie bedoelde sub-artikel (3) voor die vasgestelde datum van toepassing geword het en wat op daardie datum nie aangesê was om ingevolge bedoelde sub-artikel (3) 'n keuse te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê was, so 'n keuse op of na daardie datum doen.

Toepassing van Wet op Suidwes-Afrika.

28. Hierdie Wet is, vir sover dit vir die doeltreffende toepassing daarvan nodig is, ook in die gebied van toepassing.

Kort titel en inwerkingtreding.

29. Hierdie Wet heet die Regeringsdienspensioenwet, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae.

Nommer en jaar van Wet.	Kort titel.	In hoeverre herroep.
Wet No. 58 van 1955.	Regeringsdiens-pensioenwet, 1955 ..	Die geheel.
Wet No. 56 van 1956.	Wysigingswet op die Pensioenwette, 1956.	Artikels *nege* tot en met *agt-en-twintig*.
Wet No. 62 van 1957.	Wysigingswet op die Pensioenwette, 1957.	Artikels *vyf* tot en met *agt*.
Wet No. 67 van 1959.	Wysigingswet op die Pensioenwette, 1959.	Artikels *twaalf* tot en met *vyftig*.
Wet No. 61 van 1960.	Wysigingswet op die Pensioenwette, 1960.	Artikels *een* tot en met *dertien*.
Wet No. 38 van 1961.	Wet op Diens by Diplomatieke Sending in Verenigde Koninkryk, 1961.	Artikels *drie* en *vier*.
Wet No. 76 van 1961.	Finansiewet, 1961	Artikels *elf* en *twaalf*.
Wet No. 78 van 1961.	Wysigingswet op die Pensioenwette, 1961.	Artikels *nege-en-dertig* tot en met *vyf-en-veertig*.
Wet No. 92 van 1962.	Wysigingswet op die Pensioenwette, 1962.	Artikels *sewe* tot en met *twee-en-dertig*.
Wet No. 95 van 1963.	Wysigingswet op die Pensioenwette, 1963.	Artikels *een* tot en met *drie-en-twintig*.
Wet No. 84 van 1964.	Wysigingswet op die Pensioenwette, 1964.	Artikels *sewe* en *agt*.

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