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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 151, 1987

NATALSE WETBOEK VAN ZOELOEREG

Kragtens die bevoegdheid my verleen by artikel 24 van die Swart Administrasiewet, 1927 (Wet 38 van 1927), verklaar ek hierby dat—

- die Natalse Wetboek van Zoeloereg gewysig word deur die Bylae van Wet 19 van 1891 (Natal) deur die Bylae van hierdie Proklamasie te vervang;
- Proklamasie R. 195 van 1967, Proklamasie R. 103 van 1973, Proklamasie R. 266 van 1978 (met die uitsondering van Bylae 2), Proklamasie R. 110 van 1979 en Proklamasie R. 213 van 1979, hierby herroep word;
- hierdie Proklamasie in werking tree een maand na die datum van afkondiging daarvan in die *Staatskoerant*.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Derde dag van September Eenduisend Negehonderd Sewe-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

J. C. HEUNIS,
Minister van die Kabinet.

BYLAE

NATALSE WETBOEK VAN ZOELOEREG

INDELING VAN ARTIKELS

Hoofstuk	Artikel
1. WOORDOMSKRYWING EN VERKLARENDE BEPALINGS.....	1
2. STAMGRENSE.....	2- 4
3. KAPTEINS.....	5- 11
4. PERSOONLIKE STATUS.....	12- 16
5. FAMILIEHOOFDE.....	17- 26
6. VOOGDYSKAP.....	27- 35
7. GEBRUIKLIKE HUWELIKE EN VERWANTE VERBINDINGS.....	36- 57

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 151, 1987

NATAL CODE OF ZULU LAW

Under and by virtue of the powers vested in me by section 24 of the Black Administration Act, 1927 (Act 38 of 1927), I hereby declare that—

- the Natal Code of Zulu Law is amended by the substitution of the Schedule to this Proclamation for the Schedule to Law 19 of 1891 (Natal);
- Proclamation R. 195 of 1967, Proclamation R. 103 of 1973, Proclamation R. 226 of 1978 (with the exception of Schedule 2), Proclamation R. 110 of 1979 and Proclamation R. 213 of 1979 are hereby repealed.
- this Proclamation shall come into operation one month after the date of its promulgation in the *Government Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Third day of September, One thousand Nine hundred and Eighty-seven.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

J. C. HEUNIS,
Minister of the Cabinet.

SCHEDULE

NATAL CODE OF ZULU LAW

ARRANGEMENT OF SECTIONS

Chapter	Sections
1. DEFINITIONS AND EXPLANATORY PROVISIONS.....	1
2. TRIBAL BOUNDARIES.....	2- 4
3. CHIEFS.....	5- 11
4. PERSONAL STATUS.....	12- 16
5. FAMILY HEADS.....	17- 26
6. GUARDIANSHIP.....	27- 35
7. CIVIL AND CUSTOMARY MARRIAGES AND COGNATE UNIONS.....	36- 57

Hoofstuk	Artikel	Chapter	Sections
8. LOBOLO	58- 67	8. LOBOLO	58- 67
9. FAMILIESTELSEL	68- 78	9. FAMILY SYSTEM	68- 78
10. ERFENIS EN ERFOPVOLGING	79- 82	10. INHERITANCE AND SUCCESSION	79- 82
11. GENEES- EN KRUIEKUNDIGES EN VROED- VROUE	83- 90	11. MEDICINE MEN, HERBALISTS AND MID- WIVES	83- 90
12. ONREGMATIGE DADE	91-104	12. ACTIONABLE WRONGS	91-104
13. SIVIELE PROSEDURE EN DIVERSE BEPALINGS	105-114	13. CIVIL PROCEDURE AND MISCELLANEOUS	
14. MISDRYWE EN ALGEMENE STRAFBEPALINGS	115-118	PROVISIONS	105-114
		14. OFFENCES AND GENERAL PENALTY	115-118
AANHANGSEL 1		ANNEXURE 1	
AANHANGSEL 2		ANNEXURE 2	

HOOFTUK 1

WOORDOMSKRYWING EN VERKLARENDE BEPALINGS

Woordomskrywing

- (1) In hierdie Wetboek, tensy anders blyk, beteken—
 - “affiliësie” die aanhanklikheid van een of meer junior huise aan ’n senior of superieure huis, hetsy die *indlunkulu*, die *ikhohlo* of die *iqadi* ten einde voorsiening te maak teen ’n gebrek aan ’n erfgenaam in sodanige senior of superieure huis, en het “geaffilieer” ’n ooreenstemmende betekenis;
 - “Direkteur-generaal” die Direkteur-generaal van die Departement van Ontwikkelingsbeplanning;
 - “*ethula*” is die gebruik waarby ’n junior huis ’n verpligting opgelê word vir die terugbetaling van *lobolo* wat van ’n senior huis geneem mag gewees het om sodanige junior huis tot stand te bring. Die *lobolo* van die oudste dogter van sodanige junior huis word gewoonlik aangedui as die bron waaruit die aanspreeklikheid gedelg moet word, maar die gebruik word nie erken as synde van toepassing op die oorhandiging van die “*ethula*” meisie self as ’n pand vir betaling nie;
 - “familie-eiendom” al die eiendom in ’n familiewoning uitgesonderd (i) eiendom wat aan enige besondere huis van daardie familiewoning begiftig is of spesiaal daaraan verbonde is, en (ii) die persoonlike eiendom van enige mondigde huisgenoot of van enige huisgenoot wat nie aan die familiehoof verwant is of tot hulle behoort nie;
 - “familiehoof” die eienaar of persoon belas met die toesig oor ’n familiewoning;
 - “familiewoning” die huishoudelike inrigting en gewone woonplek van ’n Swarte en kan dit uit een of meer huise bestaan en omvat afsonderlike wonings bewoon deur Swartes in dorpe, op sendingstasies of op privaat gronde;
 - “gebruiklike huwelik” ’n gebruiklike verbinding soos omskryf in die Wet: Met dien verstande dat dit aangegaan is ooreenkomstig die essensiële vereistes by hierdie Wetboek voorgeskryf;
 - “distriksbeampte” ’n beampte in die Staatsdiens deur die Direkteur-generaal as sodanig aangewys;
 - “huis” die familie en eiendom, regte en status, wat begin met, verbonde is aan en ontstaan uit die gebruiklike huwelik van enige Swart vrou;
 - “huiseiendom” die eiendom wat aan enige huis in ’n familiewoning begiftig is of spesiaal daaraan verbonde is. Sodanige eiendom word verkry deur donasies of toedeling en deur die ontvangs van *lobolo* ten opsigte van die meisies van die huis;
 - “huisgenoot” met betrekking tot ’n familiewoning enigiemand wat gewoonlik daarin woon, en sluit die hoof van ’n familie in wat in ’n familiewoning onder die beheer van die familiehoof woon;

CHAPTER 1

DEFINITIONS AND EXPLANATORY PROVISIONS

Definitions

- (1) In this Code, unless otherwise indicated—
 - “Act” means the Black Administration Act, 1927 (Act 38 of 1927);
 - “affiliation” means the attachment of one or more junior houses to a senior or superior house, either the *indlunkulu*, the *ikhohlo* or the *iqadi*, for the purpose of providing against the failure of an heir in such senior or superior house, and “affiliated” has a corresponding meaning;
 - “Black” means a person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa;
 - “chief’s deputy” means any person appointed by a chief under the provisions of section 6 to control any particular section of the tribe;
 - “civil marriage” means a marriage contracted in terms of the Marriage Act, 1961 (Act 25 of 1961);
 - “customary marriage” means a customary union as defined in the Act, provided that such marriage has been entered into in accordance with the essential requirements prescribed by this Code;
 - “Director-General” means the Director-General of the Department of Development Planning;
 - “district officer” an official in the Public Service designated by the Director-General as such;
 - “*ethula*” means the custom whereby an obligation is imposed upon a junior house to refund *lobolo* which may been taken from a senior house to establish such junior house. The *lobolo* of the eldest daughter of such junior house is usually indicated as the source from which the liability is to be met but the custom is not recognised as extending to the handing over of the *ethula* girl herself as a pledge of payment;
 - “family head” means the owner or the person having charge of a family home;
 - “family home” means the domestic establishment and ordinary place of residence of a Black and may consist of one or more houses and includes individual dwellings occupied by Blacks in townships, on mission stations or on private lands;
 - “family property” means all the property in a family home other than (i) property vesting in or pertaining specially to any particular house of that family home and (ii) the personal property of any major inmate or any inmate not related to or belonging to the family of the family head;
 - “house” means the family and property, rights and status which commence with, attach to and arise out of the customary marriage of any Black woman;

- “*ikhohlo*” (*ikhohlwa*), die linkerhandse senior huis van ’n familiewoning wat verdeel is in afdelings soos omskryf in artikel 71 en wat met sy geaffilieerde huise die *ikhohlo* (*ikhohlwa*)-afdeling vorm; dit word gewoonlik met familie-eiendom tot stand gebring en waar ’n uitdruklike verklaring tot die teendeel ontbreek geskied geen teruggawe van sodanige eiendom nie;
- “*indlunkulu*” die “groot huis”—die vernaamste huis in ’n familiewoning; die ligging daarvan bepaal die ligging van die ander huise en met sy geaffilieerde huise vorm dit die *indlunkulu*-afdeling van die familiewoning;
- “*induna*” ’n persoon deur ’n kaptein ingevolge gewoonte aangestel om stamsake in ’n bepaalde gebied te administreer of om ’n spesifieke funksie ten opsigte van die stamadministrasie te verrig;
- “*iqadi*” (*inqadi*) die regterhandse senior huis van ’n familiewoning wat verdeel is in afdelings soos omskryf in artikel 71 en wat met sy geaffilieerde huise die *iqadi* (*inqadi*)-afdeling vorm; vir opvolgingsdoeleindes volg dit in rang op die *indlunkulu*-afdeling;
- “kaptein se verteenwoordiger” iemand aangestel deur ’n kaptein kragtens die bepalings van artikel 6 om enige besondere afdeling van sy stam te beheer;
- “*lobolo*” beeste of ander eiendom wat die voorgenome eggenoot, sy ouer, voog of ander persoon akkoord gaan om aan die ouer of voog van die voorgenome eggenote te lewer met die oog op ’n voorgenome gebruklike of siviele huwelik;
- “Minister” die Minister van Staatkundige Ontwikkeling en Beplanning;
- “*ngquthu*-bees” ’n bees wat betaalbaar is deur die eggenoot of verleier, na gelang van die geval, aan ’n vrou of aan die huis waartoe sy behoort, by die aangaan van ’n gebruklike of siviele huwelik of by die verleiding van haar dogter;
- “offisiële getuie” ’n persoon as sodanig aangestel kragtens artikel 41 om te fungeer by die viering van gebruklike huwelike;
- “*sis*a” ’n gebruik waarvolgens beeste of ander vee deur hul eienaar by iemand anders agtergelaat word met die verstandhouding dat sodanige persoon van hulle gebruik kan maak maar dat die persoon wat hulle daar plaas, die eienaar bly en die aantel vee hom toeval;
- “siviele huwelik” ’n huwelik aangegaan ingevolge die Huwelikswet, 1961 (Wet 25 van 1961);
- “Swarte” iemand wat ’n lid van ’n inboorlingras of stam van Afrika is of gewoonlik daarvoor deurgaang;
- “*ukungena*” ’n verbinding met ’n weduwee wat onderneem word ten behoeve van haar oorlede eggenoot deur sy volle of halfbroer of ander manlike familielid van vaderskant met die doel om (i) ingeval sy geen seun by haar oorlede eggenoot het nie, ’n erfgenaam te verwek om die eiendom of die eiendomsregte wat aan die huis van so ’n weduwee verbonde is, te erf, of (ii) ingeval sy sodanige seun het, die nominale nakomelinge van die oorledene te vermeerder;
- “*ukuvusa*” ’n vorm van plaasvervangende verbinding aangegaan wanneer die wettige erfgenaam of ander verantwoordelike persoon gebruik maak van eiendom wat aan ’n oorlede persoon behoort of sy eie eiendom om ’n eggenote te neem ten einde die boedel van sodanige oorlede persoon te vermeerder of te hernieu of sy naam te verewig en hom van ’n erfgenaam te voorsien;
- “Wet” die Swart Administrasie Wet, 1927 (Wet 38 van 1927).
- “house property” means property vested in and pertaining specially to any house in a family home; such property is acquired by donations, earnings or apportionment and by receipt of *lobolo* in respect of the girls of the house;
- “*ikhohlo*” (*ikhohlwa*) is the left-hand senior house of a family home which has been divided into sections as described in section 71 and with its affiliated houses forms the *ikhohlo* (*ikhohlwa*) section; it is usually established with family property and does not, in the absence of an express declaration to the contrary, make any refund of such property;
- “*indlunkulu*” means the “great house”, the chief house in a family home; from it the other houses take their position and with its affiliated houses it forms the *indlunkulu* section of the family home;
- “*induna*” means a person appointed by a chief in terms of the customs and laws of the tribe of such chief to administer tribal affairs in a particular area or for a specific function in the tribal administration;
- “inmate” in relation to a family home means any person usually residing therein and includes the head of a family resident in a family home, subject to the control of the family head;
- “*iqadi*” (*inqadi*) is the right-hand senior house of a family home which has been divided into sections as described in section 71 and with its affiliated houses forms the *iqadi* (*inqadi*) section; for purposes of succession it ranks next to the *indlunkulu* section;
- “*lobolo*” means cattle or other property which in consideration of an intended customary or civil marriage the intended husband, his parent or guardian or other person agrees to deliver to the parent or guardian of the intended wife;
- “Minister” means the Minister of Constitutional Development and Planning;
- “*ngquthu* beast” means a beast which is payable by the husband or seducer as the case may be, to a woman or to the house to which she belongs, upon the entrance into a customary or civil marriage or the seduction of her daughter;
- “official witness” means a person appointed as such under section 41 to officiate at the celebration of customary marriages;
- “*sis*a” means a custom whereby cattle or other livestock are deposited by their owner with some other person on the understanding that such person shall enjoy the use of them, but that the ownership shall remain with and increase accrue to the depositor;
- “*ukungena*” means a union with a widow undertaken on behalf of her deceased husband by his full or half-brother or other paternal male relative for the purpose (i) in the event of her having no male issue by the deceased husband of raising an heir to inherit the property or property rights attaching to the house of such widow or (ii) in the event of her having such male issue of increasing the nominal offspring of the deceased;
- “*ukuvusa*” means a form of vicarious union entered into when the heir at law or other responsible person uses property belonging to a deceased person or his own property to take a wife for the purpose of increasing or resuscitating the estate of such deceased person or to perpetuate his name and provide him with an heir.

(2) In hierdie Wetboek kan uitdrukkings wat familie-verwantskappe soos "eggenoot", "eggenote", en soortge-lyke inbegryp, benewens hul gewone betekenis, toegepas word op sodanige verwantskappe wat ontstaan uit gebruik-lyke huwelike, en die uitdrukkings "egskeiding", "nietig-verklaring", "getroud" en "ongetroud" het 'n ooreen-stemmende toepassing.

(3) Onderstaande uitdrukkings word nie elders in hierdie Wetboek gebruik nie maar in Zoeloereg het hulle die bete-kenis wat aan hulle onderskeidelik hieronder toegeken is—

"*insonyama*" beteken sekere gesogte dele van 'n bees wat 'n junior huis ooreenkomstig een vorm van die *ethula*-gebruik as erkenning van status aan die hoof van 'n superieure huis in die familiewoning oorhandig wanneer 'n bees deur sodanige junior huis geslag word. Die nakoming van hierdie gebruik is van bewyswaarde by die bepaling van die status van die betrokke huise, maar is nie by wet afdwingbaar nie;

"*isizinda*" beteken die aanstelling deur 'n familiehoof van een van sy seuns, gewoonlik die eersgebore seun, as formele hoof van die gesin in sy eie plek na sy dood. Die aanstelling gaan nie gepaard met eiendomsregte of verpligtings nie;

"*umhlubulo*" beteken sekere dele van 'n bees wat die hoof van 'n superieure huis ooreenkomstig een vorm van die *ethula* gebruik oorhandig aan en wat 'n junior huis in die familiewoning toekom wanneer 'n bees deur sodanige superieure huis geslag word. Die na-koming van hierdie gebruik is van bewyswaarde by die bepaling van die status van die betrokke huise, maar is nie by wet afdwingbaar nie.

HOOFSTUK 2

STAMGRENSE

Omskrywing van stamgrense

2. Stamgrense voorheen omskryf of gewysig kragtens die bepalings van enige wet wat herroep is, sal, tensy en totdat dit gewysig word kragtens artikel 5 (1) (a) van die Wet, geag word as synde omskryf of gewysig kragtens genoemde artikel.

'n Swarte word geag lid te wees van die stam binne wie se gebied hy woon en negering van stamgrense is 'n oortreding

3. (1) 'n Swarte word geag 'n lid te wees van die stam van die kaptein binne wie se regsgebied hy woonagtig is: Met dien verstande dat wanneer 'n Swarte as gevolg van die omskrywing van enige grens van sy eie stam of kaptein afgeskei word, sodanige Swarte, behoudens die bepalings van artikel 4, binne twee jaar na sodanige omskrywing kan trek na die streek wat vir sodanige stam of kaptein aange-wys is en as hy in gebreke bly om dit te doen, word hy, na verloop van voormelde tydperk van twee jaar, geag ingelyf te wees by die stam van en in alle opsigte onderworpe aan die kaptein in wie se regsgebied hy gebly het.

(2) Enige Swarte wat enige behoorlik omskrewe stam-grens of die gewoontes of regulasies wat interstamverpla-sings beheer verontagsaam en sonder magtiging en teenstry-dig met sodanige gewoontes of regulasies, uit die gebied van enige stam na die van 'n ander verhuis, is skuldig aan 'n oortreding.

Verskuiwing van familiewoning van een distrik na 'n ander

4. 'n Swarte mag nie sonder die goedkeuring van die distriksbeamppte sy familiewoning van die een distrik na 'n ander verskuif nie.

(2) In this Code terms connoting family relationships such as "husband", "wife" and the like in addition to their ordinary significance are applied to such relationships arising out of customary marriages, and the terms "divorce", "nullity", "married" and "unmarried" have a corre-sponding application.

(3) The following terms are not used elsewhere in this Code but in Zulu law have the meaning respectively as-signed to them below—

"*insonyama*" denotes certain choice portions of a beast which under one form of the "*ethula*" custom are in recognition of status handed over by a junior house to the head of a superior house in the family home when a beast is slaughtered by such junior house. Observance of this custom is of evidential value in determining the status of the houses concerned but is not enforceable at law;

"*isizinda*" denotes the appointment by a family head of one of his sons, usually the first-born son, to be the formal head of the family in his own stead after his death. The appointment carries with it no property rights or obligations;

"*umhlubulo*" denotes certain portions of a beast which under one form of the "*ethula*" custom are handed over by the head of a superior house to and are the perquisite of a junior house in the family home when a beast is slaughtered by such superior house. Obser-vance of this custom is of evidential value in determin-ing the status of the houses concerned but is not enforceable at law.

CHAPTER 2

TRIBAL BOUNDARIES

Definition of tribal boundaries

2. Tribal boundaries previously defined or amended under the provisions of any law which has been repealed shall, unless and until altered in terms of section 5 (1) (a) of the Act, be deemed to have been defined or amended in terms of the said section.

Black deemed to be member of tribe within whose area he resides and disregard of tribal boundaries an offence

3. (1) A Black shall be deemed to be a member of the tribe of the chief within whose area of jurisdiction he re-sides: Provided that when the effect of the definition of any boundary is to separate a Black from his own tribe or chief, such Black may, with the approval of the district officer and subject to the provisions of section 4, within two years of such definition remove to the area appointed for such tribe or chief and, should he fail to do so, he shall, after the expiry of the said period of two years, be deemed to have incorporated himself in the tribe of and to be subject in all respects to the chief within whose area of jurisdiction he has remained.

(2) Any Black who disregards any tribal boundary duly defined or the customs or regulations regulating inter-tribal removals and without authority and contrary to such cus-toms or regulations moves from the area of any tribe to that of another shall be guilty of an offence.

Removal of family home from one district to another

4. No Black shall remove his family home from one district to another except with the approval of the district officer.

CHAPTER 3

CHIEFS

Powers, authorities, duties, functions, rights and privileges of chiefs

5. The powers, authorities, duties, functions, rights and privileges of chiefs shall be as prescribed in the Act and the regulations made thereunder, read in conjunction with this Code: Provided that, in the event of any conflict between this Code and any provision of the said Act in regard to any matter specifically provided for herein, this Code shall prevail.

Appointment and discharge of chief's deputies

6. (1) Chiefs shall be responsible for the appointment of a sufficient number of chief's deputies and *indunas* for sections or areas of their tribes.

(2) The district officer shall keep a register of all chief's deputies and *indunas* in his area and such register shall contain all such detail and information as may be determined by the Minister.

(3) A chief may with the approval of the district officer terminate the appointment of any chief's deputy or *induna* in respect of any section of his tribe and shall when so directed by the district officer terminate any such appointment: Provided that the appointment of any chief's deputy who has been authorised under section 12 of the Act to hear and determine civil claims may not be terminated except with the approval of the Minister.

Chiefs may demand compliance, give orders, and punish for defiance of orders

7. (1) Chiefs have authority to require compliance by the people under their jurisdiction with their duties under Zulu law and may give orders for the purpose. The enforcement of obedience to authority, of the duty of children to their parents and of the obligations of inmates of family homes towards their family heads shall in particular fall within the scope of their authority. In addition they shall disperse or order the dispersal of any assembly of armed persons in their areas, held without authority, or of any riotous or unlawful meeting or gathering and, where a state of lawlessness or unrest exists in their areas, shall have authority to order that, for a period not exceeding seven days or such longer period as the district officer may determine—

- (a) the gathering of persons in groups, or the brewing of beer at family homes within such area as they may specify in the neighbourhood or vicinity of a particular family home, or of family homes in general, at which a wedding or other ceremony is being or is about to be held;
 - (b) the carrying by any person of a shield or of more than one stick;
 - (c) the shouting of war cries and the blowing of bugles or whistles, shall be prohibited.
- (2) In exercising their functions under this section chiefs may impose a fine not exceeding fifty rand for defiance or disregard of their orders.

Chiefs entitled to privileges of court of law

8. (1) In exercising their lawful judicial functions, chiefs shall be entitled to the privileges of a court of law in respect of disobedience of their orders or contempt of court and may impose a summary fine not exceeding fifty rand for any such offence.

HOOFSTUK 3

KAPTEINS

Magte, bevoegdhede, pligte, funksies, regte en voorregte van kapteins

5. Die magte, bevoegdhede, pligte, funksies, regte en voorregte van kapteins is soos bepaal in die Wet en die Wetboek: Met dien verstande dat waar hierdie Wetboek regulasies daarvolgens uitvaardig, gelees met hierdie Wetboek: Met dien verstande dat waar hierdie Wetboek uitvaardig is met enige bepaling van genoemde Wet met betrekking tot enige aangeleentheid waarvoor hierin spesifiek voorsiening gemaak word, die bepaling van hierdie Wetboek geld.

Aanstelling en ontslag van kapteinsverteenwoordigers

6. (1) Kapteins is verantwoordelik vir die aanstelling van 'n toereikende getal kapteinsverteenwoordigers en *indunas* vir afdelings van hul stamme.

(2) Die distriktsbeampte hou 'n register van alle kapteinsverteenwoordigers en *indunas* en sodanige register bevat alle sodanige detail en inligting soos deur die Minister bepaal.

(3) 'n Kaptein kan, met die goedkeuring van die distriktsbeampte, die aanstelling van enige kapteinsverteenwoordiger of *induna* ten opsigte van enige afdeling van sy stam beëindig en wanneer daartoe gelas deur die distriktsbeampte moet hy enige sodanige aanstelling beëindig: Met dien verstande dat die aanstelling van enige kapteinsverteenwoordiger, wat kragtens artikel 12 van die Wet gemagtig is om siviele sake te verhoor en te beslis, nie beëindig kan word nie uitgesonderd met die goedkeuring van die Minister.

Kapteins kan insiklikheid vereis, bevele gee en kan miskenning straf

7. (1) Kapteins het die bevoegdheid om te vereis dat persone wat aan hul regsbevoegdheid onderworpe is, hul pligte in gevolge Zoeloeereg moet nakom en kan vir die doel bevele uitreik. Hulle het veral die bevoegdheid om gehoor-saamheid aan gelas, die plig van kinders teenoor hul ouers en die verpligtinge van huisgoot teenoor hul familie-hoofde af te dwing. Daarbenewens moet hulle enige byekoms van gewapende persone wat sonder magtiging in hul gebiede gehou word, of enige oproerige of onwettige vergadering of byekoms uitencjaag of gelas dat sodanige vergadering of byekoms uitencjaag word, en wanneer daar in hul gebiede 'n toestand van wetteloosheid of onrus bestaan, het hulle die bevoegdheid om te gelas dat vir 'n tydperk van hoogstens sewe dae of sodanige langer tydperk as wat die distriktsbeampte mag bepaal—

- (a) die byeenkoms van persone in groepe, of die brou van bier by familie-wonings binne die gebied wat hulle mag bepaal in die omgewing of nabyheid van 'n besondere familie-woning of familie-wonings in die alge-meen waar 'n huwelik of ander seremonie gehou of gehou staan te word;
 - (b) die dra van 'n skild of van 'n klerie deur enige persoon;
 - (c) die uitstree van oorlogskreie en die blaas van beuels of fluitjies, verbied word.
- (2) Kapteins kan by die uitoefening van hul amppligte ingevolge hierdie artikel, 'n boete van hoogstens vyftig rand ople vir die trotsering of verontagsaming van hul bevele.

Kapteins geregtig op voorregte van gereghof

8. (1) By die uitoefening van hulle wettlike regterlike bevoegdhede is kapteins geregtig op die voorregte van 'n gereghof ten opsigte van ongehoorsaamheid aan hulle bevele of minagting van die hof en kan summiert 'n boete van hoogstens vyftig rand vir sodanige misdryf ople.

(2) 'n Summiere boete opgelê deur 'n kaptein kragtens die bepalings van hierdie Wetboek word vir die doeleindes van appèl en invordering beskou as 'n boete opgelê by die uitoefening van regspraak kragtens artikel 20 van die Wet.

Onwettige teenwoordigheid of rusverstoring in familiewoning van 'n kaptein is 'n oortreding

9. Enige Swarte wat in die familiewoning van 'n kaptein aangetref word en nie in staat is om bevredigende rekenskap van homself te gee nie, of enige Swarte wat die vrede in die onmiddellike omgewing van sodanige familiewoning verstoort, is skuldig aan 'n oortreding en kan op bevel van sodanige kaptein gearresteer en in die landdroshof weens die oortreding aangekla word.

Erkenning en aanstelling van opvolger van erfkaptein

10. (1) Vir die doeleindes van algemene erfopvolging, soos omskryf in artikel 81, is die erfgenaam van 'n oorlede erfkaptein die persoon wat die Staatspresident kragtens artikel 2 (7) van die Wet as erfopvolger van die kapteinskap aanstel of vir aanstelling erken.

(2) Alvorens kragtens artikel 2 (7) van die Wet besluit word wie om aan te stel of vir aanstelling te erken, as kaptein, in opvolging van 'n erfkaptein kan die Staatspresident, indien hy as gevolg van 'n geskil of ander omstandigheid dit wenslik ag, ondersoek laat instel deur drie raadgevers deur hom aangestel. Sodanige raadgevers word uitgekies op grond van hul spesiale kennis van die taal, gebruike en wette van die Zesloes, en moet deur bemiddeling van die distriksbeampte aan die Staatspresident verslag doen. Hulle besit al die magte wat by wet aan landdroshowe verleen word vir die dagvaarding van getuies, hul ondervraging onder eed, en om die voorlegging van dokumente af te dwing.

Ondersoek moet gehou word in gevalle van geskille of ontevredenheid

11. (1) In alle gevalle van geskille oor kapteinskappe, stamtwiste of ontevredenheid en van wrywing tussen kapteins of stamme, stel die distriksbeampte persoonlik of, op ander wyse na goeddunke ondersoek in vir die inligting van die Minister.

(2) By die uitoefening van sy funksies ingevolge subartikel (1) besit die distriksbeampte of sy plaasvervanger al die bevoegdhede wat by wet aan 'n landdroshof verleen is vir die dagvaarding van getuies, hul ondervraging onder eed en om die voorlegging van dokumente af te dwing.

HOOFTUK 4

PERSOONLIKE STATUS

Elke Swarte is familiehoof of huisgenoot

12. Elke Swarte is of 'n familiehoof of 'n huisgenoot onderworpe aan die familiehoof in alle familiesake.

Eiendomsregte

13. Enige Swarte kan roerende eiendom verkry, en enige Swarte kan onroerende eiendom verkry maar hierdie reg is, vir sover dit eiendom van die familie van 'n familiehoof betref, onderworpe aan die bepalings van artikel 19.

Meerderjarigheidsouderdom

14. Behoudens die bepalings van die Wet op Meerderjarigheid, 1972 (Wet 57 van 1972), word 'n Swarte 'n wetlike meerderjarige wanneer hy trou of die ouderdom van een-en-twintig jaar bereik en vir die toepassing van hierdie subartikel word ouderdom, waar bewys ontbreek, bepaal en aangeteken deur die distriksbeampte, wie se beslissing afdoende is.

(2) A summary fine imposed by a chief under the provisions of this Code shall for the purpose of appeal and recovery be regarded as a fine imposed in the exercise of jurisdiction under section 20 of the Act.

Unlawful presence or disturbing peace in chief's family home an offence

9. Any Black found in a chief's family home and unable to give a satisfactory account of himself or any black disturbing the peace within the precincts of such family home shall be guilty of an offence and may be arrested by order of such chief and charged with the offence in a magistrate's court.

Recognition and appointment of successor to hereditary chief

10. (1) For the purposes of general succession as in section 81 defined, the heir of a deceased hereditary chief shall be the person whom the State President appoints or recognises for appointment, under section 2 (7) of the Act, as successor to the chieftainship.

(2) Before deciding whom to appoint or to recognise for appointment, under section 2 (7) of the Act, as chief in succession to a hereditary chief, the State President, should he by reason of any dispute or other circumstance deem it desirable, may cause inquiry to be made by three advisers to be appointed by him. Such advisers shall be selected by reason of their special knowledge of the language, customs and laws of the Zulus and shall report to the State President through the district officer. They shall have all the powers conferred by law on a magistrate's court for the summoning of witnesses, their examination under oath and compelling the production of documents.

Inquiry to be held in cases of dispute or dissatisfaction

11. (1) In all cases of disputed chieftainships or succession to chieftainships, of tribal quarrels or dissatisfaction and of friction between chiefs or tribes, the district officer shall make inquiry personally or otherwise, as he may deem best, for the information of the Minister.

(2) In exercising his functions under subsection (1), the district officer or his deputy shall have all the powers conferred by law on a magistrate's court for the summoning of witnesses, their examination under oath and compelling the production of documents.

CHAPTER 4

PERSONAL STATUS

Every Black either family head or inmate

12. Every black shall be either a family head or an inmate subject to the family head in all family matters.

Property rights

13. Any Black may acquire movable or immovable property but this right, in so far as property of the family of a family head is concerned, is subject to the provisions of section 19.

Age of majority

14. Subject to the provisions of the Age of Majority Act, 1972 (Act 57 of 1972), a Black shall become a major in law on marriage or on attaining the age of twenty-one years and for the purpose of this subsection age may, in the absence of proof, be determined and recorded by the district officer, whose decision shall be final.

Bevoegdheid van minderjarige om kontrakte aan te gaan

15. 'n Minderjarige is nie bevoeg om 'n kontrak aan te gaan nie, uitgesonderd met die uitdruklike of stilswyende bystand of toestemming van sy voog en 'n kontrak andersins deur 'n minderjarige aangegaan, is nie geldig of bindend nie tensy bewys word dat dit ten voordele is van sodanige minderjarige of van die familiewoning waartoe hy behoort: Met dien verstande dat daar nie van sodanige minderjarige of sy familiewoning verwag word om 'n teenprestasie te lewer nie.

Huise en families waarvan minderjariges lede word

16. (1) 'n Kind gebore uit 'n ongetroude Swart vrou wat nie 'n familiehoof is nie word lid van die huis van die moeder van sodanige vrou en is onderworpe aan die familiehoof: Met dien verstande dat indien sodanige vrou met die vader van die kind trou, sodanige kind lid word van die huis wat deur sodanige huwelik tot stand gebring word.

(2) 'n Kind gebore uit 'n vrou gedurende die bestaan van 'n huwelik deur haar aangegaan, word lid van die huis deur haar huwelik tot stand gebring.

(3) 'n Kind gebore uit 'n weduwee wat nie 'n familiehoof is nie, word lid van die huis van so 'n weduwee.

(4) 'n Kind gebore uit 'n geskeide vrou wat nie 'n familiehoof is nie, word lid van die huis van sodanige geskeide vrou se moeder: Met dien verstande dat waar die kind verwek word voor die ontbinding van die huwelik, sodanige kind 'n lid word van die huis van sy moeder in die vader se familiewoning.

(5) In geval van 'n latere huwelik tussen die ouers van 'n kind gebore uit 'n weduwee of geskeide vrou na verloop van tien maande vanaf die datum waarop sy weduwee geword het of van haar egskieding, na gelang van die geval, word sodanige kind, ondanks die bepalings van subartikels (3) en (4), lid van die huis wat deur sodanige huwelik tot stand gebring is.

(6) 'n Kind gebore uit 'n ongetroude vrou, weduwee of geskeide vrou, nadat sy 'n familiehoof geword het, is lid van sodanige familie.

HOOFSTUK 5**FAMILIEHOOFDE****Familiehoofde**

17. Iemand is hoof van 'n familiewoning kragtens die feit dat hy of

- die eienaar daarvan is; of
- die voog is gedurende die minderjarigheid van die erfgenaam ooreenkomstig die bepalings van artikel 29; of
- die voog is wat aangestel is deur die distriksbeampte onder die omstandighede in artikels 29 en 30 omskryf.

Administrasie van boedels tydens minderjarigheid van erfgename

18. (1) In die geval vermeld in artikel 17 (b)—

- kan die erfgenaam beheer oor die familiewoning aanvaar as hy ooreenkomstig die bepalings van artikel 14 mondig word of andersins op sodanige vroeër tydstip as wat die distriksbeampte of die kaptein bepaal;
- administreer die familiehoof die algemene boedel gedurende die minderjarigheid van die erfgenaam tensy anders bepaal ingevolge paragraaf (a), asook sodanige huiseiendom as wat in die familiewoning is onderskeidelik ten voordele van die toekomstige familiehoof en huiserfgename en is onderworpe aan die pligte en verantwoordelikhede van 'n gewone familiehoof.

Contractual capacity of minors

15. A minor shall not be competent to enter into a contract except with the assistance or consent, express or implied, of his guardian, and a contract otherwise entered by a minor shall not be valid or binding unless shown to be for the benefit of such minor or of the family home to which he belongs: Provided that such minor or his family home shall not be required to render any reciprocal performance.

Houses or families of which children become members

16. (1) A child born of an unmarried Black woman who is not a family head shall become a member of the house of the mother of such woman and shall be subject to the family head: Provided that if such woman marries the father of the child, such child shall become a member of the house established by such marriage.

(2) A child born of a woman during the subsistence of a marriage entered into by her shall become a member of the house established by her marriage.

(3) A child born of a widow who is not a family head shall become a member of the house of such widow.

(4) A child born of a divorced woman who is not a family head, shall become a member of the house of such divorced woman's mother: Provided that where the child is conceived before the dissolution of the marriage, such child becomes a member of its mother's house in the father's family home.

(5) Notwithstanding anything contained in subsection (3) and (4), in the event of a subsequent marriage between the parents of a child born of a widow or divorced woman after the lapse of ten months from the date of her becoming a widow or of her divorce, as the case may be, such child shall become a member of the house established by such marriage.

(6) A child born of an unmarried woman, widow or divorcee, after such woman has become a family head, shall be a member of such family.

CHAPTER 5**FAMILY HEADS****Family heads**

17. The head of a family home shall be such by virtue of being either—

- the owner thereof; or
- the guardian during the minority of the heir in accordance with the provisions of section 29; or
- the guardian appointed by the district officer under the circumstances described in sections 29 and 30.

Administration of estates during minority of heirs

18. (1) In the case referred to under section 17 (b)—

- the heir may assume control of the family home on attaining majority in accordance with the provisions of section 14 or otherwise at such earlier time as the district officer or the chief may determine;
- the family head shall administer the general estate during the minority of the heir unless otherwise determined in terms of paragraph (a), and also such house property as may be in the family home for the benefit of the future family head and house heirs respectively and shall be subject to the duties and responsibilities of an ordinary family head.

(2) In die geval vermeld in artikel 17 (c) administreer die familiehoof gedurende die tydperk van sy aanstelling die algemene boedel asook sodanige huiseiendom as wat daar in die familiewoning is en is onderworpe aan die pligte en verantwoordelikhede van 'n gewone familiehoof.

Verdienstes van minderjarige kinders

19. (1) 'n Familiehoof is geregtig op 'n redelike aandeel van die verdienstes van die minderjarige lede van sy familie en sodanige verdienstes moet allereers vir die onderhoud en voordeel van die huis waaruit dit afkomstig is en vir algemene familiedoelindes deur hom aangewend word.

(2) Hoewel 'n familiehoof groot ruimte toegelaat word om met die verdienstes vermeld in subartikel (1) na goeddunke te handel, is dit hom nie geoorloof om een huis ten koste van 'n ander te bevoordeel nie.

(3) 'n Familiehoof wat onbillik handel by die uitoefening van sy regte kragtens hierdie artikel kan, na 'n administratiewe ondersoek deur die distriksbeampte of die kaptein beveel word om hom daarvan te onthou en 'n familiehoof wat versuim om sodanige bevel te gehoorsaam is skuldig aan 'n misdryf.

Familiehoof is eienaar van familie-eiendom en het toesig en beheer oor huis-eiendom

20. Die familiehoof is die eienaar van alle familie-eiendom in sy familiewoning. Hy beskik in die opsig oor die bewaring en beheer van die eiendom wat aan die huise van sy verskillende vrouens verbonde is en kan dit na goeddunke vir sy persoonlike benodigdhede en behoeftes, vir algemene familiedoelindes of vir die onthaal van besoekers aanwend. Hy kan sodanige eiendom gebruik, omruil, uitleen of op 'n ander wyse vervreem of daarvoor beskik ten voordele of in die belang van die huis waaraan dit verbonde is, maar indien hy eiendom wat aan een huis verbonde is ten voordele of ten behoeve van enige ander huis in die familiewoning gebruik, rus daar op sodanige ander huis 'n verpligting om dit of die gelyke waarde daarvan terug te besorg.

Familiehoof moet huiseiendom afsonderlik hou en geskille besleg

21. Die familiehoof is verplig om die boedels van die verskillende huise in sy familiewoning afsonderlike te hou en alle geskille in verband daarmee te besleg.

Huisgenote is onder beheer van familiehoof

22. Afsien van geslag of ouderdom staan die huisgenote onder die beheer van en is hulle gehoorsaamheid ten opsigte van alle familiesake aan die familiehoof verskuldig.

Familiehoof is verantwoordelik vir gedrag van huisgenote en vir kontrakte deur minderjarige huisgenote

23. 'n Familiehoof is aan sy kaptein verantwoordelik vir die goeie gedrag van sy huisgenote en verkry regte en is onderworpe aan verpligtings ingevolge kontrakte deur sy huisgenote gesluit met sy uitdruklike of stilswyende magtiging.

Familiehoof kan oortreders arresteer

24. Ondanks andersluidende bepalings in enige ander wet, kan 'n familiehoof in die onmiddellike omgewing van sy familiewoning enige persoon summier arresteer wat sy gesag trotseer of die vrede verstoor, of onder redelike verdenking staan dat hy enige oortreding teenoor 'n persoon of in verband met eiendom begaan het of gepoog het om dit te begaan. Enigeen wat aldus gearresteer word, moet so gou as moontlik aan 'n polisiebeampte oorhandig word sodat daar volgens wet met hom gehandel kan word.

Familiehoof kan redelike lyfstraf toedien

25. 'n Familiehoof kan die minderjarige huisgenote in sy familiewoning redelike, maar nie oormatige lyfstraf nie, toedien met die doel om hulle tereg te wys en om vrede te bewaar en orde daarin te handhaaf.

(2) In the case referred to under section 17 (c) the family head during the period of his appointment shall administer the general estate and also such house property as there may be in the family home and is subject to the duties and responsibilities of an ordinary family head.

Earnings of minor children

19. (1) A family head shall be entitled to a reasonable share of the earnings of the minor members of his family and such earnings shall be utilised by him primarily for the maintenance and benefit of the house providing them and for general family purposes.

(2) While a family head shall be allowed a wide discretion in disposing of the earnings referred to in subsection (1) it shall not be permissible for him to benefit one house at the expense of another.

(3) A family head acting unreasonably in the exercise of his rights under this section may, after an administrative enquiry by the district officer or the chief, be ordered to desist therefrom and any family head who fails to obey such order shall be guilty of an offence.

Family head shall be owner of family property and shall have custody and control of house property

20. The family head shall be the owner of all family property in his family home. He shall have charge, custody and control of the property attaching to the houses of his several wives and may in his discretion use the same for his personal wants and necessities, or for general family purposes or for the entertainment of visitors. He may use, exchange, loan or otherwise alienate or deal with such property for the benefit of or in the interests of the house to which it attaches, but should he use property attaching to one house for the benefit or on behalf of any other house in the family home an obligation shall rest upon such other house to return the same or its equivalent in value.

Family head shall keep house property distinct and settle disputes

21. It shall be the duty of the family head to keep distinct the estates of the various houses in his family home and to settle all disputes in regard thereto.

Inmates under control of family head

22. The inmates of a family home irrespective of sex or age shall in respect of all family matters be under the control of and owe obedience to the family head.

Family head responsible for conduct of inmates and for contracts by minor inmates

23. A family head shall be responsible to his chief for the good conduct of the inmates of his family home and acquire rights and incur obligations under contracts entered into by the minor inmates of his family home when acting with his authority express or implied.

Family head may arrest offenders

24. Notwithstanding anything to the contrary in any other law contained, a family head may within the precincts of his family home, summarily arrest any person defying his authority or disturbing the peace or committing or reasonably suspected of committing or attempting to commit any offence against person or property. Any person so arrested shall be handed over as soon as possible to a police officer to be dealt with according to law.

Family head may inflict reasonable corporal punishment

25. A family head may inflict reasonable, but not excessive, corporal punishment upon the minor inmates of his family home for the purpose of correction and to maintain peace and order therein.

Familiehoof kan iemand aanstel om in sy afwesigheid waar te neem

26. 'n Familiehoof kan 'n geskikte en bevoegde persoon aanstel om in sy afwesigheid as familiehoof te ageer en iemand aldus aangestel, tree gedurende die tydperk van sy aanstelling in dieselfde hoedanigheid as 'n familiehoof op vir die toepassing van hierdie Wetboek en by ontstentenis van sodanige aanstelling, moet die erfgenaam, of as die erfgenaam 'n minderjarige is, sy moeder, toesig hou oor die familiewoning gedurende die afwesigheid van die familiehoof. Met dien verstande dat, sou omstandighede dit vereis, die distriksbeampte, gedurende die afwesigheid van die familiehoof, 'n geskikte persoon skriftelik kan magtig om alle sodanige stappe te neem, met inbegrip van die instelling van 'n aksie as wat nodig mag wees om die eiendom van die afwesige familiehoof of van minderjarige huisgenote te beskerm.

HOOFTUK 6 VOOGDYSKAP

Voogdyskap

27. (1) 'n Vader is die wettige voog van sy egte minderjarige kinders gebore uit sy huwelik.

(2) 'n Ongehuide moeder is die wettige voog van haar buite-egtelike minderjarige kind: Met dien verstande dat behoudens die bepalings van artikel 18 (4) (b) van die Wet op Kindersorg, 1983 (Wet 74 van 1983), 'n buite-egtelike kind van 'n minderjarige dogter onder die voogdy van sy moeder se voog val totdat sy moeder meerderjarigheid ingevolge artikel 14 bereik.

(3) 'n Getroude vrou is onder die maritale mag van haar eggenoot: Met dien verstande dat die eggenoot se maritale mag in 'n siviele huwelik buite gemeenskap van goedere deur 'n voorhuwelikse kontrak uitgesluit kan word.

(4) 'n Weduwee is die wettige voog van al haar minderjarige kinders.

(5) Indien by aansoek goeie redes aangevoer word, kan die hof, in 'n geding om egskeding, uitsluitlike voogdyskap oor die minderjarige kinders uit die huwelik aan die moeder toeken.

Voogdyskap in gevalle waar wettige voog sterf of onbevoeg is

28. Ingeval die wettige voog van 'n minderjarige oorlede of onbevoeg is, hetsy as gevolg van kranksinnigheid, swaksinnigheid, gevangenisstraf of andersins, vir 'n tydperk van meer as 'n jaar, gaan die voogdyskap van sodanige minderjarige—

- (a) indien die vader van sodanige minderjarige sy wettige voog is, oor op die moeder van sodanige minderjarige;
- (b) indien die moeder van sodanige minderjarige gebore uit die huwelik sy wettige voog is, oor op die grootvader aan vaderskant van sodanige minderjarige;
- (c) indien die ongehuide moeder van sodanige minderjarige sy wettige voog is, oor op die grootvader aan moederskant van sodanige minderjarige;
- (d) indien die moeder van sodanige minderjarige sy wettige voog is ingevolge 'n bevel van die hof, oor op die grootvader aan moederskant van sodanige minderjarige, en
- (e) indien die moeder van sodanige buite-egtelike minderjarige ongehuud, 'n weduwee of geskei is en haar eie familiewoning gestig het, oor op die grootvader aan moederskant van sodanige minderjarige: Met dien verstande dat die distriksbeampte, by aansoek en sou omstandighede dit vereis, enige geskikte persoon kan aanstel om as voog van sodanige minderjarige waar te neem totdat sodanige minderjarige meerderjarigheid ingevolge artikel 14 bereik.

Family head may appoint someone to act in his absence

26. A family head may appoint some fit and proper person to act as family head during his absence and a person so appointed shall during the period of his appointment be in the same position as a family head for the purpose of this Code, and, in default of any such appointment the heir or, should the heir be a minor, his mother, shall take charge of the family home during the absence of the family head: Provided that, should circumstances require, the district officer may, during the absence of the family head, authorise in writing any fit person to take all such steps, including the institution of legal proceedings, as may be necessary to protect the property of the absent family head or of minor inmates.

CHAPTER 6

GUARDIANSHIP

Guardianship

27. (1) A father shall be the legal guardian of his legitimate minor offspring born of his marriage.

(2) An unmarried woman shall be the legal guardian of her minor illegitimate child: Provided that, subject to the provisions of section 18 (4) (b) of the Child Care Act, 1983 (Act 74 of 1983), an illegitimate child of a minor daughter shall fall under the guardianship of its mother's guardian until its mother attains majority in terms of section 14.

(3) A married woman shall be under the marital power of her husband: Provided that the marital power of the husband in a civil marriage out of community of property may be excluded by an antenuptial contract.

(4) A widow shall be the legal guardian of all her minor children.

(5) If, on application, good cause is shown, the court may, in an action for divorce, vest the mother with the sole guardianship of the minor children of the marriage.

Guardianship where legal guardian dies or becomes incapacitated

28. In the event of the legal guardian of a minor being dead or being incapacitated, whether by insanity, idiocy, imprisonment or otherwise, for a period in excess of a year, the guardianship of such minor shall—

- (a) where the legal guardian of such minor is his father, devolve upon the mother of such minor;
- (b) where the legal guardian of such minor born of the marriage is his mother, devolve upon the paternal grandfather of such minor;
- (c) where the unmarried mother of such minor is his legitimate guardian, devolve upon the maternal grandfather of such minor;
- (d) where the mother of such minor is his legal guardian in terms of an order of court, devolve upon the maternal grandfather of such minor; and
- (e) where the mother of an illegitimate minor is unmarried, widowed or divorced and has established her own family home, devolve upon the maternal grandfather of such minor: Provided that the district officer shall, upon application and should occasion require, appoint any fit person to act as guardian of such minor until such minor attains majority in terms of section 14.

Dood van familiehoof

29. (1) Indien die erfgenaam by die afsterwe van 'n familiehoof, uitgesonderd 'n kaptein, te jonk is om die posisie te aanvaar, val die familiewoning onder die sorg van die moeder van die minderjarige erfgenaam: Met dien verstande dat, indien omstandighede dit vereis, die distriksbeampte by die uitoefening van sy administratiewe funksies kragtens hierdie Wetboek enige ander geskikte persoon kan aanstel as voog van die erfgenaam en om beheer van die familiewoning oor te neem.

(2) Indien die erfgenaam by die afsterwe van 'n familiehoof wat 'n kaptein is, te jonk is om die posisie te aanvaar, kan die distriksbeampte 'n geskikte persoon aanstel as voog van die erfgenaam en om beheer van die familiewoning oor te neem.

(3) Voogdyskap ingevolge hierdie artikel verval sodra die erfgenaam die beheer oor die familiewoning aanvaar, soos in artikel 18 bepaal.

Skorsing van familiehoof of voog

30. (1) 'n Familiehoof of voog, belas met die voogdy of beheer van enige persoon of die beheer en bewaring van die eiendom van sodanige persoon teen wie 'n klagte ingedien word dat hy dwaas of roekeloos gehandel het ten opsigte van sodanige persoon of eiendom en wat by ondersoek deur die distriksbeampte as ongeskik vir sy posisie bevind word, kan daaruit geskors word en sodanige persoon kan onder die voogdyskap of beheer en sodanige eiendom onder die administrasie van 'n ander persoon geplaas word deur die distriksbeampte, of deur die Direkteur-generaal as sodanige familiehoof 'n kaptein is en sodanige voog deur die distriksbeampte aangestel is.

(2) Klagtes ingevolge subartikel (1) kan deur enige persoon wat belang by die saak het, ingebring word, en moet administratief afgehandel word.

Sekerheid kan van voogde verlang word

31. (1) Enige persoon wat die voogdyskap van 'n minderjarige aanvaar of daarin aangestel is, is verantwoordelik vir die behoorlike en getroue administrasie van sodanige minderjarige se boedel en van hom kan vereis word om sodanige sekerheid te stel as wat die distriksbeampte nodig of raadsaam mag ag.

(2) Enige persoon wat onderworpe is aan voogdyskap ten opsigte van of sy persoon of sy eiendom kan sonder die bystand van 'n *curator ad litem* 'n saak teen sy voog instel, tensy die hof anders gelas.

Voogde moet vergunning kry om regstappe in te stel

32. Enige voog wat sonder voorafgaande vergunning van die distriksbeampte 'n aksie ten behoeve van 'n persoon onder sy voogdyskap of boedel onder sy administrasie instel, kan deur die hof gelas word om die koste in verband daarmee te betaal.

Voogde kan redelike besoldiging eis

33. (1) Voogde kan redelike besoldiging eis vir sorg en ywer aan die dag gelê by die beheer van sake aan hul beheer toevertrou, en in die geval van 'n geskil word sodanige besoldiging deur die distriksbeampte administratief vasgestel.

(2) As voogde op eie koste kinders moes onderhou, word daar gewoonlik 'n bees vir elke kind toegelaat, maar die distriksbeampte kan sodanige addisionele besoldiging toelaat as wat hy redelik en billik ag.

Persone wat toesig eis

34. Enige persoon wat as voog aanspraak maak op die bewaring van 'n minderjarige, kan daarom aansoek doen by die distriksbeampte wat gemagtig is om, na behoorlike ondersoek, sodanige bevel te gee as wat hy reg en billik ag.

Death of family head

29. (1) If, upon the death of a family head other than a chief, the heir is too young to assume the position, the family home shall fall under the care of the mother of the minor heir: Provided that, should occasion require, the district officer may, in the exercise of his administrative functions under this Code, appoint any other suitable person to be the guardian of the heir and to take charge of the family home.

(2) If upon the death of a family head being a chief, the heir is too young to assume the position, the district officer may appoint some suitable person to be the guardian of the heir and to take charge of the family home.

(3) Guardianship under this section shall terminate upon the heir assuming the control of the family home as in section 18 provided.

Suspension of family head or guardian

30. (1) A family head or guardian charged with the guardianship or custody of any person or custody and control of such person's property against whom a complaint is made of having acted foolishly or prodigally in respect of such person or property and who upon inquiry by the district officer is found to be unfit for his position, may be suspended therefrom and such person may be placed under the guardianship or custody of, or such property under the administration of, some other person by the district officer, or, if such family head is a chief and such guardian has been appointed by the district officer, by the Director-General.

(2) Complaints under subsection (1) may be made by any person who has an interest in the matter and shall be dealt with administratively.

Guardian may be required to furnish security

31. (1) Any person assuming or having been appointed to the guardianship of a minor shall be responsible for the due and faithful administration of such minor's estate and may be required to furnish such security as the district officer may deem necessary or advisable.

(2) Any person who is subject to guardianship in respect of either his person or his property may bring an action against his guardian without the assistance of a *curator ad litem* unless the court otherwise directs.

Guardian to obtain permission to institute legal proceedings

32. Any guardian who institutes legal proceedings on behalf of a person under his guardianship or estate under his administration without the written permission of the district officer first had and obtained may be ordered by the court to bear the costs of the proceedings.

Guardian may claim reasonable remuneration

33. (1) Guardians may claim reasonable remuneration for care and diligence exercised in the management of affairs committed to their charge and in the event of a dispute such remuneration shall be fixed by the district office administratively.

(2) When guardians has been required to maintain children at their own expense, it is usual to allow a beast for each child, but the district officer may allow such additional remuneration as he may consider fair and reasonable.

Person claiming custody

34. Any person claiming, as guardian, the custody of a minor may make application therefor to the district officer who is empowered, after due inquiry, to make such order as he may deem just and equitable.

Minderjariges voogdelinge van Hooggeregshof

35. Minderjariges is die voogdelinge van die Hooggeregshof in sy hoedanigheid van Oppervoog.

HOOFTUK 7**GEBRUIKLIKE HUWELIKE EN VERWANTE
VERBINDINGS****Gebruiklike huwelike**

36. (1) 'n Gebruiklike huwelik is, behoudens die noodsaaklike vereistes waarvoor in artikel 38 (1) voorsiening gemaak word, 'n siviele kontrak aangegaan deur en tussen voornemende deelgenote en duur voort tot die oorlyde van die eerssterwende tensy dit eerder deur 'n bevoegde hof nietig verklaar of ontbind word.

(2) Veelwywige gebruiklike huwelike word erken.

(3) Nieteenstaande enige bepalinge in enige ander wet, word enige gebruiklike huwelik, soos in die Wet omskryf, wat aangegaan is tussen Swartes, hetsy voor 1 November 1932, of daarna tot tyd en wyl die nodige offisiële getuies aangestel was, geag geldig te wees en word dit vir alle doeleindes as 'n gebruiklike huwelik kragtens die bepalinge van hierdie Wetboek beskou.

(4) 'n Manlike persoon mag nie 'n gebruiklike huwelik met 'n ander vrou gedurende die bestaan van 'n geldige siviele huwelik sluit nie.

Partye tussen wie gebruiklike huwelik nie verbied is nie

37. 'n Gebruiklike huwelik word nie belet nie tussen—

- (a) 'n man en sy eggenote se suster; of
- (b) 'n weduwee of geskeide vrou en haar oorlede of vorige eggenoot se broer.

Vereistes van gebruiklike huwelik

38. (1) Die vereistes van 'n gebruiklike huwelik is—

- (a) die toestemming van die vader of voog van die voornemende eggenote indien sy 'n minderjarige is, welke toestemming nie onredelik weerhou mag word nie;
- (b) die toestemming van die vader of voog van die voornemende eggenoot indien hy 'n minderjarige is; en
- (c) 'n openbare verklaring deur die voornemende eggenote aan die offisiële getuie by die viering van die huwelik dat die huwelik uit eie vrye wil en met haar toestemming geskied.

(2) Die blote feit dat die toestemming van haar vader of voog nie nodig is nie ten opsigte van die aangaan van 'n gebruiklike huwelik deur 'n meerderjarige vrou, moet nie so vertolk word dat dit die aanspraak van iemand wat geregtig is op *lobolo* betaalbaar deur haar voorgenome eggenoot ten opsigte van sodanige meerderjarige vrou, benadeel nie.

(3) Die toestemming van die vader of voog is nie noodsaaklik ten opsigte van die aangaan van 'n gebruiklike huwelik deur 'n Swarte wat meerderjarig is of wat andersins ingevolge die bepalinge van hierdie Wetboek kontrakte namens homself kan aangaan nie.

Distriksbeampte kan klagtes ondersoek

39. Die distriksbeampte kan administratief 'n klagte ondersoek dat 'n vader of voog sy toestemming tot 'n voorgenome gebruiklike huwelik onredelik weerhou het, en indien hy, as gevolg van sodanige ondersoek, tevrede is dat daar geen regmatige beletsel in die weg is nie, kan hy magtig dat die huwelik voortgaan en sodanige bevel betreffende die betaling van *lobolo* verleen as wat hy billik ag.

Minors wards of the Supreme court

35. Minors are the wards of the Supreme Court in its capacity as upper guardian.

CHAPTER 7**CUSTOMARY MARRIAGES AND COGNATE UNIONS****Customary marriages**

36. (1) A customary marriage shall, subject to the essential requirements provided for in section 38 (1), be a civil contract entered into by and between the intending partners and shall endure until the death of the first dying unless earlier annulled or dissolved by a competent court.

(2) Polygamous customary marriages shall be recognised.

(3) Notwithstanding anything in any other law contained, any customary marriage as defined in the Act entered into between Blacks, either prior to 1 November 1932 or thereafter, until such time as the requisite official witnesses are appointed, shall be deemed to be valid and shall for all purposes be regarded as a customary marriage under the provisions of this Code.

(4) Any male may not enter into a customary marriage with another woman during the subsistence of a valid civil marriage.

Parties between whom customary marriage is not prohibited

37. A customary marriage shall not be prohibited between—

- (a) a man and his wife's sister; or
- (b) a widow or divorced woman and her late or former husband's brother.

Essentials of customary marriage

38. (1) The essentials of a customary marriage shall be—

- (a) the consent of the father or guardian of the intended wife, if she is a minor, which consent may not be withheld unreasonably;
- (b) the consent of the father or guardian of the intended husband, if he is a minor;
- (c) a declaration in public by the intended wife to the official witness at the celebration of the marriage that the marriage is of her own free will and with her own consent.

(2) The mere fact that the consent of her father or guardian is not required in respect of the entrance into a customary marriage by a major female shall not be construed as prejudicing the right of any person entitled to the *lobolo* payable in respect of such major female by her intended husband.

(3) The consent of the father or guardian shall not be essential in respect of the contracting of a customary marriage by a Black who has attained majority or is otherwise under the provisions of this Code capable of entering into contracts on his own behalf.

District officer may investigate complaints

39. The district officer may administratively investigate any complaint that a father or guardian has unreasonably withheld his consent to a proposed customary marriage and should he, as a result of such investigation, be satisfied that no just impediment exists he may authorise the marriage to proceed and may make such order regarding the payment of *lobolo* as he may deem just.

Datum van gebruikelike huwelik moet aan kaptein gerapporteer word en foie betaalbaar

40. (1) Wanneer 'n gebruikelike huwelik gereël is, moet die betrokke familiehoof of partye aan die kaptein of die kaptein se verteenwoordiger, wat die offisiële getuie moet gelas om op die tyd en plek van die viering aanwesig te wees, kennis gee van die dag wat vir die viering van sodanige huwelik bepaal is.

(2) Die voorgename eggenoot van elke gebruikelike huwelik moet, voor die viering daarvan, aan die kaptein of sy goedgekeurde bode 'n bedrag van vier rand betaal en aan die offisiële getuie 'n bedrag van vier rand ter vergoeding van sy dienste.

(3) Wanneer 'n gebruikelike huwelik gereël is in 'n gebied buite die regsgebied van 'n kaptein, moet die betrokke familiehoof of partye aan die offisiële getuie kennis gee van die dag en plek wat vir sodanige huwelik bepaal is en die voorgename eggenoot van sodanige gebruikelike huwelik moet, voor die viering daarvan, 'n bedrag van vier rand aan die offisiële getuie betaal ter vergoeding van sy dienste.

Aanstelling en ontslag van offisiële getuies

41. (1) Kapteins is verantwoordelik vir die aanstelling van 'n toereikende getal offisiële getuies om, wat betref die viering van gebruikelike huwelike, aan die vereistes van die stamme of gemeenskappe onder hul regsmag te voldoen, vir die behoorlike nakoming deur die lede van sodanige stamme of gemeenskappe van die regulasies betreffende sodanige huwelike en vir die behoorlike kennisgewing aan die distriksbeampte deur die offisiële getuies, van alle sodanige huwelike: Met dien verstande dat in dorpe en gebiede wat nie binne die regsgebied van 'n kaptein val nie die distriksbeampte onder wie se regsmag sodanige dorp of gebied val, verantwoordelik is vir die aanstelling van sodanige getuies.

(2) 'n Kaptein kan, met die goedkeuring van die distriksbeampte die aanstelling van enige offisiële getuie wat onder sy regsmag val, beëindig en wanneer daartoe gelas deur die distriksbeampte moet hy enige sodanige aanstelling beëindig en die aanstelling van 'n offisiële getuie deur die distriksbeampte aangestel, kan deur laasgenoemde beëindig word indien grondige redes voorgelê word.

(3) Die distriksbeampte hou 'n register van alle offisiële getuies in sy regsgebied en sodanige register bevat alle sodanige detail en inligting as wat deur die Direkteur-generaal bepaal word.

Pligte van offisiële getuies

42. Die offisiële getuie moet in 'n vroeë stadium van die plegtigheid die vrou in die openbaar vra of dit uit eie vrye wil en met haar toestemming is dat sy die gebruikelike huwelik met die voorgename eggenoot aangaan. Indien die vrou weier om haar toestemming aan te kondig, of verklaar dat sy nie instem nie, of andersins onwillig skyn te wees om die voorgename huwelik aan te gaan, moet die offisiële getuie onverwyld alle verdere verrigtings in verband met die plegtigheid verbied en, indien nodig, die vrou onder sy beskerming neem en die saak onmiddellik aan die distriksbeampte rapporteer.

Bron van lobolo moet in openbaar verklaar word

43. Op 'n geleë tydstip gedurende die plegtigheid moet die bruidegom of sy vader, of sy familiehoof, of iemand anders wat die lobolo ten opsigte van die huwelik bygedra het aan die offisiële getuie in die openbaar die bron of bronne verklaar waaruit die lobolo geneem of verkry is, ten einde die onderstaande besonderhede daar en dan vas te stel en te bepaal met die oog daarop om dit daarna aan te teken in die register in artikel 44 vermeld—

- (a) die lobolo betaalbaar aan en werklik ontvang deur die party wat daarop geregtig is;

Date of customary marriage to be reported to chief and fees payable

40. (1) When a customary marriage has been arranged, the family head or the parties concerned shall report the day fixed for the celebration of such marriage to the chief or the chief's deputy who shall direct the official witness to attend at the time and place of the celebration.

(2) The intended husband to every customary marriage shall, before the celebration thereof, pay a fee of four rand to the chief or his approved messenger, and a fee of four rand to the official witness as remuneration for his services.

(3) When a customary marriage is arranged in an area outside that of a chief, the family head or the parties concerned shall inform the official witness of the date and place determined for such marriage and the intended husband to such a customary marriage shall, before the celebration thereof, pay an amount of four rand to the official witness as remuneration for his services.

Appointment and discharge of official witnesses

41. (1) Chiefs shall be responsible for the appointment of a sufficient number of official witnesses to serve the requirements of the tribes or communities under their jurisdiction as regards the celebration of customary marriages, for the due compliance by the members of such tribes or communities with the regulations relating to such marriages and for the due notification of the district officer by the official witnesses of all such marriages: Provided that in townships or areas which do not fall within the area of a chief the district officer under whose jurisdiction such township or area falls shall be responsible for the appointment of such witnesses.

(2) A chief may with the approval of the district officer terminate the appointment of any official witness falling under his jurisdiction and shall, when so directed by the district officer terminate any such appointment, and the district officer may, on good cause shown, terminate the appointment of an official witness appointed by him.

(3) The district officer shall keep a register of all official witnesses in his area of jurisdiction and such register shall contain all such detail and information as may be determined by the Director-General.

Duties of official witnesses

42. The official witness shall at an early stage of the ceremony publicly ask the woman whether it is of her own free will and consent that she is about to enter into the customary marriage with the intended husband. Should the woman decline to announce her consent, declare her dissent or otherwise appear to be unwilling to proceed with the intended marriage, the official witness shall forthwith prohibit any further proceedings in connection with the ceremony and shall, if necessary, take the woman under his protection and shall forthwith report the matter to the district officer.

Source of lobolo to be publicly declared

43. At a convenient time during the ceremony the bridegroom, or his father, or his family head, or other person who has contributed the lobolo in respect of the marriage shall publicly declare to the official witness the source or sources from which the lobolo was taken or obtained in order then and there to ascertain and determine the following particulars with a view to their being subsequently recorded in the register referred to in section 44—

- (a) the lobolo payable to and actually received by the party entitled thereto;

- (b) die bron waaruit die *lobolo* verkry is;
- (c) waar skuld gemaak is ten opsigte van die betaalde *lobolo*, die naam van die persoon of huis waaraan dit terugbetaal moet word en die wyse van terugbetaling;
- (d) waar enige saldo van *lobolo* nog verskuldig is, die tyd wanneer en wyse waarop dit betaal moet word;
- (e) as geen *lobolo* betaal is nie, die aard van die ooreenkoms waarvolgens die verpligting indien enige, nagekom moet word;
- (f) as daar 'n affiliasie van die eggenote gaan wees, die naam van die vrou aan wie se huis sy geaffilieer word en die doel van sodanige affiliasie; en
- (g) as die verbinding 'n *ukuvusa* gaan wees, die naam van die oorledene en die doel waarvoor sodanige huwelik aangegaan word.

Register van gebruiklike huwelike

44. 'n Register van gebruiklike huwelike word in die kantoor van die distriksbeampste bygehou in die vorm voorgeskryf in Aanhangel 1 van hierdie Wetboek en is te alle paslike tye kosteloos ter insae van iedereen wat belang het by enige inskrywing daarin.

Registrasie van gebruiklike huwelike

45. (1) Binne een maand na die viering van enige gebruiklike huwelik, moet die offisiële getuie wat die viering ingevolge artikel 40 (1) bygewoon het, die deelgenote van so 'n gebruiklike huwelik, en die vaders of voogde van minderjarige deelgenote of, indien nodig, die verteenwoordigers van sodanige vaders of voogde hulle by die kantoor van die distriksbeampste aanmeld vir die registrasie van die gebruiklike huwelik, en dit is die plig van die offisiële getuie en enigemand wat hom na die kantoor van die distriksbeampste vergesel, om al die inligting te verstrek wat nodig is ten einde sodanige registrasie op 'n behoorlike en deeglike wyse te laat geskied. Dit deelgenote onderteken die register nadat die inskrywings daarin aan hulle verduidelik is.

(2) Die distriksbeampste kan na die verstryking van een maand die registrasie van enige gebruiklike huwelik wat nog nie geregistreer is nie, met of sonder die verskyning van die deelgenote, hulle vaders of voogde of hul verteenwoordigers, of die offisiële getuie gelas.

(3) Registrasie van 'n gebruiklike huwelik in 'n register van gebruiklike huwelike word aanvaar as afdoende bewys van daardie huwelik, en sodanige registrasie kan bewys word deur die voorlegging van die register of van 'n afskrif van die betrokke inskrywing daarin, gesertifiseer deur die beampste in wie se bewaring sodanige register gehou word.

(4) Die juistheid van 'n inskrywing in 'n register van gebruiklike huwelike betreffende enige verpligting op 'n huis wat ontstaan deur of by die totstandbrenging daarvan, kan binne een jaar na so iemand daarvan bewus word, maar nie daarna nie voor die distriksbeampste in teenwoordigheid van die belanghebbende partye betwis word deur iemand wat 'n direkte belang by so 'n inskrywing het.

(5) Iedereen wat, met die doel om dit in die register van gebruiklike huwelike te laat inskryf, enige valse bewering of verklaring maak of laat maak met betrekking tot enige saak in verband met 'n verpligting op 'n huis wat ontstaan uit of veroorsaak word deur 'n gebruiklike huwelik, is skuldig aan 'n misdryf.

(6) Die blote feit dat 'n gebruiklike huwelik nie ingevolge subartikel (1) geregistreer is nie, affekteer op geen wyse die geldigheid van sodanige gebruiklike huwelik nie en in die geval van 'n dispuut, is bewys van die vereistes genoem in artikel 38 (1) ook bewys van die bestaan van sodanige gebruiklike huwelik.

- (b) the source from which the *lobolo* was obtained;
- (c) where liability has been incurred in respect of the *lobolo* paid, the name of the person or the house to which it is to be repaid and the manner of repayment;
- (d) where any balance of *lobolo* is still owing, the time when and the manner in which it is to be paid;
- (e) if no *lobolo* has been paid, the nature of the agreement by which the obligation, if any, is to be discharged;
- (f) if there is to be an affiliation of the wife, the name of the woman to whose house she is being affiliated and the purpose of such affiliation; and
- (g) if the union is to be *ukuvusa*, the name of the deceased and the purpose for which such union is being contracted.

Register of customary marriages

44. A register of customary marriages shall be kept in the office of the district officer in the form prescribed in Annexure 1 to this Code and shall be open at all convenient times for inspection, free of charge, by any person interested in any entry therein.

Registration of customary marriages

45. (1) Within one month after the celebration of any customary marriage the official witness who attended the celebration in terms of section 40 (1), the partners of such customary marriage and the fathers or guardians of such minor partners or, where necessary, the representatives of such fathers or guardians, shall attend at the office of the district officer for the registration of the customary marriage, and it shall be the duty of the official witness and of any person attending with him at the office of the district officer to furnish all the information required to complete such registration in due and proper form. The partners shall sign the register after the entries made therein have been explained to them.

(2) The district officer may after the expiration of one month order the registration with or without the appearance of the partners or their fathers or guardians or the latter's representatives or the official witness of any customary marriage that has not been registered.

(3) Registration of a customary marriage in a register of customary marriages shall be accepted as conclusive evidence of that marriage and such registration may be proved by the production of the register or of a copy of the relevant entry therein certified by the officer having custody of such register.

(4) The accuracy of any entry in a register of customary marriages relating to any obligation upon a house created by or at its establishment may be impeached before the district officer in the presence of the parties interested by any person having a direct interest in such entry within one year after such person becomes cognisant thereof, but not thereafter.

(5) Any person who makes or causes to be made, for the purpose of entry in the register of customary marriages, any false statement or declaration regarding any matter relating to an obligation upon a house arising from or created by a customary marriage shall be guilty of an offence.

(6) The mere fact that a customary marriage was not registered in terms of subsection (1) shall in no way affect the validity of such customary marriage, and in the event of a dispute, proof of the essentials stipulated in section 38 (1) shall be proof of the existence of such customary marriage.

Sertifikaat van gebruikelike huwelik moet gratis uitgereik word

46. Die deelgenote van 'n gebruikelike huwelik moet by behoorlike registrasie van die huwelik elkeen deur die registrerende beampte gratis voorsien word van 'n sertifikaat van die huwelik in die vorm in Aanhangsel 2 van hierdie Wetboek voorgeskryf.

Registrasie van lobolo betaal na gebruikelike huwelik

47. Enige betaling van *lobolo* na die registrasie van 'n gebruikelike huwelik kan in teenwoordigheid van die belanghebbende partye of hul verteenwoordigers in die register vermeld in artikel 44, ingeskryf word.

Gronde vir egskedding ten opsigte van gebruikelike huwelike

48. (1) 'n Egskeddingsaak ten opsigte van 'n gebruikelike huwelik kan deur sowel die een as die ander deelgenoot op enige van onderstaande gronde ingestel word—

- (a) owerspel deur die ander deelgenoot;
- (b) voortdurende weiering deur die ander deelgenoot om huweliksregte te verleen;
- (c) moedswillige of kwaadwillige verlating deur die ander deelgenoot;
- (d) voortdurende ernstige wangedrag deur die ander deelgenoot;
- (e) dat die ander deelgenoot 'n tydperk van gevangenisstraf van minstens vyf jaar uitdien;
- (f) dat toestand sodanig is dat dit die voortdurende saamlewe van die deelgenote ondraaglik of gevaarlik maak.

(2) Die eggenote by gebruikelike huwelik kan daarbenevens 'n egskeddingsaak teen haar eggenoot instel op grond van—

- (a) ernstige wreedheid of mishandeling deur haar eggenoot;
- (b) aantygings van towery of ander ernstige beskuldigings deur die eggenoot teen haar ingebring.

Gronde vir nietigverklaring van gebruikelike huwelik

49. 'n Deklarasie van nietigverklaring ten opsigte van 'n gebruikelike huwelik kan aangevra word vir en verkry word deur of ten behoeve van sowel die een as die ander deelgenoot op enige van onderstaande gronde—

- (a) kranksinnigheid van die ander deelgenoot ten tyde van die viering van die huwelik;
- (b) impotensie of ander permanente liggaamlike gebrek by die ander deelgenoot waardeur die volvoering van die huwelik verhinder word;
- (c) die afwesigheid van enige van die vereistes van 'n gebruikelike huwelik soos in artikel 38 (1) uiteengesit;
- (d) die feit dat die vrou ten tyde van die viering van die huwelik kragtens 'n siviele huwelik of gebruikelike huwelik die eggenote van 'n ander man was; of
- (e) die feit dat die man die eggenoot van 'n ander vrou kragtens 'n siviele huwelik was;

Met dien verstande dat 'n deklarasie van nietigverklaring ten opsigte van 'n gebruikelike huwelik op grond van die kranksinnigheid van een van die deelgenote nie verkry kan word nie tensy die feit van sodanige kranksinnigheid onbekend was aan die ander deelgenoot ten tyde van die viering van die huwelik en tensy die saak ingestel word binne 'n redelike tyd na die viering van die huwelik.

Certificate of customary marriage to be issued free of charge

46. The partners to a customary marriage shall upon due registration of the marriage each be furnished by the registration officer, free of charge, with a certificate of the marriage in the form prescribed in Annexure 2 to this Code.

Registration of lobolo paid subsequent to customary marriage

47. Any payment of *lobolo* made subsequently to the registration of a customary marriage may be recorded in the register referred to in section 44 in the presence of the parties interested or their representatives.

Grounds for an action for divorce in respect of customary marriage

48. (1) An action for divorce in respect of a customary marriage may be maintained by either partner on any of the following grounds—

- (a) adultery on the part of the other partner;
- (b) continued refusal on the part of the other partner to render conjugal rights;
- (c) wilful or malicious desertion on the part of the other partner;
- (d) continued gross misconduct on the part of the other partner;
- (e) that the other partner is undergoing a term of imprisonment of not less than five years;
- (f) that conditions are such as to render the continuous living together of the partners insupportable or dangerous.

(2) The wife by customary marriage may in addition maintain a suit for divorce from her husband by reason of—

- (a) gross cruelty or ill-treatment on the part of the husband;
- (b) accusations of witchcraft or other serious allegations made against her by the husband.

Grounds for declaration of nullity of customary marriage

49. A declaration of nullity in respect of a customary marriage may be applied for and obtained by or on behalf of either partner on any of the following grounds—

- (a) insanity of the other partner at the time of the celebration of the marriage;
- (b) impotence or other permanent physical defect on the part of the other partner preventing consummation of the marriage;
- (c) the absence of any of the essentials of a customary marriage as set forth in section 38 (1);
- (d) the fact that the woman was, at the time of the celebration of the marriage, the wife of another man by civil or customary marriage; or
- (e) the fact that the man was the husband of another wife by civil marriage;

Provided that a declaration of nullity in respect of a customary marriage on the ground of the insanity of one of the partners shall not be obtainable unless the fact of such insanity was unknown to the other partner at the time of celebration of the marriage and unless the action be instituted within a reasonable time after the celebration of the marriage.

Plichte van party wat egskelding verlang

50. (1) 'n Eggenote wat van haar eggenoot wil skei, moet, wanneer sy haar eggenoot se familiewoning verlaat, dadelik die persoon wat *lobolo* vir haar ontvang het, indien enige, of sy regsopvolger in kennis stel, en by haar verklaring van haar weiering om met haar eggenoot saam te leef en haar voorneme om te skei, moet sodanige persoon so spoedig doenlik probeer om die deelgenote met mekaar te versoen en indien die poging tot versoening misluk, kan die eggenote in die landdros-hof stappe neem vir die verkryging van 'n egskelding.

(2) 'n Eggenoot wat wil skei, moet die persoon wat *lobolo* vir die vrou ontvang het of sy regsopvolger van sy voorneme in kennis stel, welke persoon so spoedig doenlik 'n poging moet aanwend om die deelgenote met mekaar te versoen en indien die poging tot versoening misluk, kan die eggenoot in die landdros-hof stappe neem vir die verkryging van 'n egskelding.

Bevele met betrekking tot lobolo

51. Ondanks die bepaling in artikel 54 verva, word geen bevel om *lobolo* terug te gee of te verbeur in enige geding vir die ontbinding van 'n gebruiklike huwelik toegestaan nie, tensy die persoon wat *lobolo* vir die vrou ontvang het of sy regsopvolger as 'n party by die geding gedagvaar is nie.

Teruggawe van lobolo

52. Die ontbinding van 'n gebruiklike huwelik deur egskelding moet, uitgesonderd in die geval van 'n uitpraak ten gunste van die eggenote op grond van onregmatige dade, wangede of nalatigheid van die eggenoot, vergesel gaan van die teruggawe aan die eggenoot van minstens een bees of die waarde daarvan deur die persoon wat *lobolo* vir die vrou ontvang het of sy regsopvolger waar hy gedagvaar is soos in artikel 51 bepaal word.

Toesig oor minderjarige kinders

53. By die ontbinding van enige gebruiklike huwelik kan die hof sodanige bevel uitreik met betrekking tot die toesig en onderhoud van die minderjarige kinders uit sodanige huwelik gebore as wat billik en dienstig is.

Duidelike en uitdruklike bevele moet gegee word met betrekking tot sekere aangeleenthede

54. Wanneer 'n egskeldingsbevel toegestaan word, moet die hof duidelike en uitdruklike bevele en opdragte gee wat betref onderstaande sake—

(a) behoudens die bepaling van artikel 27 (5) die toesig van die minderjarige kinders van die huwelik en enige nodige voorsiening vir hul onderhoud;

(b) die getal bees, indien daar is, wat deur die persoon wat *lobolo* vir haar ontvang het of sy regsopvolger, indien sodanige persoon gedagvaar is as 'n party ingevolge artikel 51, aan die eggenoot teruggegee moet word.

Bevele van hof by nietigverklaring van gebruiklike huwelik

55. By nietigverklaring van enige gebruiklike huwelik gelas die hof die teruggawe van die *lobolo* asook die werklike aanwas van die bees, en reik sodanige bevel uit as wat hy mag goedvind wat betref die terugbetaling van die werklike koste wat met die huwelik gepaard gaan. Behalwe in die geval waar die vrou ontnaag is, bevel die hof ook dat die *ngquthu*-bees teruggegee word.

Ukungena-verbindings

56. (1) Die vereistes by *ukungena* is—

(a) dat die verbinding aangegaan word vir die een of ander van die doeleindes vermeld in die woordomskrifwing van *ukungena* in artikel 1;

Duties of party who seeks divorce

50. (1) A wife who seeks divorce shall on leaving her husband's family home forthwith inform the person who received *lobolo* for her, if any, or his successor in title, and upon her declaring her refusal to live with her husband and her intention to seek divorce such person shall as soon as practicable attempt to reconcile the partners and should he fail to effect a reconciliation the husband may institute proceedings for a divorce in a magistrate's court.

(2) A husband who seeks divorce must notify his intention to the person who received *lobolo* for the wife, or his successor in title, which person shall as soon as practicable attempt to reconcile the partners and should he fail to effect any action for the dissolution of a customary marriage unless the person who received *lobolo* for the wife, or his successor in title, is cited as a party to the action.

Return of lobolo

52. The dissolution of a customary marriage by divorce, except when decreed at the suit of a wife by reason of the wrongful acts, misdeeds or omissions of the husband, shall be accompanied by the return to the husband of at least one beast or its equivalent by the person who received *lobolo* for the wife, or his successor in title, where he has been cited as provided for in section 51.

Custody of minor children

53. Upon the dissolution of any customary marriage the court may make such order as to the custody and maintenance of the minor children born out of such marriage as may be just and expedient.

Clear and explicit orders must be given as to certain matters

54. When granting any decree of divorce the court shall give clear and explicit orders and directions as to the following matters—

(a) subject to the provisions of section 27 (5), the custody of the minor children of the marriage, and any necessary provision for their maintenance;

(b) the number of cattle, if any, to be returned to the husband by the person who received *lobolo* for the wife, or his successor in title, if such person has been cited as a party in terms of section 51.

Orders of court when decreeing nullity of customary marriages

55. In decreeing the nullity of any customary marriage, the court shall order the return of the *lobolo*, together with the actual increase of the cattle, and shall make such order as to the refund of the actual expenses incurred in connection with the marriage as it may deem fit, and except where the woman has been deflowered the court shall also order the return of the *ngquthu* beast as well.

Ukungena unions

56. (1) The essentials of *ukungena* shall be—

(a) that the union be contracted for one or other of the purposes specified in the definition of *ukungena* under section 1;

- (b) dat die verbinding aangegaan word met die vrye toestemming van die vrou;
 - (c) dat dit 'n familiereëling moet wees wat aangegaan moet word met die goedkeuring van die hoof van die familie, en, in die geval van 'n kaptein, waar dit gepaard gaan met die verwekking van 'n erfgenaam van die kapteinskap, met die goedkeuring van die meerderheid van die stam;
 - (d) dat geen *lobolo* ten opsigte van die verbinding betaal word nie.
- (2) Die afstammelinge uit 'n *ukungena* word gereken asof hulle werklik kinders van die oorlede eggenoot is.
- (3) 'n *Ukungena* kan te eniger tyd deur sowel die een as die ander party ontbind word.

Ukuvusa-verbindings.

57. (1) 'n *Ukuvusa* word erken as 'n gebruikelike huwelik vir die doeleindes van artikels 36 tot en met 55 van hierdie Wetboek.

(2) Die uitwerking van *ukuvusa* is om 'n afsonderlike en volkome onafhanklike boedel in naam van die oorledene in die lewe te roep.

HOOFSTUK 8

LOBOLO

Datum van betaling en aflewering van lobolo en doodgaan van lobolobeeste

58. (1) By ontstentenis van 'n andersluidende ooreenkoms, is die *lobolo* ten opsigte van 'n huwelik op die dag van die viering van sodanige huwelik betaalbaar. Beeste of lewende hawe wat voor daardie dag afgelewer word, word beskou as *sisa*-beeste en enige aanwas of vermindering van sodanige beeste of lewende hawe voor die dag van die viering maak die wins of verlies uit, na die geval mag wees, van die persoon deur of ten behoeve van wie aflewering geskied het.

(2) As daar van die *lobolo*-beeste of lewende hawe doodgaan binne veertien dae vanaf die viering van die huwelik of vanaf die aflewering, watter ook al die jongste datum is, en hul dood behoorlik gerapporteer is, moet sulke beeste of lewende hawe vervang word, deur die persoon deur of ten behoeve van wie aflewering geskied het.

Sekere vroue kan lobolo beding en ontvang

59. (1) Vrouens genoem in artikel 27 (2) en (4) en 'n geskeide vrou wat ingevolge artikel 27 (5) beklee is met die uitsluitlike voogdyskap van die kinders gebore uit haar vorige huwelik, kan *lobolo* beding en ontvang vir hulle dogters.

(2) Behoudens die bepalinge van artikel 16 kan 'n ongehuide vrou, 'n weduwee of geskeide vrou wat haar eie familiewoning gestig het, vir *lobolo* beding en dit ontvang ten opsigte van dogters uit haar gebore nadat sy haar eie familiewoning gestig het en sodanige *lobolo* vorm deel van die familie-eiendom van sodanige vrou.

Lobolo moet bestaan uit beeste of hulle ekwivalent in ander vee, geld of eiendom

60. *Lobolo* bestaan uit redelike middelslag-beeste of hul ekwivalent en ander vee, geld of eiendom, en vir die doeleindes van enige geskil word die waarde van iedere *lobolo*-bees beskou eenhonderd rand te wees.

Lobolo betaalbaar vir vroue in sekere kategorieë

61. (1) Die *lobolo* vir 'n meisie of vrou word bepaal volgens die rang of posisie van haar vader of voog en by ooreenkoms vasgestel maar mag nie die skaal in onderstaande tabel voorgeskryf, te bowe gaan nie:

- (b) that the union be entered into with the free consent of the woman;
 - (c) that it be a family arrangement entered into with the approval of the head of the family and, in the case of a chief, where the raising of an heir to the chieftainship is involved, with the sanction of the majority of the tribe;
 - (d) that no *lobolo* be paid in respect of the union.
- (2) The offspring of an *ukungena* shall rank as if they were in fact children of the deceased husband.
- (3) An *ukungena* may at any time be dissolved by either party.

Ukuvusa unions

57. (1) An *ukuvusa* shall be recognised as a customary marriage for the purpose of sections 36 to 55, inclusive, of this Code.

(2) The effect of *ukuvusa* shall be to create a separate and entirely independent estate in the name of the deceased.

CHAPTER 8

LOBOLO

Date of payment and delivery of lobolo and death of lobolo cattle

58. (1) In the absence of any agreement to the contrary, the *lobolo* in respect of a marriage shall be payable on the day of the celebration of such marriage. Any cattle or livestock delivered before that day shall be regarded as *sisa* cattle and any increase or decrease of such cattle or livestock prior to the day of celebration shall be to the profit or loss, as the case may be, of the person by whom or on whose behalf delivery was effected.

(2) Should any of the *lobolo* cattle or livestock die within fourteen days of the celebration of the marriage or of delivery, whichever be the later date, such cattle or livestock shall, if their death be duly reported, be replaced by the person by whom or on whose behalf delivery was effected.

Certain women may stipulate and receive lobolo

59. (1) Any woman referred to in section 27 (2) and (4) and a divorcee who in terms of section 27 (5) has been vested with the sole guardianship of the children born out of her former marriage shall be entitled to stipulate and receive *lobolo* for her daughter.

(2) Notwithstanding the provisions of section 16, an unmarried woman, widow or divorced woman who has established her own family home may stipulate and receive *lobolo* for daughters born out of her after she has established her own family home and such *lobolo* shall form part of the family property of such woman.

Lobolo to consist of cattle or their equivalent in other stock, money or property

60. *Lobolo* shall consist of fair average cattle or their equivalent in other stock, money or property and for the purpose of any dispute the value of each head of *lobolo* cattle shall be regarded as one hundred rand.

Lobolo payable for women in certain categories

61. (1) The *lobolo* for a girl or woman shall be determined according to the rank or position of her father or guardian and shall be determined by agreement, but shall not be in excess of the scale prescribed in the following table:

<i>Vir 'n vrou wat die dogter is van</i>	<i>Maksimum getal beeste as lobolo</i>
(a) 'n kaptein.....	onbeperk
(b) die seun, broer of oom van 'n kaptein.....	15 stuks
(c) 'n kaptein se plaasvervanger hoofman, <i>induna</i> of offisiële getuie.....	15 stuks
(d) enige ander Swarte.....	10 stuks

(2) In enige geval van twyfel moet die *lobolo* nie tien stuks beeste of die ekwivalent daarvan te bowe gaan nie.

(3) Wanneer 'n weduwee 'n gebruikelike huwelik aangaan, moet die *lobolo* ten opsigte van die huwelik betaal word aan die huis waartoe sy behoort het in die familiewoning van haar oorlede eggenoot.

(4) In die geval van 'n geskil word die *lobolo* betaalbaar ten opsigte van 'n geskeide vrou of weduwee, as sy 'n huwelik aangaan, bepaal deur die distriksbeampte maar mag nie ten aansien van 'n geskeide vrou vyf stuks beeste of die ekwivalent daarvan te bowe gaan nie indien op grond van die wandade van haar vorige eggenoot by die egskeiding geen beeste teruggegee is nie.

(5) Die *lobolo* waaromtrent ooreengekom is en die wyse van betaling moet in die register van gebruikelike huwelike aangeteken word.

Sekere persone skuldig aan misdryf

62. Iedereen wat meer *lobolo* ontvang as dit wat bepaal is in die skaal in artikel 61 voorgeskryf, is skuldig aan 'n misdryf.

Ontvanger van lobolo moet beskerming en asiel verleen

63. Die persoon aan wie *lobolo* gelewer word, is gebonde om, uit hoofde van die ontvangs daarvan en as daar gegronde rede voor bestaan, aan die vrou ten opsigte van wie sodanige *lobolo* afgelewer is beskerming en asiel te verleen.

Hulp aan jonger seuns en broers met lobolo vir eerste vrou

64. (1) Met die betaling van *lobolo* vir hul eerste eggenote word jonger seuns gewoonlik deur die familiehoof en jonger broers gewoonlik deur die oudste broer of die erfgenaam van hul huis, met goedkeuring van die familiehoof, bygestaan.

(2) Die verlening van sodanige hulp, soos vermeld in subartikel (1), kan nie by wet afgedwing word nie, maar waar bewys kan word dat 'n jonger seun of broer gereëld bygedra het tot die onderhoud van sy huis ingevolge 'n ooreenkoms dat hy voorsien sou word van *lobolo* of 'n deel daarvan vir 'n eggenote, word aan hom die reg verleen om 'n redelike gedeelte van die verdienstes aldus deur hom bygedra, te verhaal as die familiehoof, die oudste broer of erfgenaam, na gelang van die geval, weier of versuim om so 'n ooreenkoms na te kom.

(3) Hulp wat 'n familiehoof uit familie-eiendom aan enige seun verleen het om 'n eggenote te verkry deur die geheel of 'n gedeelte van die *lobolo* by te dra, is 'n skenking en lê geen verpligting op die *indlunkulu* nie tensy die teendeel duidelik ten tyde van die viering van die huwelik gestipuleer is.

(4) Waar huiseiendom gebruik word vir die doel vermeld in subartikel (3) rus daar 'n verpligting op die huis wat deur die huwelik tot stand gebring word om 'n terugbetaling te doen.

<i>For a woman who is the daughter of</i>	<i>Maximum number of cattle as lobolo</i>
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(a) a chief.....	no limit
(b) the son, brother or uncle of a chief.....	15 head
(c) a chief's deputy, headman, <i>induna</i> or official witness.....	15 head
(d) any other Black.....	10 head

(2) In any case of doubt the *lobolo* shall not exceed ten head of cattle or their equivalent.

(3) When a widow enters into a customary marriage, the *lobolo* in respect of the marriage shall be payable to the house to which she belonged in the family home of her deceased husband.

(4) The *lobolo* payable in respect of a divorced woman or widow upon her entering into a marriage shall, in case of dispute, be determined by the district officer but shall not exceed five head of cattle or their equivalent in the case of a divorced woman if, by reason of the misdeeds of her former husband, no cattle were returned upon the divorce.

(5) The *lobolo* agreed upon and the manner of payment shall be entered in the register of customary marriages.

Certain persons guilty of an offence

62. Any person receiving *lobolo* in excess of the scale prescribed in section 61 shall be guilty of an offence.

Recipient of lobolo shall render asylum and protection

63. The person to whom *lobolo* is delivered is bound, by the receipt thereof, should just occasion require, to protect and give asylum to the woman in respect of whom such *lobolo* was delivered.

Assistance to younger sons and brothers with lobolo for first wife

64. (1) Younger sons are usually assisted by the family head paying the *lobolo* for their first wife, and younger brothers are usually assisted by the eldest brother or heir to their house with the approval of the family head.

(2) The rendering of such assistance as is referred to in subsection (1) shall not be enforceable at law but where it can be shown that the younger son or brother has consistently contributed towards the support of his house under an agreement that he would be provided with *lobolo* or a portion thereof for a wife, the refusal or failure of the family head, eldest brother or heir, as the case may be, to implement such agreement shall entitle such younger son or brother to recover a reasonable portion of the earnings so contributed by him.

(3) Assistance rendered by a family head from family property to any son in obtaining a wife by contributing the whole or portion of the *lobolo* shall be a gift and create no liability to the *indlunkulu* unless it be clearly stipulated to the contrary at the time of the celebration of the marriage.

(4) Where house property is used for the purpose indicated in subsection (3) an obligation shall rest upon the house established by the marriage to make a refund.

Gebruik van familie en huiseiendom vir lobolo

65. (1) Waar 'n familiehoof, familie-eiendom vir *lobolo* gebruik met die doel om 'n huis in sy familiewoning tot stand te bring, rus daar geen verpligting op die huis aldus tot stand gebring vir die teruggawe van sodanige eiendom nie tensy die teendeel duidelik ten tyde van die viering van die huwelik gestipuleer is.

(2) Waar huiseiendom gebruik word vir die doel aangedui in subartikel (1), rus daar 'n verpligting op die huis aldus tot stand gebring om 'n terugbetaling te doen.

(3) Enige sodanige stipulasie waarna in subartikel (1) verwys word, kan in die register van gebruiklike huwelike aangeteken word.

(4) 'n Verpligting wat ontstaan ingevolge die omstandighede vermeld in hierdie artikel moet, by ontstentenis van 'n uitdruklike ooreenkoms tot die teendeel, vereffen word uit die *lobolo* van die dogters van die huis wat tot stand gebring is deur die betrokke huwelik en die erfgenaam van sodanige huis bly aanspreeklik tot die skuld betaal is.

Eise vir die verhaal van lobolo en ander eise

66. (1) Vorderings vir die betaling van *lobolo* word erken: Met dien verstande egter dat sodanige erkenning nie op 'n vordering wat ontstaan uit 'n huwelik aangegaan voor die derde dag van November 1909 van toepassing is nie.

(2) Enige ooreenkoms getref vir die betaling van *lobolo* volgens die skaal voorgeskryf by artikel 61 ten opsigte van die dogter van 'n kaptein se verteenwoordiger en wat aangegaan is voor die eerste dag van November 1932 word as geldig en bindend beskou en enige betalings dienooreenkomstig gedoen, mag nie versteur word nie.

(3) Indien 'n vrou binne twaalf maande vanaf die datum waarop sy 'n huwelik aangegaan het, sterf sonder dat sy 'n oorlewende nakomeling uit die huwelik nalaat, kan 'n gedeelte van die *lobolo* wat nie die helfte van die getal beeste wat afgelewer is ten opsigte van die huwelik te bowe gaan nie, na goëddunke van die distriksbeampte, verhaal word, maar indien daar 'n oorlewende nakomeling uit die huwelik is, is geen *lobolo* verhaalbaar nie.

(4) Geen eis ingevolge subartikel (3) wat voor 1 November 1932 ontstaan het, word erken nie.

(5) Geen eis om betalings onderskeidelik bekend as *imvulamomo*, *ubikibiki*, *inhlawulo*, *umnyobo*, *ingqaqamazinyo*, *isikwehlela* en derglike, ten opsigte van enige voorgenome huwelik word erken nie en waar sodanige betalings geskied het, kan die distriksbeampte gelas dat dit beskou word as deel van die *lobolo* of dat dit aan die party of partye deur wie dit betaal is, terugbetaal moet word.

(6) Sodanige betalings waarna in subartikel (5) verwys word, kan, indien die voorgenome huwelik nie plaasvind nie, verhaal word deur die party wat dit betaal het.

Ngquthu beeste

67. (1) As 'n vrou vir die eerste maal 'n huwelik aangaan, kan, behalwe *lobolo*, die *ngquthu* bees geëis word tensy dit reeds betaal is ten opsigte van die vrou se verleiding deur die eggenoot of tensy die vrou voorheen deur 'n ander persoon as die eggenoot verlei was.

(2) Die *ngquthu* bees moet aan die moeder van die vrou, as sy nog lewe, betaal word, en tesame met die aanwas daarvan word dit haar eiendom om deur haar aangewend te word ten voordele van haar huis of na goëddunke en uitgesonderd vir haar persoonlike skulde mag daarop nie beslag gelê word nie.

(3) As die moeder van die vrou geskei is ingevolge 'n saak deur haar eggenoot ingestel of as sy, sonder dat haar eggenoot daaraan skuld het, sy familiewoning opsetlik verlaat of opgee, vervel en hou haar reg op om te bestaan in en op die *ngquthu* bees, wat die eiendom word van die huis waartoe sy behoort het.

Use of family and house property for lobolo

65. (1) Where family property is used for *lobolo* by a family head for the purpose of establishing a house in his family home, no liability shall rest upon the house so established for the return of such property unless it be clearly stipulated to the contrary at the time of the celebration of the marriage.

(2) Where house property is used for the purpose indicated in subsection (1) an obligation shall rest upon the house so established to make a refund.

(3) Any such stipulation as is referred to in subsection (1) may be recorded in the register of customary marriages.

(4) Any liability arising under the circumstances referred to in this section shall, in the absence of any express agreement to the contrary, be liquidated from the *lobolo* of the daughters of the house established by the relative marriage and the heir of such house shall continue to be liable until the debt is discharged.

Claims for recovery of lobolo and other claims

66. (1) Claims for the recovery of *lobolo* shall be recognized: Provided, however, that such recognition shall not extend to any claim arising out of a marriage contracted prior to the third day of November 1909.

(2) Any agreement made for the payment of *lobolo* in respect of the daughter of a chief's deputy or *induna* being within the scale prescribed by section 61 and entered into prior to 1 November 1932 shall be regarded as valid and binding and any payments made thereunder shall not be disturbed.

(3) Should a woman die within twelve months of her having entered into a marriage without having surviving issue of the marriage, a portion of the *lobolo* not exceeding one half of the number of cattle delivered in respect of the marriage may, in the discretion of the district officer, be recovered, but should there be surviving issue of the marriage no *lobolo* shall be recoverable.

(4) No claim under subsection (3) which arose prior to 1 November 1932 shall be recognised.

(5) No claim to payments known variously as *imvulamomo*, *ubikibiki*, *inhlawulo*, *umnyobo*, *ingqaqamazinyo*, *isikwehlela* and the like in respect of any proposed marriage shall be recognised and where such payments have been made the district officer may direct that they be included as part of the *lobolo* or that they be refunded to the party or parties who made them.

(6) Such payments as are referred to in subsection (5) may, if the proposed marriage does not take place, be recovered by the party making them.

Ngquthu beasts

67. (1) Upon a woman entering into a marriage for the first time, the *ngquthu* beast may, in addition to *lobolo*, be claimed, unless it has already been paid by the husband in respect of the woman's seduction or unless the woman has previously been seduced by some person other than the husband.

(2) The *ngquthu* beast shall be payable to the woman's mother, if alive, and together with its increase shall become her property, to be dealt with by her for the benefit of her house or as she may deem fit, and may not be attached except for her personal debts.

(3) If the woman's mother is divorced at the suit of her husband or, through no fault on the part of her husband wilfully deserts or abandons her family home, her right in and to the *ngquthu* beast shall lapse and terminate and it shall become the property of the house to which she belonged.

(4) As die vrou se moeder nie meer leef nie, is die *ngquthu* bees betaalbaar aan die huis waartoe sy behoort het en tesame met die aanwas daarvan word dit die eiendom van daardie huis.

(5) Die *ngquthu* bees word vir die toepassing van artikel 61 nie as *lobolo* beskou nie en is nie by ontbinding, deur oorlye of egskedding, van die huwelik ten opsigte waarvan dit betaal is, verhaalbaar nie.

HOOFSTUK 9

DIE FAMILIESTELSEL

Totstandbring van senior of geaffilieerde huise

68. (1) (a) Wanneer ookal 'n gebruikelike huwelik aangegaan word deur 'n familiehoof, word 'n huis wat, behoudens die bepalinge van paragrafe (b) en (c) of 'n senior of 'n geaffilieerde huis is, vir die eggenote van die huwelik tot stand gebring.

(b) Behoudens die bepalinge van paragraaf (c) is daar nie meer as twee senior huise in 'n familiewoning nie en die ander huise is met die een of ander daarvan geaffilieer, hetsy deur die outomatiese uitwerking van die grondbeginsel waarvolgens affiliasie plaasvind, naamlik dat 'n junior huis geaffilieer word met die senior huis wat die *lobolo* verskaf vir die eggenote van sodanige junior huis of by openbare verklaring deur die familiehoof ten tyde van die viering van die huwelik.

(c) In die familiewonings van kapteins en ander persone met rang, invloed of rykdom kan daar drie senior huise wees en die ander huise in die familiewoning is met die een of ander daarvan geaffilieer, soos in paragraaf (b) aangedui.

(2) Behalwe die huise van die familiehoof se verskillende vrouens, kan 'n familiewoning uit die huise van familiebetrekkings van die familiehoof asook uit die van nie-verwantes wat daar geduld word, bestaan. 'n Arm familielid hetsy getroud of ongetroud kan sy huis en eiendom in die familiewoning hê. 'n Behoeftige Swarte kan vir dienste aan die familiewoning gelewer, as teenprestasie die reg op die gebruik van 'n sekere getal beeste ontvang asook die reg om 'n huis in die familiewoning te bewoon. Die huis van enige sodanige Swarte neem 'n ondergeskikte plek in die familiewoning in.

(3) By ontstentenis van affiliasie, is die verkillende huise in 'n familiewoning afsonderlik en onafhanklik van mekaar en kan elkeen sy eie eiendom en eiendomsregte verkry.

Status van eerste vrou

69. Met ander Swartes as kapteins by erfopvolging is die eerste eggenote die vernaamste eggenote en haar huis is die *indlunkulu*.

Status van vroue van 'n gewone Swarte geneem na eerste vrou

70. (1) Die status van vroue wat geneem is deur 'n gewone Swarte na die eerste vrou en die van hul huise is afhanklik van die feit of daar enige formele aankondiging of verklaring van status deur die familiehoof ten tyde van die viering van die gebruikelike huwelik gemaak is, al dan nie.

(2) As geen sodanige formele aankondiging gemaak is nie, volg die tweede eggenote in rang op die vernaamste eggenote en word haar huis 'n senior huis met rang onmiddellik naas die *indlunkulu*; huise deur later gebruikelike huwelike tot stand gebring, word geaffilieer met die *indlunkulu* of die ander senior huis soos in artikel 68 (1) (b) aangedui.

Formele aankondiging van voorneme om familiewoning in afdelings te verdeel

71. (1) 'n Formele aankondiging of verklaring van status ten tyde van die viering van 'n gebruikelike huwelik word gemaak ingevolge die voorneme van die familiehoof om sy familiewoning in afdelings te verdeel, waarvan daar vier kan wees.

(4) If the woman's mother be not alive the *ngquthu* beast shall be payable to the house to which she belonged and together with its increase shall become the property of that house.

(5) The *ngquthu* beast shall not be regarded as *lobolo* for the purpose of section 61 and shall not be recoverable upon dissolution by death or divorce of the marriage in respect of which it was paid.

CHAPTER 9

THE FAMILY SYSTEM

Establishment of senior or affiliated houses

68. (1) (a) Whenever a customary marriage is contracted by a family head, a house, which, subject to the provisions of paragraphs (b) and (c), is either a senior or an affiliated house, shall be established for the wife of the marriage.

(b) Except as provided for in paragraph (c), there shall not be more than two senior houses in a family home, to one or other of which the remaining houses are affiliated, either by the automatic operation of the essential principle governing affiliation, namely, that a junior house becomes affiliated to the senior house which provided the *lobolo* for the wife of such junior house, or by public declaration by the family head at the time of the celebration of the marriage.

(c) In the family homes of chiefs and others of rank, influence or wealth there may be three senior houses, to one or other of which the remaining houses in the family home are affiliated, as indicated under paragraph (b).

(2) A family home may, in addition to the houses of the family head's various wives, contain those of relatives of the family head and also houses of non-relatives on sufferance. A poor relation, married or single, may have his house and property in the family home. A destitute Black may, for service rendered to the family home, receive in return the use of a certain number of cattle and the right to occupy a house in the family home. The house of any such Black shall occupy an inferior position in the family home.

(3) In the absence of affiliation, the various houses in a family home shall be distinct from and independent of each other and each may acquire its own property and property rights.

Status of first wife

69. With Blacks other than hereditary chiefs, the first wife shall be the chief wife and her house shall be the *indlunkulu*.

Status of wives taken by commoner subsequent to the first wife

70. (1) As regards wives taken by a commoner subsequent to the first, their status and that of their houses shall depend upon whether or not any formal pronouncement or declaration of status is made by the family head at the time of the celebration of the customary marriage.

(2) If no such formal pronouncement is made, the second wife shall rank next to the chief wife and her house shall become a senior house ranking next to the *indlunkulu* the houses established by subsequent customary marriages becoming affiliated to the *indlunkulu* or the other senior house as indicated in section 68 (1) (b).

Formal declaration of intention to divide family home into sections

71. (1) A formal pronouncement or declaration of status at the time of the celebration of a customary marriage shall be made in pursuance of the intention of the family head to divide his family home into sections, of which there may be four.

Hierdie afdelings is—

- (a) die *indlunkulu*-afdeling—bestaande uit die *indlunkulu* met sy geaffilieerde huise;
- (b) die *ikhohlo*-afdeling—bestaande uit die *ikhohlo* met sy geaffilieerde huise;
- (c) die *iqadi*-afdeling—bestaande uit die *iqadi* met sy geaffilieerde huise;
- (d) 'n ondergeskikte afdeling—bestaande uit die huise van arm familieleden en nie-verwante, wat gewoonlik 'n ondergeskikte plek in die familiewoning inneem.

(2) Die kinders van enige vrou wie se status formeel aangekondig of verklaar is, soos vermeld in subartikel (1), word nie in hul status of regte deur die latere egskeding of oorlyde van sodanige vrou benadeel nie.

Aankondiging van status van tweede en daaropvolgende vroue

72. (1) Wanneer 'n familiehoof 'n tweede eggenote neem en by die viering van sodanige gebruiklike huwelik 'n formele aankondiging of verklaring maak betreffende haar status en die van haar huis, word sy gewoonlik die vernaamste *khohlo*-eggenote verklaar en word die *ikhohlo* tot stand gebring.

(2) Die huise tot stand gebring deur gebruiklike huwelike aangegaan deur die familiehoof na die totstandbring van die *ikhohlo* word gewoonlik met die *indlunkulu* of die *ikhohlo* geaffilieer, ooreenkomstig die grondbeginsel waarop affiliasie plaasvind of by openbare verklaring deur die familiehoof ten tyde van die viering van die huwelik.

Verklaring van status van derde vrou as *iqadi*-vrou

73. 'n Familiehoof kan by die neem van sy derde of enige daaropvolgende eggenote die totstandbring van die *iqadi* met die vrou as vernaamste *iqadi*-eggenote aankondig en in hierdie geval word huise tot stand gebring by later gebruiklike huwelike aangegaan deur die familiehoof, of met die *indlunkulu* of die *ikhohlo* of die *iqadi* geaffilieer ooreenkomstig die grondbeginsel waarop affiliasie plaasvind of by openbare verklaring deur die familiehoof ten tyde van die viering van die huwelik.

Junior huise is geaffilieer met senior huise

74. (1) 'n Geaffilieerde junior huis word geïdentifiseer en gegroepeer met die senior huis waarmee dit geaffilieer is, maar affiliasie op sigself raak nie die eiendom en eiendomsregte van die geaffilieerde huis nie.

(2) 'n Geaffilieerde huis *ethula* aan die senior huis waarmee dit geaffilieer is.

Status van vroue van kaptein by erfopvolging

75. (1) Die status van die vroue van 'n kaptein by erfopvolging belas met die toesig oor 'n stam, word nie verklaar nie tot na die kaptein sy vernaamste eggenote geneem het, wat gewoonlik later in die lewe as die eerste en tweede eggenotes geneem word.

(2) Die *lobolo* van die vernaamste eggenote van 'n kaptein by erfopvolging word gewoonlik geheel en al of gedeeltelik deur die stam bygedra en haar status word in die openbaar aangekondig.

(3) (a) Van 'n kaptein word vereis, wanneer hy sy vernaamste vrou neem, om aan die distriksbeampste die name van sy verskillende vrouens asook die status van elkeen te rapporteer.

(b) Van 'n kaptein word vereis om onmiddellik aan die distriksbeampste die geboorte van die eersgebore seun van sy vernaamste vrou te rapporteer en, ingeval sodanige seun voor hom sterf, sy dood.

These sections are—

- (a) the *indlunkulu* section, composed of the *indlunkulu* with its affiliated houses;
- (b) the *ikhohlo* section, composed of the *ikhohlo* with its affiliated houses;
- (c) the *iqadi* section, composed of the *iqadi* with its affiliated houses;
- (d) a junior section, composed of the houses of poor relations and non-relatives which are usually placed in an inferior position in the family home.

(2) The children of any woman whose status has been formally pronounced or declared as indicated in subsection (1) shall not be affected in their status or rights by the subsequent divorce or death of such woman.

Declaration of status of second and subsequent wives

72. (1) When the family head takes a second wife and upon the celebration of such customary marriage makes a formal pronouncement or declaration as to her status and that of her house, such shall usually take the form of declaring her the chief *khohlo* wife and establishing the *ikhohlo*.

(2) The houses established by customary marriages contracted by the family head subsequent to establishment of the *ikhohlo* shall usually be affiliated either to the *indlunkulu* or the *ikhohlo* in accordance with the essential principle governing affiliation or by public declaration by the family head at the time of celebration of the marriage.

Declaration of status of third wife as *qadi* wife

73. A family head upon taking his third or any subsequent wife may declare the establishment of the *iqadi* with the woman as chief *qadi* wife and in this event houses established by subsequent customary marriages contracted by the family head shall be affiliated to either the *indlunkulu*, the *ikhohlo* or the *iqadi* in accordance with the essential principle governing affiliation or by public declaration by the family head at the time of celebration of the marriage.

Junior houses affiliated with senior houses

74. (1) An affiliated junior house shall be identified and grouped with the senior house to which it is affiliated, but affiliation of itself shall not affect the property and property rights of the affiliated house.

(2) An affiliated house *ethulas* to the senior house to which it is affiliated.

Status of wives of hereditary chief

75. (1) The status of the wives of a hereditary chief in charge of a tribe shall not be declared until after the assumption by the chief of his chief wife who is usually taken later in life than the first and second wives.

(2) The *lobolo* of the chief wife of a hereditary chief is usually contributed wholly or in part by the tribe and her status shall be publicly announced.

(3) (a) A chief shall be required, upon the assumption of his chief wife, to report to the district officer the names of his various wives and the status of each.

(b) A chief shall be required promptly to report to the district officer the birth of the first-born son of his chief wife, and, in the event of such son predeceasing him, his death.

(c) Enige rapport gemaak ingevolge paragraaf (a) moet aangeteken en geattesteer word deur die amptenaar aan wie dit gedoen is en moet onderteken word deur die kaptein of sy behoorlike gemagtigde verteenwoordiger in die teenwoordigheid van minstens twee getuies. Enige sodanige rapport moet as streng vertroulik behandel word.

(4) Indien 'n kaptein by erfopvolging, wat die eggenoot van verskillende eggenotes is, sterf sonder dat hy sy vernaamste vrou geneem het, is dit die plig van die oudstes van die stam om te vergader en status aan die weduwees toe te ken, die vernaamste eggenote aan te stel en die *ikhohlo*, die *iqadi* en junior huise te bepaal of op ander gebruike en wettige wyse die rang van iedere huis vas te stel.

Familiehoof kan sy familiewoning in subwonings verdeel

76. (1) 'n Familiehoof kan te eniger tyd, behoudens enige regulasies betreffende die toekenning van persele vir die oprigting van woonhuise of geboue, die verskillende afdelings van sy familiewoning in subwonings afskei en verdeel.

(2) Enige sodanige afskeiding of verdeling waarna in subartikel (1) verwys word, maak in geen geval inbreuk op die beheer, bevel, regte en gesag van die familiehoof nie, wat gedurende sy lewe die verantwoordelike hoof en enigste gesag is sowel in sy familiewoning as in die subwonings deur sodanige afskeiding of verdeling daargestel.

Huisgenote kan familiewoning onder sekere omstandighede verlaat

77. (1) Enige mondiges huisgenoot kan, na kennisgewing aan die familiehoof en die kaptein, die familiewoning verlaat en, behoudens enige regulasies betreffende verwyderings en die toekenning van persele vir die oprigting van woonhuise of geboue, sy eie afsonderlike en onafhanklike familiewoning in dieselfde of enige ander distrik stig of hy kan hom aansluit by en 'n huisgenoot word van 'n ander familiewoning.

(2) 'n Ontferde manspersoon kan sy eie familiewoning stig of met die goedkeuring van die hoof van sodanige familiewoning hom aansluit by en 'n huisgenoot word van 'n ander familiewoning as die van die familiehoof wat hom onterf het.

Eiendom van meisie wat gebruike huwelik aangaan

78. Wanneer 'n meisie 'n gebruike huwelik aangaan, kan haar vader aan haar goed of beste gee en dit word dan die eiendom van en behoort aan die huis wat deur sodanige huwelik tot stand gebring is.

HOOFSTUK 10

ERFENIS EN ERFOPVOLGING

Testate en intestate vererwing van sekere eiendom

79. (1) Oor familie-eiendom en persoonlike eiendom kan by testament beskik word.

(2) Oor huiseiendom kan nie by testament beskik word nie en by oorlye van die familiehoof moet enige sodanige eiendom, behoudens die bepalinge van artikel 81 (5), ingevolge Zoeloereg oorgaan en beredder word.

(3) Ondanks enige bepaling in enige ander wet vervat, vererf die boedel van 'n Swarte wat volgens siviele reg getroud is, ingevolge die bepalinge van die Erfopvolgingswet, 1934 (Wet 13 van 1934) soos gewysig.

Erfopvolging en erfenis volg die reël van eersgeboortereg

80. Behoudens die bepalinge van artikels 10 en 81 volg erfopvolging van die status en posisie van familiehoof en die erfenis van sodanige familie-eiendom as wat nie by testament bemaak is nie, die reël van eersgeboortereg.

(c) Any report made under paragraph (a) shall be recorded and attested by the officer to whom it is made and shall be subscribed to by the chief or his duly authorised representative in the presence of at least two witnesses. Any such report shall be treated as strictly confidential.

(4) In the event of a hereditary chief who is the husband of several wives dying without having taken his chief wife, it shall be the duty of the elders of the tribe to assemble and confer status upon the widows, appoint the chief wife and determine the *ikhohlo*, the *iqadi* and junior houses or in other customary and lawful manner the rank of each house.

Family head may divide his family home into sub-homes

76. (1) A family head may at any time, subject to any regulations regarding the allotment of sites for the erection of dwellings or buildings, separate and divide the various sections of his family home into sub-homes.

(2) Any such separation or division as is in subsection (1) referred to shall in no way impair the control, direction, rights or authority of the family head, who during his lifetime shall be the responsible head and sole authority equally in his family home or in the sub-homes created by such separation or division.

Inmates may leave family home under certain conditions

77. (1) Any major inmate of a family home may, after notifying the family head and the chief, leave the family home, and, subject to any regulations regarding removals and the allotment of sites for the erection of dwellings or buildings, establish his own separate and independent family home in the same or any other district or may attach himself to and become an inmate of some other family home.

(2) A disinherited male may establish his own family home or with the approval of the head of such family home attach himself to and become an inmate of some family home other than that of the family head who disinherited him.

Property of girl entering into a customary marriage

78. When a girl enters into a customary marriage her father may give her goods or cattle and such become the property of and belong to the house established by such marriage.

CHAPTER 10

INHERITANCE AND SUCCESSION

Testate and intestate inheritance of certain property

79. (1) Family property and personal property may be devised by will.

(2) House property may not be devised by will and upon the death of the family head any such property shall, subject to the provisions of section 81 (5), devolve and be administered under Zulu law.

(3) Notwithstanding any provision in any other law contained, the estate of a Black married by civil rites shall devolve according to the Succession Act, 1934 (Act 13 of 1934), as amended.

Succession and inheritance to follow rule of primogeniture

80. Subject to the provisions of sections 10 and 81, succession to the status and position of family head and inheritance to such property as has not been devised by will shall follow the rule of primogeniture.

Erfopvolging indien familiehoof gebruiklike huwelik aangegaan het

81. (1) Behoudens die bepalings van artikel 10 word, by die oorlyde van 'n familiehoof wat 'n gebruiklike huwelik aangegaan het en wie se familiewoning in afdelings verdeel is soos in artikel 71 beskryf, gaan erfopvolging, wat of algemeen kan wees, dit wil sê erfopvolging van die status en posisie van familiehoof en sodanige familie-eiendom as wat nie by testament oor beskik is nie, of spesiaal, dit wil sê erfopvolging van huiseiendom, ingevolge artikel 23 van die Wet en die regulasies daarkragtens gemaak, slegs oor op en deur tussenkoms van manspersone ooreenkomstig die volgende tabel—

- (a) die oudste seun van die *indlunkulu* of, as hy dood is, sodanige oudste seun se manlike senior afstammeling;
- (b) by ontstentenis van sodanige oudste seun of enige manlike afstammeling deur hom, die tweede seun van die *indlunkulu* of, as hy dood is, sy manlike senior afstammeling, ensovoorts, deur die seuns van die *indlunkulu* en hul manlike afstammeling in behoorlike volgorde van senioriteit;
- (c) as daar geen seun of manlike afstammeling van enige seun van die *indlunkulu* is nie, die oudste seun van die huis wat die eerste geaffilieer is met die *indlunkulu* of sy manlike senior afstammeling, ensovoorts, deur die seuns van sodanige eerste geaffilieerde huis en hul manlike afstammeling in behoorlike volgorde van senioriteit;
- (d) as daar geen seun of manlike afstammeling is van enige seun van die huis wat eerste met die *indlunkulu* geaffilieer is nie, die oudste seun van die huis wat die tweede met die *indlunkulu* geaffilieer is of sy manlike senior afstammeling, ensovoorts, deur die seuns van sodanige huis en hul manlike afstammeling in behoorlike volgorde van senioriteit en deur die verskillende geaffilieerde huise in die volgorde van hul affiliasie;
- (e) as daar geen erfgenaam in die *indlunkulu* of in enige huis daarmee geaffilieer, is nie, word toevlug geneem tot die *iqadi* vir 'n algemene erfgenaam en daarna tot die geaffilieerde *iqadi*-huise, in die volgorde van hule affiliasie met die *iqadi*. As daar geen erfgenaam in enige *iqadi* huis is nie, word toevlug geneem tot die *ikhohlo* en daarna tot die geaffilieerde *ikhohlo* huise, in die volgorde van hul affiliasies;
- (f) as daar nie 'n erfgenaam in die *iqadi* of *ikhohlo* afdelings van die familiewoning is nie, die vader van die oorledene of, as hy dood is, die familiehoof se oudste broer van dieselfde huis of sy manlike senior afstammeling, ensovoorts, deur die broers van daardie huis en hul manlike afstammeling in die volgorde van senioriteit;
- (g) as daar nie 'n broer van die oorledene van dieselfde huis of manlike afstammeling van enige sodanige broer is nie, die oorledene se oudste broer van die aanverwante of geaffilieerde huis van hoër rang of die volgende rang, na gelang van die geval, of sy manlike senior afstammeling, ensovoorts, deur die broers van sodanige aanverwante of geaffilieerde huis en hul manlike afstammeling, in volgorde van senioriteit, en daarna deur die broers van die oorblywende huise in volgorde van rang, en hul manlike afstammeling;
- (h) as daar geen broer van die oorledene of manlike afstammeling van enige broer van enige huis is nie, die grootvader aan vaderskant en waar dié ontbreek, moet die voorafgaande beginsels op dergelike wyse toegepas word totdat die manlike linies van naasbestaendes sowel bloedverwante in die sylinie as assendente, uitgeput is.

Succession if deceased family head contracted a customary marriage

81. (1) Subject to the provisions of section 10, upon the death of a family head who contracted a customary marriage and whose family home has been divided into sections as in section 71 described, succession, which may be either general, that is succession to the status and position of family head and to such family property as has not been devised by will, or special, that is succession to house property, shall in terms of section 23 of the Act and the regulations made thereunder, come to pass upon and through males only in accordance with the following table—

- (a) the eldest son of the *indlunkulu* or, if he be dead, such eldest son's senior male descendant;
- (b) failing such eldest son or any male descendant through him, the second son of the *indlunkulu* or, if he be dead, his senior male descendant and so on through the sons of the *indlunkulu* and their male descendants in due order of seniority;
- (c) if there be no son or male descendant of any son of the *indlunkulu*, the eldest son of the house first affiliated to the *indlunkulu* or his senior male descendant and so on through the sons of such first affiliated house and their male descendants in due order of seniority;
- (d) if there be no son or male descendant of any son of the house first affiliated to the *indlunkulu*, the eldest son of the house second affiliated to the *indlunkulu* or his senior male descendant and so on through the sons of such house and their male descendants in due order of seniority and through the various affiliated houses in the order of their affiliation;
- (e) if there be no heir in the *indlunkulu* or in any house affiliated thereto, recourse shall be had to the *iqadi* for a general heir and thereafter to the affiliated *iqadi* houses in order of their affiliation to the *iqadi*. If there be no heir in any *iqadi* house, recourse shall be had to the *ikhohlo* with subsequent recourse to the affiliated *ikhohlo* houses in the order of their affiliation;
- (f) if there be no heir in the *iqadi* or *ikhohlo* section of the family home, the father of the deceased, or, if he be dead, the family head's eldest brother of the same house or his senior male descendant and so on through the brothers of that house and their male descendants in order of seniority;
- (g) if there be no brother of the deceased of the same house or male descendant of any such brother, the deceased's eldest brother of the allied or affiliated house of higher rank or the next rank as the case may be or his senior male descendant and so on through the brothers of such allied or affiliated house and their male descendants in order of seniority and thereafter through the brothers of the remaining houses in order of rank and their male descendants;
- (h) if there be no brother of the deceased or male descendant of any brother of any house, the paternal grandfather and failing such the foregoing principles shall in like manner be applied until the male lines of next-of-kin, both collaterals and ascendants, are exhausted.

(2) By die oorlye van 'n familiehoof wie se familiewoning nie in afdelings verdeel is soos in artikel 71 omskryf nie, word die erfgenaam van sy posisie as sodanig, van die familie-eiendom as dit nie by testament bemaak is nie en andersins ingevolge artikel 23 van die Wet en die regulasies daarkragtens uitgevaardig, ingevolge Zoeloereg bereeder moet word, en van die eiendom van die *indlunkulu* bepaal ooreenkomstig die beginsels voorgeskryf in subartikel (1) uitgesonderd dat daar in sodanige geval geen *iqadi* of *ikhohlo* is nie en die senior huise die rangvolgorde inneem ooreenkomstig die prioriteit van hul totstandkoming, met die gevolg dat as daar geen erfgenaam in die *indlunkulu* of in enigste huis daarmee geaffilieer, is nie, toevlug tot die volgende senior huis en sy geaffilieerde huise in die volgorde van hul affiliasie, ensovoorts, geneem moet word.

(3) (a) By die oorlye van 'n familiehoof bly en berus die eiendom, regte en aansprake van die verskillende huise by die onderskeie erfgenames daarvan.

(b) Erfopvolging tot die eiendomsregte en aansprake van enige ander huis as die *indlunkulu* word beheer deur die beginsels voorgeskryf in subartikel (1): Met dien verstande dat by die bepaling van die erfgenaam die bepaalde betrokke huis eers uitgewin moet word en daarna die aanverwante of geaffilieerde huise, indien daar is, in volgorde van rang of affiliasie alvorens toevlug tot die *indlunkulu*-erfgenaam geneem word.

(c) As die afdelings van 'n familiewoning geskei is in subwonings, soos in artikel 76 voorgeskryf, word die erfgenaam van die verskillende huise by oorlyde van die familiehoof die familiehoofde van die onderskeie subwonings.

(4) Wanneer persoonlike eiendom ingevolge artikel 23 van die Wet en die regulasies daarkragtens uitgevaardig, volgens Zoeloereg moet oorgaan, word erfopvolging tot sodanige eiendom beheer deur die beginsels voorgeskryf in subartikel (1): Met dien verstande dat by die bepaling van die erfgenaam die naaste familie van die oorledene eers uitgewin moet word, dan die huis waartoe die oorledene behoort het en daarna die aanverwante of geaffilieerde huise, indien daar is, in volgorde van rang of affiliasie alvorens toevlug tot die *indlunkulu*-erfgenaam geneem word.

(5) Ingeval daar geen manlike erfgenaam is nie, vererf enige eiendom, hetsy familie-, huis of persoonlike eiendom wat ingevolge artikel 23 van die Wet en regulasies daarkragtens uitgevaardig volgens Zoeloereg moet oorgaan, volgens die reg aangaande intestate erfopvolging soos van toepassing op siviele huwelike.

(6) (a) Die distriksbeampte van die distrik waar die oorlede eggenoot gewoon het, kan, indien die bates in die boedel nie by testament bemaak is nie, op versoek van die oorledene se weduwee en by kennisgewing aan die erfgenaam volgens Zoeloereg en -gewoonte of die lede van die familie van die oorlede eggenoot waar dit blyk dat geen sodanige erfgenaam bestaan nie, administratief ondersoek instel na die boedel met spesifieke verwysing na die omvang van die bates en laste, die omvang van die weduwee se bydrae tot die verkryging van sodanige bates, die bydrae of andersins van sodanige erfgenaam of sodanige familie tot sodanige bates of die welsyn van die oorledene se huisgesin en ander tersaaklike aangeleenthede, en indien hy tevrede is dat die weduwee veronreg sou word en van die vrugte van haar arbeid ontnem sou word as die bates op die erfgenaam sou oorgaan en die weduwee aan die genade van sodanige erfgenaam oorgelaat sou wees, kan hy 'n bevel uitreik dat die boedel vererf volgens die reg aangaande intestate erfopvolging soos van toepassing op siviele huwelike.

(b) Die distriksbeampte van die distrik waar die oorlede ouer gewoon het, kan, indien die bates in die boedel nie by testament bemaak is nie, op versoek van enige kind van die oorledene en by kennisgewing aan die erfgenaam

(2) Upon the death of a family head whose family home has not been divided into sections as in section 71 described, the heir to his position, as such, to the family property, if such has not been devised by will and otherwise falls in term of section 23 of the Act and the regulations framed thereunder to be administered under Zulu law, and to the property of the *indlunkulu*, shall be determined in accordance with the principles laid down in subsection (1), save that in such a case there shall be no *iqadi* or *ikhohlo* and the senior houses shall rank according to priority of their establishment with the result that if there be no heir in the *indlunkulu* or in any house affiliated thereto, recourse shall be had to the next senior house and its affiliated houses in the order of their affiliation and so on.

(3) (a) Upon the death of a family head the property, rights and claims of the various houses shall remain with the respective heirs thereof.

(b) Succession to the property rights and claims of any house other than the *indlunkulu* shall be governed by the principles laid down in subsection (1) save that in determining the heir the particular house concerned shall first be excused and thereafter the allied and affiliated houses, if any, in order of rank or affiliation before recourse is had to the *indlunkulu* heir.

(c) When the sections of a family home have been separated into sub-homes as in section 76 provided, the heirs of the various houses upon the death of the family head shall become the family heads of the respective sub-homes.

(4) Succession to personal property, whenever in terms of section 23 of the Act and the regulations framed thereunder such property shall devolve according to Zulu law, shall be governed by the principles laid down in subsection (1) save that in determining the heir the immediate family of the deceased shall first be excused, then the house to which the deceased belonged and thereafter the allied or affiliated houses, if any, in order of rank or affiliation before recourse is had to the *indlunkulu* heir.

(5) In the event of there being no male heir, any property, whether family, house or personal property, which shall in terms of section 23 of the Act and the regulations framed thereunder devolve according to Zulu law, shall devolve according to the law relating to intestate succession applicable to a civil marriage.

(6) (a) The district officer of the district in which the deceased husband resided may, where the assets in the estate have not been devised by will, at the request of the deceased's widow and upon notice to the heir according to Zulu law and custom or the members of the family of the deceased husband where no such heir appears to exist, administratively inquire into the estate with specific reference to the extent of the assets and liabilities, the extent of the widow's contribution towards the acquisition of such assets, the contribution or otherwise to such assets or welfare of the deceased's family by such heir or such families and other relevant factors, and if he is satisfied that it would be an injustice to the widow and would deprive her of the fruits of her labours if the assets were to be inherited by the heir and the widow be placed at the mercy of such heir, he may make an order that the estate shall devolve according to the law relating to intestate succession applicable to civil marriages.

(b) The district officer of the district in which the deceased parent resided may, where the assets in the estate have not been devised by will, at the request of any child of the deceased and upon notice to the heir according to Zulu

volgens Zoeloereg en -gewoonte of die lede van die familie van die oorlede vader waar dit blyk dat geen sodanige erfgenaam bestaan nie, administratief ondersoek instel na die boedel met spesifieke verwysing na die omvang van die bates en laste, die bydrae of andersins van sodanige erfgenaam of sodanige familie tot sodanige bates of die welsyn van die oorledene se familie en ander tersaaklike aangeleenthede, en, indien hy tevrede is dat enige kind van die oorledene veronreg sou word as die bates op die erfgenaam sou oorgaan en dat sodanige kind of kinders aan die genade van die erfgenaam oorgelaat sou wees, kan hy 'n bevel uitreik dat die boedel vererf volgens die reg aangaande intestate erfopvolging soos van toepassing op siviele huwelike.

(c) 'n Erfgenaam volgens Zoeloereg en -gewoonte of die lede van die oorlede vader se familie wat veronreg voel deur 'n beslissing van die distriksbeampste kan by die Direkteur-generaal appèl aanteken teen sodanige beslissing, en as enigeen van die voornoemde persone veronreg voel deur die Direkteur-generaal se beslissing kan appèl aangeteken word by die Minister wie se beslissing afdoende is.

(d) 'n Appèl teen 'n beslissing ingevolge hierdie artikel word binne 'n tydperk van 21 dae nadat sodanige beslissing geneem is, aangeteken: Met dien verstande dat indien die persoon by wie appèl ingevolge paragraaf (c) aangeteken kan word, tevrede is dat daar genoegsame gronde bestaan, hy, in sy diskresie, sodanige tydperk kan verleng.

(7) Ondanks die bepalinge van subartikels (1), (2) en (3) kan 'n aangebore idioot nie die rang van 'n erfgenaam aanneem nie tensy die boedel beredder word ingevolge subartikel (6) (a) of (b). Die onderhoud van so 'n persoon is ten laste van die huis waartoe hy behoort tensy die boedel beredder word ingevolge subartikel (6) (a) of (b).

(8) 'n Erfgenaam wat eiendom erf, hetsy familie-, huis of persoonlike eiendom word aanspreeklik gehou vir skulde ten aansien daarvan slegs ten bedrae van die bates wat hy erf.

(9) (a) (i) 'n Kind kan, op aansoek by die kaptein deur sy vader onterf word weens die feit dat hy weier om onder sy vader se beheer te staan of as hy deur ernstige wangedrag sy familie in die skande gestee het of weier om op redelike wyse by te dra tot die onderhoud van die familie, of weens 'n ander goeie en genoegsame rede.

(ii) Sodanige aansoek moet deur die kaptein ondersoek word, met behoorlike kennisgewing aan die kind, wat die reg van appèl teen die beslissing by die distriksbeampste het.

(iii) Waar die applikant 'n kaptein is, word die aansoek aan die distriksbeampste gerig, wat na goeddunke daaroor beslis.

(b) Die status, stem of aanspraak van 'n kind ten aansien van die familie of eiendom van sy huis of vader se familie-woning verval geheel en al by sy onterwing.

Onder sekere omstandighede moet eiendom van ongetroude vrou onder haar kinders verdeel word

82. Ondanks die bepalinge van enige ander wet, wanneer 'n vrou wat nooit getroud was nie, of wat geskei of tot weduwee gemaak is en nie daarna 'n siviele of gebruike huwelik aangegaan het nie, intestaat of gedeeltelik intestaat sterf, moet soveel van die eiendom in haar boedel as waarvoor sy nie by testament beskik het nie, in gelyke dele onder haar oorlewende kinders, indien enige, verdeel word.

HOOFTUK 11

GENEES- EN KRUIEKUNDIGES EN VROEDVROUE **Genees- en kruiekundiges en vroedvroue moet gelisensieer wees en hernuwing van lisensies**

83. (1) Swart genees- en kruiekundiges en vroedvroue is onderskeidelik bekend as *izinyanga zokwelapha* (diegene wat bedrewe is in gesondmaking) en *izinvanqa zemithi* (kruiekundiges) en *ababelethisi* (vroedvroue) en enige Swarte kan as sodanig vir wins praktiseer as hulle behoorlik gelisensieer is, maar nie andersins nie.

law and custom or the members of the family of the deceased father where no such heir appears to exist, administratively inquire into the estate with specific reference to the extent of the assets and liabilities, the contribution or otherwise to such assets or welfare of the deceased's family by such heir or such family and other relevant factors, and if he is satisfied that it would be an injustice to any child if the assets were to be inherited by the heir and such child(ren) be placed at the mercy of such heir, make an order that the estate shall devolve according to the law relating to intestate succession applicable to civil marriages.

(c) Any heir according to Zulu law and custom or the members of the deceased father's family aggrieved by a decision of the district officer may appeal against such decision to the Director-General, and if any of the aforementioned persons are aggrieved by the Director-General's decision an appeal may be made to the Minister whose decision shall be final.

(d) Any appeal against the decision in terms of this section shall be made within a period of 21 days after such decision was made: Provided that if the person to whom an appeal in terms of paragraph (c) lies is satisfied that adequate grounds exist he may, in his discretion, extend such period.

(7) Notwithstanding anything contained in subsection (1), (2) and (3) contained, a congenital idiot cannot rank as an heir except where the estate is administered in terms of subsection 6 (a) or (b). The support of such a person shall be a charge upon the house to which he belongs unless the estate is administered in terms of subsection 6 (a) or (b).

(8) An heir succeeding to property, whether family, house or personal, shall become liable for debts in respect thereof only to the extent of the assets to which he succeeds.

(9) (a) (i) A child may be disinherited by his father on application to the chief by reason of the fact that he refuses to be controlled by his father or has by gross misconduct disgraced the family or refuses to make reasonable contribution towards the maintenance of the family, or for other good and sufficient cause.

(ii) Such application shall form the subject of an inquiry by the chief with due notice to the child, who shall have a right of appeal against the decision to the district officer.

(iii) Where the applicant is a chief, the application shall be made to the district officer who shall deal with the application as he may deem fit.

(b) A child who is disinherited shall become absolutely without status, voice or claim in regard to the family or property of his house or his father's family home.

In certain circumstances property of single woman to be divided amongst her children

82. Notwithstanding anything in any other law contained, when a woman who has never been married or who has been divorced or widowed and has not subsequently contracted a civil or customary marriage, dies intestate or partly intestate, so much of the property in her estate as has not been disposed of by will shall be divided equally amongst her surviving children, if any.

CHAPTER 11

MEDICINE MEN, HERBALISTS AND MIDWIVES

Medicine men, herbalists and midwives to be licenced and renewal of licences

83. (1) Medicine men, herbalists and midwives are known as *inzinyanga zokwelapha* (those skilled in healing), *izinyanga zemithi* (herbalists) and *ababelethisi* (midwives), respectively, and any Black may practice as such for gain if duly licenced, but not otherwise.

(2) Ondanks enige andersluidende wetsbepalings word 'n lisensie om te praktiseer as 'n Swart genees- of kruietkundige of 'n Swart vroedvrou te praktiseer nie uitgereik nie tensy die magtiging van die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling vir die uitreiking daarvan vooraf verkry is.

(3) 'n Lisensie uitgereik ingevolge subartikel (2) is geldig vir 'n tydperk van een jaar vanaf die datum van uitreiking. Met dien verstande dat sodanige lisensie op aansoek binne een maand na sy vervaldatum en by betaling van die voorgeskrewe gelde, vir verdere tydperke van een jaar hernu kan word deur die distriksbeampte van die distrik waar die houer praktiseer.

(4) Die bepalings van die Wet op Homeopate, Naturopate, Osteopate en Kruietkundiges, 1974 (Wet 52 van 1974), die Wet op Geneesher, Tandartse en Aanvullende Gesondheidsberoepes, 1974 (Wet 56 van 1974), en die Wet op Verpleging, 1978 (Wet 50 van 1978), word nie so uitgelê dat dit afbreuk doen aan die reg wat 'n genees- of kruietkundige of 'n vroedvrou besit uit hoofde van 'n lisensie uitgereik soos in subartikel (2) bedoel nie.

Lisensiefooi om as genees- of kruietkundige of vroedvrou te praktiseer

84. (1) Die bedrag jaarliks betaalbaar vir 'n lisensie om as 'n genees- of kruietkundige of vroedvrou te praktiseer, is ses rand en 'n Swarte kan as sowel 'n geneeskundige as 'n kruietkundige of as die een of die ander praktiseer in die hele distrik waarvoor sodanige lisensie uitgereik is: Met dien verstande egter dat as die houer van 'n lisensie 'n verdere bedrag van twee rand betaal die distriksbeampte van enige ander distrik in Natal buite KwaZulu na goeddunke, sodanige lisensie ook vir daardie distrik geldig kan maak deur 'n toepaslike aantekening op sodanige lisensie, en die houer kan daarna ook in daardie distrik praktiseer.

(2) Ondanks die bepalings van subartikel (1) kan enige-mand wat 'n lisensie hou om as 'n genees- of kruietkundige of 'n vroedvrou dwarsdeur Natal buite KwaZulu te praktiseer, voortgaan om gedurende die geldigheidsduur van sy bestaande lisensie of hernuwing daarvan aldus te praktiseer.

Geliseniseerde genees- of kruietkundige of vroedvrou kan fooi eis

85. (1) 'n Behoorlik geliseniseerde genees- of kruietkundige of vroedvrou kan 'n fooi (*ulugxa*) eis vir dienste gelewer.

(2) 'n Eis ten opsigte van dienste gelewer deur 'n genees- of kruietkundige, kruietkunde of 'n vroedvrou word nie in 'n geregshof erken nie tensy bewys van die uitreiking van 'n lisensie aan sodanige persoon gelewer word.

(3) 'n Ongeliseniseerde genees- of kruietkundige of vroedvrou kan geen geld of vergoeding eis ten opsigte van dienste deur hom of haar gelewer nie.

Aanspreeklikheid vir nalatigheid

86. As 'n genees- of kruietkundige of 'n vroedvrou growwe of strafbare foute begaan of hom of haar skuldig maak aan nalatigheid wat slegte resultate tot gevolg het, kan hy of sy siviël gedagvaar word vir skade afgesien van enige kriminele aanklag wat teen hom of haar ingebring kan word.

Oortreding van artikel 83 'n misdryf

87. Enige Swarte wat strydig met die bepalings van artikel 83 as 'n genees- of kruietkundige of vroedvrou praktiseer of voorgee om as sulks te praktiseer, is skuldig aan 'n misdryf.

Genees- of kruietkundige mag nie die titel "dokter" of "apteker" aanneem nie

88. (1) 'n Swarte wat as 'n genees- of kruietkundige geliseniseer is, mag nie die titel "dokter" of "apteker" of enige ander benaming genoem in die Wet op Geneesher, Tandartse en Aanvullende Gesondheidsberoepes, 1974 (Wet 56 van 1974), aanneem nie.

(2) Notwithstanding anything to the contrary in any other law contained, a licence to practise as a medicine man herbalist or midwife shall not be issued unless the authority of the Minister of National Health and Population Development for the issue thereof has first been had and obtained.

(3) A licence issued in terms of subsection (2) shall be valid for a period of one year from the date of issue: Provided that such licence may, on application within one month after the date of expiry and on payment of the prescribed fee be renewed for further periods of one year by the district officer of the district where the holder is in practice.

(4) The provisions of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974 (Act 52 of 1974), the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), and the Nursing Act, 1978 (Act 50 of 1978), shall not be construed as derogating from the right which a medicine man, herbalist or midwife may have by virtue of any licence issued as contemplated in subsection (2).

Licence fee to practice as medicine man, herbalist or midwife

84. (1) The fee payable annually to register and practise as a medicine man, herbalist or midwife shall be six rand and a Black may practise as both a medicine man and a herbalist or as one or the other throughout the district for which such licence is issued: Provided, however, that upon payment by the holder of such licence of a fee of two rand, the district officer of any other district in Natal may, at his discretion, by an appropriate endorsement on such licence extend the validity of such licence to that district and thereupon the holder may also practise in that district.

(2) Notwithstanding the provisions of subsection (1) any person holding a licence to practise as a medicine man, herbalist or midwife throughout Natal may continue so to practise during the currency of his and her existing licence or renewal thereof.

Licensed medicine man, herbalist or midwife may claim a fee

85. (1) A duly licensed medicine man, herbalist or midwife may claim a fee (*uluqxa*) for services rendered.

(2) No claim in respect of services rendered by a medicine man, herbalist or midwife shall be recognised in a court of law unless proof to the issue of a licence to such person be adduced.

(3) An unlicensed medicine man, herbalist or midwife may not claim any fee or reward in respect of services rendered by him or her.

Liability for negligence

86. Gross or culpable blunders or negligence entailing bad results shall render a medicine man, herbalist or midwife liable to a civil action for damages apart from any criminal charge which may be laid against him or her.

Contravention of section 83 an offence

87. Any Black who practises or purports to practise as a medicine man, herbalist or midwife in contravention of the provisions of section 83 shall be guilty of an offence.

Medicine man and herbalist may not assume title of "doctor" or "chemist"

88. (1) A Black licensed as a medicine man or herbalist may not assume the title of "doctor" or "chemist" or any other designation mentioned to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974).

(2) 'n Swarte wat as 'n genees- of kruiekundige gelisen- sieer is, kan slegs medisyne bekend as *imithi yesintu* voorskryf, daarin handel dryf of dit verkoop en wel slegs aan 'n persoon wat sy *bona fide*- pasiënt is en wat onder sy persoonlike behandeling is.

(3) Geen gelisensieerde genees- of kruiekundige of vroedvrou mag in enige koerant, boek, pamflet, omsend- brief, plakkaat, brief of ander dokument 'n advertensie publiseer of laat publiseer of aan enigiemand stuur of afgelewer of oordra, of toesien dat dit aan enigiemand gestuur of aflewer of oorgedra word wat 'n verwysing na of 'n beskrywing van *imithi yesintu* bevat, of wat meld dat hy of sy as 'n geneeskundige kruiekundige of 'n vroedvrou prakti- seer of daartoe geregtig is om as sodanig te praktiseer nie, of waarin hy enigiemand nooi om hom te kom raadpleeg of sy medisyne te koop of om van sy dienste op hoegenaamd enige manier gebruik te maak nie; ook mag sodanige adver- tensie nie deur middel van visuele of klankproses geskied nie.

(4) Vir die toepassing van subartikel (3) beteken *imithi yesintu* 'n vloeistof of stof wat geneeskundige waarde sou hê en wat gemeng, voorberei of vervaardig is, of gemeng, voorberei of vervaardig sou wees deur 'n Swarte wat nie 'n geregistreerde apteker en drogis of 'n geregistreerde mediese praktisyn is nie en wat—

- (a) na bewering in staat is om vir enigiemand rykdom of sukses in enige onderneming of besigheid te kan be- sorg of as 'n liefdesdrank gebruik sou kan word, of bedoel is om in 'n menslike wese kenmerke te verwek soos moed, vrees, wanhoop, krag, swakheid, aange- trokkenheid tot of afkeer van 'n ander persoon of 'n soortgelyke kenmerk, of immuniteit of weerstand word tot of vatbaarheid vir vyandelike magte, bonatuur- like magte, toordery of onnatuurlike siektes; of
- (b) wat werklik of na bewering verkry is van of bestaan uit die vet of enige ander liggaamsdeel of ingewande van 'n mens, dier, insek, reptiel of enige ander ding of 'n bonatuurlike, legendariese of mitiese wese, of dit werklik of na bewering bevat.

Verdienstes van vrouegeneeskundige of vroedvrou be- hoort aan haar

89. Die gelde en verdienstes van 'n vrouegeneeskundige of vroedvrou behoort aan haar en sy kan met bystand van haar eggenoot of voog 'n aksie vir die verhaling daarvan instel, indien sodanige bystand nodig is.

Misdrywe en strawwe

90. (1) Enige Swarte wat enige bepaling van hierdie hoofstuk oortree of versuim om daaraan te voldoen, is skul- dig aan 'n misdryf en kan by skuldigbevinding gevonniss word tot 'n boete van hoogstens tweehonderd rand of by wanbetaling tot gevangenisstraf vir 'n tydperk van hoogstens ses maande of tot sowel sodanige boete as soda- nige gevangenisstraf.

(2) Die hof wat enige Swarte aan 'n oortreding ingevolge die bepalings van subartikel (1) of van die Wet op Onder- drukking van Toorkuns, 1957 (Wet 3 van 1957), skuldig bevind, kan, benewens enige ander straf wat sodanige hof kan opleë, die lisensie van sodanige Swarte om as 'n genees- of kruiekundige of vroedvrou te praktiseer, intrek.

HOOFSTUK 12

ONREGMATIGE DADE

Enige onregmatige daad teen 'n Swarte fundeer aksie vir skadevergoeding

91. Behoudens die uitdruklike andersluidende bepalings van hierdie Hoofstuk, fundeer die pleging van 'n onreg- matige daad teen enige Swarte 'n aksie deur sodanige Swarte vir skadevergoeding teen die oortreder.

(2) A Black licensed as a medicine man or herbalist may prescribe, deal in or sell only medicines known as "*imithi yesintu*" and only to a person who is his or her *bona fide* patient and on whom he or she is in personal attendance.

(3) No licensed medicine man, herbalist or midwife may publish or cause to be published or send or deliver or transmit or cause to be sent or delivered or transmitted to any person any advertisement in any newspaper, book, pamphlet, circular, poster, letter or other document refer- ring to or describing *imithi yesintu* or stating the fact that he is practising or is entitled to practise as a medicine man, herbalist or midwife or inviting any person to consult him or purchase his remedies or make use of his services in any way whatsoever, nor may any such advertisement be made through the medium of visual or sound process.

(4) For the purpose of subsection (3) *imithi yesintu* means any liquid or substance which purports to have medicinal value, mixed, prepared or manufactured or purported to have been mixed, prepared or manufactured, by a Black who is not a registered chemist and druggist or a registered medical practitioner and which—

- (a) is alleged to be capable of procuring for any person wealth or success in any undertaking or occupation or which is stated to be for use as a love potion or to produce in a human being such attributes as courage, fear, despair, strength, weakness, attraction to or revulsion from another being or such like attribute, or immunity from or resistance against or susceptibility to hostile agencies, supernatural powers, witchcraft or unnatural diseases; or
- (b) is derived from or contains or consists of, or is alleged to be derived from or to contain or to consist of, the fat or any other part of the body or entrails of a human being, animal, insect, reptile or any other thing or a supernatural, legendary or mythical being.

Fees of medicine woman or midwife belong to her

89. The fees and earnings of a medicine woman or mid- wife shall belong to her and she may institute action for the recovery thereof with the assistance of her husband or guardian, if such is necessary.

Offences and penalties

90. (1) Any Black who contravenes or fails to comply with any provision of this Chapter shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred rand or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) The court convicting any Black of an offence under subsection (1) or under the Suppression of Witchcraft Act, 1957 (Act 3 of 1957), may, in addition to any other penalty which such court may impose, cancel any licence held by such Black to practise as a medicine man, herbalist or mid- wife.

CHAPTER 12

ACTIONABLE WRONGS

Any wrongful act against a Black founds action for damages

91. Except as is expressly in this chapter otherwise pro- vided, a wrongful act committed against any Black shall found an action on the part of such Black for damages against the transgressor.

Hof bepaal quantum in 'n aksie weens laster

92. In 'n aksie vir skadevergoeding weens laster of 'n ander onreg hoef die eiser geen spesifieke bedrag te eis nie; dit word aan die hof oorgelaat om die bedrag ten opsigte daarvan te bepaal.

Eerskennis is 'n onregmatige daad

93. (1) Eerskennis is 'n onregmatige daad.

(2) Iedere kwaadwillige bewering waarby kwade gedrag aan enige persoon toegeskryf word, is laster: Met dien verstande dat as iemand die karakter van 'n ander beswadder in die loop van 'n hewige twis en binne 'n kort tydjie daarna in die openbaar om verskoning vra, geen aksie vir skadevergoeding daardeur gefundeer word nie: Met dien verstande voorts dat geen aksie vir laster gefundeer word nie as die gebesigde woorde ten aansien van die eiser of klaer te goeder trou en nie met voorbedagte kwaadwilligheid nie tot enige gesaghebbende persoon gerig was.

(3) In 'n aksie vir skadevergoeding weens eerskennis moet die gewraakte bewerings wesenlik in die dagvaarding of verklaring uiteengesit word, maar 'n vertaling van die woorde hoef nie noodwendig by te gaan nie.

Ongetroude meisie geregtig op skadevergoeding

94. Enige ongetroude meisie, wie se kuisheid deur iemand in die openbaar ontken, bespot of in twyfel getrek is, is geregtig op skadevergoeding.

Vernietiging van gesaaides deur beeste of ander vee fundeer aksie vir skadevergoeding

95. 'n Aksie vir skadevergoeding teen die eienaar van beeste of ander vee of die persoon wat sodanige vee in sy bewaring en beheer het, word gefundeer deur die vernieling van kultuurgewasse deur sodanige beeste of ander vee, tensy sodanige skade veroorsaak is deur die bydraende nalatigheid van die eienaar van die kultuurgewasse.

Nalatige stig of beheer van brand fundeer aksie vir skadevergoeding

96. Wanneer as gevolg van nalatigheid aan die kant van enige persoon 'n grasbrand gestig of nie behoorlik beheer word nie, skade deur enigiemand anders gely word, kan 'n aksie vir skadevergoeding teen die persoon wat vir sodanige brand verantwoordelik was, ingestel word.

Betreding fundeer nie aksie vir skadevergoeding nie tensy dit met spesiale skade gepaard gaan

97. Onregmatige betreding van bewerkte lande fundeer nie 'n aksie vir skadevergoeding nie, tensy sodanige betreding met spesiale skade gepaard gaan.

Verleiding van ongetroude vrou fundeer aksie vir skadevergoeding

98. (1) Die verleiding van 'n ongetroude vrou gee aanleiding tot 'n aksie teen die verleier vir 'n *ngquthu bees* as skadevergoeding. Bo en behalwe sodanige bees kan nog 'n bees toegeken word as skadevergoeding ten opsigte van iedere swangerskap: Met dien verstande dat indien sodanige kind of kinders gebore word gedurende die bestaan van 'n verlowing geen aksie vir skadevergoeding erken sal word nie, tensy die huwelik nie plaasvind nie: Met dien verstande voorts dat indien die verleier met die vrou trou, ander betalings as die *ngquthu bees* ten aansien van haar verleiding as deel van die *lobolo* beskou moet word.

(2) Iederdeën wat ongeoorloofde gemeenskap het met 'n geskeide vrou of weduwee as gevolg waarvan sy swanger word, staan bloot aan betaling van skadevergoeding aan die persoon geregtig om *lobolo* vir haar te eis; sodanige skadevergoeding moet, ten opsigte van elke swangerskap, hoogstens een bees wees. In die geval van 'n latere huwelik tussen die party, word enige betaling van skadevergoeding as deel van die *lobolo* beskou.

Court to assess quantum in action for defamation of character

92. In an action for damages for defamation of character or other injury, it shall not be essential for the plaintiff to claim any specific sum, the court being left to assess the amount thereof.

Defamation of character is actionable wrong

93. (1) Defamation of character shall be an actionable wrong.

(2) Every malicious statement alleging evil conduct on the part of any person shall constitute defamation: Provided that should any person cast an aspersion upon the character of another in the course of a heated quarrel, and within a short period thereafter publicly withdraw and publicly apologise for the same, no claim in damages shall lie: Provided further that no action for defamation shall lie if the words used were addressed to any person in authority, in good faith, and not with express malice.

(3) In an action for damages for defamation of character the allegations complained of shall substantially be embodied in the summons or statement of claim but the words need not necessarily include a translation.

Unmarried girl entitled to damages

94. Any unmarried girl whose chastity has been publicly denied, scoffed at, or impeached by any person, shall be entitled to damages.

Destruction of crops by cattle or other stock founds action for damages

95. The destruction of crops by cattle or other stock will found an action for damages against the owner or person having the custody and control of such stock, unless such damage has been caused by the contributory negligence of the owner of the crops.

Negligent starting or controlling of fire founds action for damages

96. When by reason of negligence on the part of any person in starting or failing properly to control a grass fire loss is sustained by any other person, an action for damages shall lie against the person responsible for such fire.

Tresspass not actionable unless there is special damages

97. Tresspass on cultivated land shall not found an action for damages unless the tresspass is accompanied by special damage.

Seduction of unmarried female founds action for damages

98. (1) The seduction of an unmarried female shall give rise to an action against the seducer in damages for the *ngquthu* beast. In addition to such beast a further beast may be awarded as damages in respect of each pregnancy: Provided that should such child or children be born during the subsistence of an engagement no claim for damages shall be recognised unless the marriage does not take place: Provided further that should the seducer marry the woman, payments other than the *ngquthu* beast made in respect of her seduction shall be regarded as forming part of the *lobolo*.

(2) Any person having illicit intercourse with a divorced woman or widow as a result of which pregnancy arises shall be liable in damages to the person entitled to claim *lobolo* for her, such damages not to exceed one beast in respect of each pregnancy. In the event of a subsequent marriage between the parties, any payment of damages shall be regarded as forming part of the *lobolo*.

(3) Enige eis om skadevergoeding ten opsigte van die verleiding van of onwettige gemeenskap met 'n ongetroude vrou verval by die dood van sodanige vrou, tensy haar dood te wyte is aan die bevalling wat op sodanige verleiding of onwettige gemeenskap volg.

Owerspel fundeer aksie vir skadevergoeding

99. Enige Swarte wat owerspel pleeg met 'n getroude vrou is aanspreeklik vir betaling van skadevergoeding aan die eggenoot: Met dien verstande dat geen aksie vir skadevergoeding ontvanklik sal wees in die geval van oogluikende toelating deur die eggenoot of indien die vrou en haar man tydens die owerspel nie as man en vrou saamgeleef het nie.

Vrou en egbreker kan gevoeg word in aksie vir egskedding

100. Enige Swarte wat sy vrou met wie hy 'n gebruikelike huwelik aangegaan het, dagvaar vir egskedding op grond van haar owerspel, kan, as die ander party in die owerspel bekend is, tegelykertyd en in dieselfde aksie skadevergoeding van sodanige party eis.

Ontvoering van kind, eggenote of voogdeling fundeer aksie vir skadevergoeding

101. Iedereen wat die eggenote, minderjarige kind of voogdeling van 'n ander oorhaal om haar familiewoning te verlaat sonder toestemming van haar eggenoot, vader of voog onderskeidelik is aanspreeklik vir die betaling van skadevergoeding aan sodanige vrou se eggenoot, kind se vader of voogdeling se voog, na gelang van die geval: Met dien verstande dat geen aksie ontvanklik sal wees nie as die afwesigheid alleen in verband staan met die verlowingsbesoek van 'n meisie aan die familiewoning van 'n voornemende eggenoot.

Vader, voog of familiehoof aanspreeklik vir onregmatige daad van minderjariges

102. (1) 'n Voog is aanspreeklik ten opsigte van die onregmatige daad deur sy minderjarige huisgenoot gepleeg terwyl sodanige huisgenoot in dieselfde familiewoning woonagtig is.

(2) 'n Vader is aanspreeklik ten opsigte van die onregmatige daad gepleeg deur sy minderjarige kinders terwyl sodanige kinders in dieselfde familiewoning woonagtig is.

(3) 'n Fameliehoof is aanspreeklik ten opsigte van die onregmatige daad gepleeg deur 'n minderjarige huisgenoot van sy familiewoning terwyl sodanige huisgenoot in dieselfde familiewoning woonagtig is.

(4) Regsgedinge wat ontstaan uit 'n onregmatige daad waarna in subartikel (1), (2) of (3) verwys word, moet ingestel word teen sodanige minderjarige gesamentlik met sy voog, vader of die familiehoof, na gelang van die geval.

Huisgenote kan nie familiehoof vir skadevergoeding aanspreek nie

103. 'n Huisgenoot kan nie die familiehoof vir skadevergoeding weens 'n onregmatige daad van die familiehoof dagvaar nie, maar hy kan by die distriksbeampste aansoek doen om bevry te word van die beheer van die familiehoof of kan aansoek doen om beskerming ten opsigte van sy persoonlike eiendom of om sodanige ander verligting as wat nodig mag wees.

Onwettige of onregmatige daad deur kapteins, hoofmanne en ander Swart beamptes

104. As 'n kaptein, hoofman, kaptein se verteenwoordiger of ander Swart stambeampte onwettige of onregmatige daad pleeg, stel hy hom bloot aan die betaling van skadevergoeding aan die verontregte persoon wat hom vir sodanige vergoeding in die hof van die landdros met regsmag, maar nie in die hof van 'n kaptein nie, kan dagvaar.

(3) Any claim for damages in respect of the seduction of or illicit intercourse with an unmarried female shall be extinguished by the death of such female unless her death is due to child-birth consequent upon such seduction or illicit intercourse.

Adultery founds action for damages

99. Any Black committing adultery with a married woman shall be liable in damages to the husband: Provided that no action for damages shall lie in the case of connivance on the part of the husband or if at the time of the adultery the woman and her husband were not living together as man and wife.

Wife and adulterer may be joined in action for divorce

100. Any Black suing his wife under a customary marriage for divorce on the grounds of her adultery may, when the other party to the adultery is known, simultaneously and in the same action sue such party for damages.

Abduction of wife, child or ward founds action for damages

101. Any person abducting the wife, minor child or ward of another or inducing the wife, minor child or ward of another to leave the family home without the consent of the husband, father or guardian respectively shall be liable in damages to such female's husband, the child's father or ward's guardian: Provided that no action shall lie if the absence is only in connection with the betrothal visit of a girl to the family home of a proposed future husband.

Father, guardian and family heads liable for delicts by minors

102. (1) A guardian shall be liable in respect of delicts committed by his minor ward while in residence at the same family home as himself.

(2) A father shall be liable in respect of delicts committed by his minor inmates while in residence at the same family home as himself.

(3) A family head shall be liable in respect of delicts such as is committed by any minor inmate of his family home while in residence at the same family home as himself.

(4) Legal proceedings arising out of any delict such as is referred to in subsection (1), (2) and (3) shall be instituted against the minor committing the delict, jointly with his father, guardian or the family head as the case may be.

Inmates of family home may not sue family head for damages

103. No inmate of a family home may sue the family head for damages by reason of a delict of the family head, but he may apply to the district officer to be removed from the control of the family head or may apply for protection in respect of his individual property or for such other relief as may be necessary.

Illegal or wrongful acts by chiefs, headman or other Black officials

104. The illegal or wrongful acts of a chief, headman, chief's representative or other Black tribal official shall render him liable in damages to the aggrieved party who may sue upon such claim in the magistrate's court having jurisdiction, but not in the court of any chief.

HOOFSTUK 13**SIVIELE PROSESREG EN DIVERSE BEPALINGS****Regsmag van howe wat Zoeloereg toepas**

105. (1) Die regsmag en prosedure van enige hof in Natal buite kwaZulu wat Zoeloereg toepas, is soos bepaal in die Wet en die regulasies daarkragtens uitgevaardig.

(2) Die bepalings van hierdie Wetboek word nie geag die werking van artikel 11 (1), (2) en (3) (a) van die Wet op enige wyse te raak of daarop inbreuk te maak nie.

(3) Waar Zoeloereg toegepas word in enige sodanige saak waarna in artikel 11 van die Wet verwys word, kan die hof kennis neem van 'n toepaslike Zoeloegebruik wat nie met die beginsels van openbare beleid of natuurlike geregtigheid strydig is nie hetsy sodanige gebruik in hierdie Wetboek omskryf en behandel is al dan nie: Met dien verstande dat waar sodanige gebruik aldus omskryf en behandel is, die bepalings van hierdie Wetboek deurslaggewend is.

Goeie Zoeloemaniere

106. Goeie Zoeloemaniere en ontsag vir die owerheid vereis die nakoming van onderstaande reëls—

- (a) iedere Swarte behoort, sodra hy 'n hof betree of in die teenwoordigheid van 'n kaptein of meerdere amptenaar kom, of as hy homself onttrek, met die regterhand omhoog en blootshoof die senior amptenaar daar teenwoordig te salueer;
- (b) persone wat kieres of wapens in 'n hof inbring, of in die onmiddellike teenwoordigheid van kapteins of senior amptenare, word geag aan onwettige gedrag skuldig te wees en is weens minagting strafbaar;
- (c) ondergeskikte moet altyd eerste salueer en die meerdere erken die saluut;
- (d) terwyl 'n regter, 'n meerdere regeringsamptenaar of kaptein besig is om te praat, mag niemand hom in die rede val nie, maar sodra hy klaar gepraat het, kan iemand by uitnodiging of vergunning kortliks 'n mening uitgespreek omtrent enige punt onder bespreking. Geen sodanige mening mag uitgespreek of enige opmerkings gemaak word nadat uitspraak finaal gegee is nie;
- (e) wanneer uitspraak gegee is, moet die partye die hof salueer en verlaat.

Swart vroue mag nie as eiendom of goedere behandel word nie

107. (1) Swart vroue mag in geen geval as eiendom of goedere beskou of behandel word nie, ondanks enige vorderingsregte wat in verband mag staan met of ontstaan uit gebruiklike huwelike wat deur hulle aangegaan is.

(2) Die blote aanduiding van 'n vrou of meisie as 'n bron waaruit, deur haar *lobolo*, 'n skuld of verpligting betaal of nagekom moet word, maak nie 'n kontrak wat op suiwer Zoeloereg en gebruik gebaseer is, ongeldig nie, maar dit is nie op enige ander kontrak van toepassing nie.

Lewering

108. (1) Lewering geskied en moet geneem word by die plek van die party wat die goedere verkoop, verruil of moet lewer, tensy 'n spesiale andersluidende vereiste gestel word.

(2) Konstruktiewe lewering word kragtens Zoeloereg erken.

Gesteelde goedere kan opgeeis word

109. As eiendom gesteel en deur die dief aan 'n koper te goeder trou vir waarde gelewer is, het die regmatige eienaar die reg om sy eiendom van die besitter terug te vorder.

CHAPTER 13**CIVIL PROCEDURE AND MISCELLANEOUS PROVISIONS****Jurisdiction of courts administering Zulu law**

105. (1) The jurisdiction and procedure of any court in Natal administering Zulu law shall be as prescribed in the Act and the regulations framed thereunder.

(2) Nothing in this Code shall be deemed in any way to affect or impair the operation of section 11 (1), (2) and 3 (a) of the Act.

(3) Where Zulu law is applied in any such matter as is referred to in section 11 of the Act, the court may take cognisance of any relevant Zulu custom which is not opposed to the principles of public policy or natural justice, whether or not such custom is defined and dealt with under this Act: Provided that where such custom is so defined and dealt with the provisions of this Code shall prevail.

Zulu good manners

106. Zulu good manners and respect for authority require the observance of the following rules—

- (a) every Black, on entering a court or into the presence of a chief or superior officer, shall salute the superior officer present with uplifted right hand and uncovered head, and likewise on leaving he shall salute in a similar manner;
- (b) persons bringing sticks or weapons into court, or into the immediate presence of chiefs or superior officers, shall be deemed guilty of unbecoming behaviour and may be punished for contempt;
- (c) inferiors shall always salute first, and the superior shall acknowledge the salute;
- (d) while a judge or superior officer of the Government or chief is speaking no one shall interrupt, but on conclusion of such speech any person, by invitation or permission may shortly give an opinion on any point at issue. No such opinion shall be given or remark made after judgment has been finally pronounced;
- (e) upon judgment being given the parties shall salute the court and retire.

Black females not to be deemed or treated as chattels or property

107. (1) Black females shall not be deemed or treated in any way as property or chattels, notwithstanding any rights of action which may be connected with or arise out of customary marriages entered into by them.

(2) The mere indication of a woman or girl as the source from which, through her *lobolo*, a debt or obligation is to be met shall not invalidate a contract based purely on Zulu law and custom but this shall not apply to any other contracts.

Delivery

108. (1) Delivery shall be given and taken at the place of the party who sells, barter or is to deliver the property, unless a special stipulation to the contrary is made.

(2) Constructive delivery shall be recognised under Zulu law.

Stolen property may be vindicated

109. When property has been stolen and delivered by the thief to an innocent purchaser for value, the true owner shall be entitled to vindicate his property against the possessor.

Enige verkoop is 'n verkoop vir kontant tensy anders ooreengekom

110. (1) Die verkoop van beeste of goedere deur een Swarte aan 'n ander Swarte word geag vir kontant te wees tensy die partye tot die kontrak anders ooreengekom het.

(2) Waar daar vir kontant verkoop is, kan die verkoper, as die koper versuim om te betaal, te eniger tyd binne een maand vanaf die dag van lewering, die terugbesorging van die verkoopte eiendom eis van iemand anders dan in besit daarvan, afgesien van enige regte van sodanige persoon. Na een maand het die verkoper slegs die reg om vir die verkooppys te dagvaar.

(3) Die vermoede is dat as daar geen spesiale ooreenkoms tot die teendeel is nie, beeste of ander vee wat verkoop of verruil word, gewaarborg is om geen siekte onder lede te hê nie, en dat goedere wat verkoop of verruil word ook gewaarborg is om vry van enige onsigbare fout of gebrek te wees.

Aanteel van beeste of ander vee

111. (1) By ontstentenis van 'n andersluidende ooreenkoms word 'n dragtige koei as een bees gereken.

(2) Vorderings ten opsigte van aanteel- en ander vee word nie toegestaan nie, uitgesonderd in onderstaande gevalle—

- (a) waar bewys word dat die verweerder ingestem het dat aanteel- en ander vee toegestaan sou word of waar hy erken het dat hy verplig was om daarvan rekenskap te gee;
- (b) waar beeste of ander vee in bewaring gegee of agtergelaat is, soos in gevalle van *sis*;
- (c) waar voogde die beeste of ander vee van hul voogdelinge vir hul eie doeleindes gebruik het;
- (d) waar, na werklike of konstruktiewe lewering van aanteel- en ander vee, hulle toegelaat is om by die verweerder te bly; in sodanige gevalle word vorderings ten aansien van aanteel- en ander vee wat ten tyde van die aksie leef, toegelaat.

(3) By vorderings wat uit *sis* ontstaan, moet die persoon aan wie die beeste gegee is ooreenkomstig *sis*, op bevredigende wyse verantwoording doen van die oorspronklike getal asook van alle aanwas wanneer hy versoek word om dit te doen; vee wat dood is, mag nie verreken word nie, tensy hy bewys kan lewer dat hy die eienaar van die beeste kennis gegee het van die dood of andersins behoorlik daarvoor verantwoording gedoen het. Die persoon by wie *sis*-beeste agtergelaat word, is slegs tot die gebruik daarvan geregtig. Dit is egter gebruikelik dat die eienaar van die beeste af en toe 'n bees uit die aanwas aan die ander party present gee, maar geen aksie kan ingevolge die wet vir lewering van sodanige bees ingestel word sonder bewys van 'n bepaalde ooreenkoms om sodanige present te gee nie.

Lenings tussen Swartes is verhaalbaar en rente

112. (1) Lenings tussen 'n Swarte en 'n ander Swarte is in enige bevoegde hof verhaalbaar.

(2) Rente is onbekend in Zoeloereg en partye wat rente eis wat in verband met enige skuld of eis sou opgeloop het, moet 'n duidelike ooreenkoms vir die betaling daarvan bewys.

(3) 'n Eis ten opsigte van rente mag in geen geval meer bedra as die hoofsom ten opsigte waarvan rente geëis word nie.

(4) Wanneer die opbrengs van 'n geregtelike verkoping nie toereikend is om 'n vonnisskuld te vereffen nie, moet op die uitstaande saldo van sodanige skuld rente teen die koers van elf persent per jaar bereken op 'n maandelikse basis betaal word.

Any sale shall be a sale for cash unless otherwise agreed

110. (1) The sale of cattle or things by one Black to another Black shall be deemed to be for cash, unless the parties to the contract agreed otherwise.

(2) Where the sale has been for cash the seller, upon failure of the buyer to pay, may, at any time within one month from delivery, claim the return of the property sold from any person then in possession, irrespective of any rights such person may have. After one month the seller shall have merely a right of action for the price.

(3) In the absence of any special agreement to the contrary, cattle or other stock sold or bartered shall be taken to be guaranteed to be free from latent disease, and articles sold or bartered shall be taken to be guaranteed to be free from latent flaw or defect.

Increase of cattle or other stock

111. (1) In the absence of any agreement to the contrary, a cow in calf shall be reckoned as one beast.

(2) Claims for increase of cattle and other stock shall not be allowed except in the following cases—

- (a) where it is proved that the defendant has agreed to allow increase, or admitted his liability to account for same;
- (b) where there has been a deposit or placing of cattle or other stock as in cases of *sis*;
- (c) where guardians have used for their own purposes the cattle or other stock of their wards;
- (d) where after actual or constructive delivery of breeding cattle or other stock, such have been allowed to remain with the defendant; in such cases claims in respect of progeny living at the date the action shall be allowed.

(3) In claims arising out of *sis*, the party to whom the cattle were given under *sis* shall satisfactorily account for the original number and all increase, when called upon to do so; he shall not set off any deaths, unless he has proof that he notified the deaths to the owner of the cattle or otherwise duly accounted for the same. The person with whom *sis* cattle are placed shall be entitled only to the use thereof. It is customary, however, for the owner of the cattle occasionally to donate a beast from the increase to the other party, but no claim at law shall be made for this without proof of a specific contract so to donate.

Loans between Blacks recoverable and interest

112. (1) Loans as between one Black and another Black shall be recoverable in any competent court.

(2) Interest is unknown in Zulu law and parties claiming interest as having accrued upon any debt or claim shall prove a distinct contract to pay the same.

(3) No claim for interest shall in any case amount to more than the principal sum in respect of which interest is claimed.

(4) When execution upon a judgement debt fails to satisfy that debt, the outstanding balance of such debt shall, till paid, bear interest at the rate of eleven per cent per annum calculated on a monthly basis.

Insolvensiewette nie van toepassing op Swarte tensy hy 'n handelaar is

113. (1) 'n Swarte kan nie gebruik maak van, of ooreenkomstig 'n insolvensiewet of regulasie ten nadele van vorderings teen hom deur enige ander Swarte behandel word nie, tensy hy 'n handelaar is soos omskryf in die Insolvensie Wet, 1936 (Wet 24 van 1936).

(2) Behoudens andersluidende bepalings in die Wet of in hierdie Wetboek, is verjaring in Zoeloereg onbekend, en geen vordering wat uit Zoeloereg ontstaan kan geraak word deur die werking van enige wet op die beperking of verjaring van aksie nie.

Tradisionele wonings van Zoeloes

114. Tradisionele wonings, algemeen bekend as hutte en wat van dekgras of van pale en klei gebou is of wat as gevolg van hul konstruksie nie permanente strukture is nie of wat sodanig gebou is dat dit maklik gesloop en verwyder kan word vir heroprigting elders, word geag roerende goedere te wees.

HOOFSTUK 14**MISDRYWE EN ALGEMENE STRAFBEPALING****Misdrywe teen die openbare orde, gesag, fatsoenlikheid en sedelikheid**

115. (1) 'n Persoon wat—

- (a) valse gerugte versprei wat van sodanige aard is dat daardeur onrus of vrees veroorsaak word of die Regering en sy optrede daardeur geraak word; of
- (b) die gesag van 'n familiehoof trotseer, of 'n familiewoning binnegaan wanneer verlof om dit te doen geweier is, of in of naby 'n familiewoning bly nadat hy versoek is om dit te verlaat; of
- (c) tussen sonder en sonop gevind word dat hy in 'n familiewoning versteek is of daarin of in die onmiddellike omgewing daarvan bespied en nie behoorlik rekenskap van homself kan gee nie; of
- (d) assegaie, byle, knopkieries of ander gevaarlike wapens na enige fees, dansparty of ander samekoms by hom dra, uitgesonderd 'n lid van die polisie en 'n persoon wat spesiaal daartoe gemagtig is; of
- (e) 'n ongetroude meisie verlei; of
- (f) 'n ongetroude meisie ontvoer; of
- (g) enige vroue uitlok om haar te onttrek aan die beheer of bewaring van haar vader, eggenoot of voog, of wat onwettig gemeenskap met haar het of probeer hê; of
- (h) opsetlik skuilplek gee aan die vrou, dogter of voogdeling van 'n ander persoon sonder billike of redelike oorsaak, nadat geëis is dat sy terugbesorg word, is skuldig aan 'n misdryf.

(2) Geen vrywillige en *bona fide* tydelike besoek van 'n meisie aan die familiewoning van haar minnaar met die oog op verlowing is 'n misdryf deur sodanige minnaar nie.

(3) Gemeenskap wat op *ukungena* volg, is nog owerspel nog onwettig.

Misdrywe ingevolge die regulasies aangaande gebruiklike huwelike en verwante verbintenisse

116. (1) 'n Familiehoof—

- (a) of voog van enige deelgenoot van 'n gebruiklike huwelik wat sodanige huwelik vier of die viering daarvan toelaat, uitgesonderd in die teenwoordigheid van 'n offisiële getuie, of wat sodanige huwelik vier of die viering daarvan toelaat nadat die offisiële getuie sodanige viering stopgesit of die opskorting daarvan gelas het; of
- (b) of ander persoon wat enige meisie of vrou tot die aangaan van 'n huwelik of verwante verbintenisse teen haar wil dwing of poog om te dwing, is skuldig aan 'n misdryf.

Insolvency laws not applicable to a Black unless he is a trader

113. (1) No Black shall avail himself of or be brought under the operation of any insolvency law or regulation to the prejudice of claims against him by any other Black unless he is a trader as defined under the Insolvency Act, 1936 (Act 24 of 1936).

(2) Save as otherwise in the Act or in this Code provided, prescription is unknown in Zulu law and no claim arising out of Zulu law shall be affected by the operation of any law of limitation or prescription of action.

Traditional dwelling of Zulus

114. Traditional dwellings, commonly called huts, and constructed of thatch or wattle and daub, or are by their nature not permanent structures, or are constructed in such a way that they can be readily be dismantled and removed for re-erection elsewhere, shall be deemed to be movable property.

CHAPTER 14**OFFENCES AND GENERAL PENALTY****Offences against public order, authority, decency and morals**

115. (1) Any person who—

- (a) spreads any false report of a nature calculated to cause disquiet or anxiety, or affecting the Government and its acts; or
- (b) defies the authority of a family head, or enters a family home when permission to do so has been refused, or remains in or about any family home after being requested to withdraw; or
- (c) is found concealed in or watching in or about the precincts of any family home between sunset and sunrise and not being able to give a good account of himself; or
- (d) carries assegais, axes, knobkerries or other dangerous weapons to any feast, dance or other gathering except a member of the police and a persons specially authorised thereto; or
- (e) seduces an unmarried girl; or
- (f) abducts an unmarried girl; or
- (g) entices any female from the control or custody of her husband, father or guardian, or has or attempts to have illicit intercourse with her; or
- (h) knowingly harbours, without just or reasonable cause, the wife, daughter or ward of another person after demand has been made for her return, shall be guilty of an offence.

(2) No voluntary and *bona fide* temporary visit of any girl to the family home of her lover with a view to betrothal shall constitute an offence on the part of such lover.

(3) Intercourse arising out of *ukungena* shall be neither adulterous nor illicit.

Offences in terms of the regulations in respect of customary marriages and cognate unions

116. (1) Any family head—

- (a) or guardian of any party to a customary marriage who celebrates or permits the celebration of such a marriage save in the presence of an official witness, or who celebrates or permits the celebration of such marriage after the official witness has stopped or directed the suspension of such celebration; or
- (b) or other person who coerces or attempts to coerce any girl or woman to enter into a marriage or cognate union against her will, shall be guilty of an offence.

(2) Enige wangedrag of pligsversuim deur 'n offisiële getuie, wat 'n oortreding van enige bepaling van hierdie Wetboek uitmaak, is 'n misdryf en sodanige offisiële getuie kan, benewens enige ander straf wat hom opgelê kan word, deur die distriksbeampte summier uit sy pos ontslaan word.

Diverse misdrywe

117. (1) Enige Swarte wat enige plig, verpligting, bevel of verbod hom deur hierdie Wetboek opgelê verontagsaam of in gebreke bly om dit na te kom, is skuldig aan 'n misdryf.

(2) Iedereen wie se natuurlike plig dit is om iemand anders behoorlik van lewensbehoefte te voorsien en wat versuim of nalaat om sodanige lewensbehoefte te verskaf, is skuldig aan 'n misdryf.

(3) (a) Enige Swarte wat 'n assegaai, degenstok (*intshumentshu*), strydbyl, stok met yster beslaan, staf of skerppuntige stok (*ubhoko*) of enige ander gevaarlike wapen by hom dra, is, tensy hy besig is met die uitvoering van die een of ander openbare plig of 'n lid is van die polisie, of deur 'n distriksbeampte skriftelik daartoe gemagtig is, of op jag of *bona fide*-nagreis buitekant 'n dorpsgebied is of, ingeval hy 'n staf of 'n skerppuntige stok (*ubhoko*) dra, 'n bejaarde of swak persoon is wat sodanige staf of stok *bona fide* gebruik om hom te steun wanneer hy loop, skuldig aan 'n misdryf, en by skuldigbevinding, benewens enige ander straf wat hom opgelê kan word, kan die hof die wapen of wapens konfiskeer.

(b) Die skriftelike magtiging van 'n distriksbeampte kan vir die toepassing van subartikel (3) (a) toegestaan word ten opsigte van 'n besondere streek of vir die hele Natal buite kwaZulu of kan tot 'n gespesifiseerde tydperk of 'n besondere diens, plig of werk beperk word.

(4) (a) 'n Familiehoof moet onmiddellik die voorval van enige ernstige misdaad of van die dood van enige persoon onder verdagte omstandighede by of naby sy familiewoning aangee by sy kaptein of, as dié deel van die stam waartoe hy behoort onder die toesig van 'n kaptein se verteenwoordiger is, by daardie verteenwoordiger, tensy dit vir hom geriefliker of gouer is om dit regstreeks by sy kaptein aan te gee, wat hy moet doen as dit die geval is, en die ontvanger van enige sodanige verslag as dit 'n kaptein of 'n kaptein se verteenwoordiger is, moet dit sonder versuim aan die distriksbeampte of naaste polisiebeampte deurstuur. Met dien verstande dat as die ontvanger 'n kaptein se verteenwoordiger is wat nie toesig oor 'n afgesonderde deel van 'n stam hou nie en wat nie kragtens artikel 12 van die Wet gemagtig is om siviele gedinge wat voortspruit uit Zoeloereg en gebruik te verhoor en te beslis nie, hy die verslag by sy kaptein en, op las van laasgenoemde, by die polisie moet aangee.

(b) 'n Familiehoof, kaptein, of kaptein se verteenwoordiger wat nalaat of in gebreke bly om aan die bepalings van subartikel (4) (a) te voldoen, is skuldig aan 'n misdryf.

(5) Enige Swarte wat weet van, of goeie rede het om die bestaan van 'n aansteeklike of besmetlike siekte onder beeste of ander vee onder sy toesig te vermoed en versuim om sy bure en ander belanghebbendes behoorlik te waarsku teen sodanige siekte of wat, na hy siek beeste of ander vee gekoop of verkry het, hulle in of deur enige lokasie of ander plek aanja wat deur ander gebruik word vir die weiding van vee, is, afgesien van sy siviele aanspreeklikheid vir enige skade of verlies aldus veroorsaak, skuldig aan 'n misdryf.

Algemene strafbepaling

118. By ontstentenis van 'n spesifieke strafbepaling vir enige misdryf ingevolge hierdie Wetboek, kan die hof wat enige persoon skuldig bevind aan sodanige misdryf hom 'n boete van hoogstens tweehonderd rand oplê of hom, by wanbetaling, tot gevangenisstraf van hoogstens ses maande veroordeel.

(2) Any misconduct or breach of duty on the part of an official witness in contravention of any provision of this Code shall constitute an offence, and, in addition to any other punishment to which he may be liable, such official witness may be summarily dismissed from his office by the district officer.

Miscellaneous offences

117. (1) Any Black who disregards or fails to comply with any duty, obligation, direction or prohibition imposed upon him by this Code, shall be guilty of an offence.

(2) Any person who by natural duty is responsible for due provision of the necessities of life for any other person and fails or neglects to provide those necessities shall be guilty of an offence.

(3) (a) Any Black who carries an assegai, swordstick (*intshumentshu*), battle axe, stick shod with iron, staff or sharp-pointed stick (*ubhoko*) or any other dangerous weapon shall, unless he is engaged upon some public duty or is a member of the police, or has been authorised in writing by a district officer so to do, or is engaged in hunting or in *bona fide* night travelling outside an urban area, or, in the case of a staff or sharp-pointed stick (*ubhoko*), is an aged or infirm person who *bona fide* uses such staff or stick to support him when walking shall be guilty of an offence and upon conviction, in addition to any other penalty to which he may be liable, the weapon or weapons may be confiscated by the court.

(b) The written authority of a district officer for the purposes of subsection (3) (a) may be granted in respect of a particular area or for the whole of Natal outside kwaZulu, or may be limited to a specified period or to a particular service, duty or employment.

(4) (a) A family head shall report immediately the occurrence of any serious crime or the death of any person under suspicious circumstances at or near his family home to his chief or, if the section of the tribe to which he belongs is under the charge of a chief's representative that chief's representative unless it be more convenient or expeditious for him to report direct to his chief, in which event he shall take the course and the recipient of any such report if he be a chief or chief's representative shall transmit it without delay to the district officer or nearest police officer: Provided that if the recipient be a chief's deputy who is not in charge of a detached section of a tribe and who has not been authorised under section 12 of the Act to hear and determine civil claims arising out of Zulu law and custom he shall transmit the report to his chief and, on the latter's instruction, to the district officer.

(b) A family head, chief or chief's representative who neglects or fails to comply with the provisions of subsection (4) (a) shall be guilty of an offence.

(5) Any black who, knowing or having good reason to suspect the presence of a contagious or infectious disease among cattle or other stock under his control, fails to give proper warning of such disease to his neighbours and others interested, or who, having bought or acquired diseased cattle or other stock, drives them into or through any location or other place used by others for the grazing of stock shall, irrespective of his civil liability for any damage or loss so caused, be guilty of an offence.

General penalty

118. In the absence of a specific penalty for any offence under this Code, the court convicting any person of such offence may impose upon him a fine not exceeding two hundred rand or in default of payment imprisonment for a period not exceeding six months.

Delegasie van magte

119. Die Direkteur-generaal kan enige bevoegdheid of plig wat aan hom ingevolge hierdie Wetboek opgedra is, aan 'n beampte in sy departement of aan 'n distriksbeampte deleger.

Herroeping van Wette

120. Proklamasie R. 195 van 1967, R. 266 van 1978, (met die uitsondering van Bylae 2), R. 110 van 1979 en R. 213 van 1979, word hierby herroep.

AANHANGSEL 1**VORM VAN REGISTER INGEVOLGE ARTIKEL 44**

Register van gebruikelike huwelike aangegaan kragtens die bepaling van die Natalse Wetboek van Zoeloereg in die distrik

1. No
2. Datum van registrasie
3. Naam en familienaam van eggenoot
4. Persoonsnommer van eggenoot
5. Naam van eggenoot se vader
6. Kaptein
7. Naam en familienaam van eggenote
8. Persoonsnommer van eggenote
9. Naam van eggenote se vader
10. Huwelikstaat. Indien geskei, naam van vorige eggenoot
11. Rang van eggenote se vader
12. Sy kaptein
13. Nommer en rang van eggenote in haar eggenoot se familiewoning
14. Indien geaffilieer, naam van huis waarmee sy geaffilieer is en doel van sodanige affilasie
15. Indien 'n *ukuvusa*-verbinding, die naam van die oorledene en die doel waarvoor verbinding aangegaan is
16. *Lobolo* werklik oorbetal op datum van registrasie van huwelik—
lobolo-beeste oorhandig
- kontant in plaas van *lobolo*-beeste betaal R wat
beeste verteenwoordig
- ander betaling in plaas van *lobolo*-beeste
17. Saldo van *lobolo* en voorwaardes van betaling
18. Bron waaruit *lobolo* verkry is
19. Indien skuld gemaak is vir die verkryging van sodanige *lobolo*, wyse van terugbetaling en aan wie verskuldig
20. Handtekening van offisiële getuie
21. Handtekening van vrou se vader of voog
22. Handtekening van deelgenote:
(a) (b)
23. Datum van voltrekking van gebruikelike huwelik

Distriksbeampte

Delegation of powers

119. The Director-General may delegate any of the powers or duties conferred upon him by this Code, to an official of his department or to a district officer.

Repeal of laws

120. Proclamations R. 195 of 1967, R. 266 of 1978, (with the exception of Schedule 2), R. 110 of 1979 and R. 213 of 1979 are hereby repealed.

ANNEXURE 1**FORM OF REGISTER UNDER SECTION 44**

Register of customary marriages contracted under the provisions of the Natal Code of Zulu Law in the District of

1. No
2. Date of registration
3. Name and surname of husband
4. Identity No. of husband
5. Name of husband's father
6. Chief
7. Name and surname of wife
8. Identity No. of wife
9. Name of wife's father
10. Marital status; if divorced, name of former husband
11. Rank of wife's father
12. His chief
13. Number and rank of wife in her husband's family home
14. If affiliated, name of house to which she is affiliated and object of such affiliation
15. If an *ukuvusa* union, the name of the deceased and purpose for which union contracted
16. *Lobolo* actually paid over on date of registration of marriage—
Lobolo cattle delivered
- Cash paid in lieu of cattle R head of cattle.
representing
- Other payments in lieu of cattle
17. Balance of *lobolo* due and conditions as to payment
18. Source from which *lobolo* obtained
19. If a liability incurred in securing such *lobolo*, manner of repayment and to whom due
20. Signature of official witness
21. Signature of woman's father or guardian
22. Signature of partners:
(a) (b)
23. Date of celebration of customary marriage

District Officer

AANTEKENING VAN LATERE LOBOLO-BETALINGS—

AANHANGSEL 2

SERTIFIKAAT VAN GEBRUIKLIKE HUWELIK Kragtens ARTIKEL 46 VAN DIE NATALSE WETBOEK VAN ZOELOEREG UITGE-REIK

Hierby word gesertifiseer dat 'n gebruiklike huwelik tussen.....

Persoonsnommer.....

..... en
Persoonsnommer.....

..... die dogter van

..... geregistreer is in die Kantoor van die Distriksbeampte vir die distrik...op...

..... Bladsynommer in Register van Gebruiklike Huwelike

..... Datumstempel

..... Distriksbeampte

GOEWERMENTSKENNISGEWINGS

ADMINISTRASIE: RAAD VAN
AFGEVAARDIGDES

DEPARTEMENT VAN ONDERWYS EN KULTUUR

No. R. 2265

9 Oktober 1987

REGULASIES Kragtens DIE WET OP
BEVORDERING VAN KULTUUR, 1983

Die Minister van Onderwys en Kultuur, Administrasie: Raad van Afgevaardigdes, het kragtens artikel 6 (1) van die Wet op Bevordering van Kultuur, 1983 (Wet 35 van 1983), saamgelees met Proklamasie R. 44 van 23 Maart 1984, die regulasies in die Bylae hiervan vervat, uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, dieselfde betekenis en, tensy uit die samehang anders blyk, beteken—

“departement” die Departement van Onderwys en Kultuur, Administrasie: Raad van Afgevaardigdes;

“die Wet” die Wet op Bevordering van Kultuur, 1983 (Wet 35 van 1983).

RECORD OF SUBSEQUENT LOBOLO PAYMENTS

ANNEXURE 2

CERTIFICATE OF CUSTOMARY MARRIAGE ISSUED IN TERMS OF
SECTION 46 OF THE NATAL CODE OF ZULU LAW

This is to certify that a customary marriage between.....

Identity No.

and

Identity No.

the daughter of

..... was registered at the office of the district officer for the district of.....

..... on

Register of Customary Marriages folio number.....

.....

Date stamp

.....

District Officer

GOVERNMENT NOTICES

ADMINISTRATION: HOUSE OF
DELEGATES

DEPARTMENT OF EDUCATION AND CULTURE

No. R. 2265

9 October 1987

REGULATIONS UNDER THE CULTURE
PROMOTION ACT, 1983

The Minister of Education and Culture, Administration: House of Delegates, has, in terms of section 6 (1) of the Culture Promotion Act, 1983 (Act 35 of 1983), read with Proclamation R. 44 of 23 March 1984, made the regulations contained in the Schedule hereto.

SCHEDULE

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall have the same meaning and, unless the context otherwise indicates—

“department” means the Department of Education and Culture, Administration: House of Delegates;

“the Act” means the Culture Promotions Act, 1983 (Act 35 of 1983).

Komitees

2. (1) 'n Streekraad stel 'n uitvoerende komitee aan wat uit vier lede bestaan, om sekere van sy werksaamhede te verrig: Met dien verstande dat die voorsitter en ondervoorsitter van die streekraad onderskeidelik as voorsitter en ondervoorsitter van die uitvoerende komitee dien.

(2) 'n Streekraad kan 'n komitee of komitees aanstel om hom van advies te dien en om sekere van sy werksaamhede te verrig, en kan persone wat nie lede van die streekraad is nie, aanstel as lede van sodanige komitee of komitees: Met dien verstande dat die voorsitter gekies word uit die lede van die streekraad.

(3) 'n Streekraad kan 'n besluit geneem deur sodanige komitee of komitees wysig of nietig verklaar.

Werksaamhede

3. 'n Streekraad het die bevoegdheid om—

- (a) nasionale kultuurbeleid en prioriteite met betrekking tot die lewering van kultuurdienste te vertolk ooreenkomstig streekbehoefte en -belange;
- (b) inligting in te win oor en kennis te neem van alle kulturele manifestasies in die betrokke streek;
- (c) tendense en behoeftes op kulturele gebied te bepaal en om prioriteite met betrekking tot sake wat aandag behoort te geniet, te bepaal;
- (d) aanbevelings te doen betreffende die toekenning van *ad hoc*-subsidies volgens die subsidieformules bepaal deur die Minister, ten opsigte van projekte deur die streekraad self aangebied asook projekte deur kulturele en ander vrywillige organisasies aangebied in samewerking met die Direktoraat Kultuursake van die Departement, uit fondse wat jaarliks deur die Minister aan die streekraad beskikbaar gestel word;
- (e) nuusbriewe te publiseer en daarvoor fondse te gebruik wat spesiaal vir hierdie doel deur die Minister beskikbaar gestel word.

Sekretariële werk

4. (1) Die sekretariële dienste wat 'n streekraad nodig het om sy werksaamhede te verrig, moet deur die sekretaris van die streekraad uitgevoer word.

(2) Notules van vergaderings moet uiterlik 30 dae na die datums van sodanige vergaderings by die Direktoraat Kultuursake van die Departement ingedien word.

DEPARTEMENT VAN FINANSIES

No. R. 2262

9 Oktober 1987

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE 1 (No. 1/1/1333)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

K. D. S. DURR,

Adjunk-minister van Finansies.

Committees

2. (1) A regional council shall appoint an executive committee consisting of four members to carry out certain of its functions: Provided that the chairman and vice-chairman of the regional council shall serve as chairman and vice-chairman, respectively of the executive committee.

(2) A regional council may appoint a committee or committees to advise it and to carry out certain of its functions and may appoint persons who are not members of the regional council to be members of such committee or committees: Provided that the chairman shall be chosen from the members of the regional council.

(3) A regional council may amend or nullify a decision made by such committee or committees.

Functions

3. A regional council shall have the power to—

- (a) interpret national cultural policy and priorities with regard to the rendering of cultural services, in terms of regional requirements and interests;
- (b) collect information on and take cognisance of all cultural manifestations in the region concerned;
- (c) determine trends and requirements in the cultural field and to determine priorities with regard to matters that should receive attention;
- (d) make recommendations on the granting of *ad hoc* subsidies according to the subsidy formulae determined by the Minister in respect of projects presented by the regional council itself as well as projects presented by cultural and other voluntary organisations in collaboration with the Directorate of Cultural Affairs of the Department from funds made available annually by the Minister to the regional council;
- (e) publish newsletters using funds made available specially for this purpose by the Minister.

Secretarial work

4. (1) The secretarial services that a regional council may require to carry out its functions shall be performed by the secretary of the regional council.

(2) Minutes of meetings shall be submitted to the Directorate of Cultural Affairs of the Department not later than 30 days after the dates of such meetings.

DEPARTEMENT OF FINANCE

No. R. 2262

9 October 1987

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE 1 (No. 1/1/1333)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

K. D. S. DURR,

Deputy Minister of Finance.

BYLAE

I Tariefpos	II Statistiese Eenheid	III Skaal van Reg		IV
		Algemeen	M.B.N.	
34.03 Deur tariefpos No. 34.03 deur die volgende te vervang:				
“34.03 Smeerpreparate, en preparate van 'n soort gebruik vir olie- of ghriesbehandeling van tekstiele, leer of ander stowwe, maar uitgesonderd preparate wat minstens 70 persent, volgens massa, petroleumolies of olies verkry van bitumineuse minerale bevat:				
34.03.20 Wat petroleumolies of olies verkry van bitumineuse minerale bevat:				
.10 Prepare vir die behandeling van tekstiele, leer of ander stowwe (uitgesonderd smeergries)	kg	10%		
.20 Smeergries	kg	2c per kg		
.90 Ander	kg	10%		
34.03.90 Ander:				
.10 Prepare vir die behandeling van tekstiele, leer of ander stowwe (uitgesonderd smeergries)	kg	10%		
.20 Ander sintetiese smeerpereparate	kg	vry		
.30 Ander smeergries	kg	2c per kg		
.90 Ander	kg	10%		

Opmerking.—Tariefpos No. 34.03 word herskryf en die skaal van reg op sekere sintetiese smeerpereparate word van 10% tot vry verminder.

SCHEDULE

I Tariff Heading	II Statistical Unit	III Rate of Duty		IV
		General	M.F.N.	
34.03 By the substitution for tariff heading No. 34.03 of the following:				
“34.03 Lubricating preparations, and preparations of a kind used for oil or grease treatment of textiles, leather or other materials, but excluding preparations containing 70 per cent or more by mass of petroleum oils or of oils obtained from bituminous minerals:				
34.03.20 Containing petroleum oils or oils obtained from bituminous minerals:				
.10 Preparations for the treatment of textiles, leather or other materials (excluding lubricating grease)	kg	10%		
.20 Lubricating grease	kg	2c per kg		
.90 Other	kg	10%		
34.03.90 Other:				
.10 Preparations for the treatment of textiles leather or other materials (excluding lubricating grease)	kg	10%		
.20 Other synthetic lubricating preparations	kg	free		
.30 Other lubricating grease	kg	2c per kg		
.90 Other	kg	10%		

Note.—Tariff heading No. 34.03 is restated and the rate of duty on certain synthetic lubricating preparations is reduced from 10% to free.

DEPARTEMENT VAN JUSTISIE

No. R. 2257

9 Oktober 1987

WET OP DIE REËLING VAN ADMIRALITEITSJURISDIKSIE, 1983 (WET 105 VAN 1983)

Kragtens die bevoegdheid my verleen by artikel 3 (9) van die Wet op die Reëling van Admiraliteitsjurisdiksie, 1983, wysig ek, Hendrik Jacobus Coetsee, Minister van Justisie, die Bylae by Goewermentskennisgewing R. 267 van 8 Februarie 1985 deur die uitdrukking “Unicorn Lines (Eendoms) Beperk” deur die uitdrukking “Unicorn Shipping Holdings Beperk” te vervang.

H. J. COETSEE,
Minister van Justisie.

DEPARTMENT OF JUSTICE

No. R. 2257

9 October 1987

ADMIRALTY JURISDICTION REGULATION ACT, 1983 (ACT 105 OF 1983)

By virtue of the powers vested in me by section 3 (9) of the Admiralty Jurisdiction Regulation Act, 1983, I, Hendrik Jacobus Coetsee, Minister of Justice, hereby amend the Schedule to Government Notice R. 267 of 8 February 1985 by the substitution for the expression “Unicorn Lines (Proprietary) Limited” of the expression “Unicorn Shipping Holdings Limited”.

H. J. COETSEE,
Minister of Justice.

DEPARTEMENT VAN LANDBOU- EKONOMIE EN -BEMARKING

No. R. 2258

9 Oktober 1987

WET OP BEHEER OOR WYN EN SPIRITUS, 1970
(WET 47 VAN 1970)

VOORGESTELDE MAKSIMUM HOEVEELHEID
DRUIWE WAT IN 1988/89 GEKOOP OF VERKRY MAG
WORD

Ek, Jacob Johannes Greyling Wentzel, Minister van Landbou, handelende ingevolge artikel 16 (2A) van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet 47 van 1970), maak hierby bekend dat die Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt, by my aanbeveel het dat ek 51446 metrieke ton druiwe as die maksimum hoeveelheid vasstel wat persone wat gelisensieer is om in drank handel te dryf en distilleerders in totaal van wynboere en koöperatiewe verenigings mag koop of verkry gedurende die jaar 1 Februarie 1988 tot 31 Januarie 1989.

Belanghebbendes word hierby aangesê om binne 'n tydperk van 14 dae vanaf die datum van hierdie kennisgewing enige beswaar teen die aanvaarding van die aanbeveling of teen die maksimum hoeveelheid deur die Vereniging voorgestel, skriftelik by die Direkteur-generaal van Landbou, Privaatsak X250, Pretoria, 0001, in te dien.

J. J. G. WENTZEL,
Minister van Landbou.

No. R. 2259

9 Oktober 1987

WET OP BEHEER OOR WYN EN SPIRITUS, 1970
(WET 47 VAN 1970)

PRYS- EN BETALINGSREËLINGS MET BETREKKING
TOT GOEIEWYN: 1987/88.—VOORGESTELDE WY-
SIGING

Ek, Jacob Johannes Greyling Wentzel, Minister van Landbou, handelende ingevolge artikel 18 van die Wet op Beheer oor Wyn en Spiritus, 1970 (Wet 47 van 1970)—

- (a) maak hierby bekend dat die Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt, kragtens genoemde artikel voorstelle voorgelê het ten einde die Bylae by Goewermenskennisgewing R. 242 van 6 Februarie 1987, soos goedgekeur by Goewermenskennisgewing R. 577 van 20 Maart 1987, te wysig deur die volgende item na item 8 in die Tabel in klousule 6 (1) daarvan in te voeg:

"Type houer en verpakkingsmateriaal"	Byvoeging per liter	
	Uitsluitende karton	Insluitende karton
1	2	3
8A. Plastiekhouders met 'n inhoudsvermoë van 1,5 liter	58c	66c"

en

- (b) sê hierby alle belanghebbendes aan om enige besware wat hulle teen die voorgestelde wysiging het, binne 14 dae na die datum van publikasie van hierdie kennisgewing skriftelik by die Direkteur-generaal, Departement van Landbou-ekonomie en -bemaking, Dirk Uysgebou, Privaatsak X250, Pretoria, 0001, in te lewer.

J. J. G. WENTZEL,
Minister van Landbou.

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 2258

9 October 1987

WINE AND SPIRIT CONTROL ACT, 1970 (ACT 47 OF
1970)

PROPOSED MAXIMUM QUANTITY OF GRAPES
WHICH MAY BE PURCHASED OR ACQUIRED DU-
RING 1988/89

I, Jacob Johannes Greyling Wentzel, Minister of Agriculture, acting in terms of section 16 (2A) of the Wine and Spirit Control Act, 1970 (Act 47 of 1970), hereby make known that the Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt, has recommended to me that I fix 51 446 metric tonnes of grapes as the maximum quantity of grapes which persons licensed to deal in liquor and distiller may in the aggregate purchase or acquire from winegrowers and co-operative societies during the year 1 February 1988 to 31 January 1989.

Interested persons are hereby called upon to lodge with the Director-General of Agriculture, Private Bag X250, Pretoria, 0001, within a period of 14 days from the date of publication of this notice any objection in writing to the adoption of the recommendation or to the maximum quantity proposed by the Vereniging.

J. J. G. WENTZEL,
Minister of Agriculture.

No. R. 2259

9 October 1987

WINE AND SPIRIT CONTROL ACT, 1970
(ACT 47 OF 1970)

PRICE AND PAYMENT ARRANGEMENTS WITH RE-
GARD TO GOOD WINE: 1987/88.—PROPOSED
AMENDMENT

I, Jacob Johannes Greyling Wentzel, Minister of Agriculture, acting in terms of section 18 of the Wine and Spirit Control Act, 1970 (Act 47 of 1970), hereby—

- (a) make known that the "Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika, Beperkt", has under the said section submitted proposals in order to amend the Schedule to Government Notice R. 242 of 6 February 1987, as approved by Government Notice R. 577 of 20 March 1987, by the insertion of the following item after item 8 in the Table in clause 6 (1) thereof:

"Type of container and packing material"	Addition per litre	
	Excluding carton	Including carton
1	2	3
8A. Plastic containers with a capacity of 1,5 litre	58c	66c"

and

- (b) call upon all interested persons to lodge any objections which they may have against the proposed amendment in writing with the Director-General, Department of Agricultural Economics and Marketing, Dirk Uys Building, Private Bag X250, Pretoria, 0001, within 14 days of the date of publication of this notice.

J. J. G. WENTZEL,
Minister of Agriculture.

No. R. 2260

9 Oktober 1987

BEMARKINGSWET, 1968 (WET 59 VAN 1968)

SAGTEVRUGTESKEMA.—KENNISGEWING DEUR PRODUSENTE VAN LEWERINGS VAN PERE VIR UITVOER

Ek, Jacob Johannes Greyling Wentzel, Minister van Landbou, maak hierby kragtens artikel 79 van die Bemakingswet, 1968 (Wet 59 van 1968), bekend dat—

- (a) die Sagtevrugteraad bedoel in artikel 6 van die Sagtevrugteskema gepubliseer by Proklamasie R. 220 van 1979, soos gewysig, kragtens artikel 46 van genoemde Skema die lasgewing in die Bylae opgelê het; en
- (b) genoemde lasgewing deur my goedgekeur is en op die datum van publikasie hiervan in werking tree.

J. J. G. WENTZEL,
Minister van Landbou.

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis en beteken "die Skema" die Sagtevrugteskema gepubliseer by Proklamasie R. 220 van 1979, soos gewysig.

Verstreking van kennisgewings van voorgenome lewerings

2. (1) Elke produsent van pere moet vir die tydperke van lewerings van 1 Januarie 1988 tot 31 Julie 1988, en van 1 Januarie 1989 tot 31 Julie 1989, op of voor 25 September 1987 aan die Raad kennisgewings verstrek van die totale hoeveelheid in kartonne van elke cultivar bestem vir uitvoer en verkoop deur die Raad, wat hy van voorneme is om aan die Raad te lewer.

(2) 'n Kennisgewing in subklousule (1) bedoel, moet op 'n vorm verstrek word wat vir dié doel op aanvraag van die Raad verkrygbaar is.

No. R. 2261

9 Oktober 1987

BEMARKINGSWET, 1968 (WET 59 VAN 1968)

SAGTEVRUGTESKEMA.—KENNISGEWINGS VAN LEWERINGS—WYSIGING

Ek, Jacob Johannes Greyling Wentzel, Minister van Landbou, maak hiermee ingevolge artikel 79 van die Bemakingswet, 1968 (Wet 59 van 1968), bekend dat—

- (a) die Sagtevrugteraad bedoel in artikel 6 van die Sagtevrugteskema gepubliseer by Proklamasie R. 220 van 1979, soos gewysig, kragtens artikel 46 van genoemde Skema die Bylae by Goewermenskennisgewing R. 2533 van 8 November 1985, soos gewysig deur Goewermenskennisgewing R. 2217 van 24 Oktober 1986 verder gewysig het in die mate in die Bylae uiteengesit; en
- (b) genoemde wysiging deur my goedgekeur is en op die datum van publikasie hiervan in werking tree.

J. J. G. WENTZEL,
Minister van Landbou.

BYLAE

Die Bylae by Goewermenskennisgewing R. 2533 van 8 November 1985, soos gewysig deur Goewermenskennisgewing R. 2217 van 24 Oktober 1986, word hierby verder gewysig deur die tabel daarin deur die volgende tabel te vervang:

No. R. 2260

9 October 1987

MARKETING ACT, 1968 (ACT 59 OF 1968)

DECIDUOUS FRUIT SCHEME.—NOTICE BY PRODUCERS OF DELIVERIES OF PEARS FOR EXPORT

I, Jacob Johannes Greyling Wentzel, Minister of Agriculture, hereby make known in terms of section 79 of the Marketing Act, 1968 (Act 59 of 1968), that—

- (a) the Deciduous Fruit Board referred to in section 6 of the Deciduous Fruit Scheme published by Proclamation R. 220 of 1979, as amended, has under section 46 of the said Scheme made the determination in the Schedule; and
- (b) the said determination has been approved by me and shall come into operation on the date of publication hereof.

J. J. G. WENTZEL,
Minister of Agriculture.

SCHEDULE

Definitions

1. Any word or expression in this Schedule to which a meaning has been assigned in the Scheme shall have that meaning, and "the Scheme" means the Deciduous Fruit Scheme published by Proclamation R. 220 of 1979, as amended.

Furnishing of notices of intended deliveries

2. (1) Each producer of pears shall for the periods of delivery from 1 January 1988 to 31 July 1988 and from 1 January 1989 to 31 July 1989, submit to the Board, on or before 25 September 1987, notifications of the total quantity in cartons of each cultivar intended for export and sale by the Board, which he intends to deliver to the Board.

(2) A notice referred to in subclause (1) shall be furnished on a form that is on request obtainable from the Board for this purpose.

No. R. 2261

9 October 1987

MARKETING ACT, 1968 (ACT 59 OF 1968)

DECIDUOUS FRUIT SCHEME.—NOTICES OF DELIVERIES—AMENDMENT

I, Jacob Johannes Greyling Wentzel, Minister of Agriculture, hereby make known in terms of section 79 of the Marketing Act, 1968 (Act 59 of 1968), that—

- (a) the Deciduous Fruit Board referred to in section 6 of the Deciduous Fruit Scheme published by Proclamation R. 220 of 1979, as amended, has under section 46 of the said Scheme further amended the Schedule to Government Notice R. 2533 of 8 November 1985 as amended by Government Notice R. 2217 of 24 October 1986, to the extent set out in the Schedule; and
- (b) the said amendment has been approved by me and shall come into operation on the date of publication hereof.

J. J. G. WENTZEL,
Minister of Agriculture.

SCHEDULE

The Schedule to Government Notice R. 2533 of 8 November 1985, as amended by Government Notice R. 2217 of 24 October 1986, is hereby further amended by the substitution for the table therein of the following table:

"TABEL/TABLE

SLUITINGSDATUMS VIR KENNISGEWINGS VAN VOORGENOME LEWERINGS
CLOSING DATES FOR NOTICES OF INTENDED DELIVERIES

Soort sagtevrugte Kind of deciduous fruit	Tydperk waartydens lewerings beoog word Period during which deliveries are intended	Sluitingsdatum vir kennisgewings Closing dates for notices
1	2	3
1. Appelkose/Apricots.....	5/10/1987-31/8/1988	2/10/1987
2. Appels/Apples.....	7/12/1987-31/8/1988	4/12/1987
3. Druwe/Grapes.....	2/11/1987-31/8/1988	30/10/1987
4. Nektariens/Nectarines.....	5/10/1987-31/8/1988	2/10/1987
5. Pere/Pears.....	7/12/1987-31/8/1988	4/12/1987
6. Perskes/Peaches.....	5/10/1987-31/8/1988	2/10/1987
7. Pruime/Plums.....	5/10/1987-31/8/1988	2/10/1987."

DEPARTEMENT VAN MANNEKRAG

No. R. 2240

9 Oktober 1987

WET OP ARBEIDSVERHOUDINGE, 1956

TEEKAMER-, RESTOURLANT- EN SPYSENIERSBEDRYF, WITWATERSRAND EN BIOSKOOP- EN SKOUBURGBEDRYF VAN SUID-AFRIKA.—TERUGTREK-KING VAN AFBAKENINGSVASSTELLING

In opdrag van die Minister van Mannekrag word hierby bekendgemaak dat die Nywerheidshof kragtens artikel 76 (8) van die Wet, die Vasstelling wat die Hof op 25 Maart 1975 gemaak het en waarvan die besonderhede in Goewermentskennisgewing R. 1414 van 25 Julie 1975 vervat is, teruggetrek het.

No. R. 2268

9 Oktober 1987

WET OP ARBEIDSVERHOUDINGE, 1956

LEERNYWERHEID, REPULIEK VAN SUID-AFRIKA.—WYSIGING VAN AANVULLENDE SIEKTEBYSTANDSFONDS OOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 1992 eindig, bindend is vir die werkgewers-organisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en
- kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 1992, eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

DEPARTMENT OF MANPOWER

No. R. 2240

9 October 1987

LABOUR RELATIONS ACT, 1956

TEAROOM, RESTAURANT AND CATERING TRADE, WITWATERSRAND AND CINEMATOGRAPH AND THEATRE INDUSTRY OF SOUTH AFRICA.—WITHDRAWAL OF DEMARCATION DETERMINATION

By direction of the Minister of Manpower it is hereby notified that the Industrial Court has, in terms of section 76 (8) of the Act, withdrawn the Determination made by the Court on 25 March 1975, particulars of which are contained in Government Notice R. 1414 of 25 July 1975.

No. R. 2268

9 October 1987

LABOUR RELATIONS ACT, 1956

LEATHER INDUSTRY, REPUBLIC OF SOUTH AFRICA.—AMENDMENT OF SUPPLEMENTARY SICK BENEFIT FUND AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 April 1992, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; and
- in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 April 1992, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DU PLESSIS,
Minister of Manpower.

BYLAE**NASIONALE NYWERHEIDSRAAD VIR DIE LEER-
NYWERHEID VAN SUID-AFRIKA****AANVULLENDE SIEKTEBYSTANDSFONDS****OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die—

- (a) Midland and Border Leather Industry Manufacturers' Association;
- (b) Western Cape Leather Industries Association;
- (c) Transvaal Footwear, Tanning and Leather Trades Association;
- (d) Natal Footwear, Tanning and General Leather Manufacturers' Association;
- (e) Southern Cape Leather Industries Association;
- (f) South African Tanning Employer's Organisation;
- (g) Footwear Manufacturers' Federation of South Africa;

en

- (h) Association of Transvaal Manufacturers of Luggage, Handbags and General Goods

(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die

- (i) National Union of Leather Workers;

en

- (j) Transvaal Leather and Allied Trades Industrial Union;

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nasionale Nywerheidsraad vir die Leernywerheid van Suid-Afrika,

om die Ooreenkoms vir die Aanvullende Siektebystandsfonds, gepubliseer by Goewermentskennisgewing R. 1791 van 3 September 1982, soos gewysig en verleng deur Goewermentskennisgewing R. 2446 van 4 November 1983, R. 304 van 21 Februarie 1986, R. 2073 van 26 September 1986 en R. 307 van 13 Februarie 1987, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms moet in die Leernywerheid nagekom word—

- (1) deur alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasies en die vakverenigings is;
- (2) in die Republiek van Suid-Afrika, uitgesonderd die hawe en nederstelling van Walvisbaai.

2. KLOUSULE 10.—BYSTAND

In subklousule (1) (c), vervang die syfer "R120" deur die syfer "R200".

Hierdie Ooreenkoms is namens die partye op hede die 29ste dag van Junie 1987, te Port Elizabeth, onderteken.

D. J. F. LINDE,
Lid van die Raad.

O. J. FOURIE,
Lid van die Raad.

L. M. VAN LOGGERENBERG,
Hoofsekretaris van die Raad.

No. R. 2269

9 Oktober 1987

WET OP ARBEIDSVERHOUDINGE, 1956**SEILWARENYWERHEID, WITWATERSRAND EN
PRETORIA.—HERNUWING VAN HOOFOOREEN-
KOMS**

Ek, Mattheus Willem Johannes le Roux, Direkteur: Mannekrag, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (4) (a) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalinge van Goewermentskennisgewings R. 2318 van 30 Oktober 1981, R. 2209 van 5 Oktober 1984 en R. 928 van 16 Mei 1986, van krag is vanaf 19 Oktober 1987 en vir die tydperk wat op 18 April 1988 eindig.

M. W. J. LE ROUX,
Direkteur: Mannekrag.

SCHEDULE**NATIONAL INDUSTRIAL COUNCIL FOR THE
LEATHER INDUSTRY OF SOUTH-AFRICA****SUPPLEMENTARY SICK BENEFIT FUND****AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between—

- (a) Midland and Border Leather Industry Manufacturers' Association;
- (b) Western Cape Leather Industries Association;
- (c) Transvaal Footwear, Tanning and Leather Trades Association;
- (d) Natal Footwear, Tanning and General Leather Manufacturers' Association;
- (e) Southern Cape Leather Industries Association;
- (f) South African Tanning Employer's Organisation;
- (g) Footwear Manufacturers' Federation of South Africa;

and

- (h) Association of Transvaal Manufacturers of Luggage, Handbags and General Goods

(hereinafter referred to as the "employers" or the "employers' organisations"), of the one part, and the

- (i) National Union of Leather Workers;

and

- (j) Transvaal Leather and Allied Trades Industrial Union;

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Nasionale Industrial Council of the Leather Industry of South Africa,

to amend the Agreement for the Supplementary Sick Benefit Fund published under Government Notice R. 1791 of 3 September 1982, as amended and extended by Government Notice R. 2446 of 4 November 1983, R. 304 of 21 February 1986, R. 2073 of 26 September 1986 and R. 307 of 13 February 1987.

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed in the Leather Industry—

- (1) by all employers and employees who are members of the employers' organisations and trade unions respectively;
- (2) in the Republic of South Africa, excluding the port and settlement of Walvis Bay.

2. CLAUSE 10.—BENEFITS

In subclause (1) (c), substitute the figure "R200,00" for the figure "R120,00".

Signed at Port Elizabeth, on behalf of the parties, this 29th day of June 1987.

D. J. F. LINDE,
Member of the Council.

O. J. FOURIE,
Member of the Council.

L. M. VAN LOGGERENBERG,
General Secretary of the Council.

No. R. 2269

9 October 1987

LABOUR RELATIONS ACT, 1956**CANVAS GOODS INDUSTRY, WITWATERSRAND
AND PRETORIA.—RENEWAL OF MAIN AGREE-
MENT**

I, Mattheus Willem Johannes le Roux, Director: Manpower, duly authorised thereto by the Minister of Manpower, hereby, in terms of section 48 (4) (a) (ii) of the Labour Relations Act 1956, declare the provisions of Government Notices R. 2318 of 30 October 1981, R. 2209 of 5 October 1984 and R. 928 of 16 May 1986, to be effective from 19 October 1987 and for the period ending 18 April 1988.

M. W. J. LE ROUX,
Director: Manpower.

No. R. 2270

9 Oktober 1987

WET OP ARBEIDSVERHOUDINGE, 1956

ELEKTROTEGNIËSE AANNEMINGSNYWERHEID, TRANSVAAL.—WYSIGING VAN SIEKTEBYSTANDS-, PENSIOEN- EN MEDIESE BYSTANDS-FONDSOOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die eerste Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1990 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die eerste Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1990 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE ELEKTROTEGNIËSE AANNEMINGSNYWERHEID

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Electrical Contractors' Association (South Africa)

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en

The South African Electrical Workers' Association

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Elektrotegniese Aannemingsnywerheid,

om die Ooreenkoms, gepubliseer by Goewermentskennisgewing R. 1884 van 23 Augustus 1985 (hierna die "Herbektigingsooreenkoms" genoem), soos verleng by Goewermentskennisgewing R. 2844 van 17 Desember 1985 en verder gewysig by Goewermentskennisgewing R. 1974 van 19 September 1986, te wysig.

1. GEBIED EN TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet nagekom word deur alle werkgewers en werknemers in die Elektrotegniese Aannemingsnywerheid—

- (a) wat lede is van onderskeidelik die werkgewersorganisasie en die vakvereniging; en
 - (b) wat betrokke is by of werksaam is in die Nywerheid in die provinsie Transvaal; en
 - (c) in die landdrostdistrikte Bloemfontein en Sasolburg.
- (2) Ondanks subklousule (1) is die Ooreenkoms van toepassing op vakleerlinge en kwekelinge slegs vir sover dit nie strydig is met die Wet op Mannekragopleiding, 1981, of met voorwaardes of kennisgewings wat daarkragtens voorgeskryf of bestel is nie.

No. R. 2270

9 October 1987

LABOUR RELATIONS ACT, 1956

ELECTRICAL CONTRACTING INDUSTRY, TRANSVAAL.—AMENDMENT OF SICK BENEFIT, PENSION AND MEDICAL AID FUND AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 31 December 1990, upon the employer's organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall be binding, with effect from the first Monday after the date of publication of this notice and for the period ending 31 December 1990, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

P. T. C. DU PLESSIS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE ELECTRICAL CONTRACTING INDUSTRY

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Electrical Contractors' Association (South Africa)

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and

The South African Electrical Workers' Association

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Electrical contracting Industry,

to amend the Agreement published under Government Notice R. 1884 of 23 August 1985 (hereinafter referred to as the "Re-enacting Agreement"), as extended by Government Notice R. 2844 of 17 December 1985 and further amended by Government Notice R. 1974 of 19 September 1986.

1. AREA AND SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed by all of Agreement employers and employees in the Electrical Contracting Industry—

- (a) who are members of the employers' organisation and the trade union respectively; and
- (b) who are engaged or employed in the Industry in the Province of the Transvaal and the Magisterial Districts of Bloemfontein and Sasolburg.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof.

(3) Vir die toepassing van hierdie Ooreenkoms word die "weeklikse loonskaal" van vakleerlinge wat kragtens die Wet op Mannekragopleiding, 1981, voorgeskryf is as die weekloon van sodanige werknemers geag en is die "uurloon" die weekloon soos hierbo bereken, gedeel deur die getal gewone ure wat daar in die betrokke bedryfsinrigting gewerk word.

2. KLOUSULE 4.—ALGEMENE BEPALINGS

Vervang Klousule 4 van die Herbekragtigingsooreenkoms deur die volgende:

"4 ALGEMENE BEPALINGS

Die bepaling vervat in klousules 3, 4, 6, 7, 9 tot 36 (soos gewysig by die herbekragtigingsooreenkoms, by Goewermentskennisgewing R. 1974 van 19 September 1986 en by klousules 3, 4 en 5 hieronder), van die Vorige Ooreenkoms, is van toepassing op werkgewers en werknemers."

3. KLOUSULE 27.—EISE

Vervang subklousule (2) (d) deur die volgende:

"(d) Die maksimum betaling uit die Fonds ten opsigte van hierdie subklousule vir 'n lid en sy afhanklikes per Fondsjaar is soos volg:

Lidmaatskapkategorie	Totaal in Rand	
	'A'-lid	'B'-lid
M.....	800	530
M1.....	925	660
M2.....	1 050	790
M3.....	1 200	935
M4+.....	1 300	1 040"

4. KLOUSULE 28.—BYSTAND

(1) Vervang subklousule (3) deur die volgende:

"(3) Die maksimum bedrag betaalbaar deur die Mediese Bystandsfonds ten opsigte van 'n 'B'-Lid en sy afhanklikes gedurende 'n bepaalde Fondsjaar, is soos volg:

Lidmaatskapkategorie	Totaal in Rand
	'B'-lid
M.....	2 500
M1.....	3 100
M2.....	3 800
M3.....	4 600
M4+.....	5 500"

(2) Vervang subklousule (6) (b) deur die volgende:

"(b) Behoudens die bepaling van paragraaf (a) is die Mediese Bystandsfonds nie aanspreeklik vir die betaling van meer as die bedrae hieronder uiteengesit ten opsigte van elke lidmaatskapkategorie vir tandheelkundige en oogkundige uitgawes van 'n lid en sy afhanklikes gedurende 'n Fondsjaar nie:

Lidmaatskapkategorie	Totaal in Rand per Fondsjaar			
	Oogkundig		Tandheelkundig	
	'A'-lid	'B'-lid	'A'-lid	'B'-lid
M.....	250	125	500	250
M1.....	310	185	625	375
M2.....	370	245	750	500
M3.....	440	315	875	625
M4+.....	500	375	1 000	750"

5. KLOUSULE 30.—BYDRAES

(1) Vervang subklousule (1) (a) deur die volgende:

"(a) 'n Werkgewer moet die volgende bedrae weekliks aan die Mediese Bystandsfonds betaal ten opsigte van ondergenoemde werknemers in hul onderskeie lidmaatskapkategorieë:

(3) For the purposes of this Agreement, the weekly wage rate of apprentices prescribed under the Manpower Training Act, 1981, shall be taken to be the weekly wage of such employees, and the hourly rate shall be the weekly wage calculated as above, divided by the number of ordinary hours worked in the establishment concerned.

2. CLAUSE 4.—GENERAL PROVISIONS

Substitute the following for clause 4 of the Re-enacting Agreement:

"4 GENERAL PROVISIONS

The provisions contained in clauses 3, 4, 6, 7, 9 to 36 (as amended by the re-enacting agreement, by Government Notice R. 1974 of 19 September 1986 and by clauses 3, 4 and 5 hereunder) of the Former Agreement shall apply to employers and employees."

3. CLAUSE 27.—CLAIMS

Substitute the following for subclause (2) (d):

"(d) The maximum payment from the Fund in respect of this subclause shall be as follows for any member and his dependants per Fund year.

Category of membership	Total in Rands	
	'A' member	'B' member
M.....	800	530
M1.....	925	660
M2.....	1 050	790
M3.....	1 200	935
M4+.....	1 300	1 040"

4. CLAUSE 28.—BENEFITS

(1) Substitute the following for subclause (3):

"(3) The maximum amount payable by the Medical Aid Fund in respect of benefits for a 'B' member and his dependants during any Fund year shall be as follows:

Category of membership	Total in Rands
	'B' member
M.....	2 500
M1.....	3 100
M2.....	3 800
M3.....	4 600
M4+.....	5 500"

(2) Substitute the following for subclause (6) (b):

"(b) Subject to the provisions of paragraph (a), the Medical Aid Fund shall not be liable for the payment of more than the amounts set out below in respect of each category of membership for any member and his dependants for dental and optical expenses during any Fund year:

Category of membership	Total in Rands per Fund year			
	Optical		Dental	
	'A' member	'B' member	'A' member	'B' member
M.....	250	125	500	250
M1.....	310	185	625	375
M2.....	370	245	750	500
M3.....	440	315	875	625
M4+.....	500	375	1 000	750"

5. CLAUSE 30.—CONTRIBUTIONS

(1) Substitute the following for subclause (1) (a):

"(a) An employer shall pay the following amounts to the Medical Aid Fund in respect of the undermentioned employees in their respective categories of membership per week:

[Kolom (1)] Lidmaatskap- kategorie	Totale bedrag in Rand per week			
	Meester-elektrisiëns, Elek- trisiëns, ambagsmanne, in- stallasie-operateurs, finale jaar vakleerlinge, vakleerlinge met afhanklikes en kweke- linge wat	Vakleerlinge wat nie in Kolom (2) in- gesluit is nie	Vakleerlinge wat nie in Kolom (3) in- gesluit is nie	
	'A'-lede is [Kolom (2)]	'B'-lede is [Kolom (3)]		
M	25	21	12,50	10,50
M1	28	25	—	—
M2	32	29	—	—
M3	36	33	—	—
M4+	39	36	—	—

(2) In subklousule (1) (b), (c) en (d), vervang "R74,00" deur "R108,00", "R87,00" deur "R121,00", "R100,00" deur "R139,00", "R113,00" deur "R156,00" en "R126,00" deur "R169,00"

Soos gemagtig vir en namens die partye by die Raad op hede die 3de dag van Augustus 1987.

B. NICHOLSON,

Voorsitter van die Raad.

J. C. BAKER,

Ondervoorsitter van die Raad.

C. P. VENTER,

Sekretaris van die Raad.

No. R. 2271

9 Oktober 1987

WET OP ARBEIDSVERHOUDINGE, 1956

SENTRALE NYWERHEIDSRaad VIR DIE SPRINGSTOF- EN VERWANTE NYWERHEDE.—OOREENKOMS

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby—

- kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1987 eindig, bindend is vir die werkgewer en die vakverenigings wat genoemde Ooreenkoms aangegaan het en vir die werknemers wat lede van genoemde verenigings is; en
- kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van genoemde Ooreenkoms, uitgesonderd dié vervat in klousules 1.1.1, 2 en 16, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1987 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van genoemde Ooreenkoms gespesifiseer.

P. T. C. DU PLESSIS,

Minister van Mannekrag.

BYLAE

SENTRALE NYWERHEIDSRaad VIR DIE SPRINGSTOF- EN VERWANTE NYWERHEDE

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen

[Column (1)] Category of membership	Total amount in Rands per week			
	Master electricians, electri- cians, artisans, installation- operators, final year appren- tices, apprentices with de- pendants and trainees who are	Apprentices not included in Column (2)	Apprentices not included in Column (3)	
	'A' members [Column (2)]	'B' members [Column (3)]		
M	25	21	12,50	10,50
M1	28	25	—	—
M2	32	29	—	—
M3	36	33	—	—
M4+	39	36	—	—

(2) In subclause (1) (b), (c) and (d), substitute "R108,00" for "R74,00", "R121,00" for "R87,00", "R139,00" for "R100,00", "R156,00" for "R113,00" and "R169,00" for "R126,00"

Signed at Johannesburg, as authorised, for and on behalf of the parties to the Council, this 3rd day of August 1987.

B. NICHOLSON,

Chairman of the Council.

J. C. BAKER,

Vice-Chairman of the Council.

C. P. VENTER,

Secretary of the Council.

No. R. 2271

9 October 1987

LABOUR RELATIONS ACT, 1956

CENTRAL INDUSTRIAL COUNCIL FOR THE EXPLOSIVES AND ALLIED INDUSTRIES.—AGREEMENT

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby—

- in terms of section 48 (1) (a) of the Labour Relations Act, 1956; declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1987, upon the employer and the trade unions which entered into the said Agreement and upon the employees who are members of the said unions; and
- in terms of section 48 (1) (b) of the said Act, declare that the provisions of the said Agreement, excluding those contained in clauses 1.1.1, 2 and 16, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1987, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the said Agreement.

P. T. C. DU PLESSIS,

Minister of Manpower.

SCHEDULE

CENTRAL INDUSTRIAL COUNCIL FOR THE EXPLOSIVES AND ALLIED INDUSTRIES

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between

AECI BEPERK

(hierna die "werkgever" genoem), aan die een kant, en die

Amalgamated Engineering Union of South Africa
Amalgamated Society of Woodworkers of South Africa
Amalgamated Union of Building Trade Workers of South Africa
Cape Explosives Industrial Workers' Union
South African Boilermakers', Iron and Steel Workers', Shipbuilders' and Welders' Society
South African Engine Drivers', Firemen's and Operators' Association
South African Electrical Workers' Association
Wes-Kaapse Plofstof- en Chemiese Operateursvakbond

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Sentrale Nywerheidsraad vir die Springstof- en Verwante Nywerhede.

INHOUD

1. TOEPASSINGSBESTEK.
2. GELDIGHEDSDUUR.
3. WOORDOMSKRYWING.
4. BESOLDIGING.
 - 4.1 Basiese salarisse.
 - 4.2 Diensverhogings.
 - 4.3 Skoftoelae.
5. ADDISIONELE VERGOEDING.
 - 5.1 Toelae vir waarnemers.
 - 5.2 Gereedheid.
 - 5.3 Oortydbesoldiging.
 - 5.4 Onderhoudstoelae.
 - 5.5 Nagskofwerk.
 - 5.6 Vakansiebonus.
 - 5.7 Spesiale voorwaardes.
6. WERKURE.
7. OORTYD.
8. BETAALDE OPENBARE VAKANSIEDAE.
9. SIEKTEVERLOF.
10. JAARLIKSE VAKANSIEVERLOF.
11. BETALING VAN BESOLDIGING.
12. DIENSBEËINDIGING.
13. MEDIESE DIENSTE EN HOSPITAALBEHANDELING.
14. BYDRAENDE FONDSE.
15. VRYSTELLINGS.
16. UITGAWES VAN DIE RAAD.
17. HERSIENING VAN DIE OOREENKOMS.
18. ADMINISTRASIE VAN OOREENKOMS.

1. TOEPASSINGSBESTEK

1.1 Hierdie Ooreenkoms moet in die Plofstof- en Verwante Nywerhede nagekom word—

- 1.1.1 deur die werkgever ten opsigte van al sy werknemers, en
- 1.1.2 in die gebiede wat deur die volgende fabriek van die werkgever geokkupeer word:

Modderfontein-fabriek (Explosives and Chemicals Limited), in die landdrosdistrik Kempton Park;

Choorkop-fabriek (Kynoch Fertilizer Limited);

Umbogintwini-fabriek [Chlor-Alkali and Plastics Limited and Kynoch Fertilizer Limited uitgesonderd Anikem (Pty) Limited, Resinkem (Pty) Limited, S.A. Tioxide (Pty) Limited, Acrylic Products (Pty) Limited, AECI Converters (Pty) Limited en Polyol Chemicals (Pty) Limited], in die landdrosdistrik Durban;

Somerset-Wes-fabriek [Explosives and Chemicals Limited, Kynoch Fertilizer Limited en AECI Converters (Pty) Limited], in die landdrosdistrik Somerset-Wes;

AECI Limited

(hereinafter referred to as "the employer"), of the one part, and the

Amalgamated Engineering Union of South Africa
Amalgamated Society of Woodworkers of South Africa
Amalgamated Union of Building Trade Workers of South Africa
Cape Explosives Industrial Workers' Union
South African Boilermakers', Iron and Steel Workers', Shipbuilders' and Welders Society
South African Engine Drivers', Firemen's and Operators' Association
South African Electrical Workers' Association
Wes-Kaapse Plofstof- en Chemiese Operateursvakbond

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Central Industrial Council for the Explosives and Allied Industries.

CONTENTS

1. SCOPE OF APPLICATION.
2. PERIOD OF OPERATION.
3. DEFINITIONS.
4. REMUNERATION.
 - 4.1 Basic salaries.
 - 4.2 Service increments.
 - 4.3 Shift allowance.
5. ADDITIONAL COMPENSATION.
 - 5.1 Acting allowance.
 - 5.2 Standby.
 - 5.3 Payment of overtime.
 - 5.4 Subsistence allowance.
 - 5.5 Night-shift working.
 - 5.6 Holiday bonus.
 - 5.7 Special conditions.
6. HOURS OF WORK.
7. OVERTIME.
8. PAID PUBLIC HOLIDAYS.
9. SICK LEAVE.
10. ANNUAL HOLIDAY LEAVE.
11. PAYMENT OF REMUNERATION.
12. TERMINATION OF EMPLOYMENT.
13. MEDICAL SERVICES AND HOSPITAL TREATMENT.
14. CONTRIBUTORY FUNDS.
15. EXEMPTIONS.
16. EXPENSES OF THE COUNCIL.
17. REVIEW OF THE AGREEMENT.
18. ADMINISTRATION OF AGREEMENT.

1. SCOPE OF APPLICATION

1.1 The terms of this Agreement shall—

- 1.1.1 be observed by the employer in respect of all his employees;
- 1.1.2 apply in the areas occupied by the following factories of the employer:

Modderfontein Factory (Explosives and Chemicals Limited), in the Magisterial District of Kempton Park;

Chloorkop Factory (Kynoch Fertilizer Limited);

Umbogintwini Factory [Chlor-Alkali and Plastics Limited and Kynoch Fertilizer Limited and excluding Anikem (Pty) Limited, Resinkem (Pty) Limited, S.A. Tioxide (Pty) Limited, Acrylic Products (Pty) Limited, AECI Converters (Pty) Limited and Polyol Chemicals (Pty) Limited], in the Magisterial District of Durban;

Somerset West Factory [Explosives and Chemicals Limited, Kynoch Fertilizer Limited and AECI Converters (Pty) Limited], in the Magisterial District of Somerset West;

Klipspruit-sianidefabriek (Chlor-Alkali and Plastics Limited), in die landdrosdistrik Johannesburg.

1.2 Ondanks klousule 1.1, is die volgende klousules van die Ooreenkoms van toepassing op vakleerlinge vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of 'n kontrak wat daarkragtens aangegaan of 'n voorwaarde wat daarvolgens vasgestel is nie:

- Klousules 2 en 3;
- klousule 5.3 (soos vir klas E);
- klousule 5.6;
- klousules 6, 7, 8 en 9;
- klousule 10 (soos vir ingenieurswerknemers);
- klousule 11.1 en 11.3;
- klousules 13 en 14;
- klousule 16 (soos vir "ander werknemers").

1.3 Die werkgewer moet alle voorstelle om die Fabrieksreëls en -regulasies, soos uitgereik in die Fabriekshandboeke, vir sover dit die diensvoorwaardes raak en waarvoor daar tans in Hoofstuk I van die Fabriekshandboeke voorsiening gemaak word, te wysig, aan die Raad voorleë en die goedkeuring van die Raad verkry alvorens sodanige wysigings in werking gestel word: Met dien verstande egter dat die toestemming van die Raad nie vereis word ten opsigte van 'n reël kragtens die Wet op Basiese Diensvoorwaardes, 1983, die Wet op Plofstowwe, 1956, of enige soortgelyke wetgewing nie.

2. GELDIGHEIDSDUUR

Hierdie Ooreenkoms tree in werking op dié datum wat die Minister van Mannekrag ingevolge artikel 48 van die Wet vasstel en bly van krag tot 31 Desember 1987 of vir sodanige tydperk as wat hy bepaal.

3. WOORDOMSKRYWING

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet op Arbeidsverhoudinge, 1956, omskryf word, het dieselfde betekenis as in daardie Wet; waar daar van 'n wet melding gemaak word, omvat dit alle wysigings van dié wet, en alle regulasies wat daarkragtens uitgevaardig is en, tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui ook vroue; voorts, tensy onbestaanbaar met die samehang, beteken—

"Wet" die Wet op Arbeidsverhoudinge, 1956, soos gewysig;

"totale diens" die totaal van die dienstdynde waartydens 'n werknemer se naam op die werkgewer se register gebly het, met inbegrip van betaalde jaarlikse verlof, maar uitgesonderd onbetaalde verlof (behalwe onbetaalde siekteverlof) toegestaan bo en behalwe die ekwivalent van 'n bepaalde maand in enige bepaalde jaar diens;

"ononderbroke diens" die dienstdynde waartydens 'n werknemer se naam deurlopend op die werkgewer se register gebly het: Met dien verstande dat indien 'n onderbreking in diens formeel deur die werkgewer gekondoneer is, die register aangepas moet word tot die omvang van die dienstdynde wat die gekondoneerde tydperk onmiddellik voorafgegaan het;

"Raad" die Sentrale Nywerheidsraad vir die Springstof-en Verwante Nywerhede, geregistreer kragtens die Wet;

"nood" omstandighede buite die werkgewer se beheer;

"werknemer" 'n werknemer wat deur die werkgewer in diens genoem word of vir die werkgewer werk en wat ingevolge hierdie Ooreenkoms besoldiging ontvang of daarop geregtig is om besoldiging te ontvang;

"werkgewer" die volgende produserende maatskappye in die AECl-groep: AECl Bpk., Chlor-Alkali and Plastics Limited, AECl Explosives and Chemicals Limited, Kynoch Fertilizer Limited en AECl Converters (Pty) Limited;

"ingenieurswerknemer" 'n ingenieurspanleier of 'n ingenieursoperateur of 'n vakman of 'n masjienwerker soos omskryf;

"ingenieurspanleier" 'n werknemer in diens in 'n tegniese en/of meganiese hoedanigheid wat as sodanig deur die fabrieksbestuurder aangewys word;

"ingenieursoperateur" 'n werknemer wat werksaam is met 'n kousaag, die aanskroef van kragangedrewe masjinerie, die poleer van gereedskap, dop- en/of gereedskapverharding, hittebehandeling, herhalingsafsnij, vertraagelamentsnyding en die bediening van 'n straalboor met of sonder patroonplate waar die afmerkwark deur 'n vakman gedoen word;

Klipspruit Cyanide Factory (Chlor-Alkali and Plastics Limited), in the Magisterial District of Johannesburg.

1.2 Notwithstanding the provisions of section 1.1., the following sections of the Agreement shall apply to apprentices, in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder:

- Sections 2 and 3;
- section 5.3 (as for class E);
- section 5.6;
- sections 6, 7, 8 and 9;
- section 10 (as for engineering employees);
- section 11.1 and 11.3;
- sections 13 and 14;
- section 16 (as for "other employees").

1.3 The employer shall submit to the Council any proposals to amend the Factory Rules and Regulations as issued in the Factory Handbooks in so far as they affect conditions of employment and as presently provided for in Chapter 1 of the Factory Handbooks, and shall receive the approval of the Council prior to such amendments being put into operation: Provided, however, that the consent of the Council shall not be required in respect of any rule promulgated in pursuance of the Basic Conditions of Employment Act, 1983, the Explosives Act, 1956, or any like legislation.

2. PERIOD OF OPERATION

This Agreement shall come into operation on such date as may be fixed by the Minister of Manpower in terms of section 48 of the Act and shall remain in force for a period ending 31 December 1987 or for such period as may be determined by him.

3. DEFINITIONS

Any expression used in this Agreement which is defined in the Labour Relations Act, 1956, shall have the same meaning as in that Act; any reference to an Act shall include any amendments thereto and any regulations made thereunder and, unless the contrary intention appears, words importing the masculine gender shall include females; further, unless inconsistent with the context—

"Act" means the Labour Relations Act, 1956, as amended;

"aggregate service" means the sum total of the periods of employment during which an employee's name has remained on the employer's register, including paid annual leave, but excluding unpaid leave (apart from unpaid sick leave) granted in excess of the equivalent of any one month in any one year of service;

"continuous service" means the period of employment during which an employee's name has remained continuously on the employer's register: Provided that if a break in service has been formally condoned by the employer, the register shall be adjusted to the extent of the period of employment immediately preceding the break so condoned;

"Council" means The Central Industrial Council for the Explosives and Allied Industries registered in terms of the Act;

"emergency" means circumstances beyond the employer's control;

"employee" means any employee employed by or working in the employment of the employer and receiving or being entitled to receive remuneration in terms of this Agreement;

"employer" means the following operating companies in the AECl Group: AECl Limited, Chlor-Alkali and Plastics Limited, AECl Explosives and Chemicals Limited, Kynoch Fertilizer Limited and AECl Converters (Pty) Limited;

"engineering employee" means an engineering leading hand or an engineering operator or a journeyman or a machinist as defined;

"engineering leading hand" means an employee employed in a technical and/or mechanical capacity and designated as such by the factory manager;

"engineering operator" means an employee engaged in cold sawing, screwing on power driven machinery, tool polishing, case and/or tool hardening, heat treatment, repetition cutting off, delay element cutting, and operation of a radial drill with templates or without templates when the marking off is done by a journeyman;

"Plofstof- en Verwante Nywerhede" sonder om die gewone betekenis van die uitdrukking enigsins te beperk, die Nywerhede waarin die werkgever en sy werknemers met mekaar geassosieer is vir die vervaardiging, asook vir alle prosesse wat daarmee gepaard gaan, van plofstowwe, slagdoppies, lonte, vuurwerke, misstowwe, sure, chemikalieë of chemiese verbindings, papierprodukte, insektedoders, swamdoders, gliserien, mediese preparate, veeartsenymiddels, veevoere, ontsmettingsmiddels, sianied- en sianogeenprodukte, ammoniak, reinigingsmiddels, veemerksowwe, doppietatroonknippe en slagbuise;

"fabrieksbestuurder" die beampte wat as sodanig deur die werkgever aangewys is en omvat dit ook 'n plaasvervanger wat in die afwesigheid van sodanige beampte waarneem;

"werkklas" die graad wat aan 'n taak toegeken is ingevolge die AECI-betalstaats-werkwaarderingstelsel "AECI Payroll Job Appraisal System" en "klasse" het dieselfde betekenis;

"vakman" 'n werknemer wat 'n vakleerlingkontrak ingevolge die Wet op Mannekragopleiding, 1981, of 'n vakleerlingkontrak wat deur die Sentrale Nywerheidsraad erken word voltooi het, of 'n werknemer ouer as 21 jaar wat in besit is van 'n sertifikaat wat deur die Sentrale Nywerheidsraad erken word en wat hom in staat stel om as vakman werksaam te wees;

"masjienwerker" 'n werknemer wat 'n erkende leerlingkap uitgedien het of wat deur die betrokke vakvereniging aanvaar is as masjienwerker wat bevoeg is om die volgende klasse werk te verrig en wat of enigeen van die volgende klasse werk verrig:

Masjinerie op rewolwerdraaibanke, met inbegrip van die opstel van sy eie werk, die slyp en opstel van sy eie gereedskap en werk volgens en met presisie-meetinstrumente soos liniale, meetpassers en so meer; en

enige ander werk waarvoor die partye by hierdie Ooreenkomms van tyd tot tyd ooreengekom;

"mediese hulpvereniging", die AECI Medical Aid Society wat ingevolge die Wet op Mediese Hulpskemas, Wet 72 van 1967, geregistreer is;

"nagskof" 'n skof waartydens hoogstens vier ure se gewone werk binne 'n agt-uur-tydperk verrig word, beginnende voor en eindigende na 01h00, soos deur elke fabriek bepaal: Met dien verstande dat in die geval van ononderbroke skofwerk of gereelde tweeskof-werk, "gewone werk" oortyd insluit;

"pensioenfondse" die AECI Employees' Pension Fund en die AECI Pension Fund wat ingevolge die Wet op Pensioenfondse, Wet 24 van 1956, geregistreer is;

"salaris" die basiese salaris, diensverhoging en skoftoelaes in klousule 4.1, 4.2 en 4.3 bedoel en is dit ook die grondslag vir bydraes tot die bydraende fondse, vir betaling vir vakansie- en siekteverlof, en vir *pro rata*-afrekkings ten opsigte van afwesigheid sonder betaling; en by die berekening van salariswaardes vir 'n gedeelte van 'n maand is—

een dag se salaris, in die geval van 'n werknemer met 'n werkweek van vyf dae, 1/22ste en, in die geval van ander werknemers, 1/26ste van die maandelikse salaris; en

een week se salaris, die maandelikse salaris gedeel deur 4½;

"skofwerk" werk, gedurende enige tydperk van die dag of nag, waarby twee of meer aflosse van werkers betrokke is en "ononderbroke skof" skofwerk wat gereeld drie aflosse van werkers behels en wat oor 'n tydperk van 24 uur per dag strek.

4. BESOLDIGING

4.1 Basiese salarisse:

4.1.1 Ingenieurswerknemers:

Ingenieurswerknemers	Minimum maandelikse basiese salaris
Spanleierwerknemers.....	R1 727,70
Vakmanne.....	R1 645,80
Masjienwerkers	R1 612,65
Ingenieursoperateurs	R1 585,35

Die werkgever kan, na goeddunke, sekere bedrywe, groepe ingenieurswerknemers of individuele ingenieurswerknemers, hoër salarisse betaal as die voorgeskrewe minima.

"Explosives and Allied Industries" means, without in any way limiting the ordinary meaning of the expression, the Industries in which the employer and his employees are associated for the purpose of manufacturing, together with all processes incidental thereto, explosives, detonators, fuses, fireworks, fertilisers, acids, chemicals or chemical compounds, paper products, insecticides, fungicides, glycerine, medical preparations, veterinary remedies, animal feeds, disinfectants, cyanide and cyanogen products, ammonia, detergents, stock branding fluids, primer clips and detonator tubes;

"factory manager" means the official designated as such by the employer and shall include a deputy acting in the absence of such official;

"job class" means the grade allocated a job in terms of the AECI Payroll Job Appraisal System, and "classes" shall have the same meaning;

"journeyman" means an employee who has completed a contract of apprenticeship under the Manpower Training Act, 1981, or a contract of apprenticeship recognised by the Central Industrial Council, or an employee who is over 21 years of age and is in possession of a certificate recognised by the Central Industrial Council enabling him to be employed as a journeyman;

"machinist" means an employee who has served a recognised learnership or who has been accepted as a machinist by the appropriate trade union as competent to perform and is employed on all or any of the following classes of work:

Machining on capstan lathes, including the setting up of his own work, grinding and setting his own tools and working to and with precision measuring instruments such as rules, calipers and the like; and

any other work from time to time agreed upon by the parties to this Agreement;

"medical aid society" means the AECI Medical Aid Society registered in terms of the Medical Schemes Act, Act 72 of 1967;

"night shift" means a shift in which not less than four hours' normal work is performed within one eight-hour period commencing before and finishing after 01h00, as determined at each factory: Provided that on continuous shift work, or regular two-shift work, "normal work" shall include overtime;

"pension funds" means the AECI Employees' Pension Fund and the AECI Pension Fund registered in terms of the Pension Funds Act, Act 24 of 1956;

"salary" means the basic salary, service increment and shift allowances referred to in section 4.1, 4.2 and 4.3 and is the basis for contributions to contributory funds, for payment of holiday and sick leave, and for *pro rata* deductions in respect of absence without pay; and in computing salary values for a portion of a month—

one day's salary shall, in the case of an employee working a five-day week, be 1/22nd and, in the case of other employees, be 1/26th of the monthly salary; and

one week's salary shall be the monthly salary divided by 4½;

"shift work" means work involving, during any period of the day or night, the employment of two or more relays of workmen, and "continuous shift work" means shift work regularly involving three relays of workmen, extending over 24 hours a day.

4. REMUNERATION

4.1 Basic salaries:

4.1.1 Engineering employees:

Engineering employees	Minimum monthly basic salary
Leading hands	R1 727,70
Journeymen	R1 645,80
Machinists	R1 612,65
Engineering operators	R1 585,35

The employer may, in his discretion, remunerate certain trades, groups of engineering employees or individual engineering employees in excess of the prescribed minima.

4.1.2 Werknemers onderworpe aan werkwaardering:

(a)	Werkklas	Minimum maandelikse basiese salaris
A		R585,00
B		R598,65
C		R661,05
D		R731,25
E		R817,05
F		R912,60
G		R1 025,70
H		R1 142,70
I		R1 279,20
J		R1 423,50
K		R1 585,35

Die maandelikse aanvangsloon moet nie minder wees nie as—

R544,05 vir klasse A tot C;
R661,05 vir klasse D en E;
R817,05 vir klasse F tot H;
R1 142,70 vir klasse I tot K;

en is van krag vir hoogstens drie maande vanaf die aanvangsdatum van die werknemer se diens.

Die werkgever kan, na goeddunke, salarisverhogings wat die voorgeskrewe minima oorskry, aan sekere werknemers toestaan.

- (b) Elke werknemer, uitgesonderd dié wat die aanvangsloon ontvang, moet in die toepaslike klas aangestel word. Die aantal wat op 'n bepaalde tyd in 'n bepaalde klas in elke afdeling of seksie aangestel word, moet deur die werkgever bepaal word. 'n Werknemer wat eenmaal in 'n bepaalde klas aangestel is, behou sodanige aanstelling tensy hy na 'n hoër klas bevorder of na 'n laer klas gedegradeer word.
- (c) 'n Werknemer kan, om goeie en afdoende rede na 'n dissiplinêre ondersoek na die volgende laer klas in die bepaalde seksie of afdeling gedegradeer word.
- (d) 'n Werknemer wat alreeds 'n basiese salaris ontvang wat minder is as die minimum basiese salaris van toepassing op die hoër klas, moet by bevordering na 'n hoër klas opskuif na die minimum basiese salaris van toepassing op die hoër klas, of daar moet 'n bevorderingsverhoging van minstens R10 per maand, indien hy na enige van klasse B tot H bevorder word, en R20 per maand indien hy na klasse I tot K bevorder word, naamlik die grootste bevorderingsverhoging aan hom toegestaan word. Indien 'n werknemer bevorder word tot 'n klas meer as een bokant die een waarvandaan hy opgeskuif word, moet die minimum, bevorderingsverhoging die totaal wees van die verhogings van toepassing op die individuele klasse.
- By degradering moet 'n werknemer se salaris met soortgelyke bedrae verminder word.
- (e) 'n Nuwe werknemer moet aangestel word in 'n werkklas sodra hy sy eerste taak suksesvol voltooi en daarvoor geteken het, waarna 'n salarisverhoging aan hom toegestaan kan word.

4.1.3 Die werkgever kan, na goeddunke, by wyse van gedelike toelaes, sekere kwalifikasies en/of vaardighede wat deur werknemers verwerf word, erken.

4.2 Diensverhogings.—Benewens die basiese salarisse wat in klousule 4.1 voorgeskryf word, moet die volgende maandelikse diensverhogings, bereken volgens totale diens, betaal word:

Totale diens	Ingenieurswerknemers en werknemers in klasse G tot K	Werknemers in klasse A tot F
Na drie maande.....	R5	R2,50
Na een jaar.....	R10	R5,00
Na Twee jaar.....	R15	R7,50
Na drie jaar.....	R20	R10,00
Na vier jaar.....	R25	R12,50
Na vyf jaar.....	R30	R15,00
Na ses jaar.....	R32	R16,00
Na sewe jaar.....	R34	R17,00
Na agt jaar.....	R36	R18,00
Na nege jaar.....	R38	R19,00
Na tien jaar.....	R40	R20,00
Na elf jaar.....	R42	R21,00
Na twaalf jaar.....	R44	R22,00
Na dertien jaar.....	R46	R23,00

4.1.2 Employees subject to job appraisal:

(a)	Job class	Minimum monthly basic salary
A		R585,00
B		R598,65
C		R661,05
D		R731,25
E		R817,05
F		R912,60
G		R1 025,70
H		R1 142,70
I		R1 279,20
J		R1 423,50
K		R1 585,35

The monthly starting rates shall not be less than—

R544,05 for classes A to C;
R661,05 for classes D and E;
R817,05 for classes F to H;
R1 142,70 for classes I to K;

and shall apply for not more than three months from the starting date of the employee.

The employer may, in his discretion, grant salary increases to certain employees in excess of the prescribed minima.

- (b) Every employee, other than those on starting rates, shall be appointed to the appropriate class. The number at any time appointed to a particular class in each department or section shall be determined by the employer. Once appointed to a particular class an employee shall retain such appointment unless he is promoted to a higher class or demoted to a lower class.
- (c) An employee may be demoted to the next lower class in the particular section or department for good and sufficient reason after a disciplinary enquiry.
- (d) On promotion to a higher class an employee who is already in receipt of a basic salary less than the minimum salary applicable to the higher class shall move to the minimum basic salary applicable to the higher class or be granted a promotional increment of not less than R10 per month if promoted to any of the classes B to H and R20 per month for promotion to classes I to K, whichever is the greater. If an employee is promoted to a class more than one class above that from which he is moved, the minimum promotional increment shall be sums of the increments applicable to the individual classes.
- On demotion, an employee's salary shall be reduced by similar amounts.
- (e) A new employee shall be appointed to a job class as soon as he has been passed out on and has signed for his first job whereupon he may be granted a salary increment.

4.1.3 The employer may, in his discretion, by way of monetary allowances, recognise certain qualifications and/or skills attained by employees.

4.2 Service increments.—In addition to the basic salaries prescribed in section 4.1, the following monthly service increments shall be paid, based on aggregate service:

Aggregate service	Engineering employees and employees in classes G to K	Employees in classes A to F
After three months.....	R5	R2,50
After 1 year.....	R10	R5,00
After 2 years.....	R15	R7,50
After 3 years.....	R20	R10,00
After 4 years.....	R25	R12,50
After 5 years.....	R30	R15,00
After 6 years.....	R32	R16,00
After 7 years.....	R34	R17,00
After 8 years.....	R36	R18,00
After 9 years.....	R38	R19,00
After 10 years.....	R40	R20,00
After 11 years.....	R42	R21,00
After 12 years.....	R44	R22,00
After 13 years.....	R46	R23,00

<i>Totale diens</i>	<i>Ingenieurswerknemers en werknemers in klasse G tot K</i>	<i>Werknemers in klasse A tot F</i>
Na veertien jaar.....	R48	R24,00
Na vyftien jaar.....	R50	R25,00
Na sestien jaar.....	R52	R26,00
Na sewentien jaar.....	R54	R27,00
Na agtien jaar.....	R56	R28,00
Na negentien jaar.....	R58	R29,00
Na twintig jaar.....	R60	R30,00

4.2.1 Klousule 4.2 is nie op 'n vakleerling van toepassing nie: Met dien verstande dat, vanaf die datum waarop 'n vakleerling kwalifiseer en 'n vakman-werknemer word, daar 'n diensverhoging aan hom betaal moet word in ooreenstemming met sy totale diens by die werkgever, met inbegrip van sy tydperk van diens as 'n vakleerling.

4.3 *Skoftoelae*.—Alle werknemers van wie daar, na die werkgever verwag, vereis sal word om enige van die tipes skofwerk en klousule 4.3.1, 4.3.2, 4.3.3, 4.3.4 en 4.3.5 gedurende enige betaalmaand te verrig, moet voor die aanvang van sodanige maand deur die werkgever as sodanig aangewys word. Alle sodanige werknemers moet, benewens die salarisse betaalbaar ingevolge klousule 4.1 en 4.2, die volgende skoftoelaes betaal word:

4.3.1 Ononderbroke skofwerk in aktiwiteite wat die Minister van Mannekrag deur kennisgewing in die *Staatskoerant* tot aktiwiteite verklaar het waarin aaneenlopende werk noodsaaklik is en die voorwaardes waaronder die werk aaneenlopend verrig mag word, vasgestel het. (Werk wat 24 uur per dag, sewe dae per week, duur dek en 'n gereelde werkweek van 48 uur noodsaak.)

<i>Werkklas</i>	<i>Maandelikse skoftoelae</i>
A.....	R47,69
B.....	R54,01
C.....	R61,08
D.....	R69,00
E.....	R77,86
F.....	R87,74
G.....	R98,78
H.....	R111,07
I.....	R124,74
J.....	R139,92
K.....	R156,78
Ingenieurswerknemers.....	R163,45

4.3.2 Drieskof-werk: 48 uur per week, Maandag tot Saterdag:

<i>Werkklas</i>	<i>Maandelikse skoftoelaes</i>
A.....	R25,25
B.....	R28,60
C.....	R32,34
D.....	R36,53
E.....	R41,22
F.....	R46,45
G.....	R52,29
H.....	R58,80
I.....	R66,04
J.....	R74,08
K.....	R83,00
Ingenieurswerknemers.....	R86,53

4.3.3 Tweeskof-werk: 48 uur per week, Maandag tot Saterdag:

<i>Werkklas</i>	<i>Maandelikse skoftoelaes</i>
A.....	R21,04
B.....	R23,83
C.....	R26,95
D.....	R30,44
E.....	R34,35
F.....	R38,71
G.....	R43,58
H.....	R49,00
I.....	R55,03
J.....	R61,73
K.....	R69,17
Ingenieurswerknemers.....	R72,11

<i>Aggregate service</i>	<i>Engineering employees and employees in classes G to K</i>	<i>Employees in classes A to F</i>
After 14 years.....	R48	R24,00
After 15 years.....	R50	R25,00
After 16 years.....	R52	R26,00
After 17 years.....	R54	R27,00
After 18 years.....	R56	R28,00
After 19 years.....	R58	R29,00
After 20 years.....	R60	R30,00

4.2.1 The provisions of section 4.2 shall not apply to an apprentice: Provided that, from the date an apprentice qualifies as and becomes a journeyman employee, he shall be paid a service increment appropriate to his total service with the employer, including his period of service as an apprentice.

4.3 *Shift allowance*.—All employees whom the employer anticipates will be required to perform any of the types of shift work under section 4.3.1, 4.3.2, 4.3.3, 4.3.4 and 4.3.5 during any pay month, shall, before commencement of such month, be designated as such by the employer. All such employees shall, in addition to the salaries payable in terms of section 4.1 and 4.2 be paid shift allowances as follows:

4.3.1 Continuous shift work in activities which the Minister of Manpower has by notice in the *Gazette* declared activities in which continuous working is necessary and has determined the conditions on which the work may be performed continuously. (Work covering 24 hours a day, seven days a week, necessitating a regular working week of 48 hours.)

<i>Job Class</i>	<i>Monthly shift allowances</i>
A.....	R47,69
B.....	R54,01
C.....	R61,08
D.....	R69,00
E.....	R77,86
F.....	R87,74
G.....	R98,78
H.....	R111,07
I.....	R124,74
J.....	R139,92
K.....	R156,78
Engineering employees.....	R163,45

4.3.2 Three-shift work: 48 hours a week, Monday to Saturday:

<i>Job class</i>	<i>Monthly shift allowances</i>
A.....	R25,25
B.....	R28,60
C.....	R32,34
D.....	R36,53
E.....	R41,22
F.....	R46,45
G.....	R52,29
H.....	R58,80
I.....	R66,04
J.....	R74,08
K.....	R83,00
Engineering employees.....	R86,53

4.3.3 Two-shift work: 48 hours a week, Monday to Saturday:

<i>Job class</i>	<i>Monthly shift allowances</i>
A.....	R21,04
B.....	R23,83
C.....	R26,95
D.....	R30,44
E.....	R34,35
F.....	R38,71
G.....	R43,58
H.....	R49,00
I.....	R55,03
J.....	R61,73
K.....	R69,17
Engineering employees.....	R72,11

4.3.4 Drieskof-werk: 45 uur per week:

Werkklas	Maandelikse skoftoelaes
A	R11,22
B	R12,71
C	R14,37
D	R16,24
E	R18,32
F	R20,64
G	R23,24
H	R26,13
I	R29,35
J	R32,92
K	R36,89
Ingenieurswerknemers	R38,46

4.3.5 Tweeskof-werk: 45 uur per week:

Werkklas	Maandelikse skoftoelaes
A	R7,29
B	R8,26
C	R9,35
D	R10,56
E	R11,91
F	R13,42
G	R15,11
H	R16,99
I	R19,07
J	R21,40
K	R23,97
Ingenieurswerknemers	R25,00

4.3.6 In die geval van werknemers van wie daar vereis word om gereelde skofte, uitgesonderd dié in klousule 4.3.1, 4.3.2, 4.3.3, 4.3.4 en 4.3.5 gespesifiseer, te werk, moet daar aan hulle sodanige skoftoelaes betaal word as waaroor die werkgewer en die betrokke werknemers ooreengekom het, met inagneming van die betrokke werkpatroon en die skoftoelaes voorgeskryf in klousule 4.3.

5. ADDISIONELE VERGOEDING

5.1 Toelae vir waarnemers.—'n Werknemer wat waarneem in enige pos hoër as dié waarin hy permanent aangestel is, moet 'n toelae vir elke volle

skof ontvang, bereken volgens die formule $\frac{A-B}{22} \times C$

waar A = die minimum maandelikse basiese salaris van die werkklas waarin hy waarneem

B = die minimum maandelikse basiese salaris van die werknemer se werkklas (die huidige)

C = die aantal skofte waarin hy gedurende die maand waargeneem het.

Bostaande formule is ook van toepassing op werknemers wat permanent aangestel is in werkklas J of K, vakmanne en spanleiers wat waarneem in die pos van voorman en hoër. Die minimum maandelikse basiese salaris vir 'n voorman gespesifiseer as 'A' in hierdie formule is gelyk aan R1 975,00.

'n Werknemer wat in 'n personeelposisie laer as voormanvlak waarneem, moet 'n daaglikse waarnemerstoelae ontvang vir elke volle dag waarop hy waarneem. Die toelae word bepaal in verhouding tot die salaris wat van toepassing is op die personeelgradering waarin hy waarneem.

Permanente vakatures in 'n werkklas moet gevul word sodra die mees geskikte werknemer gevind is en die geskiktheid van alle kandidate bepaal is. Die werkgewer aanvaar dat dit oor die algemeen nie langer as altesaam ses maande neem om 'n bepaalde vakature te vul nie.

5.2 Gereedheid:

5.2.1 Die werkgewer kan van sekere werknemers vereis om "op gereedheid" te wees vir nooddiens buite die gewone werktipe vir die betrokke individu. Indien 'n werknemer op 'n Sondag "op gereedheid" moet wees, mag daar nie van hom vereis word om gewone werk op daardie dag te verrig nie.

4.3.4 Three-shift work other than continuous shift work 45 hours a week:

Job class	Monthly shift allowances
A	R11,22
B	R12,71
C	R14,37
D	R16,24
E	R18,32
F	R20,64
G	R23,24
H	R26,13
I	R29,35
J	R32,92
K	R36,89
Engineering employees	R38,46

4.3.5 Two-shift work other than continuous shift week: 45 hours a week:

Job class	Monthly shift allowances
A	R7,29
B	R8,26
C	R9,35
D	R10,56
E	R11,91
F	R13,42
G	R15,11
H	R16,99
I	R19,07
J	R21,40
K	R23,97
Engineering employees	R25,00

4.3.6 In the case of employees required to work regular shifts other than those specified in section 4.3.1, 4.3.2, 4.3.3, 4.3.4 and 4.3.5, they shall be paid such shift allowances as are agreed between the employer and the employees concerned with due regard to the working pattern involved and the shift allowances prescribed in section 4.3.

5. ADDITIONAL COMPENSATION

5.1 Acting allowance.—An employee who acts in any position higher than that to which he is permanently appointed shall be paid an allowance

for each full shift according to the formula $\frac{A-B}{22} \times C$

where A = minimum monthly basic salary of the job class acted in

B = minimum monthly basic salary of the employee's job class (present)

C = number of shifts acted in for the month.

The above formula shall also apply to any employee permanently appointed to job class J or K, journeyman or leading hand who acts in the position of foreman and above. The minimum monthly basic salary for a foreman specified as 'A' in this formula shall be equal to R1 975,00.

Any employee who acts in a staff position below foreman level shall be paid a daily acting allowance for each full day he acts. The allowance shall be determined in relation to the salary applicable to the staff grade in which he is acting.

Permanent vacancies in a job class shall be filled as soon as the most suitable employee has been found and the suitability of all candidates has been determined. The employer accepts that, in general, it should not take more than six month's total time to fill any particular vacancy.

5.2 Stand-by:

5.2.1 The employer may require certain employees to be on stand-by for emergency duty outside the normal working times for the individual concerned. If an employee is on stand-by on a Sunday he shall not be required for regular work on that day.

5.2.2 Die volgende voorwaardes is van toepassing op 'n werknemer wat "op gereedheid" moet wees:

(a)

Werkklas	Loon vir elke dag wat die werknemer "gereed" is
A	R5,76
B	R6,50
C	R7,22
D	R7,80
E	R8,54
F	R9,13
G	R9,85
H	R10,58
I	R11,18
J	R11,90
K	R12,52
Ingenieurswerknemers	R13,00

(b) 'n Werknemer wat op 'n betaalde openbare vakansiedag "op gereedheid" moet wees, afgesien daarvan of hy uitgeroep word al dan nie, moet 'n dag by sy jaarlikse verlof bygevoeg kry.

(c) Vir oortyd wat gewerk word wanneer hy uitgeroep word, moet ingevolge klousule 5.3.1 betaal word: Met dien verstande dat, indien sodanige werknemer op 'n betaalde openbare vakansiedag uitgeroep word, die minimum totale bedrag wat aan hom betaal moet word vir die ure gewerk en vir meer as drie uitroepe op so 'n dag, soos volg moet wees:

Werkklasse	
A	R5,24
B tot F	R7,52
G tot K en ingenieurswerknemers	R15,05

(d) Vir elke keer wanneer hy meer as drie keer per dag, uitgeroep word, moet hy soos volg betaal word:

Werkklasse	
A	R1,14
B tot F	R1,71
G tot K en ingenieurswerknemers	R2,85

Vir die toepassing van hierdie klousule, beteken "uitroep" enige geleentheid waarop 'n werknemer wat "op gereedheid" moet wees, buite sy gewone werkure na die fabriek uitgeroep word, en enige geleentheid waarop van sodanige werknemer vereis word om 'n bykomende onverwante taak te verrig gedurende die tydperk wat hy by die fabriek is.

5.2.3 Indien klousule 5.2.2 geag word onbillik teenoor 'n bepaalde seksie van die werknemers te wees as gevolg van buitengewone omstandighede wat op hul "gereedheid" en uitroeping betrekking het, kan die werkgewer ondanks klousule 5.2.2 te eniger tyd, en van tyd tot tyd, met die betrokke werknemers ooreenkom oor voorwaardes wat meer by die omstandighede pas.

5.2.4 'n Werknemer wat nie op die fabriekseiendom bly nie en wat, wanneer hy uitgeroep word, na sy werkplek moet reis, moet die ekwivalent van die helfte van die geldende uurlikse oortydtarief vir elke sodanige uitroep betaal word. (In gevalle van onbillikheid is klousule 5.2.3 van toepassing).

5.3 Oortydbesoldiging:

5.3.1 Daar moet vir oortyd soos in klousule 7.1 omskryf, soos volg betaal word:

Gewone oortyd.—Vir elke uur oortyd, uitgesonderd premium-oortyd, wat gewerk word, moet die betrokke werknemer ooreenkomstig die volgende formule betaal word:

$$\frac{\text{Basiese salaris} \times 1.5}{195}$$

195

Premium-oortyd.—Vir elke uur wat daar op 'n Sondag gewerk word of, in die geval van 'n werknemer wat 'n ononderbroke skof werk, op sy erkende vry dag, moet die betrokke werknemer behoudens klousule 5.5.2 ooreenkomstig die volgende formule betaal word:

$$\frac{\text{Basiese salaris} \times 2}{195}$$

195

5.2.2 The following conditions shall apply to an employee on stand-by:

(a)

Job class	Rate for each day employee is on stand-by
A	R5,76
B	R6,50
C	R7,22
D	R7,80
E	R8,54
F	R9,13
G	R9,85
H	R10,58
I	R11,18
J	R11,90
K	R12,52
Engineering employees	R13,00

(b) An employee on stand-by on a paid public holiday, whether or not he is called-out, shall have a day added to his annual leave.

(c) Overtime worked on call-out shall be paid for in terms of section 5.3.1: Provided that, if such employee is called out on a paid public holiday, the minimum total payment to him for hours worked and for call-outs in excess of three on such day, shall be as follows:

Job classes

A	R5,24
B to F	R7,52
G to K and engineering employees	R15,05

(d) For every call-out in excess of three per day, he shall be paid as follows:

Job classes

A	R1,14
B to F	R1,71
G to K and engineering employees	R2,85

For the purposes of this section, a "call-out" means any occasion on which a stand-by employee is called to the factory outside his normal working time, and any occasion on which such employee is required to perform an additional unrelated job during the period he is at the factory.

5.2.3 Notwithstanding the provisions of section 5.2.2, if it is considered that the provisions of section 5.2.2 are inequitable for a specific section of employees because of extraordinary circumstances pertaining to their stand-by and call-out, the employer may at any time, and from time to time, agree with the employees concerned to such conditions as would be more suited to the circumstances.

5.2.4 Any employee living off the factory property who has to travel to his place of work on call-out shall be paid the equivalent of half the ruling hourly overtime rate for each such call out. (In cases of inequity, the provisions of section 5.2.3 shall apply.)

5.3 Payment for overtime:

5.3.1 Overtime as defined in section 7.1 shall be paid as follows:

Normal overtime.—For every hour of overtime worked, other than premium overtime the employee concerned shall be paid according to the formula:

$$\frac{\text{Basic salary} \times 1.5}{195}$$

195

Premium overtime.—Subject to the provisions of section 5.5.2, for every hour worked on a Sunday, or in the case of a continuous shift worker on his recognised day off, the employee concerned shall be paid according to the formula:

$$\frac{\text{Basic salary} \times 2}{195}$$

195

5.3.2 *Werknemer wat na sy werk teruggeroep word wanneer hy nie "op gereedheid" is nie.*—'n Werknemer wat nie "op gereedheid" is nie en op 'n bepaalde dag een uur of langer na sy gewone uitskeityd teruggeroep word om oortyd te werk, moet geag word "op gereedheid" te gewees het vir sodanige dag en moet alle besoldiging ontvang asof hy "op gereedheid" was, tensy sodanige oortydwerk minstens gedurende sy voorafgaande gewone skof met hom gereël was.

5.3.3 *Werk op 'n betaalde openbare vakansiedag.*—(a) Behoudens klousule 8.1, 8.2 en 8.3, moet 'n dag by die jaarlikse vakansieverlof van 'n werknemer wat op 'n betaalde openbare vakansiedag werk, gevoeg word ten opsigte van elke sodanige dag gewerk en moet hy gewone oortydbetaaling ooreenkomstig die volgende formule ontvang:

$$\text{Basiese salaris} \times 1.5,$$

195

Met dien verstande dat die volgende minima betaal moet word aan 'n werknemer wat op 'n betaalde openbare vakansiedag oortyd werk, behoudens klousule 8.1:

Werkklasse

A	R5,24
B tot F	R7,52
G tot K en ingenieurswerknemers	R15,05

(b) 'n Werknemer kan die keuse uitoefen om in plaas van verlof wat ingevolge hierdie klousule toegestaan word, betaal te word teen 'n tarief waarop daar tussen die bestuur en die werknemer ooreengekom moet word.

(c) Behoudens klousule 10, moet enige uitstaande opgehoopte verlof ingevolge hierdie klousule geneem of verkoop word wanneer die werknemer sy jaarlikse verlof neem en vir 'n verlofbonus kwalifiseer.

5.3.4 *Terugroep vir oortydwerk—Geen werk beskikbaar:*

Werkklasse

A	R2,50
B tot F	R5,00
G tot K en ingenieurswerknemers	R10,00

5.4 *Onderhoudstoelae.*—'n Werknemer van wie vereis word om oornag van sy huis weg te wees, moet deur die werkgever vergoed word vir redelike uitgawes wat hy ten opsigte van etes en verblyf aangegaan het: Met dien verstande dat klousule 5.3 en klousule 7 geag moet word nie van toepassing te wees nie op 'n drywer nadat hy ophou dryf het vir die dag: Voorts met dien verstande dat, by die bepaling van redelike uitgawes, die standaard van etes en verblyf waaraan 'n werknemer gewoond is, deeglik in ag geneem moet word.

5.5 *Nagskof-werk:*

5.5.1 Daar moet aan 'n werknemer wat nagskof, soos omskryf, werk, 'n ekstra dag verlof met volle besoldiging toegestaan word vir elke 14 nagskofte gewerk: Met dien verstande dat 'n werknemer, uitgesonderd 'n werknemer wat ingevolge klousule 5.3.1 aangewys is as 'n werknemer wat 'n ononderbroke skof werk en wat op 'n skofsiklus van vier weke in diens is, die keuse kan uitoefen om, in plaas van sodanige verlof, teen die volgende tarief betaal te word:

R20 per dag indien hy 'n ingenieurswerknemer of 'n werknemer in werkklasse G tot K is;

R10 per dag indien hy in werkklasse B tot F is, en

R6,67 per dag indien hy in werkklas A is.

5.5.2 Die werkgever moet 'n langnaweek aan die einde van die siklus van vier weke toestaan aan 'n werknemer wat 'n skofsiklus van vier weke werk wat 24 uur per dag, sewe dae per week, dek en wat 'n gereelde werkweek van 48 uur noodsaak: Met dien verstande dat die voorwaardes vir die toestaan van sodanige langnaweek soos volg moet wees:

- Een van die drie dae in 'n siklus waarop die werknemer op 'n ekstra skof is, moet vry gegee word vir elke nagskof wat gewerk is. Hierdie dag moet 'n Vrydag wees.
- Van die oorblywende twee ekstra dae per siklus, moet die Donderdag vry gegee word in plaas van die agt betaalde openbare vakansiedae wat gedurende die jaar ophoop. Daarbenewens moet vier ekstra Donderdae vry gegee word om 'n totaal van 12 langnaweke gedurende die jaar vir hierdie werknemers te verseker.
- Daar moet van 'n werknemer vereis word om die Woensdag op 'n dagskoffbasis van nege uur per dag te werk.
- Geeneen van die dae wat in (a) en (b) hierbo gespesifiseer word, mag as jaarlikse verlof geneem word, of verkoop word nie, tensy die werknemer op die dae in (b) bedoel, werk.
- Die skoftoelae in klousule 4.3.1 is van toepassing.

5.3.2 *Recall to work of any employee not on stand-by.*—An employee not on stand-by who on any day is recalled one hour or later after his normal finishing time to work overtime shall be deemed to have been on stand-by for such day and shall receive all payments as if on stand-by, unless such overtime worked had been arranged with him at least during his preceding ordinary shift.

5.3.3 *Work on a paid public holiday.*—(a) Subject to the provisions of section 8.1, 8.2 and 8.3, an employee who works on a paid public holiday shall have a day added to his annual holiday leave in respect of each such day worked and shall receive normal overtime payment according to the formula—

$$\text{Basic salary} \times 1.5,$$

195

Provided that the following minima shall be paid to an employee for overtime worked on a paid public holiday, subject to the provisions of section 8.1:

Job classes

A	R5,24
B to F	R7,52
G to K and engineering employees	R15,05

(b) An employee may elect to be paid in lieu of leave granted in terms of this section at a rate which shall be agreed between management and the employee concerned.

(c) Subject to the provisions of section 10, any outstanding accumulation of leave in terms of this section shall be taken or sold when the employee proceeds on annual leave and qualifies for holiday bonus.

5.3.4 *Recall to work overtime—No work available:*

Job classes

A	R2,50
B to F	R5,00
G to K and Engineering employees	R10,00

5.4 *Subsistence allowance.*—An employee who is required to be away from home overnight shall be refunded by the employer such reasonable expenses as are incurred by him in respect of board and accommodation: Provided that the provisions of section 5.3 and section 7 shall be held not to apply to a driver after he has ceased driving for the day: Provided further that in determining reasonable expenses, due regard shall be had to the standard of board and accommodation to which the employee is accustomed.

5.5 *Night-shift working:*

5.5.1 An employee who works night shifts as defined, shall be granted an additional day's leave on full pay for every 14 night shifts worked: Provided that an employee, other than an employee designated as a continuous shift worker in terms of section 4.3.1 and employed on a four-week shift cycle, may elect to be paid in lieu of such leave at the following rates:

R20 per day if an engineering employee or an employee in job classes G to K;

R10 per day if in job classes B to F, and

R6,67 per day if in job class A.

5.5.2 The employer shall grant a long weekend at the end of the four-week cycle to an employee working a four-week shift cycle, involving regular continuous shift work covering 24 hours a day seven days a week, necessitating a regular working week of 48 hours: Provided that the conditions for granting such a long weekend shall be as follows:

- One of the three days per cycle on which an employee is on spare shift shall be given off for night shift working. This day shall be the Friday.
- Of the remaining two spare days per cycle, the Thursday shall be given off in lieu of the eight paid public holidays which will accrue during the year. In addition, four extra Thursdays shall be given off to ensure a total of 12 long weekends for these employees during the year.
- An employee shall be required to work the Wednesday on a day-shift basis of nine hours.
- None of the days specified in (a) and (b) above shall be taken as annual leave or be sold, unless the employee works on the days referred to in (b) above.
- The shift allowance in section 4.3.1 shall apply.

5.5.3 Die werkgever moet ook bostaande dae toestaan aan werknemers wat 'n ononderbroke skof werk wat 24 uur per dag, sewe dae per week, dek en wat 'n gereelde werkweek van 48 uur noodsaak, indien sodanige skofstelsel nie 'n langnaweek van vier dae aan die einde van die siklus van vierweke oplewer nie. Vir sodanige werknemers moet die werkgever 'n totaal toestaan van—

- vier dae vry (vir dae gewerk);
- een dag vry (in plaas van nagskofte gewerk);
- twee ekstra dae (wat moet bestaan uit nege uur vir elke siklus van 28 dae).

Sodanige werknemers kan nie keuse uitoefen om in plaas van betaalde openbare vakansiedae betaal te word teen 'n loon waarop daar tussen die bestuur en die betrokke werknemers ooreengekom word of om sodanige aantal dae betaalde verlof by hul jaarlikse vakansieverlof bygevoeg te kry.

5.6 *Vakansiebonus*.—'n Werknemer moet vakansiebonus teen die volgende tarief betaal word:

Werknemerwerkklas	Vakansiebonus
A	R532,00
B	R558,60
C	R619,40
D	R685,90
E	R767,60
F	R856,90
G	R961,40
H	R1 071,60
I	R1 200,80
J	R1 337,60
K	R1 493,40
Ingenieurswerknemers	R1 550,40

Die vakansiebonus vir 'n vakleerling moet minstens 75 persent van sy basiese maandelikse salaris wees en die volgende minima is van toepassing:

Vakleerlinge	Vakansiebonus
Vakleerlinge in hul eerste en tweede jaar	R496,02
Vakleerlinge in hul derde en vierde jaar	R615,78

Betaling van die vakansiebonus is onderworpe aan die volgende voorwaardes:

'n Werknemer moet—

- (a) die vakansiebonus betaal word slegs na voltooiing van een of twee jaar ononderbroke diens, na gelang van die geval;
- (b) geen vakansiebonus betaal word vir 'n gedeelte van 'n jaar wat hy gedurende sy eerste vyf jaar ononderbroke diens gewerk het nie, indien sy diens beëindig word om 'n ander rede as dié in (c) genoem;
- (c) gedurende sy eerste vyf jaar ononderbroke diens, een twaalfde van die vakansiebonus betaal word vir elke voltooide maand ononderbroke diens waarvoor hy nie voorheen vakansiebonus betaal is nie, slegs indien hy afbetaal word of aftree of weggaan vanweë ander omstandighede buite sy beheer en wat vir die werkgever aanvaarbaar is;
- (d) die vakansiebonus betaal word ten tyde wanneer hy verlof ingevolge klousule 10.3 (b) neem: Met dien verstande dat 'n werknemer met minder as twee jaar ononderbroke diens wat met verlof gaan voor die herdenkingsdatum van sy indiensneming of herindiensneming die bonus op sodanige herdenkingsdatum moet ontvang;
- (e) indien hy die vakansiebonus vooruit ontvang het en daarna bedank of uit sy diens ontslaan word voordat hy 'n volle siklus van 12 maande diens voltooi het, daardie gedeelte van die bonus waarop hy nie geregtig is nie aan die werkgever terugbetaal;
- (f) na vyf jaar ononderbroke diens een twaalfde van die vakansiebonus betaal word vir elke voltooide maand ononderbroke diens waarvoor hy nie voorheen vakansiebonus betaal is nie, indien sodanige werknemer vrijwillig sy diens beëindig of ontslaan word;
- (g) die vakansiebonus hoogstens een maal in 'n verlofsiklus ontvang.

5.7 *Spesiale voorwaardes*.—Van tyd tot tyd ontstaan daar geleenthede in 'n afdeling of seksie wat 'n tydelike afwyking van die gewone werksroetine noodsaak. In sodanige gevalle moet die bestuur, in oorleg met die betrokke werknemers en met deeglike inagneming van die omstandighede, bepaal watter redelike spesiale voorwaardes, indien daar is, van toepassing moet wees.

5.5.3 The employer shall also grant the above days to employees working a continuous shift covering 24 hours a day, seven days a week, necessitating a regular working week of 48 hours, if such shift system does not afford a long weekend of four days at the end of the four-week cycle. For such employees, the employer shall grant a total of—

- four days off (for days worked);
- one day off (in lieu of night shifts worked);
- two spare days (to be made up of nine hours for every 28-day cycle).

Such employees may elect to be paid in lieu of paid public holidays at a rate which shall be agreed between management and the employees concerned or have such number of days paid leave added to their annual holiday leave.

5.6 *Holiday bonus*.—An employee shall be paid holiday bonus at the following rates:

Employee's job class	Holiday bonus
A	R532,00
B	R558,60
C	R619,40
D	R685,90
E	R767,60
F	R856,90
G	R961,40
H	R1 071,60
I	R1 200,80
J	R1 337,60
K	R1 493,40
Engineering employees	R1 550,40

The holiday bonus for an apprentice shall not be less than 75 per cent of the basic monthly salary and the following minima shall apply:

Apprentices	Holiday bonus
First and second year of apprenticeship	R496,02
Third and fourth year of apprenticeship	R615,78

Payment of the holiday bonus shall be subject to the following conditions:

An employee—

- (a) shall be paid the holiday bonus only after the completion of one year's continuous service, as the case may be;
- (b) shall not receive any payment of holiday bonus in respect of any portion of a year worked during his first five years of continuous service if his service terminates for any reason other than those stated in (c);
- (c) shall during his first five years of continuous service be paid one twelfth of the holiday bonus in respect of each completed month of continuous service for which he has not previously been paid holiday bonus, only if he is retrenched or retired or leaves for other circumstances beyond his control and acceptable to the employer;
- (d) shall be paid the holiday bonus at the time of taking leave in terms of section 10.3 (b): Provided that an employee with less than two years' continuous service who proceeds on leave before the anniversary date of his engagement or re-engagement shall receive the bonus on such anniversary date;
- (e) shall, if he has received the holiday bonus in advance and subsequently resigns or is discharged from service before completing a full cycle of 12 months' service, refund to the employer such portion of the bonus as he is not entitled to;
- (f) shall after five years of continuous service, be paid one twelfth of the holiday bonus in respect of each completed month of continuous service for which he has not previously been paid holiday bonus, if such an employee voluntarily terminates his service or is discharged;
- (g) shall receive the holiday bonus not more than once in any leave cycle.

5.7 *Special conditions*.—From time to time, occasions arise in a department or section necessitating a temporary departure from normal working routine. In such cases, management, in consultation with the employees concerned, shall, with due regard to the circumstances, determine what reasonable special conditions, if any, shall apply.

6. WERKURE

6.1 Die gewone werkure van 'n werknemer is 45 uur per week, in die geval van 'n werknemer wat ingevolge klousule 4.3.1, 4.3.2 en 4.3.3 aangewys word, is dit 48 uur per week.

6.2 Die gewone werkure van 'n werknemer wat nie skofwerk verrig nie, is nege uur per dag vir vyf dae per week, te wete Maandag tot Vrydag: Met dien verstande dat, in 'n noodgeval of na oorleg met die betrokke partye waar die aard van die werk dit vereis, die werkgever van 'n werknemer wat nie skofwerk verrig nie kan vereis om agt uur 20 minute per dag vanaf Maandag tot Vrydag en drie uur 20 minute op Saterdag te werk.

6.3 Die gewone werkure van 'n werknemer wat skofwerk verrig moet, na goeddunke van die werkgever, in skofte wees van sewe uur 30 minute elk vir ses dae per week, of van agt uur per dag vir vyf dae vanaf Maandag tot Vrydag en vyf uur op Saterdag, of nege uur elk vir vyf dae vanaf Maandag tot Vrydag, behalwe in die geval van ononderbroke prosesse, waar skofte van agt uur elk gewerk kan word.

6.4 (a) Die gewone aanvangs- en uitskeiye vir die werkure genoem in klousule 6.1, 6.2 en 6.3, moet deur die werkgever bepaal word: Met dien verstande dat die werkgever, deur middel van 'n kennisgewing wat op sy perseel vertoon moet word, die werknemers van sodanige tye in kennis moet stel.

(b) Die werkgever kan die tye in klousule 6.4 (a) bedoel, verander.

6.5 Die werkgever moet, minstens 24 uur voor die aanvang van elke werkweek, die werknemers deur middel van 'n kennisgewing wat op sy perseel vertoon moet word, in kennis stel van die aanvangs- en uitskeiye wat gedurende die volgende week op elke werknemer van toepassing sal wees, en sodanige tye is dan die gewone werktye vir die betrokke werknemer: Met dien verstande dat, indien geen sodanige kennis gegee is nie, die gewone werktye van die betrokke werknemer dié sal wees wat normaalweg ingevolge klousule 6.4 op hom van toepassing is.

(b) Die werkgever kan te eniger tyd die gewone werktye van 'n werknemer verander: Met dien verstande dat die veranderde werktyd in ooreenstemming is met dié waarvan die werknemer ingevolge klousule 6.4 in kennis gestel is.

6.6 Die werkgever moet minstens 48 uur voor die aanvang van die werkweek 'n kennisgewing op sy perseel vertoon waarop elke werknemer wat ononderbroke skofte werk se erkende vry dag vir die daaropvolgende week verskyn.

6.7 Alle geboekte tye moet tot die naaste 0,1 van 'n uur wees.

6.8 Die werkgever beoog nie die gereelde verlenging van die gewone werkure met die bepalinge van klousule 5.3.1. nie. Die werkgever moet voortgaan om aanlegte sowel as werksinkels op die grondslag van 'n werkweek van 45 of 48 uur, na gelang van die geval, te beman.

7. OORTYD

7.1 Tyd wat gewerk word buite die gewone werkure in klousule 7.2 gespesifiseer, moet geag word oortyd vir die betrokke werknemer te wees: Met dien verstande dat werk wat buite die gewone werkure verrig word, geag moet word oortyd te wees slegs indien die werknemer opdrag gegee is om sodanige werk te doen. Daar kan te eniger tyd van 'n werknemer vereis word om oortyd te werk, ongeag of sodanige oortyd aaneenlopend met sy gewone werkure is, al dan nie.

7.2 Oortyd word in die volgende klasse verdeel, te wete:

- (a) 'n Sondag gewerk deur 'n werknemer, uitgesonderd 'n werknemer wat ingevolge klousule 4.3.1 aangewys word;
- (b) 'n erkende dag vry gewerk deur 'n werknemer aangewys ingevolge klousule 4.3.1. Vir werknemers in klousule 5.5.2 bedoel, sluit dit die Vrydag in;
- (c) 'n Saterdag gewerk deur 'n werknemer wie se gewone werktyd van Maandag tot Vrydag is;
- (d) 'n betaalde openbare vakansiedag waarop daar gewerk word (behoudens klousule 8.1 en 8.2);
- (e) 'n werknemer wat terug geroep word nadat hy sy gewone skof voltooi het;
- (f) behoudens klousule 6.5, tyd wat buite die gewone werkure gewerk word.

7.3 Alle geboekte oortyd moet tot die naaste 0.1 van 'n uur wees.

7.4 Die maksimum tydperk van oortyd wat 'n werknemer gedurende enige week mag werk, mag hoogstens 10 uur wees. Hierdie bepaling is egter nie van toepassing nie op 'n werknemer wat werk verrig wat noodsaak word deur die onklaarmaking van uitrusting of masjinerie of ander noodgeval, of werk in verband met die opknop of herstel van die uitrusting of masjinerie wat nie gedurende die gewone werkure gedoen kan word nie, ook nie ten opsigte van oortyd wat op 'n openbare vakansiedag gewerk word gedurende ure wat gewone werkure vir die betrokke werknemer sou gewees het indien sodanige dag nie 'n betaalde openbare vakansiedag was nie.

6. HOURS OF WORK

6.1 The normal hours of work of an employee shall be 45 hours per week, except that, in the case of any employee designated in terms of section 4.3.1, 4.3.2 and 4.3.3, it shall be 48 hours per week.

6.2 The normal hours of work for an employee on non-shift work shall be nine hours per day for five days per week, namely Monday to Friday: Provided that, in an emergency or after consultation with the parties concerned where the nature of the work demands it, the employer may require an employee on non-shift work to work eight hours 20 minutes per day from Monday to Friday and three hours 20 minutes on Saturday.

6.3 The normal hours of work for an employee on shift work shall, at the discretion of the employer, be in shifts of seven hours 30 minutes each for six days per week, or of eight hours each for five days from Monday to Friday and five hours on Saturday or of nine hours each for the five days per week from Monday to Friday, except in the case of continuous processes, where shifts of eight hours each may be worked.

6.4 (a) The normal starting and stopping times for the hours of work mentioned in section 6.1, 6.2 and 6.3, shall be determined by the employer: Provided that the employer shall, by notice displayed on his premises, notify employees of such times.

(b) The employer may change the times referred to in section 6.4 (a).

6.5 (a) The employer shall, at least 24 hours before the commencement of each working week, notify employees, by notice displayed on his premises, of the starting and stopping times applicable to each employee during the ensuing week and such times shall then be the normal working times for the employee concerned: Provided that, if no such notice is given, the normal working times of the employee concerned shall be those normally applicable to him in terms of section 6.4.

(b) The employer may, at any time, change the normal working times of an employee: Provided that the substituted working times are in accordance with those notified in terms of section 6.4.

6.6 The employer shall, at least 48 hours before the commencement of the working week, display on his premises a notice indicating, in respect of continuous shift employees, each employee's recognised day off for the ensuing week.

6.7 All time booked shall be to the nearest 0,1 of an hour.

6.8 By the provisions of section 5.3.1, the employer does not intend the regular extension of the normal hours of work. The employer shall continue to man plants and workshops on the basis of a 45 or 48 hour week, as the case may be.

7. OVERTIME

7.1 Time worked outside normal working times as specified in section 7.2, shall be deemed to be overtime for the employee concerned: Provided that work performed outside normal working times shall be regarded as overtime only if the employee has been instructed to perform such work. An employee may, at any time, be required to work overtime whether or not such overtime is continuous with his normal working time.

7.2 Overtime is divided into the following classes, namely:

- (a) A Sunday worked by an employee other than one designated in terms of section 4.3.1;
- (b) a recognised day off worked by an employee designated in terms of section 4.3.1. This includes the Friday for those employees referred to in section 5.5.2;
- (c) a Saturday worked by an employee whose normal working times are from Monday to Friday;
- (d) a paid public holiday worked (subject to the provisions of section 8.1 and 8.2);
- (e) an employee recalled after completion of his normal shift;
- (f) time worked outside normal working times, subject to the provisions of section 6.5.

7.3 All overtime booked shall be to the nearest 0,1 of an hour.

7.4 The maximum period of overtime that may be worked by an employee in any one week shall not exceed 10 hours. This provision shall, however, not apply to an employee engaged on work necessitated by a breakdown of plant or machinery or other emergency or in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours, nor in respect of overtime worked on a paid public holiday during hours which would have been normal working hours for the employee concerned had such day not been a paid public holiday.

8. BETAALDE OPENBARE VAKANSIEDAE

8.1 Behoudens die bepalinge van die Wysigingswet op Openbare Feesdae, 1980, moet Nuwejaarsdag, Goeie Vrydag, Gesinsdag, Hemelvaartsdag, Republiekdag, Gelofte-dag, Kersdag en Welwilleheidsdag geag word betaalde openbare vakansiedae te wees vir werknemers, uitgesonderd aangewese werkers wat ononderbroke skofte werk. Die openbare vakansiedae moet gevier word op die datums waarop hulle val, ongeag die dag van die week, met die volgende uitsonderings:

8.1.1 Indien Nuwejaarsdag op 'n Sondag val, moet die daaropvolgende Maandag 'n betaalde openbare vakansiedag wees;

8.1.2 Indien enige van die ander betaalde openbare vakansiedae op 'n Sondag val, moet Krugerdag of Stigtingsdag, oor watter een daar ookal deur die Sentrale Nywerheidsraad ooreengekom is, toegeestaan word.

8.2 Alle werknemers, uitgesonderd dié waarna in klousule 5.5.2 verwys word, moet hul betaalde openbare vakansiedae by hul jaarlikse verlof gevoeg kry en die dae moet geneem word soos deur die bestuur en die werknemer ooreengekom: Met dien verstande dat hierdie nie van toepassing is nie op werknemers wat werklik op die betaalde vakansiedae gewerk het nie. Indien daar egter van 'n werknemer waarna in klousule 5.5.2 verwys word, vereis word om op die Donderdag wat in plaas van verlof vry gegee is, te werk, is hierdie subklousule (subklousule 8.2) wel van toepassing.

8.3 Indien 'n betaalde openbare vakansiedag gedurende 'n werknemer se jaarlikse verlof tydperk val, moet 'n addisionale dag betaalde verlof ten opsigte van elke betaalde vakansiedag toegestaan word. Hierdie is nie van toepassing op werknemers na wie in klousule 5.5.2 verwys word nie.

9. SIEKTEVERLOF

9.1 Onderworpe aan die voorlegging van 'n mediese sertifikaat ingevolge die Fabrieksreëls en -regulasies wat op daardie tyd stip van krag is, is 'n werknemer geregtig op die betaling van sy volle salaris tot 'n maksimum van drie weke ten opsigte van enige afwesigheid van die werk as gevolg van siekte en dit kan oploep ten opsigte van elke voltooide jaar ononderbroke diens.

9.2 Ondanks klousule 9.1 is 'n werknemer nie geregtig op enige betaling ten opsigte van enige afwesigheid van die werk as gevolg van siekte gedurende sy eerste drie maande diens nie: Met dien verstande dat, in die geval van 'n werknemer wat betaal is vir afwesigheid weens siekte na die voltooiing van drie maande ononderbroke diens en wie se diens om watter rede ook al voor die voltooiing van 12 maande ononderbroke diens eindig, die werkgever betaling wat gemaak is en wat meer is as die bedrag gelyk aan dit vir 'n tydperk van siekteverlof eweredig met sy tydperk van ononderbroke diens, van sodanige werknemer kan verhaal.

9.3 Ondanks klousule 9.1 en 9.2, kan die werkgever na goeddunke, met die oog op die werknemer se rekord, en indien hy van mening is dat die werknemer sal swaarkry as gevolg daarvan, hom vir afwesigheid weens siekte betaal méér as dit waarop sodanige werknemer geregtig is.

10. JAARLIKSE VAKANSIEVERLOF

10.1 Jaarlikse vakansieverlof moet soos volg aan 'n werknemer toegestaan word:

Kategorie	Met minder as sewe jaar totale diens	Met sewe en meer jare totale diens
Ingenieurswerknemers en werknemers in klas G tot K	3 weke	4 weke
Klasse A tot F.....	3 weke	3 weke

10.2 Benewens die verlof wat ingevolge klousule 10.1 aan 'n werknemer toegestaan word, moet hierdie jaarlikse vakansieverlof vir enige jaar vermeerder word met die aantal dae verlof wat ingevolge klousule 5.2.2 (b) 5.3.3, 5.5, 8.2 of 8.3 gedurende daardie jaar opgeloopt het.

10.3 Verlof waarop 'n werknemer ingevolge klousule 10.1 en 10.2 geregtig is, moet toegestaan word op 'n tyd of tye waarop hy en sy werkgever ooreengekom het en teen die salaris van toepassing op die werknemer ten tyde wanneer hy met verlof gaan. Alle sodanige verlof moet toegestaan en geneem word sodat dit 'n aanvang neem nie later nie as vier maande na die voltooiing van die betrokke jaar ononderbroke diens van 'n werknemer, of in die geval van 'n werknemer wat voor die tyd skriftelik daartoe ingestem het, 'n verdere twee maande daarna: Met dien verstande dat—

- (a) in die geval van 'n werknemer wat sewe of meer jare totale diens het en wat vir drie of meer weke verlof kwalifiseer, een week of minder van sodanige verlof per jaar opgehoof kan word tot 'n totaal van hoogstens 12 weke; en

8. PAID PUBLIC HOLIDAYS

8.1 Subject to the provisions of the Public Holidays Act, 1952, as amended, New Year's Day, Good Friday, Family Day, Ascension Day, Republic Day, Day of the Vow, Christmas Day and Day of Goodwill shall be regarded as paid public holidays for employees other than designated continuous shift workers. The public holidays shall be celebrated on the dates on which they fall whatever the day of the week may be, with the following exceptions:

8.1.1 If New Year's Day falls on a Sunday, the following Monday shall be a paid public holiday;

8.1.2 If any of the other paid public holidays falls on a Sunday, Kruger Day or Founders' Day shall be granted, whichever is agreed to by the Central Industrial Council.

8.2 All employees other than those referred to in section 5.5.2 shall have their paid public holidays added to their annual leave, and these shall be taken as agreed between management and the employee: Provided that this shall only apply to those employees who actually worked on the paid public holidays. However, if an employee referred to in section 5.5.2 is required to work on the Thursday which has been given off in lieu of paid public holidays, this section (section 8.2), shall apply.

8.3 Should a paid public holiday fall within an annual holiday leave period of an employee, an additional day of paid leave in respect of each paid public holiday shall be granted. This shall not apply to employees referred to in section 5.5.2.

9. SICK LEAVE

9.1 Subject to the production of medical certificates in terms of the Factory Rules and Regulations in force at any time, an employee shall be entitled to payment of his full salary in respect of any absences from work due to sickness to the extent of three weeks, which shall be accumulative in respect of each completed year of continuous employment.

9.2 Notwithstanding the provisions of section 9.1, an employee shall not be entitled to any payment in respect of any absence due to sickness during his first three months of employment: Provided that, in the case of an employee who has been paid for absence due to sickness after the completion of three months continuous service and whose services terminate for any reason before the completion of 12 months continuous service, the employer may recover from such employee, payment made in excess of an amount equivalent to that for a period of sick leave *pro rata* to his period of continuous service.

9.3 Notwithstanding the provisions of section 9.1 and 9.2, the employer may at his discretion, in the light of the employee's record, and if he considers that the employee would otherwise suffer hardship, pay him for absence due to sickness in excess of such employee's entitlement.

10. ANNUAL HOLIDAY LEAVE

10.1 Annual holiday leave shall be granted to an employee as follows:

Category	With less than seven years' aggregate service	With seven years' or more aggregate service
Engineering employees and employees in Classes G to K	3 weeks	4 weeks
Classes A to F	3 weeks	3 weeks

10.2 In addition to the leave granted to an employee in terms of section 10.1, this annual holiday leave for any year shall be increased by the number of days leave which has accrued to him in terms of section 5.2.2 (b), 5.3.3, 5.5, 8.2 or 8.3 during that year.

10.3 Leave to which an employee is entitled in terms of section 10.1 and 10.2 shall be granted at a time or times agreed to by his employer and at the salary applicable to the employee at the time of his going on leave. All such leave shall be granted and taken so as to commence not later than four months after the completion of the relevant year of continuous service of an employee, or, in the case of an employee who has agreed thereto in writing beforehand, a further two months thereafter: Provided that—

- (a) in the case of an employee with seven or more years' aggregate service and who qualifies for three weeks' or more leave, one week or less of such leave per annum may be accumulated up to an aggregate of not more than 12 weeks;

- (b) gedurende enige een jaar diens 'n werknemer minstens een ononderbroke tydperk van twee weke of meer verlof toegestaan moet word en dit moet neem en dat oorblywende verlof waarop 'n werknemer geregtig is gedurende sodanige tydperk of tydperke as waar toe die werkgever ingestem het, geneem kan word.

10.4 Ondanks klousule 10.1 moet daar aan 'n werknemer wie se diens om 'n ander rede as drosting beëindig word voordat hy 12 maande ononderbroke diens voltooi het, een agttiende van die jaarlikse vakansieverlof waarop hy geregtig is, betaal word vir elke voltooide maand diens, plus een dag se salaris vir elke dag verlof wat ingevolge klousule 5.2.2, 5.3.3, 5.5 of 8.2 opgehoop het, min een dag se salaris vir elke dag verlof wat hy voorheen geneem het.

10.5 'n Werknemer wie se diens om 'n ander rede as drostery eindig nadat hy 12 of meer maande diens voltooi het, moet eweredig aan sy maandelikse salaris betaal word ten opsigte van alle verlof wat toegestaan maar nie geneem is nie. Jaarlikse verlof vir die huidige diensjaar moet bereken word op die grondslag van een twaalfde van die verlof ingevolge klousule 10.1 vir elke volle jaar diens, vir elke voltooide maand ononderbroke diens gedurende daardie jaar. Indien 'n werknemer meer verlof geneem het as waarop hy ten tyde van die beëindiging van sy diens geregtig was, kan die werkgever die geldwaarde van sodanige ongeoorloofde verlof aftrek van geld wat aan sodanige werknemer verskuldig is.

11. BETALING VAN BESOLDIGING

11.1 Salarisse en ander besoldiging moet betaal word op die tye, wat kan verskil vir verskillende klasse en kategorieë werknemers, soos van tyd tot tyd deur die werkgever bekendgemaak en dit moet so spoedig moontlik na die sluiting van die betaalperiode wees as wat redelik moontlik is: Met dien verstande dat 'n werknemer wie se diens voor die gewone betaaldag eindig, so spoedig moontlik na diensbeëindiging sy betaling moet ontvang.

11.2 Betaling van besoldiging moet namens elke werknemer in 'n bank of bouvereniging van sy keuse gedoen word.

11.3 Geen aftrekking van watter aard ook al, uitgesonderd dié hieronder genoem, mag van die besoldiging van 'n werknemer gemaak word nie:

- 11.3.1 Bydraes betaalbaar deur 'n werknemer ingevolge hierdie Ooreenkoms;
- 11.3.2 wanneer 'n werknemer van sy werk afwesig is sonder dat hy op besoldiging geregtig is, 'n bedrag eweredig aan die tydperk van sodanige afwesigheid;
- 11.3.3 met die skriftelike toestemming van die werknemer, bedrae vir ledegeld van die vakverenigings en versekeringsfondse;
- 11.3.4 bedrae verskuldig aan die werkgever vir huur, water, ligte of ander aftrekkings wat skriftelik deur die werknemer gemagtig is;
- 11.3.5 enige bedrag wat deur die werkgever betaal is en wat hy deur 'n wet, ordonnansie of regsproses verplig is om namens 'n werknemer te betaal.

12. DIENSBEËINDIGING

12.1 (a) 'n Werkgever of 'n werknemer moet minstens 12 werkdag kennis gee, in die geval van 'n werknemer met 'n werkweek van ses dae en 10 werkdag kennis, in die geval van 'n werknemer met 'n werkweek van vyf dae, om die dienskontrak te beëindig: Met dien verstande dat gedurende die proeftydperk van enige sodanige werknemer, die kennistydperk een skof moet wees: Voorts met dien verstande dat indien 'n werknemer om enige rede, met inbegrip van siekte, gedurende sy kennistydperk van sy werk afwesig is, die werkgever van sodanige werknemer kan vereis om 'n addisionele dag te werk vir elke sodanige werkdag wat hy afwesig is.

Indien 'n werknemer sy diens beëindig sonder dat hy die vereiste kennis uitgedien het, moet hy die ekwivalent van twee weke se salaris aan die werkgever verbeur.

(b) Behoudens klousule 12.1 (a), moet 'n werknemer in werkklasse B tot F, of die werkgever, minstens ses werkdag kennis gee, in die geval van 'n werknemer met 'n werkweek van ses dae, en vyf werkdag, in die geval van 'n werknemer met 'n werkweek van vyf dae, om die dienskontrak te beëindig: Met dien verstande dat, gedurende die proeftydperk, die kennistydperk een skof moet wees.

Indien so 'n werknemer in werkklasse B tot F sy diens beëindig sonder dat hy die vereiste kennis uitgedien het, moet hy die ekwivalent van een week se salaris aan die werkgever verbeur.

(c) Behoudens klousule 12.1 (a), moet 'n werknemer in werkklas A, of die werkgever, minstens 24 uur kennis gee om die dienskontrak te beëindig.

12.2 Die werkgever moet geag word die vereiste kennis te gee het om die dienskontrak te beëindig indien hy die werknemer in plaas daarvan betaal.

12.3 Hierdie klousule raak nie die reg van 'n werkgever of 'n werknemer om 'n kontrak om 'n regsgeldige rede sonder kennisgewing te beëindig nie.

- (b) during any one year of service, an employee shall be granted and shall take at least one unbroken period of leave or two weeks or longer and that the remaining leave entitlement may be taken in such period or periods as may be agreed to by his employer.

10.4 Notwithstanding the terms of section 10.1, an employee whose service terminates for reasons other than desertion before he has completed 12 months' continuous service, shall be paid out one eighteenth of his annual holiday leave entitlement for every completed month of service plus one day's salary for every day's leave accrued in terms of section 5.2.2, 5.3.3, 5.5 or 8.2, less one day's salary for every day of paid leave previously taken.

10.5 An employee whose service terminates for reasons other than desertion after he has completed 12 or more months continuous service, shall be paid out *pro rata* to his monthly salary in respect of all leave granted and not taken. Annual leave for the current year of service shall be computed on the basis of one twelfth of the leave in terms of section 10.1 for a full year of service, in respect of every completed month of continuous service in that year. If an employee had taken leave in excess of his leave entitlement as at the termination of his service, the employer may deduct the value of such excess leave from any moneys due to such employee.

11. PAYMENT OF REMUNERATION

11.1 Salaries and other remuneration shall be paid at the times, which may be different for different classes and categories of employees, publicly notified by the employer from time to time which shall be as soon after closing of the pay period as is reasonably possible: Provided that an employee whose employment terminates before the customary pay-day shall be paid his remuneration as soon as possible after termination of employment.

11.2 Payment of remuneration shall be made on behalf of each employee into a Bank or Building society of his choice.

11.3 No deductions of any description other than the following shall be made from the remuneration due to an employee:

- 11.3.1 Contributions payable by an employee in terms of the provisions of this Agreement;
- 11.3.2 where an employee is absent from work and for which he is not entitled to payment, a *pro rata* amount for the period of such absence;
- 11.3.3 with the written consent of an employee deductions for subscriptions to the trade unions and insurance funds;
- 11.3.4 amounts due to the employer in respect of rent, water, lights, or other deductions authorised in writing by an employee;
- 11.3.5 any amount paid by the employer which he is compelled to pay by any law, ordinance or legal process on behalf of an employee.

12. TERMINATION OF EMPLOYMENT

12.1 (a) The employer or an employee shall give not less than 12 working days notice in the case of an employee working a six-day week and 10 working days notice in the case of an employee working a five-day week, to terminate the contract of service: Provided that during the period of probation of any such employee, the period of notice shall be one shift: Provided further that if an employee is absent from work for any reason, including illness, during his notice period, the employer may require such employee to serve an additional day for every working day so absent.

Should such an employee terminate his service without serving the required notice, he shall forfeit to the employer the equivalent of two weeks' salary.

(b) Notwithstanding to the provisions in section 12.1 (a) an employee in job classes B to F, or the employer, shall give not less than six working days' notice in the case of an employee working a six-day week and five working days' notice in the case of an employee working a five-day week, to terminate the contract of service: Provided that, during the period of probation, the period of notice shall be one shift.

Should such an employee in job class B to F, terminate his service without serving the required notice, he shall forfeit to the employer the equivalent of one week's salary.

(c) Notwithstanding the provision in section 12.1 (a) an employee in job class A, or the employer, shall give not less than 24 hours notice to terminate the contract of service.

12.2 The employer shall be deemed to have given the required notice to terminate the contract of service if he pays an employee in lieu thereof.

12.3 The provisions of this section shall not affect the employer's or the employees' right to terminate the contract without notice for any cause recognised by law as sufficient.

13. MEDIESE DIENSTE EN HOSPITAALBEHANDELING

Die bystand waarvoor daar vir sekere klasse werknemers ten opsigte van mediese behandeling en hospitalisasie voorsiening gemaak word, moet gekied ooreenkomstig die reëls van die werkgewer se mediese hulpskema (AECI Medical Aid Society) soos van tyd tot tyd van toepassing.

14. BYDRAENDE FONDSE

Die werkgewer het pensioenfondse en 'n mediese hulpvereniging tot voordeel van sekere groepe van sy werknemers ingestel en daar word van alle sodanige werknemers vereis om lede van sodanige fondse en vereniging te word en te bly ooreenkomstig die reëls en regulasies van sodanige fondse en vereniging, maar sodanige reëls en regulasies word nie ingevolge hierdie Ooreenkoms of die Wet op Arbeidsverhoudinge bekragtig nie.

15. VRYSTELLINGS

15.1 Die Raad kan vrystelling van enigeen van die bepalings van hierdie Ooreenkoms aan of ten opsigte van enige werkgewer of werknemer verleen.

15.2 Die Raad moet die voorwaardes vasstel waarop vrystelling verleen word en die tydperk waartydens sodanige vrystelling geldig sal wees: Met dien verstande dat die Raad, nadat sewe dae kennis aan die betrokke persoon gegee is, enige vrystellings kan intrek, ongeag of die tydperk waarvoor vrystelling verleen is, verval het al dan nie.

16. UITGAWES VAN DIE RAAD

16.1 Die fondse van die Raad berus by en word geadminestreer deur die Raad.

16.2 Die werkgewer moet ten opsigte van elkeen van sy werknemerlede van die vakverenigings wat partye by hierdie Ooreenkoms is, die volgende aan die Raad betaal: Die bedrag van R4 per maand ten opsigte van ingenieurswerknemers en elke werknemer in Klasse G tot K; en R2 per maand ten opsigte van werknemers in Klasse A tot F.

16.3 Die werkgewer is geregtig daarop om die helfte van die bedrag wat hy ingevolge klousule 16.2 betaal het, deur aftrekking van die besoldiging van elke betrokke werknemer, te verhaal.

17. HERSIENING VAN DIE OOREENKOMS

Die Ooreenkoms word bedingbaar binne drie maande voor die einde van 1987.

18. ADMINISTRASIE VAN OOREENKOMS

Die Raad is die liggaam wat vir die administrasie van hierdie Ooreenkoms verantwoordelik is en kan, as riglyne vir die werkgewer en die werknemers, menings uitspreek wat nie onbestaanbaar is met sy bepalings nie.

Nademaal die werkgewer en die vakverenigings tot die Ooreenkoms geraak het soos hierin uiteengesit, verklaar die ondergetekende gemagtigde beamptes van die Raad hierby dat bostaande die Ooreenkoms is waartoe daar geraak is en heg hulle hul handtekening hierby aan:

Gedateer te Johannesburg op hede die 3de dag van Julie 1987.

D. J. WOOD,

Voorsitter.

T. S. NEETHLING,

Ondervoorsitter.

M. C. GOCH,

Sekretaris.

13. MEDICAL SERVICES AND HOSPITAL TREATMENT

The benefits provided for certain classes of employees in respect of medical treatment and hospitalisation shall be in accordance with the rules of the Employer's Medical Aid Society applicable from time to time.

14. CONTRIBUTORY FUNDS

The employer has established Pension Funds and a Medical Aid Society for the benefit of groups of employees and all such employees are required to become and remain members of such funds and society in accordance with the rules and regulations of such funds and society, but such rules and regulations shall receive no validating force in terms of this Agreement or the Labour Relations Act.

15. EXEMPTIONS

15.1 The Council may grant exemption from any of the provisions of this Agreement to or in respect of any employer or employee.

15.2 The Council shall fix the conditions subject to which exemption is granted and the period during which such exemption shall operate: Provided that the Council may, after seven days' notice has been given to the person concerned, withdraw any exemptions whether or not the period for which exemption has been granted has expired.

16. EXPENSES OF THE COUNCIL

16.1 The funds of the Council shall be vested in and administered by the Council.

16.2 The employer shall pay to the Council in respect of his employee members of the Council trade unions which are parties to this Agreement: The sum of R4,00 per month in respect of each Engineering employee and each employee in classes G to K; and R2,00 per month in respect of employees in classes A to F.

16.3 The employer shall be entitled to recover by deduction from the remuneration of each employee concerned, half of any of the amounts paid in terms of section 16.2.

17. REVIEW OF THE AGREEMENT

The Agreement shall become negotiable before the end of 1987.

18. ADMINISTRATION OF AGREEMENT

The Council shall be the body responsible for the administration of this Agreement and may issue expressions of opinion not inconsistent with its provisions for the guidance of the employer and employees.

The employer and the trade unions, having arrived at the Agreement set forth herein, the undersigned authorised officers of the Council hereby declare that the foregoing is the Agreement arrived at and affix their signatures hereto.

Dated at Johannesburg this 3rd day of July 1987.

D. J. WOOD,

Chairman.

T. S. NEETHLING,

Vice-Chairman.

M. C. GOCH,

Secretary.

DEPARTEMENT VAN NASIONALE GESONDHEID EN BEVOLKINGS- ONTWIKKELING

No. R. 2263

9 Oktober 1987

DIE SUID-AFRIKAANSE GENEESKUNDIGE EN
TANDHEELKUNDIGE RAAD

REGULASIES WAT DIE OMVANG VAN DIE BEROEP
ORTOPEDISE SKOENMAKER OMSKRYF

Die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling het kragtens artikel 33 (1) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet 56 van 1974), op aanbeveling van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

DEPARTMENT OF NATIONAL HEALTH AND POPULATION DEVELOPMENT

No. R. 2263

9 October 1987

THE SOUTH AFRICAN MEDICAL AND DENTAL
COUNCIL

REGULATIONS DEFINING THE SCOPE OF THE
PROFESSION OF ORTHOPAEDIC BOOTMAKER

The Minister of National Health and Population Development has, in terms of section 33 (1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), and on the recommendation of the South African Medical and Dental Council, made the regulations set out in the Schedule hereto.

BYLAE

1. In hierdie Bylae beteken "die Wet" die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensbeproepe, 1974 (Wet 56 van 1974), en het enige uitdrukking waaraan 'n betekenis in die Wet toegeken is, daardie betekenis tensy uit die samehang anders blyk.
2. Ondergenoemde handeling word hierby bepaal as handeling wat by die toepassing van die Wet geag word handeling te wees wat by die beroep ortopediese skoemaker tuis hoort:

Die ontwerp en/of die vervaardiging van toestelle uitgesonderd onderdele, en/of die pas en/of die verskaffing van skoeisel bestem om die funksie te herstel en/of om te kompenseer vir beperkinge en/of om die fisiologiese werking te verbeter van die deel van die muskuloskeletale stelsel van die voet wat sy funksie verloor het of waarvan die funksie nooit ten volle ontwikkel het nie of wat kongenitale afwykings toon, en om afgesette of kongenitaal misvormde voete geheel of gedeeltelik te vervang ten einde die funksie en/of voorkoms te herstel en/of te verbeter.

SCHEDULE

1. In this Schedule "the Act" means the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), and unless the context otherwise indicates any expression to which a meaning has been assigned in the Act shall bear that meaning.
2. The following acts are hereby specified as acts which shall, for the purposes of the application of the Act, be deemed to be acts pertaining to the profession of orthopaedic bootmaker:

The design and/or the production of appliances, except components, and/or the fitting and/or the supply of footwear intended to restore the function and/or to compensate for limitations and/or to improve the physiological performance of that part of the musculo-skeletal system of the foot that has lost its function or which has never attained its full functional development or which is subject to congenital abnormalities, and to replace in whole or in part feet amputated or deformed congenitally in order to restore and/or improve their function and/or appearance.

THE ONDERSTEPSPOORT JOURNAL OF VETERINARY RESEARCH

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R5 per kopie of R20 per jaar plus AVB binnelands en R6,25 per kopie of R25 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugposbestellings: R10 per kopie of R40 per jaar).

Direkteure van laboratoriums ens. wat begerig is om publikasies om te ruil moet in verbinding tree met die Direkteur, Navorsingsinstituut vir Veeartsenykunde, Pk. Onderstepoort, 0110, Republiek van Suid-Afrika.

THE ONDERSTEPSPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R5 per copy or R20 per annum plus GST local or other countries R6,25 per copy or R25 per annum (air mail: R10 per copy or R40 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

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skoon te hou!



Please keep our country, South
Africa, clean!

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Administrasie: Raad van Afgevaardigdes			
<i>Goewermenskennisgewing</i>			
R. 2265	Wet op Bevordering van Kultuur (35/1983): Regulasies.....	34	10966
Finansies, Departement van			
<i>Goewermenskennisgewing</i>			
R. 2262	Doeane- en Aksynswet (91/1964): Wysiging van Bylae 1 (No. 1/1/1333).....	35	10966
Justisie, Departement van			
<i>Goewermenskennisgewing</i>			
R. 2257	Wet op die Reëling van Admiraliteitsjurisdiksie (105/1983): Wysiging	36	10966
Landbou-ekonomie en -bemarking, Departement van			
<i>Goewermenskennisgewings</i>			
R. 2258	Wet op Beheer oor Wyn en Spiritus (47/1970): Voorgestelde maksimum hoeveelheid druiwe wat in 1988/89 gekoop of verkry mag word	37	10966
R. 2259	do.: Prys- en betalingsreëlings met betrekking tot goeie wyn: 1987/88: Voorgestelde wysiging.....	37	10966
R. 2260	Bemarkingswet (59/1968): Sagtevrugteskema: Kennisgewing deur produsente van lewerings van pere vir uitvoer	38	10966
R. 2261	do.: do.: Kennisgewings van lewerings: Wysiging	38	10966
Mannekrag, Departement van			
<i>Goewermenskennisgewings</i>			
R. 2240	Wet op Arbeidsverhoudinge (28/1956): Tee-kamer-, Restaurant- en Spyseniersbedryf, Witwatersrand en Bioskoop- en Skouburgbedryf van Suid-Afrika: Terugtrekking van Afbakeningsvasstelling	39	10966
R. 2268	Wet op Arbeidsverhoudinge (28/1956): Leernywerheid, Republiek van Suid-Afrika: Wysiging van Aanvullende Siektebystandfonds Ooreenkoms	39	10966
R. 2269	do.: Seilwarenywerheid, Witwatersrand en Pretoria: Hernuwing van Hofooreenkoms	40	10966
R. 2270	do.: Elektrotegniese Aannemingsnywerheid, Transvaal: Wysiging van Siektebystands-, Pensioen- en Mediese Bystandsfondsooreenkoms	41	10966
R. 2271	do.: Sentrale Nywerheidsraad vir die Springstof- en Verwante Nywerhede Ooreenkoms	43	10966
Nasionale Gesondheid en Bevolkingsontwikkeling, Departement van			
<i>Goewermenskennisgewing</i>			
R. 2263	Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep (56/1974): Die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad: Regulasies wat die omvang van die beroep ortopediese skoemaker omskryf	56	10966

CONTENTS

and weekly Index

No.		Page No.	Gazette No.
PROCLAMATION			
R. 151	Black Administration Act (38/1927): Natal Code of Zulu Law	1	10966
GOVERNMENT NOTICES			
Administration: House of Delegates			
<i>Government Notice</i>			
R. 2265	Culture Promotion Act (35/1983): Regulations.....	34	10966
Agricultural Economics and Marketing, Department of			
<i>Government Notices</i>			
R. 2258	Wine and Spirit Control Act (47/1970): Proposed maximum quantity of grapes which may be purchased or acquired during 1988/89	37	10966
R. 2259	do.: Price and payment arrangements with regard to good wine: 1987/88: Proposed amendment.....	37	10966
R. 2260	Marketing Act (59/1968): Deciduous Fruit Scheme: Notice by producers of deliveries of pears for export.....	38	10966
R. 2261	do.: do.: Notices of deliveries: Amendment	38	10966
Finance, Department of			
<i>Government Notice</i>			
R. 2262	Customs and Excise Act (91/1964): Amendment of Schedule 1 (No. 1/1/1333).....	35	10966
Justice, Department of			
<i>Government Notice</i>			
R. 2257	Admiralty Jurisdiction Regulation Act (105/1983): Amendment	36	10966
Manpower, Department of			
<i>Government Notices</i>			
R. 2240	Labour Relations Act (28/1956): Tearoom, Restaurant and Catering Trade, Witwatersrand and Cinematograph and Theatre Industry of South Africa: Withdrawal of Demarcation Determination	39	10966
R. 2268	Labour Relations Act (28/1956): Leather Industry, Republic of South Africa: Amendment of Supplementary Sick Benefit Fund Agreement	39	10966
R. 2269	do.: Canvas Goods Industry, Witwatersrand and Pretoria: Renewal of Main Agreement... ..	40	10966
R. 2270	do.: Electrical Contracting Industry, Transvaal: Amendment of Sick Benefit, Pension and Medical Aid Fund Agreement	41	10966
R. 2271	do.: Central Industrial Council for the Explosives and Allied Industries Agreement	43	10966
National Health and Population Development, Department of			
<i>Government Notice</i>			
R. 2263	Medical, Dental and Supplementary Health Service Professions Act (56/1974): The South African Medical and Dental Council: Regulations defining the scope of the profession of orthopaedic bootmaker	56	10966