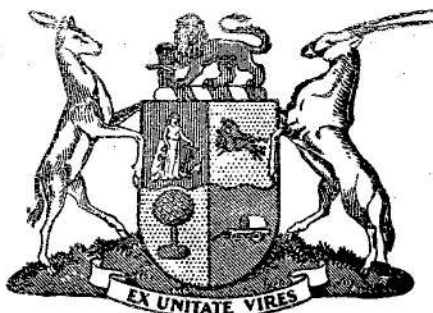


EXTRAORDINARY



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BUITENGEWONE

THE UNION OF SOUTH AFRICA
Government Gazette
Staatskoerant
VAN DIE UNIE VAN SUID-AFRIKA

VOL. CIV.] PRICE 6d.

CAPE TOWN, 23RD APRIL, 1936.
KAAPSTAD, 23 APRIL 1936.

PRYS 6d. [No. 2347.

PROCLAMATION.

BY LIEUTENANT-COLONEL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF CLARENDON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF ST. MICHAEL AND ST. GEORGE, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

No. 106.

WHEREAS it was intended that the provisions of paragraph (c) of the proviso to sub-section (1) of Section one of Proclamation No. 240, 1935, issued under Section one of the Treaty of Peace and South-West Africa Mandate Act, 1919 (Act No. 49 of 1919), should be applied only to goods bought and paid for in full by importers in the Union (as defined in Section one hundred and nineteen of the Customs Management Act, 1913 (Act No. 9 of 1913)) on or before the fourteenth day of November, 1935;

AND WHEREAS the said paragraph (c) has at all times actually been interpreted as above by the Commissioner of Customs and Excise in administrative acts done under the said Proclamation;

AND WHEREAS doubts have arisen as to the correctness of such interpretation;

AND WHEREAS it has become necessary to make certain other and further provisions;

NOW, THEREFORE, under and by virtue of the powers vested in me under Section one of the aforesaid Treaty of Peace and South-West Africa Mandate Act, I do hereby declare, proclaim and make known as follows:

1. The interpretation by the Commissioner of Customs and Excise of the said paragraph (c) as referring only to goods bought and paid for in full by importers in the Union (as described in the preamble hereof) on or before the fourteenth day of November, 1935, is hereby confirmed. The said paragraph shall be deemed to have had such meaning as from the date of the commencement of the said Proclamation. All acts done by the Commissioner of Customs and Excise in pursuance of such interpretation of the said paragraph (c) are hereby confirmed and ratified.

2. Notwithstanding the provisions of the said Proclamation as hereby interpreted, it shall be lawful for the Commissioner of Customs, in his discretion, to waive seizure and to permit the importation into the Union of Italian goods as (described in sub-section (1) of Section one of the said Proclamation) bought and paid for in full by any person other than a Union importer on or before the fourteenth day of November, 1935, provided that such goods shall have been shipped to the Union, for importation into the Union, on or before the thirty-first day of December, nineteen hundred and thirty-five.

GOD SAVE THE KING

Given under my Hand and the Great Seal of the Union of South Africa at Cape Town this twenty-second day of April, One thousand Nine hundred and Thirty-six.

CLARENDON,

Governor-General.

By Command of His Excellency the Governor-General-in-Council.

J. B. M. HERTZOG.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information.

No. 554.

20th April, 1936.

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

PAGE

No. 12 of 1936: Representation of Natives Act 1936

PROKLAMASIE.

VAN LUITENANT-KOLONEL SY EKSELLENSIE DIE HOOGHEDEL-AGBARE DIE GRAAF VAN CLARENDON, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOT-KRUISRIDDER VAN DIE MEES ONDERSKEIE ORDE VAN ST. MICHIËL EN ST. GEORGE, GOEWERNEUR-GENERAAL EN OPFERBEVELHEBBER IN EN OOR DIE UNIE VAN SUID-AFRIKA.

No. 106.

NADEMAAL dit die bedoeling was dat die bepalings van paragraaf (c) van die voorbehoud van sub-artikel (1) van Artikel een van Proklamasie No. 240 van 1935, uitgevaardig uit kragte van Artikel een van die Vredesverdrag en Suidwes-Afrika Mandaat-Wet 1919 (Wet No. 49 van 1919) alleen van toepassing sou wees op goed wat gekoop en ten volle betaal is deur invoerders in die Unie (soos omskrywe in Artikel honderd en neentien van die Wet op het Beheer van de Doeane 1913 (Wet No. 9 van 1913)) op of voor die veertiende dag van November 1935;

EN NADEMAAL voormelde paragraaf (c) te alle tyd werklik aldus uitgelê is deur die Kommissaris van Doeane en Aksyns in administratiewe handelings verrig uit kragte van voormelde proklamasie;

EN NADEMAAL twyfel ontstaan het oor die juistheid van hierdie interpretasie;

EN NADEMAAL dit nodig geword het om nog ander reëlings te tref;

SO IS DIT dat ek, uit kragte van die bevoegdheid aan my verleen by Artikel een van die voormelde Vredesverdrag en Suidwes-Afrika Mandaat-Wet hierby verklaar, proklameer en bekendmaak as volg:

(1) Die uitleg deur die Kommissaris van Doeane en Aksyns aan voormelde paragraaf (c) gegee in die sin dat dit alleen betrekking het op goed wat gekoop en ten volle betaal is deur invoerders in die Unie (soos in die aanhef hiervan omskrywe) op of voor die veertiende dag van November 1935, word hierby bekragtig. Voormelde paragraaf word geag sodanige betekenis te gehad het van die datum waarop die Proklamasie in werking getree het. Alle handelings deur die Kommissaris van Doeane en Aksyns verrig as gevolg van sodanige interpretasie van voormelde paragraaf (c) word hierby bevestig en bekragtig.

(2) Nieteenstaande iets vervat in voormelde Proklamasie soos hierby geïnterpreteer, staan dit die Kommissaris van Doeane en Aksyns, na sy oordeel, vry om ontslag van beslaglegging en toestemming tot invoer in die Unie te verleen aan Italiaanse goed (soos omskrywe in sub-artikel (1) van artikel een van voormelde Proklamasie) wat gekoop en ten volle betaal is deur iemand anders as 'n Unie-invoerder op of voor die veertiende dag van November 1935 mits sulke goed verskep is na die Unie vir invoer in die Unie op of voor die een-en-dertigste dag van Desember 1935.

GOD BEHOEDE DIE KONING

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die twee-en-twintigste dag van April Eenduisend, Negehonderd Ses-en-dertig.

CLARENDON,

Goewerneur-generaal.

Op las van Sy Eksellensie die Goewerneur-generaal-in-rade.

J. B. M. HERTZOG.

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewernementskennisgewing word vir algemene informasie gepubliseer.

No. 554.

20 April 1936.

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

BLADSY

No. 12 van 1936: Naturelle-Verteenwoordigings-Wet, 1936

No. 12, 1936.]

ACT

To make special provision for the representation of natives in Parliament and in the provincial council of the Province of the Cape of Good Hope and to that end to amend the law in force in that province relating to the registration of natives as voters for Parliament or a provincial council; to establish a Natives Representative Council for the Union; and to provide for other incidental matters.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, in accordance with the requirements of sections *thirty-five* and *one hundred and fifty-two* of the South Africa Act, 1909, as follows:

PRELIMINARY.

Definitions.

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

“chief” means any person appointed or recognized by the Governor-General as a chief under sub-section (7) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927);

“electoral area” means an electoral area established by or under section *two*;

“electoral circle” means an electoral circle established under section *six*;

“electoral committee” means a committee constituted under section *five*;

“electoral division” means an electoral division established under section *six*;

“headman” means any person appointed or recognized by the Governor-General as a headman under sub-section (7) of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927);

“local council” means a local council established under section *five* of the Native Affairs Act, 1920 (Act No. 23 of 1920), and includes the Glen Grey District Council established under section *thirty-eight* of the Glen Grey Act, 1894 (Act No. 25 of 1894), of the Cape of Good Hope;

“Minister” means the Minister of Native Affairs or any other Minister of State acting in his stead;

“native” means—

(a) any member of any aboriginal race or tribe of Africa, other than a race, tribe or ethnic group in the Union representing the remnants of a race or tribe of South Africa which has ceased to exist as a race or tribe; and

(b) any person whose father or mother is or was a native in terms of paragraph (a); and

(c) any person whose father or mother is or was a native in terms of paragraph (b); and

(d) any other person, not being a European, who—

(1) is desirous of being regarded as a native for the purposes of this Act; or

(2) is by general acceptance and repute a native; or

(3) follows in his ordinary or daily mode of life the habits of a native; or

(4) uses one or other native language as his customary and natural mode of expression; or

(5) associates generally with natives under native conditions;

but shall not include—

(i) any person falling under paragraph (b) or (c) and born of a marriage as defined in section *thirty-five* of the Native Administration Act, 1927 (Act No. 38 of 1927), as amended by section *nine* of the Native Administration Act, 1927, Amendment Act, 1929 (Act No. 9 of 1929), contracted prior to the commencement of this Act; or

No. 12, 1936.]

WET

Om besondere voorsiening te maak vir die verteenwoordiging van naturelle in die Parlement en in die Provinsiale Raad van die Provinsie Kaap die Goeie Hoop en om met daardie doel die wet van krag in daardie provinsie met betrekking tot die registrasie van naturelle as kiesers vir die Parlement of 'n provinsiale raad te wysig; om 'n Naturelle Verteenwoordigende Raad vir die Unie in te stel; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, ooreenkomstig die vereistes van artikels *vyf-en-dertig* en *honderd twee-en-vyftig* van die Suid-Afrika Wet, 1909, as volg:—

INLEIDINGSBEPALINGS.

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordbepaling. Wet—

„kaptein”, 'n persoon wat deur die Goewerneur-generaal kragtens sub-artikel (7) van artikel *twee* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), as kaptein aangestel of erken is;

„kiesgebied”, 'n kiesgebied ingestel deur of kragtens artikel *twee*;

„kieskring” 'n kieskring ingestel kragtens artikel *ses*;

„kieskomitee”, 'n komitee ingestel kragtens artikel *vyf*;

„kiesafdeling” 'n kiesafdeling ingestel kragtens artikel *ses*;

„hoofman”, 'n persoon wat deur die Goewerneur-generaal kragtens sub-artikel (7) van artikel *twee* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), as hoofman aangestel of erken is;

„plaaslike raad”, 'n plaaslike raad ingestel kragtens artikel *vyf* van die „Naturellezaken Wet, 1920” (Wet No. 23 van 1920), en ook die Glen Grey-distriksraad, ingestel kragtens artikel *agt-en-dertig* van die „Glen Grey Act, 1894” (Wet No. 25 van 1894), van die Kaap die Goeie Hoop;

„Minister”, die Minister van Naturellesake of enige ander Staatsminister wat namens hom optree;

„naturel”—

(a) 'n lid van 'n inboorlingras of -stam van Afrika, nie synde 'n ras, stam of etniese groep in die Unie wat die oorblyfsels van 'n ras of stam van Suid-Afrika verteenwoordig wat nie meer as sodanige ras of stam bestaan nie; en

(b) 'n persoon wie se vader of moeder 'n naturel ingevolge paragraaf (a) is of was; en

(c) 'n persoon wie se vader of moeder 'n naturel ingevolge paragraaf (b) is of was; en

(d) enige ander persoon wat nie 'n Europeaan is nie, en wat—

(1) begerig is om by toepassing van hierdie Wet as 'n naturel beskou te word; of

(2) wat gewoonlik deurgaan vir 'n naturel; of

(3) in sy gewone of daaglikse lewenswyse die gewoontes van 'n naturel volg; of

(4) een of ander naturelmetaal as sy gewoonlike en natuurlike uitdrukkingsmiddel gebruik; of

(5) oor die algemeen met naturelle onder naturel-toestande omgaan;

maar omvat nie—

(i) 'n persoon wat onder paragraaf (b) of (c) val, en wat gebore is uit 'n huwelik soos omskrewen in artikel *vyf-en-dertig* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), soos gewysig deur artikel *nege* van die Naturelle-administrasiewet, 1927, Wysigingswet, 1929 (Wet No. 9 van 1929), voor die inwerkingtreding van hierdie Wet aangegaan; of

- (ii) any person falling under paragraph (b) and born prior to the commencement of this Act who is by general acceptance and repute a non-native; or
- (iii) any person falling under paragraph (c) who is by general acceptance and repute a non-native, and whose parents are or were by general acceptance and repute non-natives, who desires to be regarded as a non-native for the purposes of this Act: Provided that if any person asserts in the case of a person falling under paragraph (ii) that the other parent (father or mother) of such person is or was also a native, the onus shall be on the person so asserting; and provided further that in the case of a person falling under paragraph (iii) the onus of proving that the parents of such person are or were by general acceptance and repute non-natives shall not be on such person, but if the contrary is alleged, the onus of proving such allegation shall be upon the person who makes it;
- "native advisory board" means a native advisory board established under section *ten* of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), or any amendment thereof;
- "native reserve board of management" means a board of management established under the Native Reserves Management Ordinance, 1907 (Ordinance No. 6 of 1907), of the Orange Free State;
- "non-native" means a person who is not a native;
- "ordinary session", in relation to the Council, means the meeting of the Council referred to in section *twenty-eight*;
- "regulation" means a regulation made under section *forty-three*;
- "taxpayer" means a native who is registered as liable for the payment of the general tax under the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), or exempted from the payment of that tax by virtue of sub-section (1)*bis* or (2) of section *four* of that Act, as amended by section *thirteen* of the Finance Act, 1935 (Act No. 49 of 1935);
- "the Council" means the Natives Representative Council established by section *twenty*;
- "the South Africa Act" means the South Africa Act, 1909, as amended from time to time;
- "Transkeian Territories" means the area of jurisdiction of the United Transkeian Territories General Council.

Electoral areas for election of senators under this Act and members of the Council.

2. (1) Subject to the provisions of sub-sections (2) and (3), there shall, for the purposes of the election of senators under this Act and of members of the Council, be the following four electoral areas in the Union:

- (a) the Province of Natal;
- (b) the Provinces of the Transvaal and the Orange Free State;
- (c) the Transkeian Territories;
- (d) the Province of the Cape of Good Hope, excluding the Transkeian Territories.

(2) Whenever the Governor-General is satisfied that civilisation and local government amongst natives have progressed to such a stage as to justify an increase in the representation of natives in the Senate he may by proclamation in the *Gazette* increase the number of electoral areas into which the Union is at that time divided for the purposes of the election of senators under this Act and of members of the Council, and he shall by that proclamation define the limits of each electoral area: Provided that—

- (a) no increase in the number of electoral areas shall be made until after the expiration of seven years from the commencement of this Act;
- (b) the total number of electoral areas shall not at any time exceed six;
- (c) the Governor-General shall not at any time define the electoral area of the Transkeian Territories so as to consist of any area other than the area of jurisdiction of the United Transkeian Territories General Council.

(3) If at any time the area of jurisdiction of the United Transkeian Territories General Council is altered, the Governor-

- (ii) 'n persoon wat onder paragraaf (b) val, en wat voor die inwerkingtreding van hierdie Wet gebore is, en wat gewoonlik deurgaans vir 'n nie-naturel; of
- (iii) 'n persoon wat onder paragraaf (c) val, en wat gewoonlik deurgaans vir 'n nie-naturel, en wie se ouers gewoonlik deurgaans of deurgegaan het vir nie-naturelle,

wat begerig is om by toepassing van hierdie Wet as 'n nie-naturel beskou te word: Met dien verstande dat in die geval van 'n persoon wat onder paragraaf (ii) val, wanneer enige persoon beweer dat die ander ouer (vader of moeder) van bedoelde persoon ook 'n naturel is of was, die bewyslas op die persoon wat dit beweer sal rus; en, met dien verstande verder dat in die geval van 'n persoon wat onder paragraaf (iii) val, die las om te bewys dat die ouers van bedoelde persoon gewoonlik deurgaans of deurgegaan het vir nie-naturelle nie op bedoelde persoon sal rus nie, maar wanneer die teendeel beweer word, die las om so 'n bewering te bewys op die persoon wat dit maak, sal rus;

„naturelle adviserende komitee”, 'n naturelle adviserende komitee ingestel kragtens artikel *tien* van die „Naturellen (Stadsgebieden) Wet, 1923” (Wet No. 21 van 1923), of 'n wysiging daarvan;

„naturelleserwe-bestuursraad”, 'n bestuursraad ingestel kragtens die „Native Reserve Management Ordinance, 1907” (Ordonnansie No. 6 van 1907), van die Oranje-Vrystaat;

„nie-naturel”, 'n persoon wat nie 'n naturel is nie;

„gewone sitting”, met betrekking tot die Raad, die vergadering van die Raad bedoel in artikel *agt-en-twintig*;

„regulasie”, 'n regulasie uitgevaardig kragtens artikel *drie-en-veertig*;

„belastingbetaler”, 'n naturel wat geregistreer is as onderhewig aan die betaling van die algemene belasting kragtens die „Naturelle Belasting en Ontwikkeling Wet, 1925” (Wet No. 41 van 1925), of vrygestel is van die betaling van daardie belasting uit kragte van sub-artikel (1)*bis* of (2) van artikel *vier* van daardie Wet, soos gewysig deur artikel *dertien* van die Finansiële Wet, 1935 (Wet No. 49 van 1935);

„die Raad”, die Naturelle Verteenwoordigende Raad ingestel deur artikel *twintig*;

„die Suid-Afrika Wet”, die Suid-Afrika Wet, 1909, soos van tyd tot tyd gewysig;

„Transkeigebied”, die magsgebied van die Verenigde Algemene Raad van die Transkeigebied.

2. (1) Behoudens die bepalings van sub-artikels (2) en (3), is daar, vir die verkiesing van senatore kragtens hierdie Wet en van lede van die Raad, die volgende vier kiesgebiede in die Unie:

- (a) die Provinsie Natal;
- (b) die Provinsies Transvaal en Oranje-Vrystaat;
- (c) die Transkeigebied;
- (d) die Provinsie Kaap die Goeie Hoop, uitgesonder die Transkeigebied.

Kiesgebiede vir die verkiesing van senatore kragtens hierdie Wet en van lede van die Raad.

(2) Wanneer die Goewerneur-generaal daarvan oortuig is dat beskawing en plaaslike bestuur onder naturelle vooruitgang gemaak het tot op so 'n stadium dat dit uitbreiding van die verteenwoordiging van naturelle in die Senaat regverdig, kan hy by proklamasie in die *Staatskoerant* die getal kiesgebiede waarin die Unie dan vir die verkiesing van senatore kragtens hierdie Wet en van lede van die Raad verdeel is, vermeerder, en moet hy by so 'n proklamasie die grense van elke kiesgebied bepaal: Met dien verstande dat—

- (a) die getal kiesgebiede nie vermeerder mag word nie tot na verloop van sewe jare vanaf die inwerking-treding van hierdie Wet;
- (b) die gehele aantal kiesgebiede te gener tyd meer as ses mag wees nie;
- (c) die Goewerneur-generaal te gener tyd die kiesgebied Transkeigebied so mag omskrywe nie dat dit uit 'n ander gebied bestaan as die magsgebied van die Verenigde Algemene Raad van die Transkeigebied.

(3) Indien te eniger tyd die magsgebied van die Verenigde Algemene Raad van die Transkeigebied verander word, moet

General shall by proclamation in the *Gazette* make such adjustments in the boundaries of other electoral areas as may have become necessary by reason of the alteration.

Electoral colleges.

3. The electoral college for any electoral area shall consist of the voting units of that electoral area.

Voting units.

4. (1) The voting units of the four original electoral areas shall, for the purposes of the election of senators under this Act or of members of the Council, be as follows:

(a) Of the electoral area of the Province of Natal—

(i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council;

(ii) the local councils;

(iii) the native advisory boards; and

(iv) the electoral committees;

(b) of the electoral area of the Provinces of the Transvaal and of the Orange Free State—

(i) the chiefs of such tribes in the Province of the Transvaal as do not fall under the jurisdiction of a local council;

(ii) the local councils;

(iii) the native reserve boards of management;

(iv) the native advisory boards; and

(v) the electoral committees;

(c) of the electoral area of the Transkeian Territories, the members of the United Transkeian Territories General Council other than magistrates;

(d) of the electoral area of the Province of the Cape of Good Hope excluding the Transkeian Territories—

(i) the chiefs of such tribes within the electoral area as do not fall under the jurisdiction of a local council;

(ii) headmen of locations which do not fall within the jurisdiction of a local council or under the jurisdiction of a chief;

(iii) the local councils;

(iv) the native advisory boards; and

(v) the electoral committees.

(2) If, as the result of any increase in the number of electoral areas or of any definition of the limits of any electoral area in terms of sub-section (2) of section two or of any adjustment in the boundaries of any electoral area in terms of sub-section (3) of that section, the area of jurisdiction of any voting unit of one electoral area is included in another electoral area, that voting unit shall thereupon cease to be a voting unit of the first-mentioned electoral area and, unless the last-mentioned electoral area is the Transkeian Territories, shall become a voting unit of the last-mentioned electoral area.

Constitution of electoral committees to represent natives not under jurisdiction of other voting units.

5. (1) The Minister shall from time to time by notice in the *Gazette* divide the areas in every magisterial district not situate within the Transkeian Territories which do not fall under the jurisdiction of a chief or a headman of a location or a local council or a native reserve board of management or within the area for which a native advisory board has been established, into not less than three and not more than five wards, in such manner that within each ward shall be domiciled approximately an equal number of taxpayers.

(2) The magistrate of every such district shall, not less than forty-two days before the polling day fixed under section thirty or thirty-one in respect of any election of a senator or a member of the Council to represent the electoral area within which the district is situated, and in manner prescribed by regulation, convene a meeting of the taxpayers domiciled in each such ward.

(3) At every such meeting the taxpayers domiciled in the ward shall be entitled to elect, in the manner prescribed by regulation, such a taxpayer to represent them on an electoral committee; and the persons so elected in any district shall constitute an electoral committee for that district.

Division of the Province of the Cape of Good Hope into electoral circles and electoral divisions for election of members of the House of Assembly and provincial council, respectively.

6. (1) The Governor-General shall by proclamation in the *Gazette*, subject to the provisions of sub-sections (3) and (4), divide the Province of the Cape of Good Hope—

(a) into three electoral circles, for the purpose of the election of members of the House of Assembly under this Act;

(b) into two electoral divisions, for the purpose of the election of members of the provincial council of the said province under this Act,

and fix the boundaries of every such electoral circle and electoral division in such manner that the number of persons registered in the Cape native voters' roll who reside within each electoral

die Goewerneur-generaal by proklamasie in die *Staatskoerant* so 'n hersikking van die grenslyne van ander kiesgebiede aanbring as wat as gevolg van die verandering nodig geword het.

3. Die kieskollege vir 'n kiesgebied bestaan uit die stem- Kieskolleges.
eenhede van daardie kiesgebied.

4. (1) Met betrekking tot die verkiesing van senatore krag- Stemeenhede.
tens hierdie Wet en van lede van die Raad, is die stemeenhede van die vier oorspronklike kiesgebiede as volg:

(a) Van die kiesgebied Provinsie Natal—

(i) die kapteins van dié stamme in die kiesgebied wat nie onder die gesag van 'n plaaslike raad val nie;

(ii) die plaaslike rade;

(iii) die naturelle adviserende komitees; en

(iv) die kieskomitees;

(b) van die kiesgebied Transvaal- en Oranje-Vrystaat-provinsies—

(i) die kapteins van dié stamme in die Provinsie Transvaal wat nie onder die gesag van 'n plaaslike raad val nie;

(ii) die plaaslike rade;

(iii) die naturelleserwe-bestuursrade;

(iv) die naturelle adviserende komitees; en

(v) die kieskomitees;

(c) van die kiesgebied Transkeigebied, die lede van die Verenigde Algemene Raad van die Transkeigebied behalwe magistrate;

(d) van die kiesgebied Provinsie Kaap die Goeie Hoop, uitgesonder die Transkeigebied—

(i) die kapteins van dié stamme in die kiesgebied wat nie onder die gesag van 'n plaaslike raad val nie;

(ii) hoofmanne van lokasies wat nie in die magsgebied van 'n plaaslike raad of onder die gesag van 'n kaptein val nie;

(iii) die plaaslike rade;

(iv) die naturelle adviserende komitees; en

(v) die kieskomitees.

(2) Indien, as gevolg van 'n vermeerdering van die aantal kiesgebiede of van 'n bepaling van die grense van 'n kiesgebied ingevolge sub-artikel (2) van artikel twee of van 'n hersikking van die grenslyne van 'n kiesgebied ingevolge sub-artikel (3) van daardie artikel, die magsgebied van 'n stemeenheid van een kiesgebied in 'n ander kiesgebied ingelyf word, is daardie stemeenheid nie meer 'n stemeenheid van die eersgenoemde kiesgebied nie, en, tensy die laasgenoemde kiesgebied die Transkeigebied is, word hy 'n stemeenheid van die laasgenoemde kiesgebied.

5. (1) Die Minister moet van tyd tot tyd by kennisgewing Oprigting van
in die *Staatskoerant* die streke in elke magistraatsdistrik (nie kieskomitees om
in die Transkeigebied geleë nie) wat nie onder die gesag van 'n naturelle te
kaptein of 'n hoofman van 'n lokasie of 'n plaaslike raad of 'n verteenwoordig
naturelleserwe-bestuursraad, of binne die gebied waarvoor 'n wat nie binne die
naturelle adviserende komitee ingestel is, val nie, in minstens gebiede van ander
drie en hoogstens vyf wyke verdeel, op so 'n wyse dat daar in stemeenhede val
elke wyk naasteby dieselfde aantal belastingbetalers gedomi- nie.
silieer is.

(2) Die magistraat van elke sodanige distrik moet ten minste twee-en-veertig dae voor die stembag kragtens artikel dertig of een-en-dertig bepaal in verband met die verkiesing van 'n senator of 'n lid van die Raad om die kiesgebied waarin die distrik geleë is, te verteenwoordig, en op 'n by regulasie voorgeskrewe wyse, 'n vergadering van die belastingbetalers gedomsilieer in elke sodanige wyk, belê.

(3) Op elke sodanige vergadering is die in die wyk gedomsilieerde belastingbetalers geregtig om, op 'n by regulasie voorgeskrewe wyse, 'n sodanige belastingbetaler te kies om hulle op 'n kieskomitee te verteenwoordig; en die persone aldus in 'n distrik verkies, maak vir daardie distrik 'n kieskomitee uit.

6. (1) Die Goewerneur-generaal verdeel by proklamasie in die *Staatskoerant*, met inagneming van die bepalings van sub-artikels (3) en (4), die Provinsie Kaap die Goeie Hoop—

(a) in drie kieskringe vir die verkiesing van volksraadslede kragtens hierdie Wet;

(b) in twee kiesafdelings vir die verkiesing van lede van die provinsiale raad van genoemde provinsie kragtens hierdie Wet,

en stel die grense van elke sodanige kieskring en kiesafdeling vas op so 'n wyse dat die aantal persone geregistreer in die Kaapse naturelle-kieserslys wat woon binne elke kieskring

Verdeling van die
Provinsie Kaap
die Goeie Hoop in
kieskringe en
kiesafdelings vir
verkiesing van lede
van Volksraad en
provinsiale raad,
onderskeidelik.

circle shall be approximately the same, and that the number of persons registered in the Cape native voters' roll who reside within each electoral division shall be approximately the same.

(2) The Governor-General may from time to time by proclamation in the *Gazette*, subject to the provisions of sub-sections (3) and (4), alter the boundaries of any electoral circle or electoral division.

(3) The boundaries of the electoral circles and electoral divisions shall be so fixed that no magisterial district shall be situated partly in one and partly in another electoral circle, or partly in one and partly in the other electoral division.

(4) Before any such division or any such definition or alteration of boundaries is made, the matter shall be referred to the native appeal court constituted under the provisions of section thirteen of the Native Administration Act, 1927 (Act No. 38 of 1927), which exercises jurisdiction over the Province of the Cape of Good Hope, for investigation and recommendation, and every such division or definition or alteration shall be made in accordance with the recommendation made by that court.

The Cape native voters' roll.

7. (1) As soon as possible after the commencement of this Act, the Minister shall cause a register (hereinafter referred to as the Cape native voters' roll) to be compiled, which, subject to the provisions of this section, shall include all the names of natives which at that commencement are included in lists then valid according to the provisions of the Electoral Act, 1918 (Act No. 12 of 1918), as amended, of persons qualified to vote in the Province of the Cape of Good Hope at elections of members of the House of Assembly.

(2) All natives who, but for the passing of this Act, would at any time after the commencement of this Act have been entitled, under the laws in force in the Province of the Cape of Good Hope at that commencement, to be registered in that Province as voters at the election of members of the House of Assembly, shall, upon application in manner prescribed by regulation, be entitled to be registered in the Cape native voters' roll.

(3) The names of natives who, under the laws in force in the Province of the Cape of Good Hope at the commencement of this Act, would not be entitled to be registered in that province as voters at the election of members of the House of Assembly, shall from time to time and in accordance with a procedure prescribed by regulation, be removed from the Cape native voters' roll.

(4) The names of all persons which are included in the Cape native voters' roll shall be removed from every other list of persons qualified to vote at elections of members of the House of Assembly or of a provincial council.

(5) The name of no native shall be included in any list (other than the Cape native voters' roll) of persons qualified to vote at elections of members of the House of Assembly or of a provincial council, framed after the commencement of this Act.

(6) The Minister shall cause the Cape native voters' roll to be divided into three parts, one for each electoral circle, each part containing the names of persons registered in the said roll who reside in the electoral circle to which that part relates.

(7) The Minister shall also cause the Cape native voters' roll to be divided into two parts, one for each electoral division, each part containing the names of persons registered in the said roll who reside in the electoral division to which that part relates.

(8) The Cape native voters' roll shall be compiled and kept in manner prescribed by regulation.

(9) Every person who is classified as a native on any voters' list, as defined by the Electoral Act, 1918 (Act No. 12 of 1918), in existence at the commencement of this Act, shall, until the contrary be proved, and subject to the provisions of section forty-one, be deemed to be a native for the purposes of this Act, and every person who is classified otherwise than as a native on any such list, shall, until the contrary be proved, be deemed to be a non-native for the purposes of this Act.

REPRESENTATION OF NATIVES IN THE SENATE.

Representation of natives in the Senate.

8. The electoral college of each electoral area shall be entitled to elect one senator.

Senators to be elected under this Act in addition to those provided for by South Africa Act.

9. The senators to be elected under this Act shall be elected in addition to the senators for the nomination and election of whom provision is made by the South Africa Act.

ongeveer dieselfde is en dat die aantal persone geregistreer in die Kaapse natuurlike-kieserslys wat woon binne elke kiesafdeling ongeveer dieselfde is.

(2) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant*, met inagneming van die bepalings van sub-artikels (3) en (4), die grense van 'n kieskring of kiesafdeling verander.

(3) Die grense van die kieskringe en kiesafdelings word op so 'n wyse vasgestel dat geen magistraatsdistrik gedeeltelik binne een en gedeeltelik binne 'n ander kieskring, of gedeeltelik binne een en gedeeltelik binne die ander kiesafdeling, geleë is nie.

(4) Voordat so 'n verdeling of so 'n bepaling of verandering van grense gemaak word, word die saak verwys na die natuurlike-appèlhof ingestel kragtens die bepalings van artikel *dertien* van die Natuurlike-administrasie Wet, 1927 (Wet No. 38 van 1927), wat regsmag uitoefen oor die Provinsie Kaap die Goeie Hoop, vir ondersoek en aanbeveling, en elke sodanige verdeling of bepaling of verandering moet gemaak word in ooreenstemming met die aanbeveling van bedoelde hof.

7. (1) So spoedig moontlik na die inwerkingtreding van hierdie Wet laat die Minister 'n register (hieronder die Kaapse natuurlike-kieserslys genoem) opstel waarin, behoudens die bepalings van hierdie artikel, al die name van natuurlike opgeneem word wat by daardie inwerkingtreding opgeneem is in lyste wat, volgens die bepalings van die Kieswet, 1918 (Wet No. 12 van 1918), soas gewysig, dan geldig is, van persone bevoeg om in die Provinsie Kaap die Goeie Hoop te stem by verkiesings van lede van die Volksraad.

Kaapse
natuurlike-
kieserslys.

(2) Alle natuurlike wat, afgesien van hierdie Wet, te eniger tyd na die inwerkingtreding van hierdie Wet, geregtig sou gewees het op registrasie in die Provinsie Kaap die Goeie Hoop as kiesers by die verkiesing van lede van die Volksraad, ingevolge die wette van krag by bedoelde inwerkingtreding in daardie provinsie, is na aansoek op die by regulasie voorgeskrewe wyse geregtig op registrasie in die Kaapse natuurlike-kieserslys.

(3) Die name van natuurlike wat, ingevolge die wette van krag by die inwerkingtreding van hierdie Wet in genoemde Provinsie, nie geregtig sou wees nie op registrasie in daardie provinsie as kiesers by die verkiesing van lede van die Volksraad, word van tyd tot tyd volgens 'n by regulasie voorgeskrewe prosedure uit die Kaapse natuurlike-kieserslys geskrap.

(4) Die name van alle persone wat in die Kaapse natuurlike-kieserslys opgeneem word, word uit elke ander lys van persone bevoeg om te stem by verkiesings van lede van die Volksraad of van 'n provinsiale raad, geskrap.

(5) Geen naam van 'n natuurlike word in 'n lys (behalwe die Kaapse natuurlike-kieserslys) van persone bevoeg om te stem by verkiesings van lede van die Volksraad of van 'n provinsiale raad wat na die inwerkingtreding van hierdie Wet opgestel word, opgeneem nie.

(6) Die Minister laat die Kaapse natuurlike-kieserslys in drie dele verdeel, een vir elke kieskring, elke deel waarvan die name behels van persone geregistreer in vermeldde lys wat in die kieskring waarop daardie deel betrekking het, woon.

(7) Die Minister laat die Kaapse natuurlike-kieserslys ook in twee dele verdeel, een vir elke kiesafdeling, elke deel waarvan die name behels van persone geregistreer in vermeldde lys wat in die kiesafdeling waarop daardie deel betrekking het, woon.

(8) Die Kaapse natuurlike-kieserslys word volgens 'n by regulasie voorgeskrewe wyse opgestel en gehou.

(9) Elke persoon wat op 'n kieserslys, soas bepaal deur die Kieswet, 1918 (Wet No. 12 van 1918), wat by die inwerkingtreding van hierdie Wet bestaan, as 'n natuurlike geklassifiseer is, word, totdat die teendeel bewys word, en behoudens die bepalings van artikel *een-en-veertig*, by die toepassing van hierdie Wet as 'n natuurlike beskou, en elke persoon wat op so 'n lys anders as 'n natuurlike geklassifiseer is, word, totdat die teendeel bewys word by die toepassing van hierdie Wet as 'n nie-natuurlike beskou.

VERTEENWOORDIGING VAN NATURELLE IN DIE SENAAT.

8. Die kieskollege van elke kiesgebied is geregtig om een senator te kies.

Verteenwoordiging
van natuurlike in
die Senaat.

9. Die senatore wat verkies moet word kragtens hierdie Wet, word verkies benewens die senatore vir die benoeming en verkiesing van wie voorsiening gemaak word deur die Suid-Afrika Wet.

Senatore moet
kragtens hierdie
Wet verkies word
benewens dié
waarvoor die
Suid-Afrika Wet
voorsiening maak.

Tenure of office of senators elected under this Act.

10. (1) The senators elected under this Act shall hold their seats for a period of five years, notwithstanding any dissolution of the Senate.

(2) If the seat of any such senator becomes vacant before the expiry of the period for which he was elected, the electoral college of the electoral area represented by that senator shall be entitled to elect a senator in his stead, who shall hold the seat until the completion of the period for which the person in whose stead he is elected would have held the seat.

Qualifications, disqualifications, rights and duties of senators elected under this Act.

11. (1) The qualifications for election as a senator under this Act shall be those prescribed for elected senators in section *twenty-six* of the South Africa Act. Moreover, no person shall be elected as a senator for any electoral area unless he has resided for two years within a province within which any portion of that electoral area is situate.

(2) The provisions of sections *fifty-one* to *fifty-six* inclusive, of the South Africa Act shall apply to every senator elected under this Act.

(3) Every senator elected under this Act shall have all the rights, powers, privileges and immunities which senators elected or nominated under the South Africa Act have, and shall be subject to all the duties and obligations to which such senators are subject.

REPRESENTATION OF NATIVES IN THE HOUSE OF ASSEMBLY.

Representation of natives in the House of Assembly.

12. The persons whose names appear in the part of the Cape native voters' roll for any electoral circle shall be entitled to elect one member of the House of Assembly.

Members of the House of Assembly to be elected under this Act in addition to those provided for by South Africa Act.

13. The members of the House of Assembly to be elected under this Act—

(a) shall be elected in addition to the members of the House of Assembly for the election of whom provision is made by the South Africa Act;

(b) shall not be taken into account for the purposes of sections *thirty-four* and *forty-one* of the South Africa Act;

(c) shall not have the right to vote at an election of senators under paragraph (ii) of section *twenty-five* of the South Africa Act.

Tenure of office of members of the House of Assembly elected under this Act.

14. (1) The members of the House of Assembly elected under this Act shall hold their seats for a period of five years, notwithstanding any dissolution of the House of Assembly.

(2) If the seat of any such member becomes vacant before the expiry of the period for which he was elected, the persons whose names appear in the part of the Cape native voters' roll for the electoral circle represented by that member shall be entitled to elect a member in his stead, who shall hold the seat until the completion of the period for which the person in whose stead he is elected would have held the seat.

Qualifications, disqualifications, rights and duties of members of the House of Assembly elected under this Act.

15. (1) The qualifications for election as a member of the House of Assembly under this Act shall be those prescribed in section *forty-four* of the South Africa Act. Moreover, no person shall be elected as a member of the House of Assembly under this Act unless he has resided for two years within the Province of the Cape of Good Hope.

(2) The provisions of sections *fifty-one* to *fifty-six*, inclusive, of the South Africa Act shall apply to every member of the House of Assembly elected under this Act.

(3) Every member of the House of Assembly elected under this Act shall, save as in section *thirteen* provided, have all the rights, powers, privileges and immunities which members of the House of Assembly elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such members are subject.

REPRESENTATION OF NATIVES IN THE PROVINCIAL COUNCIL OF THE PROVINCE OF THE CAPE OF GOOD HOPE.

Representation of natives in the provincial council of the Province of the Cape of Good Hope.

16. The persons whose names appear in the part of the Cape native voters' roll for an electoral division shall be entitled to elect one member of the provincial council of the Province of the Cape of Good Hope.

Provincial councillors to be elected under this Act in addition to those provided for by South Africa Act.

17. The members of the provincial council to be elected under this Act shall be elected in addition to the provincial councillors for the election of whom provision is made by the South Africa Act, but shall not have the right to vote at an election of senators under paragraph (ii) of section *twenty-five* of the South Africa Act.

10. (1) Die senatore verkies kragtens hierdie Wet bekleë hul setels vyf jaar lank, niesteenstaande enige ontbinding van die Senaat.

Dienstyd van senatore verkies kragtens hierdie Wet.

(2) Indien die setel van so 'n senator voor verstryking van die tydperk waarvoor hy verkies was, oopval, is die kieskollege vir die kiesgebied verteenwoordig deur bedoelde senator geregtig om in sy plek 'n senator te kies, wat die setel sal bekleë tot die voltooiing van die tydperk waarvoor die persoon in die plek van wie hy verkies is, die setel sou bekleë het.

11. (1) Die kwalifikasies vir verkiesing as 'n senator kragtens hierdie Wet is soas bepaal in artikel *ses-en-twintig* van die Suid-Afrika Wet ten opsigte van verkose senatore. Bowendien word niemand as 'n senator vir 'n kiesgebied verkies nie, tensy hy vir twee jaar binne 'n provinsie waarin een of ander deel van daardie kiesgebied geleë is, gewoon het.

Kwalifikasies, diskwalifikasies, regte en pligte van senatore verkies kragtens hierdie Wet.

(2) Die bepalinge van artikels *een-en-vyftig* tot en met *ses-en-vyftig* van die Suid-Afrika Wet, is van toepassing op elke senator kragtens hierdie Wet verkies.

(3) Elke senator, verkies kragtens hierdie Wet, besit al die regte, bevoegdhede, voorregte en immunitete wat senatore verkies of benoem kragtens die Suid-Afrika Wet besit, en is onderhewig aan al die pligte en verpligtings waaraan bedoelde senatore onderhewig is.

VERTEENWOORDIGING VAN NATURELLE IN DIE VOLKSRAAD.

Verteenwoordiging van naturelle in die Volksraad.

12. Die persone die name van wie voorkom in die deel van die Kaapse naturelle-kieserslys vir een of ander kieskring, is geregtig om een volksraadslede te kies.

13. Die volksraadslede wat verkies moet word kragtens hierdie Wet—

Volksraadslede moet kragtens hierdie Wet verkies word benewens dié waarvoor die Suid-Afrika Wet voorsiening maak.

(a) word verkies benewens die volksraadslede vir die verkiesing van wie voorsiening gemaak word deur die Suid-Afrika Wet;

(b) kom nie by toepassing van artikels *vier-en-dertig* en *een-en-veertig* van die Suid-Afrika Wet in aanmerking nie;

(c) het nie die reg om by 'n verkiesing van senatore kragtens paragraaf (ii) van artikel *vyf-en-twintig* van die Suid-Afrika Wet te stem nie.

14. (1) Die volksraadslede verkies kragtens hierdie Wet bekleë hul setels vyf jaar lank, niesteenstaande enige ontbinding van die Volksraad.

Dienstyd van volksraadslede verkies kragtens hierdie Wet.

(2) Indien die setel van so 'n volksraadslede voor verstryking van die tydperk waarvoor hy verkies was, oopval, is die persone die name van wie voorkom in die deel van die Kaapse naturelle-kieserslys vir die kieskring verteenwoordig deur bedoelde lid geregtig om in sy plek 'n volksraadslede te kies, wat die setel sal bekleë tot die voltooiing van die tydperk waarvoor die persoon in die plek van wie hy verkies is, die setel sou bekleë het.

15. (1) Die kwalifikasies vir verkiesing as 'n volksraadslede kragtens hierdie Wet is soas bepaal in artikel *vier-en-veertig* van die Suid-Afrika Wet. Bowendien word niemand as 'n volksraadslede kragtens hierdie Wet verkies nie, tensy hy vir twee jaar binne die Provinsie Kaap die Goeie Hoop gewoon het.

Kwalifikasies, diskwalifikasies, regte en pligte van volksraadslede verkies kragtens hierdie Wet.

(2) Die bepalinge van artikels *een-en-vyftig* tot en met *ses-en-vyftig* van die Suid-Afrika Wet, is van toepassing op elke volksraadslede kragtens hierdie Wet verkies.

(3) Elke volksraadslede verkies kragtens hierdie Wet, besit, behalwe vir sover anders in artikel *dertien* bepaal word, al die regte, bevoegdhede, voorregte en immunitete wat volksraadslede verkies kragtens die Suid-Afrika Wet besit, en is onderhewig aan al die pligte en verpligtings waaraan bedoelde volksraadslede onderhewig is.

VERTEENWOORDIGING VAN NATURELLE IN DIE PROVINSIALE RAAD VAN DIE PROVINSIE KAAP DIE GOEIE HOOP.

16. Die persone die name van wie voorkom in die deel van die Kaapse naturelle-kieserslys vir 'n kiesafdeling, is geregtig om een lid van die provinsiale raad van die Provinsie Kaap die Goeie Hoop, te kies.

Verteenwoordiging van naturelle in die provinsiale raad van die Provinsie Kaap die Goeie Hoop.

17. Die provinsiale raadslede wat verkies moet word kragtens hierdie Wet, word verkies benewens die provinsiale raadslede vir die verkiesing van wie voorsiening gemaak word deur die Suid-Afrika Wet, maar het nie die reg om by 'n verkiesing van senatore kragtens paragraaf (ii) van artikel *vyf-en-twintig* van die Suid-Afrika Wet te stem nie.

Lede van provinsiale raad moet kragtens hierdie Wet verkies word benewens dié waarvoor die Suid-Afrika Wet voorsiening maak.

Tenure of office of provincial councillors elected under this Act.

18. (1) The members of the provincial council of the Province of the Cape of Good Hope elected under this Act shall hold their seats for a period of five years, notwithstanding any dissolution of that provincial council.

(2) If the seat of any such provincial councillor becomes vacant before the expiry of the period for which he was elected, the persons whose names appear in the part of the Cape native voters' roll for the electoral division represented by that provincial councillor shall be entitled to elect a provincial councillor in his stead, who shall hold the seat until the completion of the period for which the person in whose stead he is elected would have held the seat.

Qualifications, disqualifications, rights and duties of provincial councillors elected under this Act.

19. (1) The qualifications for election as a member of the provincial council of the Province of the Cape of Good Hope under this Act shall be those prescribed in section *forty-four* of the South Africa Act for members of the House of Assembly. Moreover, no person shall be elected as a member of the said provincial council under this Act unless he has resided for two years within the said province.

(2) The provisions of section *seventy-two* of the South Africa Act, shall, *mutatis mutandis*, apply to every provincial councillor elected under this Act.

(3) Every provincial councillor elected under this Act shall, save as in section *seventeen* provided, have all the rights, powers, privileges and immunities which provincial councillors elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such provincial councillors are subject.

NATIVES REPRESENTATIVE COUNCIL.

Establishment of Natives Representative Council.

20. (1) There shall be a council for the Union, to be known as the Natives Representative Council.

(2) Subject to the provisions of sub-section (6), the council shall consist of twenty-two members, of whom six shall be official members, four shall be nominated members and twelve shall be elected members.

(3) The official members shall be the Secretary for Native Affairs, or, in his absence, a person designated by the Minister, and five chief native commissioners designated by the Minister.

(4) The nominated members shall be natives appointed by the Governor-General, one member being appointed for each electoral area.

(5) The elected members shall be natives elected as follows:

(a) three members shall be elected by the electoral college for the Transkeian Territories;

(b) two members shall be elected by the electoral college for every electoral area other than the Transkeian Territories: Provided that for the purposes of this paragraph native advisory boards shall be excluded as voting units from every electoral college;

(c) one member shall be elected for every electoral area other than the Transkeian Territories by the native advisory boards therein.

(6) If at any time the number of electoral areas is, by virtue of sub-section (2) of section *two*, increased to five or to six, the number of members of the Council shall, for every additional electoral area, be increased by one official member, one nominated member and three elected members. The additional official member shall be an officer of the Department of Native Affairs designated by the Minister, the additional nominated member shall be a native appointed by the Governor-General, and the additional elected members shall be natives elected in accordance with the provisions of paragraphs (b) and (c) of sub-section (5).

Tenure of office of nominated and elected members of the Council.

21. (1) The nominated and elected members of the Council shall hold their seats for a period of five years.

(2) If the seat of any nominated or elected member of the Council becomes vacant before the expiry of the period for which he was appointed or elected, another person shall, if the seat becoming vacant—

(a) is that of a nominated member, be appointed in his stead by the Governor-General;

(b) is that of a member elected under paragraph (a) of sub-section (5) of section *twenty*, be elected in his stead by the electoral college for the Transkeian Territories;

(c) is that of a member elected under paragraph (b) of the said sub-section, be elected in his stead, subject

18. (1) Die lede van die provinsiale raad van die Provinsie Kaap die Goeie Hoop verkies kragtens hierdie Wet, beklee hul setels vyf jaar lank, nietaenstaande enige ontbinding van daardie provinsiale raad.

Dienstyd van lede van provinsiale raad verkies kragtens hierdie Wet.

(2) Indien die setel van so 'n provinsiale raadslid voor verstryking van die tydperk waarvoor hy verkies was, oopval, is die persone die name van wie voorkom in die deel van die Kaapse naturelle-kieserslys vir die kiesafdeling verteenwoordig deur bedoelde provinsiale raadslid geregtig om in sy plek 'n provinsiale raadslid te kies, wat die setel sal beklee tot die voltooiing van die tydperk waarvoor die persoon in die plek van wie hy verkies is, die setel sou beklee het.

19. (1) Die kwalifikasies vir verkiesing as 'n lid van die provinsiale raad van die Provinsie Kaap die Goeie Hoop kragtens hierdie Wet is soas bepaal in artikel vier-en-veertig van die Suid-Afrika Wet ten opsigte van volksraadslede. Bowendien word niemand kragtens hierdie Wet as 'n lid van genoemde provinsiale raad verkies nie, tensy hy vir twee jaar binne genoemde provinsie gewoon het.

Kwalifikasies, diskwalifikasies, regte en pligte van lede van provinsiale raad verkies kragtens hierdie Wet.

(2) Die bepalings van artikel twee-en-sewentig van die Suid-Afrika Wet is, *mutatis mutandis*, van toepassing op elke provinsiale raadslid verkies kragtens hierdie Wet.

(3) Elke provinsiale raadslid, verkies kragtens hierdie Wet, besit, behalwe vir sover anders in artikel sewentien bepaal word, al die regte, bevoegdhede, voorregte en immunitete wat provinsiale raadslede verkies kragtens die Suid-Afrika Wet besit, en is onderhewig aan al die pligte en verpligtings waaraan bedoelde provinsiale raadslede onderhewig is.

NATURELLE VERTEENWOORDIGENDE RAAD.

20. (1) Daar sal 'n raad wees vir die Unie, genoem die Naturelle Verteenwoordigende Raad.

Instelling van Naturelle Verteenwoordigende Raad.

(2) Behoudens die bepalings van sub-artikel (6) bestaan die raad uit twee-en-twintig lede, van wie ses amptelike lede, vier genomineerde lede en twaalf verkose lede is.

(3) Die amptelike lede is die Sekretaris van Naturellesake, of by sy afwesigheid 'n persoon aangewys deur die Minister, en vyf hoof-naturellekommissarisse aangewys deur die Minister.

(4) Die genomineerde lede moet wees naturelle wat aangestel word deur die Goewerneur-generaal, en van wie een vir elke kiesgebied aangestel word.

(5) Die verkose lede moet naturelle wees wat as volg verkies word:

- (a) drie lede word deur die kieskollege vir die Transkei-gebied verkies;
- (b) twee lede word verkies deur die kieskollege vir elke ander kiesgebied as die Transkei-gebied: Met dien verstande dat by toepassing van hierdie paragraaf naturelle adviserende komitees uitgesluit word as stemeenhede van elke kieskollege;
- (c) een lid word vir elke ander kiesgebied as die Transkei-gebied deur die naturelle adviserende komitees daarin verkies.

(6) Indien te eniger tyd die getal kiesgebiede kragtens sub-artikel (2) van artikel twee tot vyf of tot ses vermeerder word, word die getal lede van die Raad, ten opsigte van elke addisionele kiesgebied, met een amptelike lid, een genomineerde lid en drie verkose lede vermeerder. Die addisionele amptelike lid moet wees 'n amptenaar van die Departement van Naturellesake, aangewys deur die Minister, die addisionele genomineerde lid moet wees 'n naturel, aangestel deur die Goewerneur-generaal, en die addisionele verkose lede moet naturelle wees, verkies in ooreenstemming met die bepalings van paragraawe (b) en (c) van sub-artikel (5).

21. (1) Die genomineerde en verkose lede van die Raad beklee hul setels vyf jaar lank.

Dienstyd van genomineerde en verkose lede van die Raad.

(2) Indien die setel van 'n genomineerde of verkose lid van die Raad voor verstryking van die tydperk waarvoor hy genomineer of verkies was, oopval, dan, indien die setel wat oopval—

- (a) dié van 'n genomineerde lid is, word iemand anders deur die Goewerneur-generaal in sy plek aangestel;
- (b) dié van 'n lid verkies kragtens paragraaf (a) van sub-artikel (5) van artikel twintig is, word iemand anders in sy plek deur die kieskollege vir die Transkei-gebied verkies;
- (c) dié van 'n lid verkies kragtens paragraaf (b) van vermeldde sub-artikel is, word, met inagneming

to the provisions of that paragraph, by the electoral college by which the person in whose stead he is elected was elected; and

- (d) is that of a member elected under paragraph (c) of the said sub-section, be elected in his stead by the native advisory boards by which the person in whose stead he is elected was elected,

and the person so appointed or elected shall hold the seat until the completion of the period for which the person in whose stead he is appointed or elected would have held the seat.

Qualifications of nominated and elected members of the Council.

22. The qualifications of a nominated or elected member of the Council shall be as follows. He must—

- (a) be a taxpayer or a person qualified to be registered on the Cape native voters' roll; and
- (b) have been born in any part of South Africa which at the time when he is appointed or elected forms part of the Union and have been domiciled in the Union for five years immediately preceding the date of his appointment or election and for two years immediately preceding the said date in the electoral area for which he is appointed or elected: Provided that the Governor-General may in his discretion, if for any reason he considers it expedient to do so, appoint as a nominated member, or authorize the election as an elected member of, a person who was not born in any part of South Africa which forms part of the Union; and
- (c) be a Union national.

Disqualifications for being nominated or elected member of the Council.

23. No person shall be capable of being appointed or elected or of holding office as a nominated or elected member of the Council—

- (a) who has been at any time convicted of any crime or offence for which he was sentenced to imprisonment without the option of a fine for a term of not less than six months, unless he has received a grant of amnesty or a free pardon, or unless such imprisonment has expired at least five years before the date of his appointment or election; or
- (b) if at any time within the preceding five years a notice has been issued against him under sub-section (12) of section one of the Riotous Assemblies and Criminal Law Amendment Act, 1914 (Act No. 27 of 1914), or any amendment thereof, or an order has been made against him under sub-section (2) of section seventeen of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), or any amendment thereof; or
- (c) who is an unrehabilitated insolvent; or
- (d) if an order has been issued under the law relating to mental disorders for his reception and detention in an institution, or if he has been declared by a competent court to be incapable of managing his own affairs.

Vacation of seats of nominated and elected members of the Council.

24. If a nominated or elected member of the Council—

- (a) becomes subject to any of the disabilities mentioned in section *twenty-three*; or
- (b) ceases to be qualified as required by section *twenty-two*; or
- (c) fails for a whole ordinary session to attend the Council without the special leave of the Council or unless within one month from the end of that session his failure to attend has been specially condoned by the Governor-General; or
- (d) dies or resigns; or
- (e) is notified by the Minister in writing that, in the opinion of the Governor-General, he has become incapable of effective service on the Council by reason of illness or infirmity; or
- (f) is notified by the Minister in writing that, in the opinion of the Governor-General, he has become unfit by reason of misconduct to be a member of the Council,

his office shall thereupon become vacant.

Remuneration of nominated and elected members of the Council.

25. The nominated and elected members of the Council shall receive an allowance of one hundred and twenty pounds per annum, together with such allowances in respect of expenses incurred in attending meetings of the Council as may be prescribed by regulation.

van die bepalings van daardie paragraaf, iemand anders in sy plek verkies deur die kieskollege waardeur die persoon in die plek van wie hy verkies word, verkies was; en

- (d) dié van 'n lid verkies kragtens paragraaf (c) van vermelde sub-artikel is, word iemand anders in sy plek verkies deur die natuurlike adviserende komitees waardeur die persoon in die plek van wie hy verkies word, verkies was,

en die aldus aangestelde of verkose persoon beklee die setel tot die voltooiing van die tydperk waarvoor die persoon in die plek van wie hy aangestel of verkies is, die setel sou beklee het.

22. Die kwalifikasies van 'n genomineerde of verkose lid van die Raad is as volg: Hy moet—

Kwalifikasies van genomineerde en verkose lede van die Raad.

- (a) 'n belastingbetaler wees of 'n persoon bevoeg om in die Kaapse natuurlike-kieserslys geregistreer te word; en
- (b) gebore wees in 'n deel van Suid-Afrika wat op die tyd wanneer hy aangestel of verkies word, deel van die Unie uitmaak, en in die Unie gedomisileer gewees het vir vyf jaar onmiddellik voor die datum van sy aanstelling of verkiesing, en vir twee jaar onmiddellik voor bedoelde datum in die kiesgebied waarvoor hy aangestel of verkies is: Met dien verstande dat die Goewerneur-generaal, na goeddunke, indien hy om enige rede dit raadsaam ag sulks te doen, 'n persoon wat nie in 'n deel van Suid-Afrika wat deel van die Unie uitmaak, gebore was nie, as 'n genomineerde lid kan aanstel, of sy verkiesing as 'n verkose lid kan magtig; en
- (c) 'n Unie-staatsburger wees.

23. Niemand is bevoeg om as 'n genomineerde of verkose lid van die Raad aangestel of verkies te word of as sodanig diens te doen nie—

Diskwalifikasies om genomineerde of verkose lid van Raad te wees.

- (a) wat te eniger tyd skuldig bevind is aan 'n misdad of oortreding waarvoor hy gevonnissen is met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens ses maande, tensy hom amnestie of begenadiging verleen is, of tensy bedoelde gevangenisstraf minstens vyf jaar voor die datum van sy aanstelling of verkiesing verstryk het; of
- (b) indien te eniger tyd binne die voorgaande vyf jaar 'n kennisgewing kragtens sub-artikel (12) van artikel een van die „Oproerige Bijeenkomsten en Krimineel Recht Wijzigingswet, 1914” (Wet No. 27 van 1914), of 'n wysiging daarvan, of 'n bevelskrif kragtens sub-artikel (2) van artikel *seventien* van die „Natuurlike (Stadsgebieden) Wet, 1923” (Wet No. 21 van 1923), of 'n wysiging daarvan, teen hom uitgevaardig is; of
- (c) wat 'n ongerehabiliteerde insolvent is; of
- (d) as ingevolge die wet op geestesgebreke 'n order uitgevaardig is om hom in 'n inrigting op te neem en aan te hou of as 'n bevoegde hof verklaar het dat hy onbekwaam is om sy eie sake te beheer.

24. Indien 'n genomineerde of verkose lid van die Raad—

Ontruiming van setels van genomineerde en verkose lede van die Raad.

- (a) aan een of ander van die onbevoegdhede, genoem in artikel *drie-en-twintig*, onderhewig word; of
- (b) ophou om te voldoen aan die kwalifikasies by artikel *twee-en-twintig* vereis; of
- (c) in gebreke bly om tydens 'n gehele gewone sitting die vergaderings van die Raad by te woon sonder spesiale vergunning van die Raad, of tensy binne een maand na die einde van bedoelde sitting sy nie-bywoning deur die Goewerneur-generaal spesiaal verskoon word; of
- (d) sterf of bedank; of
- (e) deur die Minister skriftelik in kennis gestel word dat na die mening van die Goewerneur-generaal hy vir doeltreffende diens op die Raad ongeskik geword het, weens siekte of gebreklikheid; of
- (f) deur die Minister skriftelik in kennis gestel word dat na die mening van die Goewerneur-generaal hy weens wangedrag ongeskik geword het om lid van die Raad te wees,

val sy setel daarop oop.

25. Die genomineerde en verkose lede van die Raad ontvang 'n toelae van honderd-en-twintig pond per jaar, tesame met sodanige toelae ten opsigte van koste gemaak deur vergaderings van die Raad by te woon, as wat by regulasie voorgeskrywe mag wees.

Besoldiging van genomineerde en verkose lede van die Raad.

Meetings of the Council.

26. (1) The Council shall meet at such times and places as may be fixed by the Minister.

(2) The proceedings of the Council shall take place in public, subject, however, to such limitations as may be prescribed by regulation.

(3) The Secretary for Native Affairs, or, in his absence, a person designated by the Minister, shall preside at the meetings of the Council and shall have a casting vote only, and the other official members shall not have the right to vote.

(4) Any Minister or administrator and any member of the Native Affairs Commission may attend the meetings of the Council and take part in its proceedings, but shall not have the right to vote.

General functions of the Council.

27. (1) The Council shall consider and report upon—

(a) proposed legislation in so far as it may affect the native population;

(b) any matter referred to it by the Minister;

(c) any matter specially affecting the interests of natives in general.

(2) The Council may recommend to Parliament or to any provincial council, as the case may be, legislation which it considers necessary in the interests of natives.

(3) If the Minister has transmitted to the Speaker of the House of Assembly or the President of the Senate or the chairman of a provincial council a certificate stating that he is of opinion that any bill or draft ordinance, as the case may be, contains provisions specially affecting the interests of natives, and that, in the case of a bill, he has consulted with the Native Affairs Commission or, in the case of a draft ordinance, with the administrator of the province concerned, then, unless that certificate has been withdrawn by the Minister by writing addressed to the Speaker or President or chairman, as the case may be, the bill or draft ordinance, as the case may be, shall not be introduced, or, if already introduced, shall not be proceeded with further than the stage which had been reached when the certificate was received by the Speaker or President or chairman, as the case may be, until it has been referred to the Council for consideration and report.

Consideration by Council of provision to be made on estimates of moneys to be applied for native purposes.

28. Before the commencement of each ordinary session of Parliament (or as soon as possible thereafter), the Minister shall appoint a meeting of the Council and shall place before it, for consideration and report by it, a statement showing—

(a) the provision which it is proposed to make on the estimates of expenditure for the ensuing financial year in respect of the moneys to be appropriated by Parliament—

(i) to the South African Native Trust Fund established under the Native Trust and Land Act, 1936, for the purchase and development of land;

(ii) to the said fund for native education; and

(iii) in the special interests of natives for any purpose other than those specified under sub-paragraphs (i) and (ii);

(b) estimates of the revenue to be derived from any other sources by the said fund; and

(c) the Minister's proposals as to the method in which the moneys referred to in paragraphs (a) and (b) shall be allocated.

Reports by the Council.

29. (1) Every report by the Council shall be submitted by it to the Minister.

(2) The Minister shall lay every such report upon the Tables of both Houses of Parliament within fourteen days after its receipt by him, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) If any such report deals with matters on which any provincial council has power to legislate or with which, in the opinion of the Minister, any provincial council is concerned, the Minister shall transmit a copy thereof to the administrator of the province within fourteen days after its receipt by him, and the administrator shall lay it upon the table of the provincial council within fourteen days after its receipt by him, if the provincial council is then in ordinary session, or, if the provincial council is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

26. (1) Die Raad kom byeen op tye en plekke wat deur die Minister vasgestel word. Vergaderings van die Raad.

(2) Die verrigtings van die Raad geskied in die openbaar, onderworpe egter aan sulke beperkings as wat by regulasie voorgeskrywe mag word.

(3) Die Sekretaris van Naturellesake, of by sy afwesigheid 'n persoon aangewys deur die Minister, moet op vergaderings van die Raad voorsit en het slegs 'n beslissende stem, en die ander amptelike lede het nie reg van stemming nie.

(4) Elke Minister of administrateur en elke lid van die Kommissie van Naturellesake kan die vergaderings van die Raad bywoon en deelneem aan die verrigtings daarvan, maar het nie reg van stemming nie.

27. (1) Die Raad moet—

- (a) voorgestelde wetgewing vir sover dit die natuurle-bevolking mog raak;
- (b) enige saak wat na hom deur die Minister verwys word;
- (c) enige saak wat spesiaal die belange van natuurle oor die algemeen raak,

Algemene werksaamhede van die Raad.

oorweeg, en verslag daaroor uitbring.

(2) Die Raad kan wetgewing, wat hy in die belang van natuurle nodig ag, by die Parlement of by 'n provinsiale raad, na gelang van sake, aanbeveel.

(3) Indien die Minister aan die Speaker van die Volksraad of die President van die Senaat of die voorsitter van 'n provinsiale raad 'n sertifikaat gestuur het waarin vermeld word dat hy van mening is dat een of ander wetsontwerp of ontwerp-ordonnansie, al na die geval, bepalinge bevat wat spesiaal betrekking het op die belange van natuurle, en dat, in die geval van 'n wetsontwerp, hy met die Kommissie van Naturellesake geraadpleeg het, of in die geval van 'n ontwerp-ordonnansie, met die administrateur van die betrokke provinsie, dan, tensy bedoelde sertifikaat deur die Minister by geskrif gerig aan die Speaker of President of voorsitter, al na die geval, ingetrek is, word die wetsontwerp of ontwerp-ordonnansie, al na die geval, nie ingedien nie, of as dit alreeds ingedien is, word daarmee nie verder voortgegaan nie as die stadium wat bereik was toe die sertifikaat deur die Speaker of President of voorsitter, al na die geval, ontvang is, alvorens dit na die Raad vir oorweging en verslag verwys is.

28. Voor die aanvang van elke gewone sessie van die Parlement (of so vroeg doenlik daarna) belê die Minister 'n vergadering van die Raad en lê aan hom voor, vir oorweging en verslag deur hom, 'n verklaring wat aanwys—

Oorweging deur Raad van voorsiening op begroting van gelde wat vir natuurle-doeleindes aangewend sal word.

- (a) die voorsiening wat volgens voorneme op die begroting van uitgawes van die eersvolgende finansiële jaar gemaak word betreffende die gelde deur die Parlement beskikbaar gestel te word—
 - (i) vir die Suid-Afrikaanse Naturellestrustfonds ingestel kragtens die Naturellestrust en Gronde Wet, 1936, vir die aankoop en ontginning van grond;
 - (ii) vir vermelde fonds vir natuurle-onderwys; en
 - (iii) in die spesiale belang van natuurle vir 'n ander doel as vermeld in sub-paragrafe (i) en (ii);
- (b) 'n beraming van die inkomste wat deur vermelde fonds vanuit enige ander bronne verkry sal word; en
- (c) die Minister se voorstelle insake die wyse waarop die gelde in paragrafe (a) en (b) genoem toegewys moet word.

29. (1) Elke verslag deur die Raad word deur hom aan die Minister voorgelê. Verslae deur die Raad.

(2) Die Minister moet elke sodanige verslag in beide Huise van die Parlement ter Tafel lê, binne veertien dae nadat dit deur hom ontvang is, as 'n gewone sessie van die Parlement dan aan die gang is, of as 'n gewone sessie van die Parlement nie dan aan die gang is nie, dan binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(3) As so 'n verslag handel oor sake waaromtrent 'n provinsiale raad bevoeg is om wette te maak, of waarby 'n provinsiale raad, volgens oordeel van die Minister, betrokke is, moet die Minister 'n afskrif daarvan aan die administrateur van die provinsie aanstuur binne veertien dae nadat dit deur hom ontvang is, en die administrateur moet dit in die provinsiale raad ter tafel lê binne veertien dae nadat dit deur hom ontvang is, as 'n gewone sessie van die provinsiale raad dan aan die gang is of, as 'n gewone sessie van die provinsiale raad nie dan aan die gang is nie, dan binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

ELECTIONS.

First elections
under this Act.

30. (1) Proclamations shall be issued not later than six months after the commencement of this Act—

- (a) fixing the day or days upon or before which nominations of candidates for election as senators or members of the House of Assembly or the provincial council of the Province of the Cape of Good Hope or the Council at the first election under this Act shall be lodged ;
- (b) fixing the day or days upon which, if a poll becomes necessary for the reason mentioned in section *thirty-six*, the poll shall be taken.

(2) A proclamation issued under sub-section (1) shall be issued by the Governor-General if the matter concerns the election of senators or members of the House of Assembly or the Council, and by the administrator of the Province of the Cape of Good Hope if the matter concerns the election of members of the provincial council of that province. Every such proclamation shall be published in the *Gazette* or the *Official Gazette* of that province, according as the proclamation is issued by the Governor-General or by that administrator.

(3) The day fixed under paragraph (a) of sub-section (1) is hereinafter referred to as "the nomination day," and shall be not less than sixty or more than ninety days after the publication of the said proclamation.

(4) The day fixed under paragraph (b) of sub-section (1) is hereinafter referred to as "the polling day," and shall be not less than sixty or more than ninety days after the nomination day, and shall not be a day appointed for a general election of members of the House of Assembly or of any provincial council.

Later elections
under this Act.

31. Whenever the period for which senators or members of the House of Assembly or the provincial council of the Province of the Cape of Good Hope or the Council have been elected under this Act has expired, or whenever the seat of any such senator or member has become vacant before the expiry of the period for which he was elected, a proclamation such as is referred to in sub-section (1) of section *thirty* shall be issued not later than thirty days after the expiry of the said period or the occurrence of the said vacancy, and the provisions of that section shall apply to any such proclamation.

Nomination of
candidates for
election under this
Act.

32. (1) Any district council referred to in Proclamation No. 191 of 1932 of the Governor-General, or any amendment thereof, may, in manner prescribed by regulation, nominate one candidate for election under this Act as a senator for the Transkeian Territories.

(2) Any voting unit of any electoral area other than the Transkeian Territories may, in manner prescribed by regulation, nominate one candidate for election under this Act as a senator for the electoral area to which that voting unit belongs.

(3) Any person whose name appears in the part of the Cape native voters' roll for any electoral circle may, in manner prescribed by regulation, nominate one candidate for election under this Act as a member of the House of Assembly for that electoral circle.

(4) Any person whose name appears in the part of the Cape native voters' roll for an electoral division may, in manner prescribed by regulation, nominate one candidate for election under this Act as a member of the provincial council of the Province of the Cape of Good Hope for that electoral division.

(5) Any district council referred to in sub-section (1) may, in manner prescribed by regulation, nominate not more than three candidates for election under paragraph (a) of sub-section (5) of section *twenty* as members of the Council.

(6) Any voting unit or any electoral area other than the Transkeian Territories, not being a native advisory board, may, in manner prescribed by regulation, nominate not more than two candidates for election under paragraph (b) of sub-section (5) of section *twenty* as members of the Council for the electoral area to which that voting unit belongs.

(7) Any native advisory board which is a voting unit of any electoral area may, in manner prescribed by regulation, nominate one candidate for election under paragraph (c) of sub-section (5) of section *twenty* as a member of the Council for the electoral area of which that native advisory board is a voting unit.

VERKIESINGS.

30. (1) Nie later as ses maande na die inwerkingtreding van hierdie Wet word proklamasies uitgevaardig waarby— Eerste verkiesings kragtens hierdie Wet.

(a) die dag of dae bepaal word waarop nominasies van kandidate vir verkiesing by die eerste verkiesing kragtens hierdie Wet as senatore of lede van die Volksraad of die provinsiale raad van die Provinsie Kaap die Goeie Hoop of die Raad ingedien moet word;

(b) die dag of dae bepaal word waarop, wanneer om die rede vermeld in artikel *ses-en-dertig* 'n stemming nodig word, die stemming gehou sal word.

(2) 'n Volgens sub-artikel (1) uitgevaardigde proklamasie word uitgevaardig deur die Goewerneur-generaal as die saak betrekking het op die verkiesing van senatore of volksraadslede of lede van die Raad, en deur die administrateur van die Provinsie Kaap die Goeie Hoop as die saak betrekking het op die verkiesing van lede van die provinsiale raad van daardie provinsie. Elke sodanige proklamasie moet in die *Staatskoerant* van die Unie of in die *Offisiële Staatskoerant* van daardie provinsie gepubliseer word, na gelang die proklamasie uitgevaardig word deur die Goewerneur-generaal of deur vermeldde administrateur.

(3) Die ingevolge paragraaf (a) van sub-artikel (1) bepaalde dag word hieronder genoem „nominasiedag”, en moet minstens sestig en hoogstens negentig dae na die publikasie van bedoelde proklamasie wees.

(4) Die ingevolge paragraaf (b) van sub-artikel (1) bepaalde dag word hieronder genoem „stemdag”, en moet minstens sestig en hoogstens negentig dae na die nominasiedag wees, en moet nie 'n dag wat bepaal is vir 'n algemene verkiesing van lede van die Volksraad of van 'n provinsiale raad, wees nie.

31. Wanneer die tydperk waarvoor senatore of lede van die Volksraad of die provinsiale raad van die Provinsie Kaap die Goeie Hoop of die Raad kragtens hierdie Wet verkies is, verstryk het, of wanneer die setel van so 'n senator of lid voor verstryking van die tydperk waarvoor hy verkies was, oopval, word 'n proklamasie soos in sub-artikel (1) van artikel *dertig* bedoel, nie later as dertig dae na die bedoelde tydperk verstryk het of na die bedoelde setel oopgeval het uitgevaardig; en die bepalinge van vermeldde artikel is op elke sodanige proklamasie van toepassing. Latere verkiesings kragtens hierdie Wet.

32. (1) 'n Distriksraad genoem in Proklamasie No. 191 van 1932 van die Goewerneur-generaal, of 'n wysiging daarvan, kan op 'n wyse voorgeskrywe by regulasie een kandidaat nomineer vir verkiesing kragtens hierdie Wet as senator vir die Transkeigebied. Nominasie van kandidate vir verkiesing kragtens hierdie Wet.

(2) 'n Stemeenheid van 'n ander kiesgebied as die Transkeigebied kan op 'n wyse voorgeskrywe by regulasie een kandidaat nomineer vir verkiesing kragtens hierdie Wet as senator vir die kiesgebied waarby daardie stemeenheid behoort.

(3) 'n Persoon van wie die naam voorkom in die deel van die Kaapse naturelle-kieserslys vir een of ander kieskring kan, op 'n wyse voorgeskrywe by regulasie, een kandidaat nomineer vir verkiesing kragtens hierdie Wet as lid van die Volksraad vir bedoelde kieskring.

(4) 'n Persoon van wie die naam voorkom in die deel van die Kaapse naturelle-kieserslys vir 'n kiesafdeling kan, op 'n wyse voorgeskrywe by regulasie, een kandidaat nomineer vir verkiesing kragtens hierdie Wet as lid van die provinsiale raad van die Provinsie Kaap die Goeie Hoop vir bedoelde kiesafdeling.

(5) 'n In sub-artikel (1) bedoelde distriksraad kan op 'n wyse voorgeskrywe by regulasie nie meer as drie kandidate nomineer vir verkiesing kragtens paragraaf (a) van sub-artikel (5) van artikel *twintig* as lede van die Raad.

(6) 'n Stemeenheid van 'n ander kiesgebied as die Transkeigebied, behalwe 'n naturelle adviserende komitee, kan op 'n wyse voorgeskrywe by regulasie nie meer as twee kandidate nomineer vir verkiesing kragtens paragraaf (b) van sub-artikel (5) van artikel *twintig* as lede van die Raad vir die kiesgebied waarby daardie stemeenheid behoort.

(7) 'n Naturelle adviserende komitee, wat 'n stemeenheid van een of ander kiesgebied is, kan op 'n wyse voorgeskrywe by regulasie een kandidaat nomineer vir verkiesing kragtens paragraaf (c) van sub-artikel (5) van artikel *twintig* as lid van die Raad vir die kiesgebied waarvan daardie naturelle adviserende komitee 'n stemeenheid is.

(8) Every nomination made under sub-section (1) or (5) shall be lodged with the magistrate of the district for which the district council making the nomination is established, every nomination made under sub-section (2), (6) or (7) shall be lodged with the magistrate of the district within which is situated the area of jurisdiction of the voting unit making the nomination, and every nomination made under sub-section (3) or (4) shall be lodged with the magistrate of a district within the electoral circle or electoral division concerned.

How nominations shall be dealt with.

33. (1) Every nomination shall forthwith be transmitted by the magistrate with whom it is lodged to the returning officer.

(2) If the number of votes which the voting unit, or the aggregate number of votes which all the voting units, nominating any candidate under sub-section (2), (6) or (7) of section *thirty-two*, are entitled to exercise in terms of sub-section (5) of section *thirty-seven* is less than two thousand, or if any person nominated as a candidate under section *thirty-two* fails to make a declaration, in the manner and within the period prescribed by regulation, that he is qualified to be elected, or fails to accept nomination in that manner and within that period, the returning officer shall reject the nomination, which shall thereupon be deemed not to have been duly made.

Other nomination and polling days to be fixed if insufficient number of candidates nominated.

34. If no candidate is duly nominated on or before the nomination day, or if the number of candidates duly nominated is smaller than the number of persons required to be elected, or if, before the polling day, any duly nominated candidate dies, then, subject to the provisions of section *thirty-five*, another nomination day and another polling day shall be fixed under section *thirty* or *thirty-one*.

If candidates nominated do not in number exceed vacancies, they are declared elected.

35. If the number of candidates duly nominated on or before the nomination day does not exceed the number of persons required to be elected, the returning officer shall declare those candidates duly elected.

When poll becomes necessary.

36. If the number of candidates duly nominated on or before the nomination day exceeds the number of persons required to be elected, a poll shall take place; and the returning officer shall cause a notice of the nomination of every such candidate to be published in the *Gazette* (or in the case of the nomination of candidates for election as members of the provincial council of the Province of the Cape of Good Hope, in the *Official Gazette* of that province) and such other notification thereof to be made as may be prescribed by regulation.

Determination of number of votes to be cast by voting units of electoral areas other than the Transkeian Territories.

37. (1) Not less than three months before the polling day fixed under section *thirty* in respect of the first election of senators under this Act, and not less than three months before the polling day fixed under section *thirty-one* in respect of any later election of senators under this Act which has become necessary by reason of the expiry of the period for which senators have been elected under this Act, an officer of the public service thereto deputed by the Minister shall determine the number of taxpayers domiciled within the area of jurisdiction of each voting unit of an electoral area other than the Transkeian Territories.

(2) No person shall be included in the number of taxpayers so determined in respect of any native advisory board, unless he was, during the whole of the period of three years terminating upon a date six months before the polling day so fixed, domiciled within the area of jurisdiction of the urban local authority having control of the location or native village in respect of which that native advisory board has been established, and unless his permanent home was in fact situated within that area of jurisdiction during the whole of the said period.

(3) Every such determination shall be published in the *Gazette*.

(4) The voting unit concerned may, within four weeks from the date of the first publication of any such determination in the *Gazette*, bring that determination in review before the Minister, whose decision shall be final.

(5) After the lapse of four weeks from the date of the first publication of any such determination in the *Gazette*, or if any such determination has been brought in review before the Minister, forthwith after he has given his decision thereon,

(8) Elke nominasie gemaak kragtens sub-artikel (1) of (5) word ingedien by die magistraat vir die distrik waarvoor die distriksraad wat die nominasie maak, ingestel is, elke nominasie gemaak kragtens sub-artikel (2), (6) of (7) word ingedien by die magistraat van die distrik waarin die magsgebied van die stemeenheid wat die nominasie maak, geleë is, en elke nominasie gemaak kragtens sub-artikel (3) of (4) word ingedien by die magistraat vir 'n distrik binne die betrokke kieskring of kiesafdeling.

33. (1) Elke nominasie word dadelik deur die magistraat by wie dit ingedien is, aan die kiesbeampte aangestuur. Hoe nominasies behandel moet word.

(2) As die aantal stemme wat die stemeenheid, of die gesamentlike aantal stemme wat al die stemeenhede, wat 'n kandidaat kragtens sub-artikel (2), (6) of (7) van artikel twee-en-dertig nomineer, ingevolge sub-artikel (5) van artikel sewen-en-dertig geregtig is om uit te bring, minder as tweeduisend is, of as 'n persoon wat as kandidaat kragtens artikel twee-en-dertig genomineer is, in gebreke bly om op die wyse en binne die tydperk bepaal by regulasie, 'n verklaring te maak dat hy bevoeg is verkies te word, of in gebreke bly om op daardie wyse en binne daardie tydperk die nominasie te aanvaar, moet die kiesbeampte die nominasie van die hand wys, en daarna word daardie nominasie geag nie behoorlik gemaak te gewees het nie.

34. Indien geen kandidaat op of voor die nominasiedag behoorlik genomineer word nie, of indien die aantal behoorlik genomineerde kandidate kleiner is as die aantal lede wat verkies moet word, of indien 'n behoorlik genomineerde kandidaat voor die stembdag sterf, dan word, behoudens die bepalinge van artikel vyf-en-dertig, 'n ander nominasiedag en 'n ander stembdag kragtens artikel dertig of een-en-dertig bepaal. Ander nominasie en stembdag word bepaal as te min kandidate genomineer word.

35. Indien die aantal kandidate wat op of voor die nominasiedag behoorlik genomineer is, die aantal persone wat verkies moet word, nie te bowe gaan nie, verklaar die kiesbeampte daardie kandidate behoorlik verkose. As aantal genomineerde kandidate die aantal vakatures nie te bowe gaan nie, word hulle verklaar verkose te wees.

36. Indien die aantal kandidate wat op of voor die nominasiedag behoorlik genomineer is, die aantal persone wat verkies moet word, te bowe gaan, dan moet 'n stemming gehou word; en die kiesbeampte moet 'n kennisgewing van die nominasie van elke sodanige kandidaat in die *Staatskoerant* van die Unie (of in die geval van 'n nominasie van kandidate vir verkiesing as lede van die provinsiale raad van die Provinsie Kaap die Goeie Hoop, dan in die *Offisiële Staatskoerant* van vermeldde provinsie) laat publiseer, en op so 'n ander wyse laat bekendmaak as wat by regulasie voorgeskrywe mag wees. Wanneer 'n stemming nodig word.

37. (1) Minstens drie maande voor die stembdag bepaal ingevolge artikel dertig ten opsigte van die eerste verkiesing van senatore kragtens hierdie Wet, en minstens drie maande voor die stembdag bepaal ingevolge artikel een-en-dertig ten opsigte van 'n latere verkiesing van senatore kragtens hierdie Wet wat nodig geword het om rede dat die tydperk waarvoor senatore kragtens hierdie Wet verkies is, verstryk het, bepaal 'n amptenaar van die staatsdiens daartoe deur die Minister afgevaardig, die aantal belastingbetalers wat binne die magsgebied van elke stemeenheid van 'n ander kiesgebied as die Transkeigebied gedomisileer is. Bepaling van aantal stemme wat deur stemeenhede van ander kiesgebiede as die Transkeigebied uitgebring mag word.

(2) Niemand word ten opsigte van 'n natuurlike adviserende komitee in die aldus bepaalde aantal belastingbetalers opgeneem nie, tensy hy gedurende die gehele tydperk van drie jaar wat verstryk op 'n dag ses maande voor die aldus bepaalde stembdag, binne die magsgebied van die stedelik-plaaslike bestuur wat toesig het oor die lokasie of natuurlike dorp ten opsigte waarvan daardie natuurlike adviserende komitee ingestel is, gedomisileer was, en tensy hy gedurende die gehele vermeldde tydperk werklik binne bedoelde magsgebied blywend woonagtig was.

(3) Elke sodanige bepaling word in die *Staatskoerant* gepubliseer.

(4) Binne vier weke vanaf die dag waarop so 'n bepaling vir die eerste keer in die *Staatskoerant* gepubliseer is, kan die betrokke stemeenheid daardie bepaling vir hersiening voor die Minister bring, wie se beslissing afdoende is.

(5) Na verloop van vier weke vanaf die dag waarop so 'n bepaling vir die eerste keer in die *Staatskoerant* gepubliseer is, of, ingeval so 'n bepaling voor die Minister vir hersiening gebring is, onmiddellik nadat hy sy beslissing daaromtrent gegee

the Minister shall cause to be issued to the voting unit concerned a certificate setting forth the number of taxpayers which in terms of this section has been determined in respect of that voting unit and stating that that voting unit is entitled to exercise at any election of senators or of members of the Council held under this Act a number of votes equal to the number of natives so determined; and that voting unit shall at any such election be entitled to exercise such a number of votes.

(6) Every such certificate shall have effect until it is superseded by a later certificate issued in terms of this section in respect of the voting unit concerned.

Elections to be in accordance with regulations.

38. Every election under this Act shall take place in accordance with the regulations.

Meetings of bodies for nomination or election of candidates.

39. Every meeting of a local council, a native reserve board of management, a native advisory board or a district council at which any nomination or election under this Act is discussed or otherwise dealt with shall be convened and conducted in accordance with the regulations; and no person other than a native shall take part in or be present at any such meeting.

What courts have jurisdiction to try election petitions.

40. (1) The provincial division of the Supreme Court of South Africa which exercises jurisdiction in respect of ordinary civil proceedings in the province within which is situated the office of the returning officer of any election of a senator or of a member of the House of Assembly or of the provincial council of the Province of the Cape of Good Hope under this Act, out of which arises any election petition, shall have sole jurisdiction in respect of that election petition: Provided that if the office of the returning officer of any such election is situated within the area within which the Eastern Districts Local Division of the Supreme Court exercises jurisdiction in respect of ordinary civil proceedings, that division shall also have jurisdiction in respect of any election petition arising out of that election.

(2) The native appeal court constituted under the provisions of section *thirteen* of the Native Administration Act, 1927 (Act No. 38 of 1927), which exercises jurisdiction in respect of appeals from courts of native commissioners in the area within which is situated the office of the returning officer of any election of an elected member of the Council, out of which arises any election petition, shall have sole jurisdiction in respect of that election petition.

(3) An appeal shall lie to the Appellate Division of the Supreme Court (but only with the leave of that division) from the decision of a provincial division or the local division referred to in sub-section (1) given at the trial of an election petition.

(4) No appeal shall lie from the decision of a native appeal court given at the trial of an election petition.

MISCELLANEOUS.

Petition to be declared a non-native.

41. (1) Notwithstanding anything in this Act, any person who is a native in terms of paragraph (b) or (c) of the definition of "native" contained in section *one* may petition the Minister to be declared a non-native for the purposes of this Act.

(2) If after inquiry the Minister is of opinion that there are reasonable grounds for the petition, he shall refer the petition to a board consisting of a judge of the Supreme Court of South Africa and two other persons appointed by the Minister.

(3) The said board shall after inquiry make its report to the Minister, recommending whether or not the petition should be granted.

(4) The board shall not recommend the granting of any such petition unless it is shown to its satisfaction that the applicant—

(a) is a person of repute who is held in good public esteem in the locality where he resides and by his associates; and

(b) is proficient in one of the official languages of the Union and has intellectual or other attainments more characteristic of Europeans or other non-natives than of natives; and

(c) conforms in regard to his standard and habits of life to the standards and habits of life of Europeans.

(5) The Minister shall lay the report of the board upon the Tables of both Houses of Parliament within fourteen days after

het, moet die Minister aan die betrokke stemeenheid 'n sertifikaat laat uitreik wat die aantal belastingbetalers wat ingevolge hierdie artikel ten opsigte van daardie stemeenheid bepaal is, vermeld, en wat verklaar dat daardie stemeenheid die reg het om, by 'n verkiesing van senatore of lede van die Raad kragtens hierdie Wet gehou, 'n aantal stemme uit te oefen gelyk aan die aantal natuurlike aldus bepaal; en daardie stemeenheid is geregtig om by so 'n verkiesing so 'n aantal stemme uit te oefen.

(6) Elke sodanige sertifikaat bly van krag totdat dit vervang word deur 'n latere sertifikaat, uitgereik ingevolge hierdie artikel ten opsigte van die betrokke stemeenheid.

38. Elke verkiesing kragtens hierdie Wet vind plaas in ooreenstemming met die regulasies.

Verkiesings moet volgens regulasies plaasvind.

39. Elke vergadering van 'n plaaslike raad, 'n natuurlike-reserwe-bestuursraad, 'n natuurlike adviserende komitee of 'n distriksraad waarop 'n nominasie of verkiesing ingevolge hierdie Wet bespreek of andersins behandel word, word in ooreenstemming met die regulasies byeengeroep en gevoer; en niemand behalwe 'n natuurlike mag deelneem aan so 'n vergadering of dit bywoon nie.

Vergaderings van liggame vir nominasie of verkiesing van kandidate.

40. (1) Die provinsiale afdeling van die Hooggeregshof van Suid-Afrika wat regsmag ten opsigte van gewone siviele sake uitoefen oor die provinsie waarin die kantoor geleë is van die kiesbeampte van 'n verkiesing kragtens hierdie Wet van 'n senator of van 'n lid van die Volksraad of die provinsiale raad van die Provinsie Kaap die Goeie Hoop, in verband waarmee 'n verkiesingspetisie ontstaan het, het uitsluitlike regsbevoegdheid ten opsigte van daardie verkiesingspetisie: Met dien verstande dat as die kantoor van die kiesbeampte van so 'n verkiesing geleë is in die gebied waaroor die Oostelike Distrikte Plaaslike Afdeling van die Hooggeregshof regsmag ten opsigte van gewone siviele sake uitoefen, daardie afdeling ook regsbevoegdheid het ten opsigte van 'n verkiesingspetisie wat in verband met daardie verkiesing ontstaan.

Howe wat bevoeg is om verkiesingspetisie te verhoor.

(2) Die natuurlike-appèlhof ingestel kragtens die bepalings van artikel *dertien* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), wat regsmag uitoefen ten opsigte van appèlle van Naturellekommissaris-howe in die gebied waarin die kantoor geleë is van die kiesbeampte van 'n verkiesing van 'n verkose lid van die Raad, in verband waarmee 'n verkiesingspetisie ontstaan het, het uitsluitlike regsbevoegdheid ten opsigte van daardie verkiesingspetisie.

(3) Van die beslissing van 'n provinsiale afdeling of die plaaslike afdeling bedoel in sub-artikel (1), geneem by die verhoor van 'n verkiesingspetisie, kan in beroep gekom word by die Afdeling van Appèl van die Hooggeregshof (dog alleen met verlof van daardie afdeling).

(4) Van die beslissing van 'n natuurlike-appèlhof geneem by die verhoor van 'n verkiesingspetisie, kan nie in hoër beroep gegaan word nie.

DIVERSE BEPALINGS.

41. (1) Nieteenstaande die bepalings van hierdie Wet, kan 'n persoon wat ingevolge paragraaf (b) of (c) van die omskrywing van „naturel” in artikel *een* vervat 'n natuurlike is aan die Minister 'n versoekskrif rig om verklaar te word tot nie-natuurlike in die sin van hierdie Wet.

Aansoek om tot nie-natuurlike verklaar te word.

(2) Indien die Minister na ondersoek van oordeel is dat daar redelike gronde vir die aansoek bestaan, moet hy die versoekskrif na 'n raad wat bestaan uit 'n regter van die Hooggeregshof van Suid-Afrika en twee ander persone deur die Minister benoem, verwys.

(3) Na ondersoek moet vermelde raad aan die Minister verslag doen, om aan te beveel of die aansoek toegestaan behoort te word of nie.

(4) Die raad beveel nie die inwilliging van die aansoek aan nie, tensy hy op grond van gelewerde bewys oortuig is dat die applikant—

(a) 'n persoon van naam is wat in die omgewing waar hy woon en deur die persone met wie hy omgaan algemeen geag word; en

(b) bekwaam is in een van die offisiële tale van die Unie en verstandelike of ander bekwaamhede besit wat meer kenmerkend is van Europeane of ander nie-natuurlike as van natuurlike; en

(c) wat betref sy lewenstandaard en -gewoontes, die lewenstandaarde en -gewoontes van Europeane volg.

(5) Die Minister moet die verslag van die raad in beide Huise van die Parlement ter Tafel lê, binne veertien dae nadat

its receipt by him, if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session, and it shall be the duty of the Minister to draw the attention of both Houses of Parliament to the report; and if the board has recommended that the applicant be declared a non-native as aforesaid, then, unless both Houses of Parliament have by resolution passed in the same session rejected that recommendation, the applicant shall thenceforth be deemed to be a non-native for the purposes of this Act.

Saving of rights, privileges and exemptions of parliamentary voters.

42. Every native who is registered in the Cape native voters' roll shall enjoy all rights, privileges and exemptions conferred by any law upon natives registered in the Province of the Cape of Good Hope as parliamentary voters, except the right to vote (otherwise than under this Act) at the election of members of the House of Assembly or of a provincial council.

Regulations.

43. (1) The Governor-General may make regulations in regard to any of the following matters:

- (a) the manner in which the desire to be regarded as a native or as a non-native for the purposes of this Act, referred to in the definition of the expression "native" contained in section one shall be expressed;
- (b) the procedure to be followed in effecting determinations under section *thirty-seven* and in bringing such determinations in review before the Minister;
- (c) the convening of, and the procedure to be followed at, meetings of taxpayers under section *five*, and the discharge of the functions of electoral committees;
- (d) the compilation and keeping of the Cape native voters' roll;
- (e) the nomination and election under this Act of senators and of members of the House of Assembly, the provincial council of the Province of the Cape of Good Hope and the Council, the method of election and the procedure to be followed at any such election and any matter which in any way relates or is incidental to any such election, including the appointment of returning officers, and their powers and functions;
- (f) the procedure to be followed by the returning officer, the notification to be given by him to candidates or their agents of the time and place of any count, and the announcement and publication of the result of any election under this Act;
- (g) corrupt and illegal practices in relation to elections under this Act, and the consequences thereof;
- (h) petitions to court in relation to elections under this Act, the procedure to be followed and the relief which the court may grant in pursuance thereof;
- (i) meetings of the Council, and the procedure to be adopted at such meetings;
- (j) the allowances of nominated and elected members of the Council in respect of expenses incurred in attending meetings of the Council;
- (k) the forms to be used in connection with determinations, nominations, elections, returns or any other proceedings under this Act;
- (l) penalties for any contravention of the regulations: Provided that no such penalty shall exceed a fine of fifty pounds or imprisonment for a period of twelve months or both such fine and imprisonment, save in the case of a penalty for the contravention of any regulation dealing with the conduct of elections;

and generally for the better carrying out of any of the objects and purposes of this Act, no limitation to the generality of this provision being inferred from the specific provisions of any particular paragraph of this section.

(2) Every regulation made in terms of paragraph (d) of sub-section (1) or in terms of paragraphs (e) and (f) of that sub-section relating to the election of members of the House of Assembly and the provincial council of the Province of the Cape of Good Hope shall be made in accordance with the recommendations of the native appeal court constituted under the provisions of section *thirteen* of the Native Administration Act, 1927 (Act No. 38 of 1927), which exercises jurisdiction

dit deur hom ontvang is, as 'n sessie van die Parlement dan aan die gang is, of as 'n sessie van die Parlement nie dan aan die gang is nie, dan binne veertien dae na die aanvang van sy eersvolgende sessie, en dit is die plig van die Minister om die aandag van beide Huise van die Parlement op die verslag te vestig; en as die raad aanbeveel het dat die applikant tot nie-naturel soos voormeld verklaar word, dan word die applikant voortaan geag 'n nie-naturel in die sin van hierdie Wet te wees, tensy beide Huise van die Parlement by besluit in dieselfde sessie geneem, daardie aanbeveling verwerp het.

42. Elke naturel wat in die Kaapse naturelle-kieserslys geregistreer is, geniet al die regte, voorregte en vrydomme deur enige wet verleen aan naturelle wat in die Provinsie Kaap die Goeie Hoop as parlementêre kiesers geregistreer is, met uitsondering van die reg om (behalwe in ooreenstemming met hierdie Wet) by 'n verkiesing van lede van die Volksraad of van 'n provinsiale raad te stem.

Vrywaring van regte, voorregte en vrydomme van parlementêre kiesers.

43. (1) Die Goewerneur-generaal kan regulasies uitvaardig betreffende die volgende sake:

Regulasies.

- (a) Die wyse waarop die begeerte, waarvan melding gemaak word in die omskrywing van „naturel” in artikel een, om by toepassing van hierdie Wet as 'n naturel of as 'n nie-naturel beskou te word, te kenne gegee moet word;
- (b) die prosedure wat gevolg moet word by die maak van bepalings kragtens artikel sewen-en-dertig en by die in hersiening bring van sulke bepalings voor die Minister;
- (c) die byeenroeping van, en die prosedure wat gevolg moet word by, vergaderings van belastingbetalers ingevolge artikel vyf, en die verrigting van die werksaamhede van kieskomitees;
- (d) die opstel en hou van die Kaapse naturelle-kieserslys;
- (e) die nominasie en verkiesing kragtens hierdie Wet van senatore en van lede van die Volksraad, die provinsiale raad van die Provinsie Kaap die Goeie Hoop en die Raad, die wyse van verkiesing en die prosedure wat by so 'n verkiesing gevolg moet word, en enige saak wat enigsins betrekking het op, of in verband staan met so 'n verkiesing, met inbegrip van die aanstelling van kiesbeamptes, en hul magte en bevoegdhede;
- (f) die prosedure wat deur die kiesbeampte gevolg moet word, die kennis wat deur hom aan kandidate of hulle agente van die tyd en plek van 'n telling gegee moet word, en die bekendmaking en publikasie van die uitslag van 'n verkiesing kragtens hierdie Wet;
- (g) kwade en onwettige praktyke in verband met verkiesings kragtens hierdie Wet, en die gevolge daarvan;
- (h) petisies aan die hof in verband met verkiesings kragtens hierdie Wet, die prosedure wat gevolg moet word en die verligting wat die hof ingevolge daarvan kan verleen;
- (i) vergaderings van die Raad, en die prosedure wat by sulke vergaderings gevolg moet word;
- (j) die toelaes aan genomineerde en verkose lede van die Raad ten opsigte van koste gemaak deur vergaderings van die Raad by te woon;
- (k) die vorms wat gebruik moet word in verband met bepalings, nominasies, verkiesings, opgawes of ander verrigtings kragtens hierdie Wet;
- (l) strawwe vir 'n oortreding van die regulasies: Met dien verstande dat, behalwe in die geval van 'n straf vir oortreding van 'n regulasie aangaande die hou van verkiesings, so 'n straf 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van twaalf maande of beide so 'n boete en gevangenisstraf nie mag te bowe gaan nie;

en oor die algemeen vir die betere uitvoering van enige van die oogmerke en doeleindes van hierdie Wet, en geen beperking op die algemeenheid van hierdie bepaling word van die spesifieke bepalings van 'n besondere paragraaf van hierdie artikel afgelei nie.

(2) Elke regulasie opgestel ingevolge paragraaf (d) van sub-artikel (1) of ingevolge paragrafe (e) en (f) van daardie sub-artikel betreffende die verkiesing van lede van die Volksraad en die provinsiale raad van die Provinsie Kaap die Goeie Hoop, word opgestel ooreenkomstig die aanbevelings van die naturelle-appèlhof ingestel kragtens die bepalings van artikel dertien van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), wat regsmaag uitoefen oor die Provinsie Kaap

over the Province of the Cape of Good Hope, and it shall be provided by such regulations that a person whose name appears in the Cape native voters' roll shall at such an election have the right to exercise one vote.

(3) No regulation made under this Act shall be inconsistent with the terms thereof.

(4) The Governor-General may make different regulations for different provinces or different electoral areas, or in respect of the nomination or election under this Act of senators, members of the House of Assembly, members of the provincial council of the Cape of Good Hope or members of the Council.

Amendment of
section 35 of the
South Africa Act.

44. Section *thirty-five* of the South Africa Act is hereby altered—

(a) by the insertion in sub-section (1)—

(i) after the word "person" of the words "(other than a native, as defined in section *one* of the Representation of Natives Act, 1936)";

(ii) after the word "only" of the words "or disqualify any native, as so defined, who under the said Act would be or might become capable of being registered in the Cape native voters' roll instituted under that Act from being so registered, or alter the number of the members of the House of Assembly who in terms of the said Act may be elected by the persons registered in the said roll";

(iii) after the word "Bill," where it occurs for the first time, of the words "embodying such disqualification or alteration"; and

(b) by the insertion in sub-section (2) after the word "person" of the words "(other than a native as so defined)";

Short title and
commencement.

45. This Act shall be called the Representation of Natives Act, 1936, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

die Goeie Hoop, en dit word deur sodanige regulasies bepaal dat iemand wie se naam voorkom op die Kaapse natuurlekiezerslys by so 'n verkiesing geregtig is om een stem uit te bring.

(3) Geen regulasie onder hierdie Wet opgestel mag onbestaanbaar wees met die bepalinge daarvan nie.

(4) Die Goewerneur-generaal kan verskillende regulasies uitvaardig vir verskillende provinsies of verskillende kiesgebiede, of met betrekking tot die nominasie en verkiesing kragtens hierdie Wet van senatore, lede van die Volksraad, lede van die provinsiale raad van die Provinsie Kaap die Goeie Hoop of lede van die Raad.

44. Artikel *vyf-en-dertig* van die Suid-Afrika Wet, 1909, word hiermee verander— Wysiging van artikel 35 van die Suid-Afrika Wet.

(a) deur in sub-artikel (1)—

(i) die woorde „(behalve een naturel, zoals omschreven in artikel *een* van de „Naturelle-Verteenwoordigings-Wet, 1936”)” na die woord „niemand” in te voeg;

(ii) die woorde „tenzij het Wetsontwerp” te vervang deur die woorde „of ontnemt niet aan een naturel, zoals volgens het voorgaande omschreven, die krachtens voormelde Wet bevoegd zou zijn of bevoegd zou kunnen worden om geregistreerd te worden in de volgens die Wet ingestelde Kaapse naturellekiezerslijst, het recht om aldus geregistreerd te worden, of verandert niet het aantal leden van de Volksraad die krachtens bedoelde Wet door de in voormelde kiezerslijst geregistreerde personen gekozen kunnen worden tenzij het Wetsontwerp dat bedoelde rechtsontneming of verandering bevat”;

(b) deur in sub-artikel (2) die woorde „(behalve een naturel, zoals volgens het voorgaande omschreven)” na die woord „niemand” in te voeg.

45. Hierdie Wet heet die Naturelle-Verteenwoordigings-Wet, 1936, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel moet word. Kort titel en inwerkingtreding.