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GOVERNMENT GAZETTE

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CAPE TOWN, 14TH JULY, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

o. 1216.

14 Julie 1971.

No. 1216.

14th July, 1971.

Hierby word bekend gemaak dat die Staatspresident sy oedkeuring gegee het aan die onderstaande Wet wat hierby in algemene inligting gepubliseer word:—

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

80 van 1971: Algemene Regswysigingswet, 1971.

No. 80 of 1971: General Law Amendment Act, 1971.

Act No. 80, 1971

GENERAL LAW AMENDMENT ACT, 1971.

ACT

To repeal certain provisions of the Indians Relief Act, 1914; to amend the Public Health Act, 1919; to repeal the Higher Education Act, 1923, and certain other laws; to amend the Iron and Steel Industry Act, 1928; the Liquor Act, 1928; the Motor Carrier Transportation Act, 1930; the Factories, Machinery and Building Work Act, 1941; the Magistrates' Courts Act, 1944; the Public Accountants' and Auditors' Act, 1951; the Exchequer and Audit Act, 1956; the Mines and Works Act, 1956; the Defence Act, 1957; the Post Office Act, 1958; the Judges' Remuneration and Pensions Act, 1959; the Judges' Salaries and Pensions Amendment Act, 1964; the Community Development Act, 1966; the Arms and Ammunition Act, 1969; and the Rehoboth Investment and Development Corporation Act, 1969; to grant exemption from the payment of any licence moneys, tax, duty or fee in respect of an approved shop of the Bureau for State Security or any article on sale at such shop; to cancel certain conditions of title to land at Kakamas; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 17th June, 1971.)

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

Repeal of section 2 of Act 22 of 1914, as amended by section 2 of Act 68 of 1963.

1. (1) Section 2 of the Indians Relief Act, 1914, is hereby repealed.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Repeal of section 2bis of Act 22 of 1914, as inserted by section 1 of Act 43 of 1964.

2. (1) Section 2bis of the Indians Relief Act, 1914, is hereby repealed.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 9 of Act 36 of 1919, as amended by section 3 of Act 36 of 1927, section 3 of Act 57 of 1935 and section 1 of Act 30 of 1970.

3. (1) Section 9 of the Public Health Act, 1919, is hereby amended—

(a) by the substitution for the last sentence of subsection (1) of the following sentence:

“No instructions given by the Minister under this subsection shall empower the magistrate to make any permanent appointment or incur any capital expenditure without the express authority of the Minister given (except where no portion of the expenditure involved is recoverable from the administrator) after consultation with the administrator first being obtained.”; and

(b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

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“(2) All expenditure under this section shall be recovered from the Administrator of the Province in which it was incurred, except expenditure or any portion thereof which would have been refunded to the local authority out of the Consolidated Revenue Fund if there had been a local authority other than the magistrate for such area and if the expenditure had been incurred by that authority:”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

Amendment of section 48 of Act 36 of 1919, as amended by section 7 of Act 15 of 1928, section 3 of Act 29 of 1933, section 7 of Act 51 of 1946 and section 7 of Act 44 of 1952.

4. (1) Section 48 of the Public Health Act, 1919, is hereby amended—

(a) by the substitution in paragraph (a) of subsection (1) for the words preceding the proviso of the following words:

“(a) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in providing and equipping an isolation hospital or other isolation accommodation for persons suffering from any infectious disease other than tuberculosis, or detained under medical observation because of exposure to the infection of any formidable epidemic disease:”;

(b) by the substitution for paragraph (b) of that subsection of the following paragraph:

“(b) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in connection with the management and maintenance of an isolation hospital or other isolation accommodation, and the maintenance and treatment therein or in any other hospital or place of isolation of persons suffering or suspected to be suffering from any infectious disease or of persons detained therein under medical observation because of exposure to the infection of any formidable epidemic disease (including the cost of removal to or from a hospital or place of isolation of such person and, in the event of his death in such hospital or place of isolation, the cost of burial), such net cost being determined after deduction of any revenue:”;

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

“(c) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, or by an epidemic committee, in preventing, investigating, dealing with or suppressing any outbreak of any formidable epidemic disease or any outbreak suspected on reasonable grounds to be of any such disease, including where necessary the provision of temporary isolation hospital accommodation.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

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Amendment of section 50 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 6 of Act 57 of 1935, section 1 of Act 14 of 1938, section 15 of Act 37 of 1943, section 8 of Act 51 of 1946, section 8 of Act 44 of 1952, section 1 of Act 60 of 1956, section 2 of Act 79 of 1963 and section 4 of Act 38 of 1965.

5. (1) Section 50 of the Public Health Act, 1919, is hereby amended—

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

“(b) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in providing and equipping any institution or accommodation for persons suffering from tuberculosis in a communicable form: Provided that the scheme as a whole and the plans, specifications and estimates in connection therewith shall be approved by the Minister, before the expenditure or any liability therefor is incurred;”;

(b) by the substitution for paragraph (c) of that subsection, of the following paragraph:

“(c) refund the approved net cost actually and necessarily incurred by a local authority (after deduction of any revenue) in maintaining and managing an institution for the care and treatment of persons suffering or suspected to be suffering from tuberculosis in a communicable form;”;

(c) by the substitution for paragraph (d) of that subsection of the following paragraph:

“(d) apart from expenditure which may be refunded as aforesaid, refund the approved net cost actually and necessarily incurred by a local authority in the treatment and care of persons suffering or suspected to be suffering from tuberculosis in a communicable form;”;

(d) by the deletion of the proviso to paragraph (e) of that subsection;

(e) by the deletion of paragraph (g) of that subsection;

(f) by the deletion of subsection (3);

(g) by the substitution for subsection (4) of the following subsection:

“(4) For the purposes of the provisions of subsection (1) (d) the word ‘cost’ shall be deemed to include the cost of removal to or from any institution of any person in respect of whom the said provisions apply and, in the event of death, the cost of burial of such person.”; and

(h) by the deletion of subsection (5).

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

Amendment of section 66 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 7 of Act 57 of 1935, section 9 of Act 51 of 1946, section 19 of Act 36 of 1950 and section 9 of Act 44 of 1952.

6. (1) Section 66 of the Public Health Act, 1919, is hereby amended by the substitution in paragraph (d) for the words preceding the proviso, of the following words:

“(d) refund to any local authority, or to two or more local authorities acting jointly, the net cost of any approved scheme for providing treatment (including maintenance and accommodation where necessary) for persons who are suffering from venereal disease.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

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Amendment of section 115 of Act 36 of 1919.

7. Section 115 of the Public Health Act, 1919, is hereby amended by the substitution for paragraph (k) of the following paragraph:

“(k) prohibiting the importation, sale, possession or use of vessels, utensils or other articles which are intended to contain any food or water or to be used in the preparation or serving of food and which are rusty or defectively soldered or jointed, or are soldered, jointed or coated with, or made of, material containing in any part likely to come into contact with such food or water, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels, utensils or other articles;”.

Repeal of Act 30 of 1923, Act 27 of 1931, Act 21 of 1939, Act 15 of 1947, Act 25 of 1952 and Act 20 of 1963.

8. (1) The Higher Education Act, 1923, the Higher Education Financial Provision Act, 1931, the Higher Education (Amendment) Act, 1939, the Higher Education Amendment Act, 1947, the Higher Education Amendment Act, 1952, and the Higher Education Amendment Act, 1963, are hereby repealed.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Substitution of section 10bis of Act 11 of 1928, as inserted by section 4 of Act 32 of 1942 and amended by section 1 of Act 5 of 1950, section 3 of Act 10 of 1962, section 1 of Act 65 of 1967 and section 2 of Act 82 of 1969.

9. The following section is hereby substituted for section 10bis of the Iron and Steel Industry Act, 1928:

“Additional loans:

10bis. (1) The Board may, with the approval of the State President, raise further loans; by the creation and issue of debentures or otherwise, at such times, to such amounts and under such conditions as the State President may approve.

(2) The board may—

(a) establish sinking funds for the redemption of the loans raised in terms of this section;

(b) at any time purchase the debentures issued in terms of this section in the open market and cancel them.

(3) (a) The Minister may, with the concurrence of the Minister of Finance, guarantee the interest on and the repayment of the principal of, and the payment of any costs incurred in connection with, any loan raised in terms of subsection (1), and may enter into such agreements and do such other things as may be necessary for the carrying out of the provisions of this section.

(b) The Minister shall lay a report on any such guarantee furnished in relation to a loan raised by the Corporation after the commencement of the Iron and Steel Industry Amendment Act, 1969 (Act No. 82 of 1969), upon the Table in the Senate and in the House of Assembly within thirty days after the guarantee has been furnished, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.”.

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934, section 1 of Act 39 of 1937, section 2 of

10. Section 6 of the Liquor Act, 1928, is hereby amended by the insertion after paragraph (c) of subsection (1) of the following paragraph:

“(cA) any person selling, under authority of the Head of the Bureau for State Security, liquor in a buffet solely to officers of such Bureau for consumption on the premises by such officers or their *bona fide* guests;”.

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Act 72 of 1961,
section 1 of
Act 89 of 1962,
section 2 of
Act 88 of 1963,
section 1 of
Act 85 of 1964,
section 1 of
Act 98 of 1965,
section 1 of
Act 62 of 1966 and
section 2 of
Act 23 of 1969.

Amendment of
section 14 of
Act 39 of 1930,
as substituted by
section 15 of
Act 31 of 1932.

11. Section 14 of the Motor Carrier Transportation Act, 1930, is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

“(2) If any person acquires a controlling interest in a company after the issue or renewal of a motor carrier certificate to such company, such motor carrier certificate shall, unless the Board or the local road transportation board concerned has given its approval to the acquisition of that interest, automatically be suspended with effect from the twenty-first day after the date of such acquisition, or from such later date as the Board or the local road transportation board concerned may determine, until the Board or the local road transportation board concerned has given its approval to such acquisition.

(3) For the purposes of subsection (2) the expression “controlling interest”, in relation to a company, means any interest held in that company by another company by virtue of which such other company is, in relation to the first-mentioned company, a holding company within the meaning of section 90*nov* of the Companies Act, 1926 (Act No. 46 of 1926), and includes any like interest held in any company by a natural person.”.

Amendment of
section 20 of
Act 22 of 1941,
as amended by
section 9 of
Act 31 of 1960
and section 1 of
Act 6 of 1966.

12. Section 20 of the Factories, Machinery and Building Work Act, 1941, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) If an employee does not work on Good Friday, Ascension Day, Republic Day, Day of the Covenant, Christmas Day or New Year's Day, his employer shall pay him in respect of such day remuneration at a rate not less than his ordinary rate of remuneration as if he had on such day worked his average ordinary working hours for that day of the week.

(b) Whenever an employee works on Good Friday, Ascension Day, Republic Day, Day of the Covenant, Christmas Day or New Year's Day, his employer shall pay him remuneration at a rate not less than his ordinary rate of remuneration in respect of the total period worked on such day, in addition to the remuneration to which he would have been entitled had he not so worked.”.

Amendment of
section 22 of
Act 22 of 1941,
as substituted by
section 11 of
Act 31 of 1960
and amended by
section 2 of
Act 6 of 1966
and section 8 of
Act 77 of 1967.

13. Section 22 of the Factories, Machinery and Building Work Act, 1941, is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

“Provided that no notice published by the Minister under this subsection before the amendment of section 20 of this Act by section 12 of the General Law Amendment Act, 1971, or published before such amendment and deemed to have been published under this subsection, shall have the effect of suspending the operation of subsection (3) of the said section 20, in the case of Republic Day, in respect of any employee who is not entitled under any such agreement, notice, award, determination, order or conditions

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of apprenticeship to remuneration in respect of Republic Day on the basis set out in that subsection.”.

Amendment of section 7 of Act 32 of 1944, as substituted by section 1 of Act 8 of 1967 and amended by section 27 of Act 70 of 1968.

14. Section 7 of the Magistrates' Courts Act, 1944, is hereby amended by the addition to subsection (1) of the following further proviso:

“Provided further that payment of such fees shall not be required from any person who satisfies the magistrate of the district where the records of the court are preserved, or any judicial officer designated by the said magistrate from among the members of his staff, that he desires access to the records of the court in connection with research for academic purposes.”.

Amendment of section 3 of Act 51 of 1951, as amended by section 2 of Act 47 of 1956, section 2 of Act 30 of 1962 and section 1 of Act 68 of 1965.

15. Section 3 of the Public Accountants' and Auditors' Act, 1951, is hereby amended—

(a) by the addition to subsection (1) of the following paragraph:

“(d) one person whom the Minister, after consultation with the persons appointed in terms of paragraphs (a), (b) and (c), deems fit to be a member of the board and who shall be a person resident in the district of Johannesburg or in any district adjoining that district.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) For every member of the board appointed in terms of paragraph (b), (c) or (d) of subsection (1), there shall be an alternate member appointed in the same manner as such member, and any member of the board referred to in paragraph (a) of that subsection may, with the consent of the Minister, designate a person in the full-time service of the State to act in his stead as an alternate member on the board, and any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the board whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.”.

Amendment of section 4 of Act 51 of 1951, as amended by section 2 of Act 68 of 1965.

16. Section 4 of the Public Accountants' and Auditors' Act, 1951, is hereby amended—

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

“(1) No person shall be appointed as a member of the board in terms of subsection (1) (c) or (d) of section 3, or as an alternate to any such member in terms of subsection (5) of that section, unless he is registered as an accountant and auditor under this Act.”;

b) by the deletion in subsection (2) of the word “or” at the end of paragraph (d); and

c) by the substitution for paragraph (e) of subsection (2) of the following paragraphs;

“(e) if, in the case of a member appointed in terms of section 3 (1) (c) or (d), who at the date of his appointment was registered as an accountant and auditor in terms of this Act, he cease to be so registered; or

(f) if, in the case of a member appointed in terms of paragraph (d) of section 3 (1), he cease to be resident in a district referred to in that paragraph.”.

Amendment of section 58 of Act 23 of 1956.

17. (1) Section 58 of the Exchequer and Audit Act, 1956, is hereby amended by the insertion after subsection (1) of the following subsection:

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“(1A) Where the audit of accounts kept in terms of a law of the territory of South-West Africa relating to a scheduled matter within the meaning of the South-West Africa Affairs Act, 1969 (Act No. 25 of 1969), is carried out by the Controller and Auditor-General by virtue of any provision of the law in question or by virtue of a requirement contemplated in section 24 of the Finance and Audit Ordinance, 1926 (Ordinance No. 1 of 1926), of the said territory, or a designation in terms of section 7 (2) of Proclamation No. 31 of 1924 of the Administrator of that territory, the Controller and Auditor-General shall continue to carry out such audit, and any such audit shall be deemed to be an audit of the accounts of a statutory body as defined in section 1.”

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 9 of Act 27 of 1956, as amended by section 2 of Act 51 of 1959 and section 2 of Act 91 of 1965.

18. Section 9 of the Mines and Works Act, 1956, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) No person shall perform, or cause or permit any other person to perform, at any mine or works, any work in connection with the operation of a mine or works, on a Sunday, Christmas Day, Day of the Covenant or Good Friday, or cause any other person to perform, at any mine or works, any such work on Republic Day, unless the work is—”.

Amendment of section 11 of Act 27 of 1956, as amended by section 10 of Act 46 of 1964.

19. Section 11 of the Mines and Works Act, 1956, is hereby amended—

- (a) by the deletion in paragraph (c) of subsection (4) of the word “and”;
- (b) by the addition to the said paragraph (c) of the following subparagraph:
“(iii) females performing any work at a mine or works in accordance with the provisions of an exemption granted under subsection (5).”; and
- (c) by the addition of the following subsection:
“(5) If the Minister is satisfied that special circumstances, justifying the granting of relief, exist with regard to any mine or works, he may in writing grant exemption from the provisions of subsection (4) (a), subject to such restrictions or conditions (if any) as he may deem fit, to the owner of such mine or works.”.

Amendment of section 89 of Act 44 of 1957, as amended by section 10 of Act 12 of 1961 and section 16 of Act 81 of 1964.

20. Section 89 of the Defence Act, 1957, is hereby amended by the addition of the following subsection:

“(6) For the purposes of this section (excluding subsection (2) and, in so far as it confers powers on an officer in command, subsection (4)), land or premises (including any part of a building) on or in which armaments as defined in the Armaments Act, 1964 (Act No. 87 of 1964), are manufactured, repaired or maintained by any person, or on or in which any function of the Armaments Board established under that Act or the Armaments Development and Production Corporation of South Africa, Limited, established under the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), is carried out, shall be deemed to be land or premises used for military purposes.”.

Amendment of section 83 of Act 44 of 1958, as amended by section 1 of Act 50 of 1962 and section 5 of Act 80 of 1965.

21. Section 83 of the Post Office Act, 1958, is hereby amended by the addition of the following subsection:

“(4) Notwithstanding the provisions of subsections (1) and (3), a divisional council shall not be required to pay the costs incurred in connection with any such alteration, removal or deviation which is necessitated by any road works on its part.”.

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Amendment of section 3 of Act 73 of 1959, as substituted by section 1 of Act 20 of 1964 and amended by section 2 of Act 48 of 1968.

22. Section 3 of the Judges' Remuneration and Pensions Act, 1959, is hereby amended by the addition of the following subsection:

"(3) The annual amount of the pension paid in terms of subsection (2) to a person who retired or was removed from office on or after the first day of April, 1964, but before the first day of January, 1971, shall with effect from the first day of April, 1971, be increased by twenty per cent."

Amendment of section 1 of Act 20 of 1964, as amended by section 3 of Act 48 of 1968.

23. Section 1 of the Judges' Salaries and Pensions Amendment Act, 1964, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

"Provided that the annual amount of the said pension paid to any such person shall be increased by two thousand rand with effect from the first day of April, 1971."

Amendment of section 15 of Act 3 of 1966, as amended by section 2 of Act 42 of 1967, section 1 of Act 58 of 1969 and section 2 of Act 74 of 1970.

24. (1) Section 15 of the Community Development Act, 1966, is hereby amended by the substitution for paragraph (h) of subsection (2) of the following paragraph:

"(h) with the approval of the Minister to make payments in respect of any goodwill value which may be attached to any profession or business which is likely to be lost as a result of the person carrying on that profession or business having to cease carrying on that profession or business in consequence of any proclamation under the Group Areas Act, or any steps taken under that Act or under this Act: Provided that—

- (i) subject to the provisions of subparagraphs (ii) and (iii), no such payment shall exceed an amount equal to the highest net profit for twelve consecutive months derived from such profession or business, by the person carrying on such profession or business, during the period of thirty-six months immediately preceding the date on which such person was obliged to cease carrying on such profession or business;
- (ii) where such steps have been taken in an area in respect of which such a proclamation is in force, no such payment shall exceed the amount referred to in subparagraph (i) or an amount equal to the highest net profit for twelve consecutive months so derived during the period of thirty-six months immediately preceding the date of the relevant proclamation, whichever amount is the greater;
- (iii) if such profession or business was carried on for a period of less than twelve months, no such payment shall exceed an amount equal to twelve times the amount of the average of the monthly net profit so derived during the period in question; and"

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 43 of Act 75 of 1969.

25. Section 43 of the Arms and Ammunition Act, 1969, is hereby amended by the insertion after paragraph (g) of subsection (1) of the following paragraphs:

- "(h) the notification of a permanent change in the ordinary place of residence or the postal address of the holder of a licence to possess an arm;
- (i) the transportation of arms or ammunition."

Amendment of section 6 of Act 84 of 1969.

26. Section 6 of the Rehoboth Investment and Development Corporation Act, 1969, is hereby amended by the insertion after subsection (1) of the following subsection:

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“(1A) Notwithstanding the provisions of any condition of title registered against land as contemplated in subsection (6) of section 7*bis* of Proclamation No. 2 of 1921 of the Administrator of South-West Africa, the consent or the approval of any person or body referred to in that subsection shall not be required for the alienation, hypothecation, lease or other encumbrance of the land in question to or in favour of the Corporation or a burgher company.”

Substitution of section 8 of Act 84 of 1969.

27. The following section is hereby substituted for section 8 of the Rehoboth Investment and Development Corporation Act, 1969:

“Powers of Corporation in respect of its officers and employees. 8. The Corporation may remunerate, house, discharge or temporarily suspend its officers and employees employed under section 4 (o), indemnify them in respect of any harm, damage or loss suffered by them in the course of the performance of their duties, and provide or give pension and sick benefits and housing facilities or benefits for or to them.”

Shops of Bureau for State Security exempt from licence duties and fees.

28. (1) No licence moneys, tax, duty or fee (other than customs or excise duties leviable by law) shall be payable by any person under any law in respect of an approved shop of the Bureau for State Security or in respect of any article on sale at such a shop.

(2) No licence or other authorization shall be required for conducting a shop contemplated in subsection (1), and the production of an official document bearing the signature of the Minister responsible for the Bureau for State Security or any person authorized by him to sign such document, and indicating that he has approved the shop, shall be sufficient evidence that the shop is a shop as contemplated in that subsection.

(3) For the purposes of this section “shop” includes any Mess or institution of the Bureau for State Security or any premises temporarily or permanently used for providing recreation, refreshment or articles of necessity mainly for members or pensioners of the Bureau for State Security or for the families of such members, pensioners or persons employed in any work in or in connection with any such Mess, institution or premises.

Cancellation of certain conditions of title to land at Kakamas.

29. (1) The conditions contained in any title deed to land by virtue of section 19 of the Constitution of the Kakamas Labour Colony as set out in Proclamation No. 123 of 1948, are hereby cancelled.

(2) The officer in charge of the relevant deeds registry shall on application by the owner of land referred to in subsection (1), and on production of the title deed to the land in question, endorse the fact of such cancellation on such title deed.

(3) No office fees, stamp duty or transfer duty shall be payable in respect of any such cancellation or endorsement.

Short title.

30. This Act shall be called the General Law Amendment Act, 1971.