

EXTRAORDINARY



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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. 653. 23rd May, 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:—

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House of Assembly,
18th May, 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.

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GOEWERMENSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

No. 653. 23 Mei 1934.

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

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Volksraad,
18 Mei 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

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No. 27, 1934.]

ACT

To amend the laws relating to prisons and reformatories and to certified hostels and industrial schools.

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:—

Interpretation of terms.

1. In this Act the expression "principal Act" means the Prisons and Reformatories Act, 1911, as amended and added to from time to time.

Amendment of section 2 of Act 13 of 1911.

2. Section *two* of the principal Act is hereby amended—

(a) by the addition of the following proviso at the end of the definition of "Director";

"Provided that in relation to juvenile reformatories and juvenile adult reformatories and to juveniles and juvenile adults, 'Director' shall mean the Secretary for Education or any person lawfully acting in that capacity";

(b) by the deletion of the definition of "Government industrial school";

(c) by the substitution of the following definition for the definition of "juvenile";

"'juvenile' shall mean any person under the age of sixteen years";

(d) by the substitution of the following definition for the definition of "juvenile adult";

"'juvenile adult' shall mean any person who is of or above the age of sixteen years and under the age of twenty-one years";

(e) by the deletion of the words "gaol or" from the definition of "juvenile adult reformatory";

(f) by the addition of the following proviso at the end of the definition of "Minister";

"Provided that in relation to juvenile reformatories, juvenile adult reformatories and certified hostels and to juveniles and juvenile adults, 'Minister' shall mean the Minister of Education or any other Minister of State acting in his stead"; and

(g) by the addition of the following paragraph at the end thereof:

"Any reference to the 'Prisons Department', in relation to juvenile reformatories and juvenile adult reformatories, shall be deemed to be a reference to the Department of Education."

Amendment of section 4 of Act 13 of 1911.

3. Section *four* of the principal Act is hereby amended—

(a) by the insertion in sub-section (2) of the word "inebriate" before the word "reformatory"; and

(b) by the deletion of the words "Government industrial school" from the said sub-section.

Amendment of section 57 of Act 13 of 1911.

4. Section *fifty-seven* of the principal Act is hereby amended by the substitution for the words "The Minister may", where they occur in the first sentence, of the words "The Minister of Justice may, after consultation with the Minister of Education", and where they occur in the last sentence, of the words "The Minister of Education may, after consultation with the Minister of Justice,".

Amendment of section 60 of Act 13 of 1911.

5. Section *sixty* of the principal Act is hereby amended by the deletion of the words "the inspectors and deputy-inspectors of prisons, the members of the board of visitors of any convict prison or goal,".

Amendment of section 67 of Act 13 of 1911.

6. Section *sixty-seven* of the principal Act is hereby amended by the substitution of the word "twenty-five" for the word "twenty-one" wherever it occurs.

Amendment of section 9 of Act 46 of 1920.

7. Section *nine* of the Prisons and Reformatories Act Amendment Act, 1920, is hereby amended by the deletion of paragraph (b) of sub-section (1), and the substitution therefor of the following paragraph:

No. 27, 1934.]

WET

Tot wysiging van die wette op gevangnisse en verbetergestigte en op gesertifiseerde tehuise en nywerheidskole.

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

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die Woordom- „Wet op Gevangnisse en Verbetergestichten, 1911”, soos van skrywing. tyd tot tyd gewysig en aangevul.

2. Artikel twee van die Hoofwet word hiermee gewysig— Wysiging van artikel 2 van Wet 13 van 1911.

(a) deur die volgende voorbehoudsbepaling aan die end van die omskrywing van „Direkteur” by te voeg:

„Met dien verstande dat met betrekking tot verbetergestichten voor jeugdigen en verbetergestichten voor jonge volwassenes en tot jeugdigen en jonge volwassenes, onder „Direkteur” verstaan word die Sekretaris voor Onderwijs of zijn wettige plaatsvervanger.”;

(b) deur die omskrywing van „Staatsnijverheidsschool” te skrap;

(c) deur die omskrywing van „jeugdige” te vervang deur die volgende omskrywing:
„„jeugdige”, iemand die minder dan zestien jaar oud is”;

(d) deur die omskrywing van „jonge volwassene” te vervang deur die volgende omskrywing:

„„jonge volwassene”, iemand die zestien jaar oud of onder en onder een en twintig jaar oud is”;

(e) deur die woorde „tronk of” uit die omskrywing van „verbetergesticht voor jonge volwassenes” te skrap;

(f) deur die volgende voorbehoudsbepaling aan die end van die omskrywing van „Minister” by te voeg:

„Met dien verstande dat met betrekking tot verbetergestichten voor jeugdigen, verbetergestichten voor jonge volwassenes en gecertificeerde tehuise en tot jeugdigen en jonge volwassenes, onder „Minister” verstaan word, de Minister van Onderwijs of een andere Minister van Staat die namens hem optreedt”;

en

(g) deur die volgende paragraaf aan die end daarvan by te voeg:

„Met betrekking tot verbetergestichten voor jeugdigen en verbetergestichten voor jonge volwassenes, word onder „Departement van Gevangnisse” verstaan het Departement van Onderwijs.”

3. Artikel vier van die Hoofwet word hiermee gewysig— Wysiging van artikel 4 van Wet 13 van 1911.

(a) deur in sub-artikel (2) die woord „verbetergesticht” te vervang deur die woord „dronkaardsasyl”; en

(b) deur die woord „Staatsnijverheidsschool” uit bedoelde sub-artikel te skrap.

4. Artikel sewen-en-vyftig van die Hoofwet word hiermee gewysig deur die woorde „De Minister kan” te vervang, waar hul in die eerste sinsnede voorkom, deur die woorde „De Minister van Justitie kan, in overleg met de Minister van Onderwijs”, en waar hul in die laaste sinsnede voorkom, deur die woorde „De Minister van Onderwijs kan, in overleg met de Minister van Justitie.”.

5. Artikel sestig van die Hoofwet word hiermee gewysig deur die woorde „inspekteurs en adjunkt-inspekteurs van gevangnisse, de leden van de raad van toezicht van een bandietetrunk of tronk” te skrap. Wysiging van artikel 60 van Wet 13 van 1911.

6. Artikel sewen-en-sestig van die Hoofwet word hiermee gewysig deur die woorde „een en twintigste” telkens waar hul voorkom te vervang deur die woorde „vijf en twintigste”, en die woorde „een en twintig” te vervang deur die woorde „vijf en twintig”.

7. Artikel nege van die „Wet tot Wijziging van de Wet op Gevangnisse en Verbetergestichten, 1920,” word hiermee gewysig deur paragraaf (b) van sub-artikel (1) te skrap en te vervang deur die volgende paragraaf: Wysiging van artikel 9 van Wet 46 van 1920.

" (b) order the transfer to a Government industrial school as defined in section *two* of the Children's Protection Act, 1913 (Act No. 25 of 1913), or to an institution certified under section *thirty-eight* of that Act, from a certified hostel, of any person detained therein who is under the age of sixteen years; and "

Amendment of section 43 of Act 26 of 1913, as amended by section 13 of Act 26 of 1921.

Short title and commencement.

8. Paragraph (b) of sub-section (3) of section *forty-three* of the Children's Protection Act, 1913, as amended by section *thirteen* of the Children's Protection Act Amendment Act, 1921, is hereby further amended by the deletion of the words " after the Minister has consulted with the Minister of Justice,".

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

No. 28, 1934.]

ACT

To provide for an increase of the number of judges of the Eastern Districts of the Cape of Good Hope Local Division of the Supreme Court of South Africa.

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 10 of Act 35 of 1896 (Cape).

1. Section *ten* of Act No. 35 of 1896 (Cape of Good Hope) is hereby amended by substituting for the word "three" the word "four".

Short title.

2. This Act shall be known as the Eastern Districts Local Division Constitution Act, 1934.

No. 29, 1934.]

ACT

To amend the laws relating to certain universities.

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 Constitution of Joint Matriculation Board.

1. Section *sixteen* of the University of South Africa Act, 1916, section *seventeen* of the University of Stellenbosch Act, 1916, and section *seventeen* of the University of Cape Town Act, 1916, are hereby amended by the deletion from each of those sections, of paragraph (b) of sub-section (2) and the substitution therefor in each case of the following paragraph :—

(b) " a representative of the head of the Education Department of each of the four Provinces of the Union, a representative of the Department of Education of the Union, a representative of the Education Department of Southern Rhodesia and a representative of the Education Department for the Mandated Territory of South-West Africa."

Short title.

2. This Act shall be known as the Higher Education Amendment Act, 1934.

„(b) bevelen om een in een gecertificeerd tehuis aangehouden persoon, die beneden de leeftijd van zestien jaar is, van daar naar een Staatsniverheidschool (zoals omschreven in artikel twee van de Wet ter Bescherming van Kinderen, 1913 (Wet No. 25 van 1913), of naar een ingevolge artikel acht en dertig van die Wet gecertificeerde inrichting over te plaatsen; en”.

8. Paragraaf (b) van sub-artikel (3) van artikel drie-en-veertig van die „Wet ter Bescherming van Kinderen, 1913”, soos gewysig deur artikel dertien van die „Kinderen Beschermings Wet Wijzigings Wet, 1921”, word hiermee verder gewysig deur die woorde „na gepleegd overleg met de Minister van Justitie,” te skrap. Wysiging van artikel 43 van Wet 25 van 1913, soos gewysig deur artikel 13 van Wet 26 van 1921.

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

No. 28, 1934.]

WET

Tot vermeerdering van die aantal regters van die Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika vir die Oostelike Distrikte van die Kaap die Goeie Hoop.

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

1. Artikel tien van Wet No. 35 van 1896 (Kaap die Goeie Hoop) word hiermee gewysig deur die woord „three” te vervang deur die woord „four”. Wysiging van artikel 10 van Wet 35 van 1896. (Kaap.)

2. Hierdie Wet heet die Wet op Samestelling van die Oostelike Distrikte Plaaslike Afdeling, 1934. Kort-titel.

No. 29, 1934.]

WET

Tot wysiging van die wette betreffende sekere universiteite.

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

1. Artikel sestion van die Universiteit van Zuid-Afrika Wet, 1916, artikel sewentien van die Universiteit van Stellenbosch Wet, 1916, en artikel sewentien van die Universiteit van Kaapstad Wet, 1916, word hiermee gewysig deur in die geval van elkeen van daardie artikels paragraaf (b) van sub-artikel (2) daarvan te skrap en te vervang deur die volgende paragraaf— Wysiging van samestelling van Gemeenskaplike Matrikulasieraad.

(b) „een vertegenwoordiger van het hoofd van het Departement van Onderwijs in elk van de vier Provincies van de Unie, een vertegenwoordiger van het Departement van Onderwijs van de Unie, een vertegenwoordiger van het Departement van Onderwijs van Zuid-Rhodesië en een vertegenwoordiger van het Departement van Onderwijs van het Mandaatgebied Zuidwest-Afrika.”

2. Hierdie Wet heet die Hoër Onderwys Wysigingswet, 1934. Kort titel.

No. 30, 1934.]

To amend the Judges' Salaries and Pensions Act, 1912.

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 Schedule to
Act 16 of 1912.

1. The Schedule to the Judges' Salaries and Pensions Act, 1912 (Act No. 16 of 1912), is hereby amended by the substitution for the figures "£3,000", "£2,750", "£2,500" and "£2,250" of the figures "£3,500", "£3,250", "£3,000" and "£2,750", respectively.

Short title and
commencement.

2. This Act shall be known as the Judges' Salaries (Amendment) Act, 1934, and shall be deemed to have come into operation on the first day of April, 1934.

No. 32, 1934.]

ACT

To provide for the condonation of the break in service of certain servants of the South African Railways and Harbours Administration who were on strike in the months of February and March, 1934.

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:—

Interpretation of
terms.

1. Any expression to which a meaning is assigned in the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), bears the same meaning when used in this Act.

Condonation of
break in service
due to strike.

2. Notwithstanding anything contained in the second proviso to section *forty-seven* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), any servant of the Administration who, being employed in the mechanical workshops at Pretoria, and not being duly discharged, deserted or refused to serve or absented himself from duty without lawful cause or reasonable excuse, during the period from the nineteenth day of February to the fifteenth day of March, 1934, inclusive, and was re-admitted to the service, shall have his service regarded as continuous, and shall have the period between the time when he so absented himself from duty and the time he resumed work reckoned as leave without pay, and shall in all other respects be treated and regarded as though he had not so absented himself from duty.

Short title.

3. This Act shall be known as the Railways and Harbours Strike Act, 1934.

BILL

To amend the Merchant Shipping (Certificates of Competency) Act, 1925.

(Introduced by the MINISTER OF FINANCE.)

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 19 of Act
45 of 1925.

1. Section *nineteen* of the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925), is hereby amended by the substitution in the definition of the expression "fishing boat" for the word "twenty-five" of the words "one hundred".

Short title.

2. This Act shall be known as the Merchant Shipping (Certificates of Competency) Amendment Act, 1934.

[A.B. 73—'34.]

No. 30, 1934.]

WET

Tot wysiging van die „Rechters Salarissen en Pensioen Wet, 1912”.

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

1. Die Bylae tot die „Rechters' Salarissen en Pensioen Wet, 1912” (Wet No. 16 van 1912), word hiermee gewysig deur die syfers „£3,000”, „£2,750”, „£2,500” en „£2,250” onderskeidelik deur die syfers „£3,500”, „£3,250”, „£3,000” en „£2,750” te vervang. Wysiging van Bylae tot Wet 16 van 1912.

2. Hierdie Wet heet die Regterssalarisse-Wysigingswet, Kort titel en 1934, en word geag in werking te getree het op die eerste dag inwerkingtreding van April, 1934.

No. 32, 1934.]

WET

Om voorsiening te maak vir die verskoning van die onderbreking in die diens van sekere dienaars van die Administrasie van die Suid-Afrikaanse Spoorweë en Havens wat in Februarie en Maart 1934 gestaak het.

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

1. 'n Uitdrukking waaraan in die „Spoorwegin en Havens Woordoms kry- Dienst Wet, 1925” (Wet No. 23 van 1925), 'n betekenis toege- wing skryf is, het in hierdie Wet dieselfde betekenis.

2. Nieteenstaande andersluidende bepalings van die tweede Voorbehoudsbepaling van artikel *sewen-en-veertig* van „De Spoorweg en Havendienst Wet, 1912” (Wet No. 28 van 1912), word die diens van elke dienaar van die Administrasie wat werkzaam was in die werktuigkundige werkplase op Pretoria, en wat, sonder behoorlik ontslaan te wees, gedurende die tydperk vanaf die negentiende dag van Februarie tot en met die vyftiende dag van Maart 1934, gedeserteer het of geweier het om diens te doen of van diens weggebly het sonder wettige oorsaak of redelike verskoning, en wat weer in diens geneem is, as ononderbroke beskou, en word die tydperk tussen die tyd wat hy van diens weggebly het en die tyd wat hy werk hervat het gereken as verlof sonder betaling, en word hy in alle ander opsigte behandel en beskou asof hy nie van diens weggebly het nie. Verskoning van diensonderbreking as gevolg van staking.

3. Hierdie Wet heet die Spoorweë en Havens Stakingswet, Kort titel. 1934.

WETSONTWERP

Tot wysiging van die „Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925”.

(Ingedien deur die MINISTER VAN FINANSIES.)

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

1. Artikel *negentien* van die „Koopvaardij (Certifikaten van 5 Bekwaamheid) Wet, 1925” (Wet No. 45 van 1925), word hiermee gewysig deur die woorde „vijf en twintig” in die omskrywing van die uitdrukking „visboot” te vervang deur die woord „honderd”. Wysiging van artikel 19 van Wet 45 van 1925.

2. Hierdie Wet heet die Koopvaardij (Sertifikate van Kort titel. 10 Bekwaamheid) Wysigingswet, 1934.

[A.B. 73—'34.]

BILL

To protect the names, uniforms, badges and distinctive colours of certain associations and institutions from use by unauthorized persons.

(Introduced by Col. C. F. STALLARD, K.C., D.S.O., M.P.)

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:—

Keeping of register.

1. The Minister shall for the purposes of this Act cause a register to be kept wherein shall be entered the particulars referred to in sub-section (3) of section *four* as well as particulars of any amendment or deletion of any entry made under this Act. 5

Protection of name, etc.

2. Any association or institution may make application to the Minister for the registration of— 10

- (a) the name of the association or institution ;
- (b) any special name or designation used by the association or institution for the members thereof or for the members of any organization constituted by the association or institution in pursuance of its rules and regulations ; 15
- (c) any uniform, with or without a badge as an integral portion thereof, used by such association or institution ;
- (d) any badge, with or without a uniform, used by such association or institution ; 20
- (e) any colours used by such association or institution.

Form and particulars of application.

3. (1) An application made in terms of section *two* shall be made in such manner, and contain such information as the Minister may by regulation prescribe ; and more particularly shall contain an exact and precise written description of the pictorial representation or design of the name, uniform, badge or distinctive colour sought to be registered so as to indicate the limits of the protection applied for. 25

(2) Every application shall have affixed thereto a revenue stamp to the value of five pounds. 30

Publication of notice of application and lodging of objections.

4. (1) Upon the receipt of an application in terms of sections *two* and *three*, the Minister shall, by notice in the *Gazette*, publish particulars of the same for general information, and shall in such notice invite any person affected or likely to be affected by the grant of the application, to lodge in a form prescribed by regulation particulars of any objection thereto within three months of the date of the publication at a place specified therein : Provided that in the case of an application of an association, the Minister may further refer the application to the parent national body, if any, to which such applicant association may directly or indirectly be affiliated or connected, in order that the parent national body may make such recommendation thereon to the Minister as it may deem fit. 35 40

(2) Before granting any such application, the Minister shall consider the objections, if any, lodged in terms of sub-section (1). 45

(3) If no objections have been lodged within the time prescribed by sub-section (1) or if objections have been lodged and duly considered by the Minister, the Minister may, if he deems fit, cause to be entered in the register— 50

- (a) the name and address of the applicant association or institution ; the name, uniform, badge or distinctive colour, the registration of which was applied for ; and
- (b) an exact and precise written description and a pictorial drawing or representation, if any, of the said name, uniform, badge or distinctive colour. 55

(4) The decision of the Minister in respect of any application shall be final and binding.

Publication of registration and certificate.

5. (1) The Minister shall cause a notice to be published in the *Gazette* of every registration made under sub-section (3) of section *four* and of every amendment or revocation of any such registration. 60

[A.B. 72—'34.]

WETSONTWERP

Tot beskerming van name, uniforms, wapens en onderskeidende kleure van bepaalde verenigings en inrigtings teen die gebruik daarvan deur ongewettigde persone.

(Ingedien deur KOL. C. F. STALLARD, K.C., D.S.O., L.V.).

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

1. Die Minister laat vir die doeleindes van hierdie Wet 'n register aanhou waarin die besonderhede vermeld in sub-artikel (3) van artikel vier, asook die besonderhede van enige wysiging of verwydering van enige inskrywing kragtens hierdie Wet gemaak, ingeskryf moet word.
2. Enige vereniging of inrigting kan die Minister versoek om inskrywing in die register van—
 - (a) die naam van die vereniging of inrigting;
 - (b) enige spesiale naam of aanwysing wat deur die vereniging of inrigting gebruik word vir sy lede of die lede van enige organisasie wat daargestel is deur die vereniging of inrigting ooreenkomstig sy reglemente en statute;
 - (c) enige uniform, met of sonder 'n wapen 'n integrale deel daarvan, deur die vereniging of inrigting gebruik;
 - (d) enige wapen, met of sonder 'n uniform gedra wat deur sodanige vereniging of inrigting gebruik word;
 - (e) enige kleure deur sodanige vereniging of inrigting gebruik.
3. (1) Enige aansoek wat gedoen word kragtens die bepalinge van artikel twee moet gedoen word op so 'n wyse en met opgaawe van sodanige inligting as wat deur die Minister by wyse van regulasie bepaal mag word; en moet in besonder 'n noukeurige en juiste beskrywing bevat van die voorstelling of ontwerp van die naam, uniform, wapen of onderskeidende kleur wat ingeskryf moet word sodat duidelik aangedui word wat die juiste omvang en beperking van die aangevraagde beskerming is.
- (2) 'n Inkomste-seël ter waarde van vyf pond moet aan elke aansoek geheg word.
4. (1) Na ontvangs van enige aansoek kragtens die bepalinge van artikels twee en drie, moet die Minister by kennisgewing in die Staatskoerant besonderhede van die aansoek ter algemene inligting publiseer en in sodanige kennisgewing 'n uitnodiging rig aan enige persoon wat deur die toestaan van die aansoek getref of moontlik getref mag word, om die besonderhede van sy beswaar in die vorm deur regulasie voorgeskryf, binne drie maande vanaf die datum van publikasie in te dien op die plek wat daarin bepaal word.
- Met die verstande dat in die geval van 'n aansoek van 'n vereniging die Minister die aansoek verder na die hoofdiggaam, as daar is, waarmee die vereniging middellik of onmiddellik geaffilieer of verbind is, kan verwys sodat die hoofdiggaam sodanige aanbeveling as wat dit dienstig oordeel, aan die Minister kan maak.
- (2) Voordat die Minister enige sodanige aansoek toestaan, moet hy enige beswaar wat ingedien is kragtens die bepalinge van sub-artikel (1) oorweeg.
- (3) As geen besware binne die tydperk in sub-artikel (1) voorgeskryf ingedien is nie, of as besware ingedien en behoorlik deur die Minister oorweeg is, kan die Minister mits hy dit dienstig oordeel in die register laat inskryf—
- (a) Die naam en adres van die aansoekdoende vereniging of inrigting; die naam, uniform, wapen of onderskeidende kleur, om inskrywing waarvan aansoek gedoen is; en
- (b) 'n noukeurige en juiste omskrywing en 'n tekening of voorstelling, as daar is, van bedoelde naam, uniform, wapen of onderskeidende kleur.
- (4) Die beslissing van die Minister ten opsigte van enige aansoek is afdoende en bindend.
5. (1) Die Minister laat 'n kennisgewing in die Staatskoerant publiseer van elke inskrywing gemaak kragtens sub-artikel (3) van artikel vier en van elke wysiging of herroeping van enige sodanige inskrywing.

Aanhou van register.

Beskerming van name, ens.

Vorm en besonderhede van aplikasie.

Publikasie van kennisgewing van aplikasie en indiening van besware.

Publikasie van inskrywing en sertifikate.

(2) The Minister shall issue to an association or institution, whose application has been granted by him, a certificate of registration in such form and containing such particulars as may be prescribed by regulation.

Use of registered names, etc.

6. (1) Every association or institution which possesses a valid certificate of registration under this Act shall be entitled to the sole and exclusive right to use the name, uniform, badge or distinctive colour in respect of which such certificate was issued. 5

(2) No person shall, without the written authority of such association or institution or unless he is a member thereof authorized to use the said name, uniform, badge or distinctive colour, use the same or any name, uniform or badge or distinctive colour so closely resembling the said name, uniform, badge or distinctive colour as to lead to the belief that it is the said name, uniform, badge or distinctive colour. 15

(3) If any person contravenes sub-section (2) the association or institution concerned may, in the name of its secretary or chairman, sue such person in a magistrate's court—

(a) for an amount not exceeding the sum of ten pounds, and such court may without proof of any damages, in addition to the costs of the action, award such association or institution such an amount not exceeding the said sum as to it may seem reasonable in the circumstances of the case; or 25

(b) for damages or an interdict or for both damages and an interdict and such court may in addition to the costs of the action, award such damages as to it may seem reasonable in the circumstances or grant an interdict or both award damages and grant an interdict. 30

Savings.

7. (1) Nothing in this Act shall be deemed to prevent any person from using any name, uniform, badge or colours in the course or for the purpose of a stage play or representation, or a music-hall or circus performance, pageants, or production of a cinematograph film, provided that the name, uniform, badge or colours is or are not used in such a manner or under such circumstances as to bring it or them into ridicule or contempt. 35

(2) No entry shall be made in the register registering any name, uniform, badge or colours used by an association or institution in connection with or as part of the uniform or badge of its members in respect of which or any part of which any design has been and remains registered under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendments thereof, unless the owner of such registered design permits the use thereof by any person willing to supply such registered design to any member or members of such association or institution. 40

(3) Nothing in this Act shall prevent the continued use of any mark or device not protected under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendment thereof, which has been *bona fide* used as a trade mark before the commencement of this Act, provided that the onus of proving such *bona fide* use shall be upon the person claiming it. 50

(4) Nothing in this Act or in any notice in terms thereof shall deprive any person of the right to use any name, uniform, badge or colours, which at the commencement of this Act, was or were in regular use by such person, provided that the onus of proving such regular use shall be upon such person. 55

(5) Nothing in this Act or in any notice in terms thereof shall deprive any person of the right to use any uniform, badge or colours, to the use of which he has *bona fide* become entitled by reason of his present or past membership of any association or institution, beyond the boundaries of the Union, provided that the onus of proving such *bona fide* use shall be upon the person claiming such right. 60

Amendment and cancellation of certificate of registration.

8. (1) The Minister may at any time cause a notice to be served on any association or institution calling upon it to show cause in a manner prescribed by regulation and on or before a date specified in such notice, why any certificate of registration issued to it under this Act should not be amended or cancelled. 70

(2) Die Minister reik aan die vereniging of inrigting wie se aansoek hy toegestaan het, 'n sertifikaat van inskrywing uit in sodanige vorm en sodanige besonderhede bevattende as wat deur regulasie voorgeskryf kan word.

5 6. (1) Elke vereniging of inrigting wat 'n geldige sertifikaat van inskrywing kragtens die bepalings van hierdie Wet besit, is geregtig op die enige en uitsluitende gebruik van die naam, uniform, wapen of onderskeidende kleur ten opsigte waarvan sodanige sertifikaat uitgereik is. Gebruik van ingeskrewe name, ens.

10 (2) Geen persoon mag, sonder skriftelike magtiging van sodanige vereniging of inrigting, of tensy hy daarvan 'n lid is wat tot die gebruik van die bedoelde naam, uniform, wapen of onderskeidende kleur gemagtig is, daarvan of van enige naam, uniform, wapen of onderskeidende kleur wat so na is

15 aan die bedoelde naam, uniform, wapen of onderskeidende kleur dat dit aanleiding daartoe kan gee dat dit vir die gesegde naam, uniform, wapen of onderskeidende kleur gehou word, gebruik maak.

(3) As enige persoon die bepalings van sub-artikel (2) oortree

20 kan die betrokke vereniging of inrigting deur middel van sy sekretaris of voorsitter, sodanige persoon in die Magistraatshof dagvaar—

(a) vir 'n bedrag van hoogstens tien pond, en sodanige hof kan sonder bewys van enige skade en benewens die koste van die geding aan sodanige vereniging of inrigting sulk 'n bedrag toeken, die genoemde som nie te howe gaande nie, as wat hom onder die omstandighede van die geval redelik blyk te wees;

30 (b) vir skadevergoeding of 'n interdik of vir beide skadevergoeding en 'n interdik, en sodanige hof kan benewens die koste van die geding sodanige skadevergoeding toeken as wat onder die omstandighede redelik mag blyk of 'n interdik verleen of beide skadevergoeding toeken en 'n interdik verleen.

35 7. (1) Die bepalings van hierdie Wet word nie geag enige persoon te belet nie om enige naam, uniform, wapen of kleure te gebruik tydens of vir die doeleindes van 'n opvoering of voorstelling, 'n uitvoering in 'n musieklokaal of sirkus, 'n historiese optog of die vervaardiging van 'n kinematografiese rolprent nie, mits daardie naam, uniform, wapen of kleure nie op so 'n wyse of in sodanige omstandighede gebruik word dat dit bespotlik gemaak of in minagting gebring word nie. Voorbehoude-bepalings.

40 (2) Geen aantekening geskied in die register vir inskrywing van enige naam, uniform, wapen of kleure deur 'n vereniging of inrigting gebruik in verband met of as deel van die uniform of wapen van sy lede, ten opsigte waarvan of van enige gedeelte waarvan enige ontwerp geregistreer is en bly kragtens die „Wet op Patente, Modellen, Handelsmerke en Auteursrecht, 1916”, of enige wysiging daarvan, tensy die eienaar van so 'n geregistreerde ontwerp toestem tot die gebruik daarvan deur enige persoon wat gewillig is om sodanige geregistreerde ontwerp te verskaf aan enige lid of lede van so 'n vereniging of inrigting.

55 (3) Die bepalings van hierdie Wet belet nie die voortdurende gebruik van enige merk of ontwerp nie wat nie beskerm is kragtens die „Wet op Patente, Modellen, Handelsmerke en Auteursrecht, 1916”, of enige wysiging daarvan nie, wat *bona fide* gebruik is as handelsmerk voor die inwerktrading van hierdie Wet: Met die verstande dat die bewyslas van sodanige *bona fide* gebruik op die persoon rus wat daarop aanspraak maak.

(4) Die bepalings van hierdie Wet of van enige kennisgewing kragtens hierdie Wet ontnem niemand die reg om enige naam, uniform, wapen of kleure te gebruik wat by die inwerktrading van hierdie Wet in gereelde gebruik is deur so iemand, mits die bewyslas van sodanige gereelde gebruik op so iemand rus.

70 (5) Die bepalings van hierdie Wet of van enige kennisgewing kragtens hierdie Wet ontnem niemand die reg om enige uniform, wapen of kleure te gebruik, tot die gebruik waarvan hy *bona fide* geregtig is weens sy teenswoordige of oud-lidmaatskap van enige vereniging of inrigting buite die grense van die Unie, mits die bewyslas van sodanige *bona fide* gebruik op die persoon rus wat op sodanige reg aanspraak maak.

75 8. (1) Die Minister kan te eniger tyd 'n kennisgewing op enige vereniging of inrigting laat dien waarby dit gelas word om voor of op 'n daarin bepaalde dag te verskyn en op 'n by regulasie voorgeskrewe wyse gronde aan te voer waarom die sertifikaat van inskrywing kragtens hierdie Wet uitgereik nie gewysig of ingetrek sal word nie. Wysiging of intrekking van sertifikaat van inskrywing.

(2) The Minister may after the said date and after considering any representation made to him by such association or institution order it to deliver to him its certificate or registration for amendment or cancellation (as the case may be) and may cause any entry in the register to be altered accordingly. 5

(3) Upon receiving any order made under sub-section (2) such association or institution shall deliver to the Minister its certificate of registration for amendment or cancellation (as the case may be) and upon receiving such certificate the Minister may amend or cancel it (as the case may be). 10

Annual payment.

9. (1) Every association or institution whose name is registered under provisions of sub-section (3) of section *four* shall pay to the Minister the sum of ten shillings on or before the thirtieth day of June in each and every year. 15

(2) If any such association or institution fails to pay the said sum on or before the said date in any year the Minister may cause all entries in the register aforesaid in respect of such association or institution to be deleted and thereupon any certificate issued to such association or institution under this Act shall be deemed to be cancelled. 20

Regulations.

10. The Minister may make regulations not inconsistent with this Act, as to all matters which by this Act are required or permitted to be prescribed by regulation, or which are necessary or convenient for giving effect to the provisions of this Act, or for the conduct of any business relating to any office established by this Act. 25

Interpretation of terms.

11. In this Act, unless inconsistent with the context—
- “association” means an association, group or body formed for the promotion of sport; 30
 - “badge” means any design, applicable to any article whether for the pattern, for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by printing, painting, embroidering, weaving, sewing, modelling, casting, 35 embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for sculpture;
 - “distinctive” means adopted to distinguish or differentiate members of one association or institution from those of another association or institution; 40
 - “institution” means an institution formed or created for the promotion of education, and includes universities, university colleges, training colleges, normal colleges, technical colleges, schools, or unions or societies of the present or past students of any such institution; 45
 - “Minister” means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;
 - “parent national body” includes any association, board, union, council, or other body created, constituted or formed for the control, supervision, management, administration or execution of one or other sport or branch thereof throughout the Union, to which are or may be affiliated provincial or other subsidiary 55 associations, boards, unions, councils or other bodies connected with such sport;
 - “register” means the register referred to in section *one*.
 - “uniform” includes blazers, sweaters, hats, caps, ties, girdles, hatbands, socks, or any other article of apparel containing distinctive colour or colours; 60
 - “use” includes the use, wearing, sale, trading, bartering, or otherwise dealing in or with any name, uniform, or badge.

Short title.

12. This Act may be cited as the Protection of Names, Uniforms, and Badges Act, 1934. 65

(2) Die Minister kan na die bedoelde datum en nadat hy enige aan hom deur sodanige vereniging of inrigting gemaakte vertoë oorweeg het, hom beveel om aan hom sy sertifikaat van inskrywing vir wysiging of intrekking (soos die geval mog wees) in te handig en kan enige inskrywing in die register dienoreenkomstig laat wysig.

(3) Na ontvangs van enige bevel kragtens sub-artikel (2) moet sodanige vereniging of inrigting aan die Minister sy sertifikaat van registrasie ter wysiging of intrekking (soos die geval mog wees) inhandig en na ontvangs van sodanige sertifikaat kan die Minister dit wysig of intrek (soos die geval mog wees).

9. (1) Elke vereniging of inrigting, wie se naam kragtens die Jaarlikse betaling. bepaling van sub-artikel (3) van artikel vier ingeskryf is, moet aan die Minister die bedrag van tien shillings voor of op die dertigste dag van Junie in elke en iedere jaar betaal.

(2) Wanneer 'n vereniging of inrigting nalaat om die gesegde bedrag voor of op gesegde datum in enige jaar te betaal, kan die Minister alle inskrywings in genoemde register ten opsigte van sodanige vereniging of inrigting laat uithaal en daarop sal enige sertifikaat uitgereik aan sodanige vereniging of inrigting kragtens hierdie Wet as ingetrek geag word.

10. Die Minister kan regulasies, nie in stryd met hierdie Wet Regulasies. nie, opstel in verband met alle aangeleenthede wat kragtens hierdie Wet by regulasie voorgeskryf moet word of veroorloof word om voorgeskryf te word of wat noodsaaklik of doenlik is om gevolg te gee aan die bepaling van hierdie Wet of vir die bestuur van werksaamhede met betrekking tot enige kantoor kragtens hierdie Wet gestig.

11. Tensy strydig met die inhoud van hierdie Wet beteken— Woordbepaling.
„vereniging” ’n vereniging, groep of liggaam gestig ter bevordering van sport;

„wapen” enige ontwerp, toepaslik op enige artikel hetsy vir die patroon, vir die fatsoen of vorm, of vir die versiering daarvan of vir enige twee of meer sodanige doeleindes, en deur druk, skilder, borduur, weef, naai, modelleer, giet, reliëf, graveer, verkleur of deur enige ander middel wat ook al, handewerk, meganiese of chemiese, afsonderlik of gesamentlik, maar nie ’n ontwerp vir beeldhouwerk nie;

„onderskeidende” wat aanvaar is om die lede van een vereniging of inrigting te onderskei van dié van ’n ander vereniging of inrigting;

„inrigting” ’n inrigting gestig of ingestel vir die bevordering van opvoedkunde en sluit in universiteite, universiteitskolleges, opleidingskolleges, normaalkolleges, tegniese kolleges, skole of unies of verenigings van teenswoordige of oud-studente van enige sodanige inrigting;

„Minister” die Minister van Binnelandse Sake of enige ander Minister aan wie die Goewerneur-generaal dié administrasie van hierdie Wet kan opdra;

„hoofliggaam” sluit in enige vereniging, bestuur, unie, raad of liggaam gestig, gekonstitueer of gevorm vir die beheer, toësig, bestuur, administrasie of uitvoering van een of ander sport of vertakking daarvan dwarsdeur die Unie waarmee provinsiale of ander onderhorige verenigings, besture, unies, rade of ander liggame verbonde aan sodanige sport geaffilieer is of mog wees;

„register” die register vermeld in artikel een;

„uniform” sluit in kleurbaadjies, woljersies, hoede, keppe, dasse, gordels, hoedbande, sokkies of enige ander kledingstuk bevattende onderskeidende kleur of kleure;

„gebruik” sluit in die gebruik, dra, verkoop, handel, ruil of enige ander handel in of met, enige naam, uniform of wapen.

12. Hierdie Wet kan aangehaal word as die Beskerming van Kort titel. Name, Uniforms en Wapens Wet, 1934.

BILL

To provide for the legalization of the marriages of certain persons now residing in the Union of South Africa or in the mandated territory of South West Africa contracted prior to 1906 in the Bechuanaland Protectorate or in the former German Protectorate of South West Africa or prior to the second day of April, 1929, in Angola, and for the registration of the said marriages.

(Introduced by the MINISTER OF THE INTERIOR.)

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 :—

Appointment of commissioner.

1. As soon as possible after the commencement of this Act the Administrator of the mandated territory of South-West Africa shall appoint on such conditions as he may think fit, but subject to the provisions of this Act, a Commissioner for Angola Marriages (hereinafter called "the commissioner") for the purpose of giving effect to this Act. 5

Registration and legalization of Angola marriages.

2. (1) Any person whose marriage was solemnised before the first day of January, 1906, in the Bechuanaland Protectorate or in the former German Protectorate of South West Africa, while he was on his way from the Transvaal to Angola, or before the second day of April, 1929, in Angola, by a minister, elder, or person purporting to act as a marriage officer of any recognized christian church denomination of South Africa and any child of such person, provided they are resident at the time of making the application in the Union or in the mandated territory of South West Africa, may, within twelve months from the commencement of this Act, or within such further period as the Administrator of the said territory may determine, apply to the commissioner for the registration of the said marriage under sub-section (2). 10 15 20

(2) The commissioner shall institute an inquiry into every such application, and if he is satisfied that— 25

- (a) such marriage was entered into *bona fide* and was not within the prohibited degrees of consanguinity or affinity according to the law prevailing in the Transvaal at the commencement of this Act; and
- (b) no party to the marriage, being still alive, is a subject of a foreign state, 30

he shall frame a register signed by himself recording the fact that a marriage was duly entered into between the parties, and setting forth the full names and condition of the parties before their marriage, their race, age, place of residence and calling and the place and date of marriage, and he shall submit such marriage register to the Registrar of Births, Marriages and Deaths of the Province of the Transvaal who shall have the custody of the same. 35

(3) A marriage registered in terms of sub-section (2) shall be valid for all purposes and be deemed to have been valid as from the date on which it was contracted unless it is proved to be a bigamous marriage or unless it is proved that the registration thereof was obtained by fraud. 40

(4) Every such register shall after its receipt by the said registrar for the purposes of the Registration of Births, Marriages and Deaths Act, 1923 (Act No. 17 of 1923), or of the said Act as applied to the mandated territory of South West Africa, and for that purpose modified by the Registration of Births, Marriages and Deaths Proclamation, 1923 (Proclamation No. 38 of 1923) of the Administrator of the said territory, be deemed to be a register which by virtue of the said Act or of the said Act as so applied is in the custody of the said registrar. 45 50

Powers, jurisdiction and privileges of commissioner.

3. (1) The commissioner shall have the powers, jurisdiction and privileges of a commission and of the chairman of a commission as set out in sections *three to seven* inclusive of the Commissions' Powers Ordinance, 1927 (Ordinance No. 6 of 1927) of the mandated territory of South West Africa and the provisions of the said sections shall *mutatis mutandis* apply to all matters dealt with by him. 55 60

[A.B. 74—'34.]

WETSONTWERP

Om voorsiening te maak vir die wettiging van die huwelike van sekere persone tans in die Unie van Suid-Afrika of in die mandaatgebied van Suidwes-Afrika woonagtig, wat vóór 1906 in die Betsjoeanaland Protektoraat of in die voormalige Duitse Protektoraat van Suidwes-Afrika, of vóór die tweede dag van April 1929 in Angola aangegaan is, en vir die registrasie van daardie huwelike.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKKE.)

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

1. So spoedig doenlik na die inwerkingtreding van hierdie Aanstelling van
5 Wet sal die Administrateur van die mandaatgebied van Suidwes-Afrika, op sodanige voorwaardes, onderhewig aan die bepalinge van hierdie Wet, as hy wenslik ag, 'n Kommissaris vir Angola Huwelike (hierin „die kommissaris” genoem), aanstel, ten einde aan die bepalinge van hierdie Wet gevolg te gee.
- 10 2. (1) Enige persoon wat vóór die eerste dag van Januarie 1906 in die Betsjoeanaland Protektoraat of in die voormalige Duitse Protektoraat van Suidwes-Afrika, terwyl hy op weg was van Transvaal na Angola, of vóór die tweede dag van April 1929 in Angola, deur 'n predikant, ouderling of voorgegewe Registrasie en wettiging van Angola huwelike.
15 huweliksbeampte van enige erkende Christelike kerkgenootskap van Suid-Afrika in die huwelik bevestig is, en enige kind van sodanige persoon kan, indien hulle tydens die aansoek in die Unie of in die mandaatgebied van Suidwes-Afrika woonagtig is, binne twaalf maande vanaf die inwerkingtreding van
20 hierdie Wet of binne sodanige verdere tydperk as wat die Administrateur van die genoemde gebied mag bepaal, aansoek doen by die kommissaris vir die registrasie van sodanige huwelik ooreenkomstig sub-artikel (2).
(2) Die kommissaris sal ondersoek instel met betrekking tot
25 ieder sodanige aansoek, en indien tot sy bevrediging blyk dat—
(a) so 'n huwelik *bona fide* aangegaan is en dat dit nie binne die verbode grade van bloed- of aanverwantskap volgens die Transvaalse reg, soos dit tydens die aanvang van hierdie Wet bestaan, was nie; en
30 (b) geen party tot die huwelik wat nog lewe, 'n onderdaan is van 'n vreemde staat nie,
'n register, deur homself geteken, uitmaak waarin hy die feit boekstaaf dat 'n huwelik behoorlik tussen die partye aangegaan is met vermelding van die voorhuwelike volle name en staat
35 van die partye tot die huwelik, hul ras, ouderdomme, woonplek en beroep en die plek en datum van die huwelik, en hy sal sodanige huweliksregister aan die Registrateur van Geboortes, Huwelike en Sterfgevallen van die Provinsie Transvaal stuur vir bewaring.
40 (3) 'n Ingevolge sub-artikel (2) geregistreerde huwelik is geldig vir alle doeleindes en word geag geldig te gewees het vanaf die datum waarop dit aangegaan is tensy bewys word dat dit 'n bigamiese huwelik is, of tensy bewys word dat die registrasie daarvan deur bedrog verkry is.
45 (4) Enige sodanige register sal, na ontvangs daarvan deur die genoemde registrateur, vir die doeleindes van die „Wet op Registrasie van Geboortes, Huweliken en Sterfgevallen, 1923” (Wet No. 17 van 1923), of van die genoemde wet soos toegepas op die mandaatgebied van Suidwes-Afrika en vir die doel
50 gewysig deur die „Registrasie van Geboortes, Huweliken en Sterfgevallen Proklamasie, 1923” (Proklamasie No. 38 van 1923) van die Administrateur van genoemde gebied, geag word 'n register te wees wat kragtens die genoemde Wet of van die genoemde Wet soos aldus toegepas in die bewaring van die
55 genoemde registrateur is.
3. (1) Die kommissaris sal die magte, regsmag en voorregte van 'n kommissie en van die voorsitter van 'n kommissie, soos in artikels drie tot sewe inbegrepe, van die Magte van Kommissies Ordonnansie 1927 (Ordonnansie No. 6 van 1927), van
60 die mandaatgebied van Suidwes-Afrika, aangegee, besit, en die bepalinge van die genoemde artikels sal *mutatis mutandis* van toepassing wees op alle verhandelinge voor hom.
[A.B. 74—'34.] Magte, regsmag en voorregte van kommissaris.

(2) The commissioner may accept as evidence of the facts which in terms of sub-section (2) of section *two* of this Act must be proved to his satisfaction—

- (a) any marriage register kept for or on behalf of any church denomination referred to in sub-section (1) 5 of that section ;
- (b) an extract or copy of such a register certified by a minister, elder or person purporting to act as a marriage officer of the denominations referred to in the said sub-section ; and 10
- (c) any other relevant evidence.

Short title.

4. This Act shall be known as the Legalization of Angola Marriages Act, 1934.

(2) Die kommissaris kan as getuienis van die feite wat onder sub-artikel (2) van artikel twee van hierdie Wet tot sy bevrediging moet blyk, aanneem—

- 5 (a) enige huweliksregister vir of namens 'n in sub-artikel (1) van daardie artikel genoemde kerkgenootskap gehou ;
- (b) 'n deur 'n predikant, ouderling of voorgegewe huweliks-beampte van die kerkgenootskappe in die genoemde sub-artikel (1) vermeld, gesertifiseerde uittreksel uit
- 10 of afskrif van sodanige register ; en
- (c) enige ander relevante getuienis.

4. Hierdie Wet word genoem die *Wettiging van Angola Kort titel. Huwelike Wet 1934.*