

Mine Trading Amendment Bill.

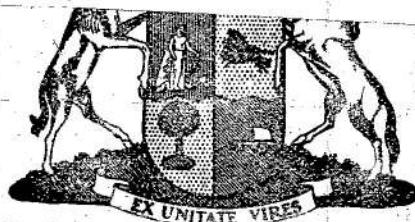
Secretarial Department.

Mr. Lapping.

Mr. Jones.

Mr. Koch.

EXTRAORDINARY



BLADSGEWONE

THE UNION OF SOUTH AFRICA

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House of Assembly,
29th April, 1936.

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

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

Volksraad,
29 April 1936.

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

DANL. H. VISSER,
Klerk van die Volksraad.

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BILL

To provide for the publication of the names of persons engaged in certain occupations and to regulate the assumption of a new name by any person.

(Introduced by O. R. NEL, Esq., M.P.)

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

Definition.

1. In this Act "business" means any business, trade, profession or occupation which cannot be lawfully carried on by any person unless that person holds a licence or other authorization to carry on that business, trade, profession or occupation.

Displaying of names of persons carrying on business.

2. Any person who carries on any business under a name or style which is not the surname by which he is ordinarily known, or who carries on any business in partnership with any other person—

(a) shall display permanently and conspicuously in the manner hereinafter prescribed, at or near the main entrance to every building, tent or booth to which the public has access, wherein he carries on that business and upon every vehicle used in connection with that business upon any street or public road, the name or style under which he or the partnership of which he is a member, carries on that business, immediately above or immediately followed by—

- (i) his own christian name or names and surname in full, preceded by the word "proprietor" if he carries on that business without a partner; or
- (ii) the christian name or names and surname in full of every member of that partnership, preceded by the word "partners", if he carries on that business in partnership with any other person; and

(b) shall not in connection with the said business deliver, transmit or issue any card or document or issue or publish any advertisement or notice bearing, in any script other than handwriting, the name or style under which he carries on that business, unless the said card, document, advertisement or notice bears in conjunction with and immediately below or after the said name or style—

- (i) his own christian name or names and surname in full, preceded by the word "proprietor", if he carries on that business without a partner; or
- (ii) the christian name or names and surname in full of every member of that partnership, preceded by the word "partners", if he carries on that business in partnership with any other person.

Displaying of names of directors of company carrying on business.

3. (1) Any company which carries on any business shall display permanently and conspicuously in the manner hereinafter provided, at or near the main entrance to every building, tent or booth to which the public has access, wherein it carries on that business and upon every vehicle used in connection with that business upon any street or public road, the name of the company immediately above or immediately followed by—

- (a) the initial letter of every christian name and the surname in full of every shareholder of that company (preceded by the word "shareholders") if it is a private company and its shareholders are not more than seven in number; or
- (b) the initial letter of every christian name and the surname in full of every director of that company (preceded by the word "directors") if it is a private company and its shareholders are more than seven in number or if it is a company other than a private company.

(2) Any company which carries on any business shall not in connection with that business deliver, transmit or issue any card or document or issue or publish any advertisement or notice bearing its name, unless the said card, document, advertisement or notice, bears in conjunction with, and immediately below or after the name of the company—

[A.B. 40—'36.]

WETSONTWERP

Om voorsiening te maak vir die bekendmaking van die name van persone wat sekere soorte van beroep uitoefen en om die aanname deur iemand van 'n nuwe naam te reël.

(Ingedien deur die WelEd. Heer O. R. NEL, L.V.)

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

1. In hierdie Wet beteken „besigheid” ’n besigheid, ambag, Woordomskrywing.
- 5 professie of beroep wat nie wettig deur iemand gedryf of uitgeoefen kan word nie, tensy die betrokke persoon in besit is van ’n lisensie of ander magtiging om daardie besigheid, ambag, professie of beroep te dryf of uit te oefen.
2. Iemand wat ’n besigheid dryf onder ’n naam of firmanaam Aanbring van name van persone wat besigheid dryf.
- 10 wat nie die van is waaronder hy gewoonlik deurgaan nie, of wat ’n besigheid in vennootskap met iemand anders dryf—
 - (a) moet op die hieronder voorgeskrewe wyse voortdurend en opvallend by of in die nabyheid van die hoofingang van elke gebou, tent of kraam waartoe die publiek toegang het, waarin by daardie besigheid dryf en op elke voertuig wat in verband met daardie besigheid op ’n straat of publieke pad gebruik word, die naam of firmanaam waaronder hy of die vennootskap waarin hy deelhebber is, daardie besigheid dryf, aanbring bo of onmiddellik gevolg deur—
 - (i) sy eie voornaam of voorname en van, voluit, voorafgegaan deur die woord „Eienaar”, as hy daardie besigheid sonder ’n vennoot dryf; of
 - (ii) die voornaam of voorname en van, voluit, van elke deelhebber in daardie vennootskap, voorafgegaan deur die woord „Vennote”, as hy daardie besigheid in vennootskap met iemand anders dryf; en
 - (b) mag nie, in verband met bedoelde besigheid ’n kaartjie of geskrif afgee, versend of uitgee of ’n advertensie of kennisgewing uitgee of publiseer nie, waarop die naam of firmanaam waaronder hy daardie besigheid dryf, in ’n ander skrif as handskrif voorkom, tensy op bedoelde kaartjie, geskrif, advertensie of kennisgewing in samehang met en onmiddellik onder of na bedoelde naam of firmanaam voorkom—
 - (i) sy eie voornaam of voorname en van, voluit, voorafgegaan deur die woord „Eienaar”, as hy daardie besigheid sonder vennoot dryf; of
 - (ii) die voornaam of voorname en van, voluit, van elke deelhebber in daardie vennootskap, voorafgegaan deur die woord „Vennote”, as hy daardie besigheid in vennootskap met iemand anders dryf.
3. (1) ’n Maatskappy wat ’n besigheid dryf moet op die hieronder voorgeskrewe wyse voortdurend en opvallend by of 45 in die nabyheid van die hoofingang van elke gebou, tent of kraam waartoe die publiek toegang het, waarin hy daardie besigheid dryf en op elke voertuig wat in verband met daardie besigheid op ’n straat of publieke pad gebruik word, die naam van die maatskappy aanbring, onmiddellik bo of onmiddellik 50 gevolg deur—
 - (a) die voorletter van elke voornaam en die van, voluit, van elke aandeelhouer van daardie maatskappy (voorafgegaan deur die woord „Aandeelhouders”) as dit ’n private maatskappy is, met nie meer as sewe aandeelhouders; of
 - (b) die voorletter van elke voornaam en die van, voluit, van elke direkteur van daardie maatskappy (voorafgegaan deur die woord „Direkteure”) as dit ’n private maatskappy is met meer as sewe aandeelhouders, of as dit ’n ander maatskappy as ’n private maatskappy is.
- 60 (2) ’n Maatskappy wat ’n besigheid dryf mag nie in verband met daardie besigheid ’n kaartjie of geskrif afgee, versend of uitgee of ’n advertensie of kennisgewing uitgee of publiseer nie, waarop sy naam voorkom, tensy op bedoelde kaartjie, geskrif, 65 advertensie of kennisgewing in samehang met en onmiddellik onder of na die naam van die maatskappy voorkom—

	(a) the particulars mentioned in paragraph (a) of sub-section (1) if it is such a company as is described in that paragraph ; or (b) the particulars mentioned in paragraph (b) of sub-section (1) if it is such a company as is described in that paragraph. 5 (3) The provisions of this section shall not apply to a company which carries on a particular business in accordance with a law specially relating to that company.
Manner of denoting names.	4. (1) Every style, name, surname, initial letter and word mentioned in paragraph (a) of section <i>two</i> or in sub-section (1) of section <i>three</i> shall be denoted by plainly visible capital Roman letters not smaller than one inch square, and shall be so placed that it is easily legible by persons entering the building, tent or booth or boarding or making use of the vehicle where or upon which it appears. 15 (2) Every style, name, surname, initial letter and word mentioned in paragraph (b) of section <i>two</i> or in sub-section (2) of section <i>three</i> shall be denoted in clearly legible Roman printed letters. 20
Statement of prior names.	5. If any person whose surname is denoted as hereinbefore provided, at any time bore or was known by any other surname, that other surname, preceded by the words "formerly known as" shall be set forth immediately after or under the first-mentioned surname, in letters similar to those in which the first-mentioned surname is denoted. 25
Offences.	6. Any person mentioned in section <i>two</i> who fails to comply with paragraph (a) of that section or with any provision of section <i>four</i> or <i>five</i> or who contravenes paragraph (b) of section <i>two</i>, or any company mentioned in section <i>three</i> which fails to comply with sub-section (1) of that section or with any provision of section <i>four</i> or <i>five</i> or which contravenes sub-section (2) of section <i>three</i>, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds. 30
Non-compliance with this Act is a continuing offence.	7. A conviction or acquittal of a person who or of a company which has been tried upon a charge in which it was alleged that the said person or company upon a particular date or during any particular period failed to comply with any provision of this Act in connection with any business, shall not be a bar to a trial and conviction of that person or company on a charge in which it is alleged that the said person or company, upon any other date or during any other period failed to comply with any such provision in connection with the said business. 40
No change of name permitted except under Governor-General's authority	8. (1) If a person who at any time in the Union or the mandated territory of South-West Africa bore or was known by a particular surname, assumes or describes himself by or passes under any other surname, which he had not assumed or by which he had not described himself before the twentieth day of April, 1936, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, unless the Governor-General has by proclamation in the <i>Gazette</i> authorized him to assume that other surname: Provided that this sub-section shall not apply to— 50 (a) a woman who, on her marriage, assumes the surname of her husband ; 55 (b) a divorced woman or a widow who resumes a surname which she bore at any prior time ; (c) a person who has been adopted in accordance with the provisions of the Adoption of Children Act, 1923 (Act No. 25 of 1923) and who assumes the surname of the person who adopted him. 60 (2) No such proclamation as is mentioned in sub-section (1) shall be issued unless— (a) the person concerned has published in the manner hereinafter prescribed once in each of four consecutive weeks in the <i>Gazette</i> and in each of two daily newspapers which circulate in the district in which the said person resides and which have been designated for such publication by the magistrate of that district, a notice of his intention to assume another surname ; 70 and (b) the Governor-General has satisfied himself from a statement submitted by the said person and from reports furnished by the Commissioner of Police and by the said magistrate, that the said person is of good character and that there is a good and sufficient reason for his assumption of another surname. 75 (3) The said notice shall set forth in full every christian name and the surname which the person in question bears or by which he is known, every other christian name or surname 80

- (a) die gegewens bedoel in paragraaf (a) van sub-artikel (1) as dit so 'n maatskappy is as wat in daardie paragraaf vermeld word; of
- (b) die gegewens bedoel in paragraaf (b) van sub-artikel (1) as dit so 'n maatskappy is as wat in daardie paragraaf vermeld word.
- (3) Die bepalings van hierdie artikel is nie van toepassing nie op 'n maatskappy wat 'n bepaalde besigheid dryf volgens 'n wet wat spesiaal op daardie maatskappy betrekking het.
4. (1) Elke firmanaam, naam, van, voorletter en woord bedoel in paragraaf (a) van artikel twee of in sub-artikel (1) van artikel drie moet aangegee word in duidelik sigbare romeinse hoofletters, nie kleiner as een duim in die vierkant en moet sodanig aangebring word dat dit maklik gelees kan word deur persone wat die gebou, tent of kraam, waar of waarop dit voorkom, betree of wat die voertuig waarop dit voorkom, bestyg of gebruik.
- (2) Elke firmanaam, naam, van, voorletter en woord bedoel in paragraaf (b) van artikel twee of in sub-artikel (2) van artikel drie moet aangegee word in duidelik leesbare romeinse drukletters.
5. As iemand, wie se van soas voormeld aangegee word, te eniger tyd 'n ander van gedra het of onder 'n ander van deurgaan het, dan moet daardie ander van, voorafgegaan deur die woorde „voorheen genoem”, onmiddellik na of onder eersbedoelde van uitgedruk word in soortgelyke letters as die waarin eersbedoelde van uitgedruk is.
6. 'n Persoon in artikel twee bedoel, wat in gebreke bly om te voldoen aan paragraaf (a) van daardie artikel of aan 'n bepaling van artikel vier of vyf, of wat paragraaf (b) van artikel twee oortree, of 'n maatskappy bedoel in artikel drie wat in gebreke bly om te voldoen aan sub-artikel (1) van daardie artikel of aan 'n bepaling van artikel vier of vyf of wat sub-artikel (2) van artikel drie oortree, is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens honderd pond.
7. Die skuldigbevinding of vrypraak van 'n persoon of maatskappy wat tereggestaan het op 'n aanklag waarin beweer was dat bedoelde persoon of maatskappy op 'n bepaalde dag of gedurende 'n bepaalde tydperk in gebreke gebly het om in verband met 'n besigheid aan een of ander bepaling van hierdie Wet te voldoen, belet nie dat daardie persoon of maatskappy tereggestel en skuldig bevind word op 'n aanklag waarin beweer word dat bedoelde persoon of maatskappy op 'n ander dag of gedurende 'n ander tydperk in gebreke gebly het om in verband met bedoelde besigheid aan so 'n bepaling te voldoen.
8. (1) As iemand wat te eniger tyd in die Unie of in die mandaatgebied Suidwes-Afrika 'n bepaalde van gedra het of onder 'n bepaalde van deurgaan het, 'n ander van aanneem of homself by 'n ander van noem of onder 'n ander van deurgaan, wat hy nie aangeneem het of waarmee hy homself nie genoem het nie voor die twintigste dag van April 1936, dan is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens honderd pond, tensy die Goewerneur-generaal hom by proklamasie in die *Staatskoerant* veroorloof het om daardie ander van aan te neem: Met dien verstande dat hierdie sub-artikel nie van toepassing is nie op—
- (a) 'n vrou wat, as sy trou, die van van haar man aanneem;
- (b) 'n geskeie vrou of op 'n weduwee, wat 'n van, wat sy te eniger tyd voorheen gedra het, weer aanneem;
- (c) iemand wat volgens die bepalings van die „Aanneming van Kinderen Wet 1923” (Wet No. 25 van 1923) aangeneem is en wat die van aanneem van die persoon, wat hom aangeneem het.
- (2) Geen proklamasie soas bedoel in sub-artikel (1) word uitgevaardig nie tensy—
- (a) die betrokke persoon op die hieronder voorgeskrewe wyse eenkeer in elkeen van vier agtereenvolgende weke in die *Staatskoerant* en in elkeen van twee dagblaaie wat in omloop is in die distrik waarin bedoelde persoon woon en wat deur die magistraat van daardie distrik daarvoor aangewys is, 'n kennisgewing gepubliseer het van sy voorneme om 'n ander van aan te neem; en
- (b) die Goewerneur-generaal homself oortuig het op grond van 'n verklaring deur bedoelde persoon ingedien, en op grond van berigte deur die Kommissaris van Polisie en deur bedoelde magistraat verstrekkend, dat bedoelde persoon van goeie sedelike gedrag is en dat daar 'n gegronde rede bestaan vir sy aanname van 'n ander van.
- (3) Voormelde kennisgewing moet voluit vermeld elke voor- naam en die van wat die betrokke persoon dra of waaronder hy deurgaan, elke ander voor- naam of van wat hy voorheen gedra

Hoe name aangegee moet word.

Aangifte van vorige name.

Misdrywe.

Nie-nakoming van hierdie Wet is 'n aanhoudende misdryf.

Geen naamsverandering veroorloof dan met vergunning van Goewerneur-generaal.

which he previously bore or by which he was previously known, the christian name or names and surname which he desires to assume, his residential address and his business address (if any), the reasons why he desires to assume another surname, and shall invite any person who objects to his assumption of any such christian name or surname, to lodge his objection in writing with the magistrate of the district in which the person in question resides. 5

(4) If any person has lodged with the said magistrate any such objection, as aforesaid, the magistrate shall attach that objection to his report mentioned in paragraph (b) of sub-section (2). 10

Unlawful assumption of name is a continuing offence.

9. A conviction or an acquittal of a person who has been tried upon a charge in which it was alleged that upon any particular date or during any particular period he contravened 15 sub-section (1) of section *eight* by assuming, or describing himself by or passing under a particular surname, shall not be a bar to his trial and conviction on a charge in which it is alleged that upon any other date or during any other period he contravened the said sub-section by assuming or describing 20 himself by or passing under the said surname.

Copies of proclamations to be tabled in Parliament.

10. The Minister of Justice shall upon a date not later than one month after the commencement of every session of Parliament lay upon the tables of both Houses of Parliament, a copy of every proclamation mentioned in sub-section (1) of section 25 *eight* which was issued before that date and which was not previously so tabled.

Short title.

11. This Act shall be called the Disclosure of Names Act, 1936.

BILL

To amend Act No. 15 of 1856 of the Cape of Good Hope and the Masters and Servants Law Amendment Act, 1873, of the Cape of Good Hope.

(Introduced by M. ALEXANDER, ESQ., M.P.)

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

Repeal of section 10, Chapter V, of Act 15 of 1856.

1. Section *ten* of Act No. 15 of 1856 of the Cape of Good Hope, is hereby repealed. 5

Amendment of section 3 of Act 18 of 1873 (Cape).

2. Section *three* of the Masters and Servants Law Amendment Act, 1873, of the Cape of Good Hope is hereby amended by the deletion of all the words after "six weeks" to the end of the section.

Amendment of section 4 of Act 18 of 1873 (Cape).

3. Section *four* of the Masters and Servants Law Amendment Act, 1873, of the Cape of Good Hope is hereby amended by the deletion of the following words: 10

"and during such imprisonment as is in this section mentioned may be kept in solitary confinement with or without spare diet, or on spare diet with or without 15 solitary confinement, subject as hereafter in the nineteenth section is mentioned."

Amendment of section 5 of Act 18 of 1873 (Cape).

4. Section *five* of the Masters and Servants Law Amendment Act, 1873, of the Cape of Good Hope is hereby amended by the deletion of all the words after "three months" where 20 they first occur to the end of the section.

Amendment of section 6 of Act 18 of 1873 (Cape).

5. Section *six* of the Masters and Servants Law Amendment Act, 1873, of the Cape of Good Hope is hereby amended by the deletion of the word "No" and the substitution of "Any" therefor. 25

Short title.

6. This Act shall be known as the Cape of Good Hope Masters and Servants Amendment Act, 1936.

[A.B. 44—'36.]

het of waaronder hy voorheen deurgegaan het, die voornaam of
voornaam en van wat hy wil aanneem, sy woonadres en sy
besigheidsadres (as hy ene het), die redes waarom hy 'n ander
van wil aanneem, en moet elkeen wat beswaar het teen sy
5 aannames van so 'n voornaam of van, oproep om sy beswaar
skriftelik in te dien by die magistraat van die distrik waarin die
betrokke persoon woon.

(4) As iemand by bedoelde magistraat so 'n voormelde
beswaar ingedien het, dan moet die magistraat die beswaarskrif
10 heg aan sy berig bedoel in paragraaf (b) van sub-artikel (2).

9. Die skuldigbevinding of vryspraak van iemand wat Onwettige aannames
tereggestaan het op 'n aanklag waarin beweer was dat hy op 'n van 'n naam is 'n
bepaalde dag of gedurende 'n bepaalde tydperk sub-artikel (1) aanhoudende
van artikel *agt* oortree het deur 'n bepaalde van aan te neem of misdryf.
15 homself by 'n bepaalde van te noem of onder 'n bepaalde van
deur te gaan, belet nie dat hy tereggestel en skuldig bevind word
op 'n aanklag waarin beweer word dat hy op 'n anderdag of
gedurende 'n ander tydperk bedoelde sub-artikel oortree het
deur bedoelde van aan te neem of homself daarby te noem of
20 daaronder deur te gaan.

10. Die Minister van Justisie moet op 'n dag nie later as een Afskrifte van pro-
maand na die begin van elke parlementsessie in beide Parle- klamasies moet in
mentshuise ter Tafel lê 'n afskrif van elke in sub-artikel (1) van die Parlement ter
artikel *agt* bedoelde proklamasie wat voor daardie dag uitge- Tafel gelê word.
25 vaardig en nie voorheen aldus ter Tafel gelê is nie.

11. Hierdie Wet heet die Wet op Bekendmaking van Name, Kort-titel.
1936.

WETSONTWERP

Tot wysiging van Wet No. 15 van 1856 van die
Kaap die Goeie Hoop en die „Masters and
Servants Law Amendment Act, 1873”, van die
Kaap die Goeie Hoop.

(Ingedien deur die WELED. HEER M. ALEXANDER, L.V.)

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

- 5 1. Artikel *tien* van Wet No. 15 van 1856 van die Kaap die Goeie Hoop word hierby herroep.
Herroeping van
artikel 10, Hoof-
stuk V, van Wet
15 van 1856.
2. Artikel *drie* van die „Masters and Servants Law Amend- Wysiging van
ment Act, 1873” van die Kaap die Goeie Hoop word hierby artikel 3 van Wet
gewysig deur alle woorde na „six weeks” tot die end van die 18 van 1873.
artikel te skrap. (Kaap).
- 10 3. Artikel *vier* van die „Masters and Servants Law Amend- Wysiging van
ment Act, 1873”, van die Kaap die Goeie Hoop word hierby artikel 4 van Wet
gewysig deur skraping van die volgende woorde: 18 van 1873
„and during such imprisonment as is in this section (Kaap).
mentioned, may be kept in solitary confinement with or
15 without spare diet, or on spare diet with or without solitary
confinement, subject as hereafter in the nineteenth section
is mentioned”.
4. Artikel *vyf* van die „Masters and Servants Law Amend- Wysiging van
ment Act, 1873”, van die Kaap die Goeie Hoop word hierby artikel 5 van Wet
20 gewysig deur skraping van alle woorde na „three months”, 18 van 1873
waar hierdie woorde die eerste maal voorkom, tot die end van (Kaap).
die artikel.
5. Artikel *ses* van die „Masters and Servants Law Amend- Wysiging van
ment Act, 1873”, van die Kaap die Goeie Hoop word hierby artikel 6 van Wet
25 gewysig deur die woord „No” te skrap en te vervang deur 18 van 1873
die woord „Any”. (Kaap).
6. Hierdie Wet heet die Kaap die Goeie Hoop Here en Kort titel.
Diensbodes Wysigingswet, 1936.
[A.B. 44—'36.]

BILL

To amend the Precious and Base Metals Act, 1908, and the Trading on Mining Ground Regulation Act, 1910, both of the Transvaal.

(Introduced by the MINISTER OF MINES.)

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

Amendment of section 25*bis* of Act 35 of 1908 (Transvaal) as inserted by section 14 of Act 36 of 1934.

1. Section *twenty-five bis* of the Precious and Base Metals Act, 1908, of the Transvaal, is hereby amended by the insertion after the words "private land" in the proviso, of the words:—
"and all the provisions of sub-sections (9), (10) and (11) of section *nineteen*".

Amendment of section 2 of Act 13 of 1910 (Transvaal).

2. Sub-section (1) of section *two* of the Trading on Mining Ground Regulation Act, 1910, of the Transvaal (hereinafter referred to as the principal Act) is hereby amended by the insertion, after the words "eating-house", of the words—

"Provided that, if the owner of private land has, in the circumstances mentioned in sub-section (1)*bis* of section *five* and in accordance with the provisions of that sub-section, requested the Mining Commissioner to set apart in his favour a trading site upon that land, the said owner may carry on that business or permit any other person to carry it on upon that land until the Mining Commissioner informs the said owner in writing that he declines to set apart a trading site on the land in question".

Amendment of section 5 of Act 13 of 1910 (Transvaal) as amended by Act 10 of 1924 and section 49 of Act 36 of 1934.

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

(i) by the insertion of the following new sub-section after sub-section (1):—

"(1)*bis*. If—

(a) any notice of the intention to proclaim, as a public digging, any private land outside a lawfully established township, or to grant a mining lease on such land has been given in terms of section *twenty-eight* of the Precious and Base Metals Act, 1908, as inserted therein by section *sixteen* of the Mineral Law Amendment Act, 1934, to the owner of that land; and

(b) on any portion thereof the business of a general dealer or of the keeper of a kaffir eating house has been carried on without interruption for a period of not less than three years immediately preceding the date of the said notice; and

(c) the said owner has, within a period of one month as from the said date or, if such notice was given before the date upon which this sub-section came into operation, within a period of one month as from the last-mentioned date, requested the Mining Commissioner, in writing, to set apart in such owner's favour a trading site upon the said land, the Mining Commissioner may, in his discretion, select provisionally a site upon such land with a view to so setting it apart as a trading site."

(ii) by the insertion, after the words "or if" in sub-section (4) of the words "in relation to a proposed site (other than a site which a landowner in terms of sub-section (1)*bis* requested the Mining Commissioner to set apart in his favour)";

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

"(5) When any land (other than a site set apart in compliance with a request made in terms of sub-section (1)*bis*), has been finally set apart as a trading site, the Mining Commissioner shall sell, by public auction, upon such conditions as the Minister may prescribe, the right to carry on, upon that site, the business of a general dealer or of the keeper of a kaffir eating house, after having published in the *Gazette* and

WETSONTWERP

Tot wysiging van die „Precious and Base Metals Act, 1908” en die „Trading on Mining Ground Regulation Act, 1910”, beide van Transvaal.

(Ingedien deur die MINISTER VAN MYNWESE.)

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

1. Artikel *vyf-en-twintig bis* van die „Precious and Base Metals Act, 1908”, van Transvaal word hiermee gewysig deur die volgende woorde na die woorde „private land” in te voeg: „and all the provisions of sub-sections (9), (10) and (11) of section *nineteen*”.
2. Sub-artikel (1) van artikel *twee* van die „Trading on Mining Ground Regulation Act, 1910” van Transvaal (hieronder die Hoofwet genoem) word hiermee gewysig deur die volgende woorde na die woorde „eating house” in te voeg: “Provided that, if the owner of private land has, in the circumstances mentioned in sub-section (1)*bis* of section *five* and in accordance with the provisions of that sub-section, requested the Mining Commissioner to set apart in his favour a trading site upon that land, the said owner may carry on that business or permit any other person to carry it on upon that land until the Mining Commissioner informs the said owner in writing that he declines to set apart a trading site on the land in question”.
3. Artikel *vyf* van die Hoofwet word hiermee gewysig—
 - (i) deur die volgende nuwe sub-artikel na sub-artikel (1) in te voeg:—

“(1)*bis*. If—

 - (a) any notice of the intention to proclaim, as a public digging, any private land outside a lawfully established township, or to grant a mining lease on such land has been given in terms of section *twenty-eight* of the Precious and Base Metals Act, 1908, as inserted therein by section *sixteen* of the Mineral Law Amendment Act, 1934, to the owner of that land; and
 - (b) on any portion thereof the business of a general dealer or of the keeper of a kaffir eating house has been carried on without interruption for a period of not less than three years immediately preceding the date of the said notice; and
 - (c) the said owner has, within a period of one month as from the said date or, if such notice was given before the date upon which this sub-section came into operation, within a period of one month as from the last-mentioned date, requested the Mining Commissioner, in writing, to set apart in such owner's favour a trading site upon the said land,

the Mining Commissioner may, in his discretion, select provisionally a site upon such land with a view to so setting it apart as a trading site.”;
 - (ii) deur in sub-artikel (4) na die woorde „or if” die volgende woorde in te voeg: „in relation to a proposed site (other than a site which a landowner in terms of sub-section (1)*bis* requested the Mining Commissioner to set apart in his favour)”;
 - (iii) deur sub-artikel (5) te skrap en te vervang deur die volgende sub-artikels:—

“(5) When any land (other than a site set apart in compliance with a request made in terms of sub-section (1)*bis*), has been finally set apart as a trading site, the Mining Commissioner shall sell, by public auction, upon such conditions as the Minister may prescribe, the right to carry on, upon that site, the business of a general dealer or of the keeper of a kaffir eating house, after having published in the *Gazette* and

Wysiging van artikel 25*bis* van Wet 35 van 1908 (Transvaal), soas ingevoeg deur artikel 14 van Wet 36 van 1934.

Wysiging van artikel 2 van Wet 13 van 1910 (Transvaal).

Wysiging van artikel 5 van Wet 13 van 1910 (Transvaal), soas gewysig deur Wet 10 van 1924 en artikel 49 van Wet 36 van 1934.

in a newspaper circulating in the mining district in question once in each of four consecutive weeks, a notice of the intended sale and of the time and place thereof: Provided that the said right shall not be sold to any person unless he is a white person of the age of twenty-one years or more and has been approved of by the Minister.

(5)*bis*. The purchaser of the said right shall pay the purchase price to the Mining Commissioner, who shall deduct therefrom the costs of the sale and pay the balance into the Consolidated Revenue Fund.

(5)*ter*. Any holder of the said right shall pay to the Commissioner for Inland Revenue or to any person deputed by him to receive such payment, such rent for the trading site in question as would be payable therefor in terms of sub-section (1) of section *ninety-three* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908) if it were a trading stand in respect whereof rent is payable under that sub-section.

(5)*quater*. For the purpose of determining the amount of any rent payable under sub-section (5)*ter* or under the said sub-section (1) of section *ninety-three*, the provisions of sections *forty-one* and *forty-two* of the Income Tax Act, 1925 (Act No. 40 of 1925) shall *mutatis mutandis* apply.

(5)*quinquies*. If the site in question is situate on private land, the owner thereof shall, during its occupation as a trading site by any other person be entitled to a sum equal to the sum which would be payable to him in terms of sub-section (2) of the said section *ninety-three* as his half share of the licence moneys payable in respect of that site, if it were a trading stand in respect whereof a stand licence mentioned in that sub-section is payable.

(5)*sexies*. If the Mining Commissioner has, in compliance with a request made in terms of sub-section (1)*bis*, finally set apart a trading site in favour of the landowner who made the request, that owner shall have the right to carry on, upon the said site, the business or businesses mentioned in the document transmitted to him in terms of sub-section (8), and he shall be obliged to defray the cost of the beacons erected on the site and of the diagram thereof prepared in terms of section *six*, and to pay the rent mentioned in sub-section (5)*ter*, but subject to a deduction of the sum which would be payable to him as owner in terms of sub-section (5)*quinquies* if any other person were the holder of the said right."

Repeal of section 49 of Act 36 of 1934.

4. Section *forty-nine* of the Mineral Law Amendment Act, 1934, is hereby repealed.

Short title.

5. This Act shall be called the Mine Trading Amendment Act, 1936.

in a newspaper circulating in the mining district in question once in each of four consecutive weeks, a notice of the intended sale and of the time and place thereof: Provided that the said right shall not be sold to any person unless he is a white person of the age of twenty-one years or more and has been approved of by the Minister.

(5)*bis*. The purchaser of the said right shall pay the purchase price to the Mining Commissioner, who shall deduct therefrom the costs of the sale and pay the balance into the Consolidated Revenue Fund.

(5)*ter*. Any holder of the said right shall pay to the Commissioner for Inland Revenue or to any person deputed by him to receive such payment, such rent for the trading site in question as would be payable therefor in terms of sub-section (1) of section *ninety-three* of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908) if it were a trading stand in respect whereof rent is payable under that sub-section.

(5)*quater*. For the purpose of determining the amount of any rent payable under sub-section (5)*ter* or under the said sub-section (1) of section *ninety-three*, the provisions of sections *forty-one* and *forty-two* of the Income Tax Act, 1925 (Act No. 40 of 1925) shall *mutatis mutandis* apply.

(5)*quinqüies*. If the site in question is situate on private land, the owner thereof shall, during its occupation as a trading site by any other person be entitled to a sum equal to the sum which would be payable to him in terms of sub-section (2) of the said section *ninety-three* as his half share of the licence moneys payable in respect of that site, if it were a trading stand in respect whereof a stand licence mentioned in that sub-section is payable.

(5)*sexies*. If the Mining Commissioner has, in compliance with a request made in terms of sub-section (1)*bis*, finally set apart a trading site in favour of the landowner who made the request, that owner shall have the right to carry on, upon the said site, the business or businesses mentioned in the document transmitted to him in terms of sub-section (8), and he shall be obliged to defray the cost of the beacons erected on the site and of the diagram thereof prepared in terms of section *six*, and to pay the rent mentioned in sub-section (5)*ter*, but subject to a deduction of the sum which would be payable to him as owner in terms of sub-section (5)*quinqüies* if any other person were the holder of the said right."

4. Artikel *negen-en-veertig* van die Minerale Wysigingswet, 1934 word hiermee herroep. Herroeping van artikel 49 van Wet 36 van 1934.

5. Hierdie Wet heet die Mynhandel-Wysigingswet, 1936. Kort titel.

PAGE 297. NO. 117. Portion of Mining District of Heidelberg
comprised in Class "A".

PAGE 356. NO. U.C.4488. Western Reefs Exploration & Development
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PAGE XXIV. Palmietkuil Gold Mining Company, Ltd.
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PAGE XXVII. General Mining & Finance Corporation, Ltd.
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PAGE XXXII. The Imperial Cold Storage & Supply Co, Ltd.

Secretarial Department.
Mr. Lapping.
Mr. Jones.

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