

No Interest

EXTRAORDINARY



BUITENGEWONE

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information.

No. 479. 3rd April, 1936.

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. 1 of 1936: Vyfhoek Management Amendment Act, 1936	ii
No. 8 of 1936: Extradition Act, 1936	ii
No. 9 of 1936: National Parks Amendment Act, 1936	iv
No. 10 of 1936: Railway Acquisition and Construction Act, 1936	vi
No. 11 of 1936: Blind Persons Act, 1936	x

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word vir algemene informasie gepubliseer.

No. 479. 3 April 1936.

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. 1 van 1936: Vyfhoek Bestuurswet Wysigingswet, 1936	iii
No. 8 van 1936: Wet op Uitlewering, 1936	iii
No. 9 van 1936: Wysigingswet op Nasionale Parke, 1936	v
No. 10 van 1936: Spoorweg-oorname en -aanleg Wet, 1936	vii
No. 11 van 1936: Wet op Blindes, 1936	xi

No. 1, 1936.]

ACT

To amend the Vyfhoek Management Act, 1935.

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 sections 3, 4, 11, 15 and 16 of Act 39 of 1935.

1. Sections *three, four, eleven, fifteen* and *sixteen* of the Vyfhoek Management Act, 1935 (Act No. 39 of 1935), are hereby amended by the substitution for the words "*twelve*", "*thirteen*" and "*fourteen*" of the words "*fourteen*", "*fifteen*" and "*sixteen*", respectively, wherever one or other of these words appears in the said sections.

Effect of rules and regulations already made.

2. All rules and regulations made under the Act mentioned in section *one* before the commencement of this Act shall have the same force and shall be construed in the same way, as if the said Act had been amended as provided by section *one* of this Act before the date on which they were made.

Short title.

3. This Act shall be called the Vyfhoek Management Amendment Act, 1936.

No. 8, 1936.]

ACT

To amend the law relating to extradition.

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 33 & 34 Vict. Ch. 52, Sched. 1, of the United Kingdom, in its application in the Union.

1. The Extradition Act, 1870 (33 & 34 Vict. Ch. 52), of the United Kingdom, in its application in the Union of South Africa and in the Mandated Territory of South-West Africa, shall be construed as if offences against any enactment relating to dangerous drugs, and attempts to commit such offences, were included in the list of crimes in the First Schedule to that Act.

Application of this Act to Walvis Bay.

2. This Act shall apply to the port and settlement of Walvis Bay.

Short title.

3. This Act shall be called the Extradition Act, 1936.

No. 1, 1936.]

WET**Tot wysiging van die Vyfhoek Bestuurswet, 1935.**

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

1. Artikels *drie*, *vier*, *elf*, *vyftien* en *sestien* van die Vyfhoek Bestuurswet, 1935 (Wet No. 39 van 1935) word hiermee gewysig deur die woorde „*twaalf*”, „*dertien*” en „*veertien*” te vervang deur die woorde „*veertien*”, „*vyftien*” en „*sestien*” onderskeidelik, oral waar die een of ander van hierdie woorde in die genoemde artikels voorkom.

Wysiging van artikels 3, 4, 11, 15 en 16 van Wet 39 van 1935.

2. Alle reëls en regulasies wat voor die inwerkingtreding van hierdie Wet kragtens die in artikel *een* genoemde Wet uitgevaardig is, is van dieselfde krag en word op dieselfde wyse uitgelê asof die genoemde Wet voor die datum waarop hulle uitgevaardig is, gewysig was soas bepaal by artikel *een* van hierdie Wet.

Uitwerking van reeds uitgevaardigde reëls en regulasies.

3. Hierdie Wet heet die Vyfhoek Bestuurswet Wysigingswet, Kort titel. 1936.

No. 8, 1936.]

WET**Tot wysiging van die wet op uitlewering**

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

1. Die „Extradition Act, 1870” (33 & 34 Vict. Kap. 52), van die Verenigde Koninkryk, word ten opsigte van sy toepassing in die Unie van Suid-Afrika en in die mandaatgebied Suidwes-Afrika, uitgelê asof oortredings van enige wet wat betrekking het op gevaarlike medisyne, en pogings tot sulke oortredings, opgeneem was in die lys van misdade in die Eerste Bylae tot daardie Wet.

Wysiging van 33 & 34 Vict. Kap. 52, Byl. 1, van die Verenigde Koninkryk, ten opsigte van sy toepassing in die Unie.

2. Hierdie Wet is van toepassing op die hawe en nedersetting van Walvisbaai.

Toepassing van hierdie Wet op Walvisbaai.

3. Hierdie Wet heet die Wet op Uitlewering, 1936.

Kort titel.

No. 9, 1936.]

ACT

To amend the National Parks Act, 1926, and to exclude a certain piece of land from the Kruger National Park.

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 16 of Act 56 of 1926.

1. Section *sixteen* of the National Parks Act, 1926, is hereby amended—

(a) by the substitution, in sub-section (1), of the words "sub-sections (2), (4) and (5)" for the words "sub-section (2)";

(b) by the addition of the following new sub-sections at the end of the section:—

"(4) When any part of the boundary of a park follows a line drawn along the bank of a public stream (as defined in section *two* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)), whose bed or part of whose bed along that line is included in the park, and that line intersects a piece of land, a portion whereof falls within the bed of the said stream and is included in the park but has not been acquired by the Governor-General in terms of section *fourteen*, the owner or, with the owner's consent, the occupier of that land may, notwithstanding the provisions of sub-section (1)—

(a) introduce livestock into the said portion of his land which is included in the park and graze and water livestock thereon;

(b) cut any vegetation on that portion and remove it therefrom: Provided that he shall not cut, or destroy any tree thereon without the consent of the board or an officer of the board;

(c) dig and remove any stone, sand or soil from the said portion;

(d) cultivate any part of that portion or erect a fence thereon.

(5) The owner (as defined in section *two* of the said Act No. 8 of 1912) of any riparian land (as defined in the said section) in relation to a public stream (as defined in the said section) the bed or any portion of the bed whereof is included in a park, shall have or may acquire all rights to use water from that stream and for the purpose of such use to construct, use and maintain any work, which he would have had or could have acquired, if this Act had not been passed: Provided that if he constructs any such work by virtue of a servitude acquired in terms of Chapter VII of the said Act No. 8 of 1912 on land in a park, section *one hundred and six* of that Act (as enacted by section *fourteen* of the Irrigation Amendment Act, 1934 (Act No. 46 of 1934)) shall not apply in connection with that servitude; and provided further that if the said owner constructs any such work which might facilitate the entry into or the exit from the park of persons or animals (other than aquatic or amphibious animals) he shall take steps to prevent permanently such entry or exit, and that, if he fails to do so, the board may take such steps and recover the cost thereof from him."

Exclusion of certain farm from Kruger National Park.

2. The farm Johnniesdale No. 355, situate in the district of Pilgrimsrest, which was added to the Kruger National Park by section *one* of the National Parks Amendment Act, 1935 (Act No. 20 of 1935), is hereby excluded or detached from the said park.

Short title.

3. This Act shall be called the National Parks Amendment Act, 1936.

No. 9, 1936.]

WET

Om die Wet op Nasionale Parke, 1926, te wysig en 'n sekere stuk grond van die Nasionale Kruger-Wildtuin uit te sluit.

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

1. Artikel *sestien* van die Wet op Nasionale Parke, 1926, word hiermee gewysig— Wysiging van artikel 16 van Wet 56 van 1926.

- (a) deur in sub-artikel (1) die woorde „sub-artikel (2)” te vervang deur die woorde „sub-artikels (2), (4) en (5)”;
- (b) deur die volgende nuwe sub-artikels aan die end van die artikel by te voeg:—

„(4) Wanneer 'n deel van die grens van 'n park 'n lyn volg wat loop op die wal van 'n openbare stroom (soas omskrywe in artikel *twee* van die Besproeiings- en Waterbewarings-Wet, 1912 (Wet No. 8 van 1912)), waarvan die bedding langs daardie lyn geheel of ten dele in die park begrepe is en daardie lyn 'n stuk grond kruis, waarvan 'n deel binne die rivierbedding val en in die park begrepe is dog nie deur die Goewerneur-generaal volgens artikel *veertien* verkry is nie, dan kan die eienaar of met toestemming van die eienaar, die okkuperder van daardie grond, nieteenstaande die bepalings van sub-artikel (1)—

- (a) vee invoer in voormelde deel van sy grond wat in die park begrepe is en vee daarop laat wei en water drink;
- (b) op daardie deel plante sny of kap en hulle daarvan verwyder: Met die verstande dat hy nie 'n boom daarop mag kap of vernietig nie, sonder toestemming van die raad of 'n beampte van die raad;
- (c) klippe, sand of grond op daardie deel uitgrawe en daarvan verwyder;
- (d) enige stuk van daardie deel bebou of 'n heining daarop oprig.

(5) Die eienaar (soas omskrywe in artikel *twee* van voormelde Wet No. 8 van 1912) van oewergrond (soas in voormelde artikel omskrywe) met betrekking tot 'n openbare stroom (soas in voormelde artikel omskrywe) waarvan die bedding geheel of ten dele in 'n park begrepe is, het alle regte of kan alle regte verkry om water uit daardie stroom te gebruik en om, vir die doel van sodanige gebruik, enige werk aan te lê, te gebruik en in stand te hou wat hy sou gehad het of sou kon verkry het as hierdie Wet nie ingevoer was nie: Met die verstande dat as hy kragtens 'n serwituut, volgens Hoofstuk VII van voormelde Wet No. 8 van 1912 verkry, so 'n werk op grond in 'n park aanlê, artikel *honderd-en-ses* van daardie Wet (soas ingevoer deur artikel *veertien* van die Besproeiings-Wysigings-Wet, 1934 (Wet No. 46 van 1934) in verband met daardie serwituut nie van toepassing is nie; en met die verstande voorts dat as bedoelde eienaar 'n werk aanlê wat dit vir mense of diere (behalwe waterdiere of amfibiese diere) maklik sou kan maak om die park te betree of te verlaat, hy daarvoor moet sorg dat sodanige in- of uitgang permanent verhinder word en dat as hy versuim om dit te doen, die raad dit kan doen en die koste daarvan op hom kan verhaal.”

2. Die plaas Johnniesdale No. 355, geleë in die distrik Pelgrimsrus, wat deur artikel *een* van die Wysigingswet op Nasionale Parke, 1935 (Wet No. 20 van 1935) by die Nasionale Kruger-Wildtuin gevoeg is, word hiermee van genoemde Wildtuin uitgesluit of afgesonder. Uitsluiting van sekere plaas van Nasionale Kruger-Wildtuin.

3. Hierdie Wet heet die Wysigingswet op Nasionale Parke, Kort titel. 1936.

No. 10, 1936.]

ACT

To provide for the acquisition of the private line of railway from Postmasburg to Beeshoek, the construction and equipment of a line of railway from Beeshoek to Lohathla with a connection from Drieboekspan to Kapstewel, and for the ratification of certain acts done in connection with such acquisition and construction.

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:—

Acquisition and improvement of private line.

1. (1) The Railway Administration is hereby empowered to acquire the private line of railway mentioned under Item 1 of the Schedule to this Act, together with any land or servitude required in connection therewith, and to improve the said line, for an amount and at a cost, respectively, not exceeding the relative amounts set out in the fourth column of that Schedule.

(2) From the date of acquisition thereof the property in the said line and in any such land or servitude shall be vested in the Governor-General, and the said line shall be controlled and worked by the said Administration.

Construction and equipment of line of railway.

2. (1) The Governor-General may cause to be constructed and equipped upon a gauge of three feet six inches the line of railway mentioned under Item 2 of the Schedule to this Act, at a gross cost not exceeding the relative amount set out in the fourth column of that Schedule.

(2) The powers by this section conferred shall include powers to construct and equip all sidings, stations, buildings and other appurtenances necessary for or incidental to the proper working of such railway.

(3) The expression "construct and equip" shall include "maintain" while the line is in course of construction and equipment.

Cost of acquisition, construction and equipment.

3. The cost of the acquisition, improvement, construction and equipment authorized under sections *one* and *two* shall be defrayed out of any loan raised by the Governor-General under the authority of law and appropriated for that purpose by Parliament or out of any other moneys so appropriated.

Ratification of certain acts.

4. All acts done in connection with the acquisition and improvement of the private line of railway referred to in Item 1 of the Schedule to this Act or of any land or servitude required in connection therewith, or in connection with the construction of the line of railway referred to under Item 2 of the said Schedule, are hereby ratified and confirmed and shall be deemed to have been done under the authority of this Act.

Powers incidental to construction and equipment.

5. In respect of the construction and equipment of the line referred to under Item 2 of the Schedule to this Act, the following provisions shall apply:

(a) The Governor-General may, by persons duly authorized thereto, enter upon any land for the purpose of surveying the same, and of probing and boring in order to ascertain the nature and formation of the soil, and of marking boundaries and levels, making full compensation to the occupier of such land for the damage (if any) thereby caused to him.

(b) The Governor-General shall have and exercise all the rights and powers, and be subject to all duties and obligations which a divisional council by law formerly had and exercised or was subject to, under sections *one hundred and forty-six* and *one hundred and forty-seven* of Act No. 40 of 1889 of the Cape of Good Hope:

Provided that—

(i) the extent of land taken under the powers conferred by paragraph (b) shall not exceed seventy feet in width except at points where additional land may be required for slopes, cuttings, drainage, stations, approach roads, and other works and matters which may be necessary for the purposes of the line;

No. 10, 1936.]

WET

Om voorsiening te maak vir die oorname van die private spoorlyn van Postmasburg na Beeshoek, vir die aanleg en uitrusting van 'n spoorlyn van Beeshoek na Lohathla met 'n aansluiting van Driehoekspan na Kapstewel, en vir die bekragtiging van sekere handelings in verband met bedoelde oorname en aanleg verrig.

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

1. (1) Die Spoorweg-administrasie word hiermee gemagtig om die private spoorlyn onder Item 1 van die Bylae van hierdie Wet vermeld, en ook enige grond of servituut in verband daarmee benodig, oor te neem en die genoemde lyn te verbeter, teen 'n bedrag en koste, respektieflik, wat nie meer beloop nie dan die in verband staande bedrae in die vierde kolom van die Bylae vermeld. Oorname en verbetering van private spoorlyn.

(2) Vanaf die datum van die oorname daarvan berus die eiendom van die genoemde lyn en van bedoelde grond of servituut by die Goewerneur-generaal, en word die genoemde lyn deur die bedoelde Administrasie beheer en geëksploiteer.

2. (1) Die Goewerneur-generaal kan die spoorlyn vermeld onder Item 2 van die Bylae van hierdie Wet met 'n spoorwydte van drie voet ses duim laat aanlê en uitrus teen bruto-koste wat nie meer beloop nie dan die in verband staande bedrag vermeld in die vierde kolom van die Bylae. Aanleg en uitrusting van spoorlyn.

(2) Die bevoegdhede wat hierdie artikel verleen omvat die bevoegdheid om alle sylyne, stasies, geboue en ander toebehore nodig vir of in verband staande met die behoorlike bedryf van die spoorlyn aan te lê en uit te rus.

(3) Die uitdrukking „aanlê en uitrus” omvat „onderhou” onderwyl die lyn aangelê en uitgerus word.

3. Die koste van die in artikels een en twee gemagtigde oorname, verbetering, aanleg en uitrusting word betaal uit 'n lening deur die Goewerneur-generaal kragtens wetlike magtiging gesluit en vir daardie doel deur die Parlement beskikbaar gestel of uit ander aldus beskikbaar gestelde gelde. Koste van oorname, aanleg en uitrusting.

4. Alle handelings verrig in verband met die oorname en verbetering van die private spoorlyn onder Item 1 van die Bylae van hierdie Wet vermeld of van enige grond of servituut in verband daarmee benodig, of in verband met die aanleg van die spoorlyn onder Item 2 van die genoemde Bylae vermeld, word hiermee bekragtig en bevestig en word geag onder magtiging van hierdie Wet verrig te wees. Bekragtiging van sekere handelings.

5. Met betrekking tot die aanleg en uitrusting van die lyn onder Item 2 van die Bylae van hierdie Wet vermeld, is die volgende bepalings van toepassing: Bevoegdhede in verband staande met aanleg en uitrusting.

- (a) Die Goewerneur-generaal het, deur persone behoorlik daartoe gemagtig, reg van toegang tot alle grond vir die doel van opmeting daarvan en om daarin gate te maak en te boor ten einde die aard en formasie van die grond uit te vind en om grense af te merk en hoogtemetings te doen, op voorwaarde van betaling aan die okkupant van bedoelde grond van volle skadevergoeding vir enige skade (indien skade berokken word), wat aan hom daardeur veroorsaak is.
- (b) Die Goewerneur-generaal het en oefen al die regte en bevoegdhede uit en is onderhewig aan alle pligte en verpligtings wat 'n afdelingsraad tevore had en uitgeoefen het of waaraan dit onderhewig was ingevolge artikels honderd-ses-en-veertig en honderd-sewen-en-veertig van Wet 40 van 1889 van die Kaap die Goeie Hoop:

Met die verstande dat—

- (i) die grond, wat geneem word ingevolge die by paragraaf (b) verleende bevoegdhede, 'n breedte van sewentig voet nie te bowe mag gaan nie, behalwe op plekke waar verdere grond benodig mog word vir die hellings, deurgrawings, afwatering, stasies, toegangsweë en ander werke en sake wat nodig mog wees vir die doeleindes van die lyn;

(ii) publication of notice in the *Gazette* shall be deemed to be sufficient notice to any owner or occupier of land who is absent from the Union or whose place of residence is not known ;

(iii) the settlement of questions as to compensation for the exercise of the rights and powers aforesaid shall not delay the exercise of those rights and powers, and such questions shall, save as provided in section *seven* hereof, be determined, as soon as possible, under the Lands and Arbitration Clauses Act, 1882, of the Cape of Good Hope.

Intersection of streets, roads and railways.

6. (1) At all places where the line of railway referred to under Item 2 of the Schedule to this Act intersects any street or road or railway, the Governor-General may cause such line of railway to be carried across the street or road or railway either by level crossing or by means of a suitable bridge, or may cause such street or road or railway to be carried across or under the said line of railway by means of a suitable bridge or subway.

(2) At all places where such line of railway runs in the same direction as any street or road, the Governor-General may, with the consent of the road authority concerned, cause the line of railway to be carried along such street or road for such distance and subject to such conditions and with such safeguards as may be agreed upon between the Governor-General and the said road authority.

Compensation not exceeding £750 to be settled by a board.

7. (1) Whenever it is necessary to determine a claim for compensation in respect of the construction or equipment of the railway referred to in section *two* which does not exceed seven hundred and fifty pounds the Governor-General may refer the matter for settlement to a board consisting of the magistrate of the district wherein the claim arose, and two other persons, one to be appointed by the claimant and the other by the Minister of Railways and Harbours.

(2) Such board shall have power to summon and hear witnesses, to call for the production of books and documents, to punish for contempt of the board as if it were a magistrate's court, and to award costs, including the reasonable remuneration of and expenditure by the board.

(3) The decision of the majority of the board shall be the judgment of the board, and shall be binding upon the parties.

(4) For the purpose of carrying out any of the powers of the board, the law regulating the procedure of magistrates' courts shall *mutatis mutandis* apply.

(5) If the amount of compensation awarded is over two hundred pounds, the costs awarded by the board shall be taxed upon the superior court scale by the registrar of the Griqualand West Local Division of the Supreme Court. If the said amount is not over two hundred pounds, the costs shall be taxed by the clerk of the magistrates' court of the district in which the board gave its award upon the magistrates' court scale.

Short title.

8. This Act shall be called the Railway Acquisition and Construction Act, 1936.

Schedule.

Item No.	Line of Railway.	Approximate length.	Estimated cost.
1	Private line of railway from Postmasburg to Beeshoek.	4½ miles	£10,962
	Improvement of the said line ..		748
2	Beeshoek—Lohathla, with connection from Driehoekspan to Kapstewel.	22½ miles	105,649

(ii) publikasie van 'n kennisgewing in die *Staatskoerant* geag word genoegsame kennisgewing te wees aan 'n eienaar of okkupant van grond, wat afwesig is uit die Unie of wie se woonplek onbekend is ;

(iii) die beslegting van geskille omtrent skadevergoeding weens die uitoefening van die voormelde regte en bevoegdhede, die uitoefening van dié regte en bevoegdhede nie verdraag nie, en sodanige geskille, behalwe soos bepaal by artikel *sewe* so spoedig doenlik besleg moet word volgens die „Land and Arbitration Clauses Act”, 1882, van die Kaap die Goeie Hoop.

6. (1) Op alle plekke waar die onder Item 2 van die Bylae van hierdie Wet vermelde spoorlyn 'n straat, pad of spoorweg kruis, kan die Goewerneur-generaal daardie spoorlyn oor die straat, pad of spoorweg of met 'n gelykvloerse oorgang of oor 'n geskikte brug laat lê, of die bedoelde straat, pad of spoorweg oor of onder daardie spoorlyn deur middel van 'n geskikte brug of duikweg laat loop.

(2) Op alle plekke waar bedoelde spoorlyn dieselfde rigting volg as 'n straat of pad, kan die Goewerneur-generaal met toestemming van die betrokke wegbestuur die spoorlyn langs die straat of pad laat lê oor so 'n afstand en op sulke voorwaardes en met sulke veiligheidsmaatreëls as die Goewerneur-generaal en die wegbestuur onderling mag reël.

7. (1) Wanneer dit nodig is om te beslis oor 'n eis tot skadevergoeding in verband met die aanleg of uitrusting van die spoorweg in artikel *twee* vermeld, waarvan die bedrag sewehonderd-en-vyftig pond nie te bowe gaan nie, kan die Goewerneur-generaal die saak ter beslegting verwys na 'n raad bestaande uit die magistraat van die distrik waarin die eis ontstaan het, en twee ander persone van wie een deur die eiser en die ander deur die Minister van Spoorweë en Hawens benoem word.

(2) Bedoelde raad is bevoeg om getuie te dagvaar en te verhoor, om die voorlegging van boeke en dokumente te gelas, om minagting van die raad te straf asof dit 'n magistraatshof was, en om koste toe te wys, met inbegrip van die redelike besoldiging en uitgawes van die raad.

(3) Die beslissing van die raad geskied by meerderheid van stemme en bind die partye.

(4) Vir die uitvoering van 'n bevoegdheid van die raad, is die wet wat die prosedure van magistraatshofe reël, *mutatis mutandis* van toepassing.

(5) Indien die toegewese bedrag van skadevergoeding meer as tweehonderd pond bedra, word die deur die raad toegewese koste deur die griffier van die plaaslike afdeling van die Hooggeregshof van Grikwaland-Wes getakseer volgens die tarief vir hoër hofe. Indien die bedoelde bedrag nie meer bedra as tweehonderd pond nie, word die koste deur die klerk van die magistraatshof van die distrik waarin die raad sy uitspraak gegee het getakseer volgens die magistraatshof-tarief.

8. Hierdie Wet heet die Spoorweg-oorname en -aanleg Wet, Kort titel. 1936.

Bylae.

Item No.	Spoorlyn.	Lengte by benadering.	Beraamde koste.
1	Private spoorlyn van Postmasburg na Beeshoek.	4½ myl	£10,962
	Verbetering van genoemde lyn ..		748
2	Beeshoek—Lohathla met aansluiting van Driehoekspan na Kapstewel.	22½ myl	105,649

No. 11, 1936.]

ACT

To provide for the payment of pensions to blind persons, and of grants-in-aid for the promotion of the welfare of such persons and for matters incidental thereto.

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:—

Commissioner of Pensions charged with administration of pension provisions of this Act.

1. The Commissioner of Pensions appointed under section *two* of the Old Age Pensions Act, 1928, hereinafter referred to as "the commissioner" shall, subject to the control of the Minister, be charged with the administration of the provisions of this Act relating to the pensions of blind persons.

Registration of blind persons.

2. (1) The commissioner shall keep a register of white and coloured blind persons.

(2) On the application of any white or coloured person for registration as a blind person, the commissioner shall cause such person to be examined by a medical practitioner selected from the list referred to in section *three*.

(3) If after such examination the medical practitioner is satisfied that such person is blind according to the criteria prescribed by regulation, he shall forward to the commissioner a certificate to that effect and upon receipt thereof the commissioner shall record the name of the applicant in the register of blind persons.

(4) The commissioner may at any time require any person registered under this section to submit himself to a further examination by such a medical practitioner, and if, after such examination the medical practitioner is satisfied that such person is not blind according to the criteria prescribed by regulation, he shall forward to the commissioner a certificate to that effect and upon receipt thereof the commissioner shall remove the name of such person from the register of blind persons.

List of medical practitioners.

3. (1) The Minister shall, after consultation with the South African Medical Council established under the Medical, Dental and Pharmacy Act, 1928, frame a list of medical practitioners registered under the said Act to carry out any examination referred to in section *two*.

(2) The Minister may from time to time add to or delete from the said list the name of any medical practitioner.

Persons entitled to pensions.

4. Subject to the provisions of this Act, every person registered under section *two* shall be entitled to receive a pension if he satisfies the commissioner that—

- (a) he has attained the age of nineteen years;
- (b) he is domiciled in the Union;
- (c) he is resident in the Union at the time of making application for the pension;
- (d) he is a Union national or has been ordinarily resident in the Union for ten out of the fifteen years immediately preceding the date of the application:

Provided that—

- (i) no such person who attends or is eligible for admission to a school for the blind established or recognized under the Vocational Education and Special Schools Act, 1928, shall be entitled to a pension before he has completed the prescribed course of instruction in such a school unless the principal of such a school certifies that such person is, by reason of his physical or mental condition, unable to complete the said course;
- (ii) no woman who, but for her marriage with an alien would have been qualified to receive a pension, shall in consequence only of such marriage be or become disqualified to receive a pension;
- (iii) for the purpose of this section residence in the Union shall not be deemed to have been interrupted by any period spent outside the Union during which the person concerned has maintained his domicile in the Union, or been in a territory administered by the Union;
- (iv) no pension shall be payable to a person in respect of any period during which he is being compulsorily detained and maintained at the public expense in a

No. 11, 1936.]

WET

Om voorsiening te maak vir die betaling van pensioene aan blindes en van subsidies ter bevordering van die welsyn van sulke persone, en daarmee in verband staande sake.

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

1. Die pensioenkommissaris kragtens artikel twee van die Ouderdomspensioenwet, 1928, aangestel, hieronder die kommissaris genoem, is, onder toesig van die Minister, belas met die uitvoering van die bepalinge van hierdie Wet wat betrekking het op die pensioene van blindes.

Pensioenkommissaris belas met uitvoering van pensioenbepalinge van hierdie Wet.

2. (1) Die kommissaris hou 'n register van blanke en kleurlingblindes.

Registrasie van blindes.

(2) Op aansoek van 'n blanke of kleurling vir registrasie as 'n blinde, laat die kommissaris daardie persoon deur 'n geneesheer, gekies uit die in artikel drie bedoelde lys, ondersoek.

(3) Indien die geneesheer na so 'n ondersoek oortuig is dat daardie persoon volgens die by regulasie voorgeskrewe maatstawwe blind is, stuur hy aan die kommissaris 'n sertifikaat in dié sin, en by ontvangs daarvan teken die kommissaris die naam van die applikant op in die register van blindes.

(4) Die kommissaris kan te eniger tyd iemand wat ingevolge hierdie artikel geregistreer is aansê om hom te onderwerp aan 'n verdere ondersoek deur so 'n geneesheer, en indien die geneesheer na so 'n ondersoek oortuig is dat daardie persoon volgens die by regulasie voorgeskrewe maatstawwe nie blind is nie, stuur hy aan die kommissaris 'n sertifikaat in dié sin en by ontvangs daarvan skrap die kommissaris die naam van daardie persoon uit die register van blindes.

3. (1) Die Minister stel, na raadpleging met die Suid-Afrikaanse Geneeskundige Raad deur die Wet op Geneeshere, Tandartse en Aptekers, 1928, ingestel, 'n lys op van geneeshere ingevolge die vermeldde Wet geregistreer om die in artikel twee bedoelde ondersoeke uit te voer.

Lys van geneeshere.

(2) Die Minister kan van tyd tot tyd die naam van enige geneesheer aan die vermeldde lys toevoeg of daaruit skrap.

4. Elke persoon ingevolge artikel twee geregistreer is, met inagneming van die bepalinge van hierdie Wet, geregtig om 'n pensioen te ontvang as hy die kommissaris oortuig dat—

Persone wat op pensioene geregtig is.

(a) hy die ouderdom van negentien jaar bereik het;

(b) hy in die Unie gedomisileer is;

(c) hy op die tydstip waarop hy aansoek doen vir die pensioen in die Unie woon;

(d) hy 'n Unie-staatsburger is of gedurende tien uit die vyftien jaar wat die dag van aansoek onmiddellik voorafgaan gewoonlik in die Unie gewoon het;

Met dien verstande dat—

(i) geen sodanige persoon wat 'n skool vir blindes, ingevolge die Wet op Beroepsonderwys en Spesiale Skole, 1928, opgerig of erken, bywoon of bevoeg is om toegelaat te word tot so 'n skool, op 'n pensioen geregtig is nie alvorens hy die voorgeskrewe leer-kursus in daardie skool voltooi het tensy die prinsipaal van so 'n skool sertifiseer dat bedoelde persoon vanweë sy liggaamlike of geestelike toestand nie in staat is om vermeldde kursus te voltooi nie;

(ii) geen vrou wat bevoeg sou gewees het om 'n pensioen te ontvang as sy nie met 'n vreemdeling getroud was nie, alleen maar ten gevolge van daardie huwelik onbevoeg is of word om 'n pensioen te ontvang nie;

(iii) woonagtigheid in die Unie, volgens die betekenis van hierdie artikel, nie geag word onderbreek te word het nie deur 'n tydperk buite die Unie deurgebring, gedurende welke die betrokke persoon sy domisilie in die Unie behou het of in 'n gebied was wat deur die Unie beheer word;

(iv) geen pensioen betaalbaar is nie aan iemand ten opsigte van enige tydperk waarin hy onder dwang op staatskoste aangehou en onderhou word in 'n

leper institution, mental hospital, prison or other state institution or during which the commissioner is satisfied that he has solicited alms ;

- (v) if a pensioner ceases to be domiciled or resident in the Union, the payment of pension to him may, with the consent of the Minister, be continued under such conditions as the Minister may determine.

Determination
of amount of
pension.

5. (1) The pension to be granted to any person under this Act shall be of such amount as, having regard to the circumstances of such person, the commissioner deems reasonable and sufficient, but shall not exceed in the case of—

(a) a white person, the rate of thirty-six pounds per annum ; or

(b) a coloured person, the rate of twenty-four pounds per annum,

nor shall it be at such a rate as will make such person's income or means together with the pension exceed—

(i) sixty-four pounds per annum in the case of a white person ; or

(ii) forty-eight pounds per annum in the case of a coloured person :

Provided that in assessing such person's income or means, the commissioner shall not take into account more than one-half of the earnings of such person.

(2) For the purposes of sub-section (1) "income or means" shall include any grant made in terms of section *nine* towards the augmentation of the amount earned by such person.

(3) In determining whether any person should be granted a pension or the amount of any pension, or whether a pension should or should not be discontinued or increased or reduced, the commissioner shall take into account—

(a) the ability of the spouse or of the children of an applicant or pensioner to support him or to contribute towards his support ; and

(b) the ability and opportunities of an applicant or pensioner to support himself or contribute towards his support by his own exertions.

(4) Any pension granted under this Act shall accrue as from the date on which the application is made or as from the date upon which the applicant becomes qualified in terms of section *four* to receive a pension, whichever is the later.

(5) No person shall, while in receipt of a pension under this Act, be entitled to receive an old age pension under the Old Age Pensions Act, 1928, as amended.

Application of
Act 22 of 1928.

6. The provisions of sub-sections (2) and (3) of section *two*, sections *three* to *five*, *eight* to *sixteen* and paragraph (b) of section *seventeen* of the Old Age Pensions Act, 1928, shall, *mutatis mutandis*, apply with reference to pensions under this Act.

Consultation
with the
South African
National Council
for the Blind.

7. The Minister or the commissioner, as the case may be, may, whenever he deems it expedient, consult the council in connection with any matter concerning any person who is totally or partially blind or concerning the registration of associations under section *ten*.

Powers and
duties of
council.

8. The council shall, in addition to such powers and duties as it may have under its constitution, have such powers and duties in connection with the promotion of the welfare of persons who are totally or partially blind as may be prescribed by regulation.

Grants-in-aid.

9. The Minister may, out of moneys voted by Parliament for the purpose and upon such conditions as he may determine, make to or through the council grants-in-aid towards—

(a) the provision and maintenance by an association registered under this Act or by the council or by an institution approved by the Minister of hostels, homes, workshops or other places for the reception or training of persons who are totally or partially blind, and the remuneration of persons employed by such an association or the council for the purpose of conducting any such hostel, home, workshop or other place ; and

(b) the augmentation, in accordance with regulation, of the earnings of persons registered under section *two* employed in any such hostel, home, workshop or other place, or working in any place approved by the council.

melaatsegestig, kranksinnigegestig, gevangenis of ander staatsinrigting of waarin die kommissaris oortuig is dat hy aalmoese gevra het;

- (v) as 'n pensioentrekker ophou om in die Unie gedomiseleer te wees of te woon, die uitbetaling van sy pensioen aan hom, met toestemming van die Minister, op die voorwaardes wat die Minister mag vasstel, voortgesit kan word.

5. (1) Die pensioen wat ingevolge hierdie Wet aan iemand toegeken word, beloop so 'n bedrag as wat die kommissaris, na die omstandighede van so iemand in aanmerking te geneem het, redelik en voldoende ag, maar beloop nie meer nie as die skaal van

Vasstelling van bedrag van pensioen.

- (a) ses-en-dertig pond per jaar in die geval van 'n blanke ; of

- (b) vier-en-twintig pond per jaar in die geval van 'n kleurling,

en mag ook nie van so 'n bedrag wees nie dat so iemand se inkomste of middele tesame met die pensioen meer bedra as—

- (i) vier-en-sestig pond per jaar in die geval van 'n blanke ; of

- (ii) agt-en-veertig pond per jaar in die geval van 'n kleurling :

Met dien verstande dat die kommissaris, by die skatting van so iemand se inkomste of middele, nie meer as die helfte van sy verdienste in aanmerking neem nie.

(2) „Inkomste of middele” sluit, vir die toepassing van sub-artikel (1), 'n subsidie in wat ooreenkomstig artikel nege betaal word vir die vermeerdering van die bedrag deur so iemand verdien.

(3) Wanneer die kommissaris beslis of aan iemand 'n pensioen behoort toegeken te word, of die bedrag van 'n pensioen vasstel, of beslis of 'n pensioen al dan nie gestaak of vermeerder of verminder behoort te word, moet hy in aanmerking neem—

- (a) die vermoë van die eggenoot of van die kinders van 'n applikant of pensioentrekker om hom te onderhou of om tot sy onderhoud by te dra ; en

- (b) die vermoë en geleenthede van 'n applikant of pensioentrekker om homself te onderhou of tot sy onderhoud by te dra deur sy eie inspanning.

(4) 'n Pensioen ingevolge hierdie Wet toegeken is verskuldig vanaf die dag waarop die aansoek gedoen word, of vanaf die dag waarop die applikant volgens artikel vier bevoeg word om 'n pensioen te ontvang, na gelang die een of die ander later is.

(5) Niemand is, terwyl hy 'n pensioen ingevolge hierdie Wet ontvang, geregtig om 'n ouderdomspensioen ingevolge die Ouderdomspensioenwet, 1928, soos gewysig, te ontvang nie.

6. Die bepalinge van sub-artikels (2) en (3) van artikel twee, artikels drie tot vyf, agt tot sestien en paragraaf (b) van artikel sewentien van die Ouderdomspensioenwet, 1928, is *mutatis mutandis* van toepassing met betrekking tot pensioene ingevolge hierdie Wet.

Toepassing van Wet 22 van 1928.

7. Die Minister of die kommissaris, na gelang van die geval, kan, as hy dit raadsaam ag, die raad raadpleeg in verband met enige saak betreffende enige persoon wat geheelal of gedeeltelik blind is of betreffende die registrasie van verenigings kragtens artikel tien.

Raadpleging van die Suid-Afrikaanse Nasionale Raad vir Blindesorg.

8. Die raad het, benewens sodanige bevoegdhede en pligte as wat hy kragtens sy konstitusie mog hê, sulke bevoegdhede en pligte in verband met die bevordering van die welsyn van persone wat geheelal of gedeeltelik blind is, as wat by regulasie voorgeskryf mag word.

Bevoegdhede en pligte van die raad.

9. Die Minister kan, uit gelde deur die Parlement vir dié doel gestem, aan of deur die raad subsidies betaal vir—

Subsidies.

- (a) die voorsiening en onderhoud deur 'n kragtens hierdie Wet geregistreerde vereniging of deur die raad of 'n inrigting deur die Minister goedgekeur, van koshuise, tehuise, werkplase en ander plekke vir die opname en opleiding van persone wat geheelal of gedeeltelik blind is, en die besoldiging van persone wat deur so 'n vereniging of deur die raad in diens geneem is ten einde so 'n koshuis, tehuis, werkplaas of ander plek te bestuur ; en

- (b) die vermeerdering, volgens regulasie, van die dienste van persone kragtens artikel twee geregistreer wat in so 'n koshuis, tehuis, werkplaas of ander plek in diens geneem is, of wat werkzaam is in 'n plek deur die raad goedgekeur.

Registration of associations for promoting welfare of blind persons.

10. (1) There shall be kept by an officer in the public service designated by the Minister, and subject to the instructions of the Minister, a register in which shall be registered every association which has as its object or as one of its professed objects the promotion of the welfare of persons who are totally or partially blind.

(2) The said officer shall register such of the said associations as the Minister may, upon application, approve.

(3) An applicant seeking the Minister's approval shall—

(a) set forth in his application the name and address of the association, and the names, designations and addresses of its officers and of the members of the executive committee or other body in control of its affairs;

(b) submit, together with his application, a copy of the constitution or rules of the association; and

(c) furnish such further information to the Minister as he may require.

(4) The constitution or rules of an association registered under this section shall not be altered without the consent of the Minister.

(5) The Minister may, whenever he deems fit, instruct the officer designated under sub-section (1), to cancel the registration of any association registered under this section. The said officer shall thereupon cancel such registration and thereafter such association shall be deemed not to be registered under this section.

Exemptions from certain Acts.

11. The provisions of the Apprenticeship Act, 1922, the Industrial Conciliation Act, 1924, and the Wage Act, 1925, shall not apply to any person registered under section *two* while at work or employed in any hostel, home, workshop or other place maintained or controlled by the council or any association registered under section *ten*, or towards the maintenance of whom periodical payments are made by the council or any such association.

Regulations.

12. The Governor-General may make regulations as to—

(a) the form in which an application for a pension shall be made and the evidence and information to be submitted with any such application;

(b) the manner in which and time within which an appeal under section *eleven* of the Old Age Pensions Act, 1928, as applied with reference to pensions under this Act by section *six*, may be noted against any decision of the commissioner;

(c) the medical treatment of applicants for pensions, and of persons receiving pensions and the payment of the expenses incurred in connection with such treatment;

(d) the registration, investigation and determination of pension claims;

(e) the method of payment of pensions;

(f) the circumstances in which pensions may be paid for the benefit of persons supported or under treatment in institutions;

(g) the payment of pensions to persons other than the pensioners themselves;

(h) all matters which by this Act are required or permitted to be prescribed by regulation;

and generally for the better carrying out of the objects and purposes of this Act.

Interpretation of terms.

13. In this Act, unless inconsistent with the context—

“coloured person” has the meaning assigned to it in section *twenty* of the Old Age Pensions Act, 1928;

“Minister” means, where that expression occurs in sections *three*, *seven*, *nine* and *ten* and in the definition in this section of the expression “the council”, the Minister of Labour and Social Welfare, and where it occurs in any other section, the Minister of Finance;

“the council” means the South African National Council for the Blind and includes any organisation approved by the Minister which may at any time be established in the place thereof;

“this Act” includes any regulation made thereunder.

Short title and commencement.

14. This Act shall be called the Blind Persons Act, 1936, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

10 (1) Daar word deur 'n amptenaar in die staatsdiens deur die Minister aangewys en onder instruksies van die Minister, 'n register gehou waarin geregistreer word elke vereniging waarvan die doel of een van die verklaarde doeleindes die bevordering is van die welsyn van persone wat geheel en al of gedeeltelik blind is.

Registrasie van verenigings vir die bevordering van die welsyn van blindes.

(2) Die bedoelde amptenaar registreer sodanige van die genoemde verenigings as wat die Minister op aansoek mag goedkeur.

(3) 'n Applikant wat die Minister se goedkeuring aanvra moet—

(a) in sy aansoek die naam en adres van die vereniging uiteensit, en die name, ampsaanduiding en adresse van die beamptes daarvan en van die lede van die uitvoerende komitee of ander liggaam wat die beheer voer oor sy sake;

(b) tesame met sy aansoek 'n afskrif voorlê van die konstitusie of reëls van die vereniging; en

(c) sulke verdere informasie aan die Minister verstrekk as wat hy mag eis.

(4) Die konstitusie of reëls van 'n vereniging kragtens hierdie artikel geregistreer word nie sonder die toestemming van die Minister verander nie.

(5) Die Minister kan, wanneer hy sulks goed ag, die amptenaar kragtens sub-artikel (1) aangewys gelas om die registrasie van 'n vereniging ingevolge hierdie artikel geregistreer, te skrap. Die vermelde amptenaar skrap daarop daardie registrasie en daarna word daardie vereniging geag nie ingevolge hierdie artikel geregistreer te wees nie.

11. Die bepalings van die „Vakleerlingen Wet, 1922” die „Nijverheid Verzoenings Wet, 1924”, en die Loonwet, 1925, is nie van toepassing nie op 'n ingevolge artikel twee geregistreerde persoon terwyl hy werksaam of in diens is in 'n koshuis, tehuis, werkplaas of ander plek wat deur die raad of 'n vereniging ingevolge artikel tien geregistreer, onderhou of beheer word, of tot wie se onderhoud periodieke betalings geskied deur die raad of so 'n vereniging.

Vrystelling van sekere wette.

12. Die Goewerneur-generaal kan regulasies uitvaardig wat betref—

Regulasies.

(a) die vorm waarin 'n pensioen aangevra moet word en die bewyse en gegewens wat met so 'n aanvraag voorgelê moet word;

(b) die manier waarop en die tyd binne welke 'n beroep ingevolge artikel elf van die Ouderdomspensioenwet, 1928, soos deur artikel ses toegepas met betrekking tot pensioene ingevolge hierdie Wet, teen 'n beslissing van die kommissaris aangeteken kan word;

(c) die geneeskundige behandeling van applikante vir pensioene en van persone wat pensioene ontvang en die betaling van die koste in verband met sodanige behandeling gemaak;

(d) die registrasie, ondersoek en beslissing van pensioen-aansprake;

(e) die manier van uitbetaling van pensioene;

(f) die omstandighede waaronder pensioene uitbetaal mag word ten bate van persone wat in inrigtings onderhou word of onder behandeling is;

(g) die betaling van pensioene aan ander persone as die pensioentrekkers self;

(h) alle aangeleenthede wat volgens hierdie Wet by regulasie moet of kan voorgeskryf word;

en oor die algemeen vir die betere uitvoering van die oogmerke en doeleindes van hierdie Wet.

13. In hierdie Wet, tensy uit die samehang anders blyk—

Woordbepaling.

het „kleurling” die betekenis daaraan toegeskryf in artikel twintig van die Ouderdomspensioenwet, 1928; beteken „Minister”, waar daardie uitdrukking voorkom in artikels drie, sewe, nege en tien en in die omskrywing in hierdie artikel van die uitdrukking „die raad”, die Minister van Arbeid en Volkswelsyn, en waar dit in 'n ander artikel voorkom, die Minister van Finansies;

beteken „die raad” die Suid-Afrikaanse Nasionale Raad vir Blindesorg, en tewens enige organisasie deur die Minister goedgekeur wat op een of ander tyd in die plek daarvan opgerig mog word;

omvat „hierdie Wet” 'n regulasie ingevolge daarvan uitgevaardig.

14. Hierdie Wet heet die Wet op Blindes, 1936, en tree in werking op 'n dag deur die Goewerneur-generaal by proklamasie in die Staatskoerant vas te stel.

Kort titel en inwerkingtreding.

PAGE NO. XX.

" " XXIV.

General Mining & Finance Corporation, Ltd.

Premier (Transvaal) Diamond Mining Company,
Limited.

Cape Coast Exploration, Limited.

The Consolidated Diamond Mines of South West
Africa, Limited.

Secretarial Department.
Mr. Lapping.
Mr. Jones.

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CONTENTS.

All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

No.	Proclamations.	PAGE
* 90.	Levy of Special Rate on Natives under Chief Moshesh Kgantlapane ...	59
* 91.	Levy of Special Rate on Natives in Macubeni Location, Glen Grey ...	60
* 92.	Proclamation of Portion of Welgedacht No. 2, Springs, as a Public Digging ...	60
* 93.	Regulations for the filling of Dipping Tanks in Native Areas, Natal ...	61
* 94.	Deproclamation of Portions of the farm H.V. 18, Barkly West, as Alluvial Diggings ...	61
* 95.	Magut Periodical Court: Redefinition of Local Limits ...	61
* 96.	Still Bay Strand, Riversdale: Appointment as Additional Place for the holding of the Magistrate's Court ...	62
* 97.	Fencing Act Amendment Act, 1922—Fraserburg	62

Government Notices.

DEPARTMENT OF THE PRIME MINISTER AND OF EXTERNAL AFFAIRS:

* 479.	Commercial Agreement and Supplementary Commercial Agreement between the Union and the United Kingdom ...	63
--------	--	----

DEPARTMENT OF JUSTICE:

* 503.	Special Justice of the Peace, Zandfontein: Appointment ...	64
* 504.	Justices of the Peace: Appointments, etc. ...	64

DEPARTMENT OF FINANCE:

* 480.	4½ % Local Registered Stock, 1953: Closing of Transfer Books ...	65
* 505.	Export of Gold Bullion and Gold Specie, 4.4.36	65
* 512.	Merchant Shipping (Certificates of Competency) Act, 1925: Appointment of Member of Board of Examiners ...	65
* 513.	4 % Colonial Stock, 1918-48: Closing of Transfer Books ...	65

DEPARTMENT OF MINES:

* 415.	Assayers' Examination—May ...	65
* 443.	Mine Managers' Examination ...	66
* 506.	Appointment of Medical Practitioners ...	66

DEPARTMENT OF NATIVE AFFAIRS:

* 481.	Municipality of Randfontein: Extension of Location ...	66
* 487.	Appointments ...	66
* 491.	Constitution of Board of Appeal in terms of the Native Administration Act, 1927 ...	67
* 492.	Amendment of Natal Mission Reserve Act, 1903	67
* 507.	Appointments ...	68

INHOUD.

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

No.	Proklamasies.	BLADSY
* 90.	Heffing van Spesiale Belasting van Naturelle onder Kaptein Moshesh Kgantlapane ...	59
* 91.	Heffing van Spesiale Belasting van Naturelle in Macubeni-lokasie, Glen Grey ...	60
* 92.	Proklamasie van Gedeelte van Welgedacht No. 2, Springs, as 'n Publieke Delwery ...	60
* 93.	Regulasies vir die volmaak van Dipbakke in Naturellegebiede, Natal ...	61
* 94.	Deproklamasie van Gedeeltes van die Plaas H.V.18, Barkly Wes, as Alluviale Delwerye ...	61
* 95.	Periodieke Hof, Magut: Herbepaling van Plaaslike Grense ...	61
* 96.	Stilbaaistrand, Riversdale: Aanwysing as 'n Addisionele Plek vir die hou van 'n Magistraatshof ...	62
* 97.	Omheiningswet Wysigingswet, 1922—Fraserburg	62

Goewermentskennisgewings.

DEPARTEMENT VAN DIE EERSTE MINISTER EN VAN BUITELANDSE SAKE:

* 479.	Handelsooreenkoms en Supplemêntêre Handelsooreenkoms tussen die Unie en die Verenigde Koninkryk ...	63
--------	---	----

DEPARTEMENT VAN JUSTISIE:

* 503.	Spesiale Vrederegter, Zandfontein: Aanstelling	64
* 504.	Vrederegters: Aanstellings, ens. ...	64

DEPARTEMENT VAN FINANSIES:

* 480.	4½ % Plaaslik Geregistreerde Effekte, 1953: Sluiting van Oordragsboeke ...	65
* 505.	Uitvoer van Staafgoud en Goudmunt, 4.4.36	65
* 512.	„Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925": Aanstelling as lid van die Raad van Eksaminatore ...	65
* 513.	4 % Koloniale Effekte, 1918-48: Sluiting van Oordragsboeke ...	65

DEPARTEMENT VAN MYNWESE:

* 415.	Eksamen vir Essaieurs—Mei ...	65
* 443.	Eksamen vir Mynbestuurders ...	66
* 506.	Aanstelling van Mediese Praktisyne ...	66

DEPARTEMENT VAN NATURELLESAKE:

* 481.	Munisipaliteit Randfontein: Uitbreiding van Lokasie ...	66
* 487.	Aanstellings ...	66
* 491.	Aanstelling van Raad van Appèl kragtens die Naturelle-administrasiewet, 1927 ...	67
* 492.	Wysiging van „Natal Mission Reserve Act, 1903" ...	67
* 507.	Aanstellings ...	68

Government Notices (continued).

No.	PAGE
DEPARTMENT OF RAILWAYS AND HARBOURS:	
* 493. Amendment of the Officers' and Employees' Staff Regulations ...	68
* 494. Amendment of the Officers' Staff Regulations ...	69
DEPARTMENT OF AGRICULTURE AND FORESTRY:	
173. Proposed Demarcation of Sub-reserves, Welgevonden Forest Reserve, Pilgrims Rest ...	70
357. Proposed Demarcation of Sub-reserve, Kwambonambi Forest Reserve, Lower Umfolosi ...	69
* 482. Appointment of Analysts ...	70
* 488. Demarcation of Sub-reserve, Uniondale Forest Reserve, Uniondale ...	70
* 495. Infected Area: Rabies—Britstown ...	71
* 496. Infected Area: East Coast Fever—Eshowe ...	71
* 497. Infected Areas: East Coast Fever—Hlabisa and Ubombo ...	71
* 498. Compulsory Dipping of Cattle: Hlabisa and Ubombo ...	71
* 508. Infected Area: East Coast Fever—Newcastle ...	71
* 509. Proposed Demarcation of Sub-reserve, Salique Forest Reserve, Pilgrims Rest ...	71
DEPARTMENT OF LABOUR AND SOCIAL WELFARE:	
* 483. Wage Act, 1925: Suspension of Determinations	72
* 499. Wage Board Investigation: Garment Making Trades ...	72
* 500. Wage Board Investigation: Textile Industry ...	73
* 501. Appointment of Officers in terms of the Apprenticeship Act, 1922 ...	73
* 502. Furniture Industry—Natal ...	73
* 514. Wage Act, 1925: Suspension of Determinations	81
DEPARTMENT OF LANDS:	
* 484. Holdings Available—Transvaal and Cape ...	81
* 486. Southern and Northern Vyfhoek Boards of Management: Dates for Annual Elections ...	84
* 510. Tenders for the Lease of Kromdraai No. 816, Potgietersrust ...	84
DEPARTMENT OF INTERIOR:	
* 485. Officers authorized to sign Permits ...	85
* 489. Naturalization—South West Africa ...	85
UNION DEPARTMENT OF EDUCATION:	
* 511. Establishment of Vocational Schools ...	85
General Notices.	
CO-OPERATIVE AGRICULTURAL SOCIETIES:	
* 223. Co-operative Agricultural Societies: Membership Lists ...	85
DEPARTMENT OF LANDS:	
197. Surveyor's Diagrams, B. 3/36, etc., Transvaal	86
212. Surveyor's Diagram, B. 25/36, Transvaal ...	87
208. Surveyor's Diagrams, 748/1936, etc., Cape ...	87
196. Surveyor's Diagram, No. 537/36, Natal ...	87
MISCELLANEOUS:	
* 215. Van Ryneveld's Pass Irrigation Board: Election	88
* 216. Notice to Mariners—Port Nolloth: Fog Signal	88
* 217. Liquor Licensing Board, Underberg: Interim Meeting ...	88
* 218. Assizing of Weights and Measures—Bloemfontein	88
* 219. Assizing of Weights and Measures—Port Elizabeth ...	89
* 220. Prospecting on Portion of Blinkpoort No. 353, Heidelberg ...	89
* 221. Notice of Expropriation to A. D. Ryder ...	90
* 222. Notice to Mariners—Light and Bell Buoy—Walvis Bay ...	90
* 224. Found and Picked-up Diamonds ...	90
* 225. Pienaars River Irrigation Board: Election ...	91
* 226. Water Court Application—J. A. Steyn ...	91
* 227. Registration of Companies, etc. ...	92
* 228. Scanlen Irrigation Board: Election ...	97
* 229. Water Court Application—Louis Trichardt Municipality ...	97
Tenders ...	98
Sale of Redundant, Obsolete and Unserviceable Stores ...	106
Vacancies for Staff Nurses ...	106
PUBLIC SERVICE COMMISSION:	
Vacancy for Senior Computer ...	106
Vacancy for Inspector of Lands ...	106
Vacancy for Assistant Dispenser ...	106
Vacancies for Quantity Surveying Assistant, Grade II ...	107
Cape of Good Hope Savings Bank Society—Statement ...	107

(Continued on inside back cover.)

Goewermentskennisgewings (vervolg).

No.	BLADSY
DEPARTEMENT VAN SPOORWEE EN HAWENS:	
* 493. Wysiging van Personeelregulasies vir Amptenare en Werksmanne ...	68
* 494. Wysiging van Personeelregulasies vir Amptenare	69
DEPARTEMENT VAN LANDBOU EN BOSBOU:	
173. Voorgestelde Demarkasie van Subreserwes, Welgevonden-bosreserwe, Pelgrimsrust ...	70
357. Voorgestelde Demarkasie van Subreserwe, Kwambonambi-bosreserwe, Laer Umfolosi ...	69
* 482. Aanstelling van Analiseurs ...	70
* 488. Demarkasie van Subreserwe, Uniondale-bosreserwe, Uniondale ...	70
* 495. Besmette Gebied: Hondsdolheid—Britstown ...	71
* 496. Besmette Gebied: Ooskuskoores—Eshowe ...	71
* 497. Besmette Gebied: Ooskuskoores—Hlabisa en Ubombo ...	71
* 498. Verpligte Dip van Beeste: Hlabisa en Ubombo	71
* 508. Besmette Gebied: Ooskuskoores—Newcastle ...	71
* 509. Voorgestelde Demarkasie van Subreserwe, Salique-bosreserwe, Pelgrimsrust ...	71
DEPARTEMENT VAN ARBEID EN VOLKSWELSYN:	
* 483. Loonwet, 1925: Skorsing van Vasstellings ...	72
* 499. Loonraadondersoek: Klerasievervaardigingsbedrywe ...	72
* 500. Loonraadondersoek: Tekstielywerheid ...	73
* 501. Aanstelling van Beampptes kragtens die „Vakleerlingen Wet”, 1922 ...	73
* 502. Meubelnywerheid—Natal ...	73
* 514. Loonwet, 1925: Skorsing van Vasstellings ...	81
DEPARTEMENT VAN LANDE:	
* 484. Hoewes Beskikbaar—Transvaal en Kaap ...	81
* 486. Vyfhoek-Suid en Vyfhoek-Noord-bestuursrade: Datums vir Jaarlikse Verkiesings ...	84
* 510. Tenders vir die Huur van Kromdraai No. 816, Potgietersrust ...	84
DEPARTEMENT VAN BINNELANDSE SAKE:	
* 485. Amptenare Gemagtig om Permitte te teken ...	85
* 489. Naturalisasie—Suidwes-Afrika ...	85
UNIE-DEPARTEMENT VAN ONDERWYS:	
* 511. Stigting van Beroepskole ...	85
Algemene Kennisgewings.	
KOÖPERATIEWE LANDBOUVERENIGINGS:	
* 223. Koöperatiewe Landbouverenigings: Lidmaatskaplyste ...	85
DEPARTEMENT VAN LANDE:	
197. Landmeterskaarte, B. 3/36, ens., Transvaal ...	86
212. Landmeterskaart, B. 25/36, Transvaal ...	87
208. Landmeterskaarte, 748/1936, ens., Kaap ...	87
196. Landmeterskaart, No. 537/36, Natal ...	87
DIVERSE:	
* 215. Van Ryneveldspas-besproeiingsraad: Verkiesing	88
* 216. Kennisgewing aan Seeliede—Port Nolloth: Missinjaar ...	88
* 217. Drankklensieraad, Underberg: Tussentydse Vergadering ...	88
* 218. Yk van Mate en Gewigte—Bloemfontein ...	88
* 219. Yk van Mate en Gewigte—Port Elizabeth ...	89
* 220. Prospekteeer op Gedeelte van Blinkpoort No. 353, Heidelberg ...	89
* 221. Kennisgewing van Onteining aan A. D. Ryder	90
* 222. Kennisgewing aan Seeliede—Lig- en Klokboei—Walvisbaai ...	90
* 224. Diamante gevind en opgetel ...	90
* 225. Pienaarsrivier-besproeiingsraad: Verkiesing ...	91
* 226. Waterhof, Aansoek—J. A. Steyn ...	91
* 227. Registrasie van Maatskappye, ens. ...	92
* 228. Scanlen-besproeiingsraad: Verkiesing ...	97
* 229. Waterhof, Aansoek—Dorpsraad Louis Trichardt	97
Tenders ...	98
Verkoping van Oortollige, Verouderde en Ondienstige Goedere ...	106
Vakatures vir Stafverpleegsters ...	106
STAATSDIENSKOMMISSIE:	
Vakature vir Senior Rekenaar ...	106
Vakature vir Inspekteur van Lande ...	106
Vakature vir Assistent-apteker ...	106
Vakatures vir Hoeveelheidsopnemers-assistente, Graad II ...	107
„Cape of Good Hope Savingsbank Society”—Staat ...	107

(Vir vervolg sien tweede laaste bladsy.)