



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1214.

20 June 1975.

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20 Junie 1975.

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

No. 57 of 1975: General Law Amendment Act, 1975.

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

No. 57 van 1975: Algemene Regswysigingswet, 1975.

# ACT

To authorize the issue of registered title in respect of certain land in the Rehoboth Gebiet; to amend the following Acts, namely, the Attorneys, Notaries and Conveyancers Admission Act, 1934, so as to provide that certain information required on the admission of any person as an attorney, shall also be furnished on readmission, to provide for the investigation of certain documents by the secretary of a law society and the fixing of moneys payable in respect of such an investigation, and to further provide for the period within which application for admission as an attorney may be made after the expiration of the prescribed period; the Trust Moneys Protection Act, 1934, and the Bible Society of South Africa Act, 1970, so as to make them applicable also in the territory of South West Africa; the Broadcasting Act, 1936, so as to further provide for the prescribing of licence fees by regulation; the Deeds Registries Act, 1937, so as to further provide for the constitution of the deeds registries regulations board, the proof of certain facts for the purposes of the registration or execution of deeds and documents, and the examination and execution of mortgage bonds; the Suppression of Communism Act, 1950, so as to further define the offence specified in section 11 (*g*)*bis*; the Radio Act, 1952, so as to provide for the issue of television licences; the Bantu Education Act, 1953, so as to alter the area and the designation of certain institutions; the Defence Act, 1957, so as to provide for the allotment to the South African Police of persons liable to render service in terms of that Act, and for the payment of the remuneration of members of the South African Defence Force who become missing under certain circumstances; the Standards Act, 1962, and the Fuel Research Institute and Coal Act, 1963, so as to authorize advances of money to certain persons to enable them to become members of a certain pension fund or provident fund; the Hotels Act, 1965, so as to provide for the exclusion of certain establishments from the definition of an accommodation establishment; the Prescription Act, 1969, so as to further provide for the prescription of certain advances and loans in respect of insurance policies; the Commission for Fresh Produce Markets Act, 1970, so as to further define the matters for which the Minister of Agriculture may fix tariffs, extend the period of office of members of market advisory committees, and prescribe a penalty for failure to comply with certain orders of the Commission for Fresh Produce Markets; the Bantu Affairs Administration Act, 1971, so as to further regulate the charges for services rendered to a Bantu Affairs Administration Board by any local authority; the Sectional Titles Act, 1971, so as to empower local authorities to delegate certain powers in terms of that Act, and to provide for the making of regulations in regard to moneys payable to local authorities in connection with the exercising of such powers; the National Road Safety Act, 1972, so as to amend the text of section 20 (2);

Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

the Sishen-Saldanha Bay Railway Construction Act, 1973, so as to dispense with the payment of transfer duty and other moneys in connection with certain transfers of immovable property; the Sea Birds and Seals Protection Act, 1973, so as to authorize the making of regulations in connection with exemptions and the protection of seals; the Sea Fisheries Act, 1973, so as to empower the Minister of Economic Affairs and the Director of Sea Fisheries to delegate their powers under that Act to officers in the public service, and to provide for the control of the catching of certain species of fish on the continental shelf; the Medical, Dental and Supplementary Health Service Professions Act, 1974, in order to further provide for the constitution of a professional board for the psychology profession and related professions, for the requirements for registration in certain professions, and for certain applications to court; and the Groot Constantia State Estate Control Act, 1975, so as to amend section 20; to repeal certain laws; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 13 June 1975.)

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

Issue of certificate  
of registered title  
in respect of  
certain land in  
Rehoboth Gebiet.

1. (1) Any person who is entitled to be registered as owner of the whole or any portion of land situated in the territory referred to in section 1 (d) of the Land Titles Proclamation, 1921 (Proclamation No. 2 of 1921), of the territory of South West Africa, in respect of which a certificate of registered title was issued under that Proclamation to any other person before the commencement of this section, may apply to the registrar of deeds for the issue to him, under the provisions of that Proclamation, of a certificate of registered title in respect of that land or the relevant portion thereof, as the case may be.

(2) The provisions of the said Proclamation shall apply *mutatis mutandis* with reference to such an application as if the land in respect of which the certificate of registered title is sought was acquired by the applicant in the manner contemplated in section 1 (d) of that Proclamation, and the registrar of deeds, if satisfied that those provisions as so applied have been complied with, may issue to the applicant a certificate of registered title thereunder, notwithstanding anything to the contrary contained in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law.

(3) (a) The certificate of the Magistrate of Rehoboth lodged in terms of section 7bis (1) of the said Proclamation with any application, shall be conclusive proof that the applicant concerned is entitled to be registered as the owner of the land to which such certificate relates.

(b) An applicant under this section shall lodge the title deed of the land to which the application relates or a certified copy of such title deed with the registrar of deeds or satisfy the registrar by means of an affidavit that he is unable to obtain such title deed or a certified copy thereof.

(4) A certificate of registered title issued by virtue of the provisions of this section shall supersede all previous title deeds of the land to which such certificate relates, and after its issue no record purporting to affect the rights of ownership to that land shall be made in accordance with local custom in any office of the

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

council of the Baster Community of Rehoboth, except with the approval of the registrar of deeds.

Amendment of section 7 of Act 23 of 1934, as amended by section 4 of Act 63 of 1964.

2. Section 7 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for the words preceding paragraph (1) and that paragraph of the following words and paragraph:

“7. Every person who applies to the court to be admitted or readmitted and enrolled as an attorney shall satisfy the law society of the province wherein he applies for admission—

(1) that he is a fit and proper person to be so admitted or readmitted and enrolled; and”.

Amendment of section 14 of Act 23 of 1934, as substituted by section 3 of Act 67 of 1967.

3. Section 14 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) On payment of such fee as is prescribed under the provisions of section 29, and on production of the original articles of clerkship, the secretary of the said society shall examine the articles and, upon being satisfied that the articles are in order and that no objection is made by the council of that society against the registration thereof, endorse upon such original articles a certificate to the effect that the provisions of this section have been complied with.”.

Amendment of section 16 of Act 23 of 1934, as amended by section 7 of Act 18 of 1956, section 1 of Act 81 of 1962 and section 6 of Act 26 of 1965.

4. Section 16 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Upon production of the original cession and affidavits and upon payment of such fee as is prescribed under the provisions of section 29, the secretary of the law society aforesaid shall examine the said documents and, upon being satisfied that the cession is in order and that no objection is made by the council of the said society, endorse upon such original cession a certificate to the effect that the provisions of this section have been complied with, and that the cession has been approved of.”.

Amendment of section 19 of Act 23 of 1934, as amended by section 8 of Act 18 of 1956, section 10 of Act 63 of 1964 and section 8 of Act 26 of 1965.

5. Section 19 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The court may, on the application of any person and on good cause shown, allow such further period after the expiration of a period of three years from the completion of his articles of clerkship, within which the applicant may apply for admission as an attorney under section 4, as the court may deem fit, and if such further period is allowed, the court may, in its discretion, impose such conditions as it may deem fit, including a condition relating to the service of further articles.”;

(b) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“(5) Where a person who has served any period under articles of clerkship, which were cancelled or abandoned before completion thereof, has satisfied all the requirements for a degree referred to in the First Schedule or is entitled to be admitted as an advocate by any provincial division, the court may, on the applica-

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

tion of such person and subject to such conditions as the court may impose, order—"; and

(c) by the deletion of subsection (7).

Amendment of section 29 of Act 23 of 1934, as amended by section 15 of Act 18 of 1956.

6. Section 29 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister of Justice, after having consulted with the judges president of the several courts and the presidents of the several law societies, may by notice in the *Gazette* prescribe a scale of fees which shall be paid in respect of the following matters—

- (a) examination of articles of clerkship in terms of section 14 (2);
- (b) registration of articles of clerkship;
- (c) examination of documents in terms of section 16 (3);
- (d) registration of cession of articles of clerkship;
- (e) admission or readmission as an attorney;
- (f) admission or readmission as a notary;
- (g) admission or readmission as a conveyancer;
- (h) enrolment as an attorney, notary or conveyancer under section 25."

Insertion of section 8A in Act 34 of 1934.

7. The following section is hereby inserted in the Trust Moneys Protection Act, 1934, after section 8:

"Applica-  
tion of  
Act in South  
West Africa. 8A. (1) Subject to the provisions of subsections (2) and (3), this Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

(2) The provisions of this Act as applied by subsection (1) shall not apply to a trustee appointed by any instrument referred to in the definition of 'trustee' in section 1 which was executed before the commencement of this section.

(3) In the application of this Act in the territory known as the 'Rehoboth Gebiet' and defined in the First Schedule of the agreement set out in the Schedule to Proclamation No. 28 of 1923 of South West Africa, with reference to moneys settled upon a trustee as contemplated in the aforementioned definition of 'trustee' by a person who is or was a member of the Rehoboth Baster community, any reference in this Act and in any provision of the Administration of Estates Act, 1965 (Act No. 66 of 1965), as applied by section 4 (2) of this Act, to the Master shall be construed as a reference to the Magistrate of Rehoboth."

Amendment of section 25 of Act 22 of 1936, as amended by section 4 of Act 14 of 1949, section 11 of Act 49 of 1960 and section 16 of Act 60 of 1969.

8. Section 25 of the Broadcasting Act, 1936, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) Different fees may be prescribed under subsection (1) (f) for—

- (i) different licences issued in terms of the different provisions of section 7 (1A) of the Radio Act, 1952, or, subject to the provisions of paragraph (b) of this subsection, licences issued in respect of different periods;
- (ii) licences issued in terms of paragraph (b) of the said section 7 (1A) to persons who provide

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

different quantities of sound radio sets or television sets or receiving points of a sound radio receiving system or a television receiving system, or different sound radio or television receiving apparatus or services, for the use of the other persons referred to in that paragraph;

(iii) licences issued in terms of paragraph (a) of the said section 7 (1A) to persons of different classes or categories;

(iv) licences issued in terms of the said paragraph (a) to persons in different areas.”; and

(b) by the addition to paragraph (b) of the said subsection of the following proviso:

“Provided that such reduced fees prescribed in respect of the full period of a listener’s licence year, as defined in section 1 of the said Act, shall in every case be payable, irrespective of the date on which the licence in question is issued.”

Substitution of section 9 of Act 47 of 1937, as amended by section 3 of Act 3 of 1972, section 17 of Act 71 of 1972 and section 8 of Act 62 of 1973.

9. The following section is hereby substituted for section 9 of the Deeds Registries Act, 1937:

“Regulations board. 9. (1) There shall be established a deeds registries regulations board (in this section called ‘the board’), with power to make regulations upon the subjects mentioned in section 10.

(2) The board shall consist of the chief registrar of deeds as chairman and executive officer in terms of section 2 (1) (a), and four other members appointed by the Minister, of whom—

(a) one shall be an officer occupying an office mentioned in section 2 (1) (b) or (c);

(b) one shall be an officer in the head office of the Department of Justice; and

(c) two shall be conveyancers nominated by the Executive Council of the Association of Law Societies of the Republic of South Africa.

(3) (a) A member of the board appointed by the Minister shall hold office for the period determined by the Minister, but the Minister may, if in his opinion there is good reason for doing so, terminate the appointment of such a member at any time before the expiration of his period of office.

(b) A member of the board whose period of office has expired shall be eligible for re-appointment.

(4) (a) The board shall meet at the times and places determined by the chairman.

(b) The Minister may at any time direct the chairman of the board to convene a meeting of the board at a time and place specified by the Minister.

(5) In the absence of the chairman of the board, the member referred to in subsection (2) (a) shall act as chairman.

(6) (a) Three members of the board, of whom one shall be a member appointed in terms of subsection (2) (c), shall form a quorum for a meeting of the board.

Act No. 57, 1975

GENERAL LAW AMENDMENT ACT, 1975.

(b) The decision of a majority of the members present at any meeting of the board shall be the decision of the board, 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.

(7) The board may regulate the proceedings at its meetings as it may think fit and shall cause minutes of such proceedings to be kept.

(8) With the Minister's approval the board may make regulations also without holding a meeting, provided any regulations so made have been agreed to by all the members of the board.

(9) No regulation made by the board shall take effect unless it has been approved by the State President and has been published in the *Gazette* at least one month before the date specified in the relevant notice as the date of commencement thereof.

(10) The provisions of section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), shall apply *mutatis mutandis* with reference to regulations approved by the State President and published in the *Gazette* under subsection (9)."

Insertion of section 15A in Act 47 of 1937.

10. The following section is hereby inserted in the Deeds Registries Act, 1937, after section 15:

"Proof of certain facts by means of a certificate.

15A. (1) A registrar shall not register a deed of transfer unless there is submitted to him—

(a) a certificate by a conveyancer, in the prescribed form, certifying—

(i) that the names, dates of birth and the status of the parties are correctly reflected;

(ii) if the transfer is to be registered in a deeds registry in the Republic (excluding the Territory), that the provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), specified in such prescribed form and required to be complied with prior to the registration of such transfer, have been complied with;

(iii) if the transferor or the transferee is a bank, building society, trust, society or corporation or an ecclesiastical, a charitable or an educational institution or body or any other association of persons, that the transaction is within its powers and was authorized by it, that its name is correctly reflected and, if it is required to be registered in terms of any law, that it is so registered;

(iv) that any permit or consent which is required to be obtained in terms of any law specified in such prescribed form or in terms of any condition of title prior to the registration of such a deed of transfer, has been obtained; and

(v) that all the counterparts of a deed of transfer are identical;

(b) if the transferor is a deceased estate, a certificate by the Master of the Supreme Court that the estate duty, if any, has been paid or secured and that there is no objection to the registration of the transfer, and in which it is declared whether or not the transfer is subject to any usufruct or other condition imposed by the will of the

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

deceased or any other person, and, if so, what that condition is.

(2) The provisions of subsection (1) shall *mutatis mutandis* apply also with reference to any other deed or document to be executed or registered by a registrar of deeds and for the execution or registration of which it is necessary to establish in relation to a matter relevant thereto any fact which, in relation to a matter relevant to the registration of a deed of transfer, is in terms of that subsection required to be established by means of a certificate.

(3) Notwithstanding the provisions of any other law a certificate submitted in terms of this section in connection with any deed or document shall, for the purposes of the registration or execution of such deed or document by a registrar, be conclusive proof of the facts stated therein."

Amendment of section 50 of Act 47 of 1937, as substituted by section 18 of Act 87 of 1965.

11. Section 50 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A mortgage bond shall be executed in the presence of the registrar by the owner of the immovable property therein described or by a conveyancer duly authorized by such owner by power of attorney, endorsed in the prescribed form on the registry duplicate of the mortgage bond, and shall be attested by the registrar."

Insertion of section 50A in Act 47 of 1937.

12. The following section is hereby inserted in the Deeds Registries Act, 1937, after section 50:

"Irrelevant provisions. 50A. Notwithstanding the provisions of section 3 (1) (b) a registrar shall not examine any provisions relating to a bond which are not relevant to the registration of the bond."

Amendment of section 11 of Act 44 of 1950, as amended by section 8 of Act 15 of 1954, section 10 of Act 76 of 1962, section 5 of Act 37 of 1963, section 15 of Act 80 of 1964 and section 5 of Act 97 of 1965.

13. Section 11 of the Suppression of Communism Act, 1950, is hereby amended by the substitution for paragraph (g)*bis* of the following paragraph:

"(g)*bis* without the consent of the Minister or except for the purposes of any proceedings in any court of law, records or reproduces by mechanical or other means or prints, publishes or disseminates any speech, utterance, writing or statement or any extract from or recording or reproduction of any speech, utterance, writing or statement made or produced or purporting to have been made or produced anywhere at any time by any person in respect of whom the provisions of this paragraph are applicable by virtue of a notice issued under section 10*quin*, or whose name appears on any list in the custody of the officer referred to in section 8, or in respect of whom a prohibition to attend any gathering is in force under section 5 or 9;"

Amendment of section 1 of Act 3 of 1952, as amended by section 1 of Act 51 of 1962 and section 1 of Act 93 of 1969.

14. Section 1 of the Radio Act, 1952, is hereby amended—

(a) by the substitution for the definition of "listener's licence" of the following definition:

"'listener's licence' means a licence for the use of a sound radio set, issued in terms of paragraph (a) or (b) of section 7 (1A) of this Act or section 17A of the Broadcasting Act, 1936;"

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

- (b) by the insertion after the definition of "regulation" of the following definition:

"'sound radio set' a device which is capable of receiving, by radio, transmissions broadcast in a broadcasting service, and reproducing them in the form of sounds, but not also in the form of images or other visible signals;" and

- (c) by the insertion after the definition of "station" of the following definitions:

"'television licence' a licence for the use of a television set, issued in terms of paragraph (aA), (b) or (c) of section 7 (1A);

'television set' a device which is capable of receiving, by radio, transmissions broadcast in a broadcasting service, and reproducing them in the form of images or other visible signals, with or without accompanying sounds;"

Amendment of section 5 of Act 3 of 1952, as substituted by section 3 of Act 93 of 1969.

15. Section 5 of the Radio Act, 1952, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) No person—

- (a) shall use a sound radio set for the reception of anything broadcast in a broadcasting service unless he is in possession of a listener's licence or is entitled to do so by virtue of a listener's licence issued under section 7 (1A) (b) or an exemption in terms of any regulations made under section 18 (1) (bA);
- (b) shall use as aforesaid any television set unless he is in possession of a television licence issued in respect of the television set in question, or is entitled to do so by virtue of a television licence issued under section 7 (1A) (b) or (c) or an exemption in terms of any regulations made under section 18 (1) (bA);
- (c) who is the owner or the manager of any premises or business of a class or category prescribed by regulation shall in his capacity as such owner or manager use or permit any other person to use a sound radio set or a television set to receive anything broadcast in a broadcasting service, unless he or such other person, as the case may be, so uses the sound radio set or television set in question at a place where or under circumstances under which he is entitled to do so by virtue of a listener's licence or a television licence, as the case may be, issued to such owner or manager in terms of section 7 (1A) (b)."

Amendment of section 7 of Act 3 of 1952, as amended by section 5 of Act 93 of 1969.

16. Section 7 of the Radio Act, 1952, is hereby amended—

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

"(a) issue to any person a licence conferring on him the right, subject to the provisions of this Act, to use any sound radio set to receive anything broadcast in a broadcasting service;"

- (b) by the insertion after that paragraph of the following paragraph:

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

“(aA) issue to any person a licence conferring on him the right, subject to the provisions of this Act, to use a particular television set, to be specified in the licence, to receive anything broadcast in a broadcasting service;”;

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

“(b) issue to the owner or manager of any premises or business of a class or category prescribed by regulation—

(i) a licence in respect of any sound radio set of a class or category to be specified in the licence, or in respect of a number of such sound radio sets to be so specified; or

(ii) a licence in respect of a particular television set or particular television sets, to be specified in the licence,

conferring on him in his capacity as such owner or manager, and on any other person of a class or category of persons so prescribed, the right to receive on those premises or under the circumstances so prescribed in relation to such a business, and by means of any such sound radio set or, as the case may be, a television set so specified, supplied for that purpose by such owner or manager, anything broadcast in a broadcasting service.”; and

(d) by the addition to the said subsection of the following paragraph:

“(c) issue to the holder of a radio dealer’s licence a licence conferring on him the right to use any television set in his possession in connection with his business as a radio dealer, to receive, for the purpose of demonstrating such television set to a prospective buyer or hirer, anything broadcast in a broadcasting service.”.

Amendment of section 8 of Act 3 of 1952, as substituted by section 6 of Act 93 of 1969.

17. Section 8 of the Radio Act, 1952, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The fees payable in respect of any listener’s licence or any television licence shall, subject to the provisions of section 8A of this Act and section 17A of the Broadcasting Act, 1936 (Act No. 22 of 1936), be as prescribed from time to time under section 25 (1) (f) of the Broadcasting Act, 1936.”.

Substitution of section 8A of Act 3 of 1952, as inserted by section 7 of Act 93 of 1969.

18. The following section is hereby substituted for section 8A of the Radio Act, 1952:

“Penalty for failure to take out listener’s licence or television licence. 8A. Any person who fails to take out a listener’s licence or a television licence within one month after the date on which he is in terms of this Act required to be in possession of the licence in question shall, in addition to the appropriate licence fees referred to in section 8 (2), by way of a penalty pay in respect

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

of every month or part of a month during which he has as from that date failed to take out such licence, an amount equal to ten per cent of the amount of the said licence fees: Provided that the total amount of the penalty shall in no case exceed the amount of such licence fees.”.

Amendment of section 9 of Act 3 of 1952, as amended by section 8 of Act 93 of 1969.

19. Section 9 of the Radio Act, 1952, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) any other listener's licence or a television licence shall be of force and effect only during the listener's licence year in respect of which it was issued.”.

Amendment of section 15 of Act 3 of 1952, as substituted by section 11 of Act 93 of 1969 and amended by section 1 of Act 50 of 1974.

20. Section 15 of the Radio Act, 1952, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) There shall from time to time be paid out of the Post Office Fund to the South African Broadcasting Corporation an amount, representing the difference between the amount collected during a preceding period by way of licence moneys and penalties in respect of listener's licences and television licences and an amount, determined in accordance with subsection (3), to compensate the Department of Posts and Telecommunications for the collection of such licence fees and penalties and for administrative and other costs in connection with such collection and listener's licences and television licences generally.”.

Amendment of section 17A of Act 3 of 1952, as inserted by section 13 of Act 93 of 1969.

21. Section 17A of the Radio Act, 1952, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Postmaster-General may, with the approval of the Minister, delegate any power, function or duty conferred on him by this Act in relation to the issuing of listener's licences or television licences or the collection of the prescribed moneys in respect thereof, to the South African Broadcasting Corporation, and may with the approval of the Minister amend or withdraw any such delegation at any time.”.

Amendment of section 15 of Act 47 of 1953, as amended by section 2 of Act 44 of 1954, section 5 of Act 33 of 1959, section 4 of Act 53 of 1961 and section 4 of Act 44 of 1970.

22. Section 15 of the Bantu Education Act, 1953, is hereby amended by the substitution for paragraph (p) of subsection (1) of the following paragraph:

“(p) providing for the establishment of an advisory council or advisory councils for Bantu Education and prescribing the constitution, duties, powers, privileges and functions of such a council, and the fees and allowances, if any, payable to any member of a council who is not in the full-time employment of the State;”.

Substitution of heading to Chapter VIII of Act 44 of 1957, as substituted section 35 of Act 85 of 1967.

23. The following heading is hereby substituted for the heading to Chapter VIII of the Defence Act, 1957:

“REGISTRATION AND SELECTION OF PERSONS FOR ALLOTMENT TO CITIZEN FORCE, COMMANDOS OR SOUTH AFRICAN POLICE.”.

Substitution of section 67 of Act 44 of 1957, as substituted by section 40 of Act 85 of 1967 and amended by section 4 of Act 28 of 1970 and section 5 of Act 66 of 1972.

24. The following section is hereby substituted for section 67 of the Defence Act, 1957:

“Allotment to Citizen Force, Commandos or South African Police. 67. (1) Such number of the persons referred to in subsection (2) as the Minister may determine shall be allotted in any year to the Citizen Force and the South African Police and all other such persons shall be allotted in that year to the commandos.”.

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

(2) Subject to the provisions of subsection (1) and the directions of the Minister the registering officer shall, with due regard to the requirements of the South African Defence Force and the recommendations of selection boards, allot to the Citizen Force, the commandos or the South African Police persons—

- (a) whose names have been included in a selection list for the year concerned; or
- (b) who have been accepted for enrolment under section 65; or
- (c) who are under the age of twenty-five years, and have on termination of service in the Permanent Force served therein for less than three years; or
- (d) who are under the age of twenty-five years, held a permanent appointment in the South African Police, the Railways and Harbours Police or the Prisons Service and are not members of the South African Defence Force.

(3) The registering officer shall as far as may be practicable allot any person who to his knowledge *bona fide* belongs and adheres to a recognized religious denomination by the tenets whereof its members may not participate in war, to a unit where such person will be able to render service in the defence of the Republic in a non-combatant capacity.

(3A) Whenever the registering officer has allotted any person under this section he may cancel the allotment, whereupon such person shall be deemed not to have been so allotted.

(4) Every person allotted under this section to the Citizen Force or the commandos shall be notified by a prescribed officer of the name of the unit to which he has been allotted and of the date upon which and place where he is required to commence service.”

Insertion of section 67A in Act 44 of 1957.

25. The following section is hereby inserted in the Defence Act, 1957, after section 67:

“Persons allotted to the South African Police.

67A. (1) The registering officer shall notify the Commissioner of the South African Police in writing of the name and address of every person allotted to the South African Police under section 67.

(2) Any person so allotted to the South African Police who is discharged or dismissed from the South African Police under the provisions of the Police Act, 1958 (Act No. 7 of 1958), before he has completed the service to which he is liable in terms of section 34A (10) of that Act, may be allotted to the Citizen Force or the commandos for service in terms of this Act.”

Insertion of section 145A in Act 44 of 1957.

26. The following section is hereby inserted in the Defence Act, 1957, after section 145:

“Payment of the remuneration of a missing member of the South African Defence Force.

145A. (1) If a member of the South African Defence Force who has a spouse or other dependant, is missing and the Chief of the South African Defence Force is satisfied that his absence arose from the performance of his duties or functions while he was rendering service in terms of this Act, such member shall for all purposes be deemed to be still serving in the South African Defence Force from the first day after the day on which such absence com-

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

menced until the day on which he again reports for duty or, in the opinion of the Chief of the South African Defence Force, should again have reported for duty, or on which a competent court issues an order whereby the death of such member is presumed.

(2) The salary or wages and allowances accruing to a member during his absence contemplated in subsection (1) shall, subject to the provisions of subsection (4), be paid to his spouse or, if he has no spouse, to his other dependants, or to any person who, in the opinion of the Chief of the South African Defence Force, is competent to receive and administer such salary or wages and allowances on behalf of his spouse or such other dependants.

(3) Payment of any salary or wages and allowances in terms of subsection (2) shall for all purposes be deemed to be payment thereof to the member concerned, and an amount so paid shall not be recoverable by the State from any person.

(4) Notwithstanding the provisions of subsection (2) the Chief of the South African Defence Force may in his discretion direct that only a portion of the salary or wages and allowances of a member be paid in terms of the said subsection or that no portion thereof be so paid."

Amendment of section 12 of Act 33 of 1962, as amended by section 2 of Act 77 of 1970.

27. (1) Section 12 of the Standards Act, 1962, is hereby amended—

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

"(5) The director-general and the other members of the staff of the council who are in the full-time service of the council and occupy posts approved by the Minister shall, subject to the provisions of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and the regulations made thereunder, be members of and contribute to the provident fund established under section 12 of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), in the same manner and subject to the same conditions as if they were members of the teaching or administrative staff of a university as defined by section 1 of the Universities Act, 1955 (Act No. 61 of 1955), and the council shall for the purposes of the said fund be deemed to be a university as so defined."; and

(b) by the addition of the following subsection:

"(10) The board may advance from its funds such amount on such conditions as it may deem fit, to the director-general or any other member of its staff in order to enable him to become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), or of the provident fund mentioned in section 3 (1) (b) of that Act."

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 August 1963.

Amendment of section 7 of Act 35 of 1963, as amended by section 1 of Act 4 of 1965, section 1 of Act 10 of 1970 and section 4 of Act 27 of 1973.

28. Section 7 of the Fuel Research Institute and Coal Act, 1963, is hereby amended by the addition of the following subsection:

"(6) If the institute is at any time declared to be an associated institution under section 4 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), the board may advance from the moneys referred to in subsection (5) (a) of this section such amount on such

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

conditions as it may deem fit, to any person in the service of the institute on the date on which it becomes an associated institution in terms of the relevant notice under the said section 4, in order to enable such person to become a member of the pension fund established under that Act."

Amendment of section 40 of Act 66 of 1965, as amended by section 5 of Act 54 of 1970.

29. Section 40 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of section 23 (2), (3), (4) and (5) shall apply *mutatis mutandis*, in the case of the territory, to an administrator appointed by will or written instrument operating *inter vivos* executed prior to the commencement of section 7 of the General Law Amendment Act, 1975, and, in the case of the Republic, excluding the territory, to an administrator appointed by will or written instrument operating *inter vivos* executed prior to the commencement of the Trust Moneys Protection Act, 1934 (Act No. 34 of 1934)."

Amendment of section 1 of Act 70 of 1965, as amended by section 58 of Act 70 of 1968.

30. Section 1 of the Hotels Act, 1965, is hereby amended—

(a) by the substitution for the definition of "accommodation establishment" of the following definition:

"'accommodation establishment' means any premises in or upon which the business of supplying lodging and one or more meals per day for reward is conducted or is intended to be conducted, but does not include a home for the aged as defined in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967), or any establishment or premises in respect of which a notice issued under subsection (2) of this section is in force;" and

(b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) The Minister may by notice in the *Gazette* declare that any establishment specified in the notice, or any premises in or upon which a business contemplated in the definition of 'accommodation establishment' in subsection (1) and belonging to a category so specified is conducted or is intended to be conducted, shall for the purposes of this Act be deemed not to be an accommodation establishment."

Amendment of section 16 of Act 68 of 1969, as amended by section 41 of Act 62 of 1973.

31. Section 16 of the Prescription Act, 1969, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) which, if this Act had not come into operation, would have applied to the prescription of a debt which arose or arises out of an advance or loan of money by an insurer to any person in respect of an insurance policy issued by such insurer before 1 January 1974,".

Amendment of section 1 of Act 15 of 1970.

32. Section 1 of the Bible Society of South Africa Act, 1970, is hereby amended by the insertion after the definition of "regional board" of the following definition:

"'Republic' includes the territory of South West Africa;".

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

Insertion of section 23A in Act 15 of 1970.

33. The following section is hereby inserted in the Bible Society of South Africa Act, 1970, after section 23:

“Applica- 23A. This Act and any amendment thereof shall  
tion of apply also in the territory of South West Africa,  
Act in South West Africa, including the Eastern Caprivi Zipfel.”

Amendment of section 19 of Act 82 of 1970.

34. Section 19 of the Commission for Fresh Produce Markets Act, 1970, is hereby amended by the addition of the following subsection:

“(5) In this section—  
‘service’, in relation to an owner of a national fresh produce market, means any act performed by such owner in his capacity as owner for consideration;  
‘use’, in relation to a national fresh produce market, includes the lease of office or other accommodation at such fresh produce market for any purpose.”

Amendment of section 26 of Act 82 of 1970.

35. Section 26 of the Commission for Fresh Produce Markets Act, 1970, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsections (2), (4) and (5), a member of any market advisory committee shall hold office for a period of two years and shall be eligible for reappointment on the expiration of his period of office.”

Amendment of section 36 of Act 82 of 1970.

36. Section 36 of the Commission for Fresh Produce Markets Act, 1970, is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) contravenes the provisions of section 10, 14 (1), 19 (4) or 35 or fails to comply with an order issued under section 3 (f), 14 (3) or 17;”

Amendment of section 16 of Act 45 of 1971.

37. Section 16 of the Bantu Affairs Administration Act, 1971, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“Provided that any charges made in respect of any such services shall not, without the authority of the Minister, exceed the actual cost of providing such services, and shall in any event not exceed the ordinary charges (where these exceed the actual cost) for similar services provided in respect of any area within the jurisdiction of such local authority.”

Insertion of section 38A in Act 66 of 1971.

38. The following section is hereby inserted in the Sectional Titles Act, 1971, after section 38:

“Delega- 38A. A local authority may delegate any or all of  
tion of certain powers, functions and duties by local authority.  
the powers, functions or duties conferred upon or entrusted to it by section 4, 15, 17, 18 or 23, to a committee, or an officer in the service, of that local authority.”

Amendment of section 40 of Act 66 of 1971.

39. Section 40 of the Sectional Titles Act, 1971, is hereby amended by the insertion after paragraph (k) of subsection (1) of the following paragraph:

“(kA) the fees and charges of local authorities in connection with the exercise or performance of any of their powers, functions or duties in terms of section 4, 15, 17, 18 or 23;”

Amendment of section 20 of Act 9 of 1972, as amended by section 5 of Act 46 of 1974.

40. (1) Section 20 of the National Road Safety Act, 1972, is hereby amended by the substitution in subsection (2) for the word “employers” of the word “employees”.

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

(2) Subsection (1) shall be deemed to have come into operation on 15 March 1972.

## Amendment of section 2 of Act 28 of 1973.

41. Section 2 of the Sishen-Saldanha Bay Railway Construction Act, 1973, is hereby amended by the addition of the following subsection:

“(4) No transfer duty, stamp duty or office fees shall be payable in respect of the transfer of any immovable property in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), by the Corporation to any company formed under subsection (3).”

## Substitution of section 3 of Act 46 of 1973.

42. The following section is hereby substituted for section 3 of the Sea Birds and Seals Protection Act, 1973:

“Prohibitions.

3. No person shall—

- (a) set foot on or remain upon any island;
- (b) upon any island or within the territorial waters or fishing zone of the Republic or along the coast of the Republic between the low-water mark as defined in section 1 of the Sea-shore Act, 1935 (Act No. 21 of 1935), and the high-water mark as so defined, pursue or shoot at or wilfully disturb, kill or capture any sea bird or seal; or
- (c) wilfully damage the eggs of any sea bird upon any island or collect upon or remove from any island any such eggs or the feathers of any sea bird or any guano,

except in the performance of his duties under this Act or under the authority and subject to the conditions of an exemption granted by or under this Act, or of a permit.”

## Amendment of section 11 of Act 46 of 1973.

43. Section 11 of the Sea Birds and Seals Protection Act, 1973, is hereby amended by the insertion after paragraph (c) of subsection (1) of the following paragraphs:

- “(cA) make regulations granting exemption from any provision of this Act, and prescribing the circumstances in which such exemption shall apply;
- “(cB) make regulations prohibiting or regulating the taking on board, without lawful reason, on any fishing boat as defined in the Sea Fisheries Act, 1973 (Act No. 58 of 1973); of any fire-arm or any instrument or substance with which seals may be killed, disturbed or frightened away;”

## Amendment of section 15 of Act 58 of 1973.

44. Section 15 of the Sea Fisheries Act, 1973, is hereby amended—

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

“(1) The Minister may—

- (a) delegate any or all of the powers conferred upon him by this Act to any officer;
- (b) by notice in the *Gazette* delegate, in respect of any specified species of fish or sea-weed, shells or salt, and either generally or in respect of any specified area, any power conferred upon him by this Act to any other person, including a local authority or body of persons.”; and

- (b) by the insertion after subsection (2) of the following subsection:

“(2A) The director may delegate any or all of the powers conferred upon him by this Act to any officer.”

## Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

Amendment of  
section 24 of  
Act 58 of 1973.

45. Section 24 of the Sea Fisheries Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any regulation, notice or prescription in terms of this Act may be declared to be applicable also—

- (a) outside the fishing zone in respect of any person on any fishing boat licensed in terms of this Act;
- (b) on any boat used as a fishing boat within the fishing zone;
- (c) outside the fishing zone in respect of any person on a boat used for the catching, on the continental shelf referred to in section 7 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), of any sedentary species of fish contemplated in the definition of natural resources referred to in that section, or of any other species of fish specified in the regulation, notice or prescription in question.”.

Amendment of  
section 15 of  
Act 56 of 1974.

46. (1) Section 15 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The council shall, subject to the provisions of subsection (3), establish a professional board in respect of the psychology profession and such supplementary health service professions as in the opinion of the council are related to the psychology profession, to promote high standards of professional education and professional conduct among the members of the psychology profession and such related professions, which board shall, subject to the provisions of subsection (6), consist of persons whose names appear in the register kept in terms of section 18 in respect of the psychology profession or in the register kept in terms of section 32 in respect of such a related profession.”.

(2) Subsection (1) shall be deemed to have come into operation on 21 February 1975.

Amendment of  
section 17 of  
Act 56 of 1974.

47. (1) Section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the registrar is satisfied that the qualification and the other documents submitted in support of the application satisfy the requirements of this Act, he shall, upon payment by the applicant of the prescribed registration fee, issue a registration certificate authorizing the applicant, subject to the provisions of this Act or of any other law, to practise the profession in respect whereof he has applied for registration, within the Republic.”.

(2) Subsection (1) shall be deemed to have come into operation on 21 February 1975.

Amendment of  
section 18 of  
Act 56 of 1974.

48. (1) Section 18 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The registrar shall keep separate registers in respect of medical practitioners, dentists, interns, medical students, dental students and psychologists and shall, on the instructions of the council, enter in the appropriate register the name, address, qualifications, date of initial registration and such other particulars (including, in the case of medical practitioners, dentists and psychologists, name of speciality,

Act No. 57, 1975

## GENERAL LAW AMENDMENT ACT, 1975.

if any, and in the case of psychologists also the name of their category) as the council may determine, of every person whose application for registration in terms of section 17 (2) has been granted.”

(2) Subsection (1) shall be deemed to have come into operation on 21 February 1975.

Amendment of section 20 of Act 24 of 1975.

49. Section 20 of the Groot Constantia State Estate Control Act, 1975, is hereby amended by the substitution in subsection (1) for the expression “31 March” of the expression “30 June”.

Repeal of laws.

50. (1) The following laws are hereby repealed:

- (a) Indians Relief Act, 1914 (Act No. 22 of 1914); Immigration and Indian Relief (Further Provision) Act, 1927 (Act No. 37 of 1927);
- (b) Agricultural Warehouse Act, 1930 (Act No. 42 of 1930); Agricultural Warehouse Amendment Act, 1964 (Act No. 30 of 1964);
- (c) Douglas Irrigable Areas Board Act, 1937 (Act No. 18 of 1937); Douglas Irrigable Areas Board Amendment Act, 1962 (Act No. 2 of 1962);
- (d) Agricultural Products Grading Act, 1959 (Act No. 9 of 1959).

(2) All assets and liabilities of the board referred to in section 2 of the said Douglas Irrigable Areas Board Act, 1937, shall vest in the State.

Short title and commencement.

51. (1) This Act shall be called the General Law Amendment Act, 1975.

- (2) (a) Sections 8 to 12, inclusive, and 14 to 21, inclusive, shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.
- (b) Different dates may be fixed under paragraph (a) in respect of different sections.