
GOVERNMENT GAZETTE
OF THE
UNION OF SOUTH AFRICA

VOLUME XCVI

**QUARTER ENDED JUNE 30,
1934**

STAATSKOERANT
VAN DIE
UNIE VAN SUID-AFRIKA

VOLUME XCVI

**KWARTAAL GEEINDIG
30 JUNIE 1934**

VOL. XCVI.] PRICE 6d.

CAPE TOWN, 5th APRIL, 1934.
KAAPSTAD, 5 APRIL 1934.

PRYS 6d.

[No. 2185.

GOVERNMENT NOTICE.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,
Secretary to the Prime Minister.

Prime Minister's Office,
Cape Town.

No. 421. 5th April, 1934.

It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

PAGE

No. 3 of 1934: Anatomy Amendment Act, 1934 ..	ii
No. 4 of 1934: Natural and Historical Monuments, Relics and Antiques Act, 1934 ..	iv
No. 5 of 1934: Mines and Works (Amendment) Act, 1934 ..	x
No. 6 of 1934: Entertainments Censorship Amendment Act, 1934 ..	x
No. 7 of 1934: Births, Marriages and Deaths Registration Amendment Act, 1934 ..	xii
No. 10 of 1934: Diamond Export Duty (Amendment) Act, 1934 ..	x
No. 11 of 1934: Irrigation Districts Adjustment (Amendment) Act, 1934 ..	xvi
No. 13 of 1934: Succession Act, 1934 ..	xx
No. 14 of 1934: Newspaper and Imprint Act, 1934 ..	xxii
No. 19 of 1934: Diplomatic Immunities Act Amendment Act, 1934 ..	xxvi
No. 20 of 1934: Motor Carrier Transportation Amendment Act, 1934 ..	xxviii
No. 21 of 1934: Orange Free State Administration of Justice Amendment Act, 1934 ..	xxx

House of Assembly,
3rd April, 1934.

The following Bills, having been introduced into the House of Assembly, are published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

PAGE

A.B. 52—'34. Slums Bill ..	..	..	..	xxxii
A.B. 55—'34. Work Colonies Amendment Bill ..	..	..	..	lvi
A.B. 56—'34. Unemployment Benefit Bill ..	..	..	..	lviii
Government Notice, No. 422 ..	..	..	..	lxxxii

Government Notice, No. 423	lxxxiv
-------------------------------	----	----	----	--------

GOEWERMENSKENNISGEWING.

Onderstaande Goewermenskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,
Sekretaris van die Eerste Minister.
Kantoor van die Eerste Minister,
Kaapstad.

No. 421.

5 April 1934.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hiermee vir algemene informasie gepubliseer word:—

BLADSY

No. 3 van 1934: Anatomie-Wysigingswet, 1934 ..	iii
No. 4 van 1934: Wet op Natuurlike en Historiese Gedenkwardighede en Oudhede, 1934 ..	v
No. 5 van 1934: Myne en Bedrywe Wysigingswet, 1934 ..	xi
No. 6 van 1934: Vermaakklikheids-Sensuur-Wysigingswet, 1934 ..	xi
No. 7 van 1934: Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1934 ..	xiii
No. 10 van 1934: Diamant-uitvoerbelasting Wysigingswet, 1934 ..	xi
No. 11 van 1934: Besproeiingsdistrikte-Reelings Wysigingswet, 1934 ..	xvii
No. 13 van 1934: Erfopvolging Wet, 1934 ..	xxi
No. 14 van 1934: Nuusblad- en Drukkersnaam Wet, 1934 ..	xxiii
No. 19 van 1934: Wet tot Wysiging van die Wet op Diplomatieke Immuniteit, 1934 ..	xxvii
No. 20 van 1934: Motor Transport Wysigingswet, 1934 ..	xxix
No. 21 van 1934: Wet tot Wysiging van die Oranje-Vrystaatse Regspleging, 1934 ..	xxxii

Volksraad,

3 April, 1934.

Die volgende Wetsontwerpe, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

BLADSY

A.B. 52—'34. Slums Wetsontwerp ..	..	..	..	xxxiii
A.B. 55—'34. Werkkolonies-Wysigings Wetsontwerp ..	..	..	..	lvii
A.B. 56—'34. Werkloosheids-Onderstands Wetsontwerp ..	..	..	..	lix
Goewermenskennisgewing, No. 422 ..	..	..	..	lxxxiii

Goewermenskennisgewing, No. 423	lxxxv
------------------------------------	----	----	----	-------

No. 3, 1934.]

ACT**To amend the Anatomy Act, 1911.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Amendment of section 5 of Act No. 32 of 1911.

1. Section five of the Anatomy Act, 1911, which, as amended by the Anatomy Act Amendment Act, 1923, is hereinafter referred to as the principal Act, is hereby amended—

(a) by the deletion in sub-section (3) of the words "or by the superintendent or officer in charge of the public institution";

(b) by the insertion of the following new sub-section to follow sub-section (3):—

"(3)*bis*. The Superintendent or other officer in charge of the institution in question may, with the consent of the inspector of anatomy, hold or permit the holding of a post mortem examination upon any such body: Provided that the inspector of anatomy shall not give such consent unless he is satisfied that the holding of the post mortem examination is desirable from a scientific or medical point of view"; and

(c) by the deletion of sub-section (5) and the substitution therefor of the following new sub-section:—

"(5) If a person whose body is referred to in sub-section (1) is reasonably believed to have been suffering, at the time of his death, from any disease specified by the Minister from time to time in a notice given to every inspector of anatomy for the purpose of this sub-section, the body of that person shall not be delivered to a school of anatomy in terms of sub-section (1). The Minister may at any time amend or withdraw any such notice."

Amendment of section 6 of Act No. 32 of 1911.

2. Section six of the principal Act is hereby amended by the deletion of sub-section (1) and the substitution therefor of the following new sub-section:—

"(1) The superintendent or other officer in charge of a public institution wherein a person whose body is referred to in sub-section (1) of section five has died, shall as soon as may be after the death of that person, give notice of the death to the inspector of anatomy within whose area the death occurred, unless the body of the deceased has been or is likely to be delivered to a relative or friend in terms of sub-section (2) of section five. If such notice is given orally it shall be confirmed in writing within twenty-four hours after the death occurred."

3. Section seven of the principal Act is hereby amended—

(a) by the deletion of paragraph (b); and

(b) by the substitution, in paragraph (e) for the word "twelve" of the word "eighteen".

Amendment of section 7 of Act No. 32 of 1911, as amended by Act No. 8 of 1923.

Short title.

4. This Act shall be known as the Anatomy Amendment Act, 1934.

No. 3, 1934.]

WET

Tot wysiging van die Anatomie Wet, 1911.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *vijf* van die Anatomie Wet, 1911, wat, soos deur Wysiging van artikel „Wet tot Wijziging van de Anatomie Wet, 1923”, gewysig, kel 5 van Wet No. hieronder die Hoofwet genoem word, word hiermee gewysig.

- (a) deur skrapping in sub-artikel (3) van die woorde „of door de bestuurder of gezaghebbende beampte van de openbare inrichting”;
- (b) deur die volgende nuwe sub-artikel na sub-artikel (3) in te voeg :—

„(3)*bis*. De bestuurder of andere gezaghebbende beampte van de betrokken openbare inrichting kan met toestemming van de ontleedkundige inspekteur een autopsie van bedoelde lichaam uitvoeren of toelaten : Met dien verstande dat de inspekteur van ontleedkunde die toestemming niet mag geven, tenzij hij overtuigd is dat de autopsie van een wetenschappelik of geneeskundig oogpunt wenslik is”; en

- (c) deur sub-artikel (5) te skrap en te vervang deur die volgende nuwe sub-artikel :—

„(5) Indien een persoon wiens lichaam in sub-artikel (1) bedoeld word op redelike gronden geloofd word geleden te hebben ten tijde van zijn dood aan een ziekte, die voor de doeleinden van dit sub-artikel door de Minister van tijd tot tijd in een kennisgeving gericht aan elke ontleedkundige inspekteur vermeld word, wordt het lijk van die persoon niet ingevolge sub-artikel (1) aan een school voor ontleedkunde afgewezen. De Minister kan te eniger tijd enige zodanige kennisgeving wijzigen of herroepen.”

2. Artikel *ses* van die Hoofwet word hiermee gewysig deur Wysiging van artikel (1) te skrap en te vervang deur die volgende nuwe artikel 6 van Wet No. 32 van 1911.

- (1) De bestuurder of ander gezaghebbende beampte van een openbare inrichting, waarin een persoon wiens lichaam in sub-artikel (1) van artikel *vijf* bedoeld word sterft, geeft zoo spoedig doenlik na de dood van die persoon aan de ontleedkundige inspekteur binnen wiens area het overlijden plaats vond kennis van het overlijden, tenzij het lijk van de overledene ingevolge sub-artikel (2) van artikel *vijf* aan een nabestaande of vriend aangegeven is geworden of waarschijnlik aangegeven zal worden. Indien kennis mondeling gegeven word, geschiedt bevestiging daarvan in geschrifte binnen vier en twintig uur na het overlijden.”

3. Artikel *sewe* van die Hoofwet word hiermee gewysig—

- (a) deur skrapping van paragraaf (b); en
- (b) deur die woorde „twaalf” in paragraaf (e) te vervang deur die woorde „achttien.”

Wysiging van artikel 7 van Wet No. 32 van 1911, soas gewysig deur Wet No. 8 van 1923.

Kort titel.

4. Hierdie Wet heet die Anatomie-Wysigingswet, 1934.

No. 4, 1934.]

ACT

To repeal the Bushman Relics Protection Act, 1911, and the Natural and Historical Monuments Act, 1923; to re-enact their provisions in amended and amplified form; to provide for the control of the export of certain antique objects, and for matters incidental thereto.

BE IT ENACTED by the King's Most Excellent Majesty, by the Senate and the House of Assembly of the Union of South Africa, as follows:—

Repeal of Acts Nos. 22 of 1911 and 6 of 1923.

Constitution of commission.

Members of commission not to be remunerated.

The commission a body corporate.

Funds of commission.

Functions of commission.

1. The Bushman Relics Protection Act, 1911 and the Natural and Historical Monuments Act, 1923 are hereby repealed: Provided that notwithstanding such repeal, the Commission for the Preservation of Natural and Historical Monuments of the Union, established in terms of the lastmentioned Act, shall continue to exist under the name of "the Commission for the Preservation of Natural and Historical Monuments, Relics and Antiques", and the persons who are at the commencement of this Act members of the said commission, shall continue to be such members in terms of their appointment, but subject to any regulations made under section twelve.

2. (1) The commission shall consist of not less than seven members.

(2) If the commission consists of seven, eight or nine members, three shall form a quorum. If the commission consists of more than nine members, not less than one-third of the total membership shall form a quorum.

(3) Subject to the provision of sub-section (5) a decision of the majority of the members of the commission present at any meeting shall be deemed to be a decision of the commission.

(4) The members of the commission shall choose one of their number as chairman, who shall convene all meetings of the commission. If the chairman is unable to convene a meeting, any three other members may convene a meeting. If at any meeting of the commission the chairman is absent, the members present shall choose one of their number as chairman at that meeting.

(5) The member presiding as chairman at any meeting of the commission shall have a deliberative as well as a casting vote.

(6) The Minister may appoint new members to the commission and he shall notify every such appointment in the *Gazette*.

3. No remuneration shall be paid to the members of the commission, but each member may draw from the funds of the commission his reasonable expenses for travelling and subsistence while engaged upon the business of the commission at a tariff which may be prescribed by regulation under section twelve.

4. The commission shall be a body corporate capable in law of suing and being sued, of acquiring, holding, alienating, hypothecating, letting and hiring property, movable and immovable, and of performing such acts as bodies corporate may by law do, subject to the provisions of this Act.

5. The funds of the commission shall consist of such grants, donations, fees and annual subscriptions as may from time to time be made to it or be payable to it.

6. (1) The commission may—

- (a) if it has sufficient funds available for the purpose, employ a secretary and such other servants as may be necessary to enable the commission to carry out its functions and pay their remuneration from its funds;
- (b) make a list of all objects whose proclamation under section eight it considers desirable;
- (c) take steps to ascertain the owner of any such object;
- (d) if it has sufficient funds available for the purpose, purchase or otherwise acquire any such object or by agreement with the Government or any public body or with any private person having the ownership or control of any such object, take such steps as may be practicable to preserve it;

No. 4, 1934.

WET

Om die „Boesmanoverblijfselen-Beschermingswet, 1911,” en die „Natuurlike en Historiese Monumenten Wet, 1923” te herroep en hulle bepalings, gewysig en uitgebrei, weer in te voer; om voor-siening te maak vir die reëeling van die uitvoer van sekere antieke voorwerpe en vir daarmee verbandhoudende sake.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Die „Boesmanoverblijfselen-Beschermingswet 1911” en die „Natuurlike en Historiese Monumenten Wet, 1923,” word hiermee herroep: Met die verstande dat ondanks daardie herroeping, die „kommissie voor het behoud van die natuurlike en historiese monumenten van die Unie” ingevolge laasgenoemde wet ingestel, bly voortbestaan onder die naam van „die kommissie tot behoud van natuurlike en historiese denkwaardighede en oudhede” en die persone wat by die inwerkingtreding van hierdie Wet lede van bedoelde kommissie is, sodanige lede bly volgens hulle aanstelling, dog met inagneming van die kragtens artikel *twaalf* uitgevaardigde regulasies.

2. (1) Die kommissie bestaan uit nie minder as sewe lede. (2) As die kommissie uit sewe, agt of nege lede bestaan, maak drie 'n kworum uit. As die kommissie uit meer as nege lede bestaan, maak nie minder as een derde van die totale ledetal 'n kworum uit. Samestelling van kommissie.

(3) Behoudens die bepaling van sub-artikel (5) word 'n besluit van die meerderheid van die lede van die kommissie wat op 'n vergadering aanwesig is, as 'n besluit van die kommissie aangemerkt.

(4) Die lede van die kommissie moet een uit hulle midde as voorsitter kies, wat alle vergaderings van die kommissie moet belê. As die voorsitter nie 'n vergadering kan belê nie, kan drie ander lede 'n vergadering belê. As die voorsitter van 'n vergadering afwesig is, moet die aanwesige lede een uit hulle midde kies as voorsitter van daardie vergadering.

(5) Die lid wat by 'n vergadering van die kommissie voorsit, het 'n beslissende sowel as 'n beraadslagende stem.

(6) Die Minister kan nuwe lede van die kommissie aanstel en moet elke sodanige aanstelling in die *Staatskoerant* bekendmaak.

3. Die lede van die kommissie word nie besoldig nie, dog Lede van elke lid kan uit die gelde van die kommissie sy redelike reis- en kommissie word onderhoudskoste trek terwyl hy die kommissie se besigheid nie besoldig. verrig, volgens 'n tarief wat ingevolge artikel *twaalf* deur regulasies vasgestel kan word.

4. Die kommissie is 'n regspersoon wat as eiser en as ver-weerde in regte kan optree, sowel roerende as onroerende Kommissie is 'n goed kan verkry, besit, vervreem, verpand, huur en verhuur en alle handelings kan verrig wat regspersone regtens mag verrig, dog met inagneming van die bepalings van hierdie Wet.

5. Die middele van die kommissie bestaan uit die toelae, Middele van skenkings, fooie en jaarlikse bydrae wat van tyd tot tyd aan kommissie. hom verleen of verskuldig word.

6. (1) Die kommissie kan—

- (a) as hy oor voldoende middele daarvoor beskik, 'n sekretaris en ander dienare aanstel wat nodig is om hom in staat te stel, sy werksaamhede te verrig en hulle besoldiging uit sy middele betaal;
- (b) 'n lys aanlê van alle voorwerpe waarvan hy proklamering kragtens artikel *agt* wenslik ag;
- (c) verneem wie die eienaar van so'n voorwerp is;
- (d) as hy oor voldoende middele daarvoor beskik, so 'n voorwerp koop of op ander wyse verkry of by ooreenkoms met die Regering of 'n openbare liggaaam of met 'n private persoon wat die eienaar van so 'n voorwerp is of daaroor beskik, doenlike maatreëls tref om dit in stand te hou;

- (e) take steps for the erection of tablets in suitable places giving information in both the official languages of the Union about historical events which occurred at such places;
 - (f) assume control over any such object if requested by the person having the ownership or control thereof so to do, and as trustee for the State accept any such object which the owner desires to donate or has bequeathed to the State;
 - (g) preserve, repair, restore or insure any monument, relic or antique under its control;
 - (h) lend any such relic or antique to any museum or other public institution;
 - (i) recommend to the Minister the proclamation of such objects in terms of section *eight*;
 - (j) through any of its members have access at all reasonable times to any monument or relic proclaimed under section *eight*.
- (2) The commission shall—
- (a) when required by the Minister investigate and report upon any matter relating to any object proclaimed under section *eight* or upon the desirability of so proclaiming any object;
 - (b) on or before the thirty-first day of December in every year furnish to the Minister a report upon its work during the year which ended on the thirty-first day of March last preceding and on any other matters connected with the preservation of monuments, relics and antiques which it may desire to bring to the attention of the Minister;
 - (c) make a register of all monuments, relics and antiques proclaimed as such under section *eight*.

Restriction on power to alienate, etc.

7. Save with the written consent of the Minister, the commission shall not alienate, hypothecate or let any object which is its property, or for which it is trustee as aforesaid.

Minister may proclaim monuments, relics or antiques.

8. The Minister may from time to time, on the recommendation of the commission, by notice in the *Gazette* proclaim to be—

- (a) a monument, any area of land having a distinctive or beautiful scenery or geological formation, any area of land containing a rare or distinctive or beautiful flora or fauna, any area of land containing objects of archaeological interest, any waterfall, cave, grotto, avenue of trees, old tree or old building and any other object (whether natural or constructed by man) of aesthetic, historical, archaeological or scientific value or interest;
- (b) a relic, any fossil of any kind, any drawing or painting on stone or petroglyph known or commonly believed to have been executed by Bushmen or other aborigines of South Africa, or by any people who inhabited or visited South Africa before the advent of the Europeans, and any implement or ornament known or commonly believed to have been used by them, and any anthropological or archaeological contents of the graves, caves, rock shelters, middens, shell mounds or other sites used by them;
- (c) an antique, any movable object (not being a monument or relic) of aesthetic, historical, archaeological or scientific value, or interest, the whole or more valuable portion whereof has for more than one hundred years been in any part of South Africa included in the Union, or which was made therein more than one hundred years before the publication of the said notice:

Provided that—

- (i) at least one month before recommending to the Minister the proclamation of any object which does not belong to the State, the commission shall notify the owner thereof in writing that it proposes to make such recommendation, and such owner may thereupon lodge with the commission objections in writing to the proposed recommendation; and
- (ii) in making any such recommendation the commission shall submit to the Minister proof that the owner concerned has received the said notice and shall also transmit to the Minister any objections which may have been lodged against such recommendation.

Alienation, etc., of proclaimed objects. 9. (1) Whenever the owner of any object proclaimed under the provisions of section *eight* alienates, pledges or lets it he

- (e) stappe doen vir die oprig, op gesikte plekke, van tablette wat inligting in albei die offisiële tale van die Unie verskaf betreffende historiese gebeurtenisse wat op daardie plekke plaasgevind het;
 - (f) op versoek van die eienaar van so 'n voorwerp of van die persoon wat daaroor beskik, die toesig daaroor aanvaar en so 'n voorwerp wat sy eienaar aan die Staat wil skenk of vermaak het, as kurator vir die Staat aanneem;
 - (g) 'n gedenkwaardigheid, oudheids-oorblyfsel of antieke voorwerp waарoor hy beskik, instandhou, herstel of verseker;
 - (h) so 'n oudheids-oorblyfsel of antieke voorwerp aan 'n museum of ander openbare inrigting uitleen.
 - (i) by die Minister die proklamering van sodanige voorwerpe ingevolge artikel *agt* aanbeveel;
 - (j) deur enigeen van sy lede op alle redelike tye toegang eis tot elke ingevolge artikel *agt* geproklameerde gedenkwaardigheid of oudheids-oorblyfsel.

(2) Die kommissie moet—

 - (a) op las van die Minister ondersoek instel en verslag doen omtrent sake in verband met 'n voorwerp wat ingevolge artikel *agt* geproklameer is of omtrent die wenslikheid om een of ander voorwerp aldus te proklameer;
 - (b) aljaarliks op of voor een-en-dertig Desember aan die Minister 'n verslag inlewer oor sy werkzaamhede gedurende die jaar wat op die voorafgaande een-en-dertigste Maart geëindig het en oor alle ander sake in verband met die instandhouding van gedenkwaardighede, oudheids-oorblyfsels en antieke voorwerpe wat hy onder die Minister se aandag wil bring;
 - (c) 'n register aanlê van alle ingevolge artikel *agt* geproklameerde gedenkwaardighede, oudheids-oorblyfsels en antieke voorwerpe.

7. Die kommissie mag 'n voorwerp wat aan hom behoort of Beperking van waarvoor hy, soas voormeld, kurator is, nie sonder skriftelike vervreemdings-toestemming van die Minister vervreem, verpand of verhuur nie.

8. Die Minister kan van tyd tot tyd op aanbeveling van die Minister kan kommissie by kennisgewing in die *Staatskoerant* proklameer— gedenkwaardig-

- (a) as 'n gedenkwaardigheid : elke gebied met 'n eien-aardige of skone landskap of geologiese formasie ; elke gebied waarin seldsame of eienaardige of skone plante of diere voorkom ; elke gebied waarin voorwerpe van argeologiese belang voorkom ; elke waterval, spelonk, grot, boomlaan, ou boom of ou gebou of elke ander voorwerp (het sy natuurlik of deur die mens vervaardig) van estetiese, historiese, argeologiese of wetenskaplike waarde of belang ;

(b) as 'n oudheids-oorblyfsel : elke fossiel van welke aard ook, elke tekening of skildery of graving op steen, waarvan bekend is of algemeen veronderstel word dat dit uitgevoer is deur Boesmans of ander inboorlinge van Suid-Afrika of deur 'n ander volk wat Suid-Afrika voor die komste van die Europeane bewoon of besoek het, en elke werktuig of sieraad waarvan bekend is of algemeen veronderstel word dat hulle dit gebruik het, en die antropologiese of argeologiese inhoud van die graftes, spelonke, rots-skuilplekke, ashope, skulphope of ander plekke wat hulle gebruik het ;

(c) as 'n antieke voorwerp : elke roerende voorwerp (wat nie 'n gedenkwaardigheid of 'n oudheids-oorblyfsel is nie) van estetiese, historiese, argeologiese of wetenskaplike waarde of belang, wat geheel of waarvan die mees waardevolle deel reeds meer as honderd jaar lang in 'n deel van Suid-Afrika is, wat in die Unie opgeneem is, of meer as honderd jaar voor die uitvaardiging van bedoelde kennisgewing daarin vervaardig is :

Met dien verstande dat—

- (i) die kommissie minstens een maand voordat hy die proklamering van 'n voorwerp wat nie aan die Staat behoort nie, by die Minister aanbeveel, aan die eienaar daarvan skriftelik kennis moet gee dat die kommissie voorinemens is om die aanbeveling te doen, waarop daardie eienaar by die kommissie 'n skriftelike beswaar teen die voorgenome aanbeveling kan indien; en

(ii) wanneer die kommissie so'n aanbeveling doen, hy aan die Minister die bewys moet lewer dat die betrokke eienaar bedoelde kennisgewing ontvang het en ook alle teen die aanbeveling ingediende besware aan die Minister moet instuur.

9. (1) Wanneer die eienaar van 'n kragtens artikel agt geproklameerde voorwerp dit vervreem, verband of verbunr. moet Vervreemding ens. van geproklam.

shall forthwith inform the commission of the name and address of the alienee, pledgee or lessee.

(2) No person shall, without the written consent of the commission, destroy, or damage any monument or relic or make any alteration thereto or remove it from its original site or export it from the Union.

(3) Any person desiring to remove any monument or relic from its original site or to export it from the Union shall, when applying to the commission for its consent, supply the commission with a drawing or photograph of the monument or relic in question and shall state the exact locality in which it is situated and the place to which and purposes for which it is desired to remove or to export it.

(4) No person having control of any antique shall without the written consent of the commission destroy or damage it or export it from the Union.

(5) Any person desiring to export any antique from the Union shall, when applying to the commission for its consent, supply the commission with a photograph and description thereof and shall state the place to which and purpose for which it is desired to export the antique.

Provisional
orders prohibiting
alienation or
export.

10. The Minister may issue provisional orders prohibiting the alienation or export of objects capable of being proclaimed relics or antiques in terms of section *eight*, pending due enquiry and the gazetting of any proclamation that may be required: Provided that no such order shall be valid for a period exceeding three months.

Penalties.

11. Any person who knowingly—

- (a) fails to comply with or contravenes any provision of section *nine* or contravenes any provisional order issued under section *ten*; or
- (b) in any application to the commission for its consent makes any statement which is false in any material respect or supplies therewith any drawing or photograph which is false in any material respect; or
- (c) damages or destroys any tablet erected in terms of paragraph (e) of sub-section (1) of section *six*, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment not exceeding six months, and in the case of the unauthorized export of an antique the said fine may be increased to a sum not exceeding seventy-five per cent. of the market value of such antique.

Regulations.

12. The Minister may make regulations, not inconsistent with this Act, prescribing—

- (a) the procedure in connection with meetings of the commission;
- (b) the qualifications of its members;
- (c) the period for which its members shall hold office;
- (d) the rates of travelling and subsistence allowances to be paid to members of the commission.

Bye-laws.

13. (1) Subject to the approval of the Minister, the commission may make bye-laws—

- (a) regulating the access of the public to monuments, relics or antiques which are the property of the commission or which are by agreement with the owner under its control, or which are vested in it as trustee as aforesaid;
- (b) fixing fees which shall be payable to the commission for such access;
- (c) safeguarding monuments, relics and antiques from disfigurement, alteration, destruction or export;
- (d) regulating the excavation and removal of relics.

(2) Such bye-laws may prescribe fines not exceeding twenty-five pounds for contravention thereof or non-compliance therewith.

Definitions.

14. In this Act—

- “antique” means an object proclaimed by the Minister as such under the provisions of section *eight*;
- “commission” means the commission referred to in section *one*;
- “Minister” means the Minister of the Interior or any other Minister of State acting in his stead;
- “monument” means an area or object proclaimed by the Minister as such under the provisions of section *eight*;
- “relic” means an object proclaimed by the Minister as such under the provisions of section *eight*.

Short title and
commencement.

15. This Act shall be known as the Natural and Historical Monuments, Relics and Antiques Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the Gazette.

hy onverwyld die naam en adres van die persoon aan wie die voorwerp vervreem, verpand of verhuur is, aan die kommissie medeel.

(2) Niemand mag sonder skriftelike toestemming van die kommissie 'n gedenkwaardigheid of oudheids-oorblyfsel vernietig, beskadig of verander of van sy oorspronklike staanplek verwijder of uit die Unie uitvoer nie.

(3) Iemand wat 'n gedenkwaardigheid of oudheids-oorblyfsel van sy oorspronklike staanplek wil verwijder of uit die Unie uitvoer moet, wanneer hy die kommissie se toestemming daartoe aanvra, aan die kommissie 'n tekening of fotografie van die betrokke gedenkwaardigheid of oudheids-oorblyfsel verstrek en die juiste plek waar dit geleë is en die plek waarheen en doel waarvoor hy dit wil verwijder of uitvoer, aangee.

(4) Niemand wat oor 'n antieke voorwerp beskik, mag dit sonder skriftelike toestemming van die kommissie vernietig, beskadig of uit die Unie uitvoer nie.

(5) Iemand wat 'n antieke voorwerp uit die Unie wil uitvoer, moet, wanneer hy die kommissie se toestemming daartoe aanvra, aan die kommissie 'n fotografie en beskrywing daarvan verstrek en die plek waarheen en doel waarvoor hy dit wil uitvoer, vermeld.

10. Die Minister kan voorlopige instruksies uitvaardig waardeur die vervreemding of uitvoer belet word van 'n voorwerp wat ingevolge artikel *agt* as 'n oudheids-oorblyfsel of antieke voorwerp geproklameer kan word, totdat behoorlike ondersoek ingestel is en enige proklamasie wat nodig mag wees in die *Staatskoerant* gepubliseer is: Met dien verstande dat so 'n instruksie nie vir 'n tydperk van meer dan drie maande geldig is nie.

Voorlopige
instruksies waardeur vervreemding
of uitvoer belet word.

11. Elkeen wat wetens—

Strawwe.

(a) 'n bepaling van artikel *nege* veronagsaam of oortree of 'n voorlopige instruksie uitgevaardig ingevolge artikel *tien* oortree; of

(b) in 'n aansoek by die kommissie vir sy toestemming 'n mededeling doen wat in 'n belangrike oopsig vals is of daar mee 'n tekening of fotografie verstrek wat in 'n belangrike oopsig vals is; of

(c) 'n tablet opgerig ingevolge paragraaf (e) van sub-artikel (1) van artikel *ses*, beskadig of vernietig, maak hom aan 'n misdryf skuldig en is by veroordeling strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling, met gevangenisstraf van hoogstens ses maande, en in geval van die ongeoorloofde uitvoer van 'n antieke voorwerp, kan bedoelde boete verhoog word tot vyf-en-sewentig persent van die markwaarde van daardie antieke voorwerp.

12. Die Minister kan regulasies uitvaardig wat nie met Regulasies hierdie Wet onbestaanbaar mag wees nie, tot vasstelling van—

- (a) die prosedure in verband met vergaderings van die kommissie;
- (b) die vereiste vir lidmaatskap daarvan;
- (c) die amptduur van sy lede;
- (d) die tarief van die aan lede van die kommissie te betale reis- en onderhoudstoelae.

13. (1) Met goedkeuring van die Minister kan die kommissie Verordnings verordnings uitvaardig—

- (a) tot reëling van die toegang van die publiek tot gedenkwaardighede, oudheids-oorblyfsels of antieke voorwerpe wat aan die kommissie behoort of wat volgens ooreenkoms met die eienaar onder die kommissie se toesig staan of waaroer hy kurator is, soas voorgemeld;
- (b) tot vasstelling van die fooie wat vir bedoelde toegang aan die kommissie te betale is;
- (c) tot beveiliging van gedenkwaardighede, oudheids-oorblyfsels en antieke voorwerpe teen skending, verandering, vernietiging of uitvoer;
- (d) tot reëling van die opgraving en verwydering van oudheids-oorblyfsels.

(2) Sodanige verordnings kan op hulle oortreding of veronasaming 'n boete van hoogstens vyf-en-twintig pond stel.

14. In hierdie Wet beteken—

Woordomskrywing.

- „antieke voorwerp”, 'n kragtens artikel *agt* deur die Minister as sodanig geproklameerde voorwerp;
- „kommissie”, die kommissie vermeld in artikel *een*;
- „Minister”, die Minister van Binnelandse Sake of 'n ander Minister wat namens hom optree;
- „gedenkwaardigheid”, 'n kragtens artikel *agt* deur die Minister as sodanig geproklameerde gebied of voorwerp;
- „oudheids-oorblyfsel”, 'n kragtens artikel *agt* deur die Minister as sodanig geproklameerde voorwerp.

15. Hierdie Wet heet die Wet op Natuurlike en Historiese Kort titel en in Gedenkwaardighede en Oudhede, 1934, en tree in werking op werkingstreding 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

No. 5, 1934.]

ACT**To amend further the Mines and Works Act, 1911.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of sec. 2 of Act No. 12 of 1911 as amended by sec. 1 of Act No. 22 of 1931

Short title.

1. Section two of the Mines and Works Act, 1911 (Act No. 12 of 1911), as amended by section one of the Mines and Works (Amendment) Act, 1931 (Act No. 22 of 1931), is hereby amended by the deletion in the definition of "machinery" of the words "or which is used or intended for use in connection with farming operations."

2. This Act shall be known as the Mines and Works (Amendment) Act, 1934.

No. 6, 1934.]

ACT**To amend the Entertainments (Censorship) Act, 1931.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 1 of Act 28 of 1931.

1. Section one of the Entertainments (Censorship) Act, 1931, hereinafter referred to as the principal Act, is hereby amended—

(a) by the insertion after the word "public" of the words "or in any place to which admission is obtained by virtue of membership of any association of persons, or for any consideration, whether direct or indirect, or by virtue of contribution towards any fund", and

(b) by the addition at the end thereof of the following new proviso:

"Provided further that the Minister, or a person delegated by him for the purpose, may in his discretion exempt from the preceding provisions of this section any particular cinematograph film or film advertisement, or any particular class of cinematograph films or film advertisements, or any cinematograph film (and any advertisement relating thereto) intended for exhibition to any particular class of persons or under any particular circumstances."

2. Sub-section (1) of section two of the principal Act is hereby amended by the deletion of the word "public," and the insertion after the word "Union" of the words "in accordance with the provisions of section one."

3. Paragraph (b) of section twelve of the principal Act is hereby deleted and the following paragraph substituted therefor:—

"(b) Prescribing the method of notifying at exhibitions of cinematograph films of the board's approval of such films."

4. Section thirteen of the principal Act is hereby amended by the deletion in the definition of the expression "cinematograph film" of the words "to the public."

5. The long title of the principal Act is hereby amended by the deletion of the word "public" where it first occurs.

6. This Act shall be known as the Entertainments Censorship Amendment Act, 1934.

No. 10, 1934.]

ACT**To amend the Diamond Export Duty Act, 1917.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 6 of Act No. 27 of 1917, as amended by section 3 of Act No. 34 of 1919.

Short title and commencement.

1. Section six of the Diamond Export Duty Act, 1917 (Act No. 27 of 1917), as amended, is hereby amended by the substitution for the words "either at Johannesburg or" of the word "at".

2. This Act shall be known as the Diamond Export Duty (Amendment) Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by Proclamation in the Gazette.

No. 5, 1934.]

WET**Tot verdere wysiging van die „Mynen en Bedrijven Wet, 1911.”**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *twee* van die „Mynen en Bedrijven Wet, 1911” Wysiging van art. 2 van Wet No. 12 van 1911, soas gewysig deur artikel *een* van die Wysigingswet op Myne en Bedrywe, 1931 (Wet No. 22 van 1931), word hiermee gewysig deur in die omskrywing van „machinerie” die woorde „of die gebruik word of bestemd is voor gebruik in verband met boerderijwerkzaamheden” te skrap.

2. Hierdie Wet heet die Myne en Bedrywe Wysigingswet, Kort titel. 1934.

No. 6, 1934.]

WET**Tot wysiging van die Vermaaklikheids-Sensuurwet, 1931.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *een* van die Vermaaklikheids-Sensuurwet, 1931, Wysiging van artikel 1 van Wet wat hieronder die Hoofwet genoem word, word hiermee 28 van 1931, gewysig—

- (a) deur die woorde „openbaar” te vervang deur die volgende woorde: „in die openbaar of op 'n plek waartoe toegang verky word op grond van lidmaatskap van een of ander vereniging van persone of vir enige vergoeding, hetso direk of indirek, of op grond van 'n bydrae tot een of ander fonds”, en
- (b) deur die volgende nuwe voorbehoudsbepaling aan die end by te voeg:

„Met dien verstande voorts, dat die Minister of iemand wat hy daartoe aangewys het, volgens goedvinde enige bepaalde rolprent of rolprentadvertensie of enige bepaalde kategorie van rolprente of rolprent-advertensies of enige rolprent (en 'n advertensie daarvan) bestem om aan 'n bepaalde kategorie van persone of onder bepaalde omstandighede vertoon te word, van die voorgaande bepalings van hierdie artikel kan vrystel.”

2. Sub-artikel (1) van artikel *twee* van die Hoofwet word Wysiging van hiermee gewysig deur die woorde „wat vir publieke vertoning op enige plek in die Unie bestem is” te vervang deur die woorde „wat bestem is vir vertoning op enige plek in die Unie ooreenkomsdig die bepalings van artikel *een*.”

3. Paragraaf (b) van artikel *waalf* van die Hoofwet, word Wysiging van hiermee geskrap en deur die volgende paragraaf vervang:— artikel 12 van Wet „(b) om die wyse vas te stel waarop by vertonings van rolprente die raad se goedkeuring daarvan bekend-gemaak moet word.”

4. Artikel *dertien* van die Hoofwet word hiermee gewysig Wysiging van deur in die woordomskrywing van die uitdrukking „rolprent” artikel 13 van Wet die woorde „aan die publiek” te skrap.

5. Die lang titel van die Hoofwet word hiermee gewysig Wysiging van lang deur die woorde „publieke” waar dit vir die eerste keer voorkom, titel van Wet 28 van 1931, te skrap.

6. Hierdie Wet heet die Vermaaklikheids-Sensuur-Wysigingswet, 1934. Kort titel.

No. 10, 1934.]

WET**Tot wysiging van die „Diamant Uitvoerbelasting Wet, 1917.”**

DIT WORD BEPAAL deur sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *ses* van die „Diamant Uitvoerbelasting Wet, 1917” (Wet No. 27 van 1917), soas gewysig, word hiermee ge- artikel 6 van wysig deur die woorde „hetzij te Johannesburg of” te skrap. Wet No. 27 van 1917, soas gewysig deur artikel 3 van Wet No. 34 van 1919.

2. Hierdie Wet heet die Diamant-uitvoerbelasting Wysigingswet, 1934, en tree in werking op 'n dag deur die werkingtreding. Goewerneur-generaal by Proklamasie in die Staatskoerant vas te stel.

No. 7, 1934.]

ACT

To amend the law relating to the registration of births and deaths and to the solemnization of marriages.

BE IT ENACTED by the King's Most Excellent Majesty, **B** the Senate and the House of Assembly of the Union of South Africa, as follows :—

Amendment of
section 4 of Act
17 of 1923.

1. Section *four* of the Births, Marriages and Deaths Registration Act, 1923, hereinafter referred to as the principal Act, is hereby amended by the addition of the following new sub-sections (2) and (3), the existing section becoming sub-section (1) :

“(2) It shall be the duty of every district registrar and assistant district registrar to ensure that every birth or death which comes to his notice is recorded on the form prescribed therefor and that such form is duly completed.

“(3) The completion of such form shall constitute the registration of the birth or death recorded thereon and such form, when so completed, shall be deemed to form part of the relevant birth register or death register, as the case may be.”

Substitution of
new section for
section 7 of Act
17 of 1923.

2. Section *seven* of the principal Act is hereby repealed and the following new section substituted therefor :

“Alteration 7. When the birth of any person has been registered (whether under this Act or under any law repealed thereby) and the name under which his birth was registered, is altered, either of his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over, may apply to the registrar of the province in which his birth was registered for the alteration of his name in the relative births register, and thereupon the registrar may, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee, amend the registration of the said person's birth by inscribing the altered name on the original birth information form filed in his office in connection with the registration of such birth, but without erasing the original name therefrom, and shall instruct the district registrar concerned to make a similar inscription in his births register.”

Substitution of
new section for
section 8 of Act
17 of 1923.

3. Section *eight* of the principal Act is hereby repealed and the following new section substituted therefor :

“Amplification of
nameless
birth regis-
stration.

8. (1) When the birth of any person was registered under any law repealed by this Act, without the assignment of any name to him, either of his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over, or has no parent or guardian, may apply to the registrar of the province wherein his birth was registered, for the amplification of the registration of his birth by the inscription of his name in connection therewith and thereupon the registrar shall, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee, amplify the registration of the said person's birth by inscribing his name on the original birth information form filed in his office in connection with the registration of such birth and shall instruct

No. 7, 1934.]

WET

Tot wysiging van die regsbepalings op die registrasie van geboortes en sterfgevalle en op huweliks- bevestiging.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel vier van die „Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923”, hieronder die Hoofwet genoem, word hiermee gewysig deur die volgende nuwe sub-artikels (2) en (3) daaraan toe te voeg waardeur die bestaande artikel sub-artikel (1) word :

„(2) Iedere distriktrегистrateur en assistentdistriktrегистrateur is verplicht om ervoor te zorgen, dat iedere geboorte of ieder sterfgeval waarvan hij te weten komt, op het daarvoor voorgeschreven formulier ingeschreven wordt en dat bedoeld formulier behoorlik ingevuld wordt.

„(3) De invulling van bedoeld formulier maakt de registratie uit van de daarop ingeschreven geboorte of het daarop ingeschreven sterfgeval en bedoeld formulier wordt, indien aldus ingevuld, geacht naar gelang van het geval deel uit te maken van het toepaslike geboorte-register of sterfregister.”

2. Artikel *sewe* van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang :

„Verandering van naam in geboorte-register. 7. Wanneer de geboorte van een persoon geregistreerd is (hetzij krachtens deze Wet of krachtens een door deze Wet herroepen wet) en de naam waaronder zijn geboorte geregistreerd werd, veranderd is, dan kan een van zijn ouders of zijn voogd, indien hij beneden een en twintig jarige leeftijd is, of hijzelf, indien hij een en twintig jaar oud of ouder is, bij de registrateur van de provincie waarin zijn geboorte geregistreerd werd, aanzoek doen om de verandering van zijn naam in het betrokken geboorteregister, en daarop kan de registrateur, indien hij bevindt dat de aanzoeker bevoegd is om het aanzoek te doen en tegen betaling, door de aanzoeker, van de voorgeschreven fooi, de registratie van de geboorte van bedoelde persoon wijzigen door de veranderde naam in te schrijven op het oorspronkelijke geboorte-kennisgevings-formulier dat in zijn kantoor gehouden wordt in verband met de registratie van de geboorte, doch zonder de oorspronkelijke naam erop te radéren. Daarop gelast hij de betrokken distriktrегистrateur om een dergelijke inschrijving in zijn geboorte-register te doen.”

3. Artikel *agt* van die Hoofwet word hiermee herroep en deur die volgende nuwe artikel vervang :

„Aanvulling van naamlose geboorte-registratie. 8. (1) Wanneer de geboorte van een persoon ingevolge een door deze Wet herroepen wet geregistreerd werd zonder hem een naam toe te kennen, dan kan een van zijn ouders of zijn voogd, indien hij beneden een en twintig jarige leeftijd is, of hijzelf, indien hij een en twintig jaar oud of ouder is, of geen ouder of voogd heeft, bij de registrateur van de provincie waarin zijn geboorte geregistreerd werd, aanzoek doen om de aanvulling van de registratie van zijn geboorte door inschrijving van zijn naam in verband ermee en indien de registrateur daarop bevindt dat de aanzoeker bevoegd is om het aanzoek te doen, en tegen betaling, door de aanzoeker, van de voorgeschreven fooi, vult hij de registratie van de geboorte van bedoelde persoon aan door zijn naam in te schrijven op het oorspronkelijke geboorte-kennisgevings-formulier dat in zijn kantoor gehouden wordt in verband met de registratie van die geboorte. Daarop gelast

Wysiging van
artikel 4 van Wet
17 van 1923.

Vervanging van
artikel 7 van Wet.
17 van 1923.

Vervanging van
artikel 8 van Wet.
17 van 1923.

the district registrar concerned to make a similar inscription in his births register.

(2) The provisions of this section shall be deemed to have been in operation as from the first day of January, 1925."

Substitution of new section for section 10 of Act 17 of 1923.

4. Section *ten* of the principal Act is hereby repealed and the following new section substituted therefor :

"Amendment of birth registration of illegitimate child after legitimization.
 10. (1) When a person was born (whether before or after the commencement of this Act) of parents who were not married to each other at the time of his birth but who married each other after the registration of his birth (whether they could or could not have legally married each other at the time of his birth) either of his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over or has no parent or guardian, may apply to the registrar of the province wherein his birth was registered for the registration of his birth as if his parents had been married to each other at the time of his birth and thereupon the registrar shall, if satisfied that the applicant is competent to make the application, that the alleged parents of such person are in fact his parents and that they were legally married to each other, instruct the district registrar concerned to register the birth in the prescribed manner as if such person's parents had been legally married to each other at the time of his birth.

(2) If a person's parents who were not married to each other at the time of his birth, have married each other before the registration of his birth, such birth shall be registered as if they had been married to each other at the time of his birth."

5. Section *fifteen* of the principal Act is hereby amended by the addition thereto of the following sub-section (2), the existing section becoming sub-section (1) :

"(2) On a Sunday or a public holiday it shall be lawful for the officer in charge of a police station in the magisterial district in which such body is to be buried to issue to any person having charge of such body the order referred to in sub-section (1). The said officer shall report to the said magistrate the fact of the issue of such order as soon as the said magistrate is on duty at his office.

6. Section *forty* of the principal Act is hereby amended by the substitution in sub-section (1) of the Dutch version of the words "of distrikts registrateur" for the words "distrikts registrateur of assistent distrikts registrateur".

7. Sub-section (3) of section *forty-two* of the principal Act is hereby amended by the deletion of the words "certified copies of".

8. Section *forty-six* of the principal Act is hereby amended by the insertion of the words "or utters" after the word "gives".

9. Section *forty-nine* of the principal Act is hereby amended by the insertion of the following paragraphs in their proper alphabetical order :

"child" means a person under the age of twenty-one years.

"name" includes a surname, except in sections *seven* and *eight* where it does not include a surname.

10. Notwithstanding the provisions of any law which require a marriage to be solemnized within certain prescribed hours, a marriage officer may, but shall not be obliged to solemnize a marriage at any other time, and such marriage shall be as valid as if solemnized within the prescribed hours.

11. Section *sixteen* of Law No. 46 of 1887 (Natal) is hereby amended by the deletion of the words "10s." and the substitution therefor of the words "one shilling".

12. This Act shall be known as the Births, Marriages and Deaths Registration Amendment Act, 1934.

Amendment of section 15 of Act 17 of 1923.

Amendment of section 40 of Act 17 of 1923.

Amendment of section 42 of Act 17 of 1923.

Amendment of section 46 of Act 17 of 1923.

Amendment of section 49 of Act 17 of 1923.

Marriage outside prescribed hours.

Amendment of Law 46 of 1887 (Natal).

Short title.

hij de betrokken distriktregisterator om een dergelijke inschrijving in zijn geboorteregister te doen.

(2) De bepalingen van dit artikel worden geacht vanaf de eerste dag van Januarie 1925 van kracht geweest te zijn."

4. Artikel *tien* van die Hoofwet word hiermee herroep en *Vervanging van artikel 10 van Wet 17 van 1923.*

„Wijziging 10. (1) Wanneer een persoon geboren werd vangeboorte (hetzij vóór of na het inwerkingtreden van deze registratie van onecht Wet) uit ouders die ten tijde van zijn geboorte niet kind na wet-met elkaar gehuwd waren doch die elkaar na de

tiging. registratie van zijn geboorte gehuwd hebben (en wel hetzij zij al dan niet elkaar wettig hadden kunnen huwen ten tijde van zijn geboorte) dan kan een van zijn ouders of zijn voogd, indien hij beneden een en twintig jarige leeftijd is, of hijzelf, indien hij een en twintig jaar oud of ouder is of geen ouder of voogd heeft, bij de registerator van de provincie waarin zijn geboorte geregistreerd werd, aanzoek doen om de registratie van zijn geboorte alsof zijn ouders ten tijde van zijn geboorte met elkaar gehuwd waren geweest, en indien de registerator daarop bevindt dat de aanzoeker bevoegd is om het aanzoek te doen, dat de beweerde ouders van bedoelde persoon inderdaad zijn ouders zijn en dat zij wettig met elkaar gehuwd zijn, gelast hij de betrokken distriktregisterator om de geboorte op de voorgeschreven wijze te registreren alsof de ouders van bedoelde persoon ten tijde van zijn geboorte wettig met elkaar gehuwd waren geweest.

(2) Indien iemands ouders die ten tijde van zijn geboorte niet met elkaar gehuwd waren, elkaar vóór de registratie van zijn geboorte gehuwd hebben dan wordt die geboorte geregistreerd alsof de ouders van bedoelde persoon ten tijde van zijn geboorte wettig met elkaar gehuwd waren geweest."

5. Artikel *vijftien* van die Hoofwet word hiermee gewysig *Wysiging van artikel 15 van Wet 17 van 1923.*

„(2) Op een Zondag of openbare feestdag is de beampte aan het hoofd van een politiekantoor in het magistraats-distrikt waarin het lijk begraven moet worden bevoegd de in sub-artikel (1) vermelde order uit te reiken aan enige persoon die het opzicht heeft over het lijk. Genoemde beampte moet de uitreiking van bedoelde order aan bedoelde magistraat melden zodra deze in zijn kantoor op dienst is."

6. Artikel *veertig* van die Hoofwet word hiermee gewysig *Wysiging van artikel 40 van Wet 17 van 1923.*

„distrikt registerator of assistent distrikt registerator" te vervang deur die woorde „of distrikt registerator".

7. Sub-artikel (3) van artikel *twee-en-veertig* van die Hoofwet word hiermee gewysig deur die woorde „gecertificeerde kopieën van" te skrap.

8. Artikel *ses-en-veertig* van die Hoofwet word hiermee gewysig deur die woorde „verstrekt of" na die woorde „certificaat" in te voeg.

9. Artikel *negen-en-veertig* van die Hoofwet word hiermee gewysig deur die volgende paragrawe in hulle juiste volgorde daarin te voeg:

„kind", een persoon onder een en twintig jarige leeftijd.
„naam", tevens een van, behalve in artikels *zeven* en *acht*, waar een van er niet inbegrepen is.

10. Ondanks die bepaling van een of ander wet wat voor-skryf dat 'n huwelik binne bepaalde ure bevestig moet word, kan 'n huweliksamtenaar 'n huwelik te eniger ander tyd be-vestig (maar hy is nie verplig om dit te doen nie), en so 'n huwelik is ewe geldig asof dit binne die voorgeskrewe ure be-vestig was.

11. Artikel *sestien* van Wet No. 46 van 1887 (Natal) word hiermee gewysig deur die woorde „10s." te skrap en te vervang deur die woorde „one shilling".

12. Hierdie Wet heet die *Wysigingswet op die Registrasie Kort titel van Geboortes, Huwelike en Sterfgevalle, 1934.*

No. 11, 1934.]

ACT

To amend the Irrigation Districts Adjustment Act, 1930.

Amendment of
section 4 of
Act No. 41 of
1930.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section four of the Irrigation Districts Adjustment Act, 1930 (Act No. 41 of 1930), is hereby repealed, and the following new section substituted therefor:

"Provisions 4. (1) In this section—
 concerning 'major irrigation board' means the irrigation board for the major irrigation district;
 Fish River Irrigation District.
 'major irrigation district' means the Great Fish River Irrigation District constituted by Proclamation No. 63 of 1920, as amended by Proclamation No. 16 of 1928, situate in the divisions of Cradock, Bedford, and Somerset East, in the Province of the Cape of Good Hope;
 'minor irrigation board' means the irrigation board for a minor irrigation district; and
 'minor irrigation district' means any irrigation district other than the major irrigation district constituted or to be constituted and situate within the boundaries of the major irrigation district.

(2) The Governor-General shall by proclamation divide the major irrigation district into sub-districts, and may from time to time by proclamation alter the boundaries of any of such sub-districts:

Provided that the division shall be so made that the area of every minor irrigation district shall constitute one of the sub-districts.

(3) Notwithstanding anything contained in section eighty-four of the principal Act, the major irrigation board shall consist of as many members as there are sub-districts of the major irrigation district.

(4) Notwithstanding anything contained in section fifty-seven of the principal Act, as applied to irrigation boards by section eighty-eight of that Act, one member of the major board shall be elected to represent each sub-district of the major irrigation district.

(5) As soon as may be after the issue of the proclamation dividing the major irrigation district into sub-districts, the major irrigation board shall prepare, in accordance with the relevant regulations made under the principal Act, an irrigation voters' list for each sub-district other than a sub-district the area of which consists of the area of a minor irrigation district.

(6) As soon as may be after the completion in terms of sub-section (5) of revised irrigation voters' lists, there shall be elected, in the manner prescribed by regulation made under the principal Act for the election of members of irrigation boards, and subject to the provisions of this section, a new irrigation board for the major irrigation district.

(7) The members of the major irrigation board in office at the date of issue of the proclamation dividing the major irrigation district into sub-districts shall continue in office until and not later than the date of the publication in the *Gazette* of the notice of the election of members in terms of sub-section (6).

(8) Notwithstanding anything contained in section fifty-seven of the principal Act, as applied to irrigation boards by section eighty-eight of that

No. 11, 1934.]

WET

Tot wysiging van die Wet tot Reëling van Besproeiings-distrikte, 1930.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:

1. Artikel vier van die Wet tot Reëling van Besproeiings-distrikte, 1930 (Wet No. 41 van 1930), word hiermee herroep en deur die volgende nuwe artikel vervang:

Wysiging van artikel 4 van Wet No. 41 van 1930.

„Bepalings 4. (1) In hierdie artikel beteken—
aangaande groot besproeiingsraad', die besproeiings-
die Be- raad van die groot besproeiingsdistrik;
sproeiings- distrik groot besproeiingsdistrik', die besproeiings-
Groot- distrik Groot-Visrivier, ingestel deur Pro-
Visrivier. klamasie No. 63 van 1920, soas gewysig
deur Proklamasie No. 16 van 1928, geleë
in die afdelings Cradock, Bedford en
Somerset-Oos, in die Provinsie Kaap die
Goeie Hoop;
, klein besproeiingsraad', die besproeiingsraad
van 'n klein besproeiingsdistrik;
, klein besproeiingsdistrik', 'n besproeiings-
distrik, buiten die groot besproeiings-
distrik, wat ingestel is of ingestel mag
word en wat binne die grense van die
groot besproeiingsdistrik geleë is.

(2) Die Goewerneur-generaal moet by proklamasie die groot besproeiingsdistrik in onder-distrikte verdeel, en kan van tyd tot tyd by proklamasie die grense van een of ander van daardie onder-distrikte verander:

Met die verstande dat die verdeling op so 'n wyse geskied dat die gebied van elke klein besproeiingsdistrik een van die onder-distrikte uitmaak.

(3) Ondanks die bepalings van artikel vier-en-tig van die Hoofwet, bestaan die groot besproeiingsraad uit soveel lede as wat daar onder-distrikte van die groot besproeiingsdistrik is.

(4) Ondanks die bepalings van artikel sewen-en-vyftig van die Hoofwet, soas deur artikel agt-en-tig van daardie Wet op besproeiingsrade toegepas, moet een lid van die groot besproeiingsraad gekies word om elke onder-distrik van die groot besproeiingsdistrik te verteenwoordig.

(5) So spoedig doenlik na uitvaardiging van die proklamasie waardeur die groot besproeiingsdistrik in onder-distrikte verdeel word, moet die groot besproeiingsraad 'n besproeiingskieserslys vir elke onder-distrik, behalwe 'n onder-distrik die gebied waarvan bestaan uit die gebied van 'n klein besproeiingsdistrik, ooreenkomsdig die toepaslike regulasies uitgevaardig kragtens die Hoofwet, opstel.

(6) So spoedig doenlik na voltooiing, ingevolge sub-artikel (5), van hersiene besproeiingskieserslyste, moet daar, op die manier wat die regulasies uitgevaardig kragtens die Hoofwet vir die verkiesing van besproeiingsraadslede voorskryf, en behoudens die bepalings van hierdie artikel, 'n nuwe besproeiingsraad vir die groot besproeiingsdistrik gekies word.

(7) Die lede van die groot besproeiingsraad, wat ten tyde van uitvaardiging van die proklamasie waardeur die groot besproeiingsdistrik in onder-distrikte verdeel word die amp beklee, bly in amp tot en nie later dan die dag waarop die kennisgewing in die Staatskoerant gepubliseer word van die verkiesing van lede ingevolge sub-artikel (6).

(8) Ondanks die bepalings van artikel sewen-en-vyftig van die Hoofwet, soas deur artikel agt-en-tig van daardie Wet op besproeiingsrade toegepas,

Act, the members of the major irrigation board shall hold office for a period of three years from the date of the publication in the *Gazette* of the notice of their election.

(9) The major irrigation board is hereby empowered, at any time when the water derived from its conservation works is flowing in the channel of any public stream within the major irrigation district, to exercise control over such portions of all irrigation works constructed or to be constructed within the major irrigation district for the purpose of abstracting water from such public stream as may be necessary for the purpose of effecting an equitable distribution of the water derived from the said conservation works. The major board may give to the owner of any works used for the purpose of abstracting water from any such public stream written notification that he is required to construct such additional works as may be necessary for the measurement and proper regulation of the water so abstracted, and if he fail to construct such works to the satisfaction of the major irrigation board within six months of the date of notification, that board may cause them to be constructed at the expense of the owner.

(10) Any person entitled by virtue of any provision of the principal Act to construct any irrigation work on any public stream within the major irrigation district for the purpose of abstracting water from such stream shall not construct any such works without the consent in writing of the major irrigation board.

(11) If the major irrigation board refuses an application for its consent under sub-section (10), the applicant may, within three months after such refusal, appeal from the decision of the board to the Minister.

(12) If the major irrigation board grants an application for the construction of any irrigation works under sub-section (10), any person who is likely to be affected by such works, may, within three months after the granting of such application, appeal against the decision of the board to the Minister.

(13) Whenever an appeal is made to the Minister in terms of sub-section (11) or (12), he may confirm, set aside or vary the decision of the major irrigation board, and his decision in the matter shall be final.

(14) The major irrigation board may, with the written consent of the Minister, take over for such period as the board may determine the maintenance and control of any works within its district which do not belong to that board but are used to divert or convey from any public stream within the major irrigation district water derived from that board's conservation works, if in the opinion of the board the water so diverted or conveyed is not distributed equitably among the persons entitled thereto; and the board may in such case levy a rate upon the land served by such works sufficient to defray the costs of such maintenance and control:

Provided that nothing in this sub-section contained shall apply to any works which are at the date of commencement of this Act owned or controlled by the Municipality of Cradock so long as they are owned or controlled by such Municipality.

(15) Any person aggrieved by any order or decision of a minor irrigation board may, within three months after the making of the order or decision, appeal to the major irrigation board from any such order or decision; and the major irrigation board may confirm, set aside or vary the order or decision appealed from."

beklee die lede van die groot besproeiingsraad hul amp gedurende 'n tydvak van drie jaar na die dag waarop die kennisgewing van hul verkiesing in die *Staatskoerant* gepubliseer was.

(9) Die groot besproeiingsraad word hiermee gemagtig om, te eniger tyd wanneer die water wat uit sy bewaringswerke afkomstig is in die bedding van een of ander openbare stroom binne die groot besproeiingsdistrik loop, beheer uit te oefen oor sodanige dele van alle besproeiingswerke wat binne die groot besproeiingsdistrik aangelê is of sal word om water uit so 'n openbare stroom te haal as wat nodig mag wees om 'n billike verdeling van die water gekry uit genoemde bewaringswerke te verkry. Die groot besproeiingsraad kan die eienaar van enige werke wat gebruik word om water uit so 'n openbare stroom te haal skriftelik kennis gee dat hy sodanige addisionele werke moet aanlê as wat nodig mag wees om die aldus uitgehaalde water te meet en behoorlik te reël, en indien hy versuim om binne ses maande vanaf die datum van kennisgewing, sodanige werke tot bevrediging van die groot besproeiingsraad aan te lê, kan daardie raad dit op koste van die eienaar laat aanlê.

(10) Elkeen wat uit hoofde van 'n bepaling van die Hoofwet geregtig is om 'n besproeiingswerk aan enige openbare stroom binne die groot besproeiingsdistrik aan te lê ten einde water uit so 'n stroom te haal mag so 'n werk nie aanlê nie sonder die skriftelike toestemming van die groot besproeiingsraad.

(11) Indien die groot besproeiingsraad 'n aansoek vir sy toestemming ingevolge sub-artikel (10) weier, kan die applikant binne drie maande na sulke weiering teen die beslissing van die raad na die Minister appelleer.

(12) Wanneer die groot besproeiingsraad 'n aansoek om die aanleg van besproeiingswerke ingevolge sub-artikel (10) toestaan, kan elkeen wat waarskynlik deur sulke werke geraak sal word binne drie maande na die toestaan van sulke aansoek teen die beslissing van die raad na die Minister appelleer.

(13) Wanneer na die Minister geappelleer word ingevolge sub-artikel (11) of (12) kan hy die beslissing van die groot besproeiingsraad bekragtig, tersyde stel of wysig, en sy beslissing in die saak is afdoende.

(14) Die groot besproeiingsraad kan vir 'n tydperk deur die Raad vas te stel en met die Minister se skriftelike toestemming die onderhoud en beheer oorneem van enige werke in sy distrik wat nie aan daardie raad behoort nie maar wat gebruik word om van een of ander openbare stroom binne die groot besproeiingsdistrik water uit te keer of te lei wat van daardie raad se bewaringswerke afkomstig is, as die aldus uitgekeerde of geleide water volgens die raad se oordeel nie regverdig verdeel word nie onder die persone wat daarop geregtig is; en die raad kan in daardie geval op die grond wat uit bedoelde werke water kry 'n belasting hef wat voldoende is om die koste van daardie onderhoud en beheer te dek:

Met die verstande dat geen bepalings van hierdie sub-artikel van toepassing is op enige werke wat ten tyde van die inwerkingtreding van hierdie Wet die eiendom of onder die beheer is van die Munisipaliteit van Cradock so lank as hulle die eiendom en onder die beheer bly van daardie Munisipaliteit.

(15) Elkeen wat meen dat hy benadeel word deur 'n bevel of beslissing van 'n klein besproeiingsraad kan, binne drie maande na die uitvaardiging van die bevel of die neming van die beslissing, na die groot besproeiingsraad teen so 'n bevel of beslissing appelleer; en die groot besproeiingsraad kan die bevel of beslissing waarteen geappelleer word bekragtig, tersyde stel of wysig."

No. 13, 1934.]

ACT

To amend the law of succession.

BE IT ENACTED by the King's Most Excellent Majesty, B the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
intestacy law.

1. (1) The surviving spouse of every person who after the commencement of this Act dies either wholly or partly intestate is hereby declared to be an intestate heir of the deceased spouse according to the following rules:

- (a) if the spouses were married in community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as, together with the surviving spouse's share in the joint estate, does not exceed six hundred pounds in value (whichever is the greater);
- (b) if the spouses were married out of community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as does not exceed six hundred pounds in value (whichever is the greater);
- (c) if the spouses were married either in or out of community of property and the deceased spouse leaves no descendant who is entitled to succeed *ab intestato* but leaves a parent or a brother or sister (whether of the full or half blood) who is entitled so to succeed the surviving spouse shall succeed to the extent of a half share or to so much as does not exceed six hundred pounds in value (whichever is the greater);
- (d) in any case not covered by paragraph (a), (b) or (c), the surviving spouse shall be the sole intestate heir.

(2) For the purposes of this Act any relationship by adoption under the provisions of the Adoption of Children Act, 1923, shall be equivalent to blood relationship.

(3) Section five of Law No. 22 of 1863 (Natal) is hereby repealed.

Exemption from
succession duty.

2. Paragraph (a) of section fifteen of the Death Duties Act, 1922 (Act No. 29 of 1922) shall apply to any succession accruing to a surviving spouse under the provisions of this Act.

Short title.

3. This Act may be cited as the Succession Act, 1934.

No. 13, 1934.]

WET**Om die wet op erfopvolging te wysig.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. (1) Die oorblywende eggenoot van elke persoon wat na Wysiging van wet die inwerkingtreding van hierdie Wet of geheel of gedeeltelik op erfopvolging intestaat sterf word hiermee verklaar 'n intestate erfgenaam sonder testament van die oorlede eggenoot te wees ooreenkomsdig die volgende reëls :

- (a) wanneer die eggenote in gemeenskap van goedere gehuud was en wanneer die oorlede eggenoot 'n afstammeling agterlaat wat geregtig is om *ab intestato* te erwe, erf die oorblywende eggenoot ten bedrae van 'n kindsdeel of soveel as wat, tesame met die oorblywende eggenoot se aandeel in die gesamentlike boedel, seshonderd pond in waarde nie te bowe gaan nie (watter van die twee die grootste is);
- (b) wanneer die eggenote buite gemeenskap van goedere gehuud was en wanneer die oorlede eggenoot 'n afstammeling agterlaat wat geregtig is om *ab intestato* te erwe, erf die oorblywende eggenoot ten bedrae van 'n kindsdeel of soveel as wat seshonderd pond in waarde nie te bowe gaan nie (watter van die twee die grootste is);
- (c) wanneer die eggenote hetsy in of buite gemeenskap van goedere gehuud was en die oorlede eggenoot geen afstammeling agterlaat wat geregtig is om *ab intestato* te erwe nie maar 'n ouer of 'n broer of suster (het sy van die volle of halwe bloed) agterlaat wat geregtig is om aldus te erwe, erf die oorblywende eggenoot ten bedrae van 'n halwe aandeel of soveel as wat seshonderd pond in waarde nie te bowe gaan nie (watter van die twee die grootste is);
- (d) in enige geval wat nie onder paragraaf (a), (b) of (c) val nie is die oorblywende eggenoot die enigste intestate erfgenaam.

(2) Vir die toepassing van hierdie Wet is enige verwantskap by aanname kragtens die bepalings van die „Aanneming van Kinderen Wet, 1923,” gelykwaardig met bloedverwantskap.

(3) Artikel *vyf* van Wet No. 22 van 1863 (Natal) word hierby herroep.

2. Paragraaf (a) van artikel *vyftien* van die Sterfrechten Vrystelling van Wet, 1922 (Wet No. 29 van 1922) is van toepassing op enige suksessiebelasting suksessie aan 'n oorblywende eggenoot kragtens die bepalings van hierdie Wet toevalende.

3. Hierdie Wet kan aangehaal word as die Erfopvolging Kort titel. Wet, 1934.

No. 14, 1934.]

ACT

To amend and consolidate the law relating to newspapers and other printed matter.

BE IT ENACTED by the King's Most Excellent Majesty, the
Senate and the House of Assembly of the Union of South Africa, as follows :—

CHAPTER I.

REGISTRATION OF NEWSPAPERS.

Unregistered newspaper not to be published.

Application for newspaper registration.

Registration of newspaper and certification thereof.

Changes to be registered.

1. No person shall print and publish within the Union, any newspaper unless there has been issued in respect of such newspaper a certificate in accordance with the provisions of section three: Provided that the printing and publication of any newspaper which existed and was printed and published within the Union at and prior to the commencement of this Act may for a period of thirty days thereafter be continued without such certificate having been issued.

2. (1) Any person intending to print and publish a newspaper within the Union shall apply to the Minister in writing for a registration certificate in respect of such newspaper.

(2) Such application shall set forth—

- (a) the full and correct name of such newspaper;
- (b) the full and correct address at which it is to be published;
- (c) the full and correct names and residential addresses of the proprietor, printer, publisher, manager and editor or acting editor, or, in the case of there being more than one editor, the chief or responsible editor of such newspaper; and
- (d) in the case of any newspaper which is the property of, or is to be printed or published by, an association of persons, whether corporate or unincorporate, the full and correct names and residential addresses of the manager, chairman or other chief officer and of every director, trustee or member of committee or board of such association.

(3) Save in the case of a newspaper existing and published at and prior to the commencement of this Act a fee of one pound shall accompany such application.

3. (1) Upon the receipt of any application made in terms of section two the Minister shall cause the particulars set forth therein to be entered in a register and shall issue to the applicant a certificate of such registration: Provided that a certificate shall not be issued in respect of a newspaper which bears a name identical with the name of a newspaper already appearing in the register or so nearly resembling that name as to be calculated to deceive, unless it is proved to the satisfaction of the Minister that the newspaper in respect of which the application is made was published at and prior to the commencement of this Act under the name set forth in the application, or unless the proprietor of the newspaper the name of which is already registered signifies his consent in writing to the issue of the certificate.

(2) Upon the application of any person and upon payment of a fee of two shillings and sixpence the Minister shall furnish an extract of any entry in such register certified by him or by the Secretary for the Interior.

(3) A certificate of registration purporting to have been issued under sub-section (1) or a certified extract purporting to have been furnished under sub-section (2) shall upon its mere production, in the absence of proof of fraud or error, be conclusive evidence that the newspaper therein referred to has been registered in terms of sub-section (1), and be *prima facie* proof of any other fact stated in such certificate or extract.

4. (1) Whenever a change occurs in regard to any of the particulars entered in the register kept in pursuance of section three, such change shall within fourteen days of the date thereof be notified in writing, by the proprietor of the newspaper in respect of which such change occurs, to the Minister, who shall cause the register to be amended accordingly. The proviso to sub-section (1) of section three shall apply *mutatis mutandis*, to a change of name of a newspaper.

No. 14, 1934.]

WET

Tot wysiging en samevatting van die regsbepalings
omtrent nuusblaaie en ander drukwerk.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

HOOFSTUK I.

REGISTRASIE VAN NUUSBLAAIE.

1. Niemand mag in die Unie 'n nuusblad druk en uitgee, tensy daar met betrekking tot daardie nuusblad ooreenkomstig die bepalings van artikel drie 'n sertifikaat uitgereik is: Met die verstande dat die druk en uitgifte van 'n nuusblad wat word by en voor die inwerkingtreding van hierdie Wet in die Unie bestaan het en gedruk en uitgegee is, gedurende 'n tydperk van dertig dae daarna voortgesit mag word sonder dat bedoelde sertifikaat uitgereik is.

2. (1) Iemand wat voornemens is om in die Unie 'n nuusblad te druk en uit te gee, moet by die Minister skriftelik aansoek doen om 'n registrasiesertifikaat vir daardie nuusblad.

(2) So 'n aansoek moet vermeld—

- (a) die volledige en juiste naam van daardie nuusblad;
- (b) die volledige en juiste adres waar dit uitgegee sal word;
- (c) die volledige en juiste name en woonadresse van die eienaar, drukker, uitgewer, bestuurder en redakteur of waarnemende redakteur of, in geval daar meer as een redakteur is, van die verantwoordelike of hoofredakteur van daardie nuusblad; en
- (d) by 'n nuusblad wat behoort aan of gedruk of uitgegee sal word deur 'n vereniging van persone, hetsy al dan nie met regspersoonlikheid beklee, die volledige en juiste name en woonadresse van die bestuurder, voorzitter of ander hoofamptenaar en van elke direkteur, kurator of lid van die komitee of bestuur van bedoelde vereniging.

(3) Behalwe in die geval van 'n nuusblad wat by en voor die inwerkingtreding van hierdie Wet bestaan het en uitgegee is, moet 'n bedrag van een pond sodanige aansoek vergesel.

3. (1) Na ontvangs van 'n aansoek volgens artikel twee, moet die Minister die daarin vermelde besonderhede laat opteken in 'n register en moet hy aan die aansoeker 'n sertifikaat van daardie registrasie uitreik: Met die verstande dat 'n sertifikaat nie mag uitgereik word nie met betrekking tot 'n nuusblad wat dieselfde naam het as die van 'n nuusblad wat reeds in die register voorkom of wat soveel met daardie naam ooreenkoms dat hy sou kan mislei, tensy tot bevriddiging van die Minister bewys word dat die nuusblad met betrekking waartoe aansoek gedoen word uitgegee was by en voor die inwerkingtreding van hierdie Wet onder die naam vermeld in die aansoek, of tensy die eienaar van die nuusblad, waarvan die naam reeds geregistreer is, skriftelik sy toestemming tot die uitreiking van die sertifikaat gee.

(2) Op aansoek van iemand en teen betaling van 'n fooi van twee sjelings en sikspens, moet die Minister 'n deur hom of deur die Sekretaris vir Binnelandse Sake gesertificeerde uittreksel van 'n optekening in bedoelde register verstrek.

(3) 'n Registrasiesertifikaat wat voorgee kragtens sub-artikel (1) uitgereik te wees of 'n gesertificeerde uittreksel wat voorgee kragtens sub-artikel (2) verstrek te wees, is, tensy bedrog of vergissing bewys word, by blote vertoning afdoende bewys dat die daarin vermelde nuusblad volgens sub-artikel (1) geregistreer is en *prima facie* bewys van enige ander in daardie sertifikaat of uittreksel vermelde feit.

4. (1) Wanneer 'n verandering plaasvind met betrekking tot een van die besonderhede opgeteken in die register gehou volgens artikel drie, moet die eienaar van die nuusblad in verband waarmee die verandering plaasvind, binne veertien dae na die dag waarop dit plaasvind daardie verandering skriftelik mededeel aan die Minister, wat die register dienooreenkomstig moet laat verander. Die voorbehoudsbepaling tot sub-artikel (1) van artikel drie is, *mutatis mutandis*, van toepassing op 'n naamsverandering van 'n nuusblad.

Geen onge-
registreerde
nuusblaaie
mag uitgegee
word.

Aansoek om
nuusblad-
registrasie.

Registrasie van
nuusblad en
uitreiking van
sertifikaat van
registrasie.

Veranderings
word geregistreer.

Copies of newspaper to be sent to Minister.

Place of publication and name and address of publisher of newspaper.

Imprint on matter printed and published in the Union.

Registration of imprint abbreviations.

Newspaper editor must reside within the Union.

Offences.

Repeal of laws.

(2) Every such notification shall be accompanied by a fee of two shillings and sixpence.

5. (1) The proprietor of every newspaper shall transmit to the Minister free of charge a copy of the first issue of such newspaper published next after the issue of the certificate of registration under section *three* in respect thereof.

(2) Upon the written demand of the Minister the proprietor of every newspaper printed and published in the Union shall transmit to him free of charge a copy of any issue of such newspaper.

6. Upon the front page or back page or inside back page of every newspaper printed and published within the Union there shall be printed in legible type in either of the official languages of the Union the full and correct address at which the newspaper is published and the full and correct names and addresses of the proprietor, publisher and printer thereof.

CHAPTER II.

IMPRINTS ON PRINTED MATTER.

7. All printed matter, other than newspapers, printed and published in the Union, shall bear an imprint whereby the full and correct name of the printer and the full and correct address at which he conducts his business of printing are indicated in legible type in either of the official languages of the Union : Provided that the Minister may authorize the use of an abbreviation as provided for in section *eight* in place of such name and address, and may by notice in the *Gazette* exempt any class of printed matter from the provisions of this section.

8. (1) Any printer who intends to use an abbreviation in lieu of or in addition to his full name and address as an imprint for the purposes of section *seven* shall apply to the Minister in writing for authority to use such abbreviation.

(2) Such application shall be accompanied by a fee of five shillings, shall set forth the printer's full and correct name, the full and correct address at which he conducts his business of printing and the abbreviation which he intends to use.

(3) The Minister may by notice in writing authorize the printer to use such abbreviation and the Minister shall notify in the *Gazette* that such authority has been granted.

(4) The Minister shall cause every such abbreviation to be registered in a register to be kept for that purpose, in which shall be entered the particulars set forth in terms of sub-section (2).

(5) No person other than the printer in whose name such an abbreviation has been so registered shall use it in respect of any printed matter.

(6) Whenever a change occurs in regard to any of the particulars entered in the register kept in pursuance of sub-section (4), such change shall, within fourteen days of the date thereof, be notified in writing by the printer concerned to the Minister, and such notification shall be accompanied by a fee of two shillings and sixpence.

(7) The Minister may cause the register to be amended accordingly, and if such change is a change of the abbreviation in question, he shall by notice in writing to the printer authorize the change, and notify in the *Gazette* that such authority has been granted.

CHAPTER III.

GENERAL.

9. No person shall print and publish within the Union any newspaper unless the editor, or acting editor, or in the event of there being more than one editor, the responsible or chief editor thereof, is resident within the Union.

10. Any person who contravenes or fails to comply with any provision of this Act, or who makes any false statement when giving any particulars required by section *two*, *four* or *eight*, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment with or without the option of a fine for a period not exceeding six months, or to both such fine and imprisonment.

11. The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule.

(2) Elke sodanige mededeling moet vergesel wees van 'n bedrag van twee sjielings en sikspens.

5. (1) Die eienaar van elke nuusblad moet 'n eksemplaar Eksemplare van van die eerste druk van daardie nuusblad wat uitgegee word nuusblad moet na uitreiking van die sertifikaat van registrasie kragtens aan Minister artikel drie ten opsigte daarvan, kosteloos aan die Minister gestuur word. instuur.

(2) Op skriftelike vordering van die Minister moet die eienaar van elke nuusblad wat in die Unie gedruk en uitgegee word 'n eksemplaar van enige druk van daardie nuusblad kosteloos aan hom instuur.

6. Op die voorste bladsy of die agterste bladsy of die binnekant van die agterste bladsy van elke in die Unie gedrukte en uitgegewe nuusblad moet in leesbare letters in een van die twee offisiële tale van die Unie gedruk staan die volledige en juiste adres waar die nuusblad uitgegee word en die volledige en juiste name en adres van sy eienaar, uitgiver en drukker. Plek van uitgifte en naam en adres van uitgiver van nuusblad.

HOOFSTUK II.

DRUKKERSNAAM OP DRUKWERK.

7. Op alle in die Unie gedrukte en uitgegewe drukwerk wat nie 'n nuusblad is nie, moet die volledige en juiste naam van die drukker en die volledige en juiste adres waar hy sy drukkersbesigheid dryf, in leesbare letters in een van die twee offisiële tale van die Unie gedruk staan: Met die verstande dat die Minister mag kan verleen vir die gebruik van 'n afkorting soos bepaal in artikel *ag* in stede van sodanige naam en adres, en deur kennisgewing in die *Staatskoerant* enige soort drukwerk van die bepalings van hierdie artikel kan vrystel. Drukkersnaam op drukwerk in die Unie gedruk en uitgegee.

8. (1) 'n Drukker wat voornemens is om 'n afkorting in plaas van sy volledige naam en adres vir die doeleindes van artikel *sewe* as opdruk te gebruik, moet by die Minister skriftelik aansoek doen om magtiging tot gebruik van daardie afkorting. Registrasie van afkortings van drukkersnaam.

(2) Daardie aansoek, vergesel van 'n bedrag van vyf sjielings moet vermeld die drukker se volledige en juiste naam, die volledige en juiste adres waar hy sy drukkersbesigheid dryf en die afkorting wat hy voornemens is om te gebruik.

(3) Die Minister kan by skriftelike kennisgewing die drukker magtig om bedoelde afkorting te gebruik, en die Minister moet in die *Staatskoerant* bekendmaak dat daardie magtiging verleen is.

(4) Die Minister moet elke sodanige afkorting laat regstreer in 'n register wat daarvoor aangehou word waarin die besonderhede volgens sub-artikel (2) vermeld, opgeteken moet word.

(5) Niemand anders as die drukker in wie se naam daardie afkorting aldus geregistreer is, mag dit in verband met enige drukwerk gebruik.

(6) Wanneer 'n verandering plaasvind met betrekking tot een van die besonderhede opgeteken in die register aangehou volgens sub-artikel (4), moet die betrokke drukker daardie verandering binne veertien dae na die dag waarop dit plaasvind, aan die Minister skriftelik medeeel, en daardie mededeling moet vergesel wees van 'n bedrag van twee sjielings en sikspens.

(7) Die Minister kan die register dienooreenkomsdig laat verander en as daardie verandering 'n verandering is van die betrokke afkorting, moet hy by skriftelike kennisgewing aan die drukker die verandering magtig en in die *Staatskoerant* bekendmaak dat bedoelde magtiging verleen is.

HOOFSTUK III.

ALGEMENE BEPALINGS.

9. Niemand mag in die Unie 'n nuusblad druk en uitgee, Nuusblad tensy die redakteur of waarnemende redakteur, of ingeval redakteur moet daar meer as een redakteur is, die verantwoordelike of hoof-redakteur daarvan, in die Unie woon.

10. Iemand wat 'n bepaling van hierdie Wet oortree of Misdrywe, in gebreke bly om daaraan te voldoen of wat by 'n aangifte van die besonderhede wat artikel *twee*, *vier* of *ag* voorskryf, 'n valse verklaring aflate, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf, met of sonder die keus van 'n boete, van hoogstens ses maande of met albei daardie boete en gevangenisstraf.

11. Die wette vermeld in die Bylae van hierdie Wet word Wetsherroeping, hiermee herroep vir sover as in die vierde kolom van daardie Bylae vermeld.

Interpretation
of terms.

12. In this Act—
 “Minister” means the Minister of the Interior or any other Minister of State acting in his stead;
 “newspaper” means any periodical publication published at intervals of not more than one month and consisting wholly or for the greater part, of political or other news or of articles relating thereto or to other current topics, with or without advertisements, and with or without illustrations but shall not include any publication which is proved not to be intended for public sale or public dissemination;
 “printed matter” means any picture or any mark conveying any meaning which has been produced on any material by impressing any other material thereon;
 “printer” means any person or association of persons, corporate or otherwise, carrying on or managing a business which produces printed matter.

Short title and
commencement.

13. This Act shall be known as the *Newspaper and Imprint Act, 1934*, and shall come into operation on the first day of April, 1934.

Schedule.

Province.	No. and year of law.	Short title or subject of law.	Extent of repeal.
Cape of Good Hope.	Act No. 8 of 1859.	Requiring particulars as to printer's name and place where newspapers printed to be inserted on newspaper.	The whole.
”	Act No. 29 of 1884.	Newspaper Registra- tion Act, 1884.	The whole.
Natal .. .	Law No. 9 of 1858.	Registration of News- papers.	The whole.
Transvaal ..	Ordinance 49 of 1902.	Newspaper Registra- tion Ordinance, 1902.	The whole.

No. 19, 1934.]

ACT**To amend the Diplomatic Immunities Act, 1932.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
Section 11 of Act is hereby amended as follows:
No. 9 of 1932.

(a) by substituting the word “counsellors” for the word “councillors” and inserting the word “chancellors” between the words “attachés” and “archivists” appearing in the definition of the expression “diplomatic staff” in the English text and by inserting the word “kanseliers” between the words “attachés” and “argivarisse” and substituting the word “rade” for the word “kanseliers” now appearing in the Afrikaans text of the definition of the expression “diplomatieke staf”.

(b) by deleting the definition of the expression “diplomatic agent” and substituting therefor the following new definition: “diplomatic agent” means the public representative of any other sovereign or state duly accredited as such to the Union and who is the chief or in charge of the legation or mission of such sovereign or state in the Union or any member of his diplomatic staff acting, during his absence, in his stead.

Short title.

2. This Act may be cited as the *Diplomatic Immunities Act Amendment Act, 1934*.

12. In hierdie Wet beteken—
 „Minister”, die Minister van Binnelandse Sake of enige ander Staatsminister wat namens hom optree;
 „nuusblad”, 'n tydskrif wat uitgegee word met tussenposes van nie meer as een maand en wat geheelenal of vir die grootste gedeelte bestaan uit politieke of ander nuus, of uit artikels wat daarop of op ander aktuele onderwerpe betrekking het, met of sonder advertensies en met of sonder illustrasies met uitsondering van 'n tydskrif waarvan bewys word dat dit nie vir publieke verkoop of publieke verspreiding bedoel is nie;
 „drukwerk”, 'n prent of 'n merk met enige betekenis wat op een of ander stof teweeggebring is deur 'n ander stof daarop te druk;
 „drukker”, iemand of 'n vereniging van persone, hetsy al dan nie met regspersoonlikheid beklee, wat 'n besigheid dryf of bestuur wat drukwerk voortbring.
13. Hierdie Wet heet die Nuusblad- en Drukkersnaam-Wet, 1934, en tree op die eerste dag van April 1934 in werking. Kort titel en inwerkingtreding

Bylae.

Provinsie.	No. en jaar van wet.	Kort titel of onderwerp van wet.	Omvang van herroeping.
Kaap die Goeie Hoop.	Wet No. 8 van 1859.	Voorskrif dat besonderhede omtrent drukker se naam en plek waar nuusblaie gedruk word, op nuusblad moet voorkom.	Geheel.
"	Wet No. 29 van 1884.	Nuusbladregistrasie-Wet, 1884.	Geheel.
Natal ..	Wet No. 9 van 1858.	Registrasie van Nuusblaie.	Geheel.
Transvaal ..	Ordonnansie 49 van 1902.	Nuusbladregistrasie-Ordonnansie, 1902.	Geheel.

No. 19, 1934.]

WET**Tot wysiging van die Wet op Diplomatieke Immunititeit, 1932.**

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *elf* van die Wet op Diplomatieke Immunititeit, Wysiging van artikel 11 van Wet No. 9 van 1932, word hierby gewysig soos volg :

(a) deur die woord „councillors” te vervang deur die woord „counsellors” en die woord „chancellors” in te voeg tussen die woorde „attachés” en „archivists” wat voorkom in die omskrywing van die uitdrukking „diplomatic staff” in die Engelse teks, en deur die woord „kanseliers” in te voeg tussen die woorde „attachés” en „argivarisse” en die woord „kanseliers” wat tans voorkom in die Afrikaanse teks van die omskrywing van die uitdrukking „diplomatieke staf” te vervang deur die woord „rade”.

(b) deur die omskrywing van die uitdrukking „gesant” te skrap en die te vervang deur die volgende nuwe omskrywing : „gesant” die openbare verteenwoordiger van 'n ander soewerein of staat as sodanig behoorlik geakkrediteer by die Unie en wat die hoof of in bevel is van die gesantskap of missie van sodanige soewerein of staat in die Unie, of 'n lid van sy diplomatieke staf wat tydens sy afwesigheid waarneem.

2. Hierdie Wet kan aangehaal word as die Wet tot Wysiging Kort titel van die Wet op Diplomatieke Immunititeit, 1934.

No. 20, 1934.]

ACT

To amplify the Motor Carrier Transportation Act, 1930.

BE IT ENACTED by the King's Most Excellent Majesty, the
Senate and the House of Assembly of the Union of South
Africa, as follows :—

Insertion of new section 21bis in Carrier Transportation Act, 1930, after section twenty-one;
Act No. 39 of 1930.

Suspension 21bis. (1) Upon the recommendation of the Board, the Governor-General may from time to time by proclamation in the *Gazette*, during any period specified in that proclamation or until the proclamation is withdrawn or modified by a further proclamation, suspend wholly or partly the operation of any provision of this Act, either throughout the Union or in relation to any particular proclaimed transportation area or proclaimed transportation route, and either absolutely in its application to all persons, or in so far as it affects any particular class of motor carrier transportation, or in so far as it affects motor carrier transportation carried out in a manner prescribed by the said proclamation, or in so far as it affects motor carrier transportation in connection therewith certain requirements defined in the said proclamation have been complied with.

(2) A proclamation referred to in sub-section (1) shall not be issued unless the Board has published in the *Gazette*, not less than three weeks prior to the issue of such proclamation, a notice of its intention to recommend to the Governor-General the issue of such proclamation.

(3) The said notice shall set forth the terms of the Board's proposed recommendation and shall invite any person who objects to the issue of the proclamation to submit to the Board within a period of ten days as from the date of publication of the said notice, a statement in writing of his objections.

(4) The Board shall submit with any such recommendation as aforesaid copies of any objections to the recommendation which have been submitted to the Board in terms of sub-section (3).

Short title.

2. This Act shall be known as the Motor Carrier Transportation Amendment Act, 1934, shall come into operation on the first day of June, 1934, and shall remain in operation only until the thirty-first day of May, 1935.

No. 20, 1934.]

WET

Tot aanvulling van die Motortransportwet, 1930.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Die volgende nuwe artikel word hiermee in die Motor-transportwet, 1930 na artikel *een-en-twintig* ingevoeg :

Opskorting 21bis. (1) Op aanbeveling van die Raad kan van Wet die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* gedurende 'n tydperk in daardie proklamasie bepaal of totdat die proklamasie deur 'n verdere proklamasie ingetrek of gewysig word, enige bepaling van hierdie Wet geheel of gedeeltelik opskort, hetsy orals in die Unie of slegs met betrekking tot een of ander bepaalde geproklameerde transportgebied of geproklameerde transportroete, en hetsy volstrek ten opsigte van alle mense, of slegs vir so ver dit betrekking het op 'n bepaalde kategorie van motor-transport, of vir so ver dit betrekking het op motor-transport uitgevoer volgens voorskrif van bedoelde proklamasie, of vir so ver dit betrekking het op motortransport in verband waarin voldoen is aan sekere in bedoelde proklamasie omskreve vereistes.

Invoeging van
nuwe artikel 21bis
in Wet No. 39 van
1930.

(2) 'n Proklamasie vermeld in sub-artikel (1) word nie uitgevaardig nie, tensy die raad nie minder as drie weke voor die uitvaardiging van bedoelde proklamasie in die *Staatskoerant* kennis gegee het van sy voorname om die uitvaardiging van daardie proklamasie by die Goewerneur-generaal aan te beveel.

(3) Bedoelde kennisgewing moet die inhoud van die raad se voorgenome aanbeveling vermeld en moet enigeen, wat beswaar het teen die uitvaardiging van die proklamasie, uitnodig om binne 'n termyn van tien dae vanaf die dag van verskynning van voormalde kennisgewing, 'n skriftelike uiteensetting van sy besware by die raad in te dien.

(4) Die raad moet met so 'n vermelde aanbeveling afskrifte inlewer van alle besware teen die aanbeveling, wat ingevolge sub-artikel (3) by die raad ingedien is.

2. Hierdie Wet heet die Motortransport Wysigingswet, 1934, Kort titel. tree in werking op die eerste dag van Junie 1934 en bly slegs tot die een-en-dertigste dag van Mei 1935 van krag.

No. 21, 1934.]

ACT

To amend the law relating to the administration of justice in the Orange Free State.

BE IT ENACTED by the King's Most Excellent Majesty, by the Senate and the House of Assembly of the Union of South Africa, as follows:—

Substitution of
Section 4 of
Ordinance 13 of
1904 (O.F.S.)

1. Section *four* of the Administration of Justice Amending Ordinance, 1904 (Orange Free State) is hereby repealed and the following section substituted therefor:

Quorum of Court. 4. Subject to the provisions of sections *one hundred and sixty-five, two hundred and fifteen and two hundred and sixteen* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917) and of section *one hundred and eleven* of the Electoral Act, 1918 (Act No. 12 of 1918), any two judges of the said court shall form a quorum thereof: Provided that one judge of the said court may hear and determine—
(a) any action for provisional sentence, any application by way of motion or petition and any action in which the defendant is in default;
(b) any other suit if—
(i) any party thereto or his attorney files, after the close of the pleadings, with the registrar of the said court a consent in writing signed by all the parties to the suit or their attorneys whereby it is agreed that such suit be heard and determined by one judge of the said court, or
(ii) the said court, after the close of pleadings, remits, either on the application of any party to the suit or of its own motion, the suit to be heard and determined by one judge of the said court".

Repeal of Act
No. 11 of 1921.

2. The Administration of Justice (Orange Free State) Amendment Act, 1921, is hereby repealed.

Short title.

3. This Act shall be known as the Orange Free State Administration of Justice Amendment Act, 1934.

No. 21, 1934.]

WET

Tot wysiging van die wet op die regspleging in die Oranje-Vrystaat.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel vier van die „Administration of Justice Amending Vervanging van Ordinance, 1904” van die Oranje-Vrystaat word hiermee herroep en deur die volgende artikel vervang:

„Quorum of 4. Subject to the provisions of sections one Court. hundred and sixty-five, two hundred and fifteen and two hundred and sixteen of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917) and of section one hundred and eleven of the Electoral Act, 1918 (Act No. 12 of 1918), any two judges of the said court shall form a quorum thereof: Provided that one judge of the said court may hear and determine—

(a) any action for provisional sentence, any application by way of motion or petition and any action in which the defendant is in default;

(b) any other suit if—

(i) any party thereto or his attorney files, after the close of the pleadings, with the registrar of the said court a consent in writing signed by all the parties to the suit or their attorneys whereby it is agreed that such suit be heard and determined by one judge of the said court, or

(ii) the said court, after the close of pleadings, remits, either on the application of any party to the suit or of its own motion, the suit to be heard and determined by one judge of the said court”.

2. Die „Wet tot Wijziging van de Rechtspleging (Oranje-Vrystaat), 1921” word hiermee herroep.

Herroeping van
Wet No. 11 van
1921.

3. Hierdie Wet heet die Wet tot Wysiging van die Oranje-Vrystaatse Regspleging, 1934.

Kort titel.

BILL

To make better provision for the elimination of slums within the areas of jurisdiction of certain local authorities.

(Introduced by the MINISTER OF PUBLIC HEALTH.)

BE IT ENACTED by the King's Most Excellent Majesty, B the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

INTRODUCTORY.

5

- Interpretation and application. 1. (1) In this Act, unless inconsistent with the context—
- “Administrator” means the Administrator of the province in which the district concerned is situate, acting on the advice of the executive committee of the province;
 - “building” includes any dwelling and any other structure whatsoever, for whatever purpose used;
 - “deeds registry” in relation to any land means the deeds registry established for the area in which that land is situate, and in the case of land held under stand licence and situate within a township means 15 the office of the Rand Townships Registrar, and in the case of land held under stand licence and situate outside a township means the office of the Registrar of Mining Titles;
 - “district” means, in relation to a local authority, the area which is under the control of that local authority;
 - “dwelling” means any house, room, shed, hut or tent or any other structure or place, any portion whereof is used by any human being for sleeping in, or in which any human being dwells;
 - “land” means and includes—
 - (i) land with or without buildings thereon;
 - (ii) land or any real right therein;
 - (iii) any lease of land registered in the deeds registry which, when entered into, was for a period of not less than ten years or for the natural life of the lessee or any person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which, together with the first period, amount in all to 35 not less than ten years;
 - “local authority” means the council of any city, town or borough specified in the list of which the First Schedule to this Act consists, or added to that list by proclamation issued under sub-section (3) of this section;
 - “medical officer of health” means a medical practitioner registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or appointed as medical officer of health or assistant medical officer of health by a local authority, and includes any 45 medical practitioner so registered lawfully acting in that capacity;
 - “Minister” means the Minister of Public Health, or any other Minister of State acting in his stead;
 - “owner” in relation to any land means and includes—
 - (i) the person in whose name the title to that land is registered, and includes the holder of the stand licence;
 - (ii) if such person is dead or if his estate has been sequestrated or assigned under the provisions of 55 the Insolvency Act, 1916 (Act No. 32 of 1916), or if he is under any legal disability, the person empowered by law to administer his estate, or in the case of a company which is being wound up, the liquidator thereof;

WETSONTWERP

Om beter voorsiening te maak vir die opruiming van slums in die gebiede van seker plaaslike besture.

(Ingienier deur die MINISTER VAN VOLKSGESONDHEID.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

HOOFSTUK I.

5 INLEIDINGSBEPALINGS.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing en toepassing van Wet.
- „Administrateur”, die Administrateur van die provinsie waarin die distrik geleë is, handelende op advies van die uitvoerende komitee van die provinsie;
- 10 „gebou” ook 'n woning en enige ander bouwerk, van watter aard ook, en vir watter doel ook gebruik;
- „registrasiekantoor”, met betrekking tot grond, die registrasiekantoor van aktes opgerig vir die streek waarin daardie grond geleë is; en met betrekking tot grond wat kragtens standplaaslisensie besit word en binne 'n dorp geleë is, beteken „registrasiekantoor” die kantoor van die Registrateur van Randdorp; en met betrekking tot grond wat kragtens standplaaslisensie besit word en buite 'n dorp geleë is, beteken „registrasiekantoor” die kantoor van die Registrateur van Myntitels;
- 20 „distrik”, met betrekking tot 'n plaaslike bestuur, die gebied waaroer daardie plaaslike bestuur beheer uitoefen;
- 25 „woning”, 'n huis, kamer, skuur, pondok of tent of enige ander bouwerk of plek, waarvan 'n gedeelte deur mense gebruik word as slaapplek of waarin 'n mens woon;
- 30 „grond”, ook—
- (i) grond met of sonder geboue daarop;
 - (ii) grond of 'n sakelike reg in grond;
 - (iii) 'n huur van grond wat in die registrasiekantoor geregistreer is, en wat by aanvang aangegaan is vir 'n tydperk van minstens tien jaar of vir die lewe van die huurder of van 'n in die huurkontrak genoemde persoon, of wat die huurder van tyd tot tyd kan hernuwe of onbepaald of vir tydperke wat, saamgerekken met die eerste tydperk, uitwerk op minstens tien jaar;
- 40 „plaaslike bestuur”, die stadsraad van 'n stad vermeld in die lys waaruit die Eerste Bylae tot hierdie Wet bestaan, of aan daardie lys toegevoeg deur 'n kragtens sub-artikel (3) van hierdie artikel uitgevaardigde proklamasie;
- 45 „geneeskundige gesondheidssamptenaar”, 'n geneesheer wat as sodanig ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), geregistreer is, en wat deur 'n plaaslike bestuur as geneeskundige gesondheidssamptenaar of assistent-geneeskundige gesondheidssamptenaar aangestel is, met inbegrip van 'n aldus geregistreerde geneesheer wat wettig as sulks optree;
- 50 „Minister”, die Minister van Volksgesondheid, of 'n ander Staatsminister wat namens hom optree;
- 55 „eiennaar”, met betrekking tot grond, ook—
- (i) die persoon in wie se naam die eiendomstitel van daardie grond geregistreer is, met inbegrip van die houer van die standplaaslisensie;
 - (ii) as daardie persoon oorlede is, of as sy boedel ingevolge die bepalings van die „Insolventie Wet, 1916” (Wet No. 32 van 1916), gesekwestreer of afgestaan is, of as hy regsonbevoeg is, die persoon wat regtens gemagtig is sy boedel te bestuur, of, in die geval van 'n maatskappy wat gelikwiddeer word, die likwidator daarvan;

- (iii) if the land is held under any registered lease such as is referred to in paragraph (iii) of the definition of the word "land", the lessee ;
 (iv) if the owner as above defined is absent from the Union or if his whereabouts are unknown, an agent of such owner or any person receiving or entitled to receive rent in respect of the land ;
- "premises" means any dwelling, together with the land on which the same is situated and the adjoining land used in connection therewith ; 10
- "registrar of deeds" means the officer in charge of the deeds registry concerned ;
- "slum" means any premises or any part of any premises which has been declared a slum under the provisions of section four. 15
- (2) Whenever—
- (a) any condition exist in or upon any premises or part thereof which do not conform with the requirements of the Second Schedule to this Act or of any regulations made under this Act ; or 20
- (b) any premises or part thereof are or is of such construction or in such a state or so situated or so dirty or so verminous as to be unsafe or injurious or dangerous to health or liable to favour the spread of any infectious disease ; or 25
- (c) any premises have not such a proper, sufficient and wholesome water supply available within a reasonable distance as under the circumstances it is possible to obtain,
- a nuisance liable to be dealt with under this Act shall be deemed to exist in or upon such premises or part thereof. 30

(3) The Governor-General may from time to time by proclamation in the *Gazette* add any city, town or borough to the list of which the First Schedule to this Act consists, after consultation with the Administrator of the province in which such city, town or borough is situate and with the council of such city, town or borough. 35

This Act is supplementary to Act 36 of 1919.

2. (1) The provisions of this Act shall be deemed to be supplementary to and not in substitution for the provisions of the Public Health Act, 1919 (Act No. 36 of 1919), save in so far as the provisions of this Act may be inconsistent with the provisions of the said Act, in which case the provisions of this Act shall prevail. 40

(2) The powers conferred and the duties imposed upon a local authority by this Act shall be deemed to be such powers and duties as are referred to in section eleven of the said Act. 45

Local authority to prevent nuisances and ensure provision of suitable housing.

3. It shall be the duty of the local authority to take all lawful, necessary and reasonably practicable measures—

(a) for preventing or remedying or causing to be prevented or remedied all nuisances in its district, and 50
 (b) for ensuring the provision of suitable housing for the inhabitants of its district.

CHAPTER II.

REPAIR, DEMOLITION AND EVACUATION OF SLUMS.

Declaration of a slum.

4. (1) If it is reported to the local authority by the medical officer of health that a nuisance exists in or upon any premises or any part thereof within its district and that in his opinion such nuisance can be most effectively dealt with by applying the provisions of this Act, the local authority may cause a notice signed by the town clerk to be served upon the owner of such premises or of the part thereof upon which the nuisance exists, calling upon him to appear before the local authority or a committee thereof appointed for the purpose at a place and at a time stated in such notice, not being less than ten days nor more than thirty days after the service of such notice, to show cause why such premises or such part thereof shall not be declared to be a slum. 60

(2) The report of the medical officer of health, in consequence of which the notice is issued, shall be annexed to the notice. 65

(3) At the place and time stated in such notice, the local authority or committee, as the case may be, shall investigate the matter and shall afford the owner an opportunity of adducing reasons why such premises or such part thereof should not be declared to be a slum. 70

- (iii) as die grond kragtens so 'n geregistreerde huurkontrak besit word as wat in paragraaf (iii) van die omskrywing van die woord „grond” bedoel word, die huurder;
- 5 (iv) as die eienaar soas hierbo omskrywe buite die Unie is of as sy verblyfplek onbekend is, 'n agent van die eienaar of 'n persoon wat die huurgeld van die grond ontvang of geregtig is dit te ontvang;
- 10 „perseel”, 'n woning, tesame met die grond waarop dit staan en die aangrensende grond wat in verband daarmee gebruik word;
- „registrator van aktes”, die amptenaar wat belas is met die bestuur van die betrokke registrasiekantoor;
- 15 „slum”, 'n perseel of 'n gedeelte van 'n perseel, wat ingevolge die bepalings van artikel vier tot 'n slum verklaar is.
- (2) Wanneer—
- (a) op 'n perseel of 'n gedeelte daarvan toestande bestaan wat nie aan die vereistes van die Tweede Bylae tot hierdie Wet of van enige kragtens hierdie Wet uitgevaardigde regulasies voldoen nie; of
- 20 (b) 'n perseel of 'n gedeelte daarvan so gebou is, of in so 'n toestand is, of so vuil is, of so vol ongedierte is, dat dit onveilig is, of skadelik of gevaarlik vir die gesondheid is, of die verspreiding van besmetlike siektes sou kan bevorder; of
- 25 (c) vir 'n perseel nie, binne 'n redelike afstand, so 'n behoorlike, voldoende en gesonde watervoorraad beskikbaar is nie, as wat onder omstandighede moontlik verkry kan word,
- 30 word 'n misstand waarop hierdie Wet toegepas kan word, op daardie perseel of gedeelte daarvan geag te bestaan.

(3) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* enige stad aan die lys waaruit die Eerste Bylae tot hierdie Wet bestaan tovoeg, na beraadslaging met die Administrateur van die provinsie waarin die stad geleë is en met die stadsraad van die stad.

2. (1) Die bepalings van hierdie Wet vul die bepalings van die „Volksgezondheidswet, 1919” (Wet No. 36 van 1916), aan en vervang nie daardie bepalings nie, behalwe vir sover die bepalings van hierdie Wet onverenigbaar is met die bepalings van genoemde Wet, by watter geval die bepalings van hierdie Wet geld.

45 (2) Die magte verleen en die pligte opgelê aan 'n plaaslike bestuur deur hierdie Wet, word geag te wees magte en pligte wat in artikel elf van genoemde Wet bedoel word.

3. Dit is die plig van die plaaslike bestuur om alle wettige, nodige en redelikerwys uitvoerbare maatreëls te neem—
50 (a) om alle misstände in sy distrik te belet of beëindig of te doen belet of beëindig, en
(b) om daarvoor te sorg dat geskikte huisvesting vir die inwoners van sy distrik verskaf word.

Hierdie Wet is
aanvullend tot Wet
36 van 1919.

55 HOOFSTUK II.

REPARASIE, AFBRAAK EN ONTRUIMING VAN SLUMS.

4. (1) Wanneer deur die geneeskundige gesondheidsamptenaar aan die plaaslike bestuur meegedeel word dat 'n misstand bestaan op 'n perseel of op 'n gedeelte daarvan geleë binne die distrik, en dat na sy oordeel teen bedoelde misstand op die doelmatigste wyse opgetree kan word deur die bepalings van hierdie Wet toe te pas, kan die plaaslike bestuur 'n kennisgewing deur die stadsklerk onderteken op die eienaar van bedoelde perseel, of van die gedeelte daarvan waarop die misstand bestaan, laat dien, wat hom aanmaan om op 'n in die kennisgewing vermelde plek en tyd, wat nie vroeër as tien dae en nie later as dertig dae na diening van bedoelde kennisgewing is nie, voor die plaaslike bestuur of 'n daartoe benoemde komitee daarvan te verskyn, om gronde aan te toon waarom bedoelde perseel of bedoelde gedeelte daarvan nie tot 'n slum verklaar sal word nie.

(2) Die rapport van die geneeskundige gesondheidsamptenaar, wat aanleiding gegee het tot die uitreiking van die kennisgewing, word aan die kennisgewing aangeheg.

75 (3) Die plaaslike bestuur of die komitee, al na die geval, moet op die in die kennisgewing vermelde plek en tyd die saak ondersoek, en moet aan die eienaar 'n geleentheid verskaf om redes aan te voer, waarom bedoelde perseel of bedoelde gedeelte daarvan nie behoort tot 'n slum verklaar te word nie.

(4) The owner may appear personally or by an attorney or by counsel.

(5) The local authority or committee, as the case may be, may adjourn the hearing from time to time for periods not exceeding fourteen days each. 5

(6) A record shall be kept of the proceedings at such hearing.

(7) The local authority or the committee, as the case may be, shall consider all documents produced to it and all facts and arguments adduced at the hearing, and—

(a) where the investigation is made by the local authority 10 itself, if it is satisfied that a nuisance does exist in or upon such premises or such part thereof and that it can be most effectively dealt with under this Act, the local authority may by resolution declare such premises or such part thereof a slum; or 15

(b) where the investigation is made by a committee, the committee shall make a report in writing to the local authority.

(8) Whenever a committee has reported to the local authority 20 as in paragraph (b) of sub-section (7) provided, the local authority shall consider that report and the record of the proceedings at the hearing and all documents produced to the committee or to the local authority, and if the local authority is satisfied that a nuisance does exist in or upon such premises or part thereof and that it can be most effectively dealt with 25 under this Act, may by resolution declare such premises or such part thereof a slum.

(9) Not less than two-thirds of the members of the local authority shall be present at any meeting at which any such resolution as is referred to in sub-section (7) or (8) is passed, 30 and no such resolution shall be of any effect unless the majority of the members present at the meeting voted in favour thereof.

(10) Any person who feels aggrieved at such a declaration in respect of any premises of which he is the owner may appeal to the Minister by lodging a notice of appeal with the Minister 35 and the local authority within a period of ten days after the making of such declaration; and the decision of the Minister upon any such appeal shall be final.

**Order to remove
nuisance or
demolish
dwellings.**

5. (1) The local authority shall, upon expiration of the period of ten days after it has in terms of section four declared any 40 premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the confirmation by the Minister of the declaration (if the declaration be so confirmed), cause an order signed by the town clerk to be served on the owner of the slum— 45

(a) directing him to remove the nuisance by reason of which the declaration was made before a date stated in such order, not being less than three months from the date of service of such order, and before such stated date to execute all such works or take such steps 50 for the reduction of the number of occupiers of the slum or and do all such things as may be necessary to effect such removal and, if the local authority think it advisable (but not otherwise), directing him, in order that a recurrence of the nuisance may be prevented, 55 to execute the works and perform the acts specified in the order before such stated date; or

(b) (if the local authority is satisfied that any dwelling comprised in the slum is so dilapidated, or so defectively constructed, or so situated, that repairs to or 60 alterations of the same are not likely to remove the nuisance), directing him to demolish such dwelling, and to commence such demolition on or before a date stated in such order and to complete the demolition and remove the materials of which such dwelling was 65 constructed from the site before a date stated in such order.

(2) If the owner of the slum fails to comply with any of the directions set forth in the order referred to in sub-section (1), he shall be guilty of an offence. 70

**Publication of
declaration of
premises as a
slum.**

6. The local authority shall, upon expiration of the period of ten days after it has in terms of section four declared any premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the confirmation by the Minister of the declaration (if the declaration 75

- (4) Die eienaar kan persoonlik verskyn of deur 'n prokureur of advokaat optree.
- (5) Die plaaslike bestuur of komitee, al na die geval, kan die verhoor van tyd tot tyd vir tydperke van nie meer as 5 veertien dae elk verdaag.
- (6) Aantekenings moet gehou word van die verrigtings by die verhoor.
- (7) Die plaaslike bestuur of die komitee, al na die geval, moet alle dokumente wat aan hom oorgelê is, en alle feite en 10 argumente wat by die verhoor aangevoer is, oorweeg, en—
- (a) wanneer die ondersoek gedoen word deur die plaaslike bestuur self, kan hy, as hy oortuig is dat 'n misstand wel op bedoelde perseel of bedoelde gedeelte daarvan bestaan, en dat op die doelmatigste wyse daarteen opgetree kan word deur hierdie Wet toe te pas, bedoelde perseel of bedoelde gedeelte daarvan deur besluit tot 'n slum verklaar; of
- (b) wanneer die ondersoek gedoen word deur 'n komitee, moet die komitee skriftelik verslag doen aan die plaaslike bestuur.
- (8) Wanneer 'n komitee in ooreenstemming met die bepalings van paragraaf (b) van sub-artikel (7) aan die plaaslike bestuur verslag gedoen het, moet die plaaslike bestuur daardie verslag, en die aantekenings van die verrigtings by die verhoor, en 25 alle dokumente wat aan die komitee of aan die plaaslike bestuur oorgelê is, oorweeg, en as die plaaslike bestuur oortuig is dat 'n misstand wel op bedoelde perseel of bedoelde gedeelte daarvan bestaan, en dat op die doelmatigste wyse daarteen opgetree kan word deur hierdie Wet toe te pas, kan 30 hy deur besluit bedoelde perseel of bedoelde gedeelte daarvan tot 'n slum verklaar.
- (9) Op 'n vergadering waarop so 'n besluit as wat bedoel word in sub-artikel (7) of (8) aangeneem is, moet minstens twee-derdes van die lede van die plaaslike bestuur aanwesig 35 wees, en so 'n besluit is nie geldig nie; tensy die meerderheid van die lede wat op die vergadering teenwoordig is ten gunste daarvan gestem het.
- (10) Iedereen wat verongelyk voel deur so 'n verklaring ten opsigte van 'n perseel waarvan hy die eienaar is, kan na die 40 Minister appelleer, deur inlewing by die Minister en by die plaaslike bestuur, binne 'n tydperk van tien dae nadat bedoelde verklaring uitgevaardig is, van 'n kennisgewing van appèl; en die beslissing van die Minister op so 'n appèl is afdoende.
5. (1) Die plaaslike bestuur moet, na verloop van 'n tydperk van tien dae na hy ingevolge artikel vier 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, ingeval appèl na die Minister binne daardie tydperk aangeteken is, na bekragtiging deur die Minister van die verklaring (indien die verklaring wel bekragtig word), 'n bevel, onderteken deur die stadsklerk, 45 op die eienaar van die slum laat dien— Bevel om misstand te beëindig of om wonings af te breek.
- (a) wat hom gelas om die misstand, na aanleiding waarvan die verklaring gedoen is, te beëindig voor 'n dag in bedoelde bevel vermeld, wat nie vroeër vasgestel moet wees nie dan drie maande na die dag waarop bedoelde bevel gedien is, en om voor bedoelde vermelde dag alle werke uit te voer, of alle maatreëls tot vermindering van die aantal bewoners van die slum te neem, of alle andere handelings te verrig, wat nodig is om bedoelde beëindiging teweeg te bring, en, ingeval die plaaslike bestuur dit raadsaam ag (maar nie anders nie), wat hom gelas om, ten einde te verhoed dat die misstand herhaal word, die in die bevel opgegewe werke en handelings voor bedoelde vermelde dag uit te voer en te verrig; of
- (b) (ingeval die plaaslike bestuur daarvan oortuig is dat 'n woning wat 'n deel van die slum uitmaak so bouvallig is, of so sleg gebou is, of so geleë is, dat reparasies en veranderings daarvan die misstand vermoedelik nie sou kan beëindig nie), wat hom gelas om bedoelde woning af te breek, en om op of voor 'n in bedoelde bevel vermelde dag met die afbraak aan te vang, en om voor 'n in bedoelde bevel vermelde dag die afbraak te voltooi en die boustof waaruit die woning bestaan het van die terrein te verwijder.
- 75 (2) Indien die eienaar van die slum versuim om aan een of ander van die voorskrifte van die in sub-artikel (1) bedoelde bevel te voldoen, is hy aan 'n misdryf skuldig.
6. (1) Die plaaslike bestuur moet, na verloop van 'n tydperk van tien dae na hy ingevolge artikel vier 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, ingeval appèl na die Minister binne daardie tydperk aangeteken is, na bekragtiging deur die Minister van die verklaring (indien die verklaring Publikasie van verklaring van 'n perseel tot 'n slum.

tion be so confirmed), cause to be published in the Union *Government Gazette*, in the *Official Gazette* of the province within which the district is situate and in one or more newspapers circulating in the district, a notice stating that the declaration has been made, and describing the slum 5 and its situation in such detail as will enable it to be identified.

(2) Such notice shall, whenever the local authority has in terms of paragraph (b) of section five directed the owner of the slum to demolish any dwelling comprised therein, state that 10 fact and set forth the date on or before which the owner has been directed to commence the demolition.

Owner of slum to furnish information to local authority. 7. (1) The owner of the slum shall, within a period of seven days from the date of service of the order referred to in section 15 five, or within such longer period as the local authority may determine, deliver to the town clerk a list signed by him of—

- (a) the names of all occupiers of the slum as at the date of service of such order; and
- (b) his documents of title to the slum, setting forth the 20 numbers and dates of such documents of title; and
- (c) the registered mortgage bonds over the slum, setting forth the numbers and dates of such bonds and the names and addresses of the holders thereof.

(2) Any owner who fails to comply with the provisions of 25 sub-section (1), or who knowingly or negligently makes any false statement in any such list or omits from any such list any particulars which he is by sub-section (1) required to state therein, shall be guilty of an offence.

Notice to occupiers of slum of order to reduce their number. 8. (1) Whenever the local authority has, by order issued 30 under paragraph (a) of sub-section (1) of section five directed that the number of occupiers of the slum be reduced, or has by order issued under paragraph (b) of that sub-section directed that any dwelling comprised in the slum be demolished, the town clerk shall cause a notice stating that fact and setting 35 forth the date on or before which the reduction in number is to be effected or the demolition is to be commenced, as the case may be, to be served on every occupier of the slum whose name is known to the town clerk and to be posted up in a conspicuous position on such slum. The town clerk may, 40 from time to time, as necessity arises, cause a fresh notice to be so posted up.

(2) Any person who removes, destroys, damages or defaces any notice affixed to the slum in terms of sub-section (1) shall, subject to the provisions of paragraph (d) of sub-section (4) 45 of section fifteen, be guilty of an offence.

Upon failure of owner, local authority may remove nuisance. 9. (1) If the owner of the slum fail to comply with the directions set forth in the order referred to in section five the local authority may cause such directions to be carried out.

(2) The local authority may cause to be sold by public auction or otherwise any materials of which any building comprised in the slum is constructed, and which are derived from the demolition or partial demolition or alteration of such building in obedience to such order.

(3) The local authority may recover from the owner the balance of all expenses incurred by it under the provisions of this section after deduction of the nett proceeds of any materials so sold.

(4) If the nett proceeds of any materials so sold exceed the 60 amount of such expenses, the local authority shall pay over to the holder of any registered mortgage bond over the slum so much of the balance as is owing under such bond, and the remainder of the balance to the owner of the slum.

(5) A certificate signed by the town clerk stating the amount 65 of such expenses and the amount of the nett proceeds of any materials so sold shall be received in all courts as conclusive evidence of the matters stated.

Reduction of overcrowding: determination of names of occupiers who must leave slum. 10. (1) Whenever the local authority has, by order issued 70 under paragraph (a) of sub-section (1) of section five, directed the number of occupiers of the slum to be reduced, the occupiers of the slum may agree amongst themselves which of them shall cease to occupy the slum, and may, not later than two months after the date on which the notice setting forth the requirements of the local authority was first posted up on the 75 slum in terms of sub-section (1) of section eight, lodge with the local authority a list of the names of the occupiers who have agreed to cease to occupy the slum, signed by such occupiers.

wel bekragtig word), 'n kennisgewing, wat vermeld dat die verklaring gedoen is, en wat die slum en die ligging daarvan so in besonderhede omskrywe dat dit herken kan word, in die *Unie Staatskoerant*, in die *Offisiële Staatskoerant* van die 5 provinsie waarin die distrik geleë is en in een of meer nuusblaaie wat in die distrik in omloop is, laat publiseer.

(2) So 'n kennisgewing moet, wanneer die plaaslike bestuur ingevolge paragraaf (b) van artikel *vijf* die eienaar van die slum gelas het om 'n woning wat 'n deel uitmaak van die slum af te 10 breek, melding maak van daardie feit en van die dag waarop of voor welke die eienaar gelas is om met die afbraak aan te vang.

7. (1) Die eienaar van die slum oorhandig aan die stadslerk, Gegewens wat binne 'n tydperk van sewe dae vanaf die dag waarop die in eienaar van slum artikel *vijf* bedoelde bevel gedien is, of binne 'n langer tydperk aan plaaslike bestuur moet 15 deur die plaaslike bestuur vas te stel, 'n lys deur hom onder-verstrek. teken van—

- (a) die name van alle bewoners van die slum op die dag waarop bedoelde bevel gedien is; en
- 20 (b) sy titelbewyse van die slum, met opgawe van die nommers en datums van bedoelde titelbewyse; en
- (c) die geregistreerde verbande op die slum, met opgawe van die nommers en datums van bedoelde verbande en die name en adresse van die houers daarvan.

(2) 'n Eienaar wat versuim om aan die bepalings van sub-25 artikel (1) te voldoen, of wat met wete of nalatiglik 'n valse verklaring in so 'n lys maak of uit so 'n lys besonderhede weglaat wat hy volgens sub-artikel (1) daarin moet verklaar, is aan 'n misdryf skuldig.

8. (1) Wanneer die plaaslike bestuur, deur 'n kragtens Kennisgewing aan 30 paragraaf (a) van sub-artikel (1) van artikel *vijf* uitgevaardigde bewoners van slum bevel voorgeskrywe het dat die aantal bewoners van die slum om hulle aantal te verminder. verminder word, of, deur 'n kragtens paragraaf (b) van daardie sub-artikel uitgevaardigde bevel, voorgeskrywe het dat 'n woning wat 'n deel uitmaak van die slum afgebreek word, moet 35 die stadslerk 'n kennisgewing, wat melding maak van daardie feit en van die dag waarop of voor welke die aantalvermindering teweeggebring moet word of met die afbraak aangevang moet word, al na die geval, op elke bewoner van die slum wie se naam aan die stadslerk bekend is laat dien, en in 'n in die oog 40 vallende plek op die slum laat opplak. Die stadslerk kan, van tyd tot tyd, as dit nodig word, 'n nuwe kennisgewing laat opplak.

(2) Behoudens die bepalings van paragraaf (d) van sub-artikel (4) van artikel *vijftien*, is enigeen wat 'n kennisgewing, 45 wat ingevolge sub-artikel (1) op die slum opgeplak is, verwijder, vernietig, beskadig of uitwis, aan 'n misdryf skuldig.

9. (1) As die eienaar van die slum versuim om aan die voor-skrifte van die in artikel *vijf* bedoelde bevel te voldoen, kan die plaaslike bestuur daardie voorskrifte laat uitvoer. By versuim van eienaar, kan plaas-like bestuur misstand beeindig.

50 (2) Die plaaslike bestuur kan materiaal, waaruit 'n gebou bestaan wat deel uitmaak van die slum, en wat verkry word deur afbraak of gedeeltelike afbraak of verandering van die gebou ooreenkomsdig so 'n bevel, deur publieke veiling of anders laat verkoop.

55 (3) Die plaaslike bestuur kan op die eienaar die balans verhaal van alle koste deur die plaaslike bestuur ingevolge die bepalings van hierdie artikel aangegaan, na aftrek van die netto opbrings van aldus verkopte boustof.

(4) As die netto opbrings van aldus verkopte boustof die 60 bedrag van die bedoelde koste te bowe gaan, betaal die plaaslike bestuur aan die houer van 'n geregistreerde verband op die slum soveel van die balans as wat kragtens die verband verskuldig is, en die res van die balans aan die eienaar van die slum.

(5) 'n Sertifikaat deur die stadslerk onderteken, wat die 65 bedrag van sodanige koste en die bedrag van die netto opbrings van die aldus verkopte boustof vermeld, word in alle howe op blote vertoon daarvan as andoende bewys van die vermelde feite aangeneem.

10. (1) Wanneer die plaaslike bestuur, deur 'n kragtens Verhoeding van 70 paragraaf (a) van sub-artikel (1) van artikel *vijf* uitgevaardigde oorbevolking: vas-bevel, voorgeskrywe het dat die aantal bewoners van die slum stelling van name verminder word, kan die bewoners van die slum onder mekaar van bewoners wat ooreenkom wie van hulle moet ophou die slum te bewoon, en slum moet verlaat. kan hulle, binne twee maande na die dag waarop die kennis-75 gewing, waarin die voorskrifte van die plaaslike bestuur, ver-meld word, vir die eerste keer ingevolge sub-artikel (1) van artikel *agt* op die slum opgeplak is, by die plaaslike bestuur 'n lys indien van die name van die bewoners wat ingewillig het om op te hou die slum te bewoon, wat deur daardie bewoners 80 onderteken is.

(2) If the list referred to in sub-section (1), duly signed, is not lodged with the local authority within the period fixed by that sub-section, or if the number of names on the list is smaller than the number by which the number of the occupiers of the slum must be reduced, the local authority shall immediately after the expiration of the said period of two months cause a notice to be served upon the owner of the slum inviting him to lodge with the local authority within seven days from the date of service a list containing a sufficient number of names of occupiers of the slum to make up the number by which the number of occupiers must be reduced. 5 10

(3) If the owner fail to lodge the list referred to in sub-section (2) with the local authority within the said period of seven days, or if the local authority reject any of the names appearing on the list lodged by him (which it is hereby authorized to do), or if the number of names on the list lodged by him is insufficient to make up the number by which the number of occupiers of the slum must be reduced, the local authority shall itself frame a list containing the required number of names. 20

(4) Immediately after the names of the occupiers who must cease to occupy the slum have been determined in terms of this section, the local authority shall cause an order signed by the town clerk to be served on each of such occupiers directing him to cease to occupy the slum before the date fixed by the order issued under section five as the date before which the reduction in numbers of occupiers of the slum must be effected. 25

(5) Any person upon whom any order issued under sub-section (4) has been served, who occupies the slum on or after the date before which he was by such order directed to cease to occupy it, shall be guilty of an offence, unless it is proved— 30

- (a) that his occupation of the slum on or after such date was with the written permission of the medical officer of health; or
- (b) that during the whole of the period of his occupation 35 of the slum on or after such date the number of occupiers of the slum did not exceed the number to which the local authority by order issued under paragraph (a) of sub-section (1) of section five directed the number of occupiers to be reduced. 40

No one may enter slum after date fixed for commencement of demolition, except to carry out demolition.

11. (1) Whenever the local authority has by order issued under paragraph (b) of sub-section (1) of section five directed that all the dwellings comprised in the slum be demolished, no person shall enter or be upon the slum after the date fixed by such order for the commencement of the demolition, except 45 for the purpose of carrying out the demolition.

(2) Whenever the local authority has by order issued under the said paragraph directed that any one or more of but not all the dwellings comprised in the slum be demolished, no person shall enter or be within any dwelling so required 50 to be demolished after the date fixed by such order for the commencement of the demolition, except for the purpose of carrying out the demolition.

(3) Any person contravening the provisions of this section shall be guilty of an offence, and the burden of proving that his entry or presence was for the purpose of carrying out 55 the demolition shall lie upon the accused.

Duty of owner to prevent prohibited occupancy of slum. 12. (1) Whenever the local authority has by order issued under paragraph (a) of sub-section (1) of section five directed that the number of occupiers of the slum be reduced before 60 a date stated, the owner of the slum shall not—

- (a) permit any person to occupy the slum on or after the said date who was directed by an order issued under sub-section (4) of section ten to cease to occupy the slum, unless it is proved that such occupation 65 was with the written permission of the medical officer of health; or
- (b) permit a greater number of persons to occupy the slum on or after the said date than the number to which the local authority by the order issued under 70 paragraph (a) of sub-section (1) of section five directed that the number of occupiers be reduced.

(2) Whenever the local authority has by order issued under paragraph (b) of sub-section (1) of section five directed that

(2) As die in sub-artikel (1) bedoelde lys, behoorlik onderteken, nie binne die deur daardie sub-artikel vasgestelde tydperk by die plaaslike bestuur ingedien is nie, of as die aantal name op die lys kleiner is dan die aantal waarmee die aantal van die bewoners van die slum verminder moet word, moet die plaaslike bestuur, onmiddellik na verstryking van vermelde tydperk van twee maande, 'n kennisgewing op die eienaar van die slum laat dien, wat hom uitnodig om, binne sewe dae na die dag waarop die kennisgewing gedien word, by die plaaslike bestuur 'n lys in te dien, waarin genoeg name van bewoners van die slum vervat is om die aantal vol te maak waarmee die aantal van die bewoners verminder moet word.

(3) As die eienaar versuim om die in sub-artikel (2) bedoelde lys by die plaaslike bestuur binne vermelde tysesperk van sewe dae in te dien, of as die plaaslike bestuur enige van die name wat voorkom op die deur hom ingediende lys skrap (wat die plaaslike bestuur hiermee gemagtig word te doen), of as die aantal name op die deur hom ingediende lys te klein is om die aantal vol te maak waarmee die aantal van die bewoners van die slum verminder moet word, trek die plaaslike bestuur self 'n lys op bevattende die voorgeskrewe aantal name.

(4) Onmiddellik na vasstelling ingevolge hierdie artikel van die name van die bewoners wat moet ophou om die slum te bewoon, moet die plaaslike bestuur 'n bevel, deur die stadsklerk onderteken, op elke sodanige bewoner laat dien, wat hom gelas om op te hou die slum te bewoon voor die dag wat deur die kragtens artikel vyf uitgevaardigde bevel vasgestel is as die dag voor welke die vermindering van die aantal bewoners van die slum teweeggebring moet word.

(5) Elke persoon op wie 'n kragtens sub-artikel (4) uitgevaardigde bevel gedien is, wat die slum bewoon op of na die dag voor welke hy deur daardie bevel gelas was op te hou dit te bewoon, is aan 'n misdryf skuldig, tensy bewys word—

- (a) dat sy bewoning van die slum op of na bedoelde dag geskied het ooreenkomsdig skriftelike toestemming van die geneeskundige gesondheidsamptenaar; of
- (b) dat gedurende die hele tydperk wat hy die slum op of na bedoelde dag bewoon het, die aantal bewoners van die slum nie die aantal oortref het nie waartoe die plaaslike bestuur deur 'n kragtens paragraaf (a) van sub-artikel (1) van artikel vyf uitgevaardigde bevel voorgeskrywe het dat die aantal bewoners verminder word.

11. (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (b) van sub-artikel (1) van artikel vyf uitgevaardigde bevel gelas het dat al die wonings wat deel uitmaak van die slum afgebreek moet word, mag niemand na die datum wat deur daardie bevel vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, die slum betree of op die slum wees, behalwe om Niemand mag slum betree na datum waarop aanvang gemaak moet word met afbraak, behalwe om afbraak uit te voer.

(2) Wanneer die plaaslike bestuur, deur 'n kragtens vermelde paragraaf uitgevaardigde bevel, gelas het dat een of meer van maar nie al die wonings wat deel uitmaak van die slum afgebreek moet word, mag niemand na die datum wat deur daardie bevel vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, 'n woning, die afbraak waarvan aldus voorgeskrywe is, betree of daarin wees, behalwe met die doel om die afbraak uit te voer.

(3) Enigeen wat die bepalings van hierdie artikel oortree is aan 'n misdryf skuldig; en die bewyslas om te bewys dat sy betreding of aanwesigheid die uitvoering van die afbraak ten doel gehad het, rus op die beskuldigde.

12. (1) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (a) van sub-artikel (1) van artikel vyf uitgevaardigde bevel, gelas het dat die aantal bewoners van die slum voor 'n vermelde datum verminder word, mag die eienaar van die slum nie toelaat nie—

- (a) dat iemand, wat deur 'n kragtens sub-artikel (4) van artikel tien uitgevaardigde bevel gelas is op te hou die slum te bewoon, die slum op af na die vermelde datum bewoon, tensy bewys word dat sodanige bewoning van die slum geskied het ooreenkomsdig skriftelike toestemming van die geneeskundige gesondheidsamptenaar; of
- (b) dat 'n groter aantal persone die slum op af na die vermelde datum bewoon dan die aantal waartoe die plaaslike bestuur deur 'n kragtens paragraaf (a) van sub-artikel (1) van artikel vyf uitgevaardigde bevel gelas het dat die aantal bewoners verminder word.

(2) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf (b) van sub-artikel (1) van artikel vyf uitgevaardigde bevel,

any one or more of but not all the dwellings comprised in the slum be demolished, the owner of the slum shall not—

(a) permit any person who at the date of service of the order upon the owner was not an occupier of any dwelling so required to be demolished, to occupy such dwelling after that date, unless it is proved that such occupation was with the written permission of the medical officer of health; or 5

(b) permit any person whatsoever to enter or be within any such dwelling on or after the date fixed for the commencement of the demolition thereof, unless it is proved that his entry into or presence in such dwelling is for the purpose of carrying out the demolition. 10

(3) Whenever the local authority has by order issued under paragraph (b) of sub-section (1) of section *five* directed that all the dwellings comprised in the slum be demolished, the owner of the slum shall not— 15

(a) permit any person who at the date of service of the order upon the owner was not an occupier of the slum to occupy the slum after that date, unless it is proved that such occupation was with the written permission of the medical officer of health; or 20

(b) permit any person whatsoever to enter or be upon the slum after the date fixed for the commencement of the demolition, unless it is proved that his entry or presence upon the slum is for the purpose of carrying out the demolition. 25

(4) If the owner of the slum contravenes any of the provisions of this section, he shall be guilty of an offence. 30

(5) Whenever the owner of the slum is charged with having, in contravention of any of the provisions of this section, permitted any person to occupy or enter or be upon the slum or to occupy or enter or be within any dwelling comprised therein after any specified date, and it is proved that that person occupied or entered or was upon the slum or occupied or entered or was within such dwelling after such date, the owner shall be found guilty of the charge unless it is proved— 35

(a) that such occupation, entry or presence was without his knowledge and that he could not by the exercise of reasonable care have had knowledge thereof; or 40

(b) that such occupation, entry or presence was not such an occupation, entry or presence as by this section he is forbidden to permit. 45

When rent of
declared slum
irrecoverable.

13. (1) No rent of the slum or of any portion thereof shall be recoverable from any person— 45

(a) in respect of any period during which he is by section *ten* or *eleven* forbidden to occupy the slum; or

(b) in respect of any period during which the owner of the slum is by section *twelve* forbidden to permit him to occupy the slum. 50

(2) Any rent paid by any person which is by sub-section (1) declared not to be recoverable from that person may be recovered in any court of competent jurisdiction by that person from the person to whom it was paid, whether such rent was paid with or without knowledge that it was not recoverable. 55

Recording in deeds
registry of declara-
tion of slum and
prohibitions in
regard to subse-
quent transfers of
slum property.

14. (1) The town clerk shall, upon expiration of the period of ten days after the local authority has in terms of section *four* declared any premises or any part of any premises a slum, or if an appeal to the Minister has within that period been noted, upon the confirmation by the Minister of the declaration (if the declaration be so confirmed) transmit to the registrar of deeds a notice stating that the declaration has been made and containing such particulars of the slum as will enable the registrar of deeds to identify it. The town clerk shall furnish to the registrar of deeds such further particulars of the slum as that officer may demand. 60 65

(2) The registrar of deeds shall, free of charge, upon receipt of any such notice, record such notice and note thereon the day and hour of its receipt, and note in the appropriate registers and on the title of the land which has been declared a slum that the same has been declared a slum. 70

gelas het dat een of meer van maar nie al die wonings wat deel uitmaak van die slum afgebreek word, mag die eienaar van die slum nie toelaat nie—

- 5 (a) dat iemand, wat toe die bevel op die eienaar gedien is nie 'n bewoner was van 'n woning, die afbraak waarvan aldus voorgeskrywe is, daardie woning na daardie datum bewoon, tensy bewys word dat sodanige bewoning geskied het ooreenkomsdig skriftelike toestemming van die geneeskundige gesondheidsamptenaar ; of
- 10 (b) dat enigeen, wie ook al, op of na die dag wat vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak van so 'n woning, die woning betree of daarin is, tensy bewys word dat sy betreding van die woning of sy aanwesigheid daarin ten doel het die uitvoering van die afbraak.
- (3) Wanneer die plaaslike bestuur, deur 'n kragtens paragraaf 15 (b) van sub-artikel (1) van artikel vyf uitgevaardigde bevel, gelas het dat al die wonings wat deel uitmaak van die slum afgebreek word, mag die eienaar van die slum nie toelaat nie—
- 20 (a) dat iemand, wat toe die bevel op die eienaar gedien is nie 'n bewoner van die slum was nie, die slum na daardie datum bewoon, tensy bewys word dat sodanige bewoning geskied het ooreenkomsdig skriftelike toestemming van die geneeskundige gesondheidsamptenaar ; of
- 25 (b) dat enigeen, wie ook al, op af na die dag wat vasgestel is as die dag waarop 'n aanvang gemaak moet word met die afbraak, die slum betree of daarop is, tensy bewys word dat sy betreding van die slum of sy aanwesigheid daarop ten doel het die uitvoering van die afbraak.
- (4) As die eienaar van die slum een of ander van die bepalings van hierdie artikel oortree, is hy aan 'n misdryf skuldig.
- 30 (5) Wanneer die eienaar van die slum daarvan aangekla word, dat hy, instryd met een of ander van die bepalings van hierdie artikel, iemand toegelaat het om na 'n bepaalde datum die slum te bewoon of te betree of daarop te wees of om na 'n bepaalde datum 'n woning wat daarvan 'n deel uitmaak te 40 betree of daarin te wees, en bewys word dat daardie persoon na bedoelde datum die slum bewoon het of betree het of daarop was of die woning bewoon het of betree het of daarin was, word die eienaar aan die aanklag skuldig bevind, tensy bewys word—
- 45 (a) dat bedoelde bewoning, betreding of aanwesigheid sonder sy wete was en dat hy nie deur die toepassing van redelike sorg daarvan kennis sou kan verkry het nie ; of
- 50 (b) dat die bedoelde bewoning, betreding of aanwesigheid nie so 'n bewoning, betreding of aanwesigheid was nie as wat hy deur hierdie artikel verbied word toe te laat.
13. (1) Huurgeld vir die slum of vir 'n gedeelte daarvan is Wanneer huurgeld op geen persoon verhaalbaar nie— vir 'n verklaarde slum onverhaalbaar is.
- 55 (a) ten aansien van 'n tydperk gedurende welke hy deur artikel *tien* of *elf* verbied word die slum te bewoon ; of
- 60 (b) ten aansien van 'n tydperk gedurende welke die eienaar van die slum deur artikel *twaalf* verbied word om hom toe te laat om die slum te bewoon.
- (2) Betaalde huurgeld, wat deur sub-artikel (1) verklaar word nie verhaalbaar te wees nie op die persoon wat dit betaal het, kan deur daardie persoon in enige bevoegde hof op die persoon aan wie dit betaal was verhaal word, hetsy daardie huurgeld al dan nie betaal was met wete dat dit onverhaalbaar was.
- 65 (1) Na verloop van 'n tydperk van tien dae na die plaaslike bestuur ingevolge artikel vier 'n perseel of 'n gedeelte van 'n perseel tot 'n slum verklaar het, of, in geval appèl na die Minister binne daardie tydperk aangeteken is, na bekragting deur die Minister van die verklaaring (indien die verklaaring wel bekragtig word), moet die stadsklerk aan die registrateur van 70 aktes 'n kennisgewing stuur, wat aan hom medeel dat die verklaring gedoen is en wat sulke besonderhede van die slum vermeld as wat nodig is om die registrateur van aktes in staat te stel om die slum te herken. Die stadsklerk verskaf aan die registrateur van aktes alle verdere besonderhede van die slum 75 wat deur daardie amptenaar verlang word.
- 75 (2) By ontvangs van so 'n kennisgewing, moet die registrateur van aktes sonder betaling van 'n fooi die kennisgewing registreer en daarop aanteken die datum en tyd wanneer dit ontvang is, en in die gesikte registers en op die titelbewys van die grond 80 wat tot 'n slum verklaar is, aantekenings maak dat dit tot 'n slum verklaar is.

Aantekening in registratiekantoor van verklaring tot 'n slum, en verbod op later transport van slumeiendom.

- (3) The registrar of deeds shall not after receipt by him of any such notice register any transfer, lease or mortgage or other encumbrance of the land which is by such notice stated to have been declared a slum, except a transfer—
- (a) in pursuance of a *bona fide* contract of sale, exchange or donation concluded prior to such receipt; or
 - (b) in pursuance of a sale in execution of the judgment of a court of competent jurisdiction upon a mortgage bond registered prior to such receipt; or
 - (c) by the trustee of an insolvent estate or by the assignee of an estate assigned under the provisions of the Insolvency Act, 1916 (Act No. 32 of 1916), as amended, or by the liquidator of a company which is unable to pay its debts in full; or
 - (d) in pursuance of a sale by an executor of an estate under sub-section (3) of section *forty-eight* of the Administration of Estates Act, 1913 (Act No. 24 of 1913); or
 - (e) to give effect to the will of a testator who died prior to such receipt; or
 - (f) to any person who has inherited such land from a person who died intestate prior to such receipt.

(4) No transfer of such land under sub-section (3) shall in any respect affect the declaration of the land as a slum or the effect of such declaration, except that every obligation and liability imposed upon the owner of such land by or under this Act (other than a liability to be punished for a contravention of any of the provisions of this Act prior to the transfer) shall upon such transfer pass to and be imposed upon the transferee.

(5) The town clerk shall transmit a copy of the notice referred to in sub-section (1) to every holder of a mortgage bond registered over such land whose name and address is known to him.

**Rescission of
declaration of
slum.**

(1) The owner of the slum may at any time apply to the local authority for a rescission of the declaration made in respect of the slum in terms of section *four*.

(2) The local authority may grant or refuse to grant such application, but it shall not grant the application unless—

- (a) the owner satisfies the local authority that the nuisance by reason of which the declaration was made has been removed and that adequate steps have been taken for the prevention of a recurrence of the nuisance, and
- (b) all expenses incurred by the local authority in terms of section *nine* and all costs incurred by the local authority in connection with the execution of any order of ejectment made under sub-section (1) or (3) of section *twenty-five* have been reimbursed to the local authority.

(3) If the local authority refuse the application, the owner may appeal to the Minister within a period of ten days after such refusal, and the decision of the Minister upon any such appeal shall be final.

(4) Upon rescission by the local authority of the said declaration—

- (a) every order issued under section *five* or *ten* shall be deemed to be cancelled; and
- (b) the provisions of sections *eleven*, *twelve*, *thirteen* and *fourteen* shall not apply to the premises which were the subject of the declaration, unless such premises are at a later date again declared a slum; and
- (c) the town clerk shall at the expense of the owner cause to be published in the Union *Government Gazette*, in the *Official Gazette* of the province within which the district is situate and in a newspaper circulating in the district, and in such other newspapers as the owner may desire, a notice stating that the declaration has been rescinded; and
- (d) the town clerk shall cause the notice posted up on the premises in terms of section *eight* to be removed; and
- (e) the town clerk shall transmit to the registrar of deeds a notice referring to the notice previously transmitted in terms of section *fourteen* and stating that the declaration mentioned in such earlier notice has been rescinded, and upon receipt of such later notice the

- (3) Na ontvangs deur die registerieur van aktes van so 'n kennisgewing, mag hy geen transport, verhuring of verhipotekering of ander beswaring van die grond wat volgens die kennisgewing tot 'n slum verklaar is registreer nie, behalwe 'n transport—
- (a) na aanleiding van 'n *bona fide* koopkontrak, ruilkontrak of skenking, aangegaan voor bedoelde ontvangs ; of
 - (b) na aanleiding van 'n verkoping ter uitvoering van 'n vonnis van 'n bevoegde hof verkry op 'n verband wat voor bedoelde ontvangs geregistreer is ; of
 - (c) deur die kurator van 'n insolvente boedel of deur die boedelredder van 'n boedel afgestaan ingevolge die bepalings van die „Insolventie Wet, 1916“ (Wet No. 32 van 1916), soas gewysig, of deur die likwidateur van 'n maatskappy wat nie in staat is sy skulde ten volle te betaal ; of
 - (d) na aanleiding van 'n verkoping deur 'n eksekuteur van 'n boedel ooreenkomsdig sub-artikel (3) van artikel *ag-en-veertig* van die Boedelwet, 1913 (Wet No. 24 van 1913) ; of
 - (e) ter uitvoering van die testament van 'n testateur wat voor bedoelde ontvangs gesterf het : of
 - (f) aan iemand wat bedoelde grond geërf het van iemand wat voor bedoelde ontvangs sonder testament gesterf het.
- (4) Transport van bedoelde grond ingevolge sub-artikel (3) het hoegenaamd geen invloed nie op die verklaring van die grond tot 'n slum of op die werking van so 'n verklaring, behalwe dat elke verpligting en aanspreeklikheid wat deur of 30 ingevolge hierdie Wet aan die eienaar van bedoelde grond opgelê word (behalwe strafbaarheid weens oortreding van een of ander van die bepalings van hierdie Wet voor registrasie van die transport) by registrasie van bedoelde transport op die transportnemer oorgaan en aan hom opgelê word.
- (5) Die stadslerk moet 'n afskrif van die in sub-artikel (1) bedoelde kennisgewing stuur aan elke houer van 'n verband wat op bedoelde grond geregistreer is, wie se naam en adres hom bekend is.
- (1) Die eienaar van die slum kan te eniger tyd by die plaaslike bestuur aansoek doen om opheffing van die verklaring wat ingevolge artikel vier ten opsigte van die slum gedoen is.
- (2) Die plaaslike bestuur kan so 'n aansoek toestaan of verwerp, maar hy staan die aansoek nie toe nie, tensy—
- (a) die eienaar die plaaslike bestuur oortuig dat die misstand, na aanleiding waarvan die verklaring gedoen is, beëindig is, en dat doeltreffende maatreëls geneem is om te verhoed dat die misstand herhaal word ; en
 - (b) alle koste aangegaan deur die plaaslike bestuur ingevolge artikel *nege*, en alle koste aangegaan deur die plaaslike bestuur in verband met die uitvoering van 'n ingevolge sub-artikel (1) of (3) van artikel *vyf-en-twintig* uitgevaardigde ontruimingsbevel, terugbetaal is aan die plaaslike bestuur.
- (3) As die plaaslike bestuur die aansoek verworp, kan die eienaar binne 'n tydperk van tien dae na die verwerpding na die Minister appelleer, en die beslissing van die Minister op so 'n appell is afdoende.
- (4) By opheffing deur die plaaslike bestuur van bedoelde verklaring—
- (a) word elke kragtens artikel *vyf* of *tien* uitgevaardigde bevel geag herroep te wees ; en
 - (b) is die bepalings van artikels *elf*, *twaalf*, *dertien* en *veertien* nie op die perseel, wat die onderwerp van die verklaring was, van toepassing nie, behalwe wanneer bedoelde perseel weer later tot 'n slum verklaar word ; en
 - (c) moet die stadslerk op koste van die eienaar 'n kennisgewing wat vermeld dat die verklaring opgehef is in die *Unie Staatskoerant*, in die *Offisiële Staatskoerant* van die provinsie waarin die distrik geleë is en in 'n nuusblad wat in die distrik in omloop is, en in ander nuusblaas na verlangste van die eienaar, laat publiseer ; en
 - (d) moet die stadslerk die kennisgewing, wat ingevolge artikel *ag* op die perseel opgeplak is, laat verwyder ; en
 - (e) moet die stadslerk aan die registerieur van aktes 'n kennisgewing stuur, wat melding maak van die kennisgewing wat ingevolge artikel *veertien* vroeër aangestuur is, en wat vermeld dat die verklaring waarvan in daardie vroeëre kennisgewing melding gemaak is opgehef is, en by ontvangs van die latere kennisgewing,

registrar of deeds shall without charge record such later notice and note thereon the day and hour of its receipt and shall cancel the notes made by him in terms of sub-section (2) of section fourteen.

(5) Notwithstanding the rescission of any declaration of any premises as a slum, it shall be competent for the local authority at any later date to make a fresh declaration in terms of section four in respect of such premises. 5

(6) An application for the rescission of any declaration of any premises as a slum shall not suspend the operation of such declaration or of any order made in pursuance thereof. 10

(7) The rescission of any declaration of any premises as a slum shall not affect the previous operation of such declaration or of any order made in pursuance thereof or any liability to punishment in respect of any contravention of any of the 15 provisions of this Act prior to such rescission.

Application of provisions of this Chapter to all premises within defined areas.

16. If the local authority, by resolution passed at a meeting at which not less than two-thirds of its members are present, declare that it is satisfied that the removal of nuisances existing on premises situate within an area the boundaries of which 20 are defined in such resolution can be most effectively dealt with under the provisions of this Chapter by treating the premises situate within that area as a single set of premises, all the premises situate within that area shall for the purposes of this Chapter be deemed to constitute a single set of premises, 25 notwithstanding that within that area are included premises upon which no nuisance exists.

CHAPTER III.

ACQUISITION AND EXPROPRIATION OF LAND.

Acquisition by local authority by agreement or expropriation of land the premises on which have been declared a slum and neighbouring land.

17. (1) Notwithstanding anything in any other law contained, a local authority may, if it is satisfied that it is expedient to do so in order that injurious conditions arising out of the existence of insanitary or overcrowded premises may more effectively be remedied, and if the Minister approve in writing, acquire by agreement or expropriation— 30 35

(a) any land comprised in a slum; and

(b) any land which adjoins or is near to land acquired or to be acquired by the local authority under paragraph (a)

if in the case of land acquired or to be acquired under paragraph 40 (b) the local authority is of opinion that the acquisition thereof is necessary or useful for the purpose of forming an area of convenient shape and dimensions or for the satisfactory development or use of land acquired or to be acquired under paragraph (a). 45

(2) Whenever any land is acquired by the local authority in terms of this section, the mineral rights in such land shall be reserved to the holder of the mineral rights.

(3) The local authority may borrow money for the purpose of acquiring land under this section, and the provisions of the 50 Housing Act, 1920 (Act No. 35 of 1920), shall, *mutatis mutandis*, apply to any such borrowing.

Approval by Minister of expropriation.

18. The Minister shall not approve of the acquisition by expropriation in terms of section seventeen of any land unless he is satisfied that the land is suitable for the purpose for 55 which it is to be acquired.

Appointment of arbitrator.

19. If the local authority and the owner of the land to be acquired in terms of section seventeen are unable to agree as to the amount to be paid by the local authority for or in respect of such land, the local authority and the owner may agree 60 to the appointment of a particular person as sole arbitrator, whose decision shall be final; and if an agreement to such an appointment has not been reached within thirty days after notice has been given by either party to the other, the Minister shall, on application by either party or both parties, 65 appoint a sole arbitrator, whose decision shall be final.

Basis on which compensation to be assessed.

20. (1) Notwithstanding the provisions of any other law, the total amount of compensation payable by a local authority in the case of expropriation under this Chapter of land comprised in a slum shall not be more than twenty per cent. in 70 excess of the valuation of such land appearing in the valuation roll of the local authority.

- moet die registrateur van aktes sonder betaling van 'n fook die latere kennisgewing registreer en daarop aanteken die datum en tyd wanneer dit ontvang is, en die aantekenings wat deur hom ingevolge artikel (2) van artikel *seventien* gemaak is kanselleer.
- (5) Die plaaslike bestuur is, ondanks die opheffing van 'n verklaring tot 'n slum van 'n perseel bevoeg om op 'n later dag 'n nuwe verklaring ingevolge artikel *vier* ten opsigte van daardie perseel te doen.
- 10 (6) 'n Aansoek om opheffing van 'n verklaring tot 'n slum van 'n perseel skort nie op nie die werking van bedoelde verklaring, of van 'n bevel uitgevaardig na aanleiding daarvan.
- (7) Opheffing van 'n verklaring tot 'n slum van 'n perseel het geen invloed nie op die vroeëre werking van bedoelde verklaring, of van 'n bevel uitgevaardig na aanleiding daarvan, of op strafbaarheid weens oortreding van een of ander van die bepalings van hierdie Wet voor bedoelde opheffing.
- 15 16. As die plaaslike bestuur, by besluit aangeneem op 'n vergadering, waarop minstens twee-derdes van sy lede aan-
- 20 wesig is, verklaar dat hy oortuig is dat die beëindiging van hierdie Hoofstuk op alle persele misstande, bestaande op persele geleë binne 'n area, die grense waarvan in bedoelde besluit omskrywe word, op die doelmatigste wyse ooreenkomsdig die bepalings van hierdie Hoofstuk teweeggebring kan word deur die persele binne daardie area
- 25 geleë te behandel asof hulle een enkele perseel uitmaak, word, by toepassing van die bepalings van hierdie Hoofstuk, al die persele wat geleë is binne daardie area geag een enkele perseel uit te maak, al is persele waarop geen misstand bestaan nie begrepe in daardie area.

30

HOOFSTUK III.

VERKRYGING EN ONTEIENING VAN GROND.

17. (1) Ondanks andere regsbepalings, kan 'n plaaslike Verkryging deur plaaslike bestuur—
- (a) grond wat deel uitmaak van 'n slum; en
 35 (b) grond wat grens of nabij lê aan grond wat kragtens paragraaf (a) deur die plaaslike bestuur verkry is of verkry word,
- by wyse van ooreenkom of onteiening verkry, as die plaaslike bestuur daarvan oortuig is dat, om nadelige toestande wat voortspruit uit die bestaan van onhygiëniese of oorbevolkte persele op 'n meer doeltreffende wyse te bestry, dit raadsaam is sulks te doen, en as die Minister skriftelik daartoe toestem, en, in die geval van grond wat kragtens paragraaf (b) verkry is of verkry word, as die plaaslike bestuur meen dat die verkryging daarvan nodig of nuttig is tot vorming van 'n stuk grond met geskikte vorm en grootte, of tot behoorlike ontwikkeling van grond wat kragtens paragraaf (a) verkry is of verkry word.
- (2) Wanneer grond deur 'n plaaslike bestuur ingevolge hierdie artikel verkry word, word die minerale regte in daardie grond 50 ten gunste van die houer van die minerale regte voorbehou.
- (3) Met die doel om grond kragtens hierdie artikel te verkry, kan die plaaslike bestuur geld leen, en die bepalings van die Woningwet, 1920 (Wet No. 35 van 1920), is, *mutatis mutandis*, van toepassing op so 'n lening.
- 55 18. Die Minister mag die verkryging van grond by wyse van Goedkeuring deur onteiening ingevolge artikel *seventien* nie goedkeur nie, tensy Minister van hy oortuig is dat die grond geskik is vir die doel waarvoor dit onteiening verkry word.
19. As die plaaslike bestuur en die eienaar van die grond, Benoeming van wat ingevolge artikel *seventien* verkry word, nie ooreen kan skeidsregter kom nie aangaande die bedrag wat deur die plaaslike bestuur vir bedoelde grond betaal moet word, kan die plaaslike bestuur en die eienaar ooreenkom dat 'n bepaalde persoon tot enigste skeidsregter benoem word, wie se beslissing afdoende sal wees; 65 en as binne dertig dae na deur die een party aan die ander party kennis gegee is, nog geen ooreenkom aangaande so 'n benoeming getref is nie, moet die Minister, op aansoek van een van of albei die partye, 'n persoon benoem tot enigste skeidsregter, wie se beslissing afdoende sal wees.
- 70 20. (1) Ondanks ander regsbepalings, mag die totaalbedrag Basis waarop van die vergoeding, wat deur 'n plaaslike bestuur betaalbaar vergoeding is in 'n geval van onteiening kragtens hierdie Hoofstuk van bereken moet word, grond wat deel uitmaak van 'n slum, die valuasie van bedoelde grond, volgens die valuasielys van die plaaslike bestuur, met 75 nie meer as twintig persent te bowe gaan nie.

(2) In determining the amount of compensation payable in respect of land acquired by expropriation under this Chapter, the arbitrator shall take into account the following factors:

- (a) the site value;
- (b) the value of other properties of the same class and similar position and physical features;
- (c) the value of the buildings on estimated cost of erection at the time of valuation, less structural depreciation and such depreciation as may be due to the fact that the buildings are wholly or in part unsuitable for the purpose for which they were originally erected or are being used at the time of valuation;
- (d) the amount required to be expended in order to put the buildings in a proper state of repair and make them fit for human habitation, in accordance with the regulations or by-laws of the local authority.

(3) In determining the amount of compensation payable in respect of land acquired by expropriation under this Chapter the arbitrator shall not take into account the following factors:

- (a) any increase in value by reason of the fact that the land is used in a manner or for a purpose which is contrary to law or is detrimental to the health of the occupiers thereof or to the public health;
- (b) the amount of any mortgage registered against the land;
- (c) any enhancement in value which may be caused by the carrying out of the purposes of this Act;
- (d) any right or interest which is not registered in the deeds registry;
- (e) any improvements of the land made in the case of land comprised in premises which have in terms of section four been declared a slum, after the date of such declaration, unless such declaration has been set aside by the Minister under section four or has been rescinded under section fifteen, and, in the case of other land, after the date of notification to the owner thereof by the local authority of its intention to acquire such land by expropriation, except such improvements as were necessary for the maintenance of the property in a proper state of repair, or were made in pursuance of obligations entered into prior to such date;
- (f) in the case of a slum, the rent payable by occupiers of the slum;
- (g) in the case of a slum, the existence of any lease of the slum and the terms thereof.

(4) For the purpose of determining the amount of compensation payable in respect of any such land, the arbitrator shall be entitled to co-opt in an advisory capacity only, a sworn appraiser and a builder, in each case with not less than ten years' experience, who reside in the district.

In case of dispute as to person entitled to money, local authority may pay it to Master of Supreme Court.

21. In case of any dispute as to who is entitled to receive any money to be paid in respect of any land acquired by the local authority in terms of section seventeen, or in case of any such money being payable to any person who cannot be found, or in case of any interdict with respect to any such money, the local authority may pay such money to the Master of the Supreme Court appointed for the province in which the land is situate, to hold the same in trust for the person or persons entitled thereto; and thereupon all responsibility of the local authority in respect of such money shall come to an end.

Right of local authority to take the local authority may, forthwith after receipt of the Minister's immediate possession of land to be expropriated.

22. (1) Subject to the provisions of sub-sections (3) and (4), approval of the acquisition by it by expropriation of any land cause such land to be entered upon, taken possession of and used, before proceedings have been taken to settle the amount of compensation to be paid for such land, leaving all questions as to such compensation to be settled afterwards.

(2) Every person occupying or using any such land, shall, subject to the provisions of sub-sections (3) and (4), and if thereto required by written demand signed by the town clerk, cease to occupy or use such land, and if he fail to do so shall be guilty of an offence.

- (2) By vasstelling van die bedrag van die vergoeding betaalbaar ten opsigte van grond wat kragtens hierdie Hoofstuk by wyse van onteiening verkry word, moet die skeidsregter die volgende faktore in aanmerking neem :
- 5 (a) die liggingswaarde ;
 (b) die waarde van ander eiendomme van dieselfde soort en met soortgelyke ligging en natuurlike hoedanighede ;
 (c) die waarde van die geboue volgens geskatte koste van oprigting ten tyde van waardering, na aftrekking van die waardevermindering as bouwerk en van die waardevermindering wat toe te skrywe is aan die feit dat die geboue geheel of gedeeltelik ongeskik is vir die doel waarvoor hulle oorspronklik opgerig was of waarvoor hulle ten tyde van waardering gebruik word ;
 10 (d) die bedrag wat bestee sou moet word om die geboue behoorlik te herstel en om hulle geskik te maak vir bewoning deur mense, in ooreenstemming met die regulasies of verordeninge van die plaaslike bestuur.
- 15 (3) By vasstelling van die bedrag van die vergoeding betaalbaar ten opsigte van grond wat kragtens hierdie Hoofstuk by wyse van onteiening verkry word, mag die skeidsregter die volgende faktore nie in aanmerking neem nie :
- 20 (a) 'n waardevermeerdering wat toe te skrywe is aan die feit dat die grond gebruik word op 'n wyse of vir 'n doel wat onwettig is of wat nadelig is vir die gesondheid van die bewoners daarvan of vir die volksgesondheid ;
 25 (b) die bedrag van 'n verband wat op die grond geregistreer is ;
 30 (c) 'n verhoging in waarde wat veroorsaak mag wees deur die uitvoering van die doel van hierdie Wet ;
 (d) 'n reg of belang wat nie in die registrasiekantoor geregistreer is nie ;
 35 (e) verbeterings van die grond wat, in die geval van grond wat deel uitmaak van 'n perseel wat ingevolge artikel vier tot 'n slum verklaar is, na die datum van bedoelde verklaring gemaak is, tensy bedoelde verklaring deur die Minister kragtens artikel vier tersyde gestel is of kragtens artikel vyftien opgehef is, en, wat, in die geval van ander grond, gemaak is na die datum waarop die plaaslike bestuur aan die eienaar daarvan kennis gegee het van sy voorname om die grond by wyse van onteiening te verkry, behalwe verbeterings wat nodig was om die eiendom in 'n behoorlike toestand te hou, of wat gemaak was na aanleiding van verbintenis wat voor bedoelde datum aangegaan is ;
 40 (f) in die geval van 'n slum, die huurgelde betaalbaar deur bewoners van die slum ;
 45 (g) in die geval van 'n slum, die bestaan van 'n huur van die slum, en die bepalings daarvan.
- 50 (4) Om die bedrag van die vergoeding wat ten opsigte van enige sodanige grond betaalbaar is vas te stel, kan die skeidsregter verlang dat 'n beëdigde taksateur en 'n boukontrakteur, wat in die distrik woon, en wat albei nie minder as tien jaar ondervinding het, hom met raad sal bystaan.
- 55 21. Ingeval daar 'n geskil ontstaan omtrent watter persoon geregtig is om geld te ontvang wat betaalbaar is ten opsigte van grond wat deur die plaaslike bestuur ingevolge artikel sewentien verkry is, of in geval sodanige geld betaalbaar is aan 'n persoon wat nie gevind kan word nie, of in geval 'n interdik op sodanige geld geplaas word, kan die plaaslike bestuur bedoelde geld betaal aan die Meester van die Hoogereghof, wat aangestel is vir die provinsie waarin die grond geleë is, om dit vir die persoon of persone, wat daarop geregtig is, in bewaring te neem ; en daardeur word alle verantwoordelikheid van die plaaslike bestuur ten opsigte van bedoelde geld beeindig.
- 60 22. (1) Behoudens die bepalings van sub-artikels (3) en (4), kan die plaaslike bestuur, onmiddellik na ontvangst van die Minister se goedkeuring van die verkryging deur die plaaslike bestuur van grond by wyse van onteiening, bedoelde grond laat betree, in besit neem en gebruik, voordat stappe gedoen is om die bedrag van die daarvoor te betale vergoeding vas te stel, terwyl hy alle kwessies met betrekking tot bedoelde vergoeding laat oorstaan, om later opgelos te word.
- 65 23. (2) Behoudens die bepalings van sub-artikels (3) en (4), moet iedereen wat bedoelde grond bewoon of gebruik, wanneer hy daartoe by aanskrywing, deur die stadsklerk onderteken, gelas word, ophou om bedoelde grond te bewoon of gebruik, en by versuim om daaraan te voldoen is hy aan 'n misdryf skuldig.

By geskil omtrent geld geregtig is, kan plaaslike bestuur dit aan Meester van Hoogereghof betaal.
Reg van plaaslike bestuur om grond wat onteien word onmiddellik in besit te neem.

(3) The lessee of any such land shall not be required to vacate the land, except upon notice for the period for which, in terms of his lease, notice must be given of termination of that lease : Provided that such period shall not exceed three months.

(4) If any such land is occupied by the owner thereof, such owner shall not be required to vacate such land, except upon three months' notice.

Transfer of land to local authority. 23. (1) Whenever the local authority has—

(a) with the written approval of the Minister, entered 10 into any written agreement with the owner of any land for the acquisition by it in terms of section *seventeen* of such land ; or

(b) has received the written approval of the Minister of 15 the acquisition by it in terms of section *seventeen* of land by expropriation,

the local authority may cause such written agreement or approval to be lodged with the registrar of deeds ; and thereupon the ownership of such land shall vest in the local authority, or, where the local authority itself is not a corporate body, the 20 corporate body represented by the local authority.

(2) Upon the vesting in the local authority or in such corporate body of the ownership of any land in terms of subsection (1), all rights and interests in such land of any person other than the local authority or the corporate body represented by the local authority, as the case may be, shall, except 25 for purposes of compensation under this Act, become extinguished.

(3) The registrar of deeds shall, upon the application of the local authority, and without payment of any transfer duty or other charges effect registration in the name of the local 30 authority or of the corporate body represented by the local authority, as the case may be, of any such land registered in the deeds registry of which he is in charge.

(4) The provisions of section *fifty-one* of the Deeds Registries Act, 1918 (Act No. 13 of 1918), shall apply *mutatis mutandis* 35 to registration under sub-section (3).

Law governing expropriation of land by local authority.

24. The provisions of the law relating to the expropriation of land or interests in land by a local authority in force in any province in which land to be acquired by expropriation under this act is situated shall, to the extent to which they are not 40 in conflict with the provisions of this Act, apply to such expropriation, and if in any such province there is at the time being no such law in force, the provisions of the Municipalities Powers of Expropriation Ordinance, 1903 (Ordinance No. 64 of 1903), of the Transvaal shall, to the extent to which they 45 are not in conflict with the provisions of this Act, apply, *mutatis mutandis*, to such expropriation.

CHAPTER IV.

GENERAL AND SUPPLEMENTARY.

Ejectment of persons unlawfully occupying or entering slum.

25. (1) Whenever any person is convicted of occupying 50 or entering or being upon a slum, or of occupying or entering or being within a building comprised in a slum, in contravention of any of the provisions of section *ten* or *eleven*, the court convicting him shall, in addition to passing any sentence upon him, order his ejectment from the slum.

(2) Whenever the owner of a slum is convicted of permitting, in contravention of any of the provisions of section *twelve*, any person to occupy or enter or be upon the slum or to occupy or enter or be within any dwelling comprised in the slum, the court convicting the owner shall issue an order directing the person out of whose occupancy, entry or presence the charge has arisen to appear before it to show cause why an order for his ejectment from the slum should not be made.

(3) If upon the appearance of such person he fails to show any just cause why he should not be ejected from the slum, 65 or if he fails to appear and the court is satisfied that the order calling upon him to appear was duly served upon him, the court shall order his ejectment from the slum.

(3) Die huurder van bedoelde grond is nie verplig om die grond te ontruim nie, behalwe na kennisgewing vir die tydperk waarvoor, volgens sy huurkontrak, kennisgewing moet geskied om die huur te beëindig: Met dien verstande dat daar die tydperk nie langer as drie maande mag wees nie.

(4) As bedoelde grond deur die eienaar daarvan bewoon word, is die eienaar nie verplig die grond te ontruim nie, behalwe na kennisgewing vir drie maande.

23. (1) Wanneer die plaaslike bestuur—
10 (a) met die skriftelike goedkeuring van die Minister, met die eienaar van grond 'n skriftelike ooreenkoms aangegaan het tot verkryging van daar die grond deur die plaaslike bestuur ingevolge artikel *seventien*; of

15 (b) die skriftelike goedkeuring van die Minister ontvang het van die verkryging van grond deur die plaaslike bestuur by wyse van onteiening ingevolge artikel *seventien*, kan die plaaslike bestuur bedoelde skriftelike ooreenkoms of goedkeuring by die registrator van aktes laat indien; en daarop word die eiendom van bedoelde grond in die plaaslike bestuur gevestig, of, in geval die plaaslike bestuur nie self met regspersoonlikheid beklee is nie, dan in die regspersoon wat deur die plaaslike bestuur verteenwoordig word.

25 (2) By vestiging, ingevolge sub-artikel (1), van die eiendom van grond in die plaaslike bestuur of in bedoelde regspersoon, word alle regte op en belang in bedoelde grond van elke persoon behalwe die plaaslike bestuur of, al na die geval, die regspersoon wat deur die plaaslike bestuur verteenwoordig word, beëindig, behalwe wat betrek vergoeding kragtens hierdie Wet.

35 (3) Die registrator van aktes moet, op aansoek van die plaaslike bestuur, en sonder betaling van hererechte of ander foote, sodanige grond, wat geregistreer is in die registrasiekantoor met die bestuur waarvan hy belas is, op die naam van die plaaslike bestuur of, al na die geval, op die naam van die regspersoon wat deur die plaaslike bestuur verteenwoordig word, doen registreer.

40 (4) Die bepalings van artikel *een-en-vyftig* van die „Wet op Registratiekantoren van Akten, 1918“ (Wet No. 13 van 1918), is, *mutatis mutandis*, van toepassing op registrasie gedoen coreenkomstig sub-artikel (3).

45 24. Die regsbepalings met betrekking tot die onteiening deur 'n plaaslike bestuur van grond of regte op grond, wat van krag is in 'n provinsie waarin grond geleë is, wat kragtens hierdie Wet by wyse van onteiening verkry word, is, vir sover hulle nie met die bepalings van hierdie Wet strydig is nie, van toepassing op bedoelde onteiening, en indien in so 'n provinsie daar op 'n oomblik geen sodanige regsbepalings van 50 krag is nie, dan is die bepalings van die „Municipalities Powers of Expropriation Ordinance, 1903“ (Ordonnansie No. 64 van 1903), van Transvaal, *mutatis mutandis*, en vir sover hulle nie met die bepalings van hierdie Wet strydig is nie, van toepassing op bedoelde onteiening.

Oordrag van grond aan plaaslike bestuur.

Regsbepalings tot reëling van onteiening van grond deur plaaslike bestuur.

ALGEMENE EN AANVULLENDE BEPALINGS.

25. (1) Wanneer iemand daaraan skuldig bevind word, dat hy, in stryd met een of ander van die bepalings van artikel *tien* of *elf*, 'n slum bewoon het of betree het of daarop was, of 'n woning wat deel uitmaak van 'n slum bewoon het of betree het of daarin was, moet die hof wat hom veroordeel, behalwe 'n straf oor hom te vel, ook beveel dat hy uit die slum uitgesit word.

(2) Wanneer die eienaar van 'n slum daaraan skuldig bevind word, dat hy, in stryd met een of ander van die bepalings van artikel *twaalf*, iemand toegelaat het die slum te bewoon of te betree of daarop te wees, of 'n woning wat deel uitmaak van die slum te bewoon of te betree of daarin te wees, moet die hof wat die eienaar veroordeel 'n bevel uitvaardig, wat die persoon, uit wie se bewoning, betreding of aanwesigheid die aanklag ontstaan het, oproep om voor die hof te verskyn, om gronde aan te toon waarom die hof nie 'n bevel behoort uit te vaardig nie, wat gelas dat hy uit die slum uitgesit word.

(3) Indien by verskyning van bedoelde persoon, hy in gebreke bly om redelike gronde aan te toon waarom hy nie uit die slum behoort uitgesit te word nie, of indien hy versuim om te verskyn, en die hof oortuig word dat die bevel wat hom tot verskyning oproep behoorlik op hom gedien was, moet die hof beveel dat hy uit die slum uitgesit word.

Uitsetting van persone wat onregmatig 'n slum bewoon of betree.

(4) Whenever any person is convicted of failing to cease to occupy or use any land in contravention of section *twenty-two*, the court convicting him shall, in addition to passing any sentence upon him, order his ejectment from such land.

(5) An order of ejectment made under the provisions of this 5 section shall be executed in all respects as if it were a civil judgment of the court.

(6) The owner of the slum shall pay the costs of executing any order of ejectment made under sub-section (1) or (3), and the person convicted shall pay the costs of executing any 10 order of ejectment made under sub-section (3).

(7) An order of ejectment made under this section shall not be subject to any review or appeal whatsoever.

No exemption on ground of lack of other accommodation.

26. (1) A declaration in terms of section *four* of any premises or of any part thereof as a slum shall not be invalid by reason 15 of the fact that other suitable accommodation for the occupiers of the slum is not available : Provided that it shall not be competent for the local authority to make such a declaration in respect of any premises upon the sole ground that adequate provision for the separation of the sexes as required by para- 20 paragraph II of the Second Schedule to this Act is not made in such premises, unless the local authority is satisfied that suitable accommodation for the occupiers of such premises is available upon other premises, where adequate provision exists for the separation of the sexes as required by the said paragraph. 25

(2) No person shall be excused from complying with the provisions of section *eleven*, *twelve* or *twenty-two* or with the directions contained in an order issued by the local authority under section *five* or *ten*, by reason of the fact that other suitable accommodation for the occupiers of the slum affected by such 30 order is not available.

(3) If the local authority notifies the owner or any occupiers of the slum of other accommodation available to the occupiers of the slum affected by any such order, the local authority shall not thereby become bound to provide such accommodation 35 or any other accommodation for such occupiers of the slum.

Service of documents.

27. Any document required by this Act to be served on any person may be served—

- (a) by delivering such document to him ; or
- (b) by leaving such document with some adult inmate 40 of his last known abode ; or
- (c) whenever service cannot be effected in terms of para- graph (a) or (b), by sending such document by registered post, addressed to him at his last known abode and by posting up such document in a conspicuous 45 position on the premises or land concerned.

Regulations.

28. (1) The local authority may make regulations for its district as to—

- (a) the prevention or prohibition of overcrowding or of the use of such premises as in the opinion of the local 50 authority are unhealthy, insanitary, unfit for human habitation, or likely to be injurious to the health of the persons occupying them ;
- (b) the control, inspection and licensing of dwellings let in rooms or sets of rooms or occupied by more than one 55 family ; the fixing of the number of persons who may be permitted to occupy such dwellings ; the separation of the sexes therein ; the conduct, cleansing, drainage, lighting and ventilation of such dwellings ; the provision therein of air space and floor space, 60 water supply, washing accommodation, and latrines ; the fees payable for licences for such dwellings ;
- (c) (i) the management and control of dwellings provided by the local authority by officers or other persons appointed or employed by the 65 local authority ;
- (ii) the regulation of the separation of the sexes in such dwellings ;
- (iii) the prevention in such dwellings of damage, disturbance and indecent and offensive language 70 and behaviour ;
- (d) the forms to be used in connection with the administration of this Act.

(4) Wanneer iemand daaraan skuldig bevind word, dat hy, in stryd met artikel *twee-en-twintig*, versuim het om op te hou om grond te bewoon of gebruik, moet die hof wat hom veroordeel, behalwe 'n straf oor hom te vel, ook beveel dat hy van die grond verwyder word.

(5) 'n Ontruimingsbevel uitgevaardig kragtens die bepalings van hierdie artikel word in alle opsigte uitgevoer asof dit 'n vonnis is wat deur die hof in 'n siviele saak uitgespreek is.

(6) Die eienaar van die slum betaal die koste van tenuitvoering van 'n ontruimingsbevel uitgevaardig kragtens sub-artikel (1) of (3), en die veroordeelde betaal die koste van tenuitvoerlegging van 'n ontruimingsbevel uitgevaardig kragtens sub-artikel (4).

(7) 'n Ontruimingsbevel uitgevaardig kragtens hierdie artikel is onderworpe aan geen hersiening of appèl hoegenaamd.

26. (1) 'n Verklaring ingevolge artikel vier van 'n perseel of van 'n gedeelte daarvan tot 'n slum is nie ongeldig nie omrede dat ander gesikte huisvesting vir die bewoners van die slum nie beskikbaar is nie: Met dien verstande, dat 'n plaaslike bestuur nie bevoeg is om so 'n verklaring ten opsigte van 'n perseel uit te vaardig nie alleen op grond dat op bedoelde perseel geen voldoende voorsiening gemaak word nie vir skeiding tussen mansmense en vroumense, soos deur paragraaf II van die Tweede Bylae tot hierdie Wet vereis word, tensy die plaaslike bestuur oortuig is dat gesikte huisvesting vir die bewoners van bedoelde perseel op ander persele beskikbaar is, alwaar voldoende voorsiening bestaan vir skeiding tussen mansmense en vroumense, soos deur vermelde paragraaf vereis word.

(2) Niemand is van die plig om te voldoen aan die bepalings van artikel *elf*, *twaalf* of *twee-en-twintig*, of aan die voorskrifte van 'n bevel uitgevaardig deur die plaaslike bestuur kragtens artikel *vyf* of *tien*, vrygestel, omrede dat ander gesikte huisvesting vir die bewoners van die by bedoelde bevel betrokke slum nie beskikbaar is nie.

(3) Ingeval die plaaslike bestuur die eienaar of bewoners van die slum in kennis stel van ander huisvesting wat verkrygbaar is deur die bewoners van die by so 'n bevel betrokke slum, verplig die plaaslike bestuur hom daardeur nie om aan bedoelde bewoners van die slum daardie huisvesting of enige ander huisvesting te verskaf nie.

27. 'n Dokument wat volgens hierdie Wet op 'n persoon Diening van gedien moet word, kan gedien word—

- (a) deur die dokument aan hom te oorhandig; of
- (b) deur die dokument aan 'n volwasse bewoner van sy laasbekende woonplaas af te gee; of
- (c) in geval diening daarvan nie in ooreenstemming met paragraaf (a) of (b) kan geskied nie, deur die dokument per aangetekende brief aan hom te stuur, aan hom geadresseer na sy laasbekende woonplaas, en deur die dokument in 'n in die oog vallende plek op die betrokke perseel of grond te laat opplak.

28. (1) Die plaaslike bestuur kan vir sy distrik regulasies Regulasies uitvaardig betreffende—

- (a) verhoeding van of verbod op oorbevolking of gebruik van persele wat na oordeel van die plaaslike bestuur ongesond, onhygiënies of ongeskik tot bewoning deur mense is, of vermoedelik vir die gesondheid van persone wat hulle bewoon nadelig kan wees;
- (b) toesig op en inspeksie en lisensiëring van wonings wat in kamers of stelle kamers verhuur word, of wat deur meer as een gesin bewoon word; bepaling van die aantal persone wat toegelaat mag word om sulke wonings te bewoon; die skeiding tussen mansmense en vroumense daarin; die bestuur, skoonmaak, dreining, verligting en ventilasie van sulke wonings;
- (c) (i) die bestuur van en toesig oor wonings wat deur die plaaslike bestuur verskaf word, deur amptenare en ander persone aangestel deur of in diens van die plaaslike bestuur;
- (ii) reëling van die skeiding tussen mansmense en vroumense in sulke wonings;
- (iii) beletting in sulke wonings van skade, oproer en onseidelike en aanstootlike taal en gedrag;
- (d) die vorms wat gebruik moet word in verband met die uitvoering van hierdie Wet.

(2) No regulation made under sub-section (1) shall be of any force or effect unless it has been approved by the Administrator and has been promulgated in the manner prescribed for the promulgation of regulations or by-laws under the law governing such local authority.

5

Penalties.

29. (1) Every person convicted of an offence under the provisions of sub-section (2) of section five, sub-section (2) of section seven, sub-section (4) of section twelve or sub-section (2) of section twenty-two shall be liable to a fine not exceeding one hundred pounds; and every person convicted of any other offence under the provisions of this Act or of contravening any regulation made under section twenty-eight shall be liable to a fine not exceeding twenty-five pounds.

(2) Whenever any person has been so convicted, any continuation after his conviction of the contravention of which he was convicted shall constitute a fresh offence.

**Local authority
may appear by its
officers.**

30. In any proceedings under this Act, whether civil or criminal or administrative, the local authority may appear by any officer in its employ, nominated by it for the purpose.

**Delegation by
Minister.**

31. Where the Minister deems it expedient to do so, in order that any function, power or duty vested in, conferred upon or devolving upon him or under this Act may be more effectively discharged, performed or carried out, he may in writing authorize the Administrator, or any officer of the Department of Public Health, or the Central Housing Board appointed under the Housing Act, 1920 (Act No. 35 of 1920), to discharge, perform or carry out that function, power, or duty on his behalf, and anything done by the Administrator, officer of the Department of Public Health or Central Housing Board under and within the scope of such authority shall be as valid and effective as if done by the Minister himself.

**Short title and
commencement.**

32. This Act shall be known as the Slums Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

Bloemfontein.
Cape Town.
Durban.
East London.
Johannesburg.
Pietermaritzburg.
Port Elizabeth.
Pretoria.

Second Schedule.**REQUIREMENTS REFERRED TO IN SUB-SECTION (2) OF SECTION ONE.**

I. No room wholly or partly used by human beings for sleeping in shall be occupied by a greater number of persons than will allow four hundred cubic feet of free air space and forty square feet of floor space for each person aged ten years or more and two hundred cubic feet of free air space and twenty square feet of floor space for each person less than ten years of age: Provided that under no circumstances shall any latrine or any passage, staircase, landing or cupboard or any outbuilding, garage, stable, tent, storeroom, lean-to, shed or loft be used for sleeping in by any human being, unless its use for that purpose has been approved by the local authority.

II. No dwelling, or part thereof, shall be occupied by such a number of persons that the sleeping accommodation is insufficient to allow of persons of opposite sexes over twelve years of age, other than persons living together as husband and wife, being segregated in separate rooms, separated from one another by brick walls or partitions extending from the floor to the ceiling and of such construction as is in the opinion of the medical officer of health reasonably sufficient to render such segregation effective.

III. Every dwelling, or part thereof, shall be provided with one or more latrines, in such numbers that there shall be not less than one latrine for every twelve persons, or fewer than twelve persons, not less than two latrines for more than twelve persons but not more than twenty-four persons, and so forth, occupying such dwelling, or part thereof, and in such position or positions as to be accessible to all the occupants with reasonable convenience.

IV. Every dwelling, or part thereof, shall be provided with accommodation for the preparation and cooking of food, adequate for the use of and readily accessible to each tenant or sub-tenant by whom any room or rooms therein is or are occupied under separate tenancy or sub-tenancy, and where in the opinion of the medical officer of health it is necessary that separate accommodation in respect of each such tenant or sub-tenant for the preparation and cooking of food be provided, such separate accommodation shall be provided.

(2) 'n Regulasie uitgevaardig kragtens sub-artikel (1) is van geen krag nie, tensy dit goedgekeur is deur die Administrateur en afgekondig is op die wyse wat voorgeskrywe is vir afkondiging van regulasies of verordnings uitgevaardig kragtens die regsbepalings tot reëling van die betrokke plaaslike bestuur.

29. (1) Iedereen wat aan 'n misdryf skuldig bevind is in gevolge die bepalings van sub-artikel (2) van artikel vyf, sub-artikel (2) van artikel sewe, sub-artikel (4) van artikel twaalf of sub-artikel (2) van artikel twee-en-twintig, is strafbaar met 'n boete van hoogstens honderd pond; en iedereen wat aan 'n ander misdryf skuldig bevind is ingevolge die bepalings van hierdie Wet, of wat skuldig bevind is aan oortreding van 'n kragtens artikel ag-en-twintig uitgevaardigde regulasie, is strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

(2) Wanneer iemand aldus veroordeel is, maak 'n voortsetting, na sy veroordeling, van die oortreding waaraan hy skuldig bevind is, 'n nuwe misdryf uit.

30. Die plaaslike bestuur kan, by verrigtings ingevolge hierdie Wet, hetsy siviele of kriminale of administratiewe verrigtings, deur 'n amptenaar in sy diens optree, wat daartoe deur die plaaslike bestuur benoem is.

31. Wanneer die Minister dit raadsaam ag, opdat enige werkzaamheid, mag of plig, deur of kragtens hierdie Wet in hom gevestig of aan hom verleen of opgelê, doelmatiger verrig, uitgeoefen of nagekom word, kan hy skriftelik die Administrateur, of 'n amptenaar van die Departement van Volksgesondheid, of die Sentrale Woningraad aangestel kragtens die Woningwet, 1920 (Wet No. 35 van 1920), magtig om namens hom daardie werkzaamheid, mag of plig te verrig, uit te oefen of na te kom, en is enigiets wat deur die Administrateur, die amptenaar van die Departement van Volksgesondheid of die Sentrale Woningraad uit kragte van en binne die bestek van bedoelde magtiging gedoen word net so geldig en doeltreffend asof dit deur die Minister self gedoen is.

32. Hierdie Wet heet die Slumswet, 1934, en tree op 'n dag Kort titel en deur die Goewerneur-generaal by proklamasie in die Staatskoerant vas te stel in werking.

Eerste Bylae.

Bloemfontein.
Kaapstad.
Durban.
Oos-Londen.
Johannesburg.
Pietermaritzburg.
Port Elizabeth.
Pretoria.

Tweede Bylae.

VEREISTES BEDOEL IN SUB-ARTIKEL (2) VAN ARTIKEL een.

I. Geen kamer wat geheel of gedeeltelik deur mense as slaapplek gebruik word, word bewoon deur so groot 'n aantal persone dat minder as vierhonderd kubieke voet lugvolume en veertig vierkante voet vloeroppervlakte beskikbaar is vir elke persoon wat tien jaar oud of ouer is, en minder as tweehonderd kubieke voet lugvolume en twintig vierkante voet vloeroppervlakte beskikbaar is vir elke persoon wat onder die ouderdom is van tien jaar: Met dien verstande dat onder geen omstandighede 'n latrine of 'n gang, 'n trap, 'n rapportaal, of 'n muurkas of 'n buitegebou, 'n motorhuis, 'n stal, 'n tent, 'n pakkamer, 'n afdak, 'n skuur of 'n solder deur mense as slaapplek gebruik mag word, tensy die gebruik daarvan vir daardie doel deur die plaaslike bestuur goedgekeur is.

II. Geen woning, of 'n gedeelte daarvan, word bewoon deur so groot 'n aantal persone dat die slaapplek so min is dat dit nie doenlik is nie om mansmense wat meer as twaalf jaar oud is van vroumense bokant daardie ouderdom (behalwe persone wat as man en vrou saamleef) in aparte kamers te huisves, wat van mekaar geskei is deur steenmure of deur afskortings van die vloer af tot by die solder, wat op so 'n wyse saamgestel is dat, na oordeel van die geneeskundige gesondheidsamptenaar, hulle die skeiding tussen mansmense en vroumense redelik doelmatig maak.

III. Elke woning, of gedeelte daarvan, moet voorsien wees van so 'n aantal latrines, dat daar nie minder as een latrine is vir elke twaalf bewoners of minder as twaalf bewoners daarvan, en nie minder as twee latrines is vir meer as twaalf maar nie meer as vier-en-twintig bewoners daarvan, en so voort; en die latrines moet op sulke plekke staan, dat al die bewoners hulle maklik kan bereik.

IV. Elke woning, of gedeelte daarvan, moet plek bevat vir die bereiding en kook van kos, wat voldoende is vir die gebruik van elke huurder of onderhuurder wat 'n kamer of kamers in die woning kragtens 'n afsonderelike huurkontrak bewoon, en wat gemaklik deur hom bereik kan word, en ingeval na oordeel van die geneeskundige gesondheidsamptenaar dit nodig is dat daar 'n aparte plek vir die bereiding en kook van kos aan elke sodanige huurder of onderhuurder verskaf moet word, moet so 'n aparte plek verskaf word.

BILL

To amend the Work Colonies Act, 1927.

(Introduced by the MINISTER OF LABOUR.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 4 of Act 20 of 1927.

1. Sub-section (1) of section *four* of the Work Colonies Act, 1927 (hereinafter referred to as the principal Act), is hereby 5 amended—

- (i) by the insertion after the word "twenty-one" of the words "and under the age of fifty";
- (ii) by the substitution, for paragraph (b), of the following paragraph:—

"(b) appears to have no adequate means of subsistence and fails to provide his wife or any child whom he is legally bound to maintain, with reasonable food and clothing and—

- (i) has refused work suitable to his capacity which 15 has been offered to him; or
- (ii) has on two or more occasions absconded from a training station, farm, forestry settlement or other settlement under Government control, of which he was an inmate." 20

Amendment of section 5 of Act 20 of 1927.

2. Sub-section (3) of section *five* of the principal Act is hereby amended by the substitution, for the words "a colony named in the order," of the words "any colony determined by the Minister from time to time".

Amendment of section 6 of Act 20 of 1927.

3. Section *six* of the principal Act is hereby repealed and 25 the following section substituted therefor:—

Committal of vagrants to colonies. 6. Whenever a court convicting any person over the age of twenty-one and under the age of fifty years of a contravention of any law relating to vagrancy, is satisfied that the said person is physically and mentally capable of working in a colony and that it would be in his interest or in the interest of his wife or any child if he were detained in a colony, it may, in lieu of passing any sentence upon him, order that he be detained in any colony 30 determined by the Minister from time to time, for a period stated in the order, of not less than one year nor more than five years.", 35

Repeal of section 9 of Act 20 of 1927.

4. Section *nine* of the principal Act is hereby repealed.

Amendment of section 11 of Act 20 of 1927.

5. Section *eleven* of the principal Act is hereby amended:—

- (a) by the substitution for the words "the colony from which he was released" in sub-section (2), of the words "a colony";
- (b) by the substitution for the words "the colony from which he was released and detained there" in sub-section (4), of the words "such colony as the Minister may determine and detained therein or in any other colony, as the Minister may from time to time direct".

Short title.

6. This Act shall be known as the Work Colonies Amendment Act, 1934, and shall come into operation on a date to be fixed 50 by the Governor-General by proclamation in the *Gazette*.

WETSONTWERP

Tot wysiging van die Werkkolonies Wet, 1927.

(Ingedien deur die MINISTER VAN ARBEID.)

J)IT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Sub-artikel (1) van artikel vier van die Werkkolonies- Wysiging van
5 Wet, 1927 (hieronder die Hoofwet genoem), word hiermee artikel 4 van Wet
gewysig— 20 van 1927.
- (i) deur die woorde „en onder die ouderdom van vyftig”
na die woorde „een-en-twintig” in te voeg ;
10 (ii) deur paragraaf (b) te vervang deur die volgende para-
graaf :—
„(b) blybaar geen voldoende middele van bestaan
het nie, en in gebreke bly om sy eggeneote of enige
kind, wat hy regtens verplig is om te onderhou, van
redelike kos en klere te voorsien en—
15 (i) werk waartoe hy bekwaam is, wat hom aan-
gebied is, geweier het ; of
(ii) twee keer of meer weggeloop het van 'n oplei-
dingsinrigting, plaas, bosbounedersetting of
20 ander nedersetting onder Regeringsbeheer,
waarvan hy 'n inwoner was.”
2. Sub-artikel (3) van artikel vyf van die Hoofwet word Wysiging van
hiermee gewysig deur die woorde „'n in die order genoemde artikel 5 van Wet
kolonie” te vervang deur die woorde „enige kolonie van tyd 20 van 1927 tot
tot tyd deur die Minister bepaal”.
25 3. Artikel ses van die Hoofwet word hiermee herroep en Wysiging van
vervang deur die volgende artikel :— artikel 6 van Wet
20 van 1927.
- „Verwysing van land-lopers na kolonies. 6. Wanneer 'n hof, wat iemand bo die ouderdom
van een-en-twintig en onder die ouderdom van
vyftig jaar weens 'n oortreding van 'n wet op land-
lopery veroordeel, bevind dat bedoelde persoon
liggaamlik en verstandelik in staat is om in 'n
kolonie te werk, en dat dit in sy belang of in die
belang van sy eggeneote of enige kind sou wees as
hy in 'n kolonie aangehou sou word, kan die hof,
instede van enige vonnis oor hom uit te spreek,
beveel dat hy aangehou word in enige kolonie deur
die Minister van tyd tot tyd bepaal, vir 'n tydperk
in die bevel genoem, van nie minder as een jaar nog
meer as vyf jaar nie.”
30 4. Artikel nege van die Hoofwet word hiermee herroep. Herroeping van
artikel 9 van Wet
20 van 1927.
5. Artikel elf van die Hoofwet word hiermee gewysig— Wysiging van
(a) deur die woorde „verwys het na die kolonie waaruit hy
vrygelaat is” in sub-artikel (2) te vervang deur die
woorde „na 'n kolonie verwys het” ;
35 (b) deur die woorde „die kolonie waaruit hy vrygelaat is
en daarin aangehou word” in sub-artikel (4) te vervang
deur die woorde „die kolonie wat die Minister mag
bepaal en daarin of in enige ander kolonie aangebou
word, soos die Minister van tyd tot tyd mag gelas”.
45 6. Hierdie Wet heet die Werkkolonies-Wysigingswet, 1934; Kort titel.
en tree in werking op 'n datum deur die Goewerneur-generaal
by proklamasie in die Staatskoerant te bepaal.
50

BILL

To provide for the payment of benefit to workers in certain industries in case of unemployment and for matters incidental thereto.

(Introduced by the MINISTER OF LABOUR.)

BE IT ENACTED by the King's Most Excellent Majesty, by the Senate and the House of Assembly of the Union of South Africa, as follows:—

Persons required to contribute and entitled to receive benefit.

1. (1) Every person employed in any scheduled industry shall become a contributor and be entitled to receive benefit 5 in the manner provided in this Act.

(2) The Governor-General may, by proclamation in the Gazette, delete from the Schedule to this Act any industry specified therein or add any industry to those specified therein: Provided that not less than three months before the publication 10 of such proclamation there has been published in the *Gazette* a notice—

- (a) of his intention to publish such proclamation and of its proposed contents; and
- (b) inviting any person who objects to the publication 15 of such proclamation to lodge an objection thereto in writing with the central authority established in terms of section twenty-four.

Persons regarded as contributors.

2. (1) A person shall, for the purposes of this Act, be regarded as liable to contribute in terms of this Act if he is under a contract of service or of apprenticeship for the performance of any kind of work whatsoever in a scheduled industry, whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done or is in cash or in kind, and whether such contract is entered into before or after the fixed date, and such a person shall in this Act be referred to as a contributor: Provided that the following persons shall not be regarded as contributors for the purposes of this Act—

- (a) labourers; or
- (b) persons whose earnings calculated in the manner set out in section thirty-six exceed four hundred pounds a year; or
- (c) persons to whom articles or materials are given out by employers to be made up, finished, adapted for sale or otherwise worked with at a place not under the control of the employer; or
- (d) persons employed by an employer at irregular intervals for less than one day in any one calendar week; or
- (e) persons employed by more than one employer unless such employers are engaged in the same industry; or
- (f) the husband or wife of an employer when working for such employer; or
- (g) persons employed by the Government or Provincial Administration or the South African Railways and Harbours Administration; or
- (h) persons employed in agriculture.

Persons regarded as employers.

3. (1) The term "employer" shall mean a person who employs a contributor in a scheduled industry, excluding the Government, the South African Railways and Harbours Administration, and any Provincial Administration, and shall include any servant, agent or manager having the sole or practical control of any undertaking or of any department 55 or branch of an undertaking of an employer.

(2) If the services of a contributor are temporarily lent or hired out by his employer to another person, such employer shall be deemed to continue to be the employer of such contributor while he is working for such other person.

Establishment of unemployment benefit funds.

4. (1) The Minister may, in respect of any scheduled industry, upon the application of any employers' organization or trade union considered by him to be sufficiently representative of the employers or employees respectively in any such industry, established by notice in the *Gazette* for any defined area or 65 areas an unemployment benefit fund in this Act called a fund, to be styled "The Unemployment Benefit Fund for theIndustry".

WETSONTWERP

**Om voorsiening te maak vir onderstand aan werkers
in sekere nywerhede in geval van werkloosheid
en vir daarmee in verband staande sake.**

(Ingediend deur die MINISTER VAN ARBEID.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:

1. (1) Elke persoon wat in 'n aangewese nywerheid in diens is, moet 'n bydraer word en is geregtig op onderstand soos in hierdie Wet bepaal.
- (2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* enige nywerheid, wat in die bylae tot hierdie Wet voorkom, daaruit skrap of enige nywerheid byvoeg by die wat daarin voorkom, mits daar minstens drie maande voor die uitvaardiging van so 'n proklamasie 'n kennisgewing in die *Staatskoerant* verskyn het wat—
- (a) sy voorneme om so 'n proklamasie uit te vaardig en die voorgestelde inhoud daarvan, bekendmaak; en
 - 15 (b) enige persoon wat beswaar het teen die uitvaardiging van so 'n proklamasie uitnooi om skriftelik 'n beswaar in te dien by die sentrale gesag, kragtens artikel vier-en-twintig ingestel.
2. (1) Vir die toepassing van hierdie Wet word 'n persoon **Wie as bydraers beskou word**.
- 20 beskou as býdraepligtig kragtens die bepalings van hierdie Wet, indien hy 'n diens- of leerlingskontrak aangegaan het vir die verrigting van enige soort werk hoëgenaamd in 'n aangewese nywerheid, hetsy die kontrak uitdruklik of stilswygend of mondeling of skriftelik is, en hetsy die loon volgens 25 tyd of volgens gedane werk bereken of in kontant of in natura betaal word, en hetsy die kontrak vóór of ná die bepaalde datum aangegaan is, en in hierdie Wet heet so 'n persoon 'n bydraer: Met dien verstande dat die volgende persone vir die toepassing van hierdie Wet nie as bydraers beskou 30 word nie:
- (a) arbeiders; of
 - (b) persone wie se verdienste, bereken volgens artikel ses-en-dertig, vierhonderd pond per jaar te bowe gaan; of
 - 35 (c) persone aan wie artikels of materiaal deur werkgewers uitgegee word om op 'n plek wat nie onder die beheer van die werkewer staan nie opgemaak, afgewerk, vir verkoop reggemaak of andersins bewerk te word; of
 - (d) persone wat vir ongerekende tydperke van minder as 40 een dag per kalenderweek deur 'n werkewer in diens geneem word; of
 - (e) persone by meer as een werkewer in diens tensy daardie werkewers in dieselfde nywerheid werkzaam is; of
 - 45 (f) die eggenoot of eggenote van 'n werkewer wat by daardie werkewer werkzaam is; of
 - (g) persone in diens van die Regering of 'n provinsiale administrasie of die Suid-Afrikaanse Spoorweg- en Hawe-Administrasie; of
 - 50 (h) persone in landbou in diens.
3. (1) Die uitdrukking „werkewer“ beteken 'n persoon **Wie as werkewer beskou word**.
- 55 wat 'n bydraer in 'n aangewese nywerheid in diens het, uitgesonderd die Regering, die Suid-Afrikaanse Spoorweg- en Hawe-Administrasie, en enige provinsiale administrasie, en omvat enige dienaar, verteenwoordiger of bestuurder wat algehele of praktiese beheer het oor enige onderneming of oor enige departement of tak-onderneming van 'n werkewer.
- (2) Indien die dienste van 'n bydraer deur sy werkewer aan 'n ander persoon tydelik uitgeleen of verhuur word, 60 dan word daardie werkewer nog geag die werkewer van daardie bydrae te wees terwyl hy vir so 'n ander persoon werk.
4. (1) Ten opsigte van enige aangewese nywerheid kan die Instelling van 'n Minister op versoek van enige werkewersorganisasie of werkloosheidsvakvereniging, wat deur hom as voldoende verteenwoordigend 65 van die werkewers en bydraers onderskeidelik in daardie nywerheid beskou word, deur kennisgewing in die *Staatskoerant* vir enige vasgestelde gebied of gebiede 'n werkloosheids-onderstandsfonds, in hierdie Wet 'n fonds genoem, instel, wat sal heet „Die Werkloosheids-onderstandsfonds vir die 75 nywerheid“.

Funds to be bodies corporate.

Source and application of moneys of funds.

Advances to funds from revenue.

Appointment of management committees.

Constitution of committees.

(2) If the Minister is satisfied that there is no employers' organization or trade union sufficiently representative of the employers or contributors respectively in any scheduled industry or if the relative organization or trade union exists but has not applied to the Minister for the establishment of a fund, he may himself establish a fund for such industry. 5

5. Every fund shall be a body corporate capable of suing and being sued in its own name and of doing all such things as bodies corporate may by law do, subject to its rules and to the provisions of this Act. 10

6. (1) The moneys of a fund shall consist of—

- (a) the contributions paid in terms of section *thirty-four*;
- (b) any moneys paid as penalties under this Act or in terms of the rules of a committee, other than a fine imposed by a court of law; 15
- (c) any interest earned from investments of the moneys of the fund;
- (d) any moneys granted or advanced to the fund from revenue in terms of section *seven*;
- (e) any moneys granted or advanced by the central authority from the central fund in terms of section *thirty-one*; and 20
- (f) any other sums to which the fund may become entitled.

(2) The moneys of a fund shall be applied to— 25

- (a) the payment of benefit in accordance with the provisions of this Act;
- (b) the remuneration of the members of the committee in terms of section *twelve*;
- (c) the payment of the salaries of the staff of the fund and other expenditure incurred by such fund in the performance of its functions under this Act; 30
- (d) the repayment of advances made from revenue in terms of section *seven*; and
- (e) the repayment of advances made by the central authority from the central fund in terms of section *thirty-one*. 35

7. On the recommendation of the central authority and on such conditions as may be agreed upon between the Minister and a committee of a fund the Minister may, out of revenue, 40 advance to that fund moneys sufficient to defray its preliminary expenses incurred in the performance of its functions under this Act, pending the payment of contributions.

8. There shall be chosen or appointed, as the case may be, in the manner hereinafter provided in respect of each fund 45 a management committee, in this Act called a committee, for the purpose of controlling and administering the moneys of such fund, and the central authority shall publish the names of the members of the committee from time to time in the *Gazette*. 50

9. (1) A committee shall, except where an independent chairman has been appointed in terms of sub-section (5) when the number shall not exceed seven, consist of an equal number of representatives of employers and contributors, not exceeding six in all, chosen by the employers' organization and 55 the trade union for the industry in question in the manner prescribed by regulation, and such employers' organization and trade union may also in the same manner choose an alternative representative or representatives.

(2) If at any time the Minister is satisfied that the employers' organization or trade union has ceased to be sufficiently representative of the employers or contributors respectively in the industry concerned, he may discharge all or any of the members from the committee and may appoint other persons who shall as far as possible be representative of the employers 65 and contributors concerned.

(3) If the employers' organization or trade union on which the obligation to choose a representative in terms of sub-section (1) or to fill a vacancy falls, fails to choose such representative or to fill such vacancy within two months from the 70 date upon which such vacancy occurs, the Minister shall appoint a person to represent the interests in question.

(4) No act or proceeding of a committee shall be invalid by reason only that there was a defect in the appointment of any member or that any vacancy existed in the membership. 75

(5) The chairman shall either be a person chosen by the committee from amongst its members or if the Minister so directs an independent person chosen by the central authority after consultation with the committee, and in either case shall have no casting vote. 80

(6) If a committee established under this section ceases for any reason to perform its functions under this Act, or fails

(2) Indien die Minister oortuig is dat daar in enige aangewese nywerheid geen werkgewersorganisasie of vakvereniging bestaan wat die werkgewers of bydraers ouderskeidelik voldoende verteenwoordig nie, of indien die betrokke organisasie of vereniging bestaan, dog nie by die Minister om die instelling van 'n fonds aansoek doen nie, kan hy self 'n fonds vir so 'n nywerheid instel.

5. Elke fonds is 'n regspersoon, bevoeg om in sy eie naam Fondse is
as eiser of verweerde in regte op te tree en om alle handelings regspersone.
10 te verrig wat regspersone regtens kan verrig, met inagneming van sy reëls en van die bepalings van hierdie Wet.

6. (1) Die gelde van 'n fonds bestaan uit—
 Bron en besteding
van fondsgelde.
 (a) die bydraes gestort deur werkgewers en deur of ten behoeve van bydraers en uit staatsinkomste ingevolge bepalings van hierdie Wet ;
 15 (b) alle gelde wat ingevolge hierdie Wet of kragtens die reëls van 'n komitee as boetes inbetaal is, buiten boetes deur 'n gereghof opgelê ;
 (c) alle rente verkry uit beleggings van gelde van die fonds ;
 20 (d) alle gelde aan die fonds uit Staatsinkomste voorgeskiet, kragtens artikel *sewe* ;
 (e) alle gelde deur die sentrale gesag aan die fonds toegestaan of voorgeskiet, kragtens artikel *een-en-dertig* ; en
 (f) alle ander bedrae waarop die fonds geregtig mag word.
 25 (2) Die gelde van die fonds moet bestee word vir—
 (a) die betaling van onderstand volgens die bepalings van hierdie Wet ;
 (b) die besoldiging van komiteelede kragtens artikel *twaalf* ;
 30 (c) die betaling van salarisse van die personeel van die fonds en ander uitgawes aangegaan deur die fonds in die verrigting van sy werksaamhede ingevolge hierdie Wet ;
 (d) die terugbetaling van voorskotte, kragtens artikel *sewe* uit Staatsinkomste ; en
 35 (e) die terugbetaling van voorskotte wat kragtens artikel *een-en-dertig* deur die sentrale gesag uit die sentrale fonds gemaak is.

7. Op aanbeveling van die sentrale gesag en op voorwaardes Voorskotte aan
waarop die Minister en 'n komitee van 'n fonds mag ooreenkom, fondse uit staats-
40 kan die Minister uit Staatsinkomste voldoende geld aan daardie inkomste.
fonds voorskiet tot dekking van sy voorlopige onkoste, aange-
gaan in die verrigting van sy werksaamhede ingevolge hierdie
Wet, totdat bydraes inbetaal word.

8. Daar moet soos hieronder bepaal 'n bestuurskomitee (in Aanstelling van
45 hierdie Wet 'n komitee genoem) vir elke fonds gekies of aange- bestuurs-
stel word, al na die geval, ten einde die gelde van so 'n fonds komitees,
te beheer en te bestee, en die sentrale gesag moet die name van
die komiteelede van tyd tot tyd in die *Staatskoerant* bekend maak.

50 9. (1) Tensy 'n onpartydige voorsitter kragtens sub-artikel Samestelling van
(5) aangestel is (in welke geval die ledetal nie meer as sewe mag komitees.
wees nie) bestaan 'n komitee uit 'n gelyke aantal verteenwoordigers van werkgewers en bydraers, dog tesame nie meer as ses nie, volgens voorskrif van regulasies, gekies deur die werk-
55 gewersorganisasie en vakvereniging vir die betrokke nywerheid, en so 'n werkgewersorganisasie en vakvereniging kan op diezelfde wyse een of meer plaasvervangende verteenwoordigers kies.

(2) As die Minister te eniger tyd oortuig is dat die werk-
60 gewersorganisasie of vakvereniging nie meer die werkgewers en bydraers in die betrokke nywerheid voldoende verteenwoordig nie, kan hy alle, of sommige van die komiteelede ontslaan en ander persone aanstel wat sover moontlik verteenwoordigend moet wees van die betrokke werkgewers en bydraers.

65 (3) Indien die werkgewersorganisasie of vakvereniging op wie die verpligting rus om 'n verteenwoordiger kragtens sub-artikel (1) te kies of om 'n vakature aan te vul, in gebreke bly om die verteenwoordiger te kies of om die vakture aan te vul binne twee maande vanaf die datum waarop die vakture ontstaan het, dan moet die Minister 'n persoon aanstel om die betrokke belange te verteenwoordig.

(4) Geen handeling of verrigting van 'n komitee is ongeldig slegs om rede dat die benoeming van 'n lid foutief was of omdat 'n vakture in die lidmaatskap bestaan het nie.

70 75 (5) Die voorsitter is of 'n persoon deur die komitee uit sy eie lede gekies, of as die Minister dit voorskryf, 'n onpartydige persoon deur die sentrale gesag na beraadslaging met die komitee gekies, en in ieder geval het hy geen beslissende stem nie.

(6) Indien 'n komitee, wat ingevolge hierdie artikel ingestel 80 is, om enige rede nie meer sy werksaamhede ingevolge hierdie

to comply with any request made by the central authority under this Act or performs its functions in a manner calculated to prejudice the stability or sufficiency of the fund, or for any other reason which the Minister deems good and sufficient, the Minister may by notice in the *Gazette*, discharge the members of the committee and order that the control and management of the fund shall for a period to be specified in such notice be vested in and exercised by the central authority. 5

Period of office of members of committees. 10. (1) If the chairman is an independent person chosen by the central authority, as provided in sub-section (5) of section nine, he shall hold office for a period which shall terminate at the expiration of three years commencing on the first day of April next after the date of his appointment.

(2) If the chairman is chosen by the committee from amongst its own members, he shall hold office for so long as he is a member 15 of the committee.

(3) If the committee consists of two members apart from the chairman referred to in sub-section (1), such members shall hold office for a period which shall terminate at the expiration of three years commencing on the first day of April next after 20 the date of their appointment.

(4) If the committee consists of four members apart from the chairman referred to in sub-section (1), one of the representatives of employers and one of the representatives of employees (each to be determined by ballot of the members) 25 shall hold office for the period referred to in sub-section (3) and one representative of employers and one representative of employees shall hold office for a period which shall terminate at the expiration of two years commencing on the first day of April next after the date of their appointment. 30

(5) If the committee consists of six members apart from the chairman referred to in sub-section (1), two of the representatives of employers and two of the representatives of employees (each to be determined by ballot of the members) shall hold office for the periods respectively referred to in 35 sub-section (4) and one representative of employers and one representative of employees shall hold office for a period which shall terminate at the expiration of one year commencing on the first day of April next after the date of their appointment.

(6) Every member of a committee appointed in succession 40 to any member whose period of office is determined by the preceding provisions of this section shall hold office for a period of three years.

(7) Every member shall, upon termination of his period of office, be eligible for re-election. 45

Circumstances in which members shall vacate office. 11. (1) A member of a committee shall vacate office if—
 (a) he dies ; or
 (b) he resigns ; or
 (c) his estate is sequestrated or surrendered or assigned 50 for the benefit of his creditors.

(2) The Minister may, on the recommendation of the committee or central authority, remove or suspend any member of a committee who has in his opinion been guilty of neglect of duty or misbehaviour or has proved himself to be unsuitable as a member of a committee. 55

(3) A member of a committee chosen or appointed to fill any vacancy arising under this section shall hold office for the unexpired term of the period of appointment of the member he replaces.

Remuneration of members of committees. 12. The members of a committee may receive out of the 60 moneys of the fund such remuneration for their services as may be determined by the central authority.

Functions of committees. 13. (1) Subject to the provisions of this Act, a committee shall—

- (a) receive applications for unemployment benefit made 65 by contributors in terms of section *thirty-eight*;
- (b) enquire into or cause enquiry to be made into the validity of applications for benefit;
- (c) decide upon the validity of applications for benefit and pay benefit in accordance with the provisions of 70 this Act;
- (d) in terms of section *thirty-five* recommend to the central authority any variation in the amount of the contributions or benefit or the conditions relating to the payment thereof; 75
- (e) collect the contributions payable in accordance with this Act;
- (f) report to the central authority in terms of section *nineteen*;
- (g) keep books of account and prepare statements and 80 balance sheets in terms of section *eighteen*;
- (h) collect, compile and maintain records relating to the occurrence of unemployment and the grant of benefit under this Act;

Wet verrig nie, of in gebreke bly om te voldoen aan enige versoek van die sentrale gesag kragtens hierdie Wet, of sy werkzaamhede verrig op 'n wyse wat verwag kan word om die stabilitet en genoegsaamheid van die fonds te benadeel, of om 5 enige ander rede wat die Minister goed en voldoende beskou, kan die Minister deur kennisgewing in die *Staatskoerant* die lede van die komitee ontslaan en beveel dat die beheer en bestuur van die fonds vir 'n tydperk in die kennisgewing genoem, oorgedra word aan en uitgevoer word deur die sentrale gesag.

10 10. (1) Indien die voorsitter 'n onpartydige persoon is ingevolge sub-artikel (5) van artikel *nege* deur die sentrale gesag gekies, beklee hy sy amp vir 'n termyn wat eindig na die verloop van drie jaar vanaf die eerste dag van April eerskomende na die datum van sy aanstelling.

15 15. (2) Indien die voorsitter deur die komitee uit sy eie lede gekies word, beklee hy sy amp solang hy 'n komiteelid bly.

(3) Indien die komitee bestaan uit twee lede buiten die voorsitter bedoel in sub-artikel (1), beklee daardie lede hul amp vir 'n termyn wat eindig na die verloop van drie jaar vanaf die 20 eerste dag van April eerskomende na die datum van hul aanstelling.

(4) Indien die komitee bestaan uit vier lede buiten die voorsitter bedoel in sub-artikel (1), beklee een van die werkgewersverteenvoordigers en een van die bydraersverteenvoordigers 25 (elk deur 'n stemming van lede te bepaal) hul amp vir die termyn vermeld in sub-artikel (3), en een werkgewersverteenvoordiger en een bydraersverteenvoordiger beklee hul amp vir 'n termyn wat eindig na die verloop van twee jaar vanaf die eerste dag van April eerskomende na die datum 30 van hul aanstelling.

(5) Indien die komitee bestaan uit ses lede buiten die voorzitter bedoel in sub-artikel (1), beklee twee van die werkgewersverteenvoordigers en twee van die bydraersverteenvoordigers (elk deur 'n stemming van lede te bepaal), hul amp vir die 35 termyne respektiewelik vermeld in sub-artikel (4) en een werkgewersverteenvoordiger en een bydraersverteenvoordiger beklee hul amp vir 'n termyn wat eindig na die verloop van een jaar vanaf die eerste dag van April eerskomende na hul aanstelling.

40 40. (6) Elke komiteelid wat aangestel word as opvolger van 'n lid, wie se dienstyd volgens voorgaande bepalinge van hierdie artikel vasgestel is, beklee sy amp vir 'n termyn van drie jaar.

(7) Elke lid is na afloop van sy dienstyd herkiesbaar.

11. (1) 'n Komiteelid ontruim sy amp indien—

45 (a) hy sterf ; of
(b) hy bedank ; of
(c) sy boedel gesekwestreer of oorgegee of ten gunste van sy skuldeisers afgestaan word.

(2) Op aanbeveling van die komitee of sentrale gesag kan die Minister enige lid wat syns insiens skuldig is aan pligverzuim of wangedrag of getoon het dat hy as komiteelid ongeskik is of ontslaan of skors.

(3) 'n Komiteelid wat gekies of aangestel word om 'n vakature, wat ingevolge hierdie artikel ontstaan het, aan te vul, beklee sy amp gedurende die onverstreke dienstyd van die lid wat 55 hy vervang.

12. Komiteelde kan uit die fondsgelde sodanige besoldiging Besoldiging van vir hulle dienste ontvang as wat die sentrale gesag mag vasstel. komiteelde.

13. (1) Behoudens die bepalinge van hierdie Wet moet 'n komitee— Werkkring van komitees.

- 60 (a) aansoeke om werkloosheidsonderstand deur bydraers ingevolge artikel *agt-en-dertig* ingedien, ontvang ;
(b) die gegrondheid van aansoeke om onderstand onderzoek of laat ondersoek ;
65 (c) die gegrondheid van aansoeke om onderstand beslis en onderstand uitbetaal ingevolge die bepalinge van hierdie Wet ;
(d) by die sentrale gesag kragtens artikel *vyf-en-dertig* enige verandering van die bedrag van bydraes of onderstand of van die voorwaardes in verband met die betaling daarvan aanbeveel ;
70 (e) die bydraes wat ingevolge hierdie Wet betaalbaar is, invorder ;
(f) kragtens artikel *negentien* aan die sentrale gesag verslag doen ;
75 (g) kragtens artikel *achtien* boek hou en state en balansstate opmaak ;
(h) gegewens aangaande voorgekome werkloosheid en die toekenning van onderstand ingevolge hierdie Wet versamel, opstel en byhou ;

Dienstyd van komiteelde.

Omstandighede waaronder komiteelde hul amp ontruim.

(i) perform such other duties and exercise such other functions as may be required or authorized by the central authority for the better carrying out of the provisions of this Act.

(2) Whenever the question arises whether any person is or is not an employer or a contributor in relation to any scheduled industry, that question shall be determined by the committee of the fund of that industry, subject to an appeal to the central authority in terms of section twenty. 5

Banking and withdrawal of money. 14. (1) All the moneys of a fund shall be paid into a banking account 10 and no moneys shall be withdrawn therefrom except by means of cheques signed by two members of the committee of that fund or by one member of the committee and one servant of the fund specially authorized thereto by the committee. 15

(2) The amount standing to the credit of the banking account referred to in sub-section (1) and the monthly expenditure of a committee shall at no time exceed such sums as may be approved from time to time by the central authority. All moneys of the fund other than the amount in such account 20 shall be deposited with the central authority for investment in terms of section thirty. 15

(3) Where the committee is of the opinion that the amount standing to the credit of the account referred to in sub-section (1) will be insufficient to meet the expenditure of the fund 25 within a limited future period to be stated by the committee, it shall apply to the central authority for the withdrawal of part of the moneys deposited in terms of sub-section (2) and the central authority, if satisfied that the withdrawal of such sum is desirable, shall make payment of the amount applied 30 for or such lesser amount as it deems desirable.

Rules of funds. 15. (1) A committee shall, with the approval of the central authority, make rules for—
 (a) the quorum at any meeting thereof, and the decision of what majority of such quorum shall be deemed to 35 be a decision of the committee ;
 (b) the circumstances in which an alternate member may sit as a member of the committee ;
 (c) the appointment of a person to act as chairman of a committee in the absence of the chairman ; 40
 (d) the procedure at meetings of a committee ; and
 (e) the procedure in the event of a deadlock during the proceedings of any committee.
 (2) Such rules may provide for—
 (a) the manner in which contributions shall be paid into 45 the fund in terms of section thirty-four ;
 (b) the manner and place in which application for benefit shall be made in terms of section thirty-eight ;
 (c) from time to time a recommendation regarding a reduction or increase in the amount of contribution 50 or benefit or variation of the conditions relating to the payment of benefit in terms of section thirty-five ;
 (d) the appointment of local committees ; and
 (e) such other matters as may be necessary or desirable for the proper performance of the functions of the 55 committee.
 (3) No such rule shall be of any force or effect unless approved and registered by the central authority.

Appointment of staff of funds.

16. (1) A committee may, subject to the approval of the central authority, from time to time appoint, upon such 60 conditions as it may determine, such servants of the fund in question as may be necessary to enable the committee to perform its functions, and may suspend from duty or remove from office any such servant.

(2) Every servant of a fund who will, in the course of his 65 duties, handle any money belonging to the fund shall, on taking office, give such security as the committee may deem sufficient, to account for all moneys received by him on account of the fund.

Expenses of funds. 17. All expenditure necessarily incurred in connection with 70 the administration of a fund or with the performance of the functions of the committee of a fund shall be defrayed from the moneys of that fund.

Accounts audit and statistics. 18. (1) A committee shall keep such books of account of its fund and other books in relation thereto as may be necessary 75 and shall prepare not later than the last day of February in any year a statement showing in all necessary detail the revenue and expenditure of the fund during the preceding calendar year and a balance sheet showing the assets and liabilities of the fund. 80

(i) alle ander werksaamhede en pligte verrig wat die sentrale gesag aan hom mag opdra om die bepalings van hierdie Wet beter uit te voer.

(2) Wanneer die vraag ontstaan of 'n persoon in verband met 'n aangewese nywerheid al dan nie 'n werkgewer of 'n bydraer is, moet daardie vraag deur die komitee van die fonds van daardie nywerheid beslis word, behoudens die reg van appèl na die sentrale gesag kragtens artikel *twintig*.

14. (1) Alle fondsgelde moet in 'n bankrekening gestort Storting en ont-
word en geen bedrag mag daarvan onttrek word nie dan deur trekking van geldie.
10 middel van tjeës, onderteken deur twee komiteelede van
daardie fonds of deur een komiteelid en een beampete van die fonds wat besonders deur die komitee daar toe gemagtig is.

(2) Die kredietbalans in die bankrekening bedoel in sub-
15 artikel (1) en die maandelikse uitgawes van 'n komitee mag nooit meer beloop nie as dié bedrae wat die sentrale gesag van tyd tot tyd mag goedkeur. Alle fondsgelde behalwe die bedrag in so 'n rekening moet by die sentrale gesag gedeponeer word vir belegging kragtens artikel *dertig*.

20 (3) Wanneer die komitee van mening is dat die kredietbalans bedoel in sub-artikel (1) onvoldoende sal wees om die uitgawes van die fonds vir 'n beperkte deur die komitee te vermeld te toekomstige tydperk te dek, moet hy by die sentrale gesag aansoek doen om 'n gedeelte van die gelde kragtens sub-artikel 25 (2) gedeponeer, te onttrek, en indien die sentrale gesag oortuig is dat die onttrekking van so 'n bedrag wenslik is, moet dit die gevraagde bedrag of so 'n minder bedrag as wat dit wenslik mag beskou, uitbetaal.

25 (1) Met goedkeuring van die sentrale gesag moet 'n Reëls van fondse.
30 komitee reëls vasstel aangaande—

(a) die kworum by 'n verandering daarvan en die besluit van watter meerderheid van so 'n kworum as die besluit van die komitee beskou sal word;
35 (b) die omstandighede waaronder 'n plaasvervangende lid as lid van die komitee mag dien;
(c) die aanstelling van 'n persoon om tydens die afwesigheid van die voorzitter as voorzitter te dien;
(d) die prosedure by komiteevergaderings; en
(e) die prosedure in geval 'n dooie punt bereik word 40 tydens die verrigtings van enige komitee.

(2) Sodanige reëls kan voorsiening maak vir—
(a) die wyse waarop bydraes kragtens artikel *vier-en-dertig* aan 'n fonds betaal moet word;
45 (b) die wyse waarop en plek waar aansoek om onderstand kragtens artikel *agt-en-dertig* gedoen moet word;
(c) aanbevelings van tyd tot tyd aangaande 'n vermindering of vermeerdering van die bedrag van bydrae of onderstand, of 'n verandering van die voorwaardes in verband met onderstandsbelatings kragtens artikel *vyf-en-dertig*;
50 (d) die aanstelling, bevoegdhede en pligte van plaaslike komitees; en
(e) sodanige ander sake wat noodsaaklik en wenslik is tot betere verrigting van die komitee se werksaamhede.
55

(3) Geen sodanige reëls is geldig tensy dit deur die sentrale gesag goedgekeur en geregistreer is.

16. (1) Met goedkeuring van die sentrale gesag kan 'n komitee Aanstelling van van tyd tot tyd op sodanige voorwaardes as wat hy mag staf van fonds.
60 bepaal die beampetes van die betrokke fonds aanstel wat nodig mag wees om die komitee in staat te stel om sy werksaamhede te verrig, en hy kan so 'n beampte in sy diens skors of uit sy amp ontslaan.

(2) Elke beampte van 'n fonds wat by die verrigting van sy 65 werksaamhede geldie wat aan die fonds behoort sal hanteer, moet by indienstreding die sekuriteit stel wat die komitee voldoende beskou, dat hy alle geldie wat hy op rekening van die komitee ontvang, sal verantwoord.

17. Alle onkoste wat noodsaaklike wyls aangegeaan word in Onkoste van verband met die beheer van 'n fonds en die verrigting van fondse.
70 die werksaamhede van die komitee van 'n fonds, moet uit die geldie van daardie fonds gedek word.

18. (1) 'n Komitee moet vir sover as nodig is van sy fonds Boekhouding, boekhou en ander aantekenings in verband daarmee maak, ouditering en 75 en moet nie later as die laaste dag van Februarie in elke jaar 'n staat opmaak (met vermelding van alle nodige besonderhede), van die inkomste en uitgawe van die fonds van die voorafgaande kalenderjaar, en 'n balansstaat, van die bate en laste van dié fonds.

(2) The accounts of a fund shall be audited by the Controller and Auditor-General and the expenses of such audit shall be paid out of the moneys of the fund.

(3) A committee shall keep such other records and statistics relating to the occurrence of unemployment and the grant of benefits and collect such other information relating to its fund as the central authority may deem necessary. 5

Committee to furnish reports and statements.

19. A committee shall furnish to the central authority—
 (a) before the first day of March in each year an annual report of its transactions for the period ending as 10 at the last preceding 31st December, and the statement and balance sheet of the fund referred to in sub-section (1) of section eighteen, in duplicate, and such other information as the central authority may require in respect of such year; and 15
 (b) at any time such particulars of the financial position of its fund and such other information relating to its fund as the central authority may require.

Appeal to central authority against decision or demand of committee.

20. Any person who considers himself aggrieved by a decision of a committee—
 (a) in regard to any application for benefit;
 (b) in regard to any question referred to in sub-section (2) of section thirteen; or
 (c) in regard to any other matter arising under this Act; may, within fourteen days of any such decision, appeal to the 25 central authority, provided that he shall within such period notify the committee in writing that he has or intends to lodge an appeal.

Decision of central authority not subject to appeal or review.

21. (1) The procedure to be followed in any appeal under section twenty and the powers of the central authority in dealing 30 with any such appeal shall be prescribed by regulation.
 (2) The decision of the central authority upon any such appeal shall not be subject to appeal in any court of law.

Central authority may state case for Supreme Court.

22. (1) The central authority may, of its own motion or at the request of any party who considers himself aggrieved 35 by its decision, state a special case on any question of law in connection with any matter referred to it for decision in terms of section twenty or in relation to any other matter arising under this Act, for the decision of the provincial or local division of the Supreme Court having jurisdiction in respect of the matter 40 in question.

(2) In stating any such case, the central authority shall set forth the facts of the matter and the view of the law which it has adopted in relation to those facts.

(3) Whenever any person has requested the central authority 45 to state a special case for the decision of the Supreme Court in terms of sub-section (1), the Court may, in its discretion, make such order as to costs as to it may appear just, but when the central authority has of its own motion stated a special case as aforesaid such court shall make no order as 50 to costs.

Appeal to Appellate Division.

23. There shall be no appeal from the decision of a court referred to in section twenty-two upon a case stated under that section: Provided that in any case in which the Appellate Division of the Supreme Court is of opinion that the question 55 involves an important matter of law or is of considerable importance to a large number of persons, it may grant special leave to appeal against the decision.

Establishment of central authority.

24. (1) There is hereby established a body styled the central authority for unemployment benefit funds, in this Act referred 60 to as the "central authority", with such powers, duties and functions as are by this Act prescribed.

(2) The central authority shall consist of three persons to be appointed by the Minister from time to time, subject to the provisions of the law relating to the public service of the 65 Union, of whom—

- (a) one shall be a person possessing a sound knowledge of financial matters, who shall be the chairman;
- (b) one shall be the registrar of trade unions and employers' organizations appointed under the Industrial Conciliation Act, 1924 (Act No. 11 of 1924); and
- (c) one shall be a person possessing a sound knowledge of public administration.

(3) There shall, in the discretion of the Minister, be paid to members of the central authority from revenue an allowance 75 additional to their remuneration as officers of the public service not exceeding one hundred pounds per annum.

- (2) Die boeke van 'n fonds word deur die Kontroleur en Ouditeur-generaal geouditeer en die koste daarvan word uit die fondsgelde betaal.
- (3) 'n Komitee moet sodanige ander gegewens en statistieke in verband met die voorkom van werkloosheid en die toekenning van onderstand hou en sodanige ander inligting in verband met sy fonds inwin as wat die sentrale gesag nodig mag ag.
19. 'n Komitee moet aan die sentrale gesag verstrek—
- (a) jaarliks voor die eerste dag van Maart, 'n jaarverslag oor sy verrigtings vir die tydperk eindigende die voorafgaande een-en-dertigste Desember, en die staat en belansstaat (in duplo) van die fonds vermeld in sub-artikel (1) van artikel *agtien*, en sodanige ander inligting as wat die sentrale gesag ten opsigte van daardie jaar mag verlang; en
- (b) te eniger tyd sodanige besonderhede omtrent die finansiële toestand van sy fonds en sodanige ander inligting in verband met sy fonds as wat die sentrale gesag mag verlang.
20. Elkeen wat van mening is dat hy veronreg is deur 'n Appèl na sentrale gesag teen beslissing van 'n komitee—
- (a) in verband met 'n aansoek om onderstand;
- (b) in verband met enige vraag bedoel in sub-artikel (2) van artikel *dertien*; of
- 25 (c) in verband met enige ander saak wat ingevolge hierdie Wet ontstaan; kan binne vier teen dae na so 'n beslissing na die sentrale gesag appelleer, mits hy binne daardie termyn aan die komitee skriftelik kennis gee dat hy so 'n appèl aangeteken het of voornemens is om dit te doen.
- 30 21. (1) Die prosedure in verband met 'n appèl kragtens artikel *twintig* en die bevoegdhede van die sentrale gesag by die behandeling van so 'n appèl word deur regulasies Beslissing van sentrale gesag nie aan appèl of hersiening onderhewig nie.
- 35 (2) Die beslissing van die sentrale gesag oor so 'n appèl is nie aan appèl na 'n geregshof onderhewig nie.
22. (1) Die sentrale gesag kan uit eie beweging of op versoek van 'n party wat hom deur sy beslissing veronreg beskou, 'n *casus-positie* opstel in verband met enige saak wat kragtens artikel *twintig* aan hom ter beslissing verwys is of enige ander saak wat ingevolge hierdie Wet beslis moet word, ter beslissing van die provinsiale of plaaslike afdeling van die Hooggeregshof wat bevoeg is in verband met die betrokke saak.
- 40 (2) By die opstelling van so 'n *casus-positie* moet die sentrale gesag vermeld die feite van die saak en sy regsvraag in verband met daardie feite.
- (3) Wanneer iemand die sentrale gesag versoek het om ingevolge sub-artikel (1) 'n *casus-positie* van 'n regsvraag ter beslissing van die Hooggeregshof op te stel, kan die Hooggeregshof volgens goeddunke sodanige bevel aangaande koste uitvaardig as wat sy insiens regverdig is, maar indien die sentrale gesag uit eie beweging soos vermeld 'n *casus-positie* opgestel het, kan daardie hof geen bevel aangaande koste uitvaardig nie.
- 55 23. Teen die beslissing van 'n hof, vermeld in artikel *twee-en-twintig*, van 'n *casus-positie* wat ingevolge daardie artikel *Appèl na afdeling van appèl*.
- opgestel is, kan nie geappelleer word nie, met dien verstande dat in 'n geval waar die afdeling van appèl van die Hooggeregshof van mening is dat 'n belangrike regspunt betrokke is of dat 'n regspunt vir 'n groot aantal persone van aanmerklike belang is, dit spesiale verlof kan verleen om teen die beslissing te appelleer.
- 60 24. (1) Hiermee word 'n liggaaam ingestel genoem die sentrale gesag vir werkloosheids-onderstands fondse, in hierdie Wet *Instelling van sentrale gesag*.
- 65 die „sentrale gesag“ genoem, met sodanige bevoegdhede, pligte en werkzaamhede as wat hierdie Wet voorskryf.
- (2) Die sentrale gesag bestaan uit drie lede wat van tyd tot tyd deur die Minister aangestel word, met inagneming van die wet op die Staatsdiens van die Unie, van wie—
- 70 (a) ene 'n persoon moet wees met 'n grondige kennis van finansiële aangeleenthede, wat die voorsitter sal wees;
- (b) ene die registrateur van vakverenigings en werkgewersorganisasies, aangestel ingevolge die „Nijverheids Verzoenings Wet“, 1924 (Wet No. 11 van 1924)
- 75 moet wees; en
- (c) ene 'n persoon moet wees met 'n grondige kennis van publieke administrasie.
- (3) Aan die lede van die sentrale gesag word, na die goeddunke van die Minister 'n toelaag, van hoogstens honderd pond jaarliks, uit staatsinkomste betaal buiten en behalwe hulle besoldiging as Staatsamptenare.

- Functions of central authority. 25. (1) Subject to the provisions of this Act, the functions of the central authority shall be as follows:
- (a) it may exercise and maintain a general supervision over the funds and committees and for this purpose shall have the right to—
 - (i) enquire into any matter connected with a fund or committee;
 - (ii) enquire into any matter relating to a scheduled industry, which is connected with, or likely to affect unemployment;
 - (iii) order an inspection in terms of section *twenty-seven*;
 - (b) it shall hear, enquire into and determine appeals by employers, contributors or other persons against any decision or demand of a committee or in regard to any other matter arising out of this Act;
 - (c) it shall assume control of the central fund created in terms of section *twenty-nine*;
 - (d) it shall receive and collate statistics and records submitted by committees;
 - (e) it may approve of and register the rules of committees made in accordance with section *fifteen*;
 - (f) it may agree to the recommendation of a committee or order any variation of contributions, benefit or conditions in terms of sub-paragraph (iii) of sub-section (2) of section *fifteen* and section *thirty-five*;
 - (g) it may order the inclusion of specified provisions in the rules of a fund made by its committee in terms of section *fifteen*;
 - (h) it may assume control, with the Minister's approval, of a fund in accordance with sub-section (6) of section *nine*; or
 - (i) it may make any investigation or perform such other functions as it may consider necessary or expedient under this Act.
- (2) A decision of two members of the central authority shall be a valid decision of the central authority.
- Appointment of staff. 26. The Minister shall assign to the central authority such officers in his department as may be necessary to enable the central authority to perform its functions.
- Authority to inspect. 27. (1) For the purpose of performing any of its functions or for the better carrying out of the provisions of this Act, the central authority may itself investigate or authorize in writing any of its members or, with the approval of the Minister, any officer of the public service, to investigate any matter within its purview, and any person so authorized shall have power to enquire into and take affidavits or declarations as to any matter within the scope of the Act and in all such cases to administer oaths and attest declarations.
- (2) Upon the production of the written authorization referred to in sub-section (1), such person may, without previous notice, at all reasonable times enter upon any premises or other place and may question any employer or other person and inspect any part of such premises or other place or any books or documents and take copies or extracts therefrom.
- (3) Anyone who obstructs any such person in the lawful exercise of his functions under this section or who makes or subscribes to any statement knowing it to be false, or who refuses to answer any question or produce any document shall be guilty of an offence.
- Proof of decisions of central authority. 28. (1) Any decision arrived at by the central authority on any matter may be proved, *prima facie*, for any purpose by the production, by any person, of a statement in writing purporting to set forth that decision and purporting to have been signed by the chairman of the central authority.
- (2) Any order in writing purporting to have been made by the central authority and to have been signed by its chairman, directing any person described therein as a contributor, to pay any sum of money, by way of a contribution, to any fund or directing the committee of any fund to pay any sum of money, by way of a benefit to any contributor, shall be executable in all respects as if it were a judgment for the payment of such sum of money, given by the magistrate's court of the district wherein the contributor who is ordered to pay the contribution resides, or wherein the committee which is ordered to pay the benefit is established, as the case may be.
- Establishment of central unemployment benefit fund. 29. (1) There shall be established a fund to be styled the central unemployment benefit fund, in this Act called the "central fund".
- (2) The central fund shall consist of—
 - (a) an amount to be paid from revenue from time to time equal to the aggregate of the amounts contributed

25. (1) Behoudens die bepalings van hierdie Wet, is die Werkkring van die werkzaamhede van die sentrale gesag as volg:

- (a) Hy kan algemene toesig oor die fondse en komitees uitoefen en vir hierdie doel is hy geregtig om—
 - (i) enige saak in verband met 'n fonds of komitee te ondersoek;
 - (ii) 'n ondersoek in te stel na enige saak in verband met 'n aangewese nywerheid, wat op werkloosheid betrekking het of daarop van invloed sal kan wees;
 - (iii) 'n ondersoek kragtens artikel *seven-en-twintig* te gelas;
- (b) hy moet appelle van werkgewers, bydraers of ander persone teen 'n beslissing of eis van 'n komitee of in verband met enige ander saak wat ingevolge hierdie Wet ontstaan, aanhoor, ondersoek en besleg;
- (c) hy moet die beheer van die sentrale fonds, ingestel kragtens artikel *negen-en-twintig*, aanvaar;
- (d) hy moet statistieke en gegewens deur die komitees voorgelê, ontvang en vergelyk;
- (e) hy kan die reëls van komitees kragtens artikel *vyftien* gemaak goedkeur en registreer;
- (f) hy kan instem met die aanbeveling van 'n komitee of 'n verandering van bydraes, onderstand of voorwaardes gelas kragtens sub-paragraaf (iii) van sub-artikel (2) van artikel *vyftien* en artikel *vyf-en-dertig*;
- (g) hy kan die opname gelas van aangegewe bepalings in die reëls van 'n fonds, deur die komitee daarvan opgestel kragtens artikel *vyftien*;
- (h) hy kan met goedkeuring van die Minister die beheer van 'n fonds aanvaar kragtens sub-artikel (6) van artikel *nege*; of
- (i) hy kan enige ondersoek instel of sodanige ander werkzaamhede verrig as wat hy ingevolge hierdie Wet nodig of wenslik ag.

(2) 'n Besluit van twee lede van die sentrale gesag is 'n geldige besluit van die sentrale gesag.

26. Die Minister kan sodanige amptenare in sy departement Aanstelling van aan die sentrale gesag toewys as wat die sentrale gesag nodig staaf.

40 het om sy werkzaamhede te verrig.

27. (1) Ter verrigting van sy werkzaamhede of tot betere Reg van uitvoering van die bepalings van hierdie Wet, kan die sentrale besigtiging gesag self enige saak binne sy bevoegdheid ondersoek, of skriftelik een van sy lede of, met die goedkeuring van die 45 Minister, enige staatsamptenaar, magtig om so 'n ondersoek in te stel, en elke aldus gemagtigde persoon kan enige saak binne die strekking van hierdie Wet ondersoek, en beëdigde of ander verklarings in verband daarvan afneem, en in alle dergelike gevalle die eed ople en verklarings attesteer.

50 (2) Op vertoning van die skriftelike magtiging vermeld in sub-artikel (1), kan die betrokke persoon, sonder voorafgaande kennisgewing, op alle redelike tye enige perseel of ander plek betrek en enige werkgewer of ander persoon ondervra en enige deel van daardie perseel of ander plek of enige boeke of stukke besigtig en afskrifte of uittreksels daarvan neem.

55 (3) Enigeen wat so 'n persoon by die wettige verrigting van sy werkzaamhede ingevolge hierdie artikel hinder, of wat 'n valse verklaring maak of onderteken, met wete dat dit vals is, of wat weier om vrae te beantwoord of stukke voor 60 te lê, is aan 'n misdryf skuldig.

28. (1) 'n Beslissing van die sentrale gesag in verband met Bewys van beslissing enige saak kan vir enige doel *prima facie* bewys word deur die sing van sentrale vertoning deur enige persoon van 'n skriftelike verklaring wat voorgee daardie beslissing te bevatten en geteken te wees 65 deur die voorsitter van die sentrale gesag.

(2) Elke skriftelike bevel wat voorgee deur die sentrale gesag gegee en deur die voorsitter daarvan onderteken te wees, en wat iemand, daarin as 'n bydraer beskryf, gelas om 'n geldsom aan een of ander fonds as bydrae te betaal, of wat 70 die komitee van een of ander fonds gelas om 'n geldsom as onderstand aan een of ander bydraer uit te betaal, is in alle opsigte uitvoerbaar asof dit 'n vonnis vir die betaling van so 'n geldsom was, geveld deur die magistraatshof van die distrik waarin, al na die geval, die bydraer aan die bevel 75 tot betaling van die bydrae gerig is, woonagtig is of die komitee wat gelas is om die onderstand te betaal, gevestig is.

29. (1) Daar word 'n sentrale werkloosheids-onderstands fonds ingestel, in hierdie Wet die „sentrale fonds“ genoem.

Instelling van 'n sentrale werkloosheids-onderstands fonds.

(2) Die sentrale fonds bestaan uit—

80 (a) 'n bedrag wat van tyd tot tyd uit Staatsinkomste betaal word en wat gelyk staan aan die som van die

from revenue to the various benefit funds in accordance with the provisions of section *thirty-four*;

- (b) any moneys transferred from a dis-established fund in terms of section *forty-seven*;
- (c) any interest accrued from the investment of such moneys.

**Investment of
moneys of funds
and central fund.**

30. (1) The moneys of the central fund and the moneys of the funds deposited with the central authority in terms of sub-section (2) of section *fourteen* shall be deposited with the Public Debt Commissioners in one account to be known as the unemployment benefit funds account, and such moneys shall be regarded as "deposits" in terms of section *nine* of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911).

(2) The central authority shall keep a record of the separate amounts derived from the central fund and from each fund respectively, which form part of any sum deposited with the Public Debt Commissioners as aforesaid and shall as at the thirty-first day of December in each year allocate to each such fund such part of the interest credited by the Public Debt Commissioners as in the opinion of the central authority accrues to each fund, having regard to the amounts deposited by each fund from time to time during such year.

(3) Any profit or loss on realization of investments shall be allocated between the central fund and each fund as the central authority may deem equitable.

**Application of
central fund.**

31. The central authority shall have the control and disposal of the central fund and may, upon the application of a committee, in its discretion and subject to the provisions of this Act, render assistance to such committee as follows—

- (a) by means of a monetary grant made either in one sum or by periodical payments for a specified period or otherwise; and

(b) by means of an advance:

Provided that any such grant or advance shall be conditional upon the effecting by the committee of such increases in contributions, decreases in benefit or such other variations of the rules of the committee as may be deemed necessary by the central authority, and in the case of an advance, upon such terms as to the repayment thereof as the central authority may determine.

**Accounts audit and
statistics.**

Annual report.

32. The provisions of section *eighteen* shall *mutatis mutandis* apply to the central authority and to the central fund.

33. (1) The central authority shall, after the conclusion of each calendar year and before the thirty-first day of March in the following year submit a report to the Minister upon its transactions during that calendar year, including therein special reference to—

(a) the finances of each fund;

(b) the manner in which committees are performing their functions;

(c) the number of unemployed contributors to whom benefit has been paid and the total amount of such benefit;

(d) such other matters as it may deem desirable;

and shall transmit therewith a copy of the balance sheet of the central fund and of the funds.

(2) The report referred to in sub-section (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after the receipt thereof by the Minister if Parliament is then in session, or if Parliament is not then in session within fourteen days of the commencement of its next ensuing session.

**Contributions by
employers and
contributors and
from revenue.**

34. (1) Whenever the Minister has established a fund in terms of section *four*, he shall as soon thereafter as circumstances permit fix a date by notification in the *Gazette*, as from which every employer and every contributor in the scheduled industry concerned shall pay contributions to that fund in the manner provided in the rules at the rates specified hereunder or at such other rates as may from time to time be fixed in terms of section *thirty-five*, that is to say:

Group (i) In respect of each contributor whose annual earnings are not more than seventy-eight pounds, by the employer six pence and by the contributor two pence, per calendar week;

Group (ii) In respect of each contributor whose annual earnings are more than seventy-eight pounds and not more than one hundred and thirty pounds, by the employer ten pence and by the contributor six pence, per calendar week;

70

75

80

- gesamentlike bedrae wat ingevolge die bepalings van artikel *vier-en-dertig* uit staatsinkomste tot die verskeie onderstandsfondse bygedra word;
- (b) alle gelde wat kragtens artikel *sewen-en-veertig* van 'n opgehewe fonds oorgeplaas word; en
- 5 (c) alle rente verkry uit die belegging van sodanige geldes.
30. (1) Die gelde van die sentrale fonds en die gelde van die fondse wat kragtens sub-artikel (2) van artikel *veertien* by die sentrale gesag gedeponer word, moet in een rekening, genoem die werkloosheids-onderstandsfonds-rekening, by die Kommissaris van Openbare Skuld gedeponer word, en sulke gelde word beskou as „deposito's“ kragtens artikel *nege* van die „Openbare Schuld Kommissarissen Wet, 1911“
- 10 15. (Wet No. 18 van 1911).
- (2) Die sentrale gesag moet boekhou van die verskillende bedrae afkomstig onderskeidelik van die sentrale fonds en van elke fonds, wat elke som uitmaak wat soos voormeld, by die Kommissaris van Openbare Skuld gedeponer word
- 20 en moet jaarliks volgens die stand op die een-en-dertigste dag van Desember aan elke sodanige fonds dié deel van die rente, deur die Kommissaris van Openbare Skuld gekrediteer, toeken wat na mening van die sentrale gesag aan elke fonds toekom, op grond van die bedrae van tyd tot tyd gedurende
- 25 25 die betrokke jaar deur elke fonds gedeponer is.
- (3) Elke wins of verlies by die tegeldemaking van beleggings word oor die sentrale fonds en elke fonds verdeel soos die sentrale gesag billik mag ag.
30. 31. Die sentrale gesag het beheer en beskikking oor die sentrale fonds, en kan op aansoek van 'n komitee, na sy eie goeddunke, en met inagneming van die bepalings van hierdie Wet as volg hulp verleen aan daardie komitee.
- (a) deur middel van 'n geldelike toelae, of in een bedrag,
- 35 35 of in periodieke paaiemente oor 'n bepaalde tydperk,
- of andersins; en
- (b) deur middel van 'n voorskot:
- Met dien verstande dat so 'n toelae of voorskot verstrek word op voorwaarde dat die komitee 'n sodanige vermeerdering in bydraes, vermindering in onderstandsbetalings of sodanige 40 ander veranderings van die komiteereëls teweeg bring as wat die sentrale gesag nodig mag ag, en in die geval van 'n voorskot, dat sulke voorwaardes van terugbetaling daarvan gestel word as wat die sentrale gesag mag bepaal.
32. Die bepalings van artikel *agtien* is *mutatis mutandis* op die sentrale gesag en op die sentrale fonds van toepassing.
- 45 Boekhouding, ouditering en statistieke.
33. (1) Na die einde van elke kalenderjaar en voor die een-en-dertigste dag van Maart in die volgende jaar moet die sentrale gesag 'n verslag oor sy verrigtings gedurende daardie kalenderjaar aan die Minister voorlê, bevattende spesiale 50 vermelding van—
- (a) die geldsake van elke fonds;
- (b) die wyse waarop komitees hul werkzaamhede verrig;
- (c) die aantal werklose bydraers aan wie onderstand betaal word en die totale bedrag van sodanige 55 onderstand;
- (d) sodanige ander sake as wat dit wenslik mag ag; en moet 'n afskrif van die balansstaat van die sentrale fonds en van die fondse daarby insluit.
- (2) Die verslag bedoel in sub-artikel (1) moet, binne veertien 60 dae na ontvangs daarvan deur die Minister in albei Parlements-huise ter Tafel gelê word indien die Parlement dan in sitting is, of binne veertien dae na die aanvang van die eersvolgende sitting indien die Parlement dan nie in sitting is nie.
34. (1) Wanneer die Minister kragtens artikel *vier* 'n fonds ingestel het, moet hy so gou doenlik daarna deur kennisgewing in die *Staatkroerant* 'n datum bepaal waarna elke werkewer en bydraer in die betrokke aangewese nywerheid bydraes aan daardie fonds moet betaal soos in die reëls neergelê en volgens onderstaande tariewe of teen sodanige ander tariewe 65 70 as wat van tyd tot tyd kragtens artikel *vyf-en-dertig* vasgestel mag word, naamlik:
- Groep (i) Vir elke bydraer wie se jaarlikse verdienste agt-en-sewentig pond nie te bowe gaan nie, deur die werkewer ses pennies en deur die bydraer twee pennies per kalenderweek.
- Groep (ii) Vir elke bydraer wie se jaarlikse verdienste meer as agt-en-sewentig pond beloop, maar honderd-en-dertig pond nie te bowe gaan nie, deur die werkewer tien pennies en deur die bydraer ses pennies per kalenderweek.
- 80

Group (iii) In respect of each contributor whose annual earnings are more than one hundred and thirty pounds and not more than four hundred pounds, by the employer one shilling and by the contributor one shilling, 5 per calendar week.

(2) The Minister shall contribute from revenue towards each fund a sum equal to one quarter of the total of the contributions paid by employers and contributors to the fund in question in terms of this section and such contribution 10 from revenue shall be paid to the fund at such times and in such manner as the Minister may determine in consultation with the central authority and upon receipt of proof of payment of such contributions by the employers and contributors.

(3) An employer liable to contribute to a fund as aforesaid 15 shall deduct from the earnings of every contributor in his service the amount of the contribution payable by such contributor to the said fund and shall within seven days after the end of each calendar month pay to the fund the contributions due by himself and by every contributor employed 20 by him in respect of such month: Provided that the committee may agree with any employer to accept such contributions at any other time.

(4) Subject to the provisions of sub-section (6) contributions in respect of a contributor employed during part of 25 a calendar week shall be payable in respect of a whole week.

(5) Whenever a contributor is employed by more than one employer during a calendar week, the employer by whom he is first employed during such week shall pay both his own contributions and those due by the contributor in respect of 30 the whole week, and may deduct the contribution paid on behalf of such contributor from his earnings as provided in sub-section (3).

(6) An employer who employs a contributor aged sixty-five years or over shall pay his own contribution only and no 35 contribution shall be payable by or on behalf of the contributor.

(7) If any contribution is made in error to a fund, such fund shall not be liable to repay the contribution after the lapse of six months from the date of such payment.

(8) Whenever any payment has been made to a fund by 40 way of contribution in respect of any contributor, of an amount which was not due and any benefit was paid to such contributor which would not have been due to him if the said amount had not been paid by way of contribution, the committee which paid such benefit may set off the amount of that 45 benefit—

- (a) against any sum claimed from its fund as a repayment of such contributions which were not due; and
- (b) against any future benefits to be paid by the said fund to the said contributor.

(9) No contribution shall be payable in respect of any calendar week in which a contributor, although in employment, has rendered no service and received no earnings in terms of section *thirty-six*.

(10) An employer shall not deduct the whole or any part 55 of his own contribution from the earnings of a contributor, or receive any consideration from the contributor in respect of such contribution.

(11) If an employer contravenes sub-section (10) or fails to pay any sum which it is his duty to pay in terms of this 60 section, he shall be guilty of an offence and he shall be liable to pay to the committee concerned, in addition to such sum, such percentage thereof, not exceeding ten per cent., as the committee may demand from him.

35. (1) If the central authority, on the recommendation 65 of a committee, deems the assets of a fund after taking the liabilities of such fund into consideration, to be greater than is required to meet any applications for benefit which may reasonably be expected during a period of severe unemployment, it may agree to a reduction in the amount of the contribution prescribed in section *thirty-four* or to an increase in the amount of the benefit provided in section *thirty-nine* or to a variation of the conditions relating to the payment of benefit provided in section *forty-three* or any combination 70 of such steps thereof and any such reduction, increase or variation shall apply as from a date to be notified in the *Gazette* by the central authority.

(2) If the central authority at any time is of opinion that the amount of a fund is insufficient, or is not increasing to the extent deemed sufficient to meet any applications for benefit 80 which may reasonably be expected during a period of severe

Variation of rates.

- Groep (iii) Vir elke bydraer wie se jaarlikse verdienste meer as honderd-en-dertig pond beloop, maar vierhonderd pond nie te bowe gaan nie, deur die werkgewer een sjieling en deur die bydraer een sjieling per kalenderweek.
- (2) Die Minister dra uit Staatsinkomste by tot elke fonds 'n som gelyk aan 'n enekwart van die totale bydraes deur werkgewers en bydraers kragtens hierdie artikel aan die betrokke fonds betaal, en daardie bydrae uit Staatsinkomste word op sodanige tye en wyse betaal as wat die Minister in oorleg met die sentrale gesag mag vasstel en na ontvangs van bewys dat voormalde bydraes van die werkgewers en bydraes ontvang is.
- (3) 'n Werkgewer wat volgens die voorgaande verplig is om tot 'n fonds by te dra, moet van die verdienste van elke bydraer in sy diens die bedrag wat deur so 'n bydraer aan die genoemde fonds betaalbaar is, aftrek en moet binne sewe dae na die einde van elke kalendermaand die bydrae deur homself en deur elke bydraer in sy diens verskuldig oor daardie maand, aan die fonds betaal: Met dien verstande dat die komitee met 'n werkgewer kan ooreenkomm om sodanige bydraes op enige ander tyd te ontvang.
- (4) Behoudens die bepalings van sub-artikel (6) moet vir 'n bydraer wat tydens 'n deel van 'n kalenderweek in diens was, bydraes betaal word oor 'n volle week.
- (5) Wanneer 'n bydraer gedurende 'n kalenderweek by meer as een werkgewer in diens is, moet die werkgewer, by wie hy gedurende daardie week eerste in diens is, beide sy eie bydrae en die bydrae van die bydraer oor die hele week betaal, en kan die werkgewer die bydrae ten behoeve van die bydraer betaal, van sy verdienste aftrek, soos bepaal in sub-artikel (3).
- (6) As 'n werkgewer 'n bydraer wat vyf-en-sestig jaar oud of ouer is, in sy diens het, moet hy slegs sy eie bydrae betaal, en geen bydrae is deur of ten behoeve van die bydraer betaalbaar nie.
- (7) Indien 'n bydrae by vergissing aan 'n fonds betaal word, is die fonds na verloop van ses maande na die datum van betaling nie verplig om die bydrae terug te betaal nie.
- (8) Wanneer aan 'n fonds by wyse van bydraes vir 'n bydraer 'n bedrag betaal word wat nie verskuldig is nie, en aan daardie bydraer onderstand uitbetaal is wat nie aan hom verskuldig sou gewees het as bedoelde bedrag nie by wyse van bydrae betaal was nie, dan kan die komitee, wat die onderstand uitbetaal het, die bedrag van daardie onderstand in vergelyking bring—
- (a) teen 'n bedrag wat van sy fonds geëis word as terugbetaling van sodanige bydraes wat nie verskuldig was nie; en
- (b) teen toekomstige onderstand, uit bedoelde fonds aan bedoelde bydraer te betaal.
- (9) Geen bydrae is betaalbaar oor 'n kalenderweek waarin die bydraer, ofskoon in diens, geen diens verrig het en kragtens artikel ses-en-dertig geen verdienste ontvang het nie.
- (10) 'n Werkgewer mag nie die geheel of enige deel van sy eie bydrae van die verdienste van 'n bydraer aftrek nog enige vergoeding weens daardie bydrae van die bydraer ontvang nie.
- (11) Indien 'n werkgewer sub-artikel (10) oortree of in gebreke bly om 'n bedrag te betaal wat hy kragtens hierdie artikel verplig is om te betaal, is hy aan 'n misdryf skuldig en verplig om aan die betrokke komitee buiten daardie bedrag, so 'n persentasie van hoogstens tien persent daarvan, as wat die komitee van hom mag eis, te betaal.
35. (1) Indien die sentrale gesag, op aanbeveling van 'n Verandering van komitee en met inagneming van die laste van 'n fonds, meen dat die bates van daardie fonds meer as voldoende is om te voldoen aan alle aansoeke om onderstand wat redelikewys verwag kan word, gedurende 'n tydperk van ernstige werkloosheid, dan kan hy 'n vermindering van die bedrag van die bydraes wat artikel vier-en-dertig voorskryf of 'n verandering van die bedrag van die onderstand ingevolge artikel negen-en-dertig of 'n verandering van die voorwaardes van betaling van onderstand ingevolge artikel drie-en-veertig of die een sowel as die ander van hierdie maatreëls goedkeur en elke sodanige vermindering, vermeerdering of verandering is van krag vanaf 'n datum wat die sentrale gesag in die Staatskoerant bekend maak.
- (2) Indien die sentrale gesag te eniger tyd van mening is dat die bedrag van 'n fonds onvoldoende is of nie toeneem in 'n mate wat as voldoende beskou kan word om te voldoen aan alle aansoeke om onderstand, wat redelikewys gedurende

unemployment it may, after consultation with the committee, order an increase in the amount of the contributions provided in section *thirty-four* or a reduction in the amount of the benefit provided in section *thirty-nine* or a variation of the conditions relating to the payment of benefit provided in section *forty-three* or any combination of such steps and any such increase, reduction, or variation shall apply as from a date to be notified in the *Gazette* by the central authority. 5

(3) Any reduction, increase or variation referred to in sub-section (1) or (2) may be applied— 10

- (a) to all the contributors in a fund;
- (b) to specified classes of contributors whose hours of work in any day, week or month are less than the hours customarily worked in the industry in question, or whose employment is intermittent; 15
- (c) in any other circumstances deemed by the central authority to warrant such variations.

Method of calculating earnings. 36. (1) For the purpose of determining the group into which a contributor falls, his earnings shall, if paid weekly, be multiplied by fifty-two and if paid monthly by twelve, or 20 determined in the manner best calculated to give the true value of the earnings of the contributor on an annual basis and shall include—

- (i) the value of any food and quarters supplied by the employer; and 25
- (ii) any overtime or other special remuneration of frequent occurrence or for work habitually performed.

(2) In the event of a dispute regarding any matter referred to in sub-section (1), the decision thereof shall lie with the committee concerned: Provided that any employer or contributor may appeal from such decision to the central authority in terms of section *twenty*. 30

Contributor entitled to benefit. 37. Whenever the employment of a contributor terminates and he is unable to find other employment, he shall be entitled to benefit under this Act, as hereinafter provided. 35

Lodging of application for benefit. 38. (1) Application for benefit shall be made to the committee by a contributor in the form and manner specified in the rules of the committee.

(2) The committee may investigate the applicant's claim to benefit and, if satisfied that the contributor is entitled thereto, 40 admit the claim and pay the benefit as provided in this Act: Provided that during any period in respect of which the contributor claims a benefit, he shall submit to the committee such proof of his continuous unemployment as the committee may require. 45

(3) A contributor, when applying for or in receipt of any benefit, shall satisfy the committee that he is genuinely seeking work and shall for this purpose attend at such places and at such times as the committee may determine and shall make application for and endeavour to secure suitable employment. 50

Amount of benefit. 39. (1) Subject to the provisions of this Act, benefit payable to a contributor in respect of unemployment shall be at the undermentioned rate applicable to the group in which he was employed at the time when contributions were last paid on his behalf, as follows:

Group I.	10s. per calendar week.
Group II.	20s. per calendar week.
Group III.	30s. per calendar week.

(2) Where contributions have been paid on behalf of a contributor in respect of employment in more than one group, 60 then the total amount of benefit which may be paid to such contributor shall not exceed the sum of the benefit to which, based on his contributions in each group, he would have been entitled had he become eligible for benefit in each such group.

Contributor not unemployed whilst in receipt of wages or compensation. 40. A contributor shall not be deemed to be unemployed 65 for the purpose of this Act during any period in respect of which he receives wages without rendering service or any compensation for the loss of, and substantially equivalent to, the remuneration which he would have received if his employment had not been terminated. 70

Commencement of period of unemployment. 41. A period of unemployment shall not be deemed to have commenced until the contributor has lodged an application for benefit in accordance with section *thirty-eight*.

'n tydperk van ernstige werkloosheid verwag kan word, dan kan hy na raadpleging van die komitee 'n vermeerdering van die bedrag van bydraes volgens artikel vier-en-dertig of 'n vermindering van die bedrag van die onderstand ingevolge artikel negen-en-dertig of 'n wysiging van die betaling van onderstand ingevolge artikel drie-en-veertig of die een sowel as die ander van hierdie maatreëls gelas en elke sodanige vermeerdering, vermindering of wysiging is van krag vanaf 'n datum wat die sentrale gesag in die *Staatskoerant* bekend maak.

10 (3) Elke vermindering, vermeerdering of verandering bedoel in sub-artikel (1) of (2) kan toegepas word—

- (a) op alle bydraers in 'n fonds ;
- (b) op sekere omskreve kategorieë van bydraers wie se daagliks, weeklikse of maandeliks werkure minder bedra as die gewone werkure in daardie nywerheid, of wat met tussenpose werksaam is ;
- (c) onder alle omstandighede wat na mening van die sentrale gesag sodanige veranderings regverdig.

36. (1) Ter bepaling van die groep waaronder 'n bydraer Wyse van berkeval, moet sy verdienste, indien weekliks betaalbaar, deur ning van ver-twee-en-vyftig en, indien maandeliks betaalbaar, deur twaalf, vermenigvuldig word, of op sodanige wyse bepaal word dat die werklike waarde van die bydraer se verdienste op 'n jaarlikse basis, op die beste wyse vasgestel kan word, en moet insluit—

25 (i) die waarde van voedsel en huisvesting deur die werkewer verskaf ; en
(ii) alle oortyd- of ander spesiale lone wat dikwels voorkom of vir gereeld verrigte werk.

(2) In geval van 'n verskil in verband met 'n saak bedoel 30 in sub-artikel (1), berus die beslissing by die betrokke komitee : Met dien verstande dat 'n werkewer of bydraer kragtens artikel twintig teen so 'n beslissing na die sentrale gesag kan appelleer.

37. Wanneer die diens van 'n bydraer eindig en hy nie Bydraer is op 35 daarin slaag om ander werk te vind nie, is hy geregtig op onderstand ingevolge hierdie Wet, volgens onderstaande bepalings.

38. (1) 'n Aansoek om onderstand moet deur 'n bydraer Indiening van by die komitee ingedien word in die vorm en op die wyse aansoek om neergelê in die reëls van die komitee.

40 (2) Die komitee kan 'n applikant se aanspraak op onderstand ondersoek, en, indien oortuig dat die bydraer daarop geregtig is, die aanspraak erken en onderstand uitbetaal ingevolge hierdie Wet : Met dien verstande dat die bydraer gedurende die tydperk waarvoor hy op onderstand aanspraak maak, aan 45 die komitee sodanige bewys van sy voortdurende werkloosheid moet lewer, as wat die komitee verlang.

(3) Wanneer 'n bydraer om onderstand aansoek doen of onderstand ontvang, moet hy die komitee oortuig dat hy werklike pogings aanwend om werk te vind en te dien einde 50 moet hy hom aanmeld waar en wanneer die komitee dit voorskryf, en moet aansoek doen en streef om gesikte werk te vind.

39. (1) Behoudens die bepalings van hierdie Wet, is onderstand weens werkloosheid aan 'n bydraer betaalbaar teen onderstand. 55 onderstaande tarief wat van toepassing is op die groep waarin hy in diens was toe bydraes laas ten behoeve van hom betaal is, naamlik :

Groep I ..	..	10s. per kalenderweek.
Groep II ..	..	20s. per kalenderweek.
Groep III ..	..	30s. per kalenderweek.

(2) Wanneer ten behoeve van 'n bydraer bydraes betaal is weens diens in meer as een groep, dan mag die totale bedrag van onderstand aan daardie bydraer betaal, nie meer bedra nie as die som van alle onderstand waarop hy, op grond van 65 sy bydraes in elke groep, geregtig sou gewees het as hy in elke groep vir onderstand in aanmerking gekom het.

40. 'n Bydraer word vir die toepassing van hierdie Wet Bydraer nie werknie as werkloos beskou nie tydens 'n tydperk waarvoor hy loon trek sonder dat hy diens verrig het of waarvoor hy skade-losstelling ontvang. 70 losstelling ontvang weens verlies van besoldiging wat hy sou ontvang het indien sy diens nie beëindig was nie, en wat aan daardie besoldiging min of meer gelyk is.

41. 'n Tydperk van werkloosheid word nie geag 'n aanvang Aanvang van tydperk van werkloosheid. 75 'n aansoek om onderstand ingedien het.

Transfer of contributor from one industry to another.

42. (1) Where a contributor ceases to be a contributor to one fund and becomes a contributor to another fund, he shall, if he becomes unemployed, be eligible for benefit from the latter fund, subject to the provisions of this Act in the same way as if he had not been a contributor to the former fund : 5
Provided that, if contributions have been paid on his behalf for not less than twenty-six weeks to the former fund, the provisions of paragraph (b) of sub-section (1) of section *forty-three* shall not apply : Provided further that if within a period of three years from the time he became a contributor in the 10 latter fund, he should be unemployed but have exhausted his right to benefit in such fund, he shall receive benefit from the former fund for such further period and on the same scale as that to which he would have been entitled under the provisions of this Act if he had become unemployed immediately 15 after ceasing to contribute to the former fund.

(2) If a person ceases to be a contributor to one fund and does not become a contributor to another fund, he shall, if he becomes unemployed within a period of three years from the date on which he ceased to be a contributor, be eligible for 20 benefit from that fund : Provided that no benefit shall become payable before the date on which, in terms of sub-section (1), he would have become eligible for benefit from that fund had he, during the period between the date upon which he ceased to be a contributor and the date upon which he became unemployed, been a contributor in another fund. 25

Conditions dis-entitling contributors to benefit.

43. (1) Subject to the provisions of this Act, a contributor shall not be entitled to receive benefit—

- (a) unless he is under the age of sixty-five years ;
- (b) unless he has paid twenty-six weeks' contributions 30 within the last preceding two years ;
- (c) in respect of the first week of unemployment and for this purpose periods of unemployment separated by less than nine weeks shall be regarded as one continuous period of unemployment ; 35
- (d) in respect of more than twenty-six weeks in any one year commencing with the first day of unemployment in respect of which benefit is payable ;
- (e) in the proportion of more than one week's benefit for every six weeks' contributions paid by or in respect 40 of him ;
- (f) unless he is capable of and available for work ;
- (g) unless he complies with the provisions of sub-section (3) of section *thirty-eight* ;
- (h) if he is unemployed by reason of a stoppage of work 45 due to a trade dispute in the undertaking in which he was employed so long as the stoppage of work continues, unless he has during such stoppage of work become *bona fide* employed elsewhere in a suitable occupation : Provided that separate departments of the undertaking of the same employer may be regarded as separate premises for this purpose where separate classes of work which are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same 50 premises ; 55
- (i) during a period of six weeks from the date upon which he ceased work, if in the opinion of the committee concerned he lost his employment through his own misconduct or voluntarily left his employment without just cause : Provided that if in any particular case the committee considers that, owing to special circumstances, the exclusion from benefit for such period would be inequitable, it may reduce the period ; 60
- (j) while an inmate of any prison or other institution supported wholly or partly out of public funds, or while he is outside the Union ;
- (k) while in receipt of any pension, benefit or other allowance payable out of public funds : Provided 70 that if he is receiving any such pension, benefit or allowance, which amounts to less than the benefit which he would have received but for this provision, the difference shall be payable to him by way of benefit under the Act ; and

- 42.** (1) Wanneer 'n bydraer ophou om 'n bydraer tot een fonds te wees en 'n bydraer tot 'n ander fonds word, dan kom hy, indien hy werkloos word, behoudens die bepaling van hierdie Wet vir onderstand uit laasbedoelde fonds in aanmerking op dieselfde wyse asof hy nie 'n bydraer tot die eersbedoelde fonds was nie: Met dien verstande dat indien bydraes ten behoeve van hom vir nie minder as ses-en-twintig weke aan eersbedoelde fonds betaal is nie, die bepaling van sub-artikel (1) van artikel *drie-en-veertig* nie van toepassing is nie:
- 5 Met dien verstande verder dat indien hy binne 'n tydperk van drie jaar nadat hy 'n bydraer tot laasbedoelde fonds geword het, werkloos is maar sy reg tot onderstand uit daardie fonds uitgeput het, dan ontvang hy uit eersbedoelde fonds onderstand gedurende dieselfde verdere tydperk en teen dieselfde tarief,
- 10 waarop hy kragtens die bepaling van hierdie Wet geregtig sou gewees het indien hy werkloos geword het onmiddellik nadat hy opgehou het aan die eersbedoelde fonds by te dra.
- (2) Indien 'n persoon ophou om 'n bydraer tot een fonds te wees en nie 'n bydraer tot 'n ander fonds word nie, is hy, indien 15 hy werkloos word binne 'n tydperk van drie jaar na die datum waarop hy opgehou het om 'n bydraer te wees, geregtig op onderstand uit daardie fonds: Met dien verstande dat geen onderstand betaalbaar is nie voor die datum waarop hy kragtens sub-artikel (1) vir onderstand uit daardie fonds in aanmerking sou gekom het indien hy tydens die tydperk vanaf die datum waarop hy opgehou het om 'n bydraer te wees en die datum waarop hy werkloos geword het, 'n bydraer was in 'n ander fonds.
- 43.** (1) Behoudens die bepaling van hierdie Wet, is 'n bydraer Voorwaardes waarop die reg op onderstand bydraers ontneem word.
- 30 nie op onderstand geregtig nie—
- (a) tensy hy onder die ouderdom van vyf-en-sestig jaar is;
- (b) tensy hy bydraes oor ses-en-twintig weke tydens die voorafgaande twee jaar betaal het;
- 35 (c) vir die eerste week van werkloosheid en vir hierdie doel word tydperke van werkloosheid wat deur minder as nege weke onderbreek word, as een onafgebroke tydperk van werkloosheid beskou;
- (d) vir meer as ses-en-twintig weke in een jaar, beginnende vanaf die eerste dag van werkloosheid waarvoor onderstand betaal is;
- 40 (e) in die verhouding van meer as een week se onderstand vir elke ses weke waarvoor deur of namens hom bydraes betaal is;
- (f) tensy hy vir werk geskik en beskikbaar is;
- 45 (g) tensy hy voldoen aan die bepaling van sub-artikel (3) van artikel *agt-en-dertig*;
- (h) indien hy werkloos is weens 'n werkstilstand ten gevolge van 'n arbeidsgeskil in die onderneming waarin hy werkzaam was, vir solang die werkstilstand duur, tensy hy tydens daardie werkstilstand elders in 'n geskikte beroep *bona fide* in diens geneem is: Met dien verstande dat afsonderlike departemente van dieselfde werkgewer se onderneming vir hierdie doel as afsonderlike persele beskou kan word waar afsonderlike soorte van werk wat gewoonlik as afsonderlike besighede op afsonderlike persele gedryf word, in afsonderlike departemente op dieselfde persele verrig word;
- 50 (i) tydens 'n tydperk van ses weke vanaf die datum waarop hy met werk opgehou het, indien die betrokke komitee van mening is dat hy sy werk verloor het deur sy eie wangedrag of dat hy sy diens vrywilliglik sonder gegronde rede verlaat het: Met dien verstande dat as die komitee in 'n bepaalde geval van mening is dat uitsluiting van onderstand vir daardie tydperk weens spesiale omstandighede onbillik sou wees, dit die tydperk mag verkort;
- 55 (j) onderwyl hy 'n inwoner is van 'n gevangenis of ander inrigting wat geheel of gedeeltelik van staatsweë onderhou word, of onderwyl hy buite die Unie verkeer;
- 60 (k) onderwyl hy 'n pensioen, onderstand of ander toelae uit staatsgelde ontvang: Met dien verstande dat indien hy so 'n pensioen, onderstand of toelae trek, wat minder bedra as die onderstand wat hy, afgesien van hierdie bepaling, sou ontvang het, is die verskil aan hom betaalbaar by wyse van onderstand ingevolge hierdie Wet; en
- 65 (l) onderwyl hy 'n pensioen, onderstand of ander toelae uit staatsgelde ontvang: Met dien verstande dat indien hy so 'n pensioen, onderstand of toelae trek, wat minder bedra as die onderstand wat hy, afgesien van hierdie bepaling, sou ontvang het, is die verskil aan hom betaalbaar by wyse van onderstand ingevolge hierdie Wet; en
- 70 (m) onderwyl hy 'n pensioen, onderstand of ander toelae uit staatsgelde ontvang: Met dien verstande dat indien hy so 'n pensioen, onderstand of toelae trek, wat minder bedra as die onderstand wat hy, afgesien van hierdie bepaling, sou ontvang het, is die verskil aan hom betaalbaar by wyse van onderstand ingevolge hierdie Wet; en
- 75 (n) onderwyl hy 'n pensioen, onderstand of ander toelae uit staatsgelde ontvang: Met dien verstande dat indien hy so 'n pensioen, onderstand of toelae trek, wat minder bedra as die onderstand wat hy, afgesien van hierdie bepaling, sou ontvang het, is die verskil aan hom betaalbaar by wyse van onderstand ingevolge hierdie Wet; en

Oorplasing van
bydraer van een
nywerheid na 'n
ander.

(l) unless he is prepared to accept any suitable work offered to him.

(2) For the purpose of this section the term "suitable work" shall, for the first thirteen weeks of unemployment, be work of the same grade and in the same group as the work and group wherein the contributor was last employed, and thereafter any work deemed to be suitable by the committee: Provided that the term "suitable work" shall not include employment in a situation which has become vacant in consequence of a stoppage of work due to a trade dispute. 10

Employer to notify committee.

44. (1) Every employer carrying on business in the Union in a scheduled industry shall forthwith upon the establishment of a fund in respect of such industry in terms of section four or subsequently upon engaging in such business, notify the committee of the fact and of the address and nature of his business in the manner prescribed. He shall also inform the committee forthwith of any change of address or alteration of the nature of his business. 15

(2) Every person to whom the preceding provisions of this section apply, who fails to comply therewith, shall be guilty 20 of an offence.

Employer to keep records.

45. (1) Every employer shall keep in respect of all contributors employed by him records of wages paid, time worked and payment for piecework and overtime and of any other particulars required for the purpose of section thirty-four. 25

(2) The employer shall furnish to the committee the information referred to in sub-section (1) in the form required by the committee from time to time.

(3) The employer shall at all reasonable times produce the records referred to in sub-section (1) on demand to any 30 member or officer of the central authority or to any person authorized under section twenty-seven for his inspection.

(4) Records kept under any law which contain the particulars mentioned in sub-section (1) shall be deemed to be records prescribed by that sub-section in respect of the persons 35 to whom such records relate.

(5) Failure to comply with the provisions of this section shall be an offence.

Priority of contributions.

46. The amount of any contribution, penalty or other payment due by an employer to any committee or fund— 40

(a) at the date of the sequestration or assignment of his estate under the law relating to insolvency; or

(b) at the date of the commencement of the winding up under the law relating to companies, if the employer is a company which is being wound up; 45

shall, notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever other than debts secured by mortgage, tacit hypothec, pledge or right of retention and the expenses, costs, fees and charges referred to in sections eighty-two, eighty-three and eighty-four 50 of the Insolvency Act, 1916 (Act No. 32 of 1916) and in the case of the winding up of a company the expenses, costs, and charges properly incurred in the winding up, including the remuneration of the liquidator.

Diseestablishment of funds.

47. Whenever in terms of sub-section (2) of section one an 55 industry, in respect of which a fund has, in terms of section four, been established, is deleted from the schedule to this Act, then the Minister shall, by notice in the Gazette, disestablish such fund and any moneys remaining in the fund or held by the central authority in terms of section fourteen 60 on behalf of such fund shall, as from the date of such deletion, vest in and be transferred to the central fund.

Funds exempt from tax.

48. The income of the funds and of the central fund, including the income from any investments, shall be exempt from income tax. 65

Documents exempt from stamp duty.

49. Notwithstanding anything to the contrary in any law relating to stamp duty, any document issued or anything done under this Act shall be exempt from stamp duty.

Benefits to be inalienable.

50. A benefit under this Act shall not be capable of being attached in execution and if the estate of any contributor in 70 receipt of benefit is sequestrated or surrendered or assigned for the benefit of his creditors, the right to a benefit shall not pass to the trustee or assignee in his estate.

- (l) tensy hy bereid is om enige gesikte werk aan te neem wat hom aangebied word.
- (2) Vir die toepassing van hierdie artikel beteken die uitdrukking „gesikte werk” vir die eerste dertien weke van 5 werkloosheid, werk van dieselfde graad en in dieselfde groep, as die werk en groep waarin die bydraer laas werksaam was, en daarna enige werk wat die komitee gesik ag: Met dien verstande dat die uitdrukking „gesikte werk” nie insluit nie diens in ’n betrekking wat vakant geword het ten gevolge 10 van ’n werkstilstand weens ’n arbeidsgeskil.
44. (1) Elke werkgewer wat in ’n aangewese nywerheid Werkgewer moet in die Unie besigheid dryf moet onmiddellik na die instelling komitee in kennis van ’n fonds vir daardie nywerheid kragtens artikel vier of stel. daarna sodra hy met so ’n besigheid ’n aanvang maak, op die 15 voorgeskrewe wyse die komitee daarvan en van die adres en aard van sy besigheid in kennis stel. Hy moet die komitee ook dadelik in kennis stel van enige adresverandering of verandering in die aard van sy besigheid.
- (2) Elke persoon op wie die voorafgaande bepalings van 20 hierdie artikel van toepassing is, wat versuim om hulle na te kom is aan ’n misdryf skuldig.
45. (1) Elke werkgewer moet ten opsigte van alle bydraers Werkgewer moet by hom in diens aantekening hou van betaalde lone, gewerkte aantekenings tyd en betaling vir stukwerk of oortyd en van alle ander 25 besonderhede wat vir die doel van artikel vier-en-dertig nodig is.
- (2) Die werkgewer moet die inligting bedoel in sub-artikel (1) aan die komitee verstrek in die vorm wat van tyd tot tyd deur die komitee verlang word.
- (3) Die werkgewer moet op alle redelike tye die aantekenings bedoel in sub-artikel (1) aan enige lid of beampete van die sentrale gesag of aan enige ingevolge artikel *seven-en-twintig* gemagtigde persoon op sy versoek ter insage voorla.
- (4) Aantekenings wat ingevolge enige wet gehou word en 35 die besonderhede in sub-artikel (1) opgenoem, bevat, word beskou as aantekenings wat daardie sub-artikel voorgeskryf ten opsigte van die persone, op wie daardie aantekenings betrekking het.
- (5) Versuim om aan die bepalings van hierdie artikel te voldoen 40 maak ’n misdryf uit.
46. Die bedrag van enige bydrae, boete of ander betaling Voorrang van deur ’n werkgewer aan ’n komitee of fonds verskuldig—
- (a) op die datum van die sekwestrasie of afstand van sy boedel ingevolge die wet op insolvensie; of,
 - (b) op die datum wanneer begin word met likwidasie 45 ingevolge die wet op maatskappye, as die werkgewer ’n maatskappy is, wat gelikwdeer word;
- 50 het, ondanks enige daarnee strydige bepaling van ’n ander wet, voorrang bo alle skulde hoegenaamd, behalwe skulde wat deur ’n verband, stilstwygende hipoteek, pand of retensiereg gewaarborg is en die uitgawe, koste, onkoste en gelde bedoel in artikels *twee-en-tagtig*, *drie-en-tagtig* en *vier-en-tagtig* van die „Insolventie Wet, 1916” (Wet No. 32 van 1916) en, ingeval van likwidasie van ’n maatskappy, die koste en uitgawe 55 behoorlik beloop in verband met die likwidasie, met inbegrip van besoldiging van likwidateur.
47. Wanneer kragtens sub-artikel (2) van artikel een ’n Opheffing van nywerheid, waarvoor ’n fonds kragtens artikel vier ingestel is, van die Bylae tot hierdie Wet geskrap word, dan moet 60 die Minister deur kennisgewing in die Staatskoerant daardie fonds ophef en alle gelde wat in die fonds oorbly of wat kragtens artikel veertien deur die sentrale gesag ten behoeve van so ’n fonds gehou word, gaan vanaf die datum van daardie skrapping, op die sentrale fonds oor en moet aan hom oorgedra word.
- 65 48. Die inkomste van die fondse en van die sentrale fondse, Fondse is met inbegrip van die inkomste uit beleggings, is vry van belastingvry. inkomstebelasting.
49. Ondanks ’n teenstrydige bepaling van ’n wet op seëlregte, Stukke vrygestel is elke ingevolge hierdie Wet uitgereikte stuk of verrigte van seëlregte. 70 handeling van seëlregte vrygestel.
50. Op onderstaand ingevolge hierdie Wet is nie vir eksekutoriale beslag vatbaar nie, en indien die boedel van ’n bydraer onvervreembaar, wat onderstand ontvang, geseqwesterreer of oorgegee of ten gunste van sy skuldeisers afgestaan word, gaan die reg op 75 onderstand nie op die kurator of boedelredder oor nie.

Benefits paid in error. 51. If a contributor has received benefit to which he is not entitled under the provisions of this Act, he shall be liable to repay to the fund in question the amount of the benefit so received: Provided that if the committee of that fund deems it inequitable in any particular case to demand repayment of the whole amount, it may in its discretion demand repayment of any lesser amount. 5

Penalty for offences. 52. Any person who is guilty of an offence under this Act shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 10

Regulations. 53. The Minister may make regulations not inconsistent with this Act as to the matters following—

- (a) the form of any book or record required for the carrying out of the provisions of this Act; 15
- (b) the form and manner in which the information or returns required from employers under this Act shall be submitted.

Interpretation of terms. 54. In this Act, unless inconsistent with the context—
“agriculture” means any farming operation or forestry 20
but does not include employment in a factory within the meaning of the Factories Act, 1918 (Act No. 28 of 1918);

“benefit” means the payments referred to in section 25
thirty-nine;

“calendar week” means a week calculated from midnight between Sunday and Monday to midnight between the next succeeding Sunday and Monday;

“central authority” means the authority referred to in section twenty-four; 30

“committee” means a committee referred to in section eight;

“contract of apprenticeship” means a written contract entered into under any law relating to apprenticeship; 35

“contribution” means any amount paid by an employer, contributor or from revenue under this Act, and “contribute” shall have a corresponding meaning;

“contributor” means a person referred to in sections one and two whether employed by an employer or previously so employed as may be evident from the context; 40

“earnings” means the earnings referred to in section thirty-six;

“employers’ organization” means an employers’ organization as defined under and registered in terms of the Industrial Conciliation Act, 1924 (Act No. 11 of 1924); 45

“group” means any of the wage groups referred to in sub-section (2) of section thirty-four;

“industry” includes a trade, business or occupation or any branch thereof or any group of any trades, businesses or occupations;

“labourer” means a person paid at a rate of less than £78 per annum wholly employed whether as a time-worker or piece-worker by an employer in one or more of the following operations—

carrying, hauling, stacking or delivering goods;

digging, excavating or taking out rock, stone, soil,

clay, or other material;

driving an animal-drawn vehicle;

loading or unloading vehicles;

mixing sand, stone, lime, cement, or other materials used in the preparation of concrete or any form

of mortar or plaster;

opening or closing packing cases;

preparing, conveying or feeding fuel to furnaces;

pushing or pulling a vehicle;

sweeping or cleaning premises, utensils, vehicles or animals;

60

65

70

“Minister” means the Minister of Labour or any other Minister of State to whom the Governor-General may from time to time assign the administration of this Act or any other Minister of State acting in his stead; 75

51. Indien 'n bydraer onderstand ontvang het waarop Onderstand foutief hy nie ingevalg die bepalings van hierdie Wet geregtig is nie, uitbetaal.
 is hy teenoor die betrokke fonds aanspreeklik vir terugbetaling
 van die aldus ontvange bedrag : Met dien verstande dat indien
 5 die komitee van daardie fonds dit in 'n bepaalde geval onbillik
 ag om terugbetaling van die hele bedrag te eis, hy na goed-
 dunke terugbetaling van 'n minder bedrag mag eis.
52. Elke persoon wat aan 'n misdryf volgens hierdie Wet Strafbepalings.
 skuldig is, is by veroordeling strafbaar met 'n boete van
 10 hoogstens vyftig pond of met gevangenisstraf van hoogstens
 ses maande of met beide so 'n boete en gevangenisstraf.
53. Die Minister kan in verband met die volgende sake Regulasies.
 regulasies uitvaardig, mits hulle nie met die bepalings van
 hierdie Wet onbestaanbaar is nie :
- 15 (a) die vorm van elke boek, of aantekening wat nodig is
 om die bepalings van hierdie Wet uit te voer ;
 (b) die vorm en wyse waarop inligting of opgawes, wat
 ingevalg hierdie Wet van werkgewers vereis word,
 verstrek moet word.
- 20 54. Tensy uit die samehang anders blyk, het onderstaande Woordomskry-
 woorde in hierdie Wet die volgende betekenis— wing.
- ,,landbou" beteken elke boerderybedryf of bosbou, maar
 sluit nie in nie diens in 'n fabriek soos omskrywe in
 die Fabriekswet, 1918 (Wet No. 28 van 1918) ;
- 25 ,,onderstand" beteken die betalings bedoel in artikel
 negen-en-dertig ;
 ,,kalenderweek" beteken 'n week bereken vanaf middernag
 tussen Sondag en Maandag tot middernag tussen
 die eersvolgende Sondag en Maandag ;
- 30 ,,sentrale gesag" beteken die gesag bedoel in artikel
 vier-en-twintig ;
 ,,komitee" beteken 'n komitee bedoel in artikel *agt* ;
 ,,leerlingkontrak" beteken 'n skriftelike kontrak aangegaan
 kragtens enige wet op vakleerlinge ;
- 35 ,,bydrae" beteken 'n bedrag wat kragtens hierdie Wet
 deur 'n werkewer, 'n bydraer of uit Staatsinkomste
 betaal word, en „bydra" het 'n ooreenkomsige
 betekenis ;
- 40 ,,bydraer" beteken 'n persoon bedoel in artikels *een* en
 twee, wat by 'n werkewer in diens is of tevore in
 diens was, soos blyk uit die samehang ;
 ,,verdienste" beteken die verdienste bedoel in artikel
 ses-en-dertig ;
- 45 ,,werkewersorganisasie" beteken 'n werkewersorgani-
 sasie soos in die „Nijverheids Verzoenings Wet",
 1924 (Wet No. 11 van 1924) omskryf en kragtens
 daardie wet geregistreer ;
- 50 ,,groep" beteken 'n loongroep bedoel in sub-artikel (2)
 van artikel *vier-en-dertig* ;
 ,,nywerheid" sluit in 'n bedryf, besigheid of ambag of
 'n vertakking daarvan of 'n groep bedrywe, besighede
 of ambagte ;
- 55 ,,arbeider" beteken 'n persoon wat besoldig word teen
 'n loon van minder as agt-en-sewentig pond jaarliks
 en geheel en al in een of meer van die volgende
 bedrywe by 'n werkewer in diens is, hetself as tyd- of
 stukwerker :
 goedere dra, trek, pak of aflewier ;
 rots, klip, grond, klei of ander stowwe, grawe, uit-
 grawe of uithaal ;
- 60 voertuie dryf wat deur diere getrek word ;
 voertuie op- of aflaai ;
 meng van sand, klip, kalk, sement en ander stowwe,
 wat by die bereiding van beton of enige soort
 pleister- of messelkalk gebruik word ;
- 65 pakkiste oop- of toemaak ;
 brandstof berei of na 'n oond vervoer of 'n oond stock ;
 voertuie stoot of trek ;
 persele, gereedskap, voertuie of diere uitvee of
 skoonmaak ;
- 70 ,,Minister" beteken die Minister van Arbeid of 'n ander
 Staatsminister aan wie die Goewerneur-generaal
 van tyd tot tyd die uitvoering van hierdie Wet mag
 opdra of 'n ander Staatsminister wat namens hom
 optree ;

"regulation" means a regulation made and in force under this Act; "revenue" means the Consolidated Revenue Fund of the Union or any moneys appropriated by Parliament for the purpose of making the payments referred to in sections *seven* and *twenty-nine*, and in subsection (3) of section *thirty-four*; "scheduled industry" means any industry for the time being included in the schedule to this Act; "this Act" includes the schedule thereto and any regulation; "trade dispute" means any dispute between employers and persons employed by them or between employees and employees, which is connected with the employment or non-employment or the terms or conditions of employment of any person whether employed by the employer with whom the dispute arises or not; "trade union" means trade union as defined under and registered in terms of the Industrial Conciliation Act of 1924 (Act No. 11 of 1924).

Short title.

55. This Act shall be known as the Unemployment Benefit Act, 1934, and shall commence on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

Building Industry.
Mechanical and Electrical Engineering Industry.
Motor Engineering Industry.
Furniture-making Industry.
Gold Mining Industry within the magisterial districts of Krugersdorp, Johannesburg, Germiston, Boksburg, Brakpan, Benoni, Springs and Heidelberg.
Leather and Footwear Manufacturing Industry.
Printing and Newspaper Industry.

GOVERNMENT NOTICE.

DEPARTMENT OF FINANCE.

The following Government Notice is published for general information.

J. G. HUBBALL,
Secretary for Finance.

Treasury,
Cape Town.

No. 422.]

March, 1934.

EXCHANGE DUMPING DUTY.

It is hereby notified for general information that the Minister of Finance, under the provisions of section *fifteen* of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended by section *ten* of the Exports Subsidies Act, 1931 (Act No. 49 of 1931), has been pleased to approve of the amendment to the Schedules published under Government Notices Nos. 1119 and 1708 of the 26th August, 1932, and 15th December, 1933, respectively, to the extent shown hereunder:

Amendment to Schedule to Government Notice No. 1119 of 26th August, 1932.

Item 256 ex (c)—insert after the word "leathers" the words "(except chrome split leather)".
ex (d)—insert after the words "sole leather" the words "(except chrome split leather)".

Amendment to Schedule to Government Notice No. 1708 of 15th December, 1933.

Item ex 73—insert in the Afrikaans version after the word "Halsdasse" the word "kruisbande".

- „regulasie” beteken ‘n regulasie ingevolge hierdie Wet uitgevaardig en van krag;
- 5 „staatsinkomste” beteken die Gekonsolideerde Inkomstefonds van die Unie of gelde deur die Parlement gestem vir die betalings bedoel in artikels *sewe en negen-en-twintig* en in sub-artikel (3) van artikel *vier-en-dertig*;
- 10 „aangewese nywerheid” beteken ‘n nywerheid wat van tyd tot tyd in die bylae tot hierdie Wet ingesluit is;
- 15 „hierdie Wet” omvat die Bylae daar toe asook elke regulasie;
- „arbeidsgeskil” beteken ‘n geskil tussen werkgewers en persone in hul diens of tussen werknemers en werknemers in verband met werkverskaffing of versium om werk te verskaf of diensvoorraad van enige persoon, hétsy in diens by die werkewer met wie die geskil ontstaan al dan nie;
- „vakvereniging” beteken ‘n vakvereniging soos omskryf in die „Nijverheids Verzoenings Wet”, 1924 (Wet No. 11 van 1924) en kragtens daardie wet geregistreer.
- 20 55. Hierdie Wet heet die Onderstand vir Werkloosheid Wet, Kort titel. 1934, en tree in werking op ‘n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* te bepaal.

Bylae.

Bouwywerheid.
Werktuigmakery en Elektriese Ingenieursnywerheid.
Motoringenieursnywerheid.
Meubelmakery.
Goudmynbedryf in die magistraatsdistrikte Krugersdorp, Johannesburg, Germiston, Boksburg, Brakpan, Benoni, Springs, en Heidelberg.
Leerwerkery en Skoenmakery.
Druk- en Nuusbladnywerheid.

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN FINANSIES.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

J. G. HUBBALL,
Sekretaris van Finansies.

Tesourie,
Kaapstad.

No. 422.]

Maart 1934.

KOERS-DUMPINGREG.

Hierby word vir algemene informasie bekendgemaak dat dit die Minister van Finansies behaag het, ingevolge die bepalings van artikel *vyftien* van die „Doeanetaryf en Aksjnsrechten Wijzigingswet van 1925” (Wet No. 36 van 1925), soos gewysig deur artikel *tien* van die Uitvoersubsidies Wet van 1931 (Wet No. 49 van 1931), om die wysiging van die Bylaes gepubliseer onder Goewermentskennisgewings Nos. 1119 en 1708 van 26 Augustus 1932 en 15 Desember 1933, respektieflik, in sover as hieronder aangetoon, goed te keur:

Wysiging van Bylae van Goewermentskennisgewing No. 1119 van 26 Augustus 1932.

Item 256 ex (c)—na die woord “sye” voeg die woorde in “(uitgesondert gesplete chroomleer”
.. ex (d)—na die woord “soolleer” voeg die woorde in “(uitgesondert gesplete chroomleer”.

Wysiging van Bylae van Goewermentskennisgewing No. 1708 van 15 Desember 1933.

Item ex 73—in die Afrikaanse bewoording voeg in na die woord „Halsdasse” die woord „, kruisbande”.

GOVERNMENT NOTICE.

DEPARTMENT OF FINANCE.

The following Government Notice is published for general information.

J. G. HUBBALL,
Secretary for Finance.

Treasury,
Cape Town.

No. 423.]

March, 1934.

EXCHANGE DUMPING DUTY.

Whereas by sub-section (3) of section fifteen of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended by section ten of the Exports Subsidies Act, 1931 (Act No. 49 of 1931), it is provided that whenever, after investigation and report by the Board of Trade and Industries, the Minister is satisfied that the exchange value of the currency of the country of origin or export of goods imported into the Union is depreciated in relation to Union currency, and is of opinion that by reason of such depreciation, goods of a class or kind produced in the Union, are being imported into the Union at prices which are detrimental to an industry in the Union, and is further of opinion that it would be in the public interest to impose, in respect of such goods, a dumping duty, the Minister shall from time to time determine the rate at which the currency of such country shall be computed in terms of Union currency for the purposes of assessing the dumping duty referred to in sub-section (4) of aforesaid section, and that he shall thereupon notify in the Gazette the rate so determined and the class or kind of goods to which such duty shall apply;

And whereas in consequence of investigation and report by the Board of Trade and Industries, I am satisfied that the exchange value of the currency of the undermentioned country is depreciated in relation to the currency of the Union, and am of the opinion that by reason of such depreciation, goods of the class or kind hereinafter specified, are being imported into the Union at prices which are detrimental to industries in the Union; and am further of opinion that it is in the public interest to impose, in respect of such goods, an exchange dumping duty;

Now, therefore, I, Nicolaas Christiaan Havenga, Minister of Finance, hereby give notice that I have determined the rate at which the currency of the country named hereinafter shall be computed in terms of Union currency for the purpose of assessing the dumping duty on such goods imported into the Union to be the following:—

Japan : 1 Yen=23.35 pence South African.

And that from and after the date of promulgation of this notice in the *Government Gazette*, there shall be charged, levied, collected, and paid on the class or kind of goods hereinafter specified on their importation into the Union, in addition to the duties otherwise prescribed, an exchange dumping duty equal to the difference between the cost free on board at the port of shipment of such goods to the importer in Union currency, on the one hand, and such cost expressed in the currency of the country of origin or export of such goods computed in terms of Union currency at the rate herein determined by me under sub-section (3) of the aforesaid section on the other hand: Provided that the dumping duties levied under such section on any goods shall collectively not exceed one-half of the value of such goods for purposes of duty as determined under section fourteen of the Customs Tariff and Excise Duties Amendment Act of 1925.

N. C. HAVENGA,
Minister of Finance.

SCHEDULE :

<i>Tariff Item.</i>	<i>Article.</i>
ex 15 (b) (i)	Millet.
35 (1) (a)	Peas, beans and lentils (dried).
65 (b) (v)	Knitted underwear not including jerseys and pull-overs.
ex 70	Socks and stockings for men and boys.
ex 73	Handkerchiefs.
ex 75	Cotton canvas.
77	Padded quilts.
ex 118 (a)	Spades.
ex 133	Shovels.
ex 153 (b)	Barbed wire.
ex 155	Wire netting.
ex 186	Rubber tiles.
214 (b)	Aluminium sulphate.
ex 229	Magnesium sulphate.
ex 246 (1)	Copper sulphate.
ex 251 (a)	Infants footwear.
ex 253 (a)	Rubber water hose up to 3 inch diameter.
ex 259	Rubber flooring.
ex 335	Sodium sulphate; shopping bags.
ex 335	Manufactured cotton waste.

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN FINANSIES.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

J. G. HUBBALL,
Sekretaris van Finansies.

Tesourie,
Kaapstad.

No. 423.]

Maart 1934.

KOERS-DUMPINGREG.

Nademaal by sub-artikel (3) van artikel vyftien van die Doeantarie en Aksjonsrechten Wijzigingswet, 1925 (Wet No. 36 van 1925), soos gewysig deur artikel tien van die Uitvoersubsidies Wet, 1931 (Wet No. 49 van 1931), bepaal is dat wanneer die Minister op grond van 'n ondersoek en rapport deur die Raad van Handel en Nywerheid oortuig is dat die koerswaarde van die betaalmiddel van die land van oorsprong of uitvoer van goedere wat in die Unie ingevoer word, verminder is in vergelyking met die betaalmiddel van die Unie en verder van oordeel is dat goedere van 'n klas of soort in die Unie vervaardig, weens die waardevermindering in die Unie ingevoer word teen pryse wat tot nadeel van 'n nywerheid strek, en voorts van oordeel is dat dit in die openbare belang sou wees om in verband met sulke goedere 'n dumpingreg te hef, kan die Minister van tyd tot tyd die koers vasstel waarteen die betaalmiddel van sodanige land omgerekken moet word in terme van Unie betaalmiddel, vir die doel om die dumpingreg genoem in sub-artikel (4) van genoemde artikel vas te stel en moet hy daarna die aldus vasgestelde koers en die klas of soort van goedere waarop sodanige reg van toepassing is in die *Staatskoerant* bekendmaak;

En nademaal tenegevolge van 'n ondersoek en rapport gemaak deur die Raad van Handel en Nywerheid, ek oortuig is dat die koerswaarde van die betaalmiddel van die ondervermelde land in vergelyking met die betaalmiddel van die Unie gedepresieer het, en van oordeel is dat tenegevolge van sodanige depresiasie goedere van die klas of soort hieronder gespesifieer in die Unie ingevoer word teen pryse wat die nywerheid in die Unie benadeel; en verder van oordeel is dat dit in die openbare belang sou wees om in verband met sodanige goedere 'n koers-dumpingreg te hef;

So is dit dat ek, Nicolaas Christiaan Havenga, Minister van Finansies, hierby bekendmaak dat ek die koers waarteen die betaalmiddel van die ondervermelde land omgerekken moet word in terme van die betaalmiddel van die Unie vir die heffing van dumpingreg op sulke goedere ingevoer in die Unie sal wees as volg:—

Japan : 1 Yen=23.35 pennies Suid-Afrikaans.

En dat vanaf en na die datum van afkondiging van hierdie kennisgewing in die *Staatskoerant* op die klas en soort van goedere hieronder gespesifieer by invoer in die Unie, buite en behalwe die alreeds voorgeskrewe regte, 'n koers-dumpingreg opgelê, gehef, ingevorder en betaal moet word gelyk aan die verskil tussen die koste vry aan boord in die hawe van verskeping van sodanige goedere vir die invoerder, in die betaalmiddel van die Unie, aan die een kant, en genoemde koste uitgedruk in die betaalmiddel van die land van herkoms of uitvoer van sodanige goedere, omgerekken in terme van die betaalmiddel van die Unie teen die koers soos deur my hierby vasgestel kragtens sub-artikel (3) van voornoemde artikel, aan die ander kant: Met dien verstande dat vir die heffing van invoerregte soos vasgestel by artikel veertien van die „Doeantarie en Aksjonsrechten Wijzigingswet“ van 1925 die dumpingregte kragtens sodanige artikel op enige goedere gehef, gesamentlik nie meer mag bedra as die helfte van die waarde van sodanige goedere nie.

N. C. HAVENGA,
Minister van Finansies.

BYLAE :

<i>Tariefitem.</i>	<i>Artikel.</i>
ex 15 (b) (i)	Giers (Millet).
35 (1) (a)	Ertjies, boontjies en lensies (gedroog).
65 (b) (v)	Gebreide onderklere, uitgesonderd jersies, en „pullovers“.
ex 70	Sokkies en kouse vir mans en jongens.
ex 73	Sakdoeke.
ex 75	Katoenseidooek.
77	Getwatteerde dekens.
ex 118 (a)	Grawe.
ex 133	Skopgrawe.
ex 153 (b)	Doringdraad.
ex 155	Ogiesdraad.
ex 186	Rubberteëls.
214. (b)	Aluminiumsulfaat.
ex 229	Magnesiumsulfaat.
ex 246 (1)	Kopersulfaat.
ex 251 (a)	Kinderskoeisel.
ex 253 (a)	Rubber-watertuinslang met 'n deursny van op tot 3 duim.
ex 259	Rubber-vloerbekleding.
ex 335	Natriumsulfaat; inkoopsakke.
ex 335	Katoenafval vervaardig.

DEPARTMENT OF MINES:	
393. Mine Managers' Examination ...	5
394. Assayers' Examination ...	5
* 435. Appointment of Medical Practitioners ...	6

DEPARTMENT OF NATIVE AFFAIRS:	
* 431. Municipality of Philipstown: Domestic Brewing of Kaffir Beer ...	6
* 432. Municipality of Stanger: Brewing of Kaffir Beer; Powers of Search ...	6
* 437. Recruiting of Native Labour: Elliot ...	6

DEPARTMENT OF RAILWAYS AND HARBOURS:	
* 436. Reappointment of Mr. D. Hugo as a Railway Commissioner ...	6

DEPARTEMENT VAN MYNWESE:	
393. Eksamēn vir Mynbestuurders ...	5
394. Eksamēn vir Essaieurs ...	5
* 435. Aanstelling van Mediese Praktisys ...	6

DEPARTEMENT VAN NATURELLESAKE:	
* 431. Munisipaliteit van Philipstown: Brou van Kafferbier van Huisgebruik ...	6
* 432. Munisipaliteit van Stanger: Brou van Kafferbier; Bevoegdheid tot Ondersoek ...	6
* 437. Aanwerwing van Naturellearbeiders, Elliot ...	6

DEPARTEMENT VAN SPOORWEË EN HAWENS:	
* 436. Heraanstelling van Mr. D. Hugo op die Spoorweg- en Hawensraad ...	6

Government Notices (continued).		PAGE	Gouvermentekennisgewings (vervolg).		BLADSY
No.			No.		
DEPARTMENT OF AGRICULTURE:			DEPARTEMENT VAN LANDBOU:		
* 428.	Compulsory Dipping of Equines	7	* 428.	Verpligte Dip: Perde, Muile en Donkies	7
* 429.	Infected Area: Rabies	7	* 429.	Besmette Gebied: Hondsdoheid	7
DEPARTMENT OF LABOUR:			DEPARTEMENT VAN ARBEID:		
* 424.	Determination No. 53: Native Trade, Witwatersrand and Heidelberg, Transvaal	7	* 424.	Vasstelling No. 53: Handel met Naturelle, Witwatersrand en Heidelberg, Transvaal	7
DEPARTMENT OF LANDS:			DEPARTEMENT VAN LANDE:		
287.	Sale of Building Sites, Little Brak River	10	287.	Verkoop van Boupersele, Klein Brak Rivier	10
DEPARTMENT OF INTERIOR:			DEPARTEMENT VAN BINNELANDSE SAKIE:		
* 425.	Naturalization Notice, South West Africa	10	* 425.	Kennisgewing van Naturalisasie, Suidwes-Afrika	10
General Notices.			Algemene Kennisgewings.		
CO-OPERATIVE AGRICULTURAL SOCIETIES:			KOÖPERATIEWE LANDBOUVERENIGINGS:		
* 159.	Membership Lists	11	* 159.	Lidmaatskaplyste	11
DEPARTMENT OF LANDS:			DEPARTEMENT VAN LANDE:		
* 157.	Surveyor's Diagram No. 16/34	11	* 157.	Landmeterskaart No. 16/34	11
MISCELLANEOUS:			DIVERSE:		
* 154.	Ohrigstad River District Election	12	* 154.	Ohrigstad-Rivierdistrik: Verkiesing	12
* 155.	Renfield Irrigation Board Election	12	* 155.	Renfield-besproeiingsdistrik: Verkiesing	12
* 156.	Ritchie Irrigation Board Election	12	* 156.	Ritchie-besproeiingsdistrik: Verkiesing	12
* 158.	Determinations made in terms of Section 81 of the Liquor Act, 1928	12	* 158.	Besluite geneem ingevolge Artikel 81 van die Drankwet, 1928: Liseusierade van Barkly-Oos, Hopetown en Sutherland, Kaapprovinsie	12
* 160.	Daspoort Estate Irrigation Board: Election of Members	13	* 160.	Daspoort Estates-besproeiingsraad: Verkiesing van Lede	13
* 161.	Dissolution of a Rural Credit Society, Jonkershoek	13	* 161.	Ontbinding van 'n Plattelandse Kredietvereniging, Jonkershoek	13
* 162.	Ritchie Irrigation Board: Election of Members	13	* 162.	Ritchie-besproeiingsraad: Verkiesing van Lede	13
* 163.	Escaped Convict No. 178/34	13	* 163.	Ontsnapte Prisoner No. 178/34	13
* 164.	Companies Registered	14	* 164.	Maatskappye Goregistreer	14
* 165.	Registration of Mineral Mining Claims	14	* 165.	Registrasie van Minerale Mynkleims	18
* 166.	Health Bulletin No. 13	18	* 166.	Gesondheidsbulletin No. 13	19
* 167.	Assizing of Weights and Measures, Middelburg (Transvaal), etc.	19	* 167.	Yk van Mate en Gewigte: Middelburg (Transvaal), ens.	19
* 168.	Assizing of Weights and Measures, Port Elizabeth	20	* 168.	Yk van Mate en Gewigte: Port Elizabeth	20
* 169.	Van Ryneveld Irrigation Board: Election of Members	20	* 169.	Van Ryneveld-besproeiingsraad: Verkiesing van Lede	20
Tenders		21	Tenders		21
Vacancies—			Vakature—		
Vacancy for Master Tailor		24	Vakature vir Meester Kleermaker		24
PUBLIC SERVICE COMMISSION:			STAATSDIENSKOMMISSIE:		
Vacancy for a Professional Assistant		25	Vakature vir 'n Professionele Assistent		25
Vacancy for a Mapping Officer		25	Vakature vir 'n Landkaart-tekenaar		25
ADVERTISEMENTS.		PAGE	ADVERTENSIES.		PAGE
Patents and Trade Marks		i	Patente en Handelsmerke		i
Transvaal Province		x	Provinse Transvaal		x
Cape of Good Hope Province		xxii	Provinse Kaap De Goede Hoop		xxii
Natal Province		xxiv	Provinse Natal		xxiv
Orange Free State Province		xxvi	Provinse Oranje-Vrystaat		xxvi
Estate Notices		xxix	Boedel-Kennisgewings		xxix

HIGH COMMISSIONER'S GAZETTE (at back).

No.		PAGE	
Swaziland.			
PROCLAMATIONS.			
10.	Motor Vehicle Proclamation, 1916: Amendment	1	
11.	Public Holidays Ordinance: Amendment	1	
NOTICE.			
34.	Game Preservation Ordinance: Amendment	2	
Bechuanaland.			
PROCLAMATION.			
12.	Locust Destruction Proclamation: Amendment	2	
NOTICE.			
Special Court of Bechuanaland			2