



EXTRAORDINARY



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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information.

23rd June, 1939.

No. 863.

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

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No. 29 of 1939. ✓Co-operative Societies Act, 1939	i
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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

23 Junie 1939.

No. 863.

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

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No. 29, 1939.]

ACT

To consolidate and amend the laws relating to the formation, registration, management and winding-up and dissolution of co-operative societies and co-operative companies, and to provide for matters incidental thereto.

*(Signed by the Governor-General in English.)
(Assented to 16th June, 1939.)*

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 :—

INTRODUCTORY.

Division of Act.

1. This Act is divided into nine chapters, which relate to the following matters, respectively :—

Chapter I. Formation of Societies and Companies. (Sections *four to eleven.*)

Chapter II. Registration of Societies and Companies. (Sections *twelve to nineteen.*)

Chapter III. Liability of Members and Capital. (Sections *twenty to twenty-five.*)

Chapter IV. Mortgages and Debentures. (Sections *twenty-six to twenty-nine.*)

Chapter V. Management of Societies and Companies. (Sections *thirty to fifty-two.*)

Chapter VI. Formation of Central and Federal Co-operative Companies with Limited Liability. (Sections *fifty-three to fifty-nine.*)

Chapter VII. Winding-up and Dissolution of Societies and Companies. (Sections *sixty to eighty-nine.*)

Chapter VIII. Application of Act to Co-operative Societies and Companies formed and registered under some other law before the commencement of this Act. (Sections *ninety to ninety-three.*)

Chapter IX. General and Supplementary Provisions. (Sections *ninety-four to one hundred and twenty.*)

Interpretation of terms.

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

“Registrar” means the Registrar of Co-operative Societies appointed under section *three* ;

“co-operative agricultural society with unlimited liability” or “co-operative agricultural society” or “society” (in relation to a co-operative agricultural society) means a society formed for all or any of the objects set out in section *six* ;

“co-operative agricultural company with limited liability” or “co-operative agricultural company” or “company” (in relation to a co-operative agricultural company) means a company formed for all or any of the objects set out in section *six* ;

“farmers’ special co-operative company with limited liability” or “farmers’ special co-operative company” or “company” (in relation to a farmers’ special co-operative company) means a company formed for all or any of the objects set out in section *seven* ;

“co-operative trading society with limited liability” or “co-operative trading society” or “society” (in relation to a co-operative trading society) means a society formed for all or any of the objects set out in section *eleven* ;

“board” means the board of directors of a society or company ;

“central co-operative agricultural company with limited liability” or “central co-operative agricultural company” or “central company” or “company” (in relation to a central co-operative agricultural company) means a central co-operative agricultural company formed under the provisions of section *fifty-three* ;

No. 29, 1939.]

WET

Tot konsolidasie en wysiging van die wette betreffende die oprigting, registrasie, bestuur en likwidasie en ontbinding van koöperatiewe verenigings en koöperatiewe maatskappye, en om voorsiening te maak vir daarmee in verband staande sake.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 16 Junie 1939.)

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

INLEIDINGSBEPALINGS.

1. Hierdie Wet word ingedeel in nege Hoofstukke, wat respektiewelik oor die volgende onderwerpe handel:—

- Hoofstuk I. Oprigting van Verenigings en Maatskappye. (Artikels vier tot elf.)
- Hoofstuk II. Registrasie van Verenigings en Maatskappye. (Artikels twaalf tot negentien.)
- Hoofstuk III. Aanspreeklikheid van Lede en Kapitaal. (Artikels twintig tot vyf-en-twintig.)
- Hoofstuk IV. Verbande en Obligasies. (Artikels ses-en-twintig tot negen-en-twintig.)
- Hoofstuk V. Bestuur van Verenigings en Maatskappye. (Artikels dertig tot twee-en-vyftig.)
- Hoofstuk VI. Oprigting van Sentrale en Federale Koöperatiewe Maatskappye met Beperkte Aanspreeklikheid. (Artikels drie-en-vyftig tot negen-en-vyftig.)
- Hoofstuk VII. Likwidasie en Ontbinding van Verenigings en Maatskappye. (Artikels sestig tot negen-en-tagtig.)
- Hoofstuk VIII. Toepassing van Wet op Koöperatiewe Verenigings en Maatskappye kragtens 'n ander wet opgerig en geregistreer voor die inwerkingtreding van hierdie Wet. (Artikels negentig tot drie-en-negentig.)
- Hoofstuk IX. Algemene en Aanvullende Bepalings. (Artikels vier-en-negentig tot honderd-en-twintig.)

Indeling van Wet.

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

- „Registrateur”, die Registrateur van Koöperatiewe Verenigings aangestel kragtens artikel drie;
- „koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid” of „koöperatiewe landbouvereniging” of „vereniging” (met betrekking tot 'n koöperatiewe landbouvereniging), 'n vereniging opgerig vir een of meer van die in artikel ses vermelde doeleindes;
- „koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „koöperatiewe landboumaatskappy” of „maatskappy” (met betrekking tot 'n koöperatiewe landboumaatskappy), 'n maa'skappy opgerig vir een of meer van die in artikel ses vermelde doeleindes;
- „spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „spesiale koöperatiewe boeremaatskappy” of „maatskappy” (met betrekking tot 'n spesiale koöperatiewe boeremaatskappy), 'n maatskappy opgerig vir een of meer van die in artikel sewe vermelde doeleindes;
- „koöperatiewe handelsvereniging met beperkte aanspreeklikheid” of „koöperatiewe handelsvereniging” of „vereniging” (met betrekking tot 'n koöperatiewe handelsvereniging), 'n vereniging opgerig vir een of meer van die in artikel elf vermelde doeleindes;
- „raad”, die raad van direkteure van 'n vereniging of maatskappy;
- „sentrale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „sentrale koöperatiewe landboumaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot 'n sentrale koöperatiewe landboumaatskappy), 'n sentrale koöperatiewe landboumaatskappy opgerig kragtens die bepaling van artikel drie-en-vyftig;

- "central farmers' special co-operative company with limited liability" or "central farmers' special co-operative company" or "central company" or "company" (in relation to a central farmers' special co-operative company) means a central farmers' special co-operative company formed under the provisions of section *fifty-three*;
- "central co-operative trading company with limited liability" or "central co-operative trading company" or "central company" or "company" (in relation to a central co-operative trading company) means a company formed under the provisions of section *fifty-four*;
- "federal co-operative agricultural company with limited liability" or "federal co-operative agricultural company" or "federal company" or "company" (in relation to a federal co-operative agricultural company) means a federal co-operative agricultural company formed under the provisions of section *fifty-five*;
- "federal farmers' special co-operative company with limited liability" or "federal farmers' special co-operative company" or "federal company" or "company" (in relation to a federal farmers' special co-operative company) means a federal farmers' special co-operative company formed under the provisions of section *fifty-five*;
- "federal co-operative trading company with limited liability" or "federal co-operative trading company" or "federal company" or "company" (in relation to a federal co-operative trading company) means a company formed under the provisions of section *fifty-six*;
- "loan" means any amount raised or borrowed in the form of loans repayable on a fixed date or in instalments, or in the form of overdrafts or cash credit accounts, or in the form of debentures issued;
- "Minister" means the Minister of Agriculture and Forestry or any other Minister of State acting in his stead, or any other Minister of State to whom the Governor-General may assign ministerial responsibility for the administration of this Act;
- "model regulations" means the model regulations prescribed by the Minister under section *fourteen*;
- "regulations" means in relation to a society or company, the regulations or any alterations thereof or additions thereto registered in accordance with this Act.

Appointment of
Registrar of Co-
operative Societies.

3. (1) Subject to the provisions of the laws governing the public service of the Union, the Governor-General may from time to time appoint an officer styled the Registrar of Co-operative Societies.

(2) There shall be established in Pretoria an office for the registration of co-operative societies and companies and for the other purposes of this Act, which shall be under the control of the registrar.

(3) The registrar shall keep, in the form from time to time prescribed by the Minister, a register of societies and companies registered under any provision of this Act and exercise the powers and perform the duties assigned to him by this Act or any amendment thereof.

(4) Subject to the provisions of the laws governing the public service of the Union, the Governor-General may from time to time appoint an officer styled the Assistant Registrar of Co-operative Societies.

(5) The assistant registrar shall have power to do anything which may lawfully be done by the registrar.

(6) Any reference in any law to any registrar of co-operative societies appointed under any law repealed by this Act shall be construed as a reference to the registrar of co-operative societies appointed under this section.

CHAPTER I.

FORMATION OF SOCIETIES AND COMPANIES.

Formation of
societies and com-
panies under this
Act.

4. Subject to compliance with the provisions hereinafter contained and subject also to the right of veto hereinafter conferred upon the Minister—

- „sentrale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „sentrale spesiale koöperatiewe boeremaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot ’n sentrale spesiale koöperatiewe boeremaatskappy), ’n sentrale spesiale koöperatiewe boeremaatskappy opgerig kragtens die bepaling van artikel *drie-en-vyftig* ;
- „sentrale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid” of „sentrale koöperatiewe handelsmaatskappy” of „sentrale maatskappy” of „maatskappy” (met betrekking tot ’n sentrale koöperatiewe handelsmaatskappy), ’n maatskappy opgerig kragtens die bepaling van artikel *vier-en-vyftig* ;
- „federale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid” of „federale koöperatiewe landboumaatskappy” of „federale maatskappy” of „maatskappy” (met betrekking tot ’n federale koöperatiewe landboumaatskappy), ’n federale koöperatiewe landboumaatskappy opgerig kragtens die bepaling van artikel *vyf-en-vyftig* ;
- „federale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid” of „federale spesiale koöperatiewe boeremaatskappy” of „federale maatskappy” of „maatskappy” (met betrekking tot ’n federale spesiale koöperatiewe boeremaatskappy) ’n federale spesiale koöperatiewe boeremaatskappy opgerig kragtens die bepaling van artikel *vyf-en-vyftig* ;
- „federale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid” of „federale koöperatiewe handelsmaatskappy” of „federale maatskappy” of „maatskappy” (met betrekking tot ’n federale koöperatiewe handelsmaatskappy), ’n maatskappy opgerig kragtens die bepaling van artikel *ses-en-vyftig* ;
- „lening,” ’n bedrag opgeneem of geleen in die vorm van lenings terugbetaalbaar op ’n vasgestelde datum of in paaiemente of in die vorm van bankoortrekkings of kaskredietrekenings of in die vorm van uitgereikte obligasies ;
- „Minister”, die Minister van Landbou en Bosbou of ’n ander Staatsminister wat namens hom optree, of ’n ander Staatsminister aan wie die Goewerneur-generaal die ministeriële verantwoordelikheid vir die uitvoering van hierdie Wet opdra ;
- „modelregulasies”, die modelregulasies deur die Minister kragtens artikel *veertien* voorgeskrywe ;
- „regulasies”, met betrekking tot ’n vereniging of maatskappy, die ingevolge hierdie Wet geregistreerde regulasies of wysigings of aanvullings daarvan.
3. (1) Die Goewerneur-generaal kan van tyd tot tyd, met inagneming van die wette wat die Staatsdiens van die Unie reël, ’n amptenaar aanstel genoem die Registrateur van Koöperatiewe Verenigings.
- (2) Vir die registrasie van koöperatiewe verenigings en maatskappe en vir die ander doeleindes van hierdie Wet, word in Pretoria ’n kantoor gestig, wat deur die registrateur bestuur word.
- (3) Die registrateur moet in die deur die Minister van tyd tot tyd voorgeskrewe vorm ’n register hou van verenigings en maatskappe geregistreer kragtens een of ander bepaling van hierdie Wet, en moet die bevoegdhede uitoefen in die pligte vervul wat deur hierdie Wet of ’n wysiging daarvan aan hom opgedra word.
- (4) Die Goewerneur-generaal kan van tyd tot tyd, met inagneming van die wette wat die Staatsdiens van die Unie reël, ’n amptenaar aanstel genoem die Assistent-Registrateur van Koöperatiewe Verenigings.
- (5) Die assistent-registrateur is bevoeg om enige handeling te verrig wat wettig deur die registrateur verrig kan word.
- (6) Wanneer in ’n wet ’n registrateur van koöperatiewe verenigings aangestel kragtens ’n wet wat deur hierdie Wet herroep word, vermeld word, word die registrateur van koöperatiewe verenigings aangestel kragtens hierdie artikel geag bedoel te wees.

Aanstelling van Registrateur van Koöperatiewe Verenigings.

HOOFSTUK I.

OPRICHTING VAN VERENIGINGS EN MAATSKAPPE.

4. Mits hulle voldoen aan die bepalinge wat hierna volg en onderworpe aan die vetoreg wat hierna aan die Minister verleen word—

Oprichting van verenigings en maatskappe kragtens hierdie Wet.

- (a) any seven or more human beings, if qualified in terms of this Act for membership, may form a co-operative agricultural society with unlimited liability;
- (b) any seven or more persons, including any company incorporated or registered as such under any law, or any body of persons, corporate or unincorporate, if qualified under this Act for membership, may form a co-operative agricultural company with limited liability;
- (c) any seven or more persons, including any company incorporated or registered as such under any law, or any body of persons, corporate or unincorporate, if qualified under this Act for membership, may form a farmers' special co-operative company with limited liability;
- (d) any twenty-five or more human beings may form a co-operative trading society with limited liability: Provided that if such society is formed for the purpose of manufacturing and disposing of any commodity under a co-operative system it may be formed by seven or more human beings.

Qualification for membership.

5. (1) Subject to the provisions of sub-sections (4) and (5), no person other than a person carrying on farming operations for the benefit of himself in the Union, either exclusively or in conjunction with some other person or some other business, profession or occupation, shall be qualified to become a member of a co-operative agricultural society with unlimited liability or of a co-operative agricultural company with limited liability.

(2) Subject to the provisions of sub-section (4), no person other than—

- (a) a person carrying on farming operations for the benefit of himself in the Union, either exclusively or in conjunction with some other person or some other business, profession or occupation; or
- (b) a person handling, treating or disposing of agricultural products or livestock and approved by the Minister; or
- (c) an agricultural association approved by the Minister, shall be qualified to become a member of a farmers' special co-operative company with limited liability.

(3) No company incorporated or registered as such under any law, and no body of persons corporate or unincorporate, shall be qualified to become a member of a co-operative agricultural society with unlimited liability.

(4) With the consent of the Minister, any person carrying on farming operations for the benefit of himself in Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate or the mandated territory of South-West Africa, either exclusively or in conjunction with some other person or some other business, profession or occupation, shall, subject to the provisions of sub-section (3), be qualified to become a member of a co-operative agricultural society with unlimited liability or of a co-operative agricultural company with limited liability or of a farmers' special co-operative company with limited liability.

(5) Any person resident in the Union shall, subject to the provisions of sub-section (3), be qualified to be a member of a society or company formed as provided in paragraph (s) of sub-section (1) of section *six* for the purpose of farming under a co-operative system.

Objects for which co-operative agricultural societies and co-operative agricultural companies may be formed.

6. (1) A co-operative agricultural society with unlimited liability and a co-operative agricultural company with limited liability may, subject to the provisions of this Act, be formed for all or any of the following objects:—

- (a) to dispose of the agricultural products or livestock of its members in the most profitable manner;
- (b) to manufacture or treat the agricultural or livestock products of its members and to dispose of the products so manufactured or partly manufactured in the most profitable manner;
- (c) to purchase or otherwise acquire on behalf of, and to supply to, its members agricultural implements and machinery, livestock, feeding stuffs, seeds, fruit trees, manure and other farming requisites;
- (d) to manufacture or treat feeding stuffs, manure or other farming requisites;

- (a) kan sewe of meer mense, as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid oprig;
 - (b) kan sewe of meer persone, inbegrepe 'n maatskappy wat ingevolge een of ander wet as sulks met regspersoonlikheid beklee of geregistreer is, of 'n vereniging van persone, hetsy met regspersoonlikheid beklee al dan nie, as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid oprig;
 - (c) kan sewe of meer persone, inbegrepe 'n maatskappy wat ingevolge een of ander wet as sulks met regspersoonlikheid beklee of geregistreer is, of 'n vereniging van persone, hetsy met regspersoonlikheid beklee al dan nie, as hulle kragtens hierdie Wet bevoeg is om lede te word, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid oprig;
 - (d) kan vyf-en-twintig of meer mense 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid oprig: Met dien verstande dat so 'n vereniging deur sewe of meer mense opgerig kan word, mits dit opgerig word met die doel om volgens 'n koöperatiewe stelsel een of ander handelsartikel te vervaardig en van die hand te sit.
5. (1) Behoudens die bepalinge van sub-artikels (4) en (5), is niemand behalwe 'n persoon wat vir eie rekening in die Unie boerdery beoefen, hetsy alleen of saam met iemand anders of in verband met 'n ander besigheid, beroep of bedryf, bevoeg om lid van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid te word nie.
- (2) Behoudens die bepalinge van sub-artikel (4), is niemand behalwe—
- (a) 'n persoon wat vir eie rekening in die Unie boerdery beoefen, hetsy alleen of saam met iemand anders of in verband met 'n ander besigheid, beroep of bedryf; of
 - (b) 'n deur die Minister goedgekeurde persoon wat landbouprodukte en lewende hawe hanteer, behandel of van die hand sit; of
 - (c) 'n deur die Minister goedgekeurde landbou-assosiasie, bevoeg om lid van 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid te word nie.
- (3) Geen maatskappy wat as sulks ingevolge een of ander wet met regspersoonlikheid beklee of geregistreer is, en geen vereniging van persone, hetsy al dan nie met regspersoonlikheid beklee, is bevoeg om lid van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid te word nie.
- (4) Behoudens die bepalinge van sub-artikel (3), en met toestemming van die Minister, is enig iemand wat vir eie rekening in Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protektoraat of die mandaatgebied Suidwes-Afrika boerdery beoefen, hetsy alleen of saam met iemand anders, of in verband met 'n ander besigheid, beroep of bedryf, bevoeg om lid van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of van 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid te word.
- (5) Behoudens die bepalinge van sub-artikel (3), is enig iemand wat in die Unie woon, bevoeg om lid te word van 'n vereniging of maatskappy opgerig soos bepaal in paragraaf (s) van sub-artikel (1) van artikel ses met die doel om volgens 'n koöperatiewe stelsel te boer.
6. (1) Behoudens die bepalinge van hierdie Wet, kan 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid en 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid vir een of meer van die volgende doeleindes opgerig word, te wete:—
- (a) om op die mees voordelige wyse die landbouprodukte of lewende hawe van sy lede van die hand te sit;
 - (b) om die landbou- of lewende-haweprodukte van sy lede te verwerk of bewerk en om die aldus verwerkte of gedeeltelik verwerkte produkte op die mees voordelige wyse van die hand te sit;
 - (c) om landbougereedskap en -masjinerie, lewende hawe, voedingstowwe, saad, vrugtebome, misstowwe en ander boerderybenodigdhede ten behoewe van sy lede aan te koop of op ander wyse te verkry en aan hulle te lewer;
 - (d) om voedingstowwe, misstowwe of ander boerderybenodigdhede te vervaardig of te bewerk;

Bevoegdheid tot lidmaatskap.

Doeleindes waarvoor koöperatiewe landbouverenigings en koöperatiewe landboumaatskappye opgerig kan word.

- (e) to purchase or otherwise acquire or to hire, and to work on behalf of its members, agricultural implements or machinery ;
- (f) to purchase or otherwise acquire or to hire, and to use and control on behalf of its members, breeding stock ;
- (g) to acquire, commence and carry on supply stores under a co-operative system for disposing of and supplying agricultural and livestock products, agricultural implements and machinery and farming requisites ;
- (h) by purchase, construction or otherwise to acquire, or to hire, and make available cold storage for the products of its members ;
- (i) to commence and carry on orchard spraying or cleansing, fruit packing, ploughing and other farming operations for its members under a co-operative system ;
- (j) to carry on the business of shipping, clearing and forwarding for its members under a co-operative system, and for that purpose to establish agencies in the Union and elsewhere ;
- (k) to engage competent persons to carry out any of its objects and to give instruction and advice to its members on farming operations ;
- (l) to acquire and distribute information as to the best manner of carrying on farming operations profitably ;
- (m) to acquire and distribute information on the markets of the world, and on co-operation in general ;
- (n) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying out of any of the objects of the society or company, and to dispose of or let such property ;
- (o) to recruit and supply labourers for its members ;
- (p) to raise money on loan for any of the lawful objects of the society or company and for that purpose to mortgage the movable and immovable property of the society or company ;
- (q) to commence and carry on under a co-operative system the insurance of crops, produce, livestock and agricultural implements and machinery, or to act as the agent of any of its members in respect of such insurance ;
- (r) to acquire by purchase or otherwise shares in any central or federal co-operative agricultural company or any central or federal farmers' special co-operative company formed under the provisions of Chapter VI. of this Act, or in any other co-operative agricultural company with limited liability or farmers' special co-operative company with limited liability registered under this Act, or in any co-operative trading society or central or federal co-operative trading company approved by the Minister ;
- (s) to carry on farming operations and to dispose of the products of such operations under a co-operative system ;
- (t) to advance money to its members on produce delivered by them to it ;
- (u) to advance money to its members on produce not delivered by them to it, whether or not that produce has been or is still to be produced or gathered ;
- (v) subject to the provisions of sub-section (2), to deal in, handle, store or treat for or on behalf of any regulatory board which administers a scheme under the Marketing Act, 1937, or any amendment thereof, any agricultural products, livestock or livestock products to which that scheme relates and generally to act for or on behalf of any such board ; and
- (w) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the abovementioned objects.

(2) Subject to the provisions of section *nine*, section *ten*, paragraph (c) of the proviso to sub-section (1) of section *ninety* and section *one hundred and two* of this Act and the provisions of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924), no co-operative agricultural society or company may deal with the products or livestock of, or supply farming requisites to,

- (e) om ten behoeve van sy lede landbougereedskap of -masjinerie aan te koop of op ander wyse te verkry of te huur, en te gebruik;
 - (f) om ten behoeve van sy lede aanteelwee aan te koop of op ander wyse te verkry of te huur, en te gebruik en te beheer;
 - (g) om volgens 'n koöperatiewe stelsel winkels te verkry, te open en aan te hou om landbou- en lewende-hawe-produkte, landbougereedskap en -masjinerie en boerderybenodigdhede van die hand te sit en te lewer;
 - (h) om koelkamers vir die produkte van sy lede aan te koop, te bou of op ander wyse te verkry, of te huur, en beskikbaar te stel;
 - (i) om bespuiting of skoonmaak van boomgaarde, verpakking van vrugte, ploeg- en ander boerderywerk-saamhede volgens 'n koöperatiewe stelsel ten bate van sy lede te onderneem en voort te sit;
 - (j) om volgens 'n koöperatiewe stelsel verskepings-, uitklarings- en versendingswerk ten behoeve van sy lede te verrig en om vir daardie doel agentskappe in die Unie en elders te stig;
 - (k) om bekwame persone aan te stel om sy doeleindes uit te voer en sy lede te onderrig en met advies te dien aangaande boerdery;
 - (l) om inligting in te win en te versprei aangaande die beste manier om op voordelige wyse te boer;
 - (m) om inligting aangaande die wêreldmarke en aangaande koöperasie in die algemeen in te win en te versprei;
 - (n) om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die vereniging of maatskappy beter te kan uitvoer, en om sulke goed van die hand te sit of te verhuur;
 - (o) om vir sy lede arbeiders te werf en beskikbaar te stel;
 - (p) om geld op lening op te neem vir enigeen van die wettige doeleindes van die vereniging of maatskappy en te dien einde die roerende en onroerende goed van die vereniging of maatskappy te verhipotekeer;
 - (q) om versekering van oeste, produkte, lewende hawe en landbougereedskap en -masjinerie volgens 'n koöperatiewe stelsel te onderneem en voort te sit, of om as agent vir enige van sy lede ten opsigte van sodanige versekering op te tree;
 - (r) om deur aankoping of op ander wyse aandele te verwerf in 'n sentrale of federale koöperatiewe landboumaatskappy of 'n sentrale of federale spesiale koöperatiewe boeremaatskappy opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, of in 'n ander koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid geregistreer ingevolge hierdie Wet of in 'n deur die Minister goedgekeurde koöperatiewe handelsvereniging of sentrale of federale koöperatiewe handelsmaatskappy;
 - (s) om boerderyondernemings te drywe en om die produkte van sodanige ondernemings volgens 'n koöperatiewe stelsel van die hand te sit;
 - (t) om aan sy lede geld voor te skiet op produkte wat deur hulle aan hom afgelewer is;
 - (u) om aan sy lede geld voor te skiet op produkte wat nie deur hulle aan hom afgelewer is nie, hetsy daardie produkte reeds voortgebring of ingesamel is of nog voortgebring of ingesamel moet word, al dan nie;
 - (v) om, behoudens die bepalings van sub-artikel (2), namens of ten behoeve van 'n beherende raad wat 'n skema volgens die Bemerkingswet, 1937, of 'n wysiging daarvan, uitvoer, te handel met landbouprodukte, lewende hawe of lewende-hawe-produkte waarop daardie skema betrekking het, of dit te hanteer, op te berg of te behandel, en algemeen namens of ten behoeve van so 'n raad op te tree; en
 - (w) om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van bovermelde doeleindes verbonde is of daartoe sal bydra.
- (2) Behoudens die bepalings van artikel *nege*, artikel *tien*, paragraaf (c) van die voorbehoudsbepaling tot sub-artikel (1) van artikel *negentig* en artikel *honderd-en-twee* van hierdie Wet en die bepalings van die „Wet op de Kontrole over Wijn en Spiritualiën, 1924” (Wet No. 5 van 1924), mag geen koöperatiewe landbouvereniging of -maatskappy met die produkte of lewende hawe van iemand wat nie lid van daardie

or, except for the purpose of supply to its members, purchase any products or livestock from, or perform such other services as its regulations provide for members for any person who is not a member of that society or company, unless the Minister has given his consent thereto in writing on such conditions or for such period as he may determine.

Objects for which farmers' special co-operative companies may be formed.

7. (1) A farmers' special co-operative company with limited liability may, subject to the provisions of this Act, be formed for all or any of the following objects :—

- (a) to carry on the business of dealers in agricultural products or livestock under a co-operative system ;
- (b) to manufacture or treat agricultural or livestock products and to dispose of the products so manufactured or partly manufactured under a co-operative system ;
- (c) to purchase or otherwise acquire and to dispose of agricultural implements and machinery, livestock, feeding stuffs, seeds, fruit trees, manure and other farming requisites ;
- (d) to manufacture or treat feeding stuffs, manure or other farming requisites ;
- (e) to purchase or otherwise acquire or to hire and to work agricultural implements and machinery ;
- (f) to purchase or otherwise acquire or to hire and to use and control breeding stock ;
- (g) to acquire, commence and carry on supply stores under a co-operative system for disposing of and supplying agricultural and livestock products, agricultural implements and machinery and farming requisites ;
- (h) by purchase, construction or otherwise to acquire or to hire and make available cold storage for agricultural or livestock products ;
- (i) to commence and carry on orchard spraying or cleansing, fruit packing, ploughing and other farming operations under a co-operative system ;
- (j) to carry on the business of shipping, clearing and forwarding under a co-operative system, and for that purpose to establish agencies in the Union and elsewhere ;
- (k) to engage competent persons to carry out any of its objects and to give advice to its members and others on farming operations ;
- (l) to acquire and distribute information as to the best manner of carrying on farming operations profitably ;
- (m) to acquire and distribute information on the markets of the world, and on co-operation in general ;
- (n) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying on of any of the objects of the company, and to dispose of or let such property ;
- (o) to recruit and supply labourers ;
- (p) to carry out all or any of the above objects either as principal, agent, trustee, contractor or in any other capacity ;
- (q) to raise money on loan for any of the lawful objects of the company and for that purpose to mortgage the movable and immovable property of the company ;
- (r) to commence and carry on under a co-operative system the insurance of crops, produce, livestock and agricultural implements and machinery, or to act as the agent of any of its members in respect of such insurance ;
- (s) to acquire by purchase or otherwise shares in any central or federal co-operative agricultural company or any central or federal farmers' special co-operative company formed under the provisions of Chapter VI. of this Act, or in any other co-operative agricultural company with limited liability or farmers' special co-operative company with limited liability registered under this Act, or in any co-operative trading society or central or federal co-operative trading company approved by the Minister ;

vereniging of maatskappy is nie, handel nie, of aan so iemand boerderybenodigdhede verstrekk nie, of, behalwe vir lewering aan sy lede, van so iemand produkte of lewende hawe koop nie, of ander dienste wat ingevolge sy regulasies vir lede verrig kan word vir so iemand verrig nie, tensy die Minister daartoe skriftelik toestemming verleen het, en wel onder voorwaardes en vir solank as wat hy mog bepaal.

7. (1) Behoudens die bepalings van hierdie Wet, kan 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid vir een of meer van die volgende doeleindes opgerig word, te wete:—

Doeleindes waarvoor spesiale koöperatiewe boeremaatskappye opgerig kan word.

- (a) om volgens 'n koöperatiewe stelsel die besigheid van handelaars in landbouprodukte of lewende hawe te drywe;
- (b) om landbou- of lewende-hawe produkte te verwerk of bewerk en om die aldus verwerkte of gedeeltelik verwerkte produkte volgens 'n koöperatiewe stelsel van die hand te sit;
- (c) om landbougereedskap en -masjinerie, lewende hawe, voedingstowwe, saad, vrugtebome, misstowwe en ander boerderybenodigdhede aan te koop of op ander wyse te verkry en van die hand te sit;
- (d) om voedingstowwe, misstowwe of ander boerderybenodigdhede te vervaardig of te bewerk;
- (e) om landbougereedskap en -masjinerie aan te koop of op ander wyse te verkry of te huur, en te gebruik;
- (f) om aanteelwee aan te koop of op ander wyse te verkry of te huur, en te gebruik en te beheer;
- (g) om volgens 'n koöperatiewe stelsel winkels te verkry, te open en aan te hou om landbou- en lewende-hawe produkte, landbougereedskap en -masjinerie en boerderybenodigdhede van die hand te sit en te lewer;
- (h) om koelkamers vir landbou- of lewende-hawe produkte aan te koop, te bou of op ander wyse te verkry, of te huur, en beskikbaar te stel;
- (i) om bespuiting of skoonmaak van boomgaarde, verpakking van vrugte, ploeg- en ander boerderywerk saamhede volgens 'n koöperatiewe stelsel te onderneem en voort te sit;
- (j) om volgens 'n koöperatiewe stelsel verskeppings-, uitklarings- en versendingswerk te verrig en om vir daardie doel agentskappe in die Unie en elders te stig;
- (k) om bekwame persone aan te stel om sy doeleindes uit te voer en sy lede en andere met advies te dien aangaande boerdery;
- (l) om inligting in te win en te versprei aangaande die beste manier om op voordelige wyse te boer;
- (m) om inligting aangaande die wêreldmarke en aangaande koöperasie in die algemeen in te win en te versprei;
- (n) om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die maatskappy beter te kan uitvoer, en om sulke goed van die hand te sit of te verhuur;
- (o) om arbeiders te werf en beskikbaar te stel;
- (p) om enige van of al die doeleindes hierbo vermeld uit te voer, hetsy as prinsipaal, agent, kurator, of kontrakteur, of in enige ander hoedanigheid;
- (q) om geld op lening op te neem vir enige van die wettige doeleindes van die maatskappy en te dien einde die roerende en onroerende goed van die maatskappy te verhipotekeer;
- (r) om versekering van oeste, produkte, lewende hawe en landbougereedskap en -masjinerie volgens 'n koöperatiewe stelsel te onderneem en voort te sit, of om as agent vir enige van sy lede ten opsigte van sodanige versekering op te tree;
- (s) om deur aankoping of op ander wyse aandele te verwerf in 'n sentrale of federale koöperatiewe landboumaatskappy of 'n sentrale of federale spesiale koöperatiewe boeremaatskappy opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, of in 'n ander koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid geregistreer ingevolge hierdie Wet of in 'n deur die Minister goedgekeurde koöperatiewe handelsvereniging of sentrale of federale koöperatiewe handelsmaatskappy;

- (t) subject to the provisions of sub-section (2), to deal in, handle, store or treat for or on behalf of any regulatory board which administers a scheme under the Marketing Act, 1937, or any amendment thereof, any agricultural products, livestock or livestock products to which that scheme relates and generally to act for or on behalf of any such board; and
 - (u) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.
- (2) The sum of—
- (a) the aggregate amount for which agricultural products and livestock are purchased during any financial year by a farmers' special co-operative company from persons who are not members thereof;
 - (b) the aggregate amount for which farming requisites are sold during that financial year by that company to persons who are not members thereof; and
 - (c) the aggregate value of the services rendered during that financial year by that company to persons who are not members thereof,

shall not, except with the Minister's written consent, exceed the sum of the aggregate amount of such purchases from, the aggregate amount of such sales to, and the aggregate value of such services to, members during that financial year by that company.

(3) It shall not be competent for a farmers' special co-operative company to distribute the gain, or any part thereof, resulting from its operations during any financial year, amongst persons who are not members of the company.

Interpretation of terms in sections 6 and 7.

8. For the purposes of sections *six* and *seven*, unless otherwise provided in the regulations of the society or company concerned—

“to dispose of” (in relation to agricultural products or livestock) and “to purchase or otherwise acquire” (in relation to agricultural implements and machinery, livestock or breeding stock, feeding stuffs, seeds, fruit trees, manure and other farming requisites) include receiving and storing, establishing agencies in the Union and other countries, arranging freight and shipping and arranging transport by land, entering into contracts, and guaranteeing the performance of obligations under contract;

“agricultural implements and machinery” includes vehicles designed to be drawn by animals or to be mechanically propelled and adapted or intended for the conveyance of persons or goods, and parts and accessories of any such vehicles;

“farming requisites” includes fuel and grease and oil intended for use in connection with any such vehicles as are referred to in the last preceding definition.

Dealings by co-operative agricultural society or company, or farmers' special co-operative company with other co-operative societies or companies.

9. Whenever any of the objects of a co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company are such dealings as are described in section *six* or section *seven*, as the case may be, similar dealings with other co-operative agricultural societies or co-operative agricultural companies or farmers' special co-operative companies shall be deemed to be included among its lawful objects.

Disposal by co-operative agricultural society or company or farmers' special co-operative company of produce owned by the State or produced in State-owned institutions.

10. (1) Whenever a co-operative agricultural society or company or farmers' special co-operative company has as one of its objects the disposal on behalf of its members of any kind of produce or livestock, the disposal of any such produce or livestock which is owned by the State or which has been produced or raised in an institution or on land controlled by the Government (hereinafter referred to as a State-owned institution) shall be deemed to be one of the lawful objects of such society or company.

(2) Whenever any produce or livestock owned by the State or produced or raised in a State-owned institution is dealt with under sub-section (1), the State shall, in respect of the delivery of such produce or livestock to, and the sale thereof by, the society or company concerned, be subject to all such conditions and obligations as it would have been subject to had it been a member of such society or company: Provided that if the regulations of any co-operative agricultural society

- (t) om, behoudens die bepalings van sub-artikel (2), namens of ten behoeve van 'n beherende raad wat 'n skema volgens die Bemarkingswet, 1937, of 'n wysiging daarvan, uitvoer, te handel met landbouprodukte, lewende hawe of lewendehawe-produkte waarop daardie skema betrekking het, of dit te hanteer, op te berg of te behandel, en algemeen namens of ten behoeve van so 'n raad op te tree; en
- (u) om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van bovermelde doeleindes verbonde is of daartoe sal bydra.
- (2) Die totaalbedrag van—
- (a) die gesamentlike bedrag waarvoor gedurende 'n boekjaar landbouprodukte en lewende hawe gekoop word deur 'n spesiale koöperatiewe boeremaatskappy van persone wat nie lede daarvan is nie;
- (b) die gesamentlike bedrag waarvoor gedurende daardie boekjaar boerderybenodigdhede deur bedoelde maatskappy verkoop word aan persone wat nie lede daarvan is nie; en
- (c) die gesamentlike waarde van die dienste verrig gedurende daardie boekjaar deur bedoelde maatskappy ten behoeve van persone wat nie lede daarvan is nie,

mag nie, sonder skriftelike toestemming van die Minister, die totaalbedrag te bowe gaan nie van die gesamentlike bedrag van sulke aankope van, die gesamentlike bedrag van sulke verkopings aan, en die gesamentlike waarde van sulke dienste ten behoeve van lede deur bedoelde maatskappy in die loop van daardie boekjaar.

(3) 'n Spesiale koöperatiewe boeremaatskappy is nie bevoeg om die wins, of 'n deel daarvan, wat ontstaan as gevolg van sy werksaamhede in die loop van enige boekjaar, onder persone wat nie lede van die maatskappy is nie te verdeel nie.

8. By die toepassing van artikels ses en sewe, tensy die regulasies van die betrokke vereniging of maatskappy anders bepaal, beteken—

Verduideliking van uitdrukkinge in artikels 6 en 7.

„van die hand te sit” (met betrekking tot landbouprodukte of lewende hawe) en „aan te koop of op ander wyse te verkry” (met betrekking tot landbougereedskap en -masjinerie, lewende hawe of aanteelwee, voedingstowwe, saad, vrugtebome, misstowwe en ander boerderybenodigdhede), ook te ontvang en te bewaar, agentskappe te stig in die Unie en in ander lande, vrag en verskeping te reël, en vervoer op land te reël, kontrakte aan te gaan, en die nakoming van verpligtings kragtens kontrakte te waarborg;

„landbougereedskap en -masjinerie”, ook voertuie bedoel om deur diere getrek te word of meganies voortbeweeg te word, en ingerig of bestem vir die vervoer van persone of goedere, en onderdele en toebehore van sulke voertuie;

„boerderybenodigdhede”, ook brandstof en smeergoed en olie bestem vir gebruik in verband met voertuie bedoel in die laasvooraangaande woordskrywing.

9. Wanneer die doeleindes van 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy bestaan uit transaksies wat in artikel ses of artikel sewe, al na die geval, beskrywe word, word dergelyke transaksies met ander koöperatiewe landbouverenigings of koöperatiewe landboumaatskappye of spesiale koöperatiewe boeremaatskappye geag onder sy wettige doeleindes inbegrepe te wees.

Transaksies deur koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy met ander koöperatiewe verenigings of maatskappye.

10. (1) Wanneer 'n koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy onder meer ten doel het om ten behoeve van sy lede enige soort produkte of lewende hawe van die hand te sit, word dit een van die wettige doeleindes van bedoelde vereniging of maatskappy geag om ook sodanige produkte of lewende hawe wat die eiendom van die Staat is of wat voortgebring of geteel is in 'n inrigting of op grond wat deur die Regering beheer word (hierna genoem 'n staatsinrigting) van die hand te sit.

Van die hand sit deur koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy van produkte wat Staatseiendom is of wat voortgebring is in staatsinrigtings.

(2) Wanneer met produkte of lewende hawe wat die eiendom van die Staat of in 'n staatsinrigting voortgebring of geteel is, gehandel word ingevolge sub-artikel (1), dan is die Staat, wat betref die lewering van die produkte of lewende hawe aan en die verkoop daarvan deur die betrokke vereniging of maatskappy, aan dieselfde voorwaardes en verpligtings onderworpe as wat dit sou gewees het as dit lid was van bedoelde vereniging of maatskappy: Met dien verstande dat, as die regulasies

or company or farmers' special co-operative company provide that its members shall receive any other consideration than money for any produce or livestock supplied by them to such society or company for disposal on their behalf, the produce or livestock so supplied to such society or company from any State-owned institution (whether so supplied under sub-section (1) or any other law) shall nevertheless be paid for in money.

Objects for which co-operative trading societies may be formed

11. (1) A co-operative trading society with limited liability may, subject to the provisions of this Act, be formed for all or any of the following objects :

- (a) to carry on any business or undertaking authorized by its regulations, under a co-operative system whereby the gain resulting from its operations is distributed amongst its members in the manner provided by its regulations, after making such provision for reserves, or for charitable, benevolent, educational or other similar objects as may be approved by its members in accordance with its regulations ;
 - (b) to acquire and distribute information as to the markets of the world and as to co-operative trading in general ;
 - (c) to establish agencies in the Union and other countries for the better carrying on of any of the objects of the society ;
 - (d) to acquire by purchase or otherwise, and to hire, movable and immovable property for the better carrying on of any of the objects of the society, and to dispose of or let such property ;
 - (e) to raise money on loan for any of the lawful objects of the society, and for that purpose to mortgage the movable and immovable property of the society ;
 - (f) to acquire by purchase or otherwise shares in any central co-operative trading company formed under the provisions of Chapter VI. of this Act, or in any other co-operative trading society registered under this Act ;
 - (g) to do all such other things as in the opinion of the Minister are incidental or conducive to the attainment of any of the above-mentioned objects.
- (2) It shall not be competent for a co-operative trading society—
- (a) to distribute the gain, or any part thereof, resulting from its operations during any financial year, amongst persons who are not members of the society ; or
 - (b) to dispose of the agricultural produce or livestock of its members on their behalf.

CHAPTER II.

REGISTRATION OF SOCIETIES AND COMPANIES.

Preliminary procedure prior to obtaining registration.

12. (1) Subject to the provisions of sections *ninety-one*, *ninety-two* and *ninety-three*, no co-operative agricultural society with unlimited liability or co-operative agricultural company with limited liability or farmers' special co-operative company with limited liability or co-operative trading society with limited liability, shall, after the commencement of this Act, be registered unless there has first been held a meeting at which there has been present the number of persons competent to form a co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company or co-operative trading society (as the case may be), and at which there has been presented—

- (a) a written statement showing the objects of the society or company, its business prospects, and facts and statistics calculated to show that, when registered, it will be able to carry out its objects successfully ;
- (b) a copy of the regulations which it is proposed to tender for registration.

(2) If, after consideration of such statement and such regulations, each of such a number of qualified persons as is competent to form a co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company or co-operative trading society (as the case may be) signs an application for membership in the proposed society

van 'n koöperatiewe landbouvereniging of -maatskappy of 'n spesiale koöperatiewe boeremaatskappy bepaal dat sy lede ander vergoeding as geld moet ontvang vir produkte of lewende hawe deur hulle aan bedoelde vereniging of maatskappy gelewer om ten behoeve van hulle van die hand gesit te word, vir die produkte of lewende hawe aldus aan bedoelde vereniging of maatskappy gelewer uit 'n staatsinrigting (hetsy dit aldus ingevolge sub-artikel (1) of 'n ander wet gelewer word) nietemin met geld betaal moet word.

11. (1) Behoudens die bepalings van hierdie Wet, kan 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid vir een of meer van die volgende doeleindes opgerig word, te wete:

Doeleindes waar-
voor koöperatiewe
handelsverenigings
opgerig kan word.

- (a) om 'n besigheid of onderneming, deur sy regulasies veroorloof, te drywe volgens 'n koöperatiewe stelsel waarby die wins wat ontstaan as gevolg van sy werksaamhede onder sy lede verdeel word op die wyse bepaal in sy regulasies, nadat die voorsiening gemaak is vir reserwefondse of vir liefdadigheids-, weldadigheids-, opvoedkundige of ander dergelike doeleindes wat ooreenkomstig sy regulasies deur die lede goedgekeur mag word;
- (b) om inligting aangaande die wêreldmarke en aangaande koöperatiewe handel in die algemeen in te win en te versprei;
- (c) om in die Unie en in ander lande agentskappe te stig ten einde een of ander doel van die vereniging beter te kan uitvoer;
- (d) om roerende en onroerende goed te verkry deur aankoop of op ander wyse, en te huur, ten einde een of ander doel van die vereniging beter te kan uitvoer, en om sulke goed van die hand te sit of te verhuur;
- (e) om geld op lening op te neem vir enigeen van die wettige doeleindes van die vereniging en te dien einde die roerende en onroerende goed van die vereniging te verhipotekeer;
- (f) om deur aankoping of op ander wyse aandele te verwerf in 'n sentrale koöperatiewe handelsvereniging opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, of in 'n ander koöperatiewe handelsvereniging geregistreer ingevolge hierdie Wet;
- (g) om alle ander dinge te doen wat volgens oordeel van die Minister aan die verwesenliking van bovermelde doeleindes verbonde is of daartoe sal bydra.
- (2) 'n Koöperatiewe handelsvereniging is nie bevoeg—
 - (a) om die wins, of 'n deel daarvan, wat ontstaan as gevolg van sy werksaamhede in die loop van 'n boekjaar, onder persone wat nie lede van die vereniging is nie te verdeel nie; of
 - (b) om ten behoeve van lede hul landbouprodukte of lewende hawe van die hand te sit nie.

HOOFSTUK II.

REGISTRASIE VAN VERENIGINGS EN MAATSKAPPE.

12. (1) Behoudens die bepalings van artikels *een-en-negentig*, *twee-en-negentig* en *drie-en-negentig* word geen koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid of koöperatiewe handelsvereniging met beperkte aanspreeklikheid na die inwerkingtreding van hierdie Wet geregistreer nie, tensy daar eers 'n vergadering gehou is waarop die aantal persone aanwesig was wat bevoeg is om 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging (na gelang van die geval) op te rig, en waaraan voorgelê is—

Stappe wat die
verkryging van
registrasie moet
vooraangaan.

- (a) 'n skriftelike uiteensetting van die doeleindes van die vereniging of maatskappy, sy besigheidsvooruitsigte en feite en statistiese gegewens bereken om aan te toon dat die vereniging of maatskappy na registrasie in staat sal wees om sy doel te bereik;
- (b) 'n afskrif van die regulasies wat voorgeneem is om vir registrasie aan te bied.
- (2) Indien elkeen van so 'n aantal bevoegde persone as wat in staat is om 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging (na gelang van die geval) op te rig, nadat hulle bedoelde uiteensetting en regulasies oorweeg het, 'n aansoek om lidmaatskap van die

or company, those persons shall proceed to elect the first directors of the society or company, in accordance with the provisions of section *thirty* and the regulations above referred to.

Application for registration.

13. (1) Within two months after the meeting at which the steps referred to in section *twelve* were taken, application shall be made to the registrar, in the form from time to time prescribed by the Minister, for the registration of the society or company under this Act.

(2) The said application shall be accompanied by the following documents—

- (a) a solemn declaration, made by the persons who acted as chairman and secretary respectively at the said meeting, of compliance with all the requirements of this Act in respect of matters precedent to the registration of a society or company and incidental thereto, which declaration may be accepted by the registrar as sufficient evidence of compliance;
- (b) a copy of the statement referred to in section *twelve*;
- (c) two copies of the proposed regulations signed by not less than seven applicants for membership (or, in the case of a co-operative trading society, by not less than twenty-five applicants for membership: Provided that if such society is formed for the purpose of manufacturing and disposing of any commodity under a co-operative system, they may lawfully be signed by seven or more applicants for membership), each of whose signatures shall be attested by at least one witness. In the case of a central or federal co-operative company, formed under the provisions of Chapter VI. of this Act, such regulations shall be signed as aforesaid by the duly authorized representatives of at least two of the applicants for membership;
- (d) a list containing—
 - (i) in the case of a co-operative agricultural society with unlimited liability, the full names, signatures, occupations and addresses of the applicants for membership;
 - (ii) in the case of a co-operative agricultural company with limited liability, or a farmers special co-operative company with limited liability, or a co-operative trading society with limited liability, the full names, addresses, and in the case of a co-operative agricultural company or a farmers' special co-operative company, also the occupations of the applicants for membership, and the number of shares subscribed for by each of them;
- (e) a detailed list of the expenses and liabilities incurred by the society or company up to the date of the transmission to the registrar of the application for registration;
- (f) a list showing the date upon which each application for membership was made, and in the case of a society or company with limited liability, the amount paid by each applicant for membership in respect of the shares subscribed by him;
- (g) the notice which is required to be given by section *one hundred and five* of the situation of the registered office of the society or company.

(3) In the event of non-compliance with any of the provisions of sub-section (1), every director and every officer of the society or company shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Model regulations.

14. (1) The Minister may by notice in the *Gazette* prescribe model regulations not inconsistent with this Act for—

- (a) co-operative agricultural societies; or
- (b) co-operative agricultural companies; or
- (c) farmers' special co-operative companies; or
- (d) co-operative trading societies.

(2) Any society or company which it is proposed to register under this Act may adopt as its regulations all or any of the model regulations so prescribed and in force at the time.

voorgestelde vereniging of maatskappy onderteken, gaan daardie persone oor tot die verkiesing van die eerste direkteure van die vereniging of maatskappy, ooreenkomstig die bepalings van artikel *dertig* en die bobedoelde regulasies.

13. (1) Binne twee maande na die vergadering waarop die stappe bedoel in artikel *twaalf* geneem is, word in die vorm deur die Minister van tyd tot tyd voorgeskrewe by die registrateur aansoek gedoen vir die registrasie van die vereniging of maatskappy kragtens hierdie Wet.

Aansoek om registrasie.

(2) Genoemde aansoek moet van onderstaande stukke vergesel gaan—

- (a) 'n plegtige verklaring afgelê deur die persone wat onderskeidelik as voorsitter en sekretaris opgetree het op vermelde vergadering, dat aan al die vereistes van hierdie Wet wat betref die sake wat die registrasie van 'n vereniging of maatskappy voorafgaan en wat daarmee in verband staan, voldoen is, en bedoelde verklaring kan deur die registrateur as afdoende bewys van sodanige voldoening aangeneem word;
- (b) 'n afskrif van die in artikel *twaalf* bedoelde uiteensetting;
- (c) twee afskrifte van die voorgestelde regulasies onderteken deur minstens sewe applikante vir lidmaatskap (of in die geval van 'n koöperatiewe handelsvereniging deur minstens vyf-en-twintig applikante vir lidmaatskap: Met dien verstande dat bedoelde regulasies wettiglik deur sewe of meer applikante vir lidmaatskap onderteken mag word indien die vereniging opgerig word met die doel om een of ander handelsartikel volgens 'n koöperatiewe stelsel te vervaardig en van die hand te sit), die handtekening van elkeen van wie deur minstens een getuie gewaarmerk is. In die geval van 'n sentrale of federale koöperatiewe maatskappy opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, moet bedoelde regulasies op die voorvermelde wyse onderteken word deur die behoorlik gemagtigde verteenwoordigers van minstens twee van die applikante vir lidmaatskap;
- (d) 'n lys bevattende—
 - (i) in die geval van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, die volle name, handtekenings, beroepe en adresse van die applikante vir lidmaatskap;
 - (ii) in die geval van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, of 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid, die volle name en adresse en, in die geval van 'n koöperatiewe landboumaatskappy of 'n spesiale koöperatiewe boeremaatskappy, ook die beroepe van die applikante vir lidmaatskap, en die getal aandeel waarvoor elkeen van hulle ingeteken het;
- (e) 'n lys met besonderhede van uitgawes en skulde deur die vereniging of maatskappy gemaak tot op die datum waarop die aansoek om registrasie aan die registrateur gestuur word;
- (f) 'n lys aantonende die datum waarop elke aansoek om lidmaatskap gedoen is en, in die geval van 'n vereniging of maatskappy met beperkte aanspreeklikheid, die bedrag deur elke applikant vir lidmaatskap betaal op die aandeel waarvoor hy ingeteken het;
- (g) die kennisgewing wat ingevolge artikel *honderd-en-vyf* gegee moet word van die adres van die geregistreerde kantoor van die vereniging of maatskappy.

(3) Ingeval van versuim om te voldoen aan die bepalings van sub-artikel (1) is elke direkteur en elke beambte van die vereniging of maatskappy aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

14. (1) Die Minister kan by kennisgewing in die *Staatskoerant* modelregulasies, wat nie met hierdie Wet teenstrydig is nie, voorskrywe vir—

Modelregulasies.

- (a) koöperatiewe landbouverenigings; of
- (b) koöperatiewe landboumaatskappye; of
- (c) spesiale koöperatiewe boeremaatskappye; of
- (d) koöperatiewe handelsverenigings.

(2) 'n Vereniging of maatskappy ten opsigte waarvan registrasie ingevolge hierdie Wet voorgestel word, kan enigee van of al die aldus voorgeskrewe modelregulasies wat dan van krag is as sy regulasies aanneem.

(3) Upon any registration under this Act of a society or company, in so far as any regulations tendered for registration are not inconsistent with or do not exclude or modify the model regulations so prescribed and in force at the time, such model regulations shall be deemed to form part of the regulations of that society or company, in the same manner and to the same extent as if they were contained in the regulations tendered.

(4) No alteration of, addition to, or rescission of the model regulations shall apply to any society or company established prior to the publication in the *Gazette* of the notice containing such alteration, addition or rescission, unless the alteration, addition or rescission is adopted by the society or company in general meeting in accordance with the provisions of section nineteen.

Contents of
regulations.

15. (1) The regulations shall be divided into paragraphs numbered consecutively, and shall set forth, *inter alia*—

- (a) the proposed name of the society or company, with the word "co-operative" as part of its name. In the case of a co-operative company or society with limited liability the word "limited" shall form the last word in its name;
- (b) where the office and any branches of the society or company are to be situate;
- (c) the objects of the society or company;
- (d) the period (if any) for which the society or company is to be established;
- (e) whether the liability of members is limited or unlimited;
- (f) the manner in which the capital of the society or company is to be raised or procured;
- (g) the manner in which the gain which may result from the transactions of the society or company shall be distributed amongst members; and, in the case of co-operative agricultural societies, the manner in which any loss at the end of the financial year shall be made good; and, in the case of a co-operative agricultural company formed for the objects set forth in paragraph (s) of sub-section (1) of section six, the regulations shall provide that, after due provision has been made for the depreciation of the company's assets and for any unascertained or contingent liability or loss, the gain resulting from the operations of the company during any financial year of the company shall be applied in the following manner—
 - (i) the members of the company shall be paid interest (not exceeding the rate of eight per cent. per annum) on the amount paid up by them on their respective shares;
 - (ii) if after the payment of interest in terms of paragraph (i) any balance is available, so much thereof as may be fixed by the directors of the company (or such larger amount than the amount fixed by the directors as may be determined by the members of the company in general meeting) shall be paid into the reserve fund of the company;
 - (iii) if any balance is available after the payments referred to in paragraphs (i) and (ii) have been made, it shall be divided equally among all the members of the company;
- (h) the mode and conditions of admission to membership of the society or company, the circumstances permitting of resignation or justifying expulsion therefrom, and the rights and liabilities of members, resigned members, expelled members, estates of deceased members and members whose estates have been surrendered, sequestrated or assigned, and whether such rights or liabilities are to exist as between the society or company and the members or as between the members themselves;
- (i) the number of directors of the society or company, and the powers and duties of directors and officers;
- (j) the intervals between the holding of general meetings of the society or company, and the requisite notices of and procedure at meetings (including the particular rights of members in voting thereat and the manner

(3) Wanneer 'n vereniging of maatskappy kragtens hierdie Wet geregistreer is, word die aldus voorgeskrewe model-regulasies wat dan van krag is, vir sover die regulasies vir registrasie aangebied nie daarmee onbestaanbaar is of hulle uitsluit of wysig nie, geag deel uit te maak van die regulasies van daardie vereniging of maatskappy, op dieselfde wyse en in dieselfde mate asof hulle in die aangebode regulasies vervat was.

(4) Geen wysiging, aanvulling of herroeping van die model-regulasies is van toepassing op 'n vereniging of maatskappy opgerig voor publikasie in die *Staatskoerant* van die kennisgewing wat bedoelde wysiging, aanvulling of herroeping uiteensit nie, tensy die wysiging, aanvulling of herroeping deur die vereniging of maatskappy aangeneem word op 'n algemene vergadering ooreenkomstig die bepalings van artikel negentien.

15. (1) Die regulasies moet verdeel word in paragrawe wat agtereenvolgens genummer is, en moet onder meer vermeld—

Inhoud van regulasies.

- (a) die voorgestelde naam van die vereniging of maatskappy, waarvan die woord „koöperatiewe” deel moet uitmaak. In die geval van 'n koöperatiewe maatskappy of vereniging met beperkte aanspreeklikheid moet die woord „beperk” die laaste woord van sy naam uitmaak;
- (b) waar die kantoor en enige takke van die vereniging of maatskappy gevestig sal wees;
- (c) die doeleindes van die vereniging of maatskappy;
- (d) die tydperk (as daar so 'n tydperk is) waarvoor die vereniging of maatskappy opgerig gaan word;
- (e) of die aanspreeklikheid van lede beperk of onbeperk is;
- (f) die wyse waarop die kapitaal van die vereniging of maatskappy opgeneem of verkry moet word;
- (g) die wyse waarop die wins wat mog ontstaan uit die werksaamhede van die vereniging of maatskappy onder lede verdeel moet word; en, in die geval van koöperatiewe landbouverenigings, die wyse waarop 'n verlies aan die einde van die boekjaar vereffen moet word; en, in die geval van 'n koöperatiewe landboumaatskappy opgerig vir die doeleindes vermeld in paragraaf (s) van sub-artikel (1) van artikel ses, moet die regulasies bepaal dat die wins wat ontstaan as gevolg van die werksaamhede van die maatskappy in die loop van enige boekjaar van die maatskappy, nadat behoorlik voorsiening gemaak is vir die afname in waarde van die bates van die maatskappy en vir onbepaalde of voorwaardelike aanspreeklikheid of verlies as volg bestee moet word—
 - (i) aan die lede van die maatskappy moet rente (teen 'n koers van hoogstens agt persent per jaar) betaal word op die bedrae deur hulle op hul onderskeidelike aandele betaal;
 - (ii) indien daar na betaling van rente ingevolge paragraaf (i) 'n oorskot beskikbaar is, moet daarvan soveel as die direkteure van die maatskappy vasstel (of sodanige bedrag, groter as die bedrag deur die direkteure vasgestel, as wat die lede van die maatskappy op 'n algemene vergadering bepaal) in die reserwefonds van die maatskappy gestort word;
 - (iii) indien daar na betaling van die bedrae vermeld in paragrawe (i) en (ii) nog 'n oorskot beskikbaar is, word dit gelykop verdeel onder al die lede van die maatskappy;
- (h) die wyse en voorwaardes van toelating tot lidmaatskap van die vereniging of maatskappy, die omstandighede waaronder 'n lid kan bedank of wat sy uitsetting regverdig, en die regte en verpligtings van lede, lede wat bedank het, lede wat uitgesit is, boedels van oorlede lede en lede wat hul boedels oorgegee of afgestaan het of van wie die boedels gesekwestreer is, en of bedoelde regte of verpligtings sal geld tussen die vereniging of maatskappy en die lede of onderling tussen die lede self;
- (i) die aantal direkteure van die vereniging of maatskappy, en die bevoegdhede en pligte van direkteure en beamptes;
- (j) die tussenpose tussen algemene vergaderings van die vereniging of maatskappy, en die vereiste kennisgewing van en prosedure by vergaderings (met inbegrip van die besondere regte van lede by die

of voting and the majority necessary for carrying any particular class of resolution);

- (k) the mode of managing the funds of the society or company, of keeping and auditing its accounts, and of the keeping of registers of members;

and may provide for the settlement by arbitration, or by a central or federal company, of disputes arising between members or between the society or company and any members, resigned members, expelled members, or the legal representative of any deceased or insolvent member, may prescribe all such matters as in terms of this Act may be prescribed by regulation, and, generally, may provide for the management of the society or company.

(2) In the case of companies or societies with limited liability, the regulations shall, in addition to the particulars mentioned in sub-section (1), prescribe—

- (a) the manner in which the issue and transfer of shares in the company or society shall be controlled, the manner in which payment for such shares shall be made, and the manner in which the share capital may be reduced by cancellation or forfeiture of shares;
- (b) the maximum amount which may be paid to shareholders in the form of interest in respect of the shares held by them, but which shall not in any case exceed eight per cent. per annum on the amounts paid on the shares;
- (c) the nominal value of each share in the company or society.

(3) In the case of companies or societies with limited liability the regulations may also—

- (a) fix the maximum amount of the contingent liability which may be attached to shares; and
- (b) provide that it shall be obligatory upon members to hold shares, issued to them or acquired by them by transfer, to an amount proportionate to the use made by them of the company or society,

and, in the case of co-operative agricultural companies or farmers' special co-operative companies, define the extent of the liability of members referred to in paragraph (c) of sub-section (2) of section *twenty*.

Submission of
regulations to
Minister.

16. (1) The regulations which it is proposed to register shall be submitted by the registrar to the Minister duly signed in the manner described in section *thirteen*, who may in his discretion veto the registration of any society or company, but if he does not exercise his right of veto and if the provisions of this Act have been complied with, the registrar shall, subject to the provisions of sub-section (2), register the regulations, file one duplicate in his office and return the other, with the date of registration endorsed thereon to the society or company.

(2) The registrar shall not register any society or company unless the regulations tendered with the application comply with and are in no way repugnant to or inconsistent with the provisions of this Act, nor until all other provisions of this Act in respect of registration have been complied with.

(3) A fee of one pound shall be paid to the registrar by means of revenue stamps upon registration, and such stamps shall, as soon as registration is effected by him, be affixed to the application for registration and defaced by the registrar.

Consequences of
registration.

17. (1) The regulations shall, when registered, bind the society or company and the members thereof to the same extent as if they had been signed by each member and contained undertakings on the part of each member, his successors in title and legal representatives, to observe all the provisions of the regulations, subject to the provisions of this Act.

(2) As soon as the registration of a society or company has been so effected, the registrar shall transmit to the office of the society or company a certificate of registration, in the form prescribed by the Minister; and such certificate shall, in all courts and places, be conclusive evidence of the facts stated therein. Upon receipt of such certificate such society or company shall have all the rights, powers, privileges, and duties by this Act conferred or imposed on co-operative societies or co-operative companies, and shall be thereupon entitled to

uitbring van stemme daarop en die wyse waarop gestem word en die meerderheid wat vereis word vir die aanneming van 'n besondere soort besluit);

- (k) die wyse waarop die fondse van die vereniging of maatskappy beheer, en die rekenings gehou en geouditeer, en die lederegisters gehou word;

en kan voorsiening maak vir die beslegting van geskille wat mog ontstaan tussen lede, of tussen die vereniging of maatskappy en lede, lede wat bedank het, lede wat uitgesit is of die wetlike verteenwoordiger van 'n oorlede lid of 'n lid wat insolvent is, deur middel van arbitrasie of deur 'n sentrale of federale maatskappy, kan alle sake voorskrywe wat volgens hierdie Wet deur regulasies voorgeskrywe mag word, en kan in die algemeen voorsiening maak vir die bestuur van die vereniging of maatskappy.

(2) Die regulasies moet, in die geval van maatskappye of verenigings met beperkte aanspreeklikheid, benewens die besonderhede vermeld in sub-artikel (1), ook voorskrywe—

- (a) die wyse waarop die uitreiking en oordrag van aandele in die maatskappy of vereniging beheer moet word, die wyse waarop vir sodanige aandele betaal moet word, en die wyse waarop die aandele-kapitaal verminder kan word deur intrekking of verbeuring van aandele;

- (b) die grootste bedrag wat by wyse van rente aan aandeelhouders betaal mag word ten opsigte van aandele wat hulle besit, maar daardie bedrag mag in geen geval meer as agt persent per jaar op die bedrag op die aandele betaal wees nie;

- (c) die nominale waarde van elke aandeel in die maatskappy of vereniging.

(3) Die regulasies kan, in die geval van maatskappye of verenigings met beperkte aanspreeklikheid, ook—

- (a) die grootste bedrag vasstel van die voorwaardelike aanspreeklikheid wat aan aandele verbonde kan wees; en

- (b) bepaal dat lede verplig is om aandele te besit, wat aan hulle uitgereik is of deur hulle deur oordrag verkry is, tot 'n bedrag wat in verhouding staan tot die gebruik wat hulle van die maatskappy of vereniging maak,

en, in die geval van koöperatiewe landboumaatskappye of spesiale koöperatiewe boeremaatskappye, die omvang bepaal van die in paragraaf (c) van sub-artikel (2) van artikel twintig bedoelde aanspreeklikheid van lede.

16. (1) Die regulasies, registrasie waarvan voorgestel word, behoortlik onderteken op die in artikel dertien beskrewe wyse, moet deur die registrateur voorgelê word aan die Minister, wat na goeë dunnke sy veto kan uitspreek oor die registrasie van 'n vereniging of maatskappy, maar as hy sy vetoreg nie uitoefen nie, en indien aan die bepalings van hierdie Wet voldoen is, moet die registrateur, behoudens die bepalings van sub-artikel (2) die regulasies registreer, een duplikaat in sy kantoor bewaar en die ander, met die datum van registrasie daarop aangeteken, aan die vereniging of maatskappy terugstuur.

Voorlegging van regulasies aan Minister.

(2) Die registrateur registreer geen vereniging of maatskappy nie, tensy die regulasies wat met die aansoek aangebied word aan die bepalings van hierdie Wet voldoen en op generlei wyse daarmee in stryd of onbestaanbaar is nie, en ook nie voordat aan alle ander bepalings van hierdie Wet betreffende registrasie voldoen is nie.

(3) 'n Bedrag van een pond voldaan deur middel van inkomsteseëls moet by registrasie aan die registrateur betaal word, en bedoelde seëls moet, sodra registrasie deur hom voltooi is, aan die aansoek om registrasie geheg en deur die registrateur gekanselleer word.

17. (1) Die regulasies is, na hulle geregistreer is, bindend op die vereniging of maatskappy en op sy lede in dieselfde mate asof elke lid hulle onderteken het en asof hulle verbintenisse behels van elke lid en sy regsopvolgers en wettige verteenwoordigers om, behoudens die bepalings van hierdie Wet, aan al die bepalings van die regulasies te voldoen.

Gevolge van registrasie.

(2) Sodra 'n vereniging of maatskappy aldus geregistreer is, moet die registrateur 'n sertifikaat van registrasie, in 'n vorm deur die Minister voorgeskrywe, aan die kantoor van die vereniging of maatskappy stuur, en bedoelde sertifikaat is in alle geregshowe en plekke afdoende bewys van die feite daarin vermeld. Na ontvangs van bedoelde sertifikaat het bedoelde vereniging of maatskappy alle regte, bevoegdhede, voorregte en pligte wat deur hierdie Wet aan koöperatiewe verenigings of koöperatiewe maatskappye verleen of opgelê

commence operations as a co-operative society or co-operative company: Provided that the registrar may cancel any such registration upon proof furnished by any person interested that it was obtained by fraud: Provided further that there shall be a right of appeal to a provincial or local division of the Supreme Court having jurisdiction against a decision of the registrar to cancel or not to cancel any such registration.

Name of society or company and change thereof.

18. (1) A society or company shall not be registered by a name identical with that by which a society or company is already registered, or so nearly resembling that name as, in the opinion of the registrar, to be calculated to mislead.

(2) If a society or company through inadvertence or otherwise is registered in conflict with the provisions of sub-section (1), the society or company may, with the sanction of the registrar, and shall, if the Minister so directs, change its name.

(3) Any society or company may, by resolution of a special general meeting called for the purpose and with the approval in writing of the Minister, change its name.

(4) When a society or company changes its name, the registrar shall enter the new name on the register in place of the former name and shall issue a certificate of registration to meet the circumstances of the case.

(5) The change of name shall not affect any rights or obligations of the society or company or its members, or render defective any legal proceedings by or against the society or company, and any legal proceedings that might have been continued or commenced by or against it under its former name may be continued or commenced under its new name.

Alteration of regulations.

19. (1) No alteration of the regulations of a society or company shall be made unless the alteration has been approved by not less than two-thirds of the members voting in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose: Provided that any alteration lessening the period of establishment of a society or company shall require the approval of not less than two-thirds of the total number of members of the society or company.

(2) Every alteration of regulations so made shall, within one month thereafter, be tendered to the registrar for registration, who shall submit it to the Minister. The Minister may in his discretion refuse to allow the alteration. If the Minister does not refuse to allow the alteration, the registrar shall register the same, unless it is repugnant to or inconsistent with the provisions of this Act; and upon the registration of the alteration, the regulations of the society or company as originally registered shall be read subject to the alteration. For the purpose of this sub-section an alteration to any provision in the regulations or memorandum and articles of association of a society or company referred to in paragraph (c) of the proviso to sub-section (1) of section *ninety* shall not be deemed to be inconsistent with or repugnant to the provisions of this Act, unless such alteration would have the effect of vesting in such society or company additional powers in conflict with any provisions of this Act.

(3) Every application for the registration of an amendment of the regulations of a society or company shall be accompanied by the following—

(a) a solemn declaration made by the chairman or vice-chairman and by the secretary of the society or company of compliance with all the requirements of this Act in respect of matters precedent to the registration of an amendment of the regulations and incidental thereto, which declaration may be accepted by the registrar as sufficient evidence of compliance;

(b) two copies of the proposed amendment signed by not less than seven members, each of whose signatures shall be attested by at least one witness. In the case of a central or federal co-operative company formed under the provisions of Chapter VI. of this Act, such amendment shall be signed as aforesaid by the duly authorized representatives of at least two members.

word, en is hy daarna geregtig om as 'n koöperatiewe vereniging of koöperatiewe maatskappy sake te begin doen: Met dien verstande dat die registrateur bedoelde registrasie kan kanselleer op bewys gelewer deur 'n belanghebbende persoon dat dit deur bedrog verkry is: Met dien verstande voorts dat daar 'n reg van appèl is na 'n provinsiale of plaaslike afdeling van die Hooggeregshof wat jurisdiksie het teen 'n beslissing van die registrateur om bedoelde registrasie te kanselleer of nie te kanselleer nie.

18. (1) 'n Vereniging of maatskappy mag nie geregistreer word nie onder dieselfde naam as dié waaronder 'n ander vereniging of maatskappy reeds geregistreer is, of wat soveel met 'n aldus geregistreeerde naam ooreenkom dat dit volgens oordeel van die registrateur sou kan mislei.

Naam van
vereniging of maat-
skappy en ver-
andering daarvan.

(2) As 'n vereniging of maatskappy deur onagsaamheid of andersins geregistreer word in stryd met die bepalings van sub-artikel (1), dan kan die vereniging of maatskappy met toestemming van die registrateur sy naam verander, en is hy verplig op las van die Minister om sy naam te verander.

(3) 'n Vereniging of maatskappy kan, by besluit van 'n spesiale algemene vergadering vir daardie doel belê en met skriftelike toestemming van die Minister, sy naam verander.

(4) Wanneer 'n vereniging of maatskappy sy naam verander, dan moet die registrateur die nuwe naam in plaas van die vorige op die register inskrywe en 'n sertifikaat van registrasie in ooreenstemming met die omstandighede van die geval uitreik.

(5) Die naamsverandering het geen invloed op enige regte of verpligtings van die vereniging of maatskappy of sy lede nie en maak geen regsgeding ingestel deur of teen die vereniging of maatskappy ongeldig nie, en enige regsgeding wat onder sy vorige naam deur of teen hom voortgesit of ingestel kon geword het, kan onder sy nuwe naam voortgesit of ingestel word.

19. (1) Die regulasies van 'n vereniging of maatskappy word nie gewysig nie, tensy die wysiging goedgekeur is deur minstens twee-derdes van die lede wat in eie persoon of (waar dit deur die regulasies toegelaat word) deur gevolmagtigdes hul stemme uitbring op 'n algemene vergadering wat spesiaal vir die doel belê is: Met dien verstande dat 'n wysiging, waarby die tydperk van bestaan van 'n vereniging of maatskappy verkort word, goedgekeur moet word deur minstens twee-derdes van al die lede van die vereniging of maatskappy.

Wysiging van
regulasies.

(2) Elke wysiging van regulasies wat aldus aangebring word, moet binne een maand daarna vir registrasie voorgelê word aan die registrateur wat dit aan die Minister moet voorlê. Die Minister kan na goeddunke weier om die wysiging toe te laat. As die Minister nie weier om die wysiging toe te laat nie, moet die registrateur dieselwe registreer, tensy dit met die bepalings van hierdie Wet in stryd of onbestaanbaar is; en na registrasie van die wysiging geld die oorspronklik geregistreeerde regulasies van die vereniging of maatskappy met inagneming van die wysiging. By die toepassing van hierdie sub-artikel word 'n wysiging van 'n bepaling in die regulasies of memorandum en statute van 'n vereniging of maatskappy bedoel in paragraaf (c) van die voorbehoudbepaling tot sub-artikel (1) van artikel *negentig* nie geag met die bepalings van hierdie Wet in stryd of onbestaanbaar te wees nie, tensy die uitwerking van daardie wysiging sal wees om aan bedoelde vereniging of maatskappy addisionele bevoegdhede in stryd met 'n bepaling van hierdie Wet te verleen.

(3) Elke aansoek om registrasie van 'n wysiging van die regulasies van 'n vereniging of maatskappy moet vergesel gaan van die volgende—

- (a) 'n plegtige verklaring afgelê deur die voorsitter of vise-voorsitter en deur die sekretaris van die vereniging of maatskappy, dat aan al die vereistes van hierdie Wet wat betref die sake wat registrasie van 'n wysiging van die regulasies voorafgaan en daarmee in verband staan, voldoen is, en sodanige verklaring kan deur die registrateur as afdoende bewys van voldoening aangeneem word;
- (b) twee afskrifte van die voorgestelde wysiging onderteken deur minstens sewe lede, wie se handtekenings elkeen deur minstens een getuie gewaarmerk is. In die geval van 'n sentrale of federale koöperatiewe maatskappy opgerig kragtens die bepalings van Hoofstuk VI van hierdie Wet, moet bedoelde wysiging op die voorvermelde wyse onderteken word deur die behoorlik gemagtigde verteenwoordigers van minstens twee lede.

(4) The provisions of sub-section (3) of section *sixteen* and of sub-section (1) of section *seventeen* shall apply in respect of the registration of regulations so altered.

CHAPTER III.

LIABILITY OF MEMBERS AND CAPITAL.

Liability of
members.

20. (1) It shall be a condition of membership of a co-operative agricultural society with unlimited liability, that all its members shall be jointly and severally liable for payment of the debts and obligations of the society: Provided that, subject to the proviso to sub-section (1) of section *seventy-seven*, any person who has resigned his membership or has been expelled from the society and the estate of any person who has died shall not be liable—

- (a) in respect of any of the society's debts and obligations incurred after such resignation, expulsion or death; and
- (b) in respect of any of the society's debts and obligations whatever as soon as the balance sheet and profit and loss account of the society signed by its auditor as hereinafter provided disclose a credit balance in favour of the society:

Provided, further, that no person shall be liable for the repayment of any loan raised by the society prior to the date at which he became a member which has been used in whole or in part for making advances to the members of the society or supplying farming requisites to its members or defraying the cost of handling, treating or disposing of the products of its members, unless he has received from the society an advance out of the proceeds of the loan or has been supplied by the society with farming requisites purchased or otherwise acquired out of the proceeds of the loan or unless the cost to the society of handling, treating or disposing of any of his products has been defrayed out of the proceeds of the loan.

(2) It shall be a condition of membership of a co-operative agricultural company with limited liability, a farmers' special co-operative company with limited liability, and a co-operative trading society with limited liability, that the liability of a member, present or past, shall be limited to—

- (a) payment of the nominal value of the share or shares held by him; and
- (b) any contingent liability which by the regulations of the company or society may be attached to such share or shares; and
- (c) (in the case of a co-operative agricultural company or a farmers' special co-operative company) payment of a sum which by the regulations of the company a member is obliged to make towards repayment of any loan raised by the company and used in whole or in part for making advances or supplying goods or rendering services to members: Provided that such sum shall not exceed the value which he has actually received out of the loan in the form of advances, goods supplied or services rendered.

(3) Nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members of any society or company on the policy or contract is restricted, or whereby the funds of the society or company are alone made liable in respect of the policy or contract.

Contingent
liability attached
to shares.

21. (1) Shares with a contingent liability shall be issued by a company or society with limited liability only to such members as voluntarily subscribe therefor and the maximum amount of the contingent liability attached to such shares and the conditions upon which they shall be allotted shall be as prescribed by the regulations of the company or society.

(2) Whenever the registrar is satisfied that the contingent liability attached to any share or shares issued by a company or society no longer serves any useful purpose, or that for any reason it is undesirable that such contingent liability should remain in force, he may, upon written application by the com-

(4) Die bepalings van sub-artikel (3) van artikel *sestien* en van sub-artikel (1) van artikel *sewentien* is van toepassing op die registrasie van aldus gewysigde regulasies.

HOOFSTUK III.

AANSPREEKLIKHEID VAN LEDE EN KAPITAAL.

20. (1) Dit is 'n voorwaarde van lidmaatskap van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, dat al sy lede gesamentlik en afsonderlik aanspreeklik is vir betaling van die skulde en verpligtings van die vereniging: Aanspreeklikheid van lede.

Met dien verstande dat, onderworpe aan die voorbehoudsbepaling tot sub-artikel (1) van artikel *sewen-en-sewentig*, 'n persoon wat bedank het of uit die vereniging uitgesit is en die boedel van 'n persoon wat oorlede is nie aanspreeklik is nie—

- (a) ten opsigte van skulde en verpligtings deur die vereniging aangegaan na bedoelde bedanking, uitsetting of dood; en
- (b) ten opsigte van enige skulde en verpligtings van die vereniging hoegenaamd sodra die balansstaat en wins- en verliesrekening van die vereniging, onderteken deur sy ouditeur soos hierna bepaal, 'n batige saldo ten gunste van die vereniging aantoon:

Met dien verstande voorts dat niemand aanspreeklik is vir terugbetaling van 'n lening wat deur die vereniging aangegaan is voor die datum waarop hy lid geword het, en wat deels of ten volle aangewend is om voorskotte aan die lede van die vereniging te maak of om boerderybenodigdhede aan sy lede te lewer of om die onkoste te dek om die produkte van sy lede te hanteer, te bewerk of van die hand te sit nie, tensy hy van die vereniging 'n voorskot uit die opbrings van die lening ontvang het of deur die vereniging voorsien is van boerderybenodigdhede aangekoop of op ander wyse verkry uit die opbrings van die lening, of tensy die onkoste deur die vereniging gemaak om daardie lid se produkte te hanteer, bewerk of van die hand te sit uit die opbrings van die lening gedek is.

(2) Dit is 'n voorwaarde van lidmaatskap van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid, dat die aanspreeklikheid van 'n bestaande of gewese lid beperk is tot—

- (a) betaling van die nominale waarde van die aandeel of aandele deur hom besit; en
- (b) enige voorwaardelike aanspreeklikheid wat ingevolge die regulasies van die maatskappy of vereniging aan bedoelde aandeel of aandele verbonde mog wees; en
- (c) (in die geval van 'n koöperatiewe landboumaatskappy of 'n spesiale koöperatiewe boeremaatskappy) betaling van 'n bedrag wat 'n lid ingevolge die regulasies van die maatskappy verplig word om by te dra tot die terugbetaling van enige lening wat deur die maatskappy aangegaan is en wat deels of ten volle aangewend is om aan lede voorskotte te verstrek of goedere te lewer of dienste te bewys: Met dien verstande dat bedoelde bedrag nie die waarde te bowe gaan nie wat hy werklik uit die lening ontvang het by wyse van verstrekte voorskotte, gelewerde goedere of bewese dienste.

(3) Die bepalings van hierdie Wet maak nie 'n bepaling vervat in 'n versekeringspolis of ander kontrak, waardeur die aanspreeklikheid van individuele lede van 'n vereniging of maatskappy onder die polis of kontrak beperk word, of uit kragte waarvan aanspraak ten opsigte van die polis of kontrak alleen op die fondse van die vereniging of maatskappy gemaak mag word, ongeldig nie.

21. (1) Aandele waaraan 'n voorwaardelike aanspreeklikheid verbonde is, word deur 'n maatskappy of vereniging met beperkte aanspreeklikheid uitgereik alleen aan lede wat vrywillig daarvoor inskrywe, en die hoogste bedrag van die voorwaardelike aanspreeklikheid verbonde aan sulke aandele en die voorwaardes waarop hulle toegewys word, word voorgeskrywe deur die regulasies van die maatskappy of vereniging. Voorwaardelike aanspreeklikheid verbonde aan aandele.

(2) Wanneer die registrateur oortuig is dat die voorwaardelike aanspreeklikheid verbonde aan 'n aandeel of aandele deur 'n maatskappy of vereniging uitgegee nie meer 'n nuttige doel bevorder nie, of dat dit om een of ander rede ongewens is dat sodanige voorwaardelike aanspreeklikheid bly voortbestaan, kan hy, op skriftelike aansoek deur die maatskappy

pany or society, approve of the cancellation of the contingent liability attached to the share or shares so issued, provided the right to recover the amount due under the contingent liability attached to the share or shares has not been ceded or pledged as security for any contingent or existing debt, and provided no objection is raised by any interested person to such cancellation within fourteen days after publication by the company or society of a notice in the *Gazette* and a newspaper circulating in the area where the company or society carries on operations, stating that it is proposed to cancel such liability and containing all such particulars as may be required by the registrar.

Funds of co-operative agricultural societies with unlimited liability.

22. (1) A co-operative agricultural society with unlimited liability shall not be required to have any fixed capital.

(2) Subject to the provisions of sub-sections (3), (4) and (5), no part of the funds of any such society shall, except in the event of winding-up, be divided amongst its members in any other manner than is authorized by its regulations.

(3) Any such society may, upon a resolution passed at an annual general meeting, set aside part of the gain resulting from its operations during any financial year, for the purpose of building up a special reserve fund for defraying losses which may result from its operations during any later financial year or years: Provided that an amount not less than the amount so set aside shall be set aside out of the aforesaid gain for the purpose of building up a general reserve fund.

(4) If the operations of the society during any financial year have resulted in a loss, the society may, upon a resolution passed at the annual general meeting at which the profit and loss account for that financial year is considered, write off against the special reserve fund so much of the said loss as is fixed by such resolution, and the balance of the loss shall, subject to the provisions of sub-section (1) of section *twenty*, be borne by the members of that year, in accordance with the regulations.

(5) Any such society which carries on the business of insurance may set aside funds for the purpose of forming an insurance fund for meeting claims by members for the amounts insured.

Loans by co-operative agricultural societies with unlimited liability.

23. No loan exceeding one hundred pounds shall be raised by any co-operative agricultural society with unlimited liability unless the loan has been approved by not less than two-thirds of the members present at a general meeting specially convened for that purpose, of which notice, stating full particulars of the proposed loan, has been duly given, and unless the board of directors has approved of the raising of the loan.

Funds of co-operative companies and societies with limited liability.

24. (1) The share capital of a co-operative agricultural company with limited liability, of a farmers' special co-operative company with limited liability, and of a co-operative trading society with limited liability, shall be the nominal value of shares from time to time issued and not cancelled or forfeited.

(2) The reserve fund of the company or society shall not, except in the event of winding-up, be distributed amongst members in any other manner than is authorized by its regulations, and shall at any time be applicable to any purposes to which the share capital of the company or society is applicable: Provided that the use of the reserve fund to defray losses of the company or society or, in the case of a company or society which carries on the business of insurance, to pay claims by members for the amounts insured, shall not be deemed to be a distribution amongst members.

(3) Subject to the provisions of sub-section (2) of section *twenty*, the shares issued by the company or society shall only be of one class, all ranking equally.

(4) Except in the case of shares subscribed for by applicants for membership prior to the application for registration of the company or society under section *thirteen* or shares issued to members under paragraph (b) of sub-section (3) of section *fifteen*, no share in the company or society shall be allotted unless one-tenth of the nominal value thereof has been paid.

(5) Any amount due to a member by way of interest or bonus shall be applied to paying off any calls on shares which may at

of vereniging, die opheffing van die voorwaardelike aanspreeklikheid verbonde aan die aandeel of aandele aldus uitgegee, goedkeur, mits die reg om die bedrag in te vorder wat betaalbaar is ingevolge die voorwaardelike aanspreeklikheid verbonde aan die aandeel of aandele nie as sekuriteit vir 'n voorwaardelike of bestaande skuld oorgemaak of verpand is nie, en mits geen belanghebbende persoon, binne veertien dae na publikasie deur die maatskappy of vereniging van 'n kennisgewing in die *Staatskoerant* en 'n koerant in omloop in die streek waar die maatskappy of vereniging sake doen, waarin vermeld word dat voorgestel word om bedoelde aanspreeklikheid op te hef en waarin alle besonderhede meegedeel word wat die registrateur bepaal, teen sodanige opheffing beswaar maak nie.

22. (1) 'n Koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid hoef geen vaste kapitaal te hê nie.

(2) Behoudens die bepalings van sub-artikels (3), (4) en (5), word, behalwe in die geval van likwidasië, geen deel van die fondse van so 'n vereniging op 'n ander wyse as wat deur sy regulasies toegelaat word onder lede verdeel nie.

(3) So 'n vereniging kan, by besluit aangeneem op 'n jaarlikse algemene vergadering, 'n deel van die wins ontstaan uit sy werksaamhede in die loop van 'n boekjaar opsy sit om 'n spesiale reserwefonds op te bou tot dekking van verliese wat uit sy werksaamhede in die loop van 'n latere boekjaar of latere boekjare mog ontstaan: Met dien verstande dat uit voornoemde wins 'n bedrag, minstens gelyk aan die bedrag aldus opsy gesit, opsy gesit moet word om 'n algemene reserwefonds op te bou.

(4) Indien die werksaamhede van die vereniging in die loop van 'n boekjaar op 'n verlies uitgeloop het, kan die vereniging, by besluit aangeneem op die jaarlikse algemene vergadering waarop die wins- en verliesrekening vir daardie boekjaar oorweeg word, soveel van genoemde verlies teen die spesiale reserwefonds afskrywe as wat by bedoelde besluit vasgestel word, en die oorskot van die verlies word, met inagneming van die bepalings van sub-artikel (1) van artikel *twintig*, deur die lede van daardie jaar in ooreenstemming met die regulasies gedra.

(5) So 'n vereniging wat 'n assuransiëbesigheid drywe, kan gelde opsy sit om 'n assuransiëfonds op te bou tot dekking van vorderings van lede van die versekerde bedrae.

23. Geen lening wat meer as honderd pond bedra, word deur 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid aangegaan nie, tensy die lening goedgekeur is deur minstens twee-derdes van die lede teenwoordig op 'n algemene vergadering wat spesiaal vir daardie doel belê is en waarvan behoorlik kennis gegee is, met vermelding van volle besonderhede van die voorgestelde lening, en tensy die raad van direkteure die aangaan van die lening goedgekeur het.

24. (1) Die aandeelkapitaal van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, van 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en van 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid is die nominale waarde van aandele wat van tyd tot tyd uitgereik is, en wat nie ingetrek of verbeur is nie.

(2) Die reserwefonds van die maatskappy of vereniging word nie op 'n ander wyse as wat deur sy regulasies toegelaat word, onder lede verdeel nie behalwe ingeval van likwidasië en kan te eniger tyd aangewend word vir enige doel waarvoor die aandeelkapitaal van die maatskappy of vereniging aangewend kan word: Met dien verstande dat die aanwending van die reserwefonds om verliese van die maatskappy of vereniging te dek of, in die geval van 'n maatskappy of vereniging wat 'n assuransiëbesigheid drywe, om vorderings van lede van die versekerde bedrae te dek, nie geag word 'n verdeling onder lede te wees nie.

(3) Die aandele deur die maatskappy of vereniging uitgegee is, behoudens die bepalings van sub-artikel (2) van artikel *twintig*, abnal van dieselfde klas en dieselfde rangorde.

(4) Behalwe in die geval van aandele waarvoor deur applikante vir lidmaatskap ingeskryf is voor die aansoek om registrasie van 'n vereniging of maatskappy volgens artikel *dertien*, of aandele aan lede uitgereik volgens paragraaf (b) van sub-artikel (3) van artikel *vyftien*, word geen aandeel in die maatskappy of vereniging toegewys nie voordat een-tiende van die nominale waarde daarvan betaal is.

(5) 'n Bedrag wat aan 'n lid ten opsigte van rente of bonus verskuldig is, word aangewend ter betaling van oproepe

Fondse van koöperatiewe landbouverenigings met onbeperkte aanspreeklikheid.

Lenings deur koöperatiewe landbouverenigings met onbeperkte aanspreeklikheid.

Fondse van koöperatiewe maatskappye en verenigings met beperkte aanspreeklikheid.

the time such amount becomes payable be due by him and unpaid.

(6) A share in the company or society shall not be transferred to any person without the consent of the directors given at a meeting of the directors.

(7) The directors of the company or society may, if they think fit, notwithstanding that no call may be due and payable, receive from any member willing to pay the same all or any part of the nominal value of the share or shares held by him, and such payment shall constitute a reduction, to the extent of the payment so made, of the liability of the member in respect of the payment of the nominal value of the share or shares subscribed for by him.

Borrowing powers of co-operative companies and societies with limited liability.

25. No loan shall be raised by a co-operative company or society with limited liability, exceeding one-half of the share capital for the time being of the company or society, unless the loan has been approved by not less than two-thirds of the members voting in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose, of which notice, stating full particulars of the proposed loan, has been duly given.

CHAPTER IV.

MORTGAGES AND DEBENTURES.

Issue and registration of debentures and register of mortgages and debentures.

26. (1) A society or company registered under this Act may, if so authorized by its regulations, create and issue debentures, and as security for the fulfilment of the obligation undertaken thereunder may, in the manner hereinafter described, bind movable or immovable property or both movable and immovable property of the society or company.

(2) The binding of immovable property as security for any debenture or debentures shall be effected in a deeds registry or registries by means of a mortgage bond or bonds executed on behalf of the society or company.

(3) The binding of movable property as security for any debenture or debentures shall be effected by a bond or bonds executed on behalf of the society or company before a notary public and registered in a deeds registry or registries: Provided that the debentures themselves may, if executed before a notary, be registered in a deeds registry or registries in like manner as if they were notarial bonds.

(4) The binding of both immovable and movable property as security for any debenture or debentures shall be effected by the execution and registration of a mortgage bond or bonds binding the immovable property and of a collateral notarial bond or bonds binding the movable property, or by a notarial bond or bonds or notarial debenture or debentures binding the movable property and a collateral mortgage bond or bonds binding the immovable property. Whenever it is desired to bind movable or immovable property as additional security to any mortgage bond, notarial bond or notarial debenture, such movable or immovable property shall be bound by collateral notarial bond in the case of the movable and by collateral mortgage bond in the case of the immovable property.

(5) Any such mortgage bond, notarial bond or notarial debenture as aforesaid may be executed in favour of one or more debenture holders and any such mortgage bond or notarial bond may be executed in favour of one or more persons as trustees for the debenture holders generally. If the bond is in favour of one or more debenture holders the debenture shall be annexed to one copy of the bond and a duplicate or certified copy of the debenture shall be annexed to the other copy. If the bond is in favour of trustees for debenture holders a certified copy of the trust deed by which the trustees are appointed and in which their rights and duties are defined, together with a specimen form of the debentures, shall be annexed to each copy of the bond: Provided that on and after the commencement of this Act no director of a society or company shall be capable of being appointed a trustee for the holders of debentures in that society or company.

op aandeel wat wanneer bedoelde bedrag betaalbaar word, deur hom verskuldig en nog nie betaal is nie.

(6) 'n Aandeel in die maatskappy of vereniging kan nie sonder toestemming van die direkteure, gegee op 'n vergadering van die direkteure, aan 'n ander persoon oorgedra word nie.

(7) Die direkteure van die maatskappy of vereniging kan, na goeëdunke, ondanks die feit dat geen oproep verskuldig of betaalbaar is nie, van 'n lid wat bereid is om dit te betaal, die volle nominale waarde van die aandeel of aandeel wat hy besit, of 'n deel daarvan, aanneem, en so 'n betaling verminder die aanspreeklikheid van die lid ten opsigte van betaling van die nominale waarde van die aandeel of aandeel waarvoor hy ingeskryf het met 'n bedrag gelyk aan die bedrag aldus betaal.

25. Geen lening van 'n groter bedrag as die helfte van die dan bestaande aandelekapitaal van 'n koöperatiewe maatskappy of vereniging met beperkte aanspreeklikheid word deur so 'n maatskappy of vereniging aangegaan nie, tensy die lening goedgekeur is deur minstens twee-derdes van die lede wat in eie persoon of (waar dit deur die regulasies toegelaat word) deur gevolmagtigdes hul stemme uitbring op 'n algemene vergadering wat spesiaal vir daardie doel belê is, en waarvan behoorlik kennis gegee is met vermelding van volledige besonderhede van die voorgestelde lening.

Bevoegdheid van koöperatiewe maatskappye en verenigings met beperkte aanspreeklikheid om lenings aan te gaan.

HOOFSTUK IV.

VERBANDE EN OBLIGASIES.

26. (1) Indien deur sy regulasies daartoe gemagtig, kan 'n volgens hierdie Wet geregistreerde vereniging of maatskappy obligasies tot stand bring en uitgee, en as sekuriteit vir die vervulling van die verpligtings ingevolge daarvan onderneem, die roerende of onroerende of beide die roerende en onroerende goed van die vereniging of maatskappy op die hierna omskrewe wyse verbind.

Uitgifte en registrasie van obligasies en register van verbande en obligasies.

(2) Die verbinding van onroerende goed as sekuriteit vir 'n obligasie of obligasies vind plaas in 'n registrasiekantoor of registrasiekantore van aktes deur middel van 'n verband of verbande namens die vereniging of maatskappy uitgemaak en geteken.

(3) Die verbinding van roerende goed as sekuriteit vir 'n obligasie of obligasies geskied deur 'n verband of verbande uitgemaak en geteken namens die vereniging of maatskappy voor 'n notaris en geregistreer in 'n registrasiekantoor of registrasiekantore van aktes: Met dien verstande dat die obligasies self, indien voor 'n notaris uitgemaak en geteken, in 'n registrasiekantoor of registrasiekantore van aktes geregistreer kan word op dieselfde manier asof hulle notariële verbande was.

(4) Die verbinding van beide onroerende en roerende goed as sekuriteit vir 'n obligasie of obligasies geskied deur die uitmaking en tekening en registrasie van 'n verband of verbande wat die onroerende goed verbind en van 'n bykomende notariële verband of verbande wat die roerende goed verbind of deur 'n notariële verband of verbande of notariële obligasie of obligasies wat die roerende goed en 'n bykomende verband of verbande wat die onroerende goed verbind. Wanneer dit verlang word om roerende of onroerende goed te verbind as addisionele sekuriteit tot 'n verband, notariële verband of notariële obligasie, moet bedoelde roerende of onroerende goed verbind word deur bykomende notariële verband in die geval van roerende en deur bykomende verband in die geval van onroerende goed.

(5) So 'n voormelde verband, notariële verband of notariële obligasie kan ten gunste van een of meer obligasiehouers uitgemaak en geteken word en so 'n verband of notariële verband kan ten gunste van een of meer persone as kuratore vir die obligasiehouers oor die algemeen uitgemaak en geteken word. As die verband ten gunste van een of meer obligasiehouers is, moet die obligasie geheg word aan een kopie van die verband en 'n duplikaat of gesertifiseerde kopie van die obligasie moet aan die ander kopie geheg word. As die verband ten gunste van kuratore vir obligasiehouers is, moet 'n gesertifiseerde kopie van die akte van opdrag waardeur die kuratore benoem word en waarin hul regte en pligte bepaal word, met 'n proef-eksemplaar van die obligasies, aan elke kopie van die verband geheg word: Met dien verstande dat op en na die inwerkingtreding van hierdie Wet 'n direkteur van 'n vereniging of maatskappy nie bevoeg is om as kurator vir die obligasiehouers in daardie vereniging of maatskappy aangestel te word nie.

(6) Registration of mortgage bonds and notarial bonds, including notarial debentures in pursuance of the foregoing provisions, and of subsequent transactions relating thereto shall be effected in accordance with the regulations and practice of the deeds registry concerned relating to mortgage bonds and notarial bonds respectively.

(7) In any bond executed in favour of trustees for debenture holders generally provision may be made that the debentures thereby secured or to be secured may be issued from time to time and at different dates, as the society or company may determine, but all such debentures, whenever issued, shall rank in preference concurrently with one another as from the date of registration of the bond.

(8) Every holder of a debenture secured by a bond executed in favour of trustees for debenture holders generally shall, unless it is otherwise provided by the terms of the bond or of the trust deed and form of debenture annexed thereto, be entitled to enforce his rights under such debenture as soon as it has been issued to him in the same manner as if he were himself the holder of such bond. No notice of the cession of any such debenture shall be necessary in order to confer upon any assignee thereof the rights of the cedent.

(9) Every society or company shall keep at its registered office a register of mortgages and debentures and enter therein all mortgages and debentures affecting property of the society or company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in case of securities to bearer) the names of the mortgagees and debenture holders.

(10) If any director, manager, secretary or other officer of the society or company authorizes or knowingly permits the omission of any entry required to be made in pursuance of this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(11) The register of mortgages and debentures kept in pursuance of this section shall be open at all reasonable times to the inspection of the registrar or any person authorized by him or any person appointed in terms of section *forty-seven* or any creditor or member of the society or company without fee, and of any other person on payment of such fee, not exceeding two shillings and sixpence for each inspection, as the society or company may prescribe.

(12) If inspection of the said register is refused, any officer of the society or company refusing inspection and every director, manager, secretary or other officer of the society or company authorizing or knowingly and wilfully permitting the refusal, shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds; and the court (including the court convicting) may, by order, compel immediate inspection of the said register.

Register of
debentures.

27. (1) Every society or company registered under this Act shall keep at its registered office a register of debentures showing the number of debentures issued and outstanding and specifying whether issued to bearer or not, and, in the case of those not issued to bearer specifying further the names and addresses of the holders thereof.

(2) Every such register shall, except when closed in accordance with the regulations, during such period or periods (not exceeding in the whole sixty days in any year) as may be specified in the regulations, be open to the inspection of any person but subject to such reasonable restrictions as the society or company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and the society or company shall furnish to any person at his request extracts from the register on payment of one shilling for every hundred words or fractional part thereof required to be extracted or shall afford him adequate facilities for making such extracts.

(3) A copy of any trust deed for securing any issue of debentures shall be transmitted to every holder of any such debentures at his request on payment, in the case of a printed trust deed, of the sum of two shillings and sixpence or such less sum as may be prescribed by the society or company, or where the trust deed has not been printed, on payment of one shilling for every hundred words or fractional part thereof required to be copied.

(4) If the inspection, extracts, or facilities be refused, or a copy of a trust deed be refused or not transmitted, the society

(6) Registrasie van verbande en notariële verbande, insluitende notariële obligasies ingevolge die voorafgaande bepalings, en van latere transaksies in verband daarmee vind plaas ooreenkomstig die regulasies en praktyk van die betrokke registrasiekantoor van aktes wat betref respektiefflik aktes van verbande en notariële verbande.

(7) In enige verband ten gunste van kuratore vir obligasiehouers oor die algemeen uitgemaak en geteken, kan bepaal word dat die obligasies wat daardeur verseker is of moet word, van tyd tot tyd en op verskillende datums uitgegee kan word, soos die vereniging of maatskappy mog besluit, maar alle sodanige obligasies, wanneer hulle ook uitgegee mog wees, gee met mekaar gelyke voorrang vanaf die registrasie-datum van die verband.

(8) Elke houer van 'n obligasie wat verseker is deur 'n verband uitgemaak en geteken ten gunste van kuratore vir obligasiehouers oor die algemeen is, tensy die verband of die akte van opdrag en daaraan gehegte obligasievorm anders bepaal, geregtig om sy regte kragtens daardie obligasie uit te oefen sodra dit aan hom uitgegee is, op dieselfde manier asof hy self die houer van daardie verband was. Geen kennisgewing van die sessie van so 'n obligasie is nodig om aan 'n sessionaris daarvan die regte van die sedent te verleen nie.

(9) Elke vereniging of maatskappy moet op sy geregistreerde kantoor 'n register van verbande en obligasies aanhou en daarin alle verbande en obligasies aanteken wat eiendom van die vereniging of maatskappy raak, in elke geval met 'n kort beskrywing van die beswaarde eiendom, die bedrag van die verband en (behalwe in die geval van sekuriteite aan toonder) die name van die verbandhouers en obligasiehouers.

(10) As 'n direkteur, bestuurder, sekretaris of ander beampte van die vereniging of maatskappy die uitlating van 'n aantekening, wat hierdie artikel voorskrywe, veroorloof of met wete toelaat, dan is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

(11) Die register van verbande en obligasies gehou ingevolge hierdie artikel, mag op alle redelike tye deur die registrateur of iemand deur hom gemagtig, of enige persoon aangestel ingevolge artikel *sewen-en-veertig*, of enige skuldeiser of lid van die vereniging of maatskappy kosteloos ingesien word, en deur enige ander persoon teen betaling van so 'n bedrag van hoogstens twee sjielings en ses pennies vir elke insage as die vereniging of maatskappy mag voorskrywe.

(12) Word die insage van voormelde register geweier, dan is enige beampte van die vereniging of maatskappy wat die insage weier en elke direkteur, bestuurder, sekretaris of ander beampte van die vereniging of maatskappy wat die weiering magtig of willens en wetens toelaat, skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond, en buitendien mag die hof (en ook die veroordelende hof) deur 'n order die onmiddellike insage van voormelde register afdwing.

27. (1) Elke vereniging of maatskappy wat volgens hierdie Wet geregistreer is, moet op sy geregistreerde kantoor 'n register van obligasies aanhou en daarin vermeld die aantal obligasies wat uitgegee en uitstaande is en of hulle al dan nie aan toonder uitgegee is, en by die wat nie aan toonder uitgegee is nie, verder vermeld die name en adresse van die houters daarvan.

Obligasie-register.

(2) Elke sodanige register mag, behalwe as hy ooreenkomstig die regulasies gesluit is, gedurende die tydperk of tydperke (tesame nie meer as sestig dae in een jaar nie), wat die regulasies daarvoor bepaal, deur enige persoon ingesien word, behoudens sulke billike beperkings as die vereniging of maatskappy op 'n algemene vergadering mag vasstel, sodat minstens twee uur op elke dag vir die insage bestem is, en die vereniging of maatskappy moet aan elke persoon op sy versoek uittreksels uit die register verstrek teen betaling van een sjieling vir elke honderdtal of breukdeel van 'n honderdtal woorde wat die verlangde uittreksel bevat, of moet hom voldoende geleentheid verskaf om sulke uittreksels te maak.

(3) 'n Kopie van 'n akte van opdrag as sekuriteit vir 'n uitgifte van obligasies moet aan elke houer van sulke obligasies op sy versoek gestuur word teen betaling, as die akte van opdrag gedruk is, van die som van twee sjielings en ses pennies of so 'n mindere bedrag as die vereniging of maatskappy voorskrywe, of as die akte van opdrag nie gedruk is nie, teen betaling van een sjieling vir elke honderdtal of breukdeel van 'n honderdtal woorde wat die verlangde kopie bevat.

(4) Word die insage, uittreksels of geleentheid geweier, of 'n kopie van 'n akte van opdrag geweier of nie opgestuur

or company shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

(5) Where a society or company is in default as aforesaid, the court may by order compel immediate inspection of the register or direct that copies required shall be sent to the person requiring them.

Power to re-issue redeemed debentures in certain cases.

28. (1) Where a society or company registered under this Act has redeemed any debentures previously issued, the society or company, unless the regulations or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the society or company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his successors in title) shall have power to keep the debentures alive for the purpose of re-issue, and where a society or company has purported to exercise such a power the society or company shall have power to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue, they have been transferred to a nominee of the society or company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a society or company has deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the society or company having ceased to be in debit whilst the debentures remained so deposited.

(4) Nothing in this section shall prejudice any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a society or company by its debentures or the securities for the same.

Specific performance of contract to subscribe for debentures.

29. A contract with a society or company registered under this Act to take up and pay for any debentures of the society or company may be enforced by an order for specific performance.

CHAPTER V.

MANAGEMENT OF SOCIETIES AND COMPANIES.

Directors of societies and companies.

30. (1) The operations of every co-operative agricultural society or company or farmers' special co-operative company or co-operative trading society shall be managed and controlled by a board of directors who shall, subject to the provisions of sub-section (2) of section *twelve* of this Act and paragraph (a) of sub-section (3) of section *thirty-one* of the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934), be elected at the annual general meeting of the society or company.

(2) The number of the directors shall not be less than three, and no person shall be qualified to be a director, unless he is a member of the society or company: Provided that any person who—

(a) is a member of a body of persons carrying on farming operations which is a member of a co-operative agricultural company with limited liability or a farmers' special co-operative company with limited liability; or

(b) is a member of a society or company which is a member of another society or company with limited liability or of a central or federal company,

shall, unless the regulations of the society or company or central or federal company otherwise provide, be qualified to be a director of such co-operative agricultural company, or farmers' special co-operative company, society or company, or central or federal company.

(3) Subject to the provisions of this section, the directors shall be elected in the manner prescribed by the regulations of the society or company, and, subject to the provisions of section *thirty-one*, shall hold office and retire as so prescribed.

nie, dan is die vereniging of maatskappy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

(5) Wanneer 'n vereniging of maatskappy in gebreke is soos voornoemd, kan die hof by bevel tot onmiddellike insage van die register noodsaak of gelas dat die vereiste afskrifte gestuur word aan die persoon wat dit eis.

28. (1) Wanneer 'n vereniging of maatskappy wat volgens hierdie Wet geregistreer is, obligasies wat voorheen uitgegee is, afgelos het, dan is die vereniging of maatskappy geregtig, tensy die regulasies of voorwaardes van uitgifte uitdruklik anders bepaal, of tensy die vereniging of maatskappy die obligasies afgelos het onder 'n verpligting om dit te doen (en wel onder 'n verpligting wat nie afdwingbaar is nie alleen deur die persoon aan wie die afgeloste obligasies uitgegee is of deur sy regsopvolgers), om die obligasies te laat voortbestaan met die doel om hulle weer uit te gee, en wanneer blyk dat 'n vereniging of maatskappy so 'n reg uitgeoefen het, is die vereniging of maatskappy geregtig om die obligasies weer uit te gee deur dieselfde obligasies weer uit te gee of deur ander obligasies in die plek daarvan uit te gee, en na die wederuitgifte het die persoon, aan wie die obligasies toekom, dieselfde regte en voorkeur asof die obligasies nie voorheen uitgegee was nie.

Bevoegdheid om in sekere gevalle afgeloste obligasies weer uit te gee.

(2) Wanneer obligasies, met die doel om hulle te laat voortbestaan en weer uit te gee, oorgedra is aan iemand wat die vereniging of maatskappy daartoe benoem het, dan word 'n oordrag van die aldus benoemde beskou as 'n wederuitgifte, vir die doeleindes van hierdie artikel.

(3) Wanneer 'n vereniging of maatskappy van sy obligasies gedeponeer het as sekuriteit vir voorskotte wat hy van tyd tot tyd op sy lopende rekening of anders ontvang het, dan word die obligasies nie geag afgelos te wees nie slegs omdat die debet-saldo op die rekening van die vereniging of maatskappy verdwyn het terwyl die obligasies aldus gedeponeer was.

(4) Hierdie artikel beperk nie enige bevoegdheid, wat aan 'n vereniging of maatskappy voorbehou is in sy obligasies of die sekuriteite daarvoor, om obligasies uit te gee in die plek van enige obligasies wat afbetaal of op 'n ander manier voldaan of gedelg is nie.

29. 'n Kontrak met 'n vereniging of maatskappy wat volgens hierdie Wet geregistreer is om obligasies van die vereniging of maatskappy op te neem en daarvoor te betaal, mag deur 'n order tot spesifieke uitvoering afgedwing word.

Spesifieke uitvoering van kontrak om obligasies op te neem.

HOOFSTUK V.

BESTUUR VAN VERENIGINGS EN MAATSKAPPE.

30. (1) Die werksaamhede van elke koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging word bestuur en beheer deur 'n raad van direkteure wat, behoudens die bepalinge van sub-artikel (2) van artikel *twaalf* van hierdie Wet en paragraaf (a) van sub-artikel (3) van artikel *een-en-dertig* van die Wet op die Vee- en Vleisnywerhede, 1934 (Wet No. 48 van 1934), op die jaarlikse algemene vergadering van die vereniging of maatskappy gekies word.

Direkteure van verenigings en maatskappe.

(2) Die aantal direkteure is minstens drie, en geen persoon is bevoeg om 'n direkteur te wees nie, tensy hy 'n lid van die vereniging of maatskappy is: Met dien verstande dat 'n persoon wat—

(a) lid is van 'n vereniging van persone wat boerdery beoefen wat lid is van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid; of

(b) lid is van 'n vereniging of maatskappy wat lid is van 'n ander vereniging of maatskappy met beperkte aanspreeklikheid of van 'n sentrale of federale maatskappy,

tensy die regulasies van die vereniging of maatskappy of sentrale of federale maatskappy anders bepaal, bevoeg is om direkteur te wees van bedoelde koöperatiewe landboumaatskappy, of spesiale koöperatiewe boeremaatskappy, vereniging of maatskappy, of sentrale of federale maatskappy.

(3) Behoudens die bepalinge van hierdie artikel word die direkteure gekies op die wyse wat deur die regulasies van die vereniging of maatskappy voorgeskrywe word, en behoudens die bepalinge van artikel *een-en-dertig*, beklee hulle hul amp en tree hulle af soos aldus voorgeskrywe word.

(4) The directors shall hold meetings as often as may be necessary for properly conducting the business and operations of the society or company.

(5) The quorum of a meeting of directors shall be as prescribed by the regulations of the society or company: Provided that it shall not in any case be less than half the number of directors.

(6) The board of directors shall at its first meeting held after the formation of the society or company, and thereafter at the first meeting of the board held after the annual general meeting, elect one of the directors to be chairman until the first or next (as the case may be) annual general meeting, and if any vacancy occur during such time in the office of chairman, it shall be filled as soon as a meeting of the board can be convened.

**Vacation of office
by directors.**

31. (1) A director shall vacate his office—

- (a) if he becomes insolvent or assigns his estate for the benefit of or compounds with his creditors; or
- (b) if he becomes of unsound mind, or is convicted of any offence and sentenced to any period of imprisonment without the option of a fine; or
- (c) if he is absent from four consecutive ordinary meetings of the board without its leave (and such leave shall not be granted for a period covering more than six consecutive ordinary meetings, unless the absence be on the business of the society or company); or
- (d) if he resigns his membership of the society or company or is lawfully expelled therefrom; or
- (e) if he gives one month's notice in writing to the board of his intention to resign office and his resignation is accepted by the board.

(2) Any vacancy so occurring on the board of directors shall be filled as prescribed by the regulations of the society or company.

**Powers of board of
directors.**

32. (1) Subject to any restrictions imposed by this Act or by the regulations of the society or company on the powers of the board of directors, the board may, on behalf of the society or company, exercise all the rights and powers and perform all the obligations of the society or company, and every director who, upon the authority of a resolution of the board does any act falling within the scope of the objects of the society or company, shall be deemed to be the agent of the society or company.

(2) No director shall be held liable to the society or company for any loss it may sustain, unless the loss was due to his wilful misconduct or gross negligence, or to his failure to comply with any provisions of this Act or of the regulations of the society or company.

(3) The acts done by any meeting of the directors or by any person acting as a director shall, notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any directors or persons acting as aforesaid, be as valid as if no such defect existed.

**Directors may
delegate their
powers.**

33. (1) Subject to any restrictions imposed by resolution of a general meeting, the directors of a society or company shall, if their number exceed six, and if so authorized by its regulations, have the power to delegate any of their powers to a committee consisting of those directors whom they think fit to appoint thereto; and any committee so formed shall in the exercise of the powers so delegated, conform to any rules or instructions that may be imposed on or issued to it by the directors.

(2) The acts done by any meeting of such committee shall, notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of such committee, be as valid as if no such defect existed.

**List of directors
to be sent to
registrar.**

34. Every society or company shall, within one month after each annual general meeting, transmit to the registrar a list containing the names and addresses of the members who, at the date of the transmission of the return are the directors of the society or company; and every society or company shall, within one month after the occurrence of any change in the names and addresses of directors advise the registrar in writing of such change.

(4) Die direkteure hou vergaderings so dikwels as nodig mag wees om die sake en werksaamhede van die vereniging of maatskappy behoorlik te verrig.

(5) Die kworum op 'n vergadering van direkteure word deur die regulasies van die vereniging of maatskappy voorgeskrywe: Met dien verstande dat dit in geen geval minder as die helfte van die getal direkteure mag wees nie.

(6) Die raad van direkteure kies op sy eerste vergadering gehou na die oprigting van die vereniging of maatskappy, en daarna op die eerste vergadering van die raad gehou na die jaarlikse algemene vergadering, een van die direkteure as voorsitter tot die eerste of (na gelang van die geval) die volgende jaarlikse algemene vergadering, en ingeval die voorsittersamp gedurende bedoelde tydperk vakant word, moet die vakature gevul word sodra 'n vergadering van die raad belê kan word.

31. (1) 'n Direkteur ontruim sy amp—

Ampsontruiming
deur direkteure.

- (a) as hy insolvent raak of sy boedel ten voordele van sy skuldeisers afstaan of met sy skuldeisers 'n skikking aangaan; of
- (b) as hy kranksinnig word of aan 'n oortreding skuldig bevind word en tot gevangenisstraf sonder keuse van boete veroordeel word; of
- (c) as hy van vier agtereenvolgende gewone vergaderings van die raad afwesig is sonder verlof van die raad (en sodanige verlof word nie toegestaan vir 'n tydperk wat oor meer as ses agtereenvolgende gewone vergaderings loop nie, tensy hy afwesig is in verband met die sake van die vereniging of maatskappy); of
- (d) as hy as lid van die vereniging of maatskappy bedank of wettig uitgesit word; of
- (e) as hy die raad een maand vooraf skriftelik kennis gee van sy voorneme om te bedank en sy bedanking deur die raad aangeneem word.

(2) 'n Vakature wat aldus op die raad van direkteure ontstaan, word gevul op die wyse wat in die regulasies van die vereniging of maatskappy bepaal word.

32. (1) Behoudens enige beperkings wat deur hierdie Wet of deur die regulasies van die vereniging of maatskappy gelê word op die bevoegdheid van die raad van direkteure, kan die raad namens die vereniging of maatskappy al die regte en bevoegdhede uitoefen en al die verpligtings nakom van die vereniging of maatskappy en word elke direkteur wat, wanneer hy daartoe gemagtig is deur 'n besluit van die raad 'n handeling verrig wat binne die bestek van die doeleindes van die vereniging of maatskappy val, geag die gevolmagtigde van die vereniging of maatskappy te wees.

Bevoegdheid van
raad van
direkteure.

(2) Geen direkteur word teenoor die vereniging of maatskappy aanspreeklik gehou weens enige verlies wat die vereniging of maatskappy mag ly nie, tensy die verlies te wyte was aan sy opsetlike wangedrag of growwe nalatigheid of aan sy versuim om aan een of ander bepaling van hierdie Wet of aan die regulasies van die vereniging of maatskappy te voldoen.

(3) Die handelings van 'n vergadering van direkteure of van iemand wat as direkteur optree, is ondanks enige gebrek wat later ontdek mag word in verband met die aanstelling of bevoegdheid van daardie direkteure of persone wat as voormeld opgetree het, ewe geldig asof so 'n gebrek nie bestaan het nie.

33. (1) Behoudens enige beperkings by besluit van 'n algemene vergadering opgelê, kan die direkteure van 'n vereniging of maatskappy, indien hulle meer as ses is, en indien sy regulasies dit toelaat, een of meer van hul bevoegdhede oordra aan 'n komitee bestaande uit die direkteure wat hulle raadsaam ag om daartoe aan te stel; en 'n aldus saamgestelde komitee moet hom, by die uitoefening van die bevoegdhede aldus oorgedra, hou aan die reëls of voorskrifte wat die direkteure aan hom mag oplê of uitreik.

Direkteure kan hul
bevoegdhede
oordra.

(2) Die handelings van 'n vergadering van so 'n komitee is, ondanks enige gebrek wat later ontdek mag word in verband met die aanstelling of bevoegdheid van 'n lid van bedoelde komitee, ewe geldig asof so 'n gebrek nie bestaan het nie.

34. Elke vereniging of maatskappy moet, binne een maand na elke algemene jaarlikse vergadering, aan die registrateur 'n lys stuur wat die name en adresse bevat van die lede wat tydens die indiening van die lys die direkteure van die vereniging of maatskappy uitmaak; en elke vereniging of maatskappy moet die registrateur skriftelik in kennis stel van enige verandering in die name en adresse van direkteure binne een maand nadat so 'n verandering plaasgevind het.

Lys van direkteure
moet aan registra-
teur gestuur word.

Financial year.

35. Unless it is otherwise provided in the regulations of the society or company, the financial year shall be from the first day of July to the thirtieth day of June next ensuing, both days inclusive.

General meeting.

36. (1) A general meeting of every society or company shall be held within six months after the close of the society's or company's financial year for the purpose of considering and dealing with the financial position and the balance sheet and statement of accounts of the society or company, and for the election of directors and auditor, and for general business. Such meeting shall be called the annual general meeting and shall be held at such convenient place and time as may be prescribed by the board.

(2) The board, or any two directors jointly signing the notice, may by written notice, convene, in addition to the annual general meeting, a special general meeting of the society or company, when the holding of such meeting appears to them necessary in the interests of the society or company; and the board shall convene such meeting if a requisition in writing signed by not less than one-tenth, but in no case less than five, of the members of the society or company, or in the case of central or federal companies, by not less than two members of such company, be transmitted to the board.

(3) If, within twenty-one days after the transmission of such requisition, a special meeting is not convened by the board, it may be convened by the requisitionists.

Procedure at general meetings.

37. (1) The chairman of the directors, if present, shall, unless the meeting otherwise determines by resolution, be the chairman of any general meeting.

(2) No item of business shall be transacted at any general meeting unless a quorum of members is present during the time when the meeting is considering that item.

(3) The quorum of any general meeting shall be, in the case of a co-operative agricultural society with unlimited liability, one-tenth of the members present in person, and in the case of a co-operative agricultural company with limited liability, a farmers' special co-operative company with limited liability and a co-operative trading society with limited liability, one-tenth of the members present in person or by proxy (where proxies are allowed by the regulations) if the members of the company or trading society do not exceed two hundred; and, if the members of the company or trading society exceed two hundred, the quorum shall be one-tenth of such members in respect of the first two hundred, plus one-fiftieth of the members in excess of two hundred: Provided that a quorum shall in no case consist of less than five members present in person. In the case of a central or federal company formed under Chapter VI., the quorum shall in no case consist of less than two members present by their proxies.

(4) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall not be held. In any other case the meeting shall stand adjourned to the same day in the next week at the same time and place, or if that day is a public holiday, it shall stand adjourned to the next day which is not a public holiday, and if at such adjourned meeting a quorum is not present within one hour from such time, the members present not being less than five, or, in the case of a central or federal company, not being less than two, shall constitute a quorum: Provided that whenever it is by this Act or the regulations of a society or company required that the question for decision by a general meeting shall be determined by a specific number or majority of votes, and not by a bare majority of votes only, the quorum prescribed by sub-section (3) must be secured.

(5) Save as is otherwise provided in this Act or the regulations of the society or company, every question for decision by a general meeting shall be determined by a majority of members present in person thereat, and on a show of hands, unless a poll is demanded by at least five members, or, in the case of a central or federal company formed under the provisions of Chapter VI. of this Act, by at least two members.

35. Tensy dit in die regulasies van 'n vereniging of maatskappy anders bepaal word, loop die boekjaar vanaf die eerste dag van Julie tot die daaropvolgende dertigste dag van Junie, beide dae ingereken.

36. (1) 'n Algemene vergadering van elke vereniging of maatskappy moet gehou word binne ses maande nadat die boekjaar van die vereniging of maatskappy ten einde loop, om die finansiële toestand en die balansstaat en die staat van rekenings van die vereniging of maatskappy te oorweeg en te behandel, en om direkteure en 'n ouditeur te kies, en vir algemene besigheid. Bedoelde vergadering word die algemene jaarlikse vergadering genoem en word gehou op sodanige gerieflike plek en datum as die raad mog bepaal.

Algemene vergadering.

(2) Benewens die jaarlikse algemene vergadering kan die raad of twee direkteure wat gesamentlik die kennisgewing onderteken, deur skriftelike kennisgewing 'n spesiale algemene vergadering van die vereniging of maatskappy byeenroep, wanneer hulle dit in belang van die vereniging of maatskappy nodig ag dat so 'n vergadering gehou word; en die raad moet so 'n vergadering byeenroep indien 'n versoekskrif, onderteken deur minstens een-tiende, maar in ieder geval minstens vyf van die lede van die vereniging of maatskappy of, in die geval van sentrale of federale maatskappye, deur minstens twee lede van die maatskappy, by die raad ingedien word.

(3) Indien 'n spesiale vergadering nie binne een-en-twintig dae na die indiening van so 'n versoekskrif deur die raad byeengeroep word nie, kan dit deur die ondertekenaars van die versoekskrif byeengeroep word.

37. (1) Die voorsitter van die direkteure tree op as voorsitter op enige algemene vergadering waarop hy teenwoordig is, tensy die vergadering anders besluit.

Prosedure op algemene vergaderings.

(2) Geen item van die verrigtings word op 'n algemene vergadering behandel nie, tensy 'n kworum van die lede teenwoordig is gedurende die tyd wanneer die vergadering daardie item oorweeg.

(3) Die kworum van 'n algemene vergadering is, in die geval van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, een-tiende van die lede teenwoordig in eie persoon en, in die geval van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid, een-tiende van die lede teenwoordig in eie persoon of (waar dit deur die regulasies toegelaat word) deur 'n gevolmagtigde verteenwoordig, indien die ledetal van die maatskappy of handelsvereniging nie meer as tweehonderd is nie; en, indien die ledetal van die maatskappy of handelsvereniging meer as tweehonderd is, is die kworum een-tiende van bedoelde lede ten opsigte van die eerste tweehonderd, plus een-vyftigste van die lede oor die tweehonderd: Met dien verstande dat 'n kworum in geen geval uit minder as vyf lede teenwoordig in eie persoon mag bestaan nie. In die geval van 'n sentrale of federale maatskappy opgerig kragtens Hoofstuk VI mag die kworum in geen geval uit minder as twee lede deur gevolmagtigdes verteenwoordig bestaan nie.

(4) Indien daar binne een uur na die bepaalde tyd vir 'n vergadering geen kworum aanwesig is nie, word die vergadering, as dit op 'n versoekskrif van lede byeengeroep is, nie gehou nie. In elke ander geval word die vergadering verdaag tot dieselfde dag in die volgende week op dieselfde tyd en plek of, as daardie dag 'n openbare feesdag is, word die vergadering verdaag tot die eersvolgende dag wat nie 'n openbare feesdag is nie, en as daar op so 'n verdaagde vergadering binne een uur vanaf bedoelde tyd geen kworum aanwesig is nie, maak die aanwesige lede, mits hulle minstens vyf of, in die geval van 'n sentrale of federale maatskappy, minstens twee is, 'n kworum uit: Met dien verstande dat, waar dit deur hierdie Wet of die regulasies van 'n vereniging of maatskappy bepaal word dat die onderwerp vir beslissing op 'n algemene vergadering deur 'n bepaalde aantal of meerderheid van stemme beslis moet word en nie deur 'n blote meerderheid van stemme nie, die kworum voorgeskryf by sub-artikel (3) aanwesig moet wees.

(5) Behalwe waar dit in hierdie Wet of die regulasies van die vereniging of maatskappy anders bepaal word, word elke onderwerp wat vir beslissing aan 'n algemene vergadering voorgelê is, deur 'n meerderheid van die lede wat in eie persoon aanwesig is, beslis deur die opsteek van hande, tensy 'n hoofdelike stemming deur minstens vyf lede of, in die geval van 'n sentrale of federale maatskappy opgerig kragtens die bepalinge van Hoofstuk VI van hierdie Wet, deur minstens twee lede, geëis word.

(6) The declaration by the chairman that a question to be so decided has been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the minutes of the meeting, shall be conclusive evidence of the fact, without proof of the number or proportion of votes recorded in favour of or against the resolution.

(7) A poll, if demanded, shall be taken forthwith in the manner prescribed by the regulations of the society or company.

(8) The chairman of the meeting shall, in addition to his deliberative vote, have also a casting vote in the case of an equality of votes, whether on a show of hands or on a poll, unless it is otherwise provided by the regulations of the society or company.

Votes of members of a society with unlimited liability.

38. In the case of a co-operative agricultural society with unlimited liability, members shall record their votes in person, and no member shall have more than one vote.

Votes of members of a company or society with limited liability.

39. (1) In the case of a co-operative agricultural company with limited liability, a farmers' special co-operative company with limited liability and a co-operative trading society with limited liability every member shall have one vote: Provided that, if so authorized by the regulations of the company or society every member shall on a poll be entitled to an additional vote or votes based on the value of his business with the company or society during a period to be fixed by or in terms of the regulations of the company or society; and the number of such additional votes (not exceeding four for any one member) and the procedure to be observed in making the allotment thereof shall be as prescribed by the regulations of the company or society; and if the regulations of the company or society do so authorize, all provisions of this Act prescribing a majority of members for the decision of any matter shall in their application to that company or society be construed as prescribing the same majority of votes for the decision of that matter.

(2) Members may, on a poll, give their votes either personally or, if so authorized by the regulations of such company or society, by proxy: Provided that no person shall act as a proxy unless he is a member of the society or company, or a member of a society or company which is a member of the society or company: Provided, further, that no person shall at any meeting act as proxy for more than seven members.

Persons who may represent members of central or federal companies at general meetings of such companies.

40. A person shall not be qualified to act at a general meeting of a central or federal company as the representative of a member of such central or federal company, unless he is either—

- (a) a member of a society or company, which is directly or indirectly through an intermediary society or company (whether central, federal or otherwise) a member of the company holding the meeting; or
- (b) a member of an association of persons carrying on farming operations, which is a member of a co-operative agricultural company with limited liability or a farmers' special co-operative company with limited liability, and which is directly or indirectly through an intermediary company (whether central, federal or otherwise) a member of the company holding the meeting.

When two or more general meetings to be deemed one meeting.

41. (1) Unless the question for consideration at a general meeting of a society or company is the dissolution thereof, or a curtailment of the period of existence thereof, the holding of two or more general meetings at different places on the same date or on different dates shall be deemed to be the holding of one general meeting, if—

- (a) the provisions of this Act relating to the holding of any general meeting are complied with in all other respects at and as regards each of those meetings, save as is specially provided in sub-section (4) of this section;
- (b) the number of members present at all such meetings reach in the aggregate the quorum prescribed by sub-section (3) of section *thirty-seven*;

(6) Die verklaring van die voorsitter dat 'n punt, wat aldus beslis moet word, aangeneem, of eenparig aangeneem, of deur 'n bepaalde meerderheid aangeneem, of verwerp is en 'n aantekening in dié sin in die notule van die vergadering, is afdoende bewys daarvan, sonder bewys van die aantal of die verhouding van die stemme wat ten gunste van of teen die besluit uitgebring is.

(7) Word 'n hoofdelike stemming geëis, dan moet dit onverwyld plaasvind op die wyse wat in die regulasies van die vereniging of maatskappy voorgeskrywe is.

(8) Die voorsitter van die vergadering het benewens sy beraadslagende stem ook 'n beslissende stem ingeval van staking van stemme, hetsy by opsteek van hande of by 'n hoofdelike stemming, tensy die regulasies van die vereniging of maatskappy anders bepaal.

38. In die geval van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid moet lede hul stemme in eie persoon uitbring en geen lid het meer as een stem nie.

Stemme van lede van vereniging met onbeperkte aanspreeklikheid.

39. (1) In die geval van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid het elke lid een stem: Met dien verstande dat, indien die regulasies van die maatskappy of vereniging dit toelaat, elke lid ingeval van 'n hoofdelike stemming geregtig is op 'n addisionele stem of stemme bereken volgens die waarde van die besigheid wat hy met die maatskappy of vereniging in die loop van 'n deur of kragtens die regulasies van die maatskappy of vereniging te bepale tydperk verrig het; en die aantal van sodanige addisionele stemme (hoogstens vier vir elke lid) en die procedure wat gevolg moet word by die toekenning daarvan word deur die regulasies van die maatskappy of vereniging voorgeskrywe; en, indien die regulasies van die maatskappy of vereniging wel daartoe magtiging verleen, word alle bepalinge van hierdie Wet, waarby 'n meerderheid van lede vir die beslissing oor enige saak voorgeskryf word, by toepassing daarvan op daardie maatskappy of vereniging uitgelê asof hulle dieselfde meerderheid van stemme vir die beslissing oor daardie saak voorskryf.

Stemme van lede van maatskappy of vereniging met beperkte aanspreeklikheid.

(2) By 'n hoofdelike stemming kan lede hul stemme in eie persoon uitbring of as die regulasies van sodanige maatskappy of vereniging dit toelaat, deur middel van 'n gevolmagtigde: Met dien verstande dat niemand as 'n gevolmagtigde mag optree nie tensy hy lid is van die vereniging of maatskappy of lid is van 'n vereniging of maatskappy wat lid is van die vereniging of maatskappy: Met dien verstande, voorts, dat niemand op 'n vergadering as gevolmagtigde van meer as sewe lede kan optree nie.

40. 'n Persoon is nie bevoeg om op 'n algemene vergadering van 'n sentrale of federale maatskappy as die verteenwoordiger van 'n lid van bedoelde sentrale of federale maatskappy op te tree nie, tensy hy of—

Persone wat lede van sentrale of federale maatskappye kan verteenwoordig op algemene vergaderings van sulke maatskappye.

(a) 'n lid is van 'n vereniging of maatskappy, wat regstreeks of onregstreeks deur tussenkoms van 'n vereniging of maatskappy (hetsy sentrale, federale of andersins) 'n lid is van die maatskappy wat die vergadering hou; of

(b) 'n lid is van 'n vereniging van persone wat boerdery beoefen, wat lid is van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, en wat regstreeks of onregstreeks deur tussenkoms van 'n maatskappy (hetsy sentrale, federale of andersins) lid is van die maatskappy wat die vergadering hou.

41. (1) Tensy die onderwerp vir oorweging op 'n algemene vergadering van 'n vereniging of maatskappy die ontbinding daarvan is of 'n verkorting van die tydperk waarvoor dit bestaan, word die hou van twee of meer algemene vergaderings op verskillende plekke en op dieselfde datum of op verskillende datums beskou as die hou van een algemene vergadering, indien—

Wanneer twee of meer algemene vergaderings as een vergadering beskou word.

(a) aan die bepalinge van hierdie Wet betreffende die hou van algemene vergaderings voldoen word in alle ander opsigte op en met betrekking tot elkeen van die vergaderings, behalwe soos spesiaal bepaal word in sub-artikel (4) van hierdie artikel;

(b) die aantal lede teenwoordig op al daardie vergaderings tesaam die kworum voorgeskrywe in sub-artikel (3) van artikel sewen-en-dertig bereik;

(c) the chairman of the directors or, in his absence, one of the other directors of the society or company presides at each of such meetings; and

(d) the agenda presented to each such meeting are identical.

(2) The chairman of each such meeting, except the last, shall forthwith transmit to the chairman of the last such meeting information as to the number of votes recorded on each item of the agenda at the meeting at which he presided. The chairman of the last such meeting shall, for the purpose of the declaration to be made by him under sub-section (6) of section *thirty-seven* add to the votes given at the meeting at which he presided for or against on each item of the agenda the votes given for or against (as the case may be) on that item at all the preceding meetings.

(3) The provisions of this section shall not apply to any society or company which has not received a written permission from the Minister to hold two or more meetings as described in sub-section (1) of this section. The Minister shall not grant such permission unless the society or company has furnished proof to his satisfaction that the places of residence of at least one-tenth of the members of the society or company are distant thirty miles or more from the registered office of the society or company. The Minister may withdraw any such written permission, but such withdrawal shall not invalidate the proceedings of any meeting or meetings of which notice has at the time of the withdrawal already been given.

(4) The provisions of sub-sections (2) and (4) of section *thirty-seven* shall not apply to a general meeting held in terms of this section.

Minutes of general meetings and of meetings of directors to be kept.

42. (1) Minutes of the proceedings at all general meetings and of every meeting of the board shall be regularly entered in separate books kept for the purpose and containing properly arranged details of the business conducted at the meeting.

(2) The minutes of proceedings of each meeting shall be submitted at the next ensuing meeting and, if passed thereat as correct, shall be confirmed by the signature of the chairman thereof, and shall thereupon without further proof be *prima facie* evidence in all courts and places of the proceedings of the meetings of which they purport to be minutes.

(3) Every such minute book shall be kept at the registered office of the society or company, and shall be open to inspection of any person authorized thereto in writing by the Minister, and, if the regulations of the society or company so permit, such minute books shall also be open to the inspection during all reasonable hours of any member of the society or company.

Appointment of auditor by the society or company.

43. (1) Subject to the provisions of section *forty-four*, every society or company shall, at each annual general meeting, appoint as the auditor of its accounts for the current financial year—

(a) a person who publicly carries on the business of an accountant; or

(b) an inspector of co-operative societies appointed in terms of sub-section (1) of section *forty-seven*.

The retiring auditor shall be eligible for re-election.

(2) If an appointment of such person as auditor is not made at that meeting, the directors shall appoint an auditor qualified as aforesaid to hold office till he has audited the accounts of that year.

(3) The first auditor of the society or company shall be appointed by the directors before the end of the first financial year, and shall hold office until the first annual general meeting, unless previously removed by a resolution of the members in general meeting, in which case the members at that meeting shall appoint an auditor.

(4) A casual vacancy in the office of auditor may be filled by the directors by appointing a person qualified as aforesaid to hold office till the audit of the accounts of that year is completed.

(5) Whenever any appointment is rejected by the registrar under sub-section (6), the directors shall make a fresh appointment.

(6) All appointments of auditor under this section shall be subject to the approval of the registrar, who may confirm or reject any such appointment without assigning any reasons.

- (c) die voorsitter van die direkteure of by sy afwesigheid een van die ander direkteure van die vereniging of maatskappy by elke sodanige vergadering voorsit; en
- (d) die agenda aan elke sodanige vergadering voorgelê dieselfde is.

(2) Die voorsitter van elkeen van die vergaderings behalwe die laaste moet die voorsitter van die laaste van die vergaderings onverwyld verwittig van die aantal stemme uitgebring op elke item van die agenda op die vergadering waar hy voorgesit het. Die voorsitter van die laaste van die vergaderings voeg, vir die doel van die verklaring wat hy moet maak ingevolge sub-artikel (6) van artikel *sewen-en-dertig*, by die stemme wat op die vergadering waarop hy voorgesit het voor of teen elke punt op die agenda uitgebring is, die stemme uitgebring voor of teen (na gelang van die geval) daardie item op al die voorafgaande vergaderings.

(3) Die bepalings van hierdie artikel is nie op 'n vereniging of maatskappy, wat geen skriftelike verlof van die Minister ontvang het om twee of meer vergaderings te hou, soas beskryf in sub-artikel (1) van hierdie artikel, van toepassing nie. Die Minister verleen nie sodanige verlof nie, tensy die vereniging of maatskappy tot sy bevestiging bewys gelever het dat die woonplekke van minstens een-tiende van die lede van die vereniging of maatskappy dertig myl of verder geleë is van die geregistreerde kantoor van die vereniging of maatskappy. Die Minister kan so 'n skriftelike verlof intrek, maar die intrekking maak nie die verrigtings op 'n vergadering of vergaderings waarvan tydens die intrekking reeds kennis gegee is, ongeldig nie.

(4) Die bepalings van sub-artikels (2) en (4) van artikel *sewen-en-dertig* is nie op 'n algemene vergadering gehou kragtens hierdie artikel van toepassing nie.

42. (1) Notule van die verrigtings op alle algemene vergaderings en op elke vergadering van die raad moet gereeld ingeskrywe word in aparte boeke wat vir die doel aangehou word en wat behoorlik gerangskikte besonderhede bevat van die werksaamhede op die vergadering afgehandel.

Notule van algemene vergaderings en van direkteurs-vergaderings moet gehou word.

(2) Die notule van die verrigtings op elke vergadering moet aan die eersvolgende vergadering voorgelê word, en indien daarop goedgekeur, word hulle deur die handtekening van die voorsitter van die vergadering bekragtig, en is hulle vervolgens sonder verder bewys in alle geregshoue en plekke *prima facie* getuienis van die verrigtings op die vergadering waarvan hulle voorgee notule te wees.

(3) Elke sodanige notuleboek moet op die geregistreerde kantoor van die vereniging of maatskappy gehou word en kan ingesien word deur enige persoon skriftelik daartoe gemagtig deur die Minister, en as die regulasies van die vereniging of maatskappy dit veroorloof, kan sodanige notuleboek ook op alle redelike tye deur enige lid van die vereniging of maatskappy ingesien word.

43. (1) Met inagneming van die bepalings van artikel *vier-en-veertig*, moet elke vereniging of maatskappy op elke jaarlikse algemene vergadering as die ouditeur van sy rekenings vir die lopende boekjaar aanstel—

Aanstelling van ouditeur deur die vereniging of maatskappy.

(a) 'n persoon wat openbaar die besigheid van 'n rekenmeester uitoefen; of

(b) 'n ingevolge sub-artikel (1) van artikel *sewen-en-veertig* aangestelde inspekteur van koöperatiewe verenigings.

Die aftredende ouditeur is herkiesbaar.

(2) Word op daardie vergadering so 'n persoon as ouditeur nie aangestel nie, moet die direkteure 'n ouditeur, bevoeg soas voornoemd, aanstel om die amp te beklee totdat hy die rekenings van daardie jaar geouditeer het.

(3) Die eerste ouditeur van die vereniging of maatskappy word deur die direkteure aangestel voor die einde van die eerste boekjaar en beklee sy amp tot op die eerste jaarlikse algemene vergadering, tensy hy tevore ontslaan word by besluit van die lede op 'n algemene vergadering, in watter geval die lede aanwesig op daardie vergadering 'n ouditeur moet aanstel.

(4) 'n Tussentydse vakature in die amp van ouditeur kan deur die direkteure gevul word deur die aanstelling van 'n persoon bevoeg soas voornoemd om die amp te beklee totdat die audit van die rekenings van daardie jaar afgehandel is.

(5) Wanneer 'n aanstelling deur die registrateur afgekeur word ingevolge sub-artikel (6), moet die direkteure iemand anders as ouditeur aanstel.

(6) Alle aanstellings van ouditeurs kragtens hierdie artikel is onderworpe aan die goedkeuring van die registrateur wat sulke aanstellings kan goed- of afkeur sonder om enige redes daarvoor aan te gee.

(7) A director or officer or member of the society or company shall not be capable of being appointed its auditor.

(8) The remuneration of the auditor appointed under this section shall be fixed by the society or company in general meeting: Provided that the directors may fix the remuneration of an auditor appointed under sub-section (2), (3), (4) or (5). Every such remuneration shall be payable out of the revenues of the society or company.

(9) Every auditor appointed under this section shall have a right of access at all times to the books, accounts, vouchers, and documents of the society or company, and may require from its directors and officers such information and explanation as may be necessary for the performance of his duties as auditor.

(10) The auditor shall make a report to the members of the society or company on the accounts examined by him and on the statements mentioned in section *forty-five*, and the report shall state—

- (a) whether he has obtained all the information and explanations required by him;
- (b) whether in his opinion the statements mentioned in section *forty-five* and referred to in the report are properly drawn up so as to exhibit a true and correct view of the financial position of the society or company according to the information at his disposal and explanations given to him and as shown by the books of the society or company; and
- (c) whether the regulations of the society or company have been observed.

Appointment of auditor by the Minister.

44. (1) If the Minister is satisfied upon a written request by a society or company that the volume or nature of its business in any financial year does not necessitate the appointment of a person such as is described in sub-section (1) of section *forty-three* to audit the accounts of the society or company, the Minister may appoint any suitable person to carry out the audit at a fee fixed by him. Such fee shall be paid by the society or company.

(2) Every person so appointed shall have the powers described in sub-section (9) of the said section and shall observe the provisions of sub-section (10) thereof.

Financial statements of the society or company.

45. (1) Not less than three weeks before the date fixed for the annual general meeting the board shall prepare the balance-sheet and profit and loss account made up to the close of the previous financial year of the society or company, in such form as may be prescribed by the Minister.

(2) Such balance-sheet and profit and loss account signed by a majority of directors and by the auditor of the society or company, if approved by him after examination of the accounts of the society or company, shall together with the report made by the auditor in terms of sub-section (10) of section *forty-three* be transmitted to each member with the notice of such general meeting or, in the alternative, if it is so provided by the regulations of the society or company, such statements and report shall be open to inspection of members, at its office for a period to be fixed by those regulations.

(3) Such balance-sheet and profit and loss account (signed as aforesaid) and auditor's report shall further be transmitted to the registrar at least fourteen days before the date fixed for the annual general meeting, and they shall also be read at such meeting unless the meeting otherwise decides.

(4) Any person may inspect the said balance-sheet, account and report at the office of the registrar on payment of such fees as may be prescribed by the Minister.

(5) In addition to the said balance-sheet, account and report, every society or company shall furnish the registrar, whenever required by him, with copies of any pool or trading account, duly signed by the auditor of the society or company and with any other information relating to the management and trading activities of the society or company. The additional information so supplied shall not be open to inspection in terms of sub-section (4).

Keeping of books, etc.

46. (1) Every society or company registered under this Act shall keep in the Afrikaans, English or Dutch language such books and documents as will show a clear and correct record of its transactions.

(7) 'n Direkteur of beampte of lid van die vereniging of maatskappy is nie bevoeg om as sy ouditeur aangestel te word nie.

(8) Die besoldiging van die ouditeur aangestel kragtens hierdie artikel word deur die vereniging of maatskappy op 'n algemene vergadering vasgestel: Met dien verstande dat die direkteure die besoldiging van 'n ouditeur aangestel kragtens sub-artikel (2), (3), (4) of (5) kan vasstel. Elke sodanige besoldiging word uit die inkomste van die vereniging of maatskappy betaal.

(9) Elke ouditeur aangestel kragtens hierdie artikel het te eniger tyd reg van toegang tot die boeke, rekenings, bewysstukke en dokumente van die vereniging of maatskappy, en kan van sy direkteure en beamptes die inligting en uitleg verlang wat nodig mag wees ten einde sy pligte as ouditeur te kan vervul.

(10) Die ouditeur moet aan die lede van die vereniging of maatskappy 'n verslag uitbring omtrent die rekenings wat hy ondersoek het en omtrent die in artikel *vyf-en-veertig* genoemde state, en die verslag moet vermeld—

(a) of hy al dan nie elke verlangde inligting en uitleg ontvang het;

(b) of die state genoem in artikel *vyf-en-veertig* en vermeld in sy verslag volgens sy oordeel behoorlik opgestel is, sodat dit 'n ware en juiste oorsig gee van die finansiële toestand van die vereniging of maatskappy, volgens die inligting waaroor hy beskik en die uitleg wat hy ontvang het, en soas blyk uit die boeke van die vereniging of maatskappy; en

(c) of die regulasies van die vereniging of maatskappy nagekom is.

44. (1) Indien die Minister oortuig is op 'n skriftelike versoek deur 'n vereniging of maatskappy dat die omvang of aard van sy besigheid in 'n bepaalde boekjaar nie die aanstelling van 'n persoon beskrywe in sub-artikel (1) van artikel *drie-en-veertig* noodsaak om die rekenings van die vereniging of maatskappy te ouditeer nie, kan die Minister enige geskikte persoon aanstel om die audit uit te voer teen 'n besoldiging deur hom vasgestel. Sodanige besoldiging word deur die vereniging of maatskappy betaal.

Aanstelling van ouditeur deur die Minister.

(2) Elke aldus aangestelde persoon het die bevoegdhede bepaal in sub-artikel (9) van genoemde artikel en moet die bepalinge van sub-artikel (10) daarvan nakom.

45. (1) Die raad moet, minstens drie weke voor die datum vasgestel vir die jaarlikse algemene vergadering, die balansstaat en wins- en verliesrekening tot aan die einde van die vorige boekjaar van die vereniging of maatskappy opmaak in 'n vorm wat die Minister mog voorskryf.

Finansiële state van die vereniging of maatskappy.

(2) Bedoelde balansstaat en wins- en verliesrekening, onderteken deur 'n meerderheid van direkteure en deur die ouditeur van die vereniging of maatskappy, indien hy dit goedgekeur het na ondersoek van die rekenings van die vereniging of maatskappy, word tesame met die verslag wat deur die ouditeur ingevolge sub-artikel (10) van artikel *drie-en-veertig* uitgebring is, aan elke lid gestuur met die kennisgewing van bedoelde algemene vergadering, of anders, indien die regulasies van die vereniging of maatskappy sulks bepaal, kan bedoelde state en verslag deur lede ingesien word op sy kantoor vir 'n deur daardie regulasies te bepale tydperk.

(3) Bedoelde balansstaat en wins- en verliesrekening (onderteken soos voornoemd) en ouditeursverslag moet bowendien minstens veertien dae voor die datum vasgestel vir die jaarlikse algemene vergadering aan die registrateur gestuur word, en hulle moet ook op bedoelde vergadering voorgelees word, tensy die vergadering anders besluit.

(4) Enige persoon kan genoemde balansstaat, rekening en verslag op die kantoor van die registrateur insien na betaling van bedrae wat die Minister mag voorskrywe.

(5) Elke vereniging of maatskappy moet benewens genoemde balansstaat, rekening en verslag, die registrateur te eniger tyd op sy versoek voorsien van afskrifte van enige poel- of handelsrekening, behoorlik onderteken deur die ouditeur van die vereniging of maatskappy, en van enige inligting betreffende die bestuur en handelstransaksies van die vereniging of maatskappy. Die addisionele inligting aldus verstrekkend kan nie ingevolge sub-artikel (4) ingesien word nie.

46. (1) Elke kragtens hierdie Wet geregistreerde vereniging of maatskappy moet in die Afrikaanse, Engelse of Hollandse taal boeke en dokumente hou wat duidelik en presies sy transaksies aantoon.

Hou van boeke, ens.

(2) If the society or company fails to comply with sub-section (1), the society or company, and every person who is a director, manager or other officer thereof during the time of the default (unless he proves that he was ignorant of the default), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) The books of account of any society or company shall during business hours (subject to such reasonable restrictions as the society or company may in general meeting impose) be open to the inspection of any member on payment of five shillings or such less sum as the society or company may by its regulations prescribe for each inspection.

Appointment of inspectors of co-operative societies and investigation of affairs of society or company by person appointed by Minister.

47. (1) The Minister may, subject to the law governing the public service of the Union, appoint officers styled inspectors of co-operative societies.

(2) Any person having the charge or custody of any book or document relating to any society or company registered under this Act shall at all times hold it available for inspection by any inspector of co-operative societies or any person specially appointed thereto by the Minister (who may make copies thereof or take extracts therefrom), and it shall be the duty of every director and other officer of such society or company to furnish all such information at his disposal concerning the society or company as such inspector or other person may demand from him.

(3) Every person to whom sub-section (2) refers who fails to comply with the requirements of that sub-section, and every person who obstructs or hinders an inspector of co-operative societies or persons specially appointed by the Minister in terms of that sub-section in inspecting, copying or making extracts from any book or document as aforesaid shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

(4) Before any investigation by an inspector of co-operative societies is undertaken at the request of a society or company or a member thereof, the Minister may in his discretion require that society, company or member to undertake to defray the costs of and incidental to such investigation or such portion of those costs as the Minister may subsequently after consideration of the report on the investigation determine, and may require the said society or company or member to furnish security for the payment of such costs or portion thereof.

(5) The Minister may order that a copy of the whole or any part of the report on any investigation by an inspector of co-operative societies into the affairs of any society or company shall be open for inspection by members at the office of that society or company for a period to be fixed by him, and that a general meeting of members be specially convened for the purpose of reading and considering the report or portion of the report, as the case may be; and he may, with the consent of the board of directors of the society or company, cause a copy of any such report or any part thereof to be transmitted to any person or the members of any class of persons indicated by him.

Co-operative agricultural societies with unlimited liability, to transmit to registrar lists of members.

48. (1) Every co-operative agricultural society with unlimited liability shall, within fourteen days after any change takes place in its membership, whether by new admission, death, resignation or expulsion, transmit full information thereof to the registrar and, in the case of a new admission, shall transmit to the registrar the new member's signature.

(2) The registrar shall be entitled to assume that every person whose name appears on any such list or supplementary list, or on the list mentioned in paragraph (d) of sub-section (2) of section thirteen, is a member of the society unless, within fourteen days after the publication thereof in the *Gazette* in terms of sub-section (3) of this section, any person satisfies him that he is not a member of the society.

(3) When registration of such society has been effected, the registrar shall publish in the *Gazette* a list containing the full names and addresses of all existing members of the society; and whenever the registrar receives information from the society of any change in the list of members, he shall publish in the *Gazette* a supplementary list of all members who, since the publication of the previous list, have become or have ceased to be members of the society.

(2) Versuim 'n vereniging of maatskappy om aan sub-artikel (1) te voldoen, dan is die vereniging of maatskappy en elke persoon wat tydens die versuim 'n direkteur, bestuurder of ander beampte daarvan is (tensy hy bewys dat hy nie van die versuim geweet het nie) aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(3) Die rekeningboeke van 'n vereniging of maatskappy kan (behoudens sodanige redelike beperkings as wat die vereniging of maatskappy op 'n algemene vergadering mag oplê) gedurende besigheidsure ingesien word deur enige lid teen betaling van 'n bedrag van vyf sjielings of so 'n mindere bedrag as die vereniging of maatskappy in sy regulasies mag voorskrywe vir elke insage.

47. (1) Die Minister kan, met inagneming van die regsbepalings wat die staatsdiens van die Unie beheer, beamptes aanstel wat inspekteurs van koöperatiewe verenigings genoem word.

(2) Iemand wat 'n boek of dokument betreffende 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy onder sy beheer of in sy bewaring het, moet dit te aller tye beskikbaar hou vir insage deur 'n inspekteur van koöperatiewe verenigings of 'n persoon wat spesiaal deur die Minister daartoe benoem is (wat afskrifte daarvan kan maak of uittreksels daaruit kan neem), en dit is die plig van elke direkteur en ander beampte van bedoelde vereniging of maatskappy om alle inligtings waaroor hy beskik aangaande die vereniging of maatskappy te verstrek wat bedoelde inspekteur of ander persoon van hom mag vorder.

(3) Iedereen wat bedoel word in sub-artikel (2) en wat in gebreke bly om aan die voorskrifte van daardie sub-artikel te voldoen, en iedereen wat 'n inspekteur van koöperatiewe verenigings of 'n spesiaal deur die Minister kragtens daardie sub-artikel aangestelde persoon, belemmer of hinder by die insage van of maak van afskrifte van of uittreksels uit enige boek of dokument soas voornoemd, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

(4) Voordat 'n ondersoek deur 'n inspekteur van koöperatiewe verenigings ingestel word op versoek van 'n vereniging of maatskappy of 'n lid daarvan, kan die Minister na goeiedunke eis dat daardie vereniging of maatskappy of lid onderneem om die onkoste van en verbonde aan daardie ondersoek, of so 'n deel daarvan as wat die Minister later na oorweging van die verslag oor die ondersoek mog bepaal, te betaal, en eis dat genoemde vereniging of maatskappy of lid sekuriteit stel vir die betaling van daardie onkoste of deel daarvan.

(5) Die Minister kan gelas dat 'n afskrif van die hele verslag of 'n deel van die verslag oor 'n ondersoek deur 'n inspekteur van koöperatiewe verenigings van die sake van 'n vereniging of maatskappy vir 'n tydperk wat hy vasstel deur lede by die kantoor van die vereniging of maatskappy ingesien kan word, en dat 'n algemene vergadering van lede spesiaal byeengeroep word vir die doel om die verslag of deel van die verslag (na gelang van die geval) te lees en te oorweeg; en hy kan met toestemming van die raad van direkteure van die vereniging of maatskappy 'n afskrif van so 'n verslag of 'n deel daarvan laat stuur aan enige persoon of die lede van enige klas persone wat hy mag aandui.

48. (1) Elke koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid moet, binne veertien dae nadat 'n verandering plaasgevind het in sy lidmaatskap, hetsy deur toelating van 'n nuwe lid of deur oorlyde, bedanking of uitsetting van 'n lid, volledige inligting daaroor aan die registrateur stuur, en moet, ingeval 'n nuwe lid toegelaat word, die handtekening van daardie lid aan die registrateur stuur.

(2) Die registrateur is geregtig om te veronderstel dat elke persoon, van wie die naam op so 'n lys of aanvullende lys of op die in paragraaf (d) van sub-artikel (2) van artikel dertien genoemde lys verskyn, 'n lid van die vereniging is, tensy binne veertien dae na publikasie daarvan in die *Staatskoerant* ingevolge sub-artikel (3) van hierdie artikel 'n persoon hom daarvan oortuig dat hy nie 'n lid van die vereniging is nie.

(3) Wanneer registrasie van so 'n vereniging plaasgevind het, moet die registrateur in die *Staatskoerant* 'n lys publiseer wat die volle name en adresse van alle bestaande lede van die vereniging bevat; en wanneer die registrateur van die vereniging inligting ontvang van enige verandering in die ledelys, moet hy in die *Staatskoerant* 'n aanvullende lys publiseer van alle lede wat sedert die publikasie van die vorige lys lede van die vereniging geword het of opgehou het om lede te wees.

Aanstelling van inspekteurs van koöperatiewe verenigings en ondersoek van sake van verenigings of maatskappe deur persoon benoem deur Minister.

Koöperatiewe landbouverenigings met onbeperkte aanspreeklikheid moet ledelyste aan registrateur stuur.

(4) If a society makes default in complying with the requirements of sub-section (1) every director, manager or other officer of the society who knowingly and wilfully authorizes or permits the default shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Co-operative companies and societies with limited liability to transmit to registrar annual list of members and summary.

49. (1) Every co-operative agricultural company with limited liability, farmers' special co-operative company with limited liability, and co-operative trading society with limited liability, shall, within thirty days after the close of every financial year of the company or society, make a list of all persons who, at such close are members of the company or society, and of all persons who ceased to be members during the said financial year, or (in the case of the first return) since the date of the registration of the company or society.

(2) The list shall state the names, addresses and, in the case of co-operative agricultural companies and farmers' special co-operative companies, also the occupations of all the persons therein mentioned, and, in the case of all such companies or societies, the number of shares held by each of the said persons who are members at the close of the said financial year, the number of not fully paid-up shares transferred or forfeited by each person who has ceased to be a member during the said financial year, or (in the case of a first return) since the date of the registration of the company or society and shall contain a summary specifying the following particulars :

- (a) the total nominal value of shares taken by members from the commencement of the company or society up to the close of the said financial year ;
- (b) the amount payable on application on each share ;
- (c) the amount called up on each share ;
- (d) the total amount of calls made ;
- (e) the total amount of calls unpaid ;
- (f) the total number of shares cancelled ;
- (g) the total number of shares forfeited ;
- (h) the amount of the reserve fund ;
- (i) the amount of loans outstanding at the close of the said financial year.

(3) The said list and summary shall upon its completion be forthwith transmitted by the company or society to the registrar.

(4) Notwithstanding the foregoing provisions the said list may with the consent of the registrar contain particulars of only such changes as occurred during the said financial year : Provided that such consent shall not be given in respect of more than four consecutive such lists.

(5) If such company or society makes default in complying with any requirement of this section, every director, manager or other officer of the company or society who knowingly and wilfully authorizes or permits the default shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Co-operative societies with unlimited liability to keep list of members, etc.

50. Every co-operative agricultural society with unlimited liability shall keep at its office and open to inspection of its members at all reasonable hours—

- (a) a complete list of its members showing the name, address, and occupation of each member, the date at which each member became a member, and the date at which any person ceased to be a member ;
- (b) the signature of each member ;
- (c) the certificate of its registration and a correct copy of its regulations with any alterations therein made and registered under this Act ; and
- (d) a list of the directors showing the name and address of each director.

Co-operative companies and societies with limited liability to keep list of members, etc.

51. Every co-operative agricultural company with limited liability, farmers' special co-operative company with limited liability and co-operative trading society with limited liability shall keep at its office and open to inspection of its members at all reasonable hours—

- (a) the certificate of its registration and a correct copy of its regulations with any alteration therein made and registered under this Act ;
- (b) a list of the directors showing the name and address of each director ;
- (c) in one or more registers, a list of its members, showing—

(4) Indien 'n vereniging versuim om aan die vereistes van sub-artikel (1) te voldoen, dan is elke direkteur, bestuurder of ander beampte van die vereniging wat wetens en willens die versuim magtig of toelaat, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

49. (1) Elke koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en koöperatiewe handelsvereniging met beperkte aanspreeklikheid moet, binne dertig dae na die sluiting van elke boekjaar van die maatskappy of vereniging, 'n lys uitmaak van alle persone wat tydens sodanige sluiting lede van die maatskappy of vereniging is, en van alle persone wat in die loop van vermelde boekjaar of (ingeval van die eerste opgawe) sedert die datum van registrasie van die maatskappy of vereniging opgehou het om lede te wees.

Koöperatiewe maatskappye en verenigings met beperkte aanspreeklikheid moet jaarliks 'n ledelys en oorsig aan die registrateur stuur.

(2) Die lys moet die name, adresse en, in die geval van koöperatiewe landboumaatskappye en spesiale koöperatiewe boeremaatskappye, ook die beroepe, vermeld van al die daarin genoemde persone en, in die geval van al sulke maatskappye of verenigings, die aantal aandele in besit van elkeen van genoemde persone wat lede is tydens die sluiting van genoemde boekjaar, die aantal nie ten volle opbetaalde aandele oorgedra of verbeur deur elke persoon wat in die loop van vermelde boekjaar, of (ingeval van die eerste opgawe) sedert die registrasie van die maatskappy of vereniging opgehou het om lid te wees; en moet 'n kort oorsig bevat waarin onderstaande besonderhede vermeld word—

- (a) die totale nominale waarde van aandele deur lede opgeneem sedert die oprigting van die maatskappy of vereniging tot aan die sluiting van genoemde boekjaar;
- (b) die bedrag op elke aandeel betaalbaar by aansoek om toekenning;
- (c) die bedrag wat op elke aandeel opgevorder is;
- (d) die totale bedrag van opvorderings gedoen;
- (e) die totale bedrag van onbetaalde opvorderings;
- (f) die totale aantal ingetrokke aandele;
- (g) die totale aantal verbeurde aandele;
- (h) die bedrag van die reserwefonds;
- (i) die bedrag van uitstaande lenings tydens die sluiting van die boekjaar.

(3) Genoemde lys en oorsig moet by voltooiing onverwyld aan die registrateur gestuur word deur die maatskappy of vereniging.

(4) Genoemde lys kan, ondanks die voorafgaande bepalings, met toestemming van die registrateur besonderhede bevat slegs van veranderings wat in die loop van vermelde boekjaar plaasgevind het: Met dien verstande dat so 'n toestemming nie ten opsigte van meer as vier opeenvolgende sodanige lyste verleen word nie.

(5) Versuim so 'n maatskappy of vereniging om te voldoen aan 'n vereiste van hierdie artikel, dan is elke direkteur, bestuurder of ander beampte van die maatskappy of vereniging wat wetens en willens die versuim magtig of toelaat, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

50. Elke koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid hou op sy kantoor en ter insage deur sy lede op alle redelike tye—

Koöperatiewe verenigings met onbeperkte aanspreeklikheid moet ledelys, ens., hou.

- (a) 'n volledige lys van sy lede met vermelding van die naam, beroep en adres van elke lid, die datum waarop elke lid lid geword het, en die datum waarop enige persoon opgehou het om lid te wees;
- (b) die handtekening van elke lid;
- (c) die sertifikaat van sy registrasie en 'n ware afskrif van sy regulasies met enige wysigings daarin aangebring en ingevolge hierdie Wet geregistreer; en
- (d) 'n lys van die direkteure met vermelding van die naam en adres van elke direkteur.

51. (1) Elke koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en koöperatiewe handelsvereniging met beperkte aanspreeklikheid hou op sy kantoor en ter insage van sy lede op alle redelike tye—

Koöperatiewe maatskappye en verenigings met beperkte aanspreeklikheid moet ledelys, ens., hou.

- (a) die sertifikaat van sy registrasie en 'n ware afskrif van sy regulasies met enige wysigings daarin aangebring en ingevolge hierdie Wet geregistreer;
- (b) 'n lys van die direkteure met vermelding van die naam en adres van elke direkteur;
- (c) in een of meer registers 'n lys van sy lede, met vermelding van—

- (i) the name, address and, in case of co-operative agricultural companies or farmers' special co-operative companies, occupation of each member ;
- (ii) the shares held by each member, distinguishing each share by its number ;
- (iii) the amount paid on the shares of each member ;
- (iv) the date at which each member became a member ;
- (v) the date at which any person ceased to be a member ;
- (vi) such further particulars as the regulations may prescribe.

Penalty for failure to comply with provisions of section 50 or 51.

52. If any co-operative agricultural society fails to comply with the provisions of section *fifty*, or any co-operative agricultural company or farmers' special co-operative company or co-operative trading society fails to comply with the provisions of section *fifty-one*, every director, manager or other officer of the society or company (as the case may be), who knowingly and wilfully authorizes or permits the default, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

CHAPTER VI.

FORMATION OF CENTRAL AND FEDERAL CO-OPERATIVE COMPANIES WITH LIMITED LIABILITY.

Formation of central co-operative agricultural companies and central farmers' special co-operative companies.

53. (1) Any number of co-operative agricultural societies with unlimited liability, co-operative agricultural companies with limited liability and farmers' special co-operative companies with limited liability, registered under this Act, may jointly form a central co-operative agricultural company with limited liability or a central farmers' special co-operative company with limited liability.

(2) After the registration of any such central co-operative agricultural company or central farmers' special co-operative company—

- (a) any co-operative agricultural society, co-operative agricultural company, farmers' special co-operative company, central co-operative agricultural company, or central farmers' special co-operative company registered under this Act ;
- (b) any co-operative agricultural society, co-operative agricultural company or central co-operative agricultural company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof, and approved by the Minister ;
- (c) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate or the mandated territory of South West Africa, and approved by the Minister ; or
- (d) in the case of a central farmers' special co-operative company, any company incorporated or registered as such under any law or any body of persons corporate or unincorporate handling, treating or disposing of agricultural products or livestock, and approved by the Minister, or any agricultural association approved by the Minister,

shall be qualified to be a member of such central co-operative agricultural company or central farmers' special co-operative company.

(3) A central co-operative agricultural company or central farmers' special co-operative company may, subject to the provisions of this Act, be formed for all or any of the objects set forth in paragraphs (a) to (q) inclusive and paragraphs (t) to (w) inclusive of sub-section (1) of section *six* and paragraphs (a) to (r) inclusive and paragraphs (t) and (u) of sub-section (1) of section *seven*, including—

- (a) the acquisition by purchase or otherwise of shares in any other central co-operative agricultural company or central farmers' special co-operative company or federal co-operative agricultural company or federal farmers' special co-operative company registered under this Act or in any co-operative trading society or central or federal co-operative trading company approved by the Minister ;
- (b) the combining with any foreign company in any joint operations for the sale of produce or the purchase

- (i) die naam, adres en, in die geval van koöperatiewe landboumaatskappye of spesiale koöperatiewe boeremaatskappye, die beroep van elke lid ;
- (ii) die aandele in besit van elke lid, met die onderskeidende nommer van elke aandeel ;
- (iii) die bedrag op die aandele van elke lid opbetaal ;
- (iv) die datum waarop elke lid lid geword het ;
- (v) die datum waarop enige persoon opgehou het om lid te wees ;
- (vi) sodanige verdere besonderhede as die regulasies mag voorskrywe.

52. Versuim 'n koöperatiewe landbouvereniging om te voldoen aan die bepalings van artikel *vyftig*, of 'n koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging om te voldoen aan die bepalings van artikel *een-en-vyftig*, dan is elke direkteur, bestuurder of ander beampte van die vereniging of maatskappy (na gelang van die geval) wat die versuim wetens en willens magtig of toelaat, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

Straf vir versuim om te voldoen aan die bepalings van artikel 50 of 51.

HOOFSTUK VI.

OPRICHTING VAN SENTRALE EN FEDERALE KOÖPERATIEWE MAATSKAPPE MET BEPERKTE AANSPEEKLIKHEID.

53. (1) Enige aantal kragtens hierdie Wet geregistreerde koöperatiewe landbouverenigings met onbeperkte aanspreeklikheid, koöperatiewe landboumaatskappye met beperkte aanspreeklikheid en spesiale koöperatiewe boeremaatskappye met beperkte aanspreeklikheid, kan gesamentlik 'n sentrale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n sentrale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid oprig.

Oprigting van sentrale koöperatiewe landboumaatskappye en sentrale spesiale koöperatiewe boeremaatskappye.

(2) Na die registrasie van so 'n sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy is—

- (a) 'n kragtens hierdie Wet geregistreerde koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy, spesiale koöperatiewe boeremaatskappy, sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy ;
- (b) 'n deur die Minister goedgekeurde koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy of sentrale koöperatiewe landboumaatskappy, geregistreer in die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan ;
- (c) 'n in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protektoraat of die mandaatgebied Suidwes-Afrika geregistreerde en deur die Minister goedgekeurde maatskappy ; of
- (d) in die geval van 'n sentrale spesiale koöperatiewe boeremaatskappy, 'n maatskappy wat as sulks kragtens een of ander wet met regs persoonlikheid beklee of geregistreer is of 'n deur die Minister goedgekeurde vereniging van persone, hetsy met regs persoonlikheid beklee al dan nie, wat landbouprodukte of lewende hawe hanteer, handel of van die hand sit, of 'n deur die Minister goedgekeurde landbou-assosiasie,

bevoeg om lid te wees van bedoelde sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy.

(3) 'n Sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy kan, behoudens die bepalings van hierdie Wet, opgerig word vir een of meer van die doeleindes uiteengesit in paragrawe (a) tot en met (g) en paragrawe (t) tot en met (w) van sub-artikel (1) van artikel ses en paragrawe (a) tot en met (r) en paragrawe (t) en (u) van sub-artikel (1) van artikel *sewe*, asook—

- (a) die verwerwing deur aankoop of op ander wyse van aandele in 'n kragtens hierdie Wet geregistreerde ander sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy of federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy of in 'n deur die Minister goedgekeurde koöperatiewe handelsvereniging of sentrale of federale koöperatiewe handelsmaatskappy ;
- (b) samespanning met enige buitelandse maatskappy in gesamentlike optrede vir die verkoop van produkte

of agricultural requirements on behalf of its members, and for that purpose to acquire shares in any such company approved by the Minister.

(4) Whenever any of the objects of a central co-operative agricultural company or a central farmers' special co-operative company are such dealings as are described in this section, similar dealings with other central co-operative agricultural companies or central farmers' special co-operative companies shall be deemed to be included among its lawful objects.

(5) For the purposes of this section a "foreign company" means a company, agency or institution registered or incorporated in any country other than the Union under the laws of such country, and which has as part of its main objects the sale of produce or the purchase of farming requirements on behalf of farmers organised under a co-operative system.

Formation of
central co-operative
trading
companies.

54. (1) Any number of co-operative trading societies with limited liability, registered under this Act, may jointly form a central co-operative trading company with limited liability.

(2) After the registration of any such central co-operative trading company—

- (a) any co-operative trading society or central co-operative trading company registered under this Act;
- (b) any co-operative trading society or central co-operative trading company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof, and approved by the Minister; or
- (c) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate or the mandated territory of South West Africa, and approved by the Minister,

shall be qualified to be a member of such central co-operative trading company.

(3) A central co-operative trading company may, subject to the provisions of this Act, be formed for all or any of the objects for which a co-operative trading society with limited liability may be formed, as contained in paragraphs (a) to (e) inclusive, and paragraph (g) of sub-section (1) of section eleven, including the acquisition by purchase or otherwise of shares in any other central co-operative trading company or federal co-operative trading company, registered under this Act, or in any foreign company approved by the Minister.

(4) For the purpose of this section a "foreign company" means a company, agency or institution, registered or incorporated in any country other than the Union under the laws of such country, and which has objects the same as or similar to those of a co-operative trading society registered under this Act.

Formation of
federal co-operative
agricultural
companies and
federal farmers'
special co-operative
companies.

55. (1) Any number of central or federal co-operative agricultural companies or central or federal farmers' special co-operative companies, registered under this Act, may jointly form a federal co-operative agricultural company with limited liability or a federal farmers' special co-operative company with limited liability.

(2) After the registration of any such federal co-operative agricultural company or federal farmers' special co-operative company—

- (a) any central or federal co-operative agricultural company or central or federal farmers' special co-operative company registered under this Act;
- (b) any co-operative agricultural society, co-operative agricultural company or farmers' special co-operative company registered under this Act, for the carrying out of whose objects no central co-operative agricultural company or central farmers' special co-operative company is established;
- (c) any co-operative agricultural society, co-operative agricultural company or central or federal co-operative agricultural company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof, and approved by the Minister;

of die aankoop van landboubenodigdhede ten behoeve van sy lede, en om te dien einde aandele in enige sodanige deur die Minister goedgekeurde maatskappy te verwerf.

(4) Wanneer 'n doel van 'n sentrale koöperatiewe landboumaatskappy of 'n sentrale spesiale koöperatiewe boeremaatskappy bestaan uit transaksies van die aard wat in hierdie artikel beskrywe word, word dergelike transaksies met ander sentrale koöperatiewe landboumaatskappye of sentrale spesiale koöperatiewe boeremaatskappye geag onder sy wettige doeleindes inbegrepe te wees.

(5) By die toepassing van hierdie artikel beteken 'n „buitelandse maatskappy”, 'n maatskappy, agentskap of inrigting wat in 'n ander land as die Unie geregistreer of met regs persoonlikheid bekleed is ingevolge die wette van daardie land en deel van die hoofdoel waarvan bestaan uit die verkoop van produkte of die aankoop van boerderybenodigdhede ten behoeve van boere georganiseer volgens 'n koöperatiewe stelsel.

54. (1) Enige aantal kragtens hierdie Wet geregistreerde koöperatiewe handelsverenigings met beperkte aanspreeklikheid kan gesamentlik 'n sentrale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid oprig.

Oprigting van sentrale koöperatiewe handelsmaatskappye.

(2) Na die registrasie van so 'n sentrale koöperatiewe handelsmaatskappy is—

(a) 'n kragtens hierdie Wet geregistreerde koöperatiewe handelsvereniging of sentrale koöperatiewe handelsmaatskappy;

(b) 'n deur die Minister goedgekeurde koöperatiewe handelsvereniging of sentrale koöperatiewe handelsmaatskappy geregistreer in die mandaatgebied Suidwes-Afrika kragtens proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan; of

(c) 'n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protektoraat of die mandaatgebied Suidwes-Afrika,

bevoeg om lid te wees van bedoelde sentrale koöperatiewe handelsmaatskappy.

(3) 'n Sentrale koöperatiewe handelsmaatskappy kan, behoudens die bepalinge van hierdie Wet, opgerig word vir een of meer van die doeleindes waarvoor 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid opgerig kan word, soos bepaal in paragrafe (a) tot en met (e) en paragraaf (g) van sub-artikel (1) van artikel elf, inbegrepe die verwerping deur aankoop of op ander wyse van aandele in enige ander kragtens hierdie Wet geregistreerde sentrale koöperatiewe handelsmaatskappy of federale koöperatiewe handelsmaatskappy of in 'n deur die Minister goedgekeurde buitelandse maatskappy.

(4) By die toepassing van hierdie artikel beteken 'n „buitelandse maatskappy” 'n maatskappy, agentskap of inrigting wat in 'n ander land as die Unie geregistreer of met regs persoonlikheid bekleed is ingevolge die wette van daardie land en wat dieselfde of dergelike doeleindes het as dié van 'n koöperatiewe handelsvereniging geregistreer ingevolge hierdie Wet.

55. (1) Enige aantal kragtens hierdie Wet geregistreerde sentrale of federale koöperatiewe landboumaatskappye of sentrale of federale spesiale koöperatiewe boeremaatskappye, kan gesamentlik 'n federale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n federale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid oprig.

Oprigting van federale koöperatiewe landboumaatskappye en federale spesiale koöperatiewe boeremaatskappye.

(2) Na die registrasie van so 'n federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy, is—

(a) 'n kragtens hierdie Wet geregistreerde sentrale of federale koöperatiewe landboumaatskappy of sentrale of federale spesiale koöperatiewe boeremaatskappy;

(b) 'n kragtens hierdie Wet geregistreerde koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy, vir die uitvoering van die doel waarvan geen sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy opgerig is nie;

(c) 'n deur die Minister goedgekeurde koöperatiewe landbouvereniging, koöperatiewe landboumaatskappy of sentrale of federale koöperatiewe landboumaatskappy geregistreer in die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan;

- (d) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate, or the mandated territory of South West Africa, and approved by the Minister: or
- (e) in the case of a federal farmers' special co-operative company, any company incorporated or registered as such under any law or any body of persons corporate or unincorporate handling, treating or disposing of classes of agricultural products and livestock, determined by the Minister, or any agricultural association, approved by the Minister,

shall be qualified to be a member of such federal co-operative agricultural company or federal farmers' special co-operative company.

(3) A federal co-operative agricultural company or federal farmers' special co-operative company may, subject to the provisions of this Act, be formed for all or any of the objects for which a central co-operative agricultural company with limited liability or central farmers' special co-operative company with limited liability, registered under this Act, may be formed: Provided that the acquisition of shares in a central co-operative agricultural company or a central farmers' special co-operative company shall not be deemed to be included among the objects for which a federal co-operative agricultural company or federal farmers' special co-operative company may be formed.

(4) Whenever any of the objects of a federal co-operative agricultural company or federal farmers' special co-operative company are such dealings as are described in this section, similar dealings with other federal co-operative agricultural companies or federal farmers' special co-operative companies shall be deemed to be included among its lawful objects.

Formation of federal co-operative trading companies.

56. (1) Any number of central or federal co-operative trading companies with limited liability, registered under this Act, may jointly form a federal co-operative trading company with limited liability.

(2) After the registration of any such federal co-operative trading company—

- (a) any central or federal co-operative trading company registered under this Act;
- (b) any central or federal co-operative trading company registered in the mandated territory of South West Africa under Proclamation No. 19 of 1922 of the Administrator of that territory, or any amendment thereof, and approved by the Minister; or
- (c) any company registered in Basutoland, Swaziland, Southern Rhodesia, Northern Rhodesia, the Bechuanaland Protectorate, or the mandated territory of South West Africa, and approved by the Minister,

shall be qualified to be a member of such federal co-operative trading company.

(3) A federal co-operative trading company may, subject to the provisions of this Act, be formed for all or any of the objects for which a central co-operative trading company, with limited liability, registered under this Act, may be formed: Provided that the acquisition of shares in a central co-operative trading company shall not be deemed to be included among the objects for which a federal co-operative trading company may be formed.

Provisions applying to co-operative agricultural companies to apply to central and federal co-operative agricultural companies.

57. The provisions of this Act which apply to a co-operative agricultural company with limited liability shall, *mutatis mutandis*, apply to any central co-operative agricultural company with limited liability and federal co-operative agricultural company with limited liability registered under this Act.

Provisions applying to farmers' special co-operative companies to apply to central and federal farmers' special co-operative companies.

58. The provisions of this Act which apply to a farmers' special co-operative company with limited liability shall, *mutatis mutandis*, apply to any central farmers' special co-operative company with limited liability and federal farmers' special co-operative company with limited liability registered under this Act.

Provisions applying to co-operative trading societies to apply to central and federal co-operative trading companies.

59. The provisions of this Act which apply to a co-operative trading society with limited liability shall, *mutatis mutandis*, apply to any central co-operative trading company with limited liability and federal co-operative trading company with limited liability registered under this Act.

- (d) 'n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protectoraat of die mandaatgebied Suidwes-Afrika; of
- (e) in die geval van 'n federale spesiale koöperatiewe boeremaatskappy, 'n maatskappy wat assulks kragtens een of ander wet met regs persoonlikheid beklee of geregistreer is of 'n vereniging van persone, hetsy met regs persoonlikheid beklee al dan nie, wat landbouprodukte en lewende hawe van 'n deur die Minister bepaalde soort, hanteer, behandel of van die hand sit, of 'n deur die Minister goedgekeurde landbou-assosiasie,

bevoeg om lid te wees van bedoelde federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy.

(3) 'n Federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy kan, behoudens die bepalings van hierdie Wet, opgerig word vir een of meer van die doeleindes waarvoor 'n kragtens hierdie Wet geregistreerde sentrale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of sentrale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid opgerig kan word: Met dien verstande dat die verwerf van aandele in 'n sentrale koöperatiewe landboumaatskappy of 'n sentrale spesiale koöperatiewe boeremaatskappy nie geag word inbegrepe te wees onder die doeleindes waarvoor 'n federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy opgerig kan word nie.

(4) Wanneer 'n doel van 'n federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy bestaan uit transaksies wat in hierdie artikel beskrywe word, word dergelike transaksies met ander federale koöperatiewe landboumaatskappye of federale spesiale koöperatiewe boeremaatskappye geag onder sy wettige doeleindes inbegrepe te wees.

56. (1) Enige aantal kragtens hierdie Wet geregistreerde sentrale of federale koöperatiewe handelsmaatskappye met beperkte aanspreeklikheid kan gesamentlik 'n federale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid oprig.

Oprigting van federale koöperatiewe handelsmaatskappye.

(2) Na die registrasie van so 'n federale koöperatiewe handelsmaatskappy, is—

- (a) 'n ingevolge hierdie Wet geregistreerde sentrale of federale koöperatiewe handelsmaatskappy;
- (b) 'n deur die Minister goedgekeurde sentrale of federale koöperatiewe handelsmaatskappy geregistreer in die mandaatgebied Suidwes-Afrika kragtens Proklamasie No. 19 van 1922 van die Administrateur van daardie gebied of 'n wysiging daarvan; of
- (c) 'n deur die Minister goedgekeurde maatskappy geregistreer in Basoetoland, Swasieland, Suid-Rhodesië, Noord-Rhodesië, die Betsjoeanaland-Protectoraat of die mandaatgebied Suidwes-Afrika,

bevoeg om lid te wees van bedoelde federale koöperatiewe handelsmaatskappy.

(3) 'n Federale koöperatiewe handelsmaatskappy kan, behoudens die bepalings van hierdie Wet, opgerig word vir een of meer van die doeleindes waarvoor 'n ingevolge hierdie Wet geregistreerde sentrale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid opgerig kan word: Met dien verstande dat die verwerf van aandele in 'n sentrale koöperatiewe handelsmaatskappy nie geag word inbegrepe te wees onder die doeleindes waarvoor so 'n federale koöperatiewe handelsmaatskappy opgerig kan word nie.

57. Die bepalings van hierdie Wet wat toepaslik is op 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid en 'n federale koöperatiewe landboumaatskappy met beperkte aanspreeklikheid.

Bepalings toepaslik op koöperatiewe landboumaatskappye geld ook vir sentrale en federale koöperatiewe landboumaatskappye.

58. Die bepalings van hierdie Wet wat toepaslik is op 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid en 'n federale spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid.

Bepalings toepaslik op spesiale koöperatiewe boeremaatskappye geld ook vir sentrale en federale spesiale koöperatiewe boeremaatskappye.

59. Die bepalings van hierdie Wet wat toepaslik is op 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid, is *mutatis mutandis* van toepassing op 'n kragtens hierdie Wet geregistreerde sentrale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid en 'n federale koöperatiewe handelsmaatskappy met beperkte aanspreeklikheid.

Bepalings toepaslik op koöperatiewe handelsverenigings geld ook vir sentrale en federale koöperatiewe handelsmaatskappye.

CHAPTER VII.

WINDING UP AND DISSOLUTION OF SOCIETIES AND COMPANIES.

Modes of winding-up.

60. A society or company may be wound up either—

(a) voluntarily on a resolution of the society or company under section *sixty-one*; or

(b) on an order of court under section *sixty-two*,

and shall be wound up without any resolution thereof or order of court upon the occurrence of any of the events mentioned in section *sixty-three*.

Voluntary winding-up of society or company.

61. A society or company may be wound up by resolution passed by not less than two-thirds of the total number of members of the society or company, present in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially convened for that purpose.

Compulsory winding-up of society or company.

62. (1) A society or company may be wound up on the order of any division of the Supreme Court having jurisdiction in the district where the office of the society or company is situate, upon the application of any interested person.

(2) In dealing with an application for the winding-up of a society or company, the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order or any other order that it deems just.

Circumstances under which a society or company shall be wound up.

63. (1) A society or company shall be wound up without any resolution thereof or order of court—

(a) if the number of members is reduced, in the case of a central or federal company, below two; or in the case of a co-operative agricultural society or company or a farmers' special co-operative company, below seven; or, in the case of a co-operative trading society formed for the purpose of manufacturing and disposing of any commodity, below seven; or, in the case of any other co-operative trading society, below twenty-five;

(b) whenever the society or company has not transacted any business during any continuous period of twelve months: Provided that the Minister may before the expiration of that period extend that period and thereafter may from time to time, before the date to which any period has been extended in terms of this proviso, further extend the period;

(c) when the period (if any) fixed for the duration of the society or company by its regulations expires;

(d) whenever the event (if any) occurs, upon the occurrence of which the regulations provide that the society or company is to be wound up or dissolved;

(e) whenever the Minister makes an order under section *one hundred and twelve* for the winding-up of the society or company.

(2) In calculating for the purposes of paragraph (a) of subsection (1) of this section or section *one hundred and thirteen* the number of members of a co-operative agricultural society or company or a farmers' special co-operative company or a co-operative trading society, the number of members shall not be deemed to be reduced by the death of any member until two months have passed after such death. If before the expiration of that period the widow or any beneficiary of the estate of the deceased member, with the approval of the board of directors, becomes a member of the society or company and takes over the rights and obligations of the deceased member in relation to the society or company, the number of the members of the society or company shall not be deemed to be reduced by the death of such deceased member.

Commencement of winding-up.

64. A winding-up of a society or company shall be deemed to commence—

(a) at the date of passing of the resolution authorizing the winding up, if such winding up is voluntary;

(b) at the date of the making of the order for the winding-up of the society or company (including an order placing the society or company in provisional liqui-

HOOFSTUK VII.

LIKWIDASIE EN ONTBINDING VAN VERENIGINGS EN MAATSKAPPY.

60. 'n Vereniging of maatskappy kan gelikwider word, Metodes van likwidasië.
of—

- (a) vrywillig by besluit van die vereniging of maatskappy ingevolge artikel *een-en-sestig*; of
- (b) op bevel van 'n geregshof ingevolge artikel *twee-en-sestig*;

en moet gelikwider word sonder besluit daarvan of bevel van 'n geregshof wanneer enigeen van die in artikel *drie-en-sestig* vermelde gebeurtenisse voorval.

61. 'n Vereniging of maatskappy kan gelikwider word by besluit aangeneem deur minstens twee-derdes van die totale aantal lede van die vereniging of maatskappy teenwoordig in eie persoon of verteenwoordig deur gevolmagtigdes (waar dit deur die regulasies toegelaat word) op 'n algemene vergadering spesiaal vir daardie doel byeengeroep. Vrywillige likwidasië van vereniging of maatskappy.

62. (1) 'n Vereniging of maatskappy kan gelikwider word op bevel van een of ander afdeling van die Hooggeregshof wat regsmag besit in die gebied waar die kantoor van die vereniging of maatskappy geleë is, op aansoek van een of ander belanghebbende persoon. Verpligte likwidasië van vereniging of maatskappy.

(2) Die geregshof wat 'n applikasie vir die likwidasië van 'n vereniging of maatskappy behandel, kan die applikasie met of sonder koste van die hand wys, of die verhoor voorwaardelik of onvoorwaardelik verdaag of 'n tussentydse of ander bevel wat hy goeddink, verleen.

63. (1) 'n Vereniging of maatskappy word sonder 'n besluit daarvan of bevel van 'n geregshof gelikwider— Omstandighede waaronder vereniging of maatskappy gelikwider moet word.

- (a) as die ledetal verminder word, in die geval van 'n sentrale of federale maatskappy, tot minder as twee; of, in die geval van 'n koöperatiewe landbouvereniging of -maatskappy, of 'n spesiale koöperatiewe boeremaatskappy, tot minder as sewe; of, in die geval van 'n koöperatiewe handelsvereniging opgerig met die doel om een of ander handelsartikel te vervaardig en van die hand te sit, tot minder as sewe; of, in die geval van 'n ander koöperatiewe handelsvereniging, tot minder as vyf-en-twintig;
- (b) wanneer die vereniging of maatskappy gedurende 'n onafgebroke tydperk van twaalf maande geen sake gedoen het nie: Met dien verstande dat die Minister daardie tydperk voor verstryking daarvan kan verleng, en daarna die tydperk van tyd tot tyd, voor die datum waartoe 'n tydperk volgens hierdie voorbehoudsbepaling verleng is, verder kan verleng;
- (c) wanneer die tydperk (as die genoem is) wat vir die duur van die vereniging of maatskappy in sy regulasies vasgestel is, verstryk het;
- (d) wanneer die gebeurtenis (as die genoem is) waarna, volgens die bepaling van die regulasies, die vereniging of maatskappy gelikwider of ontbind moet word, plaasvind;
- (e) wanneer die Minister kragtens artikel *honderd-en-twaalf* 'n bevel uitvaardig dat die vereniging of maatskappy gelikwider moet word.

(2) By die berekening van die ledetal van 'n koöperatiewe landbouvereniging of -maatskappy of 'n spesiale koöperatiewe boeremaatskappy of 'n koöperatiewe handelsvereniging, vir die toepassing van paragraaf (a) van sub-artikel (1) van hierdie artikel of artikel *honderd-en-dertien*, word die getal lede nie geag deur die afsterwing van 'n lid verminder te wees nie, totdat twee maande verstryk het sedert die afsterwing. Ingeval die weduwee of 'n voordeeltrekkende uit die boedel van die oorlede lid met toestemming van die raad van direkteure voordat daardie tydperk verstryk lid word van die vereniging of maatskappy en die regte en verpligtings van die oorlede lid met betrekking tot die vereniging of maatskappy oorneem, dan word die ledetal van die vereniging of maatskappy nie geag deur die afsterwing van daardie oorlede lid verminder te wees nie.

64. Likwidasië van 'n vereniging of maatskappy word geag Begin van likwidasië.
te begin—

- (a) op die datum van aanname van die besluit wat likwidasië magtig, as die likwidasië vrywillig geskied;
- (b) op die datum van uitvaardiging van die bevel waarby likwidasië van die vereniging of maatskappy gelas word (inbegrepe 'n bevel wat die vereniging of maat-

dition) if the winding-up is under the provisions of section *sixty-two* ;

- (c) at the date upon which the event occurs upon the occurrence of which the society or company is to be wound up, if the winding-up is under the provisions of section *sixty-three*.

Notice to registrar of winding-up.

65. (1) Whenever a resolution for the winding-up of a society or company has been passed under section *sixty-one* or an event has occurred upon the occurrence of which a society or company must be wound up under section *sixty-three*, the chairman of the directors of the society or company shall, within fourteen days after the passing of such resolution or the occurrence of such event, lodge with the registrar an affidavit sworn by him and by the secretary or manager of the society or company—

- (a) containing, if the winding-up is under section *sixty-one*, a copy of such resolution, and stating that it was passed in accordance with the provisions of that section, and the date when it was passed ; or
- (b) if the winding-up is under section *sixty-three*, stating what the event is which has occurred and the date of its occurrence.

(2) Whenever an order for the winding-up of a society or company (including an order placing the society or company in provisional liquidation) is made by the court, the registrar of the court shall forthwith transmit to the registrar a duplicate original of the order.

Inventories of assets and lists of liabilities to be transmitted to registrar upon winding-up.

66. (1) In addition to the affidavit which by sub-section (1) of section *sixty-five* the chairman of the directors of a society or company is required to lodge with the registrar, the chairman shall also, if the winding-up is under section *sixty-one* or *sixty-three*, within fourteen days after the commencement of the winding-up make and lodge with the registrar an inventory of all property (including outstanding debts) belonging to the society or company, and also a detailed list of all its liabilities, as at the date of the commencement of the winding-up. Every such inventory and list shall be verified by affidavit of the chairman and the secretary or manager of the society or company.

(2) A provisional liquidator shall within fourteen days after his appointment by the court make and lodge with the registrar an inventory and list as described in sub-section (1). Every such inventory and list shall be verified by affidavit of the provisional liquidator.

(3) Every liquidator, appointed by the Minister, of a society or company of which a provisional liquidator was appointed by the court shall within fourteen days after his appointment, make and lodge with the registrar an inventory and list as described in sub-section (1), unless an inventory and list have already been lodged by the provisional liquidator. Every such inventory and list shall be verified by affidavit of the liquidator.

Appointment of liquidator.

67. (1) Whenever a society or company is wound-up under section *sixty-one* or *sixty-three*, or is placed in final liquidation by an order of court under section *sixty-two*, the Minister shall appoint a liquidator or joint liquidators of such society or company, who shall act under the control and supervision of the registrar.

(2) Whenever a society or company is placed in provisional liquidation under section *sixty-two*, the court making the order may at any time before a liquidator has been appointed appoint a provisional liquidator, who shall hold office until one or more liquidators are appointed by the Minister or until the order is set aside, or until the Minister has directed in terms of section *sixty-eight* that the appointment of a liquidator be dispensed with.

(3) Before assuming his office every liquidator or provisional liquidator shall furnish the registrar with such security as the latter may require for the faithful and diligent performance of his duties.

(4) Every liquidator shall forthwith after he has furnished such security publish in the *Gazette* and in a newspaper circulating in the district in which the office of the society or company is situate a notice stating his name and address and the fact of his appointment : Provided that the registrar may

skappy in provisionele likwidasië plaas) indien likwidasië ingevolge die bepalinge van artikel *twee-en-sestig* geskied ;

- (c) op die datum waarop 'n gebeurtenis voorval as die vereniging of maatskappy by so 'n voorval gelikwadeer moet word, ingeval likwidasië ingevolge die bepalinge van artikel *drie-en-sestig* geskied.

65. (1) Wanneer 'n besluit vir die likwidasië van 'n vereniging of maatskappy aangeneem is kragtens artikel *een-en-sestig* of 'n gebeurtenis voorgeval het by die voorval waarvan 'n vereniging of maatskappy ingevolge artikel *drie-en-sestig* gelikwadeer moet word, moet die voorsitter van die direkteure van die vereniging of maatskappy binne veertien dae na die aanname van daardie besluit of die voorval van daardie gebeurtenis by die registrateur 'n deur hom en die sekretaris of bestuurder van die vereniging of maatskappy beëdigde verklaring indien—

Kennisgewing van likwidasië aan registrateur.

- (a) wat, indien die likwidasië kragtens artikel *een-en-sestig* plaasvind, 'n afskrif van bedoelde besluit bevat, en waarin vermeld word dat dit aangeneem is ooreenkomstig die bepalinge van daardie artikel en die datum waarop dit aangeneem is ; of

- (b) waarin, indien die likwidasië kragtens artikel *drie-en-sestig* plaasvind, vermeld word watter gebeurtenis voorgeval het en op watter datum dit voorgeval het.

(2) Wanneer 'n bevel vir die likwidasië van 'n vereniging of maatskappy (inbegrepe 'n bevel wat die vereniging of maatskappy in provisionele likwidasië plaas) deur die geregshof uitgevaardig word, moet die registrateur van die geregshof onverwyld 'n oorspronklike duplikaat van die bevelskrif aan die registrateur stuur.

66. (1) Behalwe die beëdigde verklaring wat volgens sub-artikel (1) van artikel *vyf-en-sestig* deur die voorsitter van die direkteure van 'n vereniging of maatskappy by die registrateur ingedien moet word, moet die voorsitter ook, as die likwidasië kragtens artikel *een-en-sestig* of *drie-en-sestig* plaasvind, binne veertien dae nadat die likwidasië begin het 'n inventaris van alle goed (met inbegrip van uitstaande skulde) wat aan die vereniging of maatskappy behoort, asook 'n lys met besonderhede van al sy laste, op die datum waarop die likwidasië begin het, opmaak en by die registrateur indien. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die voorsitter en die sekretaris of bestuurder van die vereniging of maatskappy bevestig word.

Inventarise van bate en lyste van laste moet by likwidasië aan registrateur gestuur word.

(2) 'n Provisionele likwidateur moet binne veertien dae na sy aanstelling deur die hof 'n inventaris en lys, soos beskrywe in sub-artikel (1), opmaak en by die registrateur indien. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die provisionele likwidateur bevestig word.

(3) Elke likwidateur aangestel deur die Minister ten opsigte van 'n vereniging of maatskappy ten opsigte waarvan 'n provisionele likwidateur deur die geregshof aangestel was, moet binne veertien dae na sy aanstelling 'n inventaris en lys, soos beskrywe in sub-artikel (1), opmaak en by die registrateur indien, tensy 'n inventaris en lys reeds deur die provisionele likwidateur ingedien is. Elke sodanige inventaris en lys moet deur 'n beëdigde verklaring van die likwidateur bevestig word.

67. (1) Wanneer 'n vereniging of maatskappy gelikwadeer word kragtens artikel *een-en-sestig* of *drie-en-sestig*, of kragtens artikel *twee-en-sestig* deur bevel van 'n geregshof in finale likwidasië geplaas word, stel die Minister ten opsigte van sodanige vereniging of maatskappy 'n likwidateur of gesamentlike likwidateurs aan wat onder beheer en toesig van die registrateur optree.

Aanstelling van likwidateur.

(2) Wanneer 'n vereniging of maatskappy in provisionele likwidasië geplaas word kragtens artikel *twee-en-sestig*, kan die geregshof wat die bevel uitvaardig te eniger tyd voordat 'n likwidateur aangestel is 'n provisionele likwidateur aanstel wat die amp beklee totdat een of meer likwidateurs deur die Minister aangestel word, of totdat die bevel tersy gesit word, of totdat die Minister kragtens artikel *agt-en-sestig* gelas het dat die aanstelling van 'n likwidateur agterweë gelaat word.

(3) Elke likwidateur of provisionele likwidateur moet, voordat hy sy amp aanvaar, die registrateur voorsien van sodanige sekuriteit as laasgenoemde mag vorder vir die getroue en ywerige vervulling van sy pligte.

(4) Elke likwidateur moet, onverwyld nadat hy sodanige sekuriteit verstrek het, in die *Staatskoerant* en in 'n koerant in omloop in die distrik waar die kantoor van die vereniging of maatskappy geleë is, 'n kennisgewing publiseer waarin sy naam en adres vermeld word en sy aanstelling bekendgemaak

in his discretion, absolve the liquidator from the duty of publishing such notice.

Minister may dispense with appointment of liquidator.

68. The Minister may dispense with the appointment of a liquidator of any society or company which is being wound up under this Act, when it appears from the inventory, lodged in respect of such society or company under section *sixty-six*, that the value of the assets thereof does not exceed one hundred pounds (£100) and he may, in any such case, give such directions as he may deem fit for the administration and distribution of the assets and the liquidation of the liabilities. Nothing in this section contained shall be deemed to affect the liability of any person in respect of the society or company.

Removal of liquidator.

69. (1) The Minister may cancel the appointment of any liquidator on any ground he may deem sufficient.

(2) The court may cancel the appointment of any provisional liquidator on any ground it may deem sufficient.

Liquidator's fees.

70. (1) The liquidator appointed by the Minister or the provisional liquidator appointed by the court shall be paid fees on a scale to be prescribed by the Minister: Provided that whenever joint liquidators are appointed the fees as prescribed shall be divided amongst them: Provided, further, that the registrar may disallow the remuneration of any liquidator or provisional liquidator either wholly or in part on account of any failure or delay in the discharge of his duties.

(2) No person who employs or is a fellow employee of, or is in the ordinary employment of, the liquidator shall be entitled to receive any remuneration out of the assets of the society or company for services rendered in connection with the discharge of the functions of the liquidator, and no liquidator shall be entitled either by himself or his partner to receive out of the assets of the society or company any remuneration for his services beyond the remuneration to which under this Act he is entitled.

Liquidator's powers.

71. (1) The liquidator shall have power—

- (a) to bring or to defend any action or other legal proceedings of a civil nature in the name and on behalf of the society or company in any competent court of law;
- (b) to obtain with the approval of the registrar legal advice on any question of law affecting the liquidation of the society or company;
- (c) to carry on or discontinue any part of the business of the society or company in so far as may be necessary for the beneficial liquidation thereof;
- (d) to sell the movable and immovable property of the society or company by public auction or private contract and to give valid title thereof to the purchaser by transfer or otherwise;
- (e) to collect amounts due to the society or company and to abandon any claims which are, in the liquidator's opinion, irrecoverable;
- (f) to execute in the name and on behalf of the society or company all deeds, receipts, and other documents;
- (g) to do all such other things as may be necessary to wind up the affairs of the society or company.

(2) A provisional liquidator shall have power to carry on or discontinue any part of the business of the society or company in so far as may be necessary for the beneficial liquidation thereof and to do all such other things as the court shall order.

Banking account to be opened by liquidator.

72. (1) The liquidator shall open an account in the name of the society or company in liquidation with a bank within the Union, and shall deposit to the credit of the society or company from time to time all moneys received by him on its behalf. All cheques or orders which may be drawn upon that account shall contain the name of the payee and the cause of payment and shall be drawn to order and signed by the liquidator, or his agent.

(2) Immediately after opening the account the liquidator shall notify the registrar of the bank and the branch of the bank with which the account has been opened, and shall keep the registrar advised of any transfer of such account to any other bank or branch; and the bank shall at any time upon the request of the registrar furnish him with a certified copy of the account.

word : Met dien verstande dat die registrator die likwidateur na goeddunke kan onthef van die verpligting om so 'n kennisgewing te publiseer.

68. Die Minister behoeft in die geval van 'n vereniging of maatskappy wat ingevolge hierdie Wet gelikwideer word geen likwidateur aan te stel nie, wanneer dit blyk uit die inventaris ingedien ten opsigte van so 'n vereniging of maatskappy ingevolge artikel *ses-en-sestig* dat die waarde van sy bate nie meer as honderd pond (£100) bedra nie, en hy kan in so 'n geval sodanige opdrag gee as hy goetvind vir die administrasie en distribusie van die bate en die likwidasië van die laste. Die bepalings van hierdie artikel word nie geag die aanspreeklikheid van enige persoon ten opsigte van die vereniging of maatskappy te raak nie.

Minister kan aanstelling van likwidateur agterweë laat.

69. (1) Die Minister kan weens redes wat hy afdoende ag die aanstelling van 'n likwidateur herroep.

Verwydering van likwidateur.

(2) Die geregshof kan die aanstelling van 'n provisionele likwidateur herroep weens enige rede wat hy afdoende ag.

70. (1) Die deur die Minister aangestelde likwidateur of die deur die geregshof aangestelde provisionele likwidateur word besoldig volgens 'n skaal deur die Minister te bepaal: Met dien verstande dat wanneer gesamentlike likwidateurs aangestel word, die besoldiging soos voorgeskrywe onder hulle verdeel word: Met dien verstande voorts dat die registrator 'n likwidateur of provisionele likwidateur sy besoldiging geheel of gedeeltelik kan ontsê weens enige versuim of vertraging by die uitvoer van sy pligte.

Besoldiging van likwidateur.

(2) Niemand by wie 'n likwidateur in diens is of wat saam met hom in diens is of wat in sy gewone diens is, is geregtig om uit die bate van die vereniging of maatskappy enige besoldiging te ontvang nie vir dienste gelewer in verband met die uitvoering van die pligte van die likwidateur, en geen likwidateur is geregtig, hetsy persoonlik of deur sy vennoot, om enige besoldiging, benewens die besoldiging waarop hy ingevolge hierdie Wet geregtig is, uit die bate van die vereniging of maatskappy te ontvang nie.

71. (1) Die likwidateur is bevoeg—

Bevoegdheids van likwidateur.

- (a) om in die naam en ten behoeve van die vereniging of maatskappy enige aksie of ander regsdeding van siviele aard in 'n bevoegde geregshof in te stel of te verdedig;
- (b) om met goedkeuring van die registrator regsadvies in te win op enige regspunt betreffende die likwidasië van die vereniging of maatskappy;
- (c) om enige deel van die besigheid van die vereniging of maatskappy voort te sit of te staak, vir sover dit nodig mag wees vir die voordelige likwidasië daarvan;
- (d) om die roerende en onroerende goed van die vereniging of maatskappy by publieke veiling of uit die hand te verkoop, en om geldige titel daarvan by akte van transport of op ander wyse aan die koper oor te dra;
- (e) om aan die vereniging of maatskappy verskuldigde bedraë in te vorder en om skulde wat volgens oordeel van die likwidateur onverhaalbaar is, af te skrywe;
- (f) om namens en ten behoeve van die vereniging of maatskappy alle aktes, kwitansies en ander dokumente te onderteken;
- (g) om alle ander dinge te doen wat nodig mag wees om die sake van die vereniging of maatskappy af te wikkell.

(2) 'n Provisionele likwidateur is bevoeg om enige deel van die besigheid van die vereniging of maatskappy voort te sit of te staak vir sover dit nodig mag wees vir die voordelige likwidasië daarvan, en om alle ander dinge te doen wat die geregshof mag beveel.

72. (1) Die likwidateur moet by 'n bank in die Unie 'n rekening open in die naam van die vereniging of maatskappy in likwidasië, en moet alle gelde wat hy namens die vereniging of maatskappy ontvang van tyd tot tyd op krediet van die vereniging of maatskappy stort. Alle tjeks of orders wat op daardie rekening getrek mag word, moet die naam van die ontvanger en die grond van betaling aantoon en moet op order betaalbaar en deur die likwidateur of sy gevolmagtigde onderteken wees.

Likwidateur moet bankrekening open.

(2) Onmiddellik na die opening van die rekening moet die likwidateur die registrator verwittig van die bank en tak van die bank waar die rekening geopen is en hy moet die registrator van tyd tot tyd verwittig van enige oordrag van sodanige rekening na 'n ander bank of tak van 'n bank, en die bank moet die registrator te eniger tyd op sy versoek voorsien van 'n gesertifiseerde afskrif van die rekening.

Books to be kept
by liquidator.

73. (1) Immediately after his appointment the liquidator shall open a book or other record wherein he shall enter from time to time a statement of all moneys, goods, books, accounts and other documents received by him for the society or company.

(2) The registrar may at any time in writing order the liquidator to produce the said book or record with supporting vouchers for inspection.

(3) Any person whose name appears as a contributory in a list framed under section *seventy-seven* or *seventy-eight*, and if the registrar so orders in writing, any creditor, may at all reasonable times personally or by his agent inspect such book or record.

Actions stayed on
winding-up.

74. (1) When a society or company has been placed in liquidation (including provisional liquidation) all civil proceedings against the society or company shall be suspended until the appointment of a liquidator.

(2) Every person who, having instituted legal proceedings against a society or company which were suspended by a winding-up, intends to continue the same and every person who intends to institute legal proceedings for the purpose of enforcing any claim against the society or company which arose before the commencement of the winding-up shall, within three weeks after the publication in the *Gazette* of the notice referred to in sub-section (4) of section *sixty-seven*, or if no such notice has been published, within three weeks after he has received written notification by the liquidator of his appointment, give the liquidator not less than three weeks' notice in writing before continuing or commencing the proceedings. In default thereof the proceedings shall be considered to be abandoned unless the court finds that there was a reasonable excuse for the default and allows the proceedings to continue or to be commenced on terms or otherwise as it may think fit.

Costs of
liquidation and
priority thereof.

75. (1) The costs, charges and expenses of the winding-up of any society or company, including the fees payable to the liquidator, shall be deemed to be included in, and form part of, the liabilities and obligations of any society or company wound up under this Act. Such costs, charges, expenses and fees shall be payable in priority to all other claims.

(2) The registrar may reduce or disallow the whole or part of any costs, charges and expenses incurred by the liquidator in connection with the winding-up of the society or company, if in his opinion such costs, charges or expenses appear to be unnecessary or excessive.

Framing of plan of
distribution if
there is a surplus.

76. (1) If after all the liabilities and obligations present or contingent of a society or company wound up under section *sixty-one*, *sixty-two*, or *sixty-three*, have been discharged, and the costs, charges, expenses and fees referred to in section *seventy-five* have been defrayed, and every donation has been made which in terms of the regulations of the society or company is required to be made in the event of winding-up, there remains any surplus of assets, the liquidator shall frame a plan of distribution distributing such surplus, including the reserve funds, in the following manner:—

(a) in the case of a co-operative agricultural society with unlimited liability, among existing members in proportion to the value of the business of each member with the society during the last preceding fifteen years, or, if the society has not existed for such period, during the existence of the society;

(b) in the case of a co-operative agricultural company with limited liability or a farmers' special co-operative company with limited liability, among existing members in repayment of the nominal value (or such lesser amount as may have been paid up) of the shares registered in their names, and if any assets remain over after such repayment has been made, the same shall be distributed among existing members in proportion to the value of the business of each such member with the company during the last preceding fifteen years, or, if the company has not existed for such a period, during the existence of the company: Provided that, in the case of a company formed for the objects set forth in paragraph (s) of sub-section (1) of section *six*, any assets remaining after repayment to existing members of the nominal value (or such lesser amount as may have been paid up) of the shares

73. (1) Onmiddellik na sy aanstelling moet die likwidateur 'n boek of ander register aanlê waarin hy van tyd tot tyd aantekening moet maak van alle gelde, goedere, boeke, rekenings en ander dokumente deur hom ontvang ten behoeve van die vereniging of maatskappy.

Boeke deur die likwidateur gehou te word.

(2) Die registrateur kan die likwidateur te eniger tyd skriftelik gelas om genoemde boek of register en daarby behorende bewysstukke ter insage oor te lê.

(3) Iemand van wie die naam verskyn as 'n kontribuant op 'n lys opgestel kragtens artikel *sewen-en-sewentig* of *agt-en-sewentig*, en as die registrateur dit skriftelik gelas, ook 'n skuldeiser, kan sodanige boek of register op alle redelike tye persoonlik insien of deur 'n gevolmagtigde laat insien.

74. (1) Wanneer 'n vereniging of maatskappy in likwidasie (inbegrepe provisionele likwidasie) geplaas is, word alle siviele gedinge teen die vereniging of maatskappy geskors totdat 'n likwidateur aangestel is.

Likwidasie skors aksies.

(2) Elkeen wat voornemens is om 'n regsgeging teen 'n vereniging of maatskappy, wat deur die likwidasie geskors is, voort te sit, en elkeen wat voornemens is om 'n regsgeging in te stel tot verhaal van 'n eis teen die vereniging of maatskappy wat voor die begin van die likwidasie ontstaan het, moet, binne drie weke na die publikasie in die *Staatskoerant* van die kennisgewing vermeld in sub-artikel (4) van artikel *sewen-en-sestig*, of, indien so 'n kennisgewing nie gepubliseer is nie, binne drie weke nadat hy van die likwidateur 'n skriftelike kennisgewing van sy aanstelling ontvang het, aan die likwidateur minstens drie weke skriftelik kennis gee voordat hy die regsgeging instel of voortsit. By gebreke daarvan word die geving geag opgegee te wees, tensy die hof bevind dat daar redelike verontskuldiging vir die versuim bestaan het en die voortsetting of instelling van die geving toestaan op voorwaardes of andersins, soos hy goedvind.

75. (1) Die koste, onkoste en uitgawes verbode aan die likwidasie van 'n vereniging of maatskappy, met inbegrip van die besoldiging betaalbaar aan die likwidateur, word geag inbegrepe te wees by en deel uit te maak van die laste en verpligtings van 'n vereniging of maatskappy wat kragtens hierdie Wet gelikwideer word. Sodanige koste, onkoste, uitgawes en besoldiging geniet voorkeur van betaling teenoor alle ander eise.

Koste van likwidasie en rangorde daarvan.

(2) Die registrateur kan al die koste, onkoste en uitgawes deur die likwidateur beloop in verband met die likwidasie van die vereniging of maatskappy, of 'n deel daarvan, verminder of ontsê, indien hy sodanige koste, onkoste of uitgawes onnodig of buitensporig ag.

76. (1) Indien daar, nadat al die teenswoordige of voorwaardelike laste en verpligtings van 'n vereniging of maatskappy gelikwideer kragtens artikel *een-en-sestig*, *twee-en-sestig* of *drie-en-sestig*, voldaan is, en die koste, onkoste, uitgawes en besoldiging bedoel in artikel *vyf-en-sewentig* betaal is, en elke donasie gemaak is wat ingevolge die regulasies van die vereniging of maatskappy gemaak moet word ingeval van likwidasie, 'n oorskot van bate is, moet die likwidateur 'n distribusierekening opstel vir die verdeling van sodanige oorskot plus die reserwefondse op onderstaande wyse:

Opstelling van distribusierekening as daar 'n oorskot is.

- (a) in die geval van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid, onder die bestaande lede in verhouding met die waarde van die besigheid van elke lid met die vereniging gedurende die voorafgaande vyftien jaar, of, as die vereniging nie vir so 'n tydperk bestaan het nie, gedurende die bestaan van die vereniging;
- (b) in die geval van 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid of 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid, onder die bestaande lede by wyse van terugbetaling van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die aandele wat op hul name geregistreer is en as daar nadat sodanige terugbetaling geskied het nog bate oorbly, word dit onder die bestaande lede verdeel in verhouding met die waarde van die besigheid van elke sodanige lid met die maatskappy gedurende die voorafgaande vyftien jaar, of, as die maatskappy nie vir so 'n tydperk bestaan het nie, gedurende die bestaan van die maatskappy: Met dien verstande dat, in die geval van 'n maatskappy opgerig vir die doeleindes vermeld in paragraaf (s) van sub-artikel (1) van artikel *ses*, enige oorblywende bate, na terugbetaling aan bestaande lede van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die

registered in their names as aforesaid shall be divided equally among all the existing members of the company.

- (c) in the case of a co-operative trading society with limited liability, among existing members in repayment of the nominal value (or such lesser amount as may have been paid up) of the shares registered in their names, and if any assets remain over after such repayment has been made, the same shall be distributed among existing members in proportion to the value of the business of each such member with the society during the last preceding five years, or, if the society has existed for a period of less than five years, during the existence of the society : Provided that such period of five years may be extended by a resolution adopted by not less than two-thirds of the total number of members of the society present in person or by proxy (where proxies are allowed by the regulations) at a general meeting specially called for that purpose.

(2) If—

- (a) any member of any such society or company has died ;
or
(b) any member of any such co-operative agricultural society or co-operative agricultural company or farmers' special co-operative company has resigned because he has relinquished farming operations ; or
(c) any member of any such co-operative trading society has resigned because he has ceased to reside in the area in which the society carries on its business,

any such resigned member and the executor of any such deceased member may, if the regulations of the society or company so provide, authorize in writing any existing member of the society or company to include, for the purposes of this section, as part of the value of the business of such existing member with the society or company during the period of fifteen years or five years immediately preceding the winding-up or during the existence of the society or company (as the case may be), the value of the business of such resigned or deceased member with the society or company during the period in question : Provided that no such authority shall be of any effect unless it has been lodged with the society or company within three months after such death or resignation, as the case may be.

Framing of plan of contribution if there is a deficit.

77. (1) If, after realization of all the assets of a society or company, any liability or obligation remains undischarged, the liquidator shall frame a plan of contribution apportioning the debt or obligation among those persons liable to pay, in accordance with the provisions of sub-section (1) of section *twenty*, in the case of a society with unlimited liability, or, in the case of a society or company with limited liability, in accordance with the provisions of sub-section (2) of that section : Provided that if the winding-up of a society with unlimited liability is commenced within twelve months after the resignation or expulsion of any member, such resigned or expelled member shall also remain liable for costs, charges and expenses of the winding-up.

(2) If any person liable to pay dies before or after his name has been included in the plan of contribution, his estate shall be liable to contribute.

(3) If the estate of any person liable to pay is sequestrated or if he assigns his estate, either before or after his name has been included in the plan of contribution, there may be proved against the insolvent or assigned estate the estimated amount of liability to future calls as well as calls already made : Provided that if any such person's estate is rehabilitated before the date upon which the affairs of the society or company are finally liquidated, he shall remain personally liable for the whole or any calls fixed under the first or any subsequent plan of contribution.

(4) The liquidator may, in framing the said plan of contribution, take into consideration the probability that some of the persons liable to pay may partly or wholly fail to pay.

(5) If any person liable to contribute under the plan of contribution confirmed as hereinafter provided, has not paid his contribution and has not, to the knowledge of the liquidator,

aandeel op hul name geregistreer, soos voormeld, gelykop onder al die bestaande lede van die maatskappy verdeel moet word;

- (c) in die geval van 'n koöperatiewe handelsvereniging met beperkte aanspreeklikheid, onder bestaande lede by wyse van terugbetaling van die nominale waarde (of so 'n mindere bedrag as opbetaal mag wees) van die aandeel wat op hul name geregistreer is, en, as daar nadat sodanige terugbetaling geskied het nog bate oorbly, word dit onder bestaande lede verdeel in verhouding met die waarde van die besigheid van elke sodanige lid met die vereniging gedurende die voorafgaande vyf jaar, of, as die vereniging vir 'n korter tydperk as vyf jaar bestaan het, gedurende die bestaan van die vereniging: Met dien verstande dat sodanige tydperk van vyf jaar verleng kan word by besluit aangeneem deur minstens twee-derdes van al die lede van die vereniging teenwoordig in eie persoon of deur gevolmagtigdes verteenwoordig (waar dit deur die regulasies toegelaat word) op 'n algemene vergadering spesiaal vir daardie doel byeengeroep.

(2) Indien—

- (a) 'n lid van so 'n vereniging of maatskappy dood is; of
 (b) 'n lid van so 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy of spesiale koöperatiewe boeremaatskappy bedank het omdat hy nie meer boer nie; of
 (c) 'n lid van so 'n koöperatiewe handelsvereniging bedank het omdat hy nie meer in die gebied waar die vereniging besigheid drywe, woon nie,

dan kan so 'n lid wat bedank het en die eksekuteur van so 'n oorlede lid, mits die regulasies van die vereniging of maatskappy daarvoor voorsiening maak, 'n bestaande lid van die vereniging of maatskappy in geskrif magtig om, vir die doeleindes van hierdie artikel, by die waarde van die besigheid van bedoelde bestaande lid met die vereniging of maatskappy gedurende die tydperk van vyftien jaar of vyf jaar onmiddellik voor die likwidasië of gedurende die bestaan van die vereniging of maatskappy (na gelang van die geval), die waarde te voeg van die besigheid van die lid, wat bedank het of wat dood is, met die vereniging of maatskappy gedurende die betrokke tydperk: Met dien verstande dat so 'n magtiging geen uitwerking het nie, tensy dit binne drie maande na sodanige dood of bedanking, al na die geval, by die vereniging of maatskappy ingedien word.

77. (1) Indien daar, nadat alle bate van 'n vereniging of maatskappy tot geld gemaak is, nog onvoldane laste of verpligtings bestaan, moet die likwidateur 'n kontribusierekening opstel waarby die skulde en verpligtings verdeel word onder diegene wat vir die betaling daarvan aanspreeklik is, ooreenkomstig die bepalinge van sub-artikel (1) van artikel *twintig*, in die geval van 'n vereniging met onbeperkte aanspreeklikheid, of, in die geval van 'n vereniging of maatskappy met beperkte aanspreeklikheid, ooreenkomstig die bepalinge van sub-artikel (2) van daardie artikel: Met dien verstande dat, indien die likwidasië van 'n vereniging met onbeperkte aanspreeklikheid begin binne twaalf maande na die bedanking of uitsetting van 'n lid, daardie lid wat bedank het of uitgesit is ook aanspreeklik bly vir die koste, onkoste en uitgawes verbonde aan die likwidasië.

(2) Indien 'n persoon wat vir betaling aanspreeklik is, sterf voor of nadat sy naam in die kontribusierekening opgeneem is, dan is sy boedel verplig om by te dra.

(3) Indien die boedel van 'n persoon wat vir betaling aanspreeklik is, gesekwestreer word, of as hy sy boedel afstaan, hetsy voor of nadat sy naam in die kontribusierekening opgeneem is, dan kan die beraamde bedrag van aanspreeklikheid vir toekomstige sowel as reeds gedane vorderings teen die insolvente of afgestane boedel bewys word: Met dien verstande dat, indien so 'n persoon se boedel gerehabiliteer word voor die datum waarop die sake van die vereniging of maatskappy finaal gelikwideer word, hy persoonlik aanspreeklik bly vir die hele bedrag of enige vorderings vasgestel by die eerste of 'n volgende kontribusierekening.

(4) By die opstelling van genoemde kontribusierekening kan die likwidateur rekening hou met die waarskynlikheid dat party van die persone wat vir betaling aanspreeklik is, deels of geheel en al in gebreke mog bly om te betaal.

(5) Indien 'n persoon wat ingevolge 'n kontribusierekening, bekragtig soos hierin verder bepaal, aanspreeklik is om by te dra, sy bydrae nie betaal het nie en ook nie, vir sover die lik-

Opstelling van kontribusierekening as daar 'n tekort is.

property or effects sufficient to meet his liability, the liquidator shall frame a further plan of contribution apportioning, subject to the relative provisions of section *twenty*, and to the proviso to sub-section (1) of this section, among each of the other persons the share of the defaulting person's unsatisfied liability; and if any person liable to pay under the second plan of contribution, after confirmation thereof, is unable to pay, the liquidator shall frame a third plan of contribution in the manner aforesaid, and so on until all the liabilities and obligations of the society or company have been settled. The provisions of sub-sections (2), (3) and (4) of this section shall apply to the second and any subsequent plans of contribution framed by the liquidator.

Lodging of liquidation account and plan of distribution or plan of contribution.

78. (1) Every liquidator shall, not later than six months (or such longer period as the registrar may approve) after his appointment, frame and lodge with the registrar an account of his receipts and payments and if there is a surplus the plan of distribution framed by him in terms of section *seventy-six*, or, if there is a deficit, the plan of contribution framed by him in terms of section *seventy-seven*.

(2) The account and plan shall be in duplicate and in a form approved by the registrar, and shall be verified by affidavit by the liquidator.

(3) The account shall be fully supported by vouchers.

(4) If the account and plan are not the final account and plan, the liquidator shall from time to time, and as the registrar may direct, frame and lay before the registrar a further account and plan.

(5) Except where the office of the society or company is situate within the district of Pretoria, the registrar shall transmit a duplicate of the account and plan to the magistrate of the district in which the office of the society or company is situate.

Inspection of liquidation account and plan of distribution or contribution.

79. (1) The account and plan shall lie open at the registrar's office and, if the registered office of the society or company is not situate within the district of Pretoria, the duplicate thereof shall lie open at the office of the magistrate of the district in which the registered office of the society or company is situate, for inspection by persons interested for such reasonable time, not being less than fourteen days, as the registrar may determine.

(2) The registrar shall, at the cost of the society or company cause to be published in the *Gazette* and in a newspaper circulating in the district in which the registered office of the society or company is situate a notice stating the period during which and the place or places at which the account and plan will lie open for inspection as aforesaid, and calling upon all persons interested to lodge with the registrar before a stated day, not being earlier than seven days after the close of the said period, any objection to the account or plan, with the reasons therefor, and stating that every such objection and the reasons therefor shall be verified by affidavit.

Objections by interested persons to liquidation account or plan of distribution or contribution.

80. (1) Any person interested in the winding-up of the society or company may, at any time before the day stated in the notice referred to in sub-section (2) of section *seventy-nine*, lodge with the registrar any objection to the account or plan, with the reasons therefor, verified as aforesaid.

(2) If the registrar is of opinion that—

(a) any objection so lodged with him ought to be sustained, wholly or in part, or

(b) notwithstanding that no objection has been lodged with him, any improper charge has been made against the assets, or the account or the plan is in any respect incorrect and should be amended,

he may direct the liquidator to amend the account or plan, or may give such other directions as he may think fit, and if he is of opinion that any such objection ought not to be sustained, he shall notify the objector that he refuses to sustain it,

(3) The liquidator or any person aggrieved by any such direction of the registrar, or by the refusal of the registrar to sustain such objection, may apply by motion to any division of the Supreme Court having jurisdiction in the district where the registered office of the society or company is situate within fourteen days after the date of the registrar's direction or refusal, and after notice to the liquidator, for an order to set aside the registrar's decision and the court may give such direction as it thinks fit.

(4) Whenever any such direction of the registrar (which has not been set aside by the court) or any such direction of the court affects the interests of any person who has not lodged any objection with the registrar, the account and plan so amended shall, unless the person affected consents in writing to the immediate confirmation of the account and plan, again lie open for inspection in the manner and with the notice prescribed in section *seventy-nine*, and the provisions of sub-sections (1), (2) and (3) of this section shall apply thereto.

Confirmation of liquidation account and plan of distribution or contribution.

81. When the registrar is satisfied that the account and plan have lain open for inspection or have again lain open for inspection (if necessary), in accordance with the provisions of sections *seventy-nine* and *eighty*, and that the directions of the court and those of the registrar (in so far as they have not been set aside or varied by the court) have been given effect to, he shall confirm the account; and his confirmation shall have the effect of a final sentence.

Distribution of surplus or collection of deficit.

82. (1) Immediately after the confirmation of the account and plan, the liquidator shall, if there is a surplus, proceed to distribute that surplus in accordance with the plan of distribution, or if there is a deficit, to collect from the persons liable to contribute the amounts for which they are liable under the plan of contribution.

(2) If any amount payable under the plan of distribution remains unpaid for a period of three months after the confirmation of the account, the liquidator shall immediately pay the same into the Guardians' Fund for account of the person to whom it is due.

(3) The liquidator shall without delay lodge with the registrar the receipts for all amounts payable under the plan of distribution.

(4) If the liquidator, at the expiry of the period referred to in sub-section (2), has failed to lodge with the registrar a proper receipt for any amount payable under the plan of distribution, his failure shall be *prima facie* evidence that the amount has been received and has not lawfully been disposed of by him, and the registrar may institute proceedings against the liquidator to answer for his default. The court hearing those proceedings may order the liquidator to pay such amount to the person to whom it is due, or into the Guardians' Fund, and, in addition, by way of penalty such sum, not exceeding the amount unpaid, as it may think fit, and such sum shall be paid into the Consolidated Revenue Fund.

(5) If any person liable to contribute any amount under the plan of contribution fails to pay such amount to the liquidator within ten days after a demand for such payment has been sent by registered letter addressed to him at his last known place of residence or business, the magistrate of the district in which the registered office of the society or company is situated shall, upon application by the liquidator, issue a writ of execution against the property of such person.

(6) Every such writ shall be executed against the movable property of the debtor, and, if there be not found sufficient movable property to satisfy the writ, then against his immovable property.

(7) Every such writ shall be executed in like manner, and the same fees shall be payable in respect of the issue and execution thereof, as if it was issued pursuant to a judgment of a magistrate's court.

Power of court to summon persons suspected of having property of any society or company.

83. (1) Any court of competent jurisdiction may, upon the application of the registrar, the liquidator or any interested person, summon before it any officer of a society or company which is being wound up, or person known or suspected to have in his possession any property of the society or company, or supposed to be indebted to the society or company, or any

widateur weet, voldoende goed of besittings het om aan sy verpligting te voldoen nie, moet die likwidateur 'n verdere kontribusierekening opstel waarby die onvoldane deel van die verpligting van die persoon wat in gebreke bly, met inagneming van die toepaslike bepalings van artikel *twintig* en van die voorbehoudsbepaling by sub-artikel (1) van hierdie artikel, onder al die ander persone verdeel word; en indien 'n persoon, wat volgens die tweede kontribusierekening vir betaling aanspreeklik is, na bekragtiging daarvan nie in staat is om te betaal nie, moet die likwidateur op die voormelde wyse 'n derde kontribusierekening opstel, en moet hy so voortgaan totdat alle laste en verpligtings van die vereniging of maatskappy voldaan is. Die bepalings van sub-artikels (2), (3) en (4) van hierdie artikel is van toepassing op die tweede en enige daaropvolgende kontribusierekenings wat deur die likwidateur opgestel word.

78. (1) Elke likwidateur moet binne hoogstens ses maande (of sodanige langer tydperk as die registrateur mog goedkeur) na sy aanstelling 'n rekening van sy ontvangste en uitbetalings en, as daar 'n oorskot is, die distribusierekening deur hom opgestel ingevolge artikel *ses-en-sewentig*, of, as daar 'n tekort is, die kontribusierekening deur hom opgestel ingevolge artikel *sewen-en-sewentig*, opstel en by die registrateur indien.

Voorlegging van likwidasierekening en distribusie- of kontribusierekening.

(2) Die likwidasierekening en die distribusie- of kontribusierekening moet in duplikaat opgestel word in 'n deur die registrateur goedgekeurde vorm en moet deur beëdigde verklaring van die likwidateur bevestig word.

(3) Die likwidasierekening moet ten volle deur bewysstukke gestaaf wees.

(4) As die likwidasierekening en distribusie- of kontribusierekening nie finale rekenings is nie, moet die likwidateur van tyd tot tyd volgens voorskrif van die registrateur 'n verdere likwidasierekening en distribusie- of kontribusierekening opstel en aan hom voorlê.

(5) Behalwe wanneer die kantoor van die vereniging of maatskappy binne die distrik Pretoria geleë is, moet die registrateur 'n duplikaat van die likwidasierekening en distribusie- of kontribusierekening stuur aan die magistraat van die distrik waarin die kantoor van die vereniging of maatskappy geleë is.

79. (1) Die likwidasierekening en distribusie- of kontribusierekening moet in die kantoor van die registrateur beskikbaar gehou word, en, as die geregistreerde kantoor van die vereniging of maatskappy nie binne die distrik Pretoria geleë is nie, moet die duplikaat daarvan in die kantoor van die magistraat van die distrik waarin die geregistreerde kantoor van die vereniging of maatskappy geleë is, beskikbaar gehou word, ter insage deur belanghebbende persone vir so 'n redelike tydperk, maar minstens veertien dae, as die registrateur mag vasstel.

Insage van likwidasierekening en distribusie- of kontribusierekening.

(2) Die registrateur moet, op koste van die vereniging of maatskappy, 'n kennisgewing in die *Staatskoerant* en in 'n koerant in omloop in die distrik waarin die geregistreerde kantoor van die vereniging of maatskappy geleë is, laat publiseer waarin die tydperk waaroor en die plek of plekke waar die likwidasierekening en distribusie- of kontribusierekening ter insage soos voormeld beskikbaar gehou sal word, vermeld word, en waarin alle belanghebbende persone aangesê word om voor 'n bepaalde dag, minstens sewe dae na die verstryking van genoemde tydperk, besware teen die likwidasierekening of distribusie- of kontribusierekening, met die redes daarvoor, by die registrateur in te dien, en waarin vermeld word dat elke sodanige beswaar en die redes daarvoor deur beëdigde verklaring bevestig moet word.

80. (1) Iemand wat belang het by die likwidasierekening van die vereniging of maatskappy, kan te eniger tyd voor die dag vermeld in die in sub-artikel (2) van artikel *negen-en-sewentig* bedoelde kennisgewing beswaar teen die likwidasierekening of distribusie- of kontribusierekening met redes daarvoor, bevestig soos voormeld, by die registrateur indien.

Besware deur belanghebbende persone teen likwidasierekening of distribusie- of kontribusierekening.

(2) As die registrateur van oordeel is—

(a) dat so 'n by hom ingediende beswaar gedeeltelik of geheelenaal gehandhaaf behoort te word; of

(b) hoewel geen beswaar by hom ingedien is nie, dat die bate met 'n ongepaste pos gedebiteer is, of dat die likwidasierekening of die distribusie- of kontribusierekening in een of ander opsig verkeerd is en gewysig behoort te word,

dan kan hy die likwidateur gelas om die likwidasierekening of distribusie- of kontribusierekening te wysig, of sodanige ander opdrag uitvaardig as hy goedvind, en as hy van oordeel is dat so 'n beswaar nie gehandhaaf behoort te word nie, dan moet hy die persoon wat die beswaar ingedien het, meedeel dat hy weier om dit te handhaaf.

(3) Die likwidateur of iemand wat ontevrede is met so 'n opdrag van die registrateur of met die weiering van die registrateur om so 'n beswaar te handhaaf, kan, binne veertien dae na die datum van die registrateur se opdrag of weiering, na kennisgewing aan die likwidateur, by wyse van mosie aan 'n afdeling van die Hooggeregshof wat regsmag besit in die distrik waarin die geregistreerde kantoor van die vereniging of maatskappy geleë is, versoek om 'n order tot vernietiging van die registrateur se beslissing, en die hof kan so 'n bevel verleen as hy goedvind.

(4) Wanneer so 'n opdrag van die registrateur (wat nie deur die hof vernietig is nie), of so 'n bevel van die hof, die belange raak van iemand wat nie by die registrateur beswaar ingedien het nie, dan moet die aldus gewysigde likwidasierekening en distribusie- of kontribusierekening, tensy die betrokke persoon skriftelik instem met die onmiddellike bekragtiging daarvan, weer ter insage beskikbaar gehou word op die wyse en met die kennisgewing voorgeskrywe in artikel *negen-en-sewentig*, en die bepalinge van sub-artikels (1), (2) en (3) van hierdie artikel is daarop van toepassing.

81. Wanneer die registrateur oortuig is dat die likwidasierekening en distribusie- of kontribusierekening ter insage beskikbaar gehou is of (indien nodig) weer ter insage beskikbaar gehou is ooreenkomstig die bepalinge van artikels *negen-en-sewentig* en *tagtig*, en dat die opdrag van die hof en van die registrateur (in soverre dit nie deur die hof opsy gesit of gewysig is nie) uitgevoer is, moet hy die rekening bekragtig, en sy bekragtiging het die werking van 'n eindvonnis.

Bekragtiging van likwidasierekening en distribusie- of kontribusierekening.

82. (1) Onmiddellik na die bekragtiging van die likwidasierekening en distribusie- of kontribusierekening, moet die likwidateur, as daar 'n oorskot is, oorgaan tot die verdeling van daardie oorskot volgens die distribusierekening, of, as daar 'n tekort is, van diegene wat vir bydraes aanspreeklik is die bedrae invorder waarvoor hulle volgens die kontribusierekening aanspreeklik is.

Verdeling van oorskot of invordering van tekort.

(2) Indien 'n volgens die distribusierekening betaalbare bedrag nie binne drie maande na die bekragtiging van die rekening betaal word nie, dan moet die likwidateur dit onverwyld in die Voogdyfonds stort op rekening van die persoon aan wie dit verskuldig is.

(3) Die likwidateur moet die kwitansies vir alle bedrae betaalbaar volgens die distribusierekening sonder versuim aan die registrateur voorlê.

(4) Indien die likwidateur na afloop van in die sub-artikel (2) gemelde tydperk in gebreke gebly het om 'n behoorlike kwitansie aan die registrateur voor te lê ten opsigte van enige bedrag betaalbaar volgens die distribusierekening, dan is sy versuim *prima facie* bewys dat die bedrag deur hom ontvang en nie op wettige wyse bestee is nie, en die registrateur kan 'n regsvordering teen die likwidateur instel om sy versuim te verantwoord. Die hof wat die regsvordering verhoor, kan die likwidateur gelas om bedoelde bedrag aan die persoon aan wie dit verskuldig is, te betaal of dit in die Voogdyfonds te stort, en om bowendien by wyse van boete so 'n verdere bedrag, hoogstens gelyk aan die onbetaalde bedrag, te betaal, as die hof goedvind, en daardie bedrag word in die Gekonsolideerde Inkomstefonds gestort.

(5) Indien iemand wat volgens die kontribusierekening aanspreeklik is om 'n bedrag by te dra, versuim om bedoelde bedrag aan die likwidateur te betaal binne tien dae nadat 'n eis vir sodanige betaling aan hom gestuur is per geregistreerde brief gerig aan sy laasbekende woonplek of besigheidsplek, dan moet die magistraat van die distrik waarin die geregistreerde kantoor van die vereniging of maatskappy geleë is op versoek van die likwidateur 'n lasbrief van eksekusie teen die goed van sodanige persoon uitreik.

(6) Elke sodanige lasbrief word ten uitvoer gelê teen die roerende goed van die skuldenaar, en as daar nie voldoende roerende goed gevind kan word om aan die lasbrief te voldoen nie, dan teen sy onroerende goed.

(7) Elke sodanige lasbrief word ten uitvoer gelê op dieselfde wyse, en dieselfde fooie is ten opsigte van die uitreiking en tenuitvoerlegging daarvan betaalbaar, asof dit uitgereik was in gevolge 'n vonnis van 'n magistraatshof.

83. (1) 'n Bevoegde hof kan, op aansoek van die registrateur, die likwidateur of 'n belanghebbende persoon, enige beaampde van 'n vereniging of maatskappy wat gelikwideer word, of persoon van wie dit bekend is of wat verdink word dat hy goed van die vereniging of maatskappy in sy besit het, of wat veronderstel word by die vereniging of maatskappy

Bevoegdheid van geregshof om persone verdag in besit te wees van goed van vereniging of maatskappy, te dagvaar.

person whom the court deems capable of giving information concerning the trade, dealings, affairs, or property of the society or company.

(2) The court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them, and he may be required to answer any question put to him at the examination, notwithstanding that the answer might tend to incriminate him, and any answer given to any such question may thereafter be used in evidence against him.

(3) The court may require him to produce any books and papers in his custody or power relating to the society or company; but where he claims any lien on books or papers produced by him, the production shall be without prejudice to such lien, and the court shall have jurisdiction in the winding-up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, fails to appear before the court at the time appointed, having no lawful excuse (made known to the court at the time of its sitting and allowed by it), the court may cause him to be apprehended and brought before the court for examination.

Power to order
public
examination of
directors, etc.

84. (1) Any court of competent jurisdiction may, upon the application of the registrar, the liquidator or any interested person, and after considering a report by the registrar, showing that in his opinion a fraud has been committed by any person in the promotion or formation of the society or company which is being wound up, or by a director or officer of the society or company in relation to the society or company or any creditor thereof since its formation, direct that any person who has taken part in the promotion or formation of the society or company or has been a director or officer of the society or company, shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation, or the conduct of the business of the society or company, or as to his conduct and dealings as director or officer thereof.

(2) The registrar may take part in the examination and for that purpose may, if specially authorized by the Minister in that behalf, employ an attorney with or without counsel.

(3) The liquidator and any creditor or contributory may also take part in the examination either personally or by attorney with or without counsel.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him notwithstanding that any answer may tend to incriminate him.

(6) A person ordered to be examined under this section shall at his own cost, before his examination, be furnished at his request with a copy of the registrar's report, and may at his own cost employ an attorney with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him: Provided that if he is, in the opinion of the court, exculpated from any charges made or suggested against him, the court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.

Power to arrest
absconding con-
tributory.

85. Any court of competent jurisdiction may upon the application of the registrar, the liquidator or any interested person, and on proof that there is reason to believe that a contributory of a society or company which is being wound up is about to quit the Union, or otherwise to abscond, or to remove or to conceal any property for the purpose of evading payment of calls, or of avoiding examination respecting the affairs of the society or company, may cause the contributory to be arrested,

in skuld te wees, of 'n persoon wat die hof in staat ag om inligting te verstrek aangaande die besigheid, transaksies, sake of goed van die vereniging of maatskappy, voor hom dagvaar.

(2) Die hof kan hom onder eed daaromtrent ondervra, hetsy mondeling of deur skriftelike vraagpunte, en kan sy antwoorde op skrif stel en van hom eis dat hy dit onderteken, en van hom kan geëis word om enige vraag by die ondervraging aan hom gestel, te beantwoord, al sou die antwoord hom ook kan inkrimineer, en enige antwoord gegee op so 'n vraag kan daarna as getuienis teen hom gebruik word.

(3) Die hof kan van hom eis dat hy enige boeke en stukke wat betrekking het op die vereniging of maatskappy, en wat in sy bewaring is of waaroor hy beskik, moet oorlê, maar as hy aanspraak maak op 'n retensiereg op boeke of stukke deur hom oorgelê, dan doen die oorlegging geen afbreuk aan daardie retensiereg nie, en die hof is regsbevoeg om by die likwidasie alle kwessies in verband met daardie retensiereg te beslis.

(4) Indien 'n aldus gedagvaarde persoon aan wie 'n redelike bedrag vir sy onkoste aangebied is, in gebreke bly om op die vasgestelde tyd voor die hof te verskyn, sonder wettige verontskuldiging (aan die hof tydens sy sitting bekendgemaak en deur hom aangeneem), kan die hof hom in hegtenis laat neem en voor die hof laat bring om ondervra te word.

84. (1) 'n Bevoegde hof kan, op aansoek van die registrateur, die likwidateur of 'n belanghebbende persoon, en na oorweging van 'n verslag van die registrateur, waaruit blyk dat volgens sy oordeel bedrog gepleeg is deur iemand in verband met die aanleidende stappe tot oprigting of in verband met die oprigting van die vereniging of maatskappy wat gelikwideer word, of deur 'n direkteur of beampte van die vereniging of maatskappy met betrekking tot die vereniging of maatskappy of 'n skuldeiser daarvan sedert sy oprigting, gelas dat enige persoon, wat aan die aanleidende stappe tot oprigting of aan die oprigting van die vereniging of maatskappy deelgeneem het of wat 'n direkteur of beampte van die vereniging of maatskappy was, voor die hof verskyn op 'n dag deur die hof vir daardie doel vasgestel om openbaar ondervra te word aangaande die aanleidende stappe tot oprigting of aangaande die oprigting of die drywe van die besigheid van die vereniging of maatskappy of aangaande sy gedrag en transaksies as direkteur of beampte daarvan.

Bevoegdheid om openbare ondervraging van direkteure, ens., te gelas.

(2) Die registrateur kan aan die ondervraging deelneem en kan, indien spesiaal daartoe gemagtig deur die Minister, vir daardie doel van die dienste van 'n prokureur met of sonder advokaat gebruik maak.

(3) Die likwidateur en enige skuldeiser of kontribuant kan ook aan die ondervraging deelneem, hetsy persoonlik of deur 'n prokureur met of sonder advokaat.

(4) Die hof kan aan die ondervraagde persoon sodanige vrae stel as die hof goedvind.

(5) Die ondervraagde persoon moet onder eed ondervra word en moet alle vrae beantwoord wat die hof aan hom stel of toelaat om aan hom te stel, al sou 'n antwoord hom kan inkrimineer.

(6) Iemand van wie die ondervraging ingevolge hierdie artikel gelas is, moet as hy dit verlang, voor sy ondervraging op eie koste voorsien word van 'n afskrif van die registrateur se verslag, en kan op eie koste gebruik maak van die dienste van 'n prokureur met of sonder 'n advokaat wat vrae aan hom mag stel wat die hof billik ag ten einde hom in staat te stel om antwoorde deur hom verstrek te verduidelik of te kwalifiseer: Met dien verstande dat indien so 'n persoon volgens oordeel van die hof onskuldig is aan enige beskuldigings wat teen hom ingebring of geopper is, die hof aan hom die koste kan toestaan wat die hof volgens sy diskresie billik ag.

(7) Notule moet van die ondervraging gehou en aan die ondervraagde persoon voorgelees of deur hom gelees en deur hom onderteken word, en kan daarna as getuienis teen hom gebruik word en kan op alle redelike tye deur enige skuldeiser of kontribuant ingesien word.

(8) Die hof kan die ondervraging van tyd tot tyd na goeddunke verdaag.

85. 'n Bevoegde hof kan, op aansoek van die registrateur, die likwidateur of 'n belanghebbende persoon, en as bewys gelever word dat daar rede is om te glo dat 'n kontribuant van 'n vereniging of maatskappy wat gelikwideer word op die punt staan om die Unie te verlaat, of hom andersins uit die voete te maak, of om goed te verwyder of te verberg, ten einde die betaling van opvorderings te ontduik of ondervraging aangaande die sake van die vereniging of maatskappy te ontwyk, die kontribuant in hegtenis laat neem en sy boeke en dokumente

Bevoegdheid om voortvlugtige kontribuant van hegtenis te neem.

and his books and papers and movable property to be seized, and him and them to be safely kept until such time as the court may order.

Dissolution of
society or
company.

86. When the affairs of a society or company have been wound up in accordance with the provisions of this Act and otherwise to the satisfaction of the registrar, the registrar shall remove the name of the society or company from the register, and thereupon the society or company shall be dissolved.

Release of
liquidator.

87. The liquidator of a society or company which has been wound up may at any time after its dissolution apply to the registrar for his release, and the registrar shall, if the Minister approves, grant such release.

Disposal of
books and papers.

88. After five years from the date of release of the liquidator, the books and papers of the society or company and those relating to the winding-up of the society or company may be destroyed.

Registrar may
strike defunct
society or
company off
register.

89. (1) When the registrar has reasonable cause to believe that a society or company is not carrying on business or is not in operation, he shall send to the society or company by post a letter enquiring whether it is carrying on business or is in operation.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall, within fourteen days after the expiration of the month, send to the society or company a registered letter referring to the first letter and stating that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the *Gazette* with a view to striking the name of the society or company off the register.

(3) If the registrar either receives an answer from the society or company to the effect that it is not carrying on business or is not in operation, or does not within one month after sending the second letter receive any answer, he may publish in the *Gazette* and send to the society or company by post a notice that at the expiration of three months from the date of that notice the name of the society or company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the society or company will be dissolved.

(4) At the expiration of the period mentioned in any such notice as is described in sub-section (3), the registrar may, unless cause to the contrary is previously shown by the society or company, strike its name off the register and shall publish notice thereof in the *Gazette*, and on the publication of this notice the society or company shall be dissolved: Provided that the liability (if any) of every director, managing officer and member of the society or company shall continue and may be enforced as if the society or company had not been dissolved.

(5) If a society or company or any member or creditor thereof feels aggrieved by the society or company having been struck off the register, any court of competent jurisdiction may, on the application of the society or company or member or creditor, and if satisfied that the society or company was at the time of the striking off carrying on business or was in operation, or otherwise that it is just that the society or company be restored to the register, order the name of the society or company to be restored to the register, and thereupon the society or company shall be deemed to have continued in existence as if its name had not been struck off; and the court may give such directions and make such provision as seem just for placing the society or company and all other persons in the same position, as nearly as may be, as if the society or company had not been struck off.

(6) A letter or notice under this section shall be addressed to the society or company at its registered office, or, if no office has been registered, to the care of some director or officer of the society or company, or, if there is no director or officer of the society or company whose name and address are known to the registrar, may be addressed to any or all of the persons who signed the proposed regulations of the society or company submitted to the registrar under paragraph (c) of sub-section (2) of section *thirteen*.

en roerende goed in beslag laat neem en hom en die boeke, dokumente en goed in veilige bewaring laat hou tot 'n tyd wat die hof mag bepaal.

86. Wanneer die sake van 'n vereniging of maatskappy gelikwideer is ooreenkomstig die bepalinge van hierdie Wet en andersins tot bevrediging van die registrateur, moet die registrateur die naam van die vereniging of maatskappy van die register verwyder, en daarop is die vereniging of maatskappy ontbind.

Ontbinding van
vereniging of
maatskappy.

87. Die likwidateur van 'n vereniging of maatskappy wat gelikwideer is, kan te eniger tyd na die ontbinding daarvan by die registrateur aansoek doen om sy ontslag, en as die Minister dit goedkeur, moet die registrateur sodanige ontslag toestaan.

Ontslag van
likwidateur.

88. Na vyf jaar vanaf die datum van ontslag van die likwidateur, kan die boeke en stukke van die vereniging of maatskappy en die boeke en stukke met betrekking tot die likwidasie van die vereniging of maatskappy vernietig word.

Beskikking oor
boeke en
dokumente.

89. (1) Wanneer die registrateur gegronde redes het om te glo dat 'n vereniging of maatskappy geen besigheid drywe of nie in werking is nie, dan moet hy per brief, deur die pos gestuur, van die vereniging of maatskappy verneem of hy besigheid drywe of in werking is.

Registrateur kan
vervalle
vereniging of
maatskappy uit
register skrap.

(2) As die registrateur nie binne een maand na versending van die brief 'n antwoord daarop ontvang nie, dan moet hy binne veertien dae na verloop van die maand aan die vereniging of maatskappy 'n geregistreerde brief stuur waarin hy na die eerste brief verwys en meedeel dat geen antwoord daarop ontvang is en dat, as binne een maand vanaf die datum van die tweede brief geen antwoord daarop ontvang word nie, 'n kennisgewing in die *Staatskoerant* gepubliseer sal word met die oogmerk om die naam van die vereniging of maatskappy uit die register te skrap.

(3) As die registrateur 'n antwoord van die vereniging of maatskappy ontvang dat hy geen besigheid drywe of nie in werking is nie of binne een maand na die versending van die tweede brief geen antwoord ontvang nie, dan kan hy in die *Staatskoerant* en aan die vereniging of maatskappy deur die pos kennis gee dat na verloop van drie maande vanaf die datum van die kennisgewing die naam van die vereniging of maatskappy wat daarin genoem word van die register geskrap en die vereniging of maatskappy ontbind sal word, tensy 'n rede daarteen aangevoer word.

(4) Na verloop van die tydperk vasgestel in 'n kennisgewing vermeld in sub-artikel (3), mag die registrateur, tensy die vereniging of maatskappy voorheen gronde daarteen aanvoer, sy naam van die register skrap, en moet hy daarvan in die *Staatskoerant* kennis gee, en by publikasie van daardie kennisgewing is die vereniging of maatskappy ontbind: Met dien verstande dat die aanspreeklikheid (as die bestaan) van elke direkteur, besturende beampte en lid van die vereniging of maatskappy voortbestaan en gevorder kan word asof die vereniging of maatskappy nie ontbind was nie.

(5) As 'n vereniging of maatskappy of enige lid of skuldeiser daarvan beswaar daarteen het dat die vereniging of maatskappy van die register geskrap is, kan 'n bevoegde hof, op versoek van die vereniging of maatskappy of lid of skuldeiser, en indien oortuig dat die vereniging of maatskappy, toe hy geskrap geword is, besigheid gedrywe het of in werking was, of andersins dat dit billik is dat die vereniging of maatskappy op die register herstel word, gelas dat die naam van die vereniging of maatskappy op die register herstel word, en daarop word die vereniging of maatskappy geag voort te bestaan het net asof sy naam nie geskrap was nie; en die hof mag die bevel gee en voorsiening maak wat billik lyk om die vereniging of maatskappy en alle ander persone soveel as moontlik in dieselfde toestand te plaas asof die vereniging of maatskappy nie geskrap was nie.

(6) 'n Brief of kennisgewing ingevolge hierdie artikel moet aan die vereniging of maatskappy aan sy geregistreerde kantoor geadresseer word, of as geen kantoor geregistreer is nie, per adres van een of ander direkteur of beampte van die vereniging of maatskappy, of as daar geen direkteur of beampte van die vereniging of maatskappy is nie wie se naam en adres aan die registrateur bekend is, dan kan dit gestuur word aan een of ander of elkeen van die persone wat die voorgestelde regulasies van die vereniging of maatskappy onderteken het, wat ingevolge paragraaf (c) van sub-artikel (2) van artikel dertien aan die registrateur voorgelê is.

CHAPTER VIII.

APPLICATION OF ACT TO CO-OPERATIVE SOCIETIES AND CO-OPERATIVE COMPANIES FORMED AND REGISTERED UNDER SOME OTHER LAW BEFORE THE COMMENCEMENT OF THIS ACT.

Application of Act to co-operative societies and companies registered or deemed to be registered under Act 28 of 1922.

90. (1) This Act shall apply to every co-operative society or company which, at the commencement of this Act, was registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922), as amended, or which, in terms of section *fifty-six* of that Act, was deemed to be so registered, in the same manner as if the society or company had been formed and registered under this Act; and every society or company to which this Act is so applicable shall be deemed to be duly registered under this Act: Provided that—

- (a) reference in this Act, express or implied, to the date of registration, shall be construed as a reference to the date on which the society or company was registered under Act No. 17 of 1908 (Transvaal) or Act No. 1 of 1910 (Orange Free State) or the aforesaid Act No. 28 of 1922, or the date on which its articles of association were lodged with the central board of the Land and Agricultural Bank of South Africa in terms of section *three* of the Land Bank Act, 1912, Amendment Act, 1916 (Act No. 30 of 1916), as the case may be;
- (b) the provisions of this Act relating to the liquidation and dissolution of co-operative societies and companies shall not apply to any such society or company if it has commenced to be dissolved before the commencement of this Act, but the dissolution of any such society or company shall be continued as if this Act had not been passed;
- (c) any society or company registered or deemed to be registered as a co-operative society or company under the aforesaid Act No. 28 of 1922 may, subject to the provisions of sub-section (2), continue to carry on its operations in the same manner and to the same extent as before the commencement of this Act, notwithstanding that its regulations or memorandum and articles of association are in conflict with any of the provisions of this Act;
- (d) the second proviso to sub-section (1) of section *twenty* of this Act shall not apply in the case of any person who became a member of a co-operative agricultural society with unlimited liability before the twenty-first day of June, 1933.

(2) Notwithstanding the provisions of section *nineteen*, as applied by sub-section (1) of this section to societies or companies referred to in that sub-section, the registrar may at any time with the consent of the Minister amend the regulations of any such society or company by the insertion therein of provisions relating to any matter in respect of which provision is in terms of this Act required to be made in the regulations of a society or company, or by the modification in such manner as he may deem expedient or the deletion of any regulation which is in conflict with any provision of this Act, and the registrar shall notify the society or company of every alteration so made; and thereupon the provisions of sub-section (1) of section *seventeen* shall apply in respect of any such alteration.

(3) The registers of co-operative societies and companies kept by the registrar under the aforesaid Act No. 28 of 1922 shall be deemed to form part of the registers to be kept under this Act.

Certain companies registered under laws other than the laws relating to co-operative societies and companies may apply for registration as farmers' special co-operative companies.

91. (1) Any company with limited liability which desires to carry on under a co-operative system any or all of the objects specified in section *seven*, and which at the commencement of this Act was registered under a law (other than the aforesaid Act No. 28 of 1922 or any law repealed by that Act) may apply to the registrar, in a form authorized by him, to be registered under this Act as a farmers' special co-operative company with limited liability: Provided that before such application is made such company shall first obtain from the registrar a draft of amendments necessary to its existing memorandum and articles of association in order to enable the company to become registered as a farmers' special co-operative company.

HOOFSTUK VIII.

TOEPASSING VAN WET OP KOÖPERATIEWE VERENIGINGS EN KOÖPERATIEWE MAATSKAPPYE WAT VOOR DIE INWERKING-TREDING VAN HIERDIE WET KRAGTENS 'N ANDER WET OPPERIG EN GEREISTREER IS.

90. (1) Hierdie Wet is op elke koöperatiewe vereniging of maatskappy wat by die inwerkingtreding van hierdie Wet kragtens die „Wet op Koöperatiewe Verenigings, 1922” (Wet No. 28 van 1922), soas gewysig, gereistreer was of wat ingevolge artikel *ses-en-vyftig* van daardie Wet geag was aldus gereistreer te wees, op dieselfde wyse van toepassing asof die vereniging of maatskappy kragtens hierdie Wet opperig en gereistreer was; en elke vereniging of maatskappy waarop hierdie Wet aldus toepaslik is, word geag behoorlik kragtens hierdie Wet gereistreer te wees: Met dien verstande dat—

- (a) 'n vermelding in hierdie Wet, hetsy uitdruklik of stilswygend, van die datum van registrasie, geag word 'n vermelding te wees van die datum waarop die vereniging of maatskappy gereistreer was kragtens Wet No. 17 van 1908 (Transvaal) of Wet No. 1 van 1910 (Oranje-Vrystaat) of voornoemde Wet No. 28 van 1922, of die datum waarop sy statute aan die sentrale raad van die Land- en Landboubank van Suid-Afrika gelewer was volgens artikel *drie* van die „Landbank Wet 1912, Wijzigingswet, 1916” (Wet No. 30 van 1916) al na die geval;
- (b) die bepalings van hierdie Wet betreffende die likwidasië en ontbinding van koöperatiewe verenigings en maatskappye nie op so 'n vereniging of maatskappy van toepassing is nie, indien met die ontbinding daarvan begin is voor die inwerkingtreding van hierdie Wet, maar die ontbinding van so 'n vereniging of maatskappy word voortgesit asof hierdie Wet nie ingevoer was nie;
- (c) behoudens die bepalings van sub-artikel (2), 'n vereniging of maatskappy wat gereistreer is of geag word gereistreer te wees as 'n koöperatiewe vereniging of maatskappy kragtens voornoemde Wet No. 28 van 1922, sy werksaamhede kan voortsit op dieselfde wyse en in dieselfde mate as voor die inwerkingtreding van hierdie Wet, ondanks enige botsing tussen sy regulasies of memorandum en statute en die bepalings van hierdie Wet;
- (d) die tweede voorbehoudbepaling tot sub-artikel (1) van artikel *twintig* van hierdie Wet nie van toepassing is nie in die geval van iemand wat voor die een-en-twintigste dag van Junie 1933 lid geword het van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid.

(2) Ondanks die bepalings van artikel *negentien*, soas by sub-artikel (1) van hierdie artikel toegepas op die in daardie sub-artikel bedoelde verenigings of maatskappye kan die registrateur te enige tyd met die Minister se toestemming die regulasies van so 'n vereniging of maatskappy wysig deur die invoeging daarin van bepalings met betrekking tot aangeleenthede ten opsigte waarvan volgens hierdie Wet in die regulasies van 'n vereniging of maatskappy voorsiening gemaak moet word, of deur wysiging op 'n wyse wat hy raadsaam ag of skraping van enige regulasie wat met die bepalings van hierdie Wet in stryd is, en die registrateur moet aan die vereniging of maatskappy kennis gee van elke wysiging aldus aangebring; en daarna is die bepalings van sub-artikel (1) van artikel *sewentien* van toepassing op so 'n wysiging.

(3) Die registers van koöperatiewe verenigings en maatskappye gehou deur die registrateur kragtens voornoemde Wet No. 28 van 1922, word geag deel uit te maak van die registers gehou te word ingevolge hierdie Wet.

91. (1) 'n Maatskappy met beperkte aanspreeklikheid wat volgens 'n koöperatiewe stelsel een of meer van die doeleindes vermeld in artikel *sewe* wil uitvoer, en wat tydens die inwerkingtreding van hierdie Wet kragtens 'n ander wet as voornoemde Wet No. 28 van 1922 of 'n wet wat deur daardie Wet herroep is, gereistreer was, kan op 'n deur die registrateur goedgekeurde vorm by hom aansoek doen om kragtens hierdie Wet gereistreer te word as 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid: Met dien verstande dat voordat so 'n aansoek gedoen word, so 'n maatskappy eers van die registrateur 'n konsep moet verkry van wysigings wat in sy bestaande memorandum en statute aangebring moet word om die maatskappy in staat te stel om as 'n spesiale koöperatiewe boeremaatskappy gereistreer te word.

Toepassing van Wet op koöperatiewe verenigings en maatskappye gereistreer of geag gereistreer te wees kragtens Wet 28 van 1922.

Sekere maatskappye kragtens ander wette as die koöperasiewette gereistreer, kan aansoek doen om registrasie as spesiale koöperatiewe boeremaatskappye.

(2) The said application shall be accompanied by the following documents :—

- (a) a copy of a resolution approving of the application for registration and of amendment of the memorandum and articles of association as proposed, with a certificate, signed by the chairman and the secretary, stating that at a general meeting of the company, specially convened for the purpose of considering the resolution, a majority of the members of the company voted in favour of the resolution in person or by proxy (where proxies are allowed) ;
- (b) a certificate of the company's registration under the law under which it is registered ;
- (c) two copies certified by the chairman and the secretary of the memorandum and articles of association of the company in force at the date of application for registration under this Act and of the proposed amendments thereof ;
- (d) a copy, certified by the chairman and the secretary, of the balance sheet, profit and loss account, and the auditor's report for the financial year immediately preceding the date of application for registration under this Act ;
- (e) a list containing the names, addresses and occupations of all the existing members, and the number and class (if more than one class has been issued) of shares held by each of them ;
- (f) a list of the directors of the company showing the name and address of each director.

(3) If in the opinion of the Minister the memorandum and articles of association, if amended as proposed, will enable the company to carry on operations as a farmers' special co-operative company, he may, in his discretion, approve the registration of the company as such, and thereupon the registrar shall register the company as such under this Act. Upon such registration the memorandum and articles of association amended as proposed shall be deemed to be the regulations of the company. One copy of the amended memorandum and articles of association shall be filed in the office of the registrar and the other shall be returned to the company with the date of registration noted thereon by the registrar. The effect and consequences of registration shall be as provided in section *seventeen* of this Act.

(4) The Minister may approve of the registration as a farmers' special co-operative company with limited liability under this Act, of any such company with limited liability, formed before the commencement of this Act and registered as aforesaid, notwithstanding that its memorandum and articles of association as amended are in conflict with any of the provisions of this Act, and, subject to the amendments effected in the memorandum and articles of association, such company when registered may continue to carry on its operations in the same manner and to the same extent as before the commencement of this Act.

(5) Upon registration under this section of any such company the registrar shall give notice thereof to the registrar of companies, who shall thereupon remove the name of the company from the register of companies kept in the companies registration office.

(6) The provisions of sub-section (3) of section *sixteen* shall apply in respect of any registration under this section.

Co-operative
agricultural
companies may
apply for
registration as
farmers' special
co-operative
companies.

92. (1) A co-operative agricultural company with limited liability which at the commencement of this Act was registered or deemed to be registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922), as amended, may apply to the registrar, in a form authorized by him, to be registered under this Act as a farmers' special co-operative company with limited liability.

(2) The said application shall be accompanied by the following documents :—

- (a) a copy of a resolution approving of the application for registration, with a certificate signed by the chairman and the secretary, stating that at a general meeting of the company, especially convened for the purpose of considering the resolution, a majority of the members

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke —

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie en die voorgestelde wysiging van die memorandum en statute goedkeur, met 'n sertifikaat, onderteken deur die voorsitter en die sekretaris, waarin verklaar word dat 'n meerderheid van die lede van die maatskappy, persoonlik teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die maatskappy wat spesiaal byeengeroep is met die doel om die besluit te oorweeg;
- (b) 'n sertifikaat van registrasie van die maatskappy kragtens die wet uit kragte waarvan hy geregistreer is;
- (c) twee deur die voorsitter en die sekretaris gesertifiseerde afskrifte van die memorandum en statute van die maatskappy van krag op die datum van aansoek om registrasie kragtens hierdie Wet en van die voorgestelde wysigings daarvan;
- (d) 'n deur die voorsitter en die sekretaris gesertifiseerde afskrif van die balansstaat, wins- en verliesrekening en die ouditeursverslag oor die boekjaar wat die datum van aansoek om registrasie kragtens hierdie Wet onmiddellik voorafgaan;
- (e) 'n lys bevattende die name, adresse en die beroepe van al die bestaande lede en die aantal en klasse (indien meer as een klas uitgereik is) aandele wat elkeen van hulle besit;
- (f) 'n lys van die direkteure van die maatskappy met vermelding van die naam en adres van elke direkteur.

(3) As die memorandum en statute volgens oordeel van die Minister, indien gewysig soas voorgestel, die maatskappy in staat sal stel om as 'n spesiale koöperatiewe boeremaatskappy transaksies te onderneem, dan kan hy na goeddunke die registrasie van die maatskappy as sulks goedkeur, en die registrateur moet vervolgens die maatskappy as sulks kragtens hierdie Wet registreer. By sodanige registrasie word die memorandum en statute, gewysig soas voorgestel, geag die regulasies van die maatskappy te wees. Een afskrif van die gewysigde memorandum en statute moet op die kantoor van die registrateur bewaar en die ander een aan die maatskappy teruggestuur word met die datum van registrasie daarop deur die registrateur aangeteken. Die uitwerking en gevolge van registrasie is dieselfde as in artikel *sewentien* van hierdie Wet bepaal word.

(4) Die Minister kan die registrasie as 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid kragtens hierdie Wet goedkeur van so 'n maatskappy met beperkte aanspreeklikheid opgerig voor die inwerkingtreding van hierdie Wet en geregistreer soas voormeld, al bots sy memorandum en statute soas gewysig ook met bepalinge van hierdie Wet, en bedoelde maatskappy kan, met inagneming van die wysigings aangebring in sy memorandum en statute, as hy geregistreer is, sy werksaamhede voortsit op dieselfde manier en in dieselfde mate as voor die inwerkingtreding van hierdie Wet.

(5) By die registrasie kragtens hierdie artikel van so 'n maatskappy moet die registrateur die registrateur van maatskappye daarvan kennis gee, en laasgenoemde moet daarop die naam van die maatskappy roeier uit die register van maatskappye gehou in die registrasiekantoor vir maatskappye.

(6) Die bepalinge van sub-artikel (3) van artikel *sestien* is van toepassing op 'n registrasie kragtens hierdie artikel.

92. (1) 'n Koöperatiewe landboumaatskappy met beperkte aanspreeklikheid wat by die inwerkingtreding van hierdie Wet geregistreer is of geag is geregistreer te wees kragtens die „Wet op Koöperatiewe Verenigings, 1922” (Wet No. 28 van 1922), soas gewysig, kan by die registrateur in 'n deur die registrateur goedgekeurde vorm aansoek doen om kragtens hierdie Wet as 'n spesiale koöperatiewe boeremaatskappy met beperkte aanspreeklikheid geregistreer te word.

Koöperatiewe landboumaatskappye kan aansoek doen om registrasie as spesiale koöperatiewe boeremaatskappye

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke—

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie goedkeur, met 'n deur die voorsitter en die sekretaris ondertekende sertifikaat waarin verklaar word dat 'n meerderheid van die lede van die maatskappy, persoonlik teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten

of the company voted in favour of the resolution in person or by proxy (where proxies are allowed);

- (b) the certificate of the company's registration;
- (c) a copy of the regulations of the company in force at the date of application.

(3) If in the opinion of the Minister such company can function to better advantage as a farmers' special co-operative company, he may, in his discretion, approve the registration of the company as such, and thereupon the registrar shall register the company as such under this Act.

(4) Upon registration under this section of any such company, the registrar shall make notes to that effect upon the certificate of registration and the copy of regulations submitted with the application and the copy of the regulations filed of record in his office, and thereupon the company shall for all purposes be deemed to be so registered.

(5) As soon as the registration and notes have been so effected, the registrar shall return to the company the certificate of registration and the copy of the regulations submitted with the application. The provisions of paragraph (a) of section *fifty-one* shall not apply to the company between the time of the submission of these documents to the registrar under this section and the time of their receipt by the company.

(6) A fee of five shillings shall be paid to the registrar by means of revenue stamps, and such stamps shall, as soon as the registration and notes have been effected, be affixed to the application for registration and defaced by the registrar.

Certain societies or companies registered under laws other than the laws relating to co-operative societies and companies may apply for registration under this Act.

93. (1) Any society or company, which at the commencement of this Act was registered under a law (other than the aforesaid Act No. 28 of 1922 or any law repealed by that Act) and which desires to carry on under a co-operative system any or all of the objects specified in section *eleven* and is prepared to amend its memorandum and articles of association to conform to the requirements of this Act, may apply to the registrar, on a form authorized by him, to be registered under this Act: Provided that before such application is made such society or company shall first obtain from the registrar a draft of amendments necessary to its existing memorandum and articles of association in order to enable it to be registered under this Act.

(2) The said application shall be accompanied by the following documents:—

- (a) a copy of a resolution approving of the application for registration and of amendment of the memorandum and articles of association as proposed, with a certificate, signed by the chairman and the secretary, stating that at a general meeting of the society or company specially convened for the purpose of considering the resolution, a majority of the shareholders of the society or company voted in favour of the resolution in person or by proxy (where proxies are allowed);
- (b) a certificate of the society's or company's registration under the law under which it is registered;
- (c) two copies certified by the chairman and the secretary of the memorandum and articles of association of the society or company in force at the date of application for registration under this Act and of the proposed amendments thereof;
- (d) a copy certified by the chairman and the secretary of the balance sheet, profit and loss account, and the auditor's report for the financial year immediately preceding the date of application for registration under this Act;
- (e) a list containing the names and addresses of all the existing shareholders, and the number of shares held by each of them;
- (f) a list of the directors of the society or company showing the name and address of each director.

gunste van die besluit uitgebring het op 'n algemene vergadering van die maatskappy wat spesiaal byeengeroep is met die doel om die besluit te oorweeg ;

- (b) die sertifikaat van registrasie van die maatskappy ;
- (c) 'n afskrif van die regulasies van die maatskappy wat op die datum van die aansoek van krag was.

(3) Indien die maatskappy volgens oordeel van die Minister op 'n meer voordelige wyse as 'n spesiale koöperatiewe boeremaatskappy sake kan doen, dan kan hy na goeddunke die registrasie van die maatskappy as sulks goedkeur, en die registrateur moet die maatskappy vervolgens as sulks registreer kragtens hierdie Wet.

(4) By registrasie van so 'n maatskappy kragtens hierdie artikel, moet die registrateur dienooreenkomstige aantekeninge maak op die registrasiesertifikaat en die afskrif van die regulasies met die aansoek ingedien en die afskrif van die regulasies wat op sy kantoor bewaar word, en daarop word die maatskappy vir alle doeleindes geag aldus geregistreer te wees.

(5) Sodra die registrasie aldus geskied het en die aantekeninge aldus gemaak is, moet die registrateur die registrasiesertifikaat en die afskrif van die regulasies ingedien met die aansoek aan die maatskappy terugstuur. Die bepalings van paragraaf (a) van artikel *een-en-vyftig* is nie vanaf die datum waarop hierdie dokumente ingevolge hierdie artikel by die registrateur ingedien word tot die datum waarop die dokumente weer deur die maatskappy ontvang word, op die maatskappy van toepassing nie.

(6) 'n Fooi van vyf sjielings voldaan deur middel van inkomsteseëls is betaalbaar aan die registrateur, en bedoelde seëls word sodra die registrasie geskied het en die aantekeninge gemaak is, deur die registrateur aan die aansoek om registrasie geplak en gekanselleer.

93. (1) 'n Vereniging of maatskappy wat ten tyde van die inwerkingtreding van hierdie Wet kragtens 'n ander wet as genoemde Wet No. 28 van 1922 of 'n wet wat deur daardie Wet herroep is, geregistreer was, en wat volgens 'n koöperatiewe stelsel een of meer van die doeleindes vermeld in artikel *elf* wil uitvoer en bereid is om sy memorandum en statute te wysig om aan die bepalings van hierdie Wet te voldoen, kan op 'n deur die registrateur goedgekeurde vorm by hom aansoek doen om kragtens hierdie Wet geregistreer te word : Met dien verstande dat, voordat so 'n aansoek gedoen word, so 'n vereniging of maatskappy eers van die registrateur 'n konsep moet kry van wysigings wat in sy bestaande memorandum en statute aangebring moet word om die vereniging of maatskappy in staat te stel om kragtens hierdie Wet geregistreer te word.

(2) Genoemde aansoek moet vergesel gaan van onderstaande stukke—

- (a) 'n afskrif van 'n besluit wat die aansoek om registrasie en die voorgestelde wysiging van die memorandum en statute goedkeur, met 'n sertifikaat, onderteken deur die voorsitter en die sekretaris, waarin verklaar word dat 'n meerderheid van die aandeelhouders in die vereniging of maatskappy, persoonlik teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word) hul stemme ten gunste van die besluit uitgebring het op 'n algemene vergadering van die vereniging of maatskappy wat spesiaal byeengeroep is met die doel om die besluit te oorweeg ;
- (b) 'n sertifikaat van registrasie van die vereniging of maatskappy kragtens die wet uit kragte waarvan hy geregistreer is ;
- (c) twee deur die voorsitter en die sekretaris gesertifiseerde afskrifte van die memorandum en statute van die vereniging of maatskappy van krag op die datum van aansoek om registrasie kragtens hierdie Wet en van die voorgestelde wysigings daarvan ;
- (d) 'n deur die voorsitter en die sekretaris gesertifiseerde afskrif van die balansstaat, wins- en verliesrekening en die ouditeursverslag oor die boekjaar wat die datum van die aansoek om registrasie kragtens hierdie Wet onmiddellik voorafgaan ;
- (e) 'n lys bevattende die name en adresse van al die bestaande aandeelhouders en die aantal aandele wat elkeen van hulle besit ;
- (f) 'n lys van die direkteure van die vereniging of maatskappy met vermelding van die naam en adres van elke direkteur.

Sekere verenigings of maatskappye kragtens ander wette as die koöperasiewette geregistreer, kan aansoek doen om registrasie onder hierdie Wet.

(3) If in the opinion of the Minister the memorandum and articles of association, if amended as proposed, will enable the society or company to carry on under a co-operative system any or all of the objects specified in section *eleven*, he may, in his discretion, approve the registration of the society or company as such, and thereupon the registrar shall register the society or company as such under this Act. Upon such registration the memorandum and articles of association, amended as proposed, shall be deemed to be the regulations of the society or company. One copy of the amended memorandum and articles of association shall be filed in the office of the registrar and the other shall be returned to the society or company with the date of registration noted thereon by the registrar. The effect and consequences of registration shall be as provided in section *seventeen* of this Act.

(4) Upon registration under this section of any such society or company the registrar shall give notice thereof to the registrar of companies, who shall thereupon remove the name of the society or company from the register of companies kept in the companies registration office.

(5) The provisions of sub-section (3) of section *sixteen* shall apply in respect of any registration under this section.

(6) If in terms of the existing memorandum and articles of association any persons who were not shareholders of such society or company were, prior to registration under this Act, members thereof, it shall be competent, notwithstanding anything to the contrary contained in this Act, for the society or company, after its registration under this Act, to apply part of the surplus funds of the society or company, accumulated up to the date of the balance sheet mentioned in paragraph (d) of sub-section (2) of this section, in payment or part payment of shares to be allotted by the society or company to persons who were members of the society or company before its registration under this Act: Provided that no funds of the society or company shall be used for such purpose without the written approval of the Minister.

CHAPTER IX.

GENERAL AND SUPPLEMENTARY PROVISIONS.

Amalgamation of two or more co-operative companies or societies with limited liability.

94. (1) Two or more co-operative agricultural companies with limited liability or farmers' special co-operative companies with limited liability or two or more co-operative trading societies with limited liability (hereinafter called the original companies or societies), may by resolution adopted by a majority of the total number of members of each company or society, present or represented by proxy (where proxies are allowed) at a general meeting of each company or society convened for this purpose, proceed to amalgamation and thus constitute one co-operative company or society (hereinafter called the new company or society).

(2) The provisions of section *sixteen* (with the exception of the provision relating to section *thirteen*) and of section *eighteen* shall, *mutatis mutandis*, apply to any such amalgamation.

(3) The registrar shall, on receipt of copies of such resolutions, duly certified by the secretaries of the original companies or societies and of two copies of the regulations which are to govern the new company or society, remove the names of the original companies or societies from his register and register the new company or society, and thereupon all assets and liabilities of the original companies or societies shall be the assets and liabilities of the new company or society.

(4) Any registrar of deeds in whose deeds registry is filed any document relating to any of the original companies or societies shall, upon production to him of the duplicate of such document, make, free of charge or stamp duty, such notes upon such document and duplicate and such entries in the registers in his office as may be necessary to give effect to the provisions of sub-section (3).

(5) Nothing done under the provisions of this section shall affect the rights of any creditor of either or any of the companies or societies concerned.

Preferential claim on certain agricultural produce and livestock.

95. Notwithstanding anything to the contrary contained in any law a co-operative agricultural society or company or farmers' special co-operative company shall, in the event of the sequestration or the administration in terms of section *sixteen* of the Farmers' Assistance Act, 1935 (Act

(3) As die memorandum en statute volgens oordeel van die Minister, indien gewysig soas voorgestel, die vereniging of maatskappy in staat sal stel om volgens 'n koöperatiewe stelsel een of meer van die doeleindes vermeld in artikel *elf* uit te voer, kan hy na goeddunke die registrasie van die vereniging of maatskappy as sulks goedkeur, en die registrateur moet vervolgens die vereniging of maatskappy as sulks kragtens hierdie Wet registreer. By sodanige registrasie word die memorandum en statute, gewysig soas voorgestel, geag die regulasies van die vereniging of maatskappy te wees. Een afskrif van die gewysigde memorandum en statute moet op die kantoor van die registrateur bewaar en die ander een aan die vereniging of maatskappy teruggestuur word met die datum van registrasie daarop deur die registrateur aangeteken. Die uitwerking en gevolg van registrasie is dieselfde as in artikel *sewentien* van hierdie Wet bepaal word.

(4) By die registrasie kragtens hierdie artikel van so 'n vereniging of maatskappy moet die registrateur die registrateur van maatskappye daarvan kennis gee, en laasgenoemde moet daarop die naam van die vereniging of maatskappy rojeer uit die register van maatskappye gehou in die registrasiekantoor vir maatskappye.

(5) Die bepalinge van sub-artikel (3) van artikel *sestien* is van toepassing op 'n registrasie kragtens hierdie artikel.

(6) Indien volgens die bestaande memorandum en statute persone, wat nie aandeelhouders in so 'n vereniging of maatskappy was nie, lede daarvan was voor registrasie kragtens hierdie Wet, is die vereniging of maatskappy ondanks andersluidende bepalinge in hierdie Wet bevoeg om, na sy registrasie kragtens hierdie Wet, 'n gedeelte van die surplus fondse van die vereniging of maatskappy, opgehoop tot datum van die balansstaat vermeld in paragraaf (*d*) van sub-artikel (2) van hierdie artikel, aan te wend ter betaling of gedeeltelike betaling van aandele deur die vereniging of maatskappy toegeken te word aan persone wat lede van die vereniging of maatskappy was voor sy registrasie kragtens hierdie Wet: Met dien verstande dat die fondse van die vereniging of maatskappy nie sonder skriftelike goedkeuring van die Minister vir so 'n doel gebruik mag word nie.

HOOFSTUK IX.

ALGEMENE EN AANVULLENDE BEPALINGS.

94. (1) Twee of meer koöperatiewe landboumaatskappye met beperkte aanspreeklikheid of spesiale koöperatiewe boeremaatskappye met beperkte aanspreeklikheid, of twee of meer koöperatiewe handelsverenigings met beperkte aanspreeklikheid (hierna genoem die oorspronklike maatskappye of verenigings) kan by besluit aangeneem deur 'n meerderheid van die totale aantal lede van elke maatskappy of vereniging, teenwoordig of deur gevolmagtigdes verteenwoordig (waar dit toegelaat word), op 'n algemene vergadering van elke maatskappy of vereniging vir daardie doel byeengeroep, tot amalgamasie oorgaan en aldus een koöperatiewe maatskappy of vereniging (hierna genoem die nuwe maatskappy of vereniging) vorm.

Amalgamasie van twee of meer koöperatiewe maatskappye of verenigings met beperkte aanspreeklikheid.

(2) Die bepalinge van artikel *sestien* (uitgesonderd die bepaling wat betrekking het op artikel *dertien*) en van artikel *agtien* is *mutatis mutandis* van toepassing op so 'n amalgamasie.

(3) By ontvangs van afskrifte van bedoelde besluite, behoorlik gesertifiseer deur die sekretaris van die oorspronklike maatskappye of verenigings, en van twee afskrifte van die regulasies wat die nuwe maatskappy of vereniging sal beheers, moet die registrateur die name van die oorspronklike maatskappye of verenigings in sy register deurhaal, en die nuwe maatskappy of vereniging registreer, en daarop word alle bate en laste van die oorspronklike maatskappye of verenigings die bate en laste van die nuwe maatskappy of vereniging.

(4) Elke registrateur van aktes in wie se registrasiekantoor 'n dokument bewaar word wat betrekking het op een of ander van die oorspronklike maatskappye of verenigings moet, by vertoning aan hom van die duplikaat van daardie dokument, kosteloos en vry van seëlreg op bedoelde dokument en duplikaat en in die registers in sy kantoor sodanige aantekeninge maak as wat nodig mag wees om aan die bepalinge van sub-artikel (3) gevolg te gee.

(5) Geen handeling ingevolge die bepalinge van hierdie artikel maak enige inbreuk op die regte van 'n skuldeiser van een of ander van die betrokke maatskappye of verenigings nie.

95. Ondanks andersluidende regsbepalings, het 'n koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy, ingeval die boedel van 'n lid daarvan gesekwestreer of volgens artikel *sestien* van die

Preferente reg op sekere landbouprodukte en lewende hawe.

No. 48 of 1935), of the estate of a member thereof, have a preferential claim on the value of any agricultural produce or livestock on which any advance has in terms of this Act been made to such member by the society or company to the extent of any such advance: Provided that nothing in this section contained shall affect any rights conferred upon the Government by any Act of Parliament.

Ownership in and pledge of certain farming requisites and agricultural produce.

96. (1) So long as any amount is owing by a member—

- (a) of a co-operative agricultural society or of a co-operative agricultural company or of a farmers' special co-operative company to the society or company in respect of the supply to him by the society or company of seeds, fertilizers, bags, fumigants or insecticides, or the performance by the society or company on his behalf of fumigating, spraying or cleansing operations; or
- (b) of a co-operative agricultural society or of a co-operative agricultural company to the society or company in respect of any advance of money made to him by the society or company on any produce which has not been delivered to the society or company, whether or not that produce has been or is still to be produced or gathered,

the following provisions shall apply, notwithstanding anything to the contrary contained in any law—

- (i) ownership in the seeds, fertilizers, bags, fumigants or insecticides supplied shall remain vested in the society or company as fully and effectually as if those seeds, fertilizers, bags, fumigants or insecticides had been retained in the possession of the society or company;
- (ii) all produce, whether gathered or not, in the production of which the seeds, fertilizers, fumigants or insecticides were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations were performed, or on which the money was advanced, as the case may be, shall be deemed to be pledged in favour of the society or company for the amount of the indebtedness as fully and effectually as if that produce had been gathered and pledged by delivery to the society or company and were retained in its possession;
- (iii) the seeds, fertilizers, bags, fumigants or insecticides supplied, and the produce, whether gathered or not, in the production of which the seeds, fertilizers, fumigants or insecticides were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations were performed, or on which the money was advanced, as the case may be, shall not be seized in execution of the judgment of any court of law at the instance of any creditor other than the society or company:

Provided that the provisions of this sub-section shall not apply to any produce lawfully disposed of in accordance with sub-section (2) or to any bags containing that produce and disposed of with that produce.

(2) So long as any amount is owing by the member to the society or company in respect of the supply to him of such seeds, fertilizers, bags, fumigants or insecticides, or in respect of the performance on his behalf of such fumigating, spraying or cleansing operations, or in respect of any such advance to him of money—

- (a) he shall not dispose of any produce in the production of which the seeds, fertilizers, fumigants or insecticides were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations were performed, or on which the money was advanced, as the case may be; and

Boere-Bystandswet, 1935 (Wet No. 48 van 1935), geadmini-
streer word, 'n preferente reg op die waarde van enige landbou-
produkte of lewende hawe waarop volgens hierdie Wet aan
daardie lid geld voorgesket is deur die vereniging of maat-
skappy, tot 'n bedrag gelyk aan daardie voorskot: Met dien
verstande dat hierdie artikel geen inbreuk maak nie op enige
regte wat deur 'n wet van die Parlement aan die Regering
verleen word.

96. (1) Solank as 'n bedrag deur 'n lid—

Eiendomsreg
in en verpanding
van sekere
boerderybenodigd-
hede en land-
boupprodukte.

- (a) van 'n koöperatiewe landbouvereniging of van 'n
koöperatiewe landboumaatskappy of van 'n spesiale
koöperatiewe boeremaatskappy aan die vereniging
of maatskappy verskuldig is ten opsigte van die
verskaffing aan daardie lid deur die vereniging of
maatskappy van saad, misstowwe, sakke, berokings-
middels of insekdodende middels, of die verrigting
deur die vereniging of maatskappy ten behoeve van
daardie lid van berokings-, bespuitings- of skoon-
maakwerkzaamhede; of
- (b) van 'n koöperatiewe landbouvereniging of 'n ko-
operatiewe landboumaatskappy aan die vereniging
of maatskappy verskuldig is ten opsigte van 'n gelde-
like voorskot deur die vereniging of maatskappy
aan daardie lid gegee op produkte wat nie aan die
vereniging of maatskappy afgelewer is nie, hetsy
daardie produkte reeds voortgebring of ingesamel
is of nog voortgebring of ingesamel moet word,
geld, ondanks andersluidende bepalings van enige wet, dat—
 - (i) die eiendomsreg in die verskafte saad, mis-
stowwe, sakke, berokingsmiddels of insekdodende
middels by die vereniging of maatskappy bly
berus so volkome en werkdadiglik asof daardie
saad, misstowwe, sakke, berokingsmiddels of
insekdodende middels in die besit van die vereni-
ging of maatskappy gebly het;
 - (ii) alle produkte, hetsy ingesamel of nie, by die
voortbrenging waarvan die saad, misstowwe,
berokingsmiddels of insekdodende middels ge-
bruik is, of waarvoor die sakke verskaf was,
of ten opsigte waarvan die berokings-, be-
spuitings- of skoonmaakwerkzaamhede verrig
was, of waarop die geld voorgesket is, al na die
geval, geag word verpand te wees aan die vereni-
ging of maatskappy vir die bedrag van die skuld
so volkome en werkdadiglik asof bedoelde
produkte ingesamel gewees het en deur oor-
handiging aan die vereniging of maatskappy
verpand gewees het en die vereniging of maat-
skappy hulle in sy besit gehou het;
 - (iii) die verskafte saad, misstowwe, sakke, berokings-
middels of insekdodende middels, en die produkte,
hetsy ingesamel of nie, by die voortbrenging
waarvan die saad, misstowwe, berokingsmiddels
of insekdodende middels gebruik is, of waarvoor
die sakke verskaf was, of ten opsigte waarvan
die berokings-, bespuitings- of skoonmaakwerk-
saamhede verrig was, of waarop die geld voor-
gesket is, al na die geval, nie op aansoek van 'n
skuldeiser, behalwe die vereniging of maatskappy,
ter uitvoering van 'n vonnis van 'n geregshof
in beslag geneem word nie:

Met dien verstande dat die bepalings van hierdie sub-artikel
nie van toepassing is nie op produkte wat wettiglik van die
hand gesit is ooreenkomstig sub-artikel (2) of op sakke wat
sulke produkte bevat en tesame met sulke produkte van die
hand gesit is.

(2) Solank as 'n bedrag deur die lid aan die vereniging of
maatskappy verskuldig is ten opsigte van die verskaffing aan
daardie lid van daardie saad, misstowwe, sakke, berokings-
middels of insekdodende middels, of ten opsigte van die ver-
rigting ten behoeve van daardie lid van daardie berokings-,
bespuitings- of skoonmaakwerkzaamhede, of ten opsigte van
so 'n geldelike voorskot aan daardie lid—

- (a) mag hy geen produkte by die voortbrenging waarvan
die saad, misstowwe, berokingsmiddels of insek-
dodende middels gebruik is, of waarvoor die sakke
verskaf was, of ten opsigte waarvan die berokings-,
bespuitings- of skoonmaakwerkzaamhede verrig was,
of waarop die geld voorgesket is, al na die geval,
van die hand sit nie; en

- (b) [no person shall acquire any such produce, otherwise than through the agency of the society or company, except under the authority of a permit signed by an officer of the society or company :

Provided that the provisions of this sub-section shall not prohibit the consumption by the member, his household and his servants, of so much of that produce as is reasonably necessary for their sustenance.

(3) So long as any amount is owing by the member to the society or company in respect of the supply to him of such seeds, fertilizers, bags, fumigants or insecticides, or in respect of the performance on his behalf of such fumigating, spraying or cleansing operations, or in respect of any such advance to him of money, the society or company shall have the right at any time—

- (a) to require him to indicate—

- (i) the lands which he intends sowing or has sown with the seeds, or intends fertilizing or has fertilized with the fertilizers, or on which he intends using or has used the fumigants or insecticides, or on which he intends or is producing the produce in respect of which the money was advanced ; and
 - (ii) the produce, whether gathered or not, in the production of which the seeds, fertilizers, fumigants or insecticides were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations were performed, or on which the money was advanced ;
- (b) to inspect such lands and produce by any of its officers or other duly appointed representatives ;
- (c) to require that the member produce proof of the manner in which such produce has been disposed of by him.

- (4) Any person who—

- (a) contravenes any of the provisions of sub-section (2) ; or
- (b) fails to comply with any requirement or order of a society or company lawfully made upon him under sub-section (3) ; or
- (c) in response to any such requirement or order furnishes to the society or company or any of its officers or other representatives any incorrect information ; or
- (d) obstructs any officer or other representative of the society or company in carrying out any inspection under paragraph (b) of sub-section (3),

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds :

Provided that—

- (i) if any person is charged under paragraph (a) of this sub-section with having contravened the provisions of paragraph (b) of sub-section (2), it shall be a sufficient defence to the charge if he prove that when he acquired the produce which is the subject of the charge he did not know, and had no reason to suspect, that it was produce in the production of which seeds, fertilizers, fumigants or insecticides so supplied had been used, or for which bags had been so supplied, or in respect of which fumigating, spraying or cleansing operations had been so performed, or on which money had been so advanced ; and
- (ii) if any person is charged under paragraph (c) of this sub-section with having furnished any incorrect information, it shall be a sufficient defence to the charge if he prove that when he furnished the information which is the subject of the charge he did not know, and had no reason to suspect, that it was incorrect.

(5) In any civil or criminal proceedings under this section any produce produced by a member of any such society or company to whom seeds or fertilizers or bags or fumigants or insecticides have been so supplied or on whose behalf fumigating or spraying or cleansing operations have been so performed, or to whom any money has been so advanced, shall

- (b) mag niemand daardie produkte verkry nie, op ander wyse dan deur bemiddeling van die vereniging of maatskappy, behalwe by magte van 'n permit onderteken deur 'n beamppte van die vereniging of maatskappy:

Met dien verstande dat die bepalinge van hierdie sub-artikel die verbruiking deur die lid, sy huisgesin en sy bediendes, van soveel van daardie produkte as wat redelik nodig is vir hul onderhoud, nie belet nie.

(3) Solank as 'n bedrag deur die lid aan die vereniging of maatskappy verskuldig is ten opsigte van die verskaffing aan daardie lid van daardie saad, misstowwe, sakke, berokingsmiddels of insekdodende middels, of ten opsigte van die verigting ten behoeve van daardie lid van daardie berokings-, bespuittings- of skoonmaakwerksaamhede, of ten opsigte van so 'n geldelike voorskot aan daardie lid, het die vereniging of maatskappy die reg om te eniger tyd—

(a) te eis dat daardie lid—

(i) die gronde aandui wat hy voornemens is om met die saad te saai of met die misstowwe te bemes, of met die saad gesaai of met die misstowwe bemes het, of waarop hy voornemens is die berokingsmiddels of insekdodende middels te gebruik of die berokingsmiddels of insekdodende middels gebruik het, of waarop hy voornemens is die produkte ten opsigte waarvan die geld voorgeskiet is, voort te bring, of dit wil voortbring;

(ii) die produkte (hetsy ingesamel of nie) aandui by die voortbrenging waarvan die saad, misstowwe, berokingsmiddels of insekdodende middels gebruik is, of waarvoor die sakke verskaf was, of ten opsigte waarvan die berokings- of bespuittings- of skoonmaakwerksaamhede verrig was, of waarop die geld voorgeskiet is;

(b) daardie gronde en produkte te laat inspekteer deur 'n beamppte of ander behoorlik aangestelde verteenwoordiger van die vereniging of maatskappy; en

(c) te eis dat die lid bewys lewer van die wyse waarop daardie produkte deur hom van die hand gesit is.

(4) Iemand wat—

(a) 'n bepaling van sub-artikel (2) oortree; of

(b) versuim om te voldoen aan 'n eis of bevel wat 'n vereniging of maatskappy wettiglik kragtens sub-artikel (3) aan hom gerig het; of

(c) na aanleiding van so 'n eis of bevel, aan die vereniging of maatskappy of aan 'n beamppte of ander verteenwoordiger van die vereniging of maatskappy onjuiste gegewens verskaf; of

(d) 'n beamppte of ander verteenwoordiger van die vereniging of maatskappy by die uitvoering van 'n inspeksie kragtens paragraaf (b) van sub-artikel (3) belemmer,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond:

Met dien verstande dat—

(i) indien iemand kragtens paragraaf (a) van hierdie sub-artikel weens oortreding van die bepalinge van paragraaf (b) van sub-artikel (2) aangekla word, dit 'n afdoende verweer op die aanklag is indien hy bewys dat toe hy die produkte wat die onderwerp van die aanklag is, verkry het, hy nie geweet het, en geen rede gehad het om te vermoed, dat dit produkte was by die voortbrenging waarvan aldus verskafte saad, misstowwe, berokingsmiddels of insekdodende middels gebruik is, of waarvoor sakke aldus verskaf was, of ten opsigte waarvan berokings-, bespuittings- of skoonmaakwerksaamhede aldus verrig was, of waarop geld aldus voorgeskiet is nie; en

(ii) indien iemand kragtens paragraaf (c) van hierdie sub-artikel weens die verskaffing van onjuiste gegewens aangekla word, dit 'n afdoende verweer op die aanklag is indien hy bewys dat toe hy die gegewens wat die onderwerp van die aanklag is, verskaf het, hy nie geweet het, en geen rede gehad het om te vermoed, dat dit onjuis was nie.

(5) In 'n siviele of strafgeding ingevolge hierdie artikel word produkte wat voortgebring is deur 'n lid van so 'n vereniging of maatskappy aan wie saad of misstowwe of sakke of berokingsmiddels of insekdodende middels aldus verskaf is, of ten behoeve van wie berokings- of bespuittings- of skoonmaakwerksaamhede aldus verrig is, of aan wie geld aldus

be deemed to be produce in the production of which the seeds, fertilizers, fumigants or insecticides were used, or for which the bags were supplied, or in respect of which the fumigating, spraying or cleansing operations were performed, or on which the money was advanced, as the case may be.

(6) For the purpose of this section the expression "bags" shall include any container and any packing material.

Exemption of co-operative agricultural societies and co-operative agricultural companies from obligation to obtain trading licences.

97. Notwithstanding anything to the contrary contained in any other law whatsoever, whether in force throughout the Union or in any province thereof, or in any by-law or regulation in force within a local authority's area of jurisdiction, no co-operative agricultural society with unlimited liability and no co-operative agricultural company with limited liability shall be obliged to take out any licence to trade or carry on business, for the issue of which provision is made by or under any ordinance made by a provincial council or by or under any by-law or regulation made by a local authority, or any licence specified in the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925), as amended from time to time.

Insurance Act.

98. The provisions of the Insurance Act, 1923 (Act No. 37 of 1923), as amended from time to time, shall not apply to any society or company registered under this Act and formed for the purpose of carrying on the business of insurance under a co-operative system.

Exemption of co-operative societies and companies from certain taxation and duties.

99. (1) Notwithstanding anything to the contrary contained in any law whatsoever, whether in force throughout the Union or in any province thereof, or in any bylaw or regulation in force within a local authority's area of jurisdiction, every society or company registered under this Act shall, subject to the provisions of this section, be exempt from—

- (a) any tax upon income, profits or dividends other than the excess of interest and rent received and receivable from investments over interest and rent paid and payable;
- (b) any licence duties chargeable in respect of turnover;
- (c) any licence duties chargeable in respect of importation of goods;
- (d) any licence duties chargeable in respect of capital and any licence duty chargeable according to the value of stock in hand; and
- (e) any other tax or duty of a like nature to a tax or duty mentioned in paragraph (a), (b), (c) or (d).

(2) Whenever the operations of a society or company during any year result in a loss, any income derived by that society or company during that year from interest on moneys invested by it or from rent shall not be subject to taxation except in so far as that income exceeds the said loss plus the amount of interest and rent which it has paid or become liable for during that year.

(3) In the case of a society or company which during the period in respect of which liability for any tax or duty referred to in paragraph (a), (b), (c) or (d) of sub-section (1) would have been incurred, but for the provisions of this section, has had transactions with, or on behalf of, any person who is not a member of the society or company, the exemption from taxation under the said paragraphs shall, respectively, apply only in respect of—

- (a) so much of the income, profits or dividends as the revenue officer is satisfied was derived from transactions with members of the society or company;
- (b) such sales as the revenue officer is satisfied took place for account of members of the society or company;
- (c) so much of the turnover as the revenue officer is satisfied arose from transactions with members of the society or company;
- (d) (in the case of a farmers' special co-operative company or a co-operative trading society) that amount which the revenue officer is satisfied bears the same ratio to the total value of the goods imported as the amount for which goods were sold by the company or society to its members during its last preceding accounting year bears to the total amount for which goods were sold by the company or society during that period;

voorgeskiets is, geag produkte te wees by die voortbrenging waarvan die saad, misstowwe, berokingsmiddels of insekdodende middels gebruik is, of waarvoor die sakke verskaf was, of ten opsigte waarvan die berokings-, bespuittings- of skoonmaakwerkzaamhede verrig was, of waarop die geld voorgeskiet is, na gelang van die geval.

(6) By die toepassing van hierdie artikel omvat die uitdrukking „sakke” alle houters en alle pakmateriaal.

97. Ondanks andersluidende bepalings in enige ander wet hoegenaamd, hetsy van krag deur die hele Unie of in 'n provinsie daarvan, of in 'n verordening of regulasie van krag binne die gebied van 'n plaaslike bestuur, is 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of 'n koöperatiewe landboumaatskappy met beperkte aanspreeklikheid nie verplig om 'n lisensie om handel of besigheid te drywe, vir die uitreiking waarvan voorsiening gemaak word deur of kragtens 'n ordonnansie van 'n provinsiale raad of deur of kragtens 'n verordening of regulasie van 'n plaaslike bestuur, of 'n in die Tweede Bylae van die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), soas van tyd tot tyd gewysig, genoemde lisensie, uit te neem nie.

Frystelling van koöperatiewe landbouverenigings en koöperatiewe landboumaatskappye van verpligting om handelslisensies uit te neem.

98. Die bepalings van die „Verzekeringwet, 1923,” (Wet No. 37 van 1923), soas van tyd tot tyd gewysig, is nie op 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy wat opgerig is met die doel om volgens 'n koöperatiewe stelsel assuransiebesigheid te drywe, van toepassing nie.

Verzekeringwet.

99. (1) Ondanks andersluidende bepalings in enige ander wet hoegenaamd, hetsy van krag deur die hele Unie of in 'n provinsie daarvan, of in 'n verordening of regulasie van krag binne die gebied van 'n plaaslike bestuur, is elke kragtens hierdie Wet geregistreerde vereniging of maatskappy, behoudens die bepalings van hierdie artikel, vrygestel van—

Frystelling van koöperatiewe verenigings en maatskappye van sekere belastings en regte.

(a) enige belasting op inkomste, winste of diwidende, behalwe die bedrag waarmee rente en huur ontvang en te ontvang op beleggings, rente en huur betaal en verskuldig, oorskry;

(b) lisensiegelde betaalbaar ten opsigte van omset;

(c) lisensiegelde betaalbaar ten opsigte van die invoer van goedere;

(d) lisensiegelde betaalbaar ten opsigte van kapitaal en enige lisensiegeld betaalbaar volgens die waarde van voorraad in hande; en

(e) enige ander belasting of reg van dergelike aard as 'n belasting of reg vermeld in paragraaf (a), (b), (c) of (d).

(2) Wanneer die werksaamhede van 'n vereniging of maatskappy in 'n bepaalde jaar op 'n verlies uitloop, is inkomste deur daardie vereniging of maatskappy in die loop van daardie jaar verkry uit rente op gelde deur hom belê of uit huur, nie aan belasting onderhewig nie, behalwe vir sover daardie inkomste meer is as genoemde verlies plus die bedrag van rente en huur wat hy betaal het of waarvoor hy aanspreeklik geword het in die loop van daardie jaar.

(3) In die geval van 'n vereniging of maatskappy wat, in die loop van 'n tydperk ten opsigte waarvan hy, was dit nie vir die bepalings van hierdie artikel nie, aanspreeklik sou geword het vir 'n belasting of reg bedoel in paragraaf (a), (b), (c), of (d) van sub-artikel (1), transaksies gehad het met of ten behoeve van 'n persoon wat nie 'n lid van die vereniging of maatskappy is nie, is die frystelling van belasting volgens bedoelde paragraawe alleen van toepassing onderskeidelik ten opsigte van—

(a) soveel van die inkomste, winste of diwidende as wat tot genoeg van die inkomstebeampste verkry is uit transaksies met lede van die vereniging of maatskappy;

(b) verkopings wat tot genoeg van die inkomstebeampste ten bate van lede van die vereniging of maatskappy plaasgevind het;

(c) soveel van die omset as wat tot genoeg van die inkomstebeampste ontstaan het uit transaksies met lede van die vereniging of maatskappy;

(d) (in die geval van 'n spesiale koöperatiewe boere-maatskappy of 'n koöperatiewe handelsvereniging) so 'n bedrag as wat tot genoeg van die inkomstebeampste in dieselfde verhouding staan tot die totale waarde van die goedere ingevoer as die verhouding waarin die bedrag, waarvoor goedere gedurende die laaste voorafgaande rekeningsjaar deur die maatskappy of vereniging aan sy lede verkoop is, staan tot die totale bedrag waarvoor goedere gedurende daardie tydperk deur die maatskappy of vereniging verkoop is;

(e) (in the case of a farmers' special co-operative company or a co-operative trading society) that amount which the revenue officer is satisfied bears the same ratio to the total capital or the total value of stock in hand, as the case may be, as the amount for which goods were sold by the company or society to or on behalf of its members during its last preceding accounting year bears to the total amount for which goods were sold by the company or society during that period.

(4) For the purposes of sub-section (3), receipts which have been derived from the handling on behalf of purchasers of any produce sold on behalf of members of the society or company shall be deemed to be receipts derived from transactions with members, and produce which in pursuance of a notice or proclamation issued or deemed to have been issued under section *one hundred and two* has been received from or sold on behalf of persons who are not members shall be deemed to have been received from or sold on behalf of members.

(5) Whenever any society or company is liable in terms of sub-section (2), (3) or (4) for any tax or duty, that tax or duty shall be assessed in accordance with the rates in force under the law by which that tax or duty is imposed: Provided that where under any such law a minimum tax or duty is payable, the society or company shall not be liable for that minimum, but its liability for the tax or duty shall be fixed in accordance with the prescribed rates, irrespective of the minimum.

(6) The provisions of sub-sections (2), (3), (4) and (5) shall apply, *mutatis mutandis* in respect of any tax or duty referred to in paragraph (e) of sub-section (1).

(7) In this section "the revenue officer" means the officer who is authorized to assess the liability of any tax or duty referred to in this section.

Shares, etc., issued in connection with capital not liable to stamp duty.

100. Notwithstanding anything to the contrary contained in any law, no share or any other instrument or document issued in connection with its capital by a society or company, with limited liability registered under this Act, shall be liable to stamp duty.

Only registered societies or companies may carry on co-operative business.

101. (1) No person and no association of persons, other than a society or company which is registered under this Act, or which in terms of this Act is deemed to be so registered, shall—

(a) after a date set forth in a notice signed by the registrar (such date not being less than one month after the receipt of such notice by such person or association of persons) warning him or it that the Minister is of opinion that, having regard to the objects of this Act, the system or the constitution under which he or it carries on business is a system or constitution under which only a society or company registered under this Act ought to be allowed to carry on business, continue to carry on business under that system or constitution; or

(b) use, as a part of the name under which he or it carries on business or otherwise in describing himself or itself or his or its business, the word "co-operative" or any other word importing a similar meaning, in conjunction with the word "agricultural" or "farmers" or "trading", or any other word importing a similar meaning.

(2) No person shall pretend that any association of persons which is not a society or company registered under this Act is a society or company registered under this Act.

(3) Any person or association of persons contravening any of the provisions of sub-section (1) or (2) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Compulsory sale of produce through a society or company by non-members thereof.

102. (1) Whenever the Minister is satisfied—

(a) that at least seventy-five per cent. of the number of the Europeans who in any area produce any kind of agricultural produce are members of a co-operative agricultural society or company which is registered under this Act and has as one of its objects the disposal of that kind of agricultural produce; and

- (e) (in die geval van 'n spesiale koöperatiewe boere-maatskappy of 'n koöperatiewe handelsvereniging) so 'n bedrag as wat tot genoeë van die inkomste-beampte in dieselfde verhouding staan tot die totale kapitaal of die totale waarde van voorrade op hande, na gelang van die geval, as die verhouding waarin die bedrag, waarvoor goedere gedurende die laaste voorafgaande rekeningsjaar deur die maatskappy of vereniging aan of ten behoeve van sy lede verkoop is, staan tot die totale bedrag waarvoor goedere gedurende daardie tydperk deur die maatskappy of vereniging verkoop is.

(4) By die toepassing van sub-artikel (3) word ontvangste wat verkry is uit die hantering ten behoeve van kopers van produkte verkoop ten behoeve van lede van die vereniging of maatskappy geag ontvangste verkry uit transaksies met lede te wees, en word produkte wat, ingevolge 'n kennisgewing of proklamasie uitgevaardig of geag uitgevaardig te gewees het kragtens artikel *honderd-en-twee*, ontvang is van of verkoop is ten behoeve van persone wat nie lede is nie, geag ontvang te gewees het van of verkoop te gewees het ten behoeve van lede.

(5) Wanneer 'n vereniging of maatskappy volgens sub-artikel (2), (3) of (4) aan 'n belasting of reg onderhewig is, word daardie belasting of reg bereken volgens die skaal van krag ingevolge die wet waardeur daardie belasting of reg opgelê is: Met dien verstande dat, waar 'n minimum belasting of reg volgens so 'n wet betaalbaar is, die vereniging of maatskappy nie vir daardie minimum aangespreek kan word nie, maar sy aanspreeklikheid vir die belasting of reg word vasgestel volgens die voorgeskrewe skaal, afgesien van die minimum.

(6) Die bepalinge van sub-artikels (2), (3), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van 'n belasting of reg bedoel in paragraaf (e) van sub-artikel (1).

(7) In hierdie artikel beteken „die inkomstebeampte” die beampte wat gemagtig is om die aanspreeklikheid vir 'n in hierdie artikel bedoelde belasting of reg te bereken.

100. Ondanks andersluidende regsbepalings, is geen aandeel of ander stuk of dokument uitgereik in verband met sy kapitaal deur 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy met beperkte aanspreeklikheid aan seëlreg onderhewig nie.

Aandele, ens., uitgereik in verband met kapitaal nie aan seëlreg onderhewig nie.

101. (1) Geen persoon en geen vereniging van persone, behalwe 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy, of 'n vereniging of maatskappy wat volgens hierdie Wet geag word aldus geregistreer te wees, mag—

Alleen geregi-streerde vereni-gings of maatskappye kan koöperatiewe besigheid drywe.

- (a) na 'n datum vermeld in 'n deur die registrateur onder-tekende kennisgewing (en daardie datum mag nie eerder as een maand na die ontvangs van bedoelde kennisgewing deur bedoelde persoon of vereniging van persone wees nie) waarin hy gewaarsku word dat die Minister van oordeel is dat, met die oog op die oog-merke van hierdie Wet, die stelsel of grondreëls waaronder hy besigheid drywe 'n stelsel of grond-reëls is waaronder alleen 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy toegelaat behoort te word om besigheid te drywe, voortgaan om onder daardie stelsel of grondreëls besigheid te drywe nie; of

- (b) as 'n deel van die naam waaronder hy besigheid drywe, of andersins by wyse van beskrywing van homself of sy besigheid, die woord „koöperatiewe” of 'n ander woord wat 'n dergelike betekenis weergee, gebruik nie in verband met die woord „landbou” of „boere” of „handel” of 'n ander woord wat 'n dergelike betekenis weergee.

(2) Niemand mag voorgee dat 'n vereniging van persone, wat nie 'n kragtens hierdie Wet geregistreerde vereniging of maatskappy is nie, wel 'n vereniging of maatskappy is wat kragtens hierdie Wet geregistreer is.

(3) 'n Persoon of vereniging van persone wat 'n bepaling van sub-artikel (1) of (2) oortree, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

102. (1) Wanneer die Minister daarvan oortuig is—

- (a) dat minstens vyf-en-sewentig persent van die blankes wat in 'n gebied een of ander soort landbou-produk produseer, lede is van 'n koöperatiewe land-bouvereniging of -maatskappy wat kragtens hierdie Wet geregistreer is, en waarvan een van die doeleindes is om daardie soort landbouprodukt van die hand te sit; en

Verpligte ver-koping van produkte deur tussenkoms van 'n vereniging of maatskappy deur persone wat nie lede is nie.

- (b) that the members of that society or company produce at least seventy-five per cent. of the total quantity of that kind of agricultural produce produced by Europeans in that area,

he may, at the request of that society or company, by notice in the *Gazette*, declare that, from a date to be stated in the notice, no producer of that kind of agricultural produce in that area, which shall be defined in the notice, shall sell or otherwise dispose of such produce produced by him in that area otherwise than through the said society or company, whether he is a member thereof or not; and any producer who, after the date so fixed, sells or otherwise disposes of any such produce otherwise than through the said society or company, and any person who, after such date buys or otherwise acquires such produce from any such producer otherwise than through the said society or company, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(2) Every such producer who is not a member of the society or company shall, in respect of the delivery of such produce to, and the sale thereof by, the society or company, be subject to all such conditions and obligations as he would have been subject to had he been a member of the said society or company: Provided that in case the Minister considers it necessary, the receipt, inspection and grading of any such produce delivered by a producer who is not a member of the society or company shall be supervised by an officer specially appointed thereto by the Minister, and any expenditure incurred in connection with such supervision shall be paid by the society or company.

(3) If at any time there is lodged with the Minister a petition praying for the withdrawal of any notice issued under sub-section (1), and the Minister is satisfied that the Europeans who have signed the petition—

- (a) number at least sixty-five per cent. of the Europeans who, in the area to which the notice relates, produce the kind of agricultural produce to which the notice relates; and
- (b) produce at least sixty-five per cent. of the total quantity of that kind of agricultural produce produced by Europeans in that area,

he may by notice in the *Gazette* withdraw such notice.

(4) Nothing in this section contained shall in any way affect the provisions of the Wine and Spirits Control Act, 1924 (Act No. 5 of 1924).

(5) For the purposes of this section the term "agricultural produce" means tobacco and shall also include any other product derived from farming operations, whether or not such product has undergone a change of form as the result of some process applied to it, if the Governor-General under the authority of a resolution of both Houses of Parliament has, by proclamation in the *Gazette*, declared such product to be agricultural produce.

(6) Nothing in this section contained shall be deemed in any way to affect any contract in respect of the sale of any other product existing on the date on which the notice of the resolution under the authority of which that product was by proclamation issued under sub-section (5) declared to be agricultural produce, was first given in either House of Parliament.

(7) Every notice and every proclamation which prior to the commencement of this Act was published under section *seventeen* of Act No. 38 of 1925, and which was in force at such commencement, shall continue in force, and shall be deemed to have been issued under this section.

Imposition of fines upon members for infringement of regulations.

103. (1) A society or company shall have the power to impose fines on its members for any infringement of its regulations.

(2) The circumstances in which such fines may be imposed and the amounts thereof shall, subject to the provisions of this section, be prescribed by the regulations of the society or company.

(3) No such fine shall be imposed upon any member until written notice of intention to impose the fine and the reason

- (b) dat die lede van daardie vereniging of maatskappy minstens vyf-en-sewentig persent van die totale hoeveelheid van daardie soort landbouproduk wat in daardie gebied deur blankes geproduseer word, produseer,

dan kan hy op versoek van daardie vereniging of maatskappy by kennisgewing in die *Staatskoerant* verklaar dat, vanaf 'n datum in die kennisgewing vermeld te word, elke produsent van daardie soort landbouproduk in daardie gebied, wat in die kennisgewing omskrywe moet word, bedoelde deur hom in daardie gebied geproduseerde produk nie anders mag verkoop of anders van die hand sit nie dan behalwe deur tussenkoms van bedoelde vereniging of maatskappy, hetsy hy al dan nie 'n lid daarvan is; en so 'n produsent wat na die aldus vasgestelde datum daardie produk anders verkoop of anders van die hand sit as deur tussenkoms van bedoelde vereniging of maatskappy, en iemand wat na bedoelde datum daardie produk van so 'n produsent koop of anders verkry, behalwe deur tussenkoms van bedoelde vereniging of maatskappy, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(2) Elke sodanige produsent wat nie 'n lid van die vereniging of maatskappy is nie, is ten opsigte van die aflewering van bedoelde produk aan, en die verkoping daarvan deur die vereniging of maatskappy, onderhewig aan al die voorwaardes en verpligtings waaraan hy onderhewig sou gewees het as hy 'n lid van genoemde vereniging of maatskappy was: Met dien verstande dat, ingeval die Minister dit nodig ag, die ontvangs, inspeksie en gradering van daardie produk afgelewer deur 'n produsent wat geen lid van die vereniging of maatskappy is nie, moet geskied onder toesig van 'n daartoe spesiaal deur die Minister aangestelde beampte, en dat onkoste gemaak in verband met sodanige toesig deur die vereniging of maatskappy betaal moet word.

(3) Indien te eniger tyd 'n versoekskrif by die Minister ingedien word, waarin verlang word dat 'n kragtens sub-artikel (1) uitgevaardigde kennisgewing ingetrek word, en die Minister daarvan oortuig is dat die blankes wat die versoekskrif onderteken het,—

- (a) minstens vyf-en-sestig persent uitmaak van die blankes wat in die gebied waarop die kennisgewing betrekking het, die soort landbouproduk waarop die kennisgewing betrekking het, produseer; en

- (b) minstens vyf-en-sestig persent van die totale hoeveelheid van daardie soort landbouproduk wat in daardie gebied deur Europeane geproduseer word, produseer,

dan kan hy by kennisgewing in die *Staatskoerant* bedoelde kennisgewing intrek.

(4) Geen bepaling van hierdie artikel doen op enigerlei wyse afbreuk aan die bepalinge van die „Wet op de Kontrole over Wijn en Spirituallen, 1924” (Wet No. 5 van 1924), nie.

(5) By die toepassing van hierdie artikel word onder die uitdrukking „landbouproduk” verstaan, tabak en ook enige ander produk verkry uit boerdery, hetsy daardie produk al dan nie 'n verandering van vorm ondergaan het as gevolg van een of ander proses wat daarop toegepas is, indien die Goewerneurgeneraal uit kragte van 'n besluit van albei Huise van die Parlement by proklamasie in die *Staatskoerant* verklaar het dat daardie produk 'n landbouproduk is.

(6) Geen bepaling van hierdie artikel word geag op enigerlei wyse afbreuk te doen aan 'n kontrak ten opsigte van die verkoop van 'n ander produk, bestaande op die datum waarop vir die eerste maal in een van die twee Huise van die Parlement kennis gegee was van die besluit uit kragte waarvan daardie produk by proklamasie uitgevaardig kragtens sub-artikel (5) tot 'n landbouproduk verklaar is.

(7) Elke kennisgewing en elke proklamasie wat voor die inwerkingtreding van hierdie Wet kragtens artikel *sewentien* van Wet No. 38 van 1925 gepubliseer is, en wat by bedoelde inwerkingtreding van krag was, bly van krag en word geag kragtens hierdie artikel uitgevaardig te gewees het.

103. (1) 'n Vereniging of maatskappy is bevoeg om aan sy lede boetes op te lê vir oortreding van sy regulasies.

(2) Die omstandighede waaronder sulke boetes opgelê kan word en die bedrae daarvan word, met inagneming van die bepalinge van hierdie artikel, deur die regulasies van die vereniging of maatskappy voorgeskrywe.

(3) So 'n boete mag nie aan 'n lid opgelê word nie totdat skriftelik van die voorneme om die boete op te lê en van die

Oplegging van boetes aan lede weens oortreding van regulasies.

therefor have been transmitted to him and he has had the opportunity of appearing before the directors in person, with or without witnesses, or of sending to them a written statement signed by himself and by others, for the purpose of showing cause against the imposition of the fine.

(4) Any such fine may be recovered by action in any competent court.

(5) If a fine is imposed on a member of a co-operative agricultural society or company or a farmers' special co-operative company because of failure to sell his produce through the society or company, and legal proceedings are instituted for payment of the fine, the burden shall lie upon the member of disproving the allegation of the society or company in respect of which the fine was imposed.

(6) The whole or any part of a fine imposed under this section may be set off against any moneys due to such member in respect of produce delivered by him to the society or company, but no part of the fine shall be set off against any advance due to him by it against produce so delivered.

(7) The member shall not be deemed to have infringed the regulations of a society or company on account of a failure to deliver produce to it, if the failure was due to the fact that under the regulations of another society or company he was bound before he became a member of the firstmentioned society or company to deliver such produce to that other society or company and had actually delivered such produce to it.

Publication of
name of registered
society or
company and of
fact of
registration.

104. Every society or company registered under this Act shall cause to be painted or affixed and shall keep painted or affixed its name and a statement that it is so registered on the outside door of every office or place in which the business of the society or company is carried on, in a conspicuous place and in characters easily legible; and shall have its name and a statement that it is so registered engraved in legible characters on its seal (if any); and shall have its name and a statement that it is so registered set forth in legible characters in all notices, advertisements and other official publications of the society or company and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of the society or company, and in all delivery notes, invoices, receipts, letters and other documents of the society or company.

Registered office
and branches
of society or
company.

105. (1) Every society or company shall have a registered office in the Union to which all communications and notices may be addressed.

(2) The society or company shall give notice to the registrar, in the form from time to time prescribed by the Minister, of the situation of its registered office and of any change thereof, and the registrar shall record the same.

(3) A fee of five shillings for the recording of every such notice shall be paid by the society or company to the registrar by means of revenue stamps, and such stamps shall be affixed to the notice and defaced by the registrar.

(4) A society or company shall not establish branches except at places at which by its regulations it is authorized to do so.

Legal proceedings
by or against
society or
company.

106. (1) All legal proceedings by or against any society or company shall be instituted or taken in the name of the society or company.

(2) If judgment has been obtained against a co-operative agricultural society, with unlimited liability, and such judgment is not within three months thereafter satisfied, the plaintiff may proceed by action against all members or any member of such society in respect of such liability.

(3) Save as aforesaid, or as in the Land Bank Act, 1912 (Act No. 18 of 1912), or in any amendments thereof, provided, no legal proceedings shall lie against a member of such society individually in respect of an obligation of the society.

Registration of
property of
societies and
companies.

107. Any immovable property acquired by a society or company under this Act or its regulations may be registered in the name of the society or company without reference to the names of the members thereof.

Inspection of
documents
kept by
registrar.

108. Save as is provided for in sub-section (5) of section *forty-five*, any person may inspect the documents kept by the registrar on payment of such fee as the Minister may pre-

rede daarvoor aan hom kennis gegee is en hy in die geleentheid gestel is om voor die direkteure te verskyn in persoon met of sonder getuies, of aan hulle 'n deur hom en ander persone ondertekende verklaring te stuur, ten einde redes teen die op-
legging van die boete aan te voer.

(4) So 'n boete kan deur aksie in 'n bevoegde hof verhaal word.

(5) Indien aan 'n lid van 'n koöperatiewe landbouvereniging of -maatskappy of van 'n spesiale koöperatiewe boeremaatskappy 'n boete opgelê word weens versuim om sy produkte deur tussenkoms van die vereniging of maatskappy te verkoop, en 'n regsgeeding ingestel word om betaling van die boete te vorder, rus die las op die lid om te bewys dat die bewering van die vereniging of maatskappy, ten opsigte waarvan die boete opgelê is, onjuis is.

(6) 'n Kragtens hierdie artikel opgelegde boete kan geheel of gedeeltelik verreken word teen enige gelde aan so 'n lid verskuldig ten opsigte van produkte deur hom aan die vereniging of maatskappy gelewer, maar geen deel van die boete kan teen enige voorskot deur die vereniging of maatskappy aan hom verskuldig ten opsigte van aldus gelewerde produkte verreken word nie.

(7) Die lid word nie geag die regulasies van 'n vereniging of maatskappy oortree te hê weens versuim om produkte daaraan te lewer nie, indien die versuim te wyte was aan die feit dat, voordat hy lid van eersgenoemde vereniging of maatskappy geword het, hy volgens die regulasies van 'n ander vereniging of maatskappy verplig was om bedoelde produkte aan daardie ander vereniging of maatskappy te lewer, en hy bedoelde produkte ook werklik aan daardie vereniging of maatskappy gelewer het.

104. Elke vereniging of maatskappy wat kragtens hierdie Wet geregistreer is, moet sy naam en 'n vermelding van sy registrasie laat skilder of laat bevestig, en geskilder of bevestig hou op 'n in die oogvallende plek en in letters wat duidelik leesbaar is, op die buitedeur van elke kantoor of plek waar die besigheid van die vereniging of maatskappy gedrywe word; en moet sy naam en 'n vermelding van sy registrasie in leesbare letters op sy seël laat graveer as hy 'n seël het; en moet sy naam en 'n vermelding van sy registrasie in leesbare letters aangee op alle kennisgewings, advertensies en ander offisiële mededelings van die vereniging of maatskappy en op alle wissels, promesses, endossemente, tjeks en orderbriefies vir geld of goedere, wat voorgee onderteken te wees deur of namens die vereniging of maatskappy, en op alle afleweringsbriewe, fakture, kwitansies, briewe en ander stukke van die vereniging of maatskappy.

Bekendmaking van naam en van registrasie van geregistreeerde vereniging of maatskappy.

105. (1) Elke vereniging of maatskappy moet 'n geregistreeerde kantoor in die Unie hê waarheen alle mededelings en kennisgewings gerig kan word.

Geregistreeerde kantoor en takke van vereniging of maatskappy.

(2) Die vereniging moet aan die registrateur kennis gee, in die vorm wat die Minister van tyd tot tyd mag voorskrywe, van die adres van sy geregistreeerde kantoor, en van enige verandering daarvan, en die registrateur moet dit opteken.

(3) 'n Fooi van vyf sjielings voldaan deur middel van inkomsteseëls moet aan die registrateur betaal word by die optekening van elke sodanige kennisgewing, en die registrateur moet die seëls op die kennisgewing plak en kanselleer.

(4) 'n Vereniging of maatskappy stig geen takke behalwe op plekke waar hy by sy regulasies veroorloof is sulks te doen.

106. (1) Alle geregtelike stappe deur of teen 'n vereniging of maatskappy word ingestel of gedoen in die naam van die vereniging of maatskappy.

Geregtelike stappe deur of teen vereniging of maatskappy.

(2) Indien 'n vonnis teen 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid verkry is, en aan so 'n vonnis nie binne drie maande daarna voldoen word nie, kan die eiser aksies instel teen alle lede of 'n aksie instel teen enige lid van daardie vereniging ten opsigte van daardie aanspreeklikheid.

(3) Behalwe soas voormeld of soas bepaal in die Landbank Wet, 1912 (Wet No. 18 van 1912), of 'n wysiging daarvan, kan geen lid van so 'n vereniging persoonlik ten opsigte van 'n verpligting van die vereniging in regte aangespreek word nie.

107. Enige onroerende goed deur 'n vereniging of maatskappy verwerf ingevolge hierdie Wet of sy regulasies, kan in die naam van die vereniging of maatskappy geregistreer word sonder vermelding van die name van sy lede.

Registrasie van goed van verenigings en maatskappye.

108. Behalwe soas bepaal in sub-artikel (5) van artikel vyf-en-veertig, kan iedereen die dokumente deur die registrateur gehou, insien by betaling van 'n bedrag wat die Minister mag

Insage van dokumente gehou deur registrateur.

scribe; and any person may require a certificate of the registration of any society or company, or a copy or extract of any such document or part of any such document to be certified by the registrar, on payment of such fee as the Minister may prescribe.

Payment of fees prescribed by Minister.

109. All fees prescribed by the Minister under this Act, other than the liquidator's fees prescribed under section *seventy*, shall be paid by means of revenue stamps which shall be defaced by the registrar.

Remedies of Land Bank not affected by Act.

110. Nothing in this Act contained shall in any way affect the rights, remedies and powers conferred on the Land and Agricultural Bank of South Africa or any obligation to such bank imposed on any co-operative agricultural society or company, or on the members thereof by or under any law relating to that bank.

Duty of registrar when evidence of membership required by Land Bank.

111. Whenever the said bank requires evidence of the membership of any co-operative agricultural society with unlimited liability or co-operative agricultural company with limited liability, the registrar, at the request of the said bank, shall transmit to it a complete list of members for the time being of the society or company, according to the records of his office, duly certified by his signature.

Penalty if society or company fails to observe restrictions upon powers to trade.

112. (1) If a co-operative agricultural society or company, farmers' special co-operative company or co-operative trading society fails to observe the restrictions placed by this Act upon its power to trade, it shall be liable to a fine not exceeding one hundred pounds.

(2) If any society or company is twice convicted of an offence under this section, the Minister may direct that the society or company be wound up.

Penalty if society or company continue operations after number of members reduced below the number with which a society or company may be formed.

113. Subject to the provisions of sub-section (2) of section *sixty-three*, if a society or company continues to carry on its operations when the number of its qualified members is reduced, in the case of a central or federal company, below two, or, in the case of a co-operative agricultural society or company or a farmers' special co-operative company, below seven, or, in the case of a co-operative trading society formed for the purpose of manufacturing and disposing of any commodity, below seven, or, in the case of any other co-operative trading society, below twenty-five, for a period of more than thirty days after the number is so reduced, every person who is a director of the society or company during the time that it continues to carry on its operations after such period, shall, unless he proves that he was ignorant of the fact that it was so carrying on its operations with less than two or seven or twenty-five (as the case may be) qualified members, be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, and shall further be liable, jointly and severally with other such persons, to satisfy all the obligations of the society or company incurred during such time, and may be sued for the same without any other director or member being joined in the action.

Penalties for wilful false statements in documents required by this Act.

114. If any person makes in any return, report, financial statement or balance sheet, or other document required for the purposes of this Act, a statement false in any material particular, knowing it to be false, he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Penalty on director or officer accepting commission, etc.

115. Any director or officer of a society or company who accepts any commission, fee or reward, whether pecuniary or otherwise, from any person for or in connection with a transaction of any person with the society or company shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, and shall further be liable to pay to the society or company double the value or amount of such commission, fee or reward.

Penalty for contravention for which no penalty expressly provided.

116. Any person who contravenes any provision of this Act or who fails to comply with any requirement of this Act within the time or in the manner thereby prescribed shall be guilty of an offence and, if no penalty is specially prescribed in this Act for such contravention or default, shall be liable on conviction to a fine not exceeding twenty-five pounds.

voorskrywe en iedereen kan 'n sertifikaat van die registrasie van 'n vereniging of maatskappy vorder, of verlang dat 'n afskrif of uittreksel van so 'n dokument of 'n deel van so 'n dokument deur die registrateur gesertifiseer word, by betaling van 'n bedrag wat die Minister mag voorskrywe.

109. Alle fooie deur die Minister ingevolge hierdie Wet voorgeskrywe, behalwe die besoldiging van 'n likwidateur soos voorgeskrywe in artikel *sewentig*, word betaal deur middel van inkomsteseëls wat deur die registrateur gekanselleer word.

Betaling van bedrae deur Minister voorgeskrywe.

110. Die bepalings van hierdie Wet raak hoegenaamd nie die regte, regsmiddels en bevoegdhede wat aan die Land- en Landboubank van Suid-Afrika verleen is, en ook nie die verpligtings wat teenoor daardie bank aan 'n koöperatiewe vereniging of maatskappy of aan die lede daarvan opgelê word nie, deur of ingevolge enige wet betreffende bedoelde bank.

Regsmiddels van Landbank nie deur Wet geraak nie.

111. Wanneer genoemde bank bewys verlang van die lidmaatskap van 'n koöperatiewe landbouvereniging met onbeperkte aanspreeklikheid of koöperatiewe landboumaatskappy met beperkte aanspreeklikheid, moet die registrateur, op versoek van genoemde bank, aan hom 'n deur sy handtekening gesertifiseerde volledige lys stuur van persone wat volgens die rekords van sy kantoor dan lede van die vereniging of maatskappy is.

Plig van registrateur wanneer bewys van lidmaatskap deur Landbank verlang word.

112. (1) As 'n koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy of koöperatiewe handelsvereniging versuim om die deur hierdie Wet op sy bevoegdheid om handel te drywe opgelegde beperkings in ag te neem, is hy strafbaar met 'n boete van hoogstens honderd pond.

Straf indien vereniging of maatskappy beperkings op regte om handel te drywe verontagsaam.

(2) Indien 'n vereniging of maatskappy tweemaal weens 'n oortreding ingevolge hierdie artikel veroordeel word, kan die Minister gelas dat die vereniging of maatskappy gelikwdeer word.

113. Behoudens die bepalings van sub-artikel (2) van artikel *drie-en-sestig*, as 'n vereniging of maatskappy sy werksaamhede voortsit wanneer die aantal van sy bevoegde lede gedaal het, in die geval van 'n sentrale of federale maatskappy, tot minder as twee, of, in die geval van 'n koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy, tot minder as sewe, of, in die geval van 'n koöperatiewe handelsvereniging opgerig met die doel om enige handelsartikel te vervaardig en van die hand te sit, tot minder as sewe, of, in die geval van 'n ander koöperatiewe handelsvereniging, tot minder as vyf-en-twintig, vir 'n tydperk van meer as dertig dae nadat die aantal lede aldus gedaal het, dan is elke persoon wat 'n direkteur van die vereniging of maatskappy is gedurende die tyd wat hy na sodanige tydperk sy werksaamhede voortsit, tensy hy bewys dat hy nie daarvan bewus was dat die vereniging of maatskappy sy werksaamhede aldus voortgesit het met minder as twee of sewe of vyf-en-twintig bevoegde lede (na gelang van die geval) nie, aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond, en is hy bowendien gesamentlik met en afsonderlik van ander sulke persone aanspreeklik om te voldoen aan alle verpligtings van die vereniging of maatskappy gedurende daardie tyd aangegaan, en kan hy daarvoor in regte aangespreek word sonder dat 'n ander direkteur of lid in die aksie gevoeg word.

Straf indien vereniging of maatskappy werksaamhede voortsit nadat ledetal verminder is tot benede aantal waarmee 'n vereniging of maatskappy opgerig kan word.

114. Iemand wat in 'n opgawe, verslag, finansiële verslag of balansstaat of ander dokument vereis vir die doeleindes van hierdie Wet 'n verklaring maak wat in enige besonderheid ter sake vals is, met wete dat dit vals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

Strawwe vir opsetlike valse verklarings in dokumente vereis ingevolge hierdie Wet.

115. 'n Direkteur of beampte van 'n vereniging of maatskappy wat enige kommissie, besoldiging of beloning, hetsy geldelik of andersins, van een of ander persoon aanneem vir of in verband met 'n transaksie tussen een of ander persoon en die vereniging of maatskappy, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond, en kan verder gelas word om 'n bedrag van tweemaal die waarde of bedrag van bedoelde kommissie, besoldiging of beloning aan die vereniging of maatskappy te betaal.

Straf op direkteur of beampte wat kommissie, ens., aanneem.

116. Iemand wat 'n bepaling van hierdie Wet oortree of versuim om aan enige vereistes van hierdie Wet te voldoen binne die tyd of op die wyse daarby voorgeskrywe, is aan 'n misdryf skuldig en ingeval daar in hierdie Wet vir so 'n oortreding of versuim geen spesiale straf voorgeskrywe is nie, is hy by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

Straf vir oortreding waarvoor geen uitdruklike straf voorgeskryf is nie.

Delegation of powers by Minister.

117. The Minister may, in his discretion, from time to time by notice in the *Gazette* delegate all or any of the powers and duties conferred or imposed upon him by this Act (other than the powers and duties referred to in sections *fourteen, forty-seven, seventy, one hundred and one, one hundred and two, one hundred and eight and one hundred and twelve*) to the Secretary for Agriculture and Forestry and withdraw any such delegation.

Amendment of section 206 of Act 46 of 1926.

118. Section *two hundred and six* of the Companies Act, 1926 (Act No. 46 of 1926), is hereby amended by the insertion after the word "companies" of the words "farmers' special co-operative companies."

Repeal of laws.

119. The laws mentioned in the Schedule to this Act are hereby repealed to the extent set forth in the third column of that Schedule.

Short title and commencement.

120. This Act shall be called the Co-operative Societies Act, 1939, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Short Title of Law.	Extent of Repeal.
Act No. 28 of 1922	The Co-operative Societies Act, 1922.	The whole.
Act No. 38 of 1925	The Co-operative Societies Act, 1922, Amendment Act, 1925	The whole.
Act No. 2 of 1930	The Co-operative Societies (Further Amendment) Act, 1930.	The whole.
Act No. 45 of 1931	The Financial Adjustments Act, 1931.	Section <i>five</i> .
Act No. 23 of 1933	The Co-operative Societies (Further Amendment) Act, 1933	The whole.
Act No. 33 of 1934	The Co-operative Societies (Amendment) Act, 1934.	The whole.

No. 32, 1939.]

ACT

To amend the Cape Statute Law Revision Act, 1934

(Signed by the Governor-General in Afrikaans.)
(Assented to 19th June, 1939.)

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 3 of Act 25 of 1934.

1. The following new paragraph is hereby added at the end of sub-section (1) of section *three* of the Cape Statute Law Revision Act, 1934 :

"(f) affect the powers conferred or the duties imposed under any law repealed hereby relating to the construction, deviation and maintenance of any existing railway."

Short title and commencement.

2. This Act shall be called the Cape Statute Law Revision Amendment Act, 1939, and shall be deemed to have come into operation on the nineteenth day of May, 1934.

117. Die Minister kan, na goeëdunke, van tyd tot tyd by kennisgewing in die *Staatskoerant* een of meer van die bevoegdhede en pligte wat deur hierdie Wet aan hom verleen of opgelê word (behalwe die bevoegdhede en pligte bedoel in artikels *veertien, sewen-en-veertig, sewentig, honderd-en-een, honderd-en-twee, honderd-en-agt*, en *honderd-en-twaalf*) aan die Sekretaris van Landbou en Bosbou oordra en so 'n oordrag intrek.

Oordrag van bevoegdhede deur Minister.

118. Artikel *tweehonderd-en-ses* van die Maatskappywet, 1926 (Wet No. 46 van 1926) word hierby gewysig deur die invoeging na die woord „maatskappye” van die woorde „spesiale koöperatiewe boeremaatskappye.”

Wysiging van artikel 206 van Wet 46 van 1926.

119. Die wette vermeld in die Bylae tot hierdie Wet word hiermee herroep vir sover as in die derde kolom van daardie Bylae vermeld.

Wetsherroeping.

120. Hierdie Wet heet die Wet op Koöperatiewe Verenigings, 1939, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

Kort titel en inwerking-treding.

Bylae.

HERROEPE WETTE.

No. en Jaar van Wet.	Kort Titel van Wet.	Wat herroep word.
Wet No. 28 van 1922	Die „Wet op Koöperatiewe Verenigings, 1922.”	Die geheel.
Wet No. 38 van 1925	Die „Wet op de Koöperatiewe Verenigings, 1922, Wijzigings Wet, 1925.”	Die geheel.
Wet No. 2 van 1930	Die Verdere Wysigingswet op Koöperatiewe Verenigings, 1930.	Die geheel.
Wet No. 45 van 1931	Die Finansiële Reëlingswet, 1931.	Artikel <i>vyf</i> .
Wet No. 23 van 1933	Die Wet tot Verdere Wysiging van die Wet op Koöperatiewe Verenigings, 1933.	Die geheel.
Wet No. 33 van 1934	Die Wet tot Wysiging van die Wet op Koöperatiewe Verenigings, 1934.	Die geheel.

No. 32, 1939.]

WET

Tot wysiging van die Kaapse Wette Hersieningswet, 1934.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. Die volgende nuwe paragraaf word hierby aan die end van sub-artikel (1) van artikel *drie* van die Kaapse Wette Hersieningswet, 1934, bygevoeg :

Wysiging van artikel 3 van Wet 25 van 1934.

„(f) is van geen invloed op die bevoegdhede verleen of die pligte opgedra deur 'n hierby herroepe wet betreffende die aanlê, verlê en instandhou van 'n bestaande spoorweg nie.”

2. Hierdie Wet heet die Kaapse Wette Hersienings-Wysigingswet, 1939, en word geag op die neëntiende dag van Mei 1934 in werking te getree het.

Kort titel en inwerking-treding.

No. 30, 1939.]

ACT

To declare the date as from which certain new scales of pay became applicable to members of the South African Police, subordinate officers of the Prisons Department of the Union and members of the South-West Africa Police, and to validate the method by which the said scales of pay were applied to persons then serving.

*(Signed by the Governor-General in Afrikaans.)
(Assented to 16th June, 1939.)*

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:—

Application of
new scales of pay
of policemen
and prisons
officers.

1. The scales of pay—

- (a) prescribed for members of the South African Police by regulation 14 of the regulations made by the Governor-General under section *ten* of the Police Act, 1912 (Act No. 14 of 1912), read with Appendices "B" and "C" to those regulations published in the *Gazette* under Government Notice No. 987, dated the twenty-fifth day of June, 1937;
- (b) prescribed for subordinate officers of the Prisons Department of the Union by regulation 162 of the regulations made by the Governor-General under section *eighty-eight* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), published in the *Gazette* under Government Notice No. 1703, dated the fifth day of November, 1937;
- (c) prescribed for European members of the South-West Africa Police by regulation 14 of the regulations made by the Administrator of the Mandated Territory of South-West Africa under section *eight* of the Police Proclamation, 1921 (Proclamation No. 56 of 1921), issued by the said Administrator, read with Appendix "B" to those regulations, published in the *Official Gazette* of the said Mandated Territory under Government Notice No. 148, dated the first day of September, 1937,

shall be deemed to have been applicable as from the first day of January, 1937; and the method by which the scales of pay so prescribed were actually applied, respectively, to the members of the South African Police, the subordinate officers of the Prisons Department of the Union, and the European members of the South-West Africa Police, who were serving on the thirty-first day of December, 1936, shall be deemed to have been correct.

Act to apply to
mandated
territory and
Walvis Bay.

2. This Act shall apply to the mandated territory of South-West Africa and the port and settlement of Walvis Bay.

Short title.

3. This Act shall be called the Police and Prisons Officers Pay Act, 1939.

No. 30, 1939.]

WET

Om te verklaar vanaf watter datum sekere nuwe salarisskale toepaslik geword het op lede van die Suid-Afrikaanse Polisie, ondergeskikte beamptes van die Departement van Gevangenis van die Unie en lede van die Suidwes-Afrika-Polisie, en om die wyse waarop die gemelde salarisskale toegepas is op persone wat toe in diens was, geldig te verklaar.

(Deur die Gowerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 16 Junie 1939.)

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

1. Die salarisskale—

- (a) voorgeskryf vir lede van die Suid-Afrikaanse Polisie by regulasie 14 van die regulasies uitgevaardig deur die Goewerneur-generaal kragtens artikel *tien* van die „Politiewet, 1912” (Wet No. 14 van 1912), saamgelees met Aanhangsels „B” en „C” van daardie regulasies, wat in die *Staatskoerant* onder Goewermentskennissgewing No. 987 gedateer die vyf-entwintigste dag van Junie 1937 uitgegee is;
- (b) voorgeskryf vir ondergeskikte beamptes van die Departement van Gevangenis van die Unie by regulasie 162 van die regulasies uitgevaardig deur die Goewerneur-generaal kragtens artikel *agt-entagtig* van die „Wet op Gevangenis en Verbetergestichten, 1911” (Wet No. 13 van 1911), wat in die *Staatskoerant* onder Goewermentskennissgewing No. 1703 gedateer die vyfde dag van November 1937 uitgegee is;
- (c) voorgeskryf vir blanke lede van die Suidwes-Afrika-Polisie by regulasie 14 van die regulasies uitgevaardig deur die Administrateur van die Mandaatgebied Suidwes-Afrika kragtens artikel *agt* van die „Politie Proklamasie, 1921” (Proklamasie No. 56 van 1921), wat deur gemelde Administrateur uitgereik is, saamgelees met Aanhangel „B” van daardie regulasies, wat in die *Offisiële Koerant* van gemelde Mandaatgebied onder Goewermentskennissgewing No. 148 gedateer die eerste dag van September 1937 uitgegee is,

Toepassing van nuwe salarisskale van polisie- en gevangenis-beamptes.

word geag vanaf die eerste dag van Januarie 1937 toepaslik te gewees het; en die wyse waarop die aldus voorgeskrewe salarisskale werklik toegepas is, onderskeidelik, op die lede van die Suid-Afrikaanse Polisie, die ondergeskikte beamptes van die Departement van Gevangenis van die Unie en die blanke lede van die Suidwes-Afrika-Polisie, wat op die een-entertigste dag van Desember 1936 in diens was, word geag juis te gewees het.

2. Hierdie Wet is van toepassing op die mandaatgebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai.

Wet van toepassing op mandaatgebied en Walvisbaai.

3. Hierdie Wet heet die Wet op Besoldiging van Polisie- en Gevangenisbeamptes, 1939.

Kort titel.

No. 33, 1939.]

ACT

To provide for the disposal of certain surplus State revenues; for the reduction of the rate of interest payable by the Administration of the mandated territory of South West Africa on portion of its debt to the Government; for the writing off of certain debts due to the Government; for the confirmation of the guarantee by the Government of the repayment of a loan granted to the Mealie Industry Control Board by the Land and Agricultural Bank, and for the guarantee by the Government of certain loans by the said bank to the said board and of certain advances by the said bank to mealie co-operative organisations; and to amend Acts No. 10 of 1913, No. 32 of 1914, No. 20 of 1917, No. 29 of 1922, No. 32 of 1925, No. 46 of 1926, No. 55 of 1926, No. 28 of 1931, No. 57 of 1934, No. 49 of 1935, No. 34 of 1936 and No. 50 of 1937.

(Signed by the Governor-General in English.)

(Assented to 19th June, 1939.)

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:—

Disposal of surplus State revenues.

1. The surplus State revenues in respect of the financial year ended on the thirty-first day of March, 1939, as certified by the Controller and Auditor-General, with the exception of the sum of five hundred and fifty thousand pounds, shall be transferred to an account to be styled the "Additional Defence Account", in such amounts as may from time to time, in the opinion of the Minister of Finance, be required for or in connection with the provision of aircraft, vessels, fortifications, buildings, machinery, arms, ammunition, equipment or training facilities, or for or in connection with other defence measures.

Reduction of the rate of interest payable by the mandated territory of South West Africa on portion of its debt to the Government.

2. (1) Notwithstanding anything in any law contained, the Government is hereby authorized to discharge the Administration of the mandated territory of South West Africa from all liability for the payment of interest in excess of four per cent. per annum on the sum of two hundred and three thousand seven hundred and thirty-seven pounds ten shillings and seven pence, being that portion of the moneys advanced to the said Administration by the Government which has been advanced by the said Administration to local authorities.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1938.

Writing off of certain debts due by the Angola Settlers to the Land Settlement Fund of South West Africa.

3. The sum of two hundred and twenty-three pounds sixteen shillings and four pence, being debts in connection with the settlement of the Angola farmers due to the Land Settlement Fund of South-West Africa established by the Land Settlement Fund Ordinance, 1931 (Ordinance No. 2 of 1931) made by the Legislative Assembly of the mandated territory of South West Africa, in terms of section four of the Financial Adjustments Act, 1930 (Act No. 34 of 1930), shall be written off, and the said sum shall not be repayable, notwithstanding the provisions of sub-section (7) of the said section.

Guarantee of loan granted to Mealie Industry Control Board by Land Bank.

4. The guarantee furnished to the Land and Agricultural Bank of South Africa on the sixteenth day of February, 1939, by the Minister of Agriculture and Forestry in respect of the repayment to the said bank on or before the thirtieth day of April, 1939, of the loan of eighty thousand pounds granted by the said bank to the board established under section one of the Mealie Control Amendment Act, 1935 (Act No. 59 of 1935), as reconstituted in terms of paragraph 2 of the Schedule to Proclamation No. 131 of 1938, is hereby confirmed.

Guarantee of Land Bank loan to Mealie Industry Control Board and of part of Land Bank advance to mealie co-operative organisations.

5. The Minister of Agriculture and Forestry is hereby authorized—

(a) to guarantee the repayment to the Land and Agricultural Bank of South Africa of any loan which may be granted by the bank with the said Minister's concurrence to the Mealie Industry Control Board referred to in section two of the mealie control scheme published under Proclamation No. 77 of 1939, to be

No. 33, 1939.]

WET

Om voorsiening te maak vir die besteding van sekere surplus-staatsinkomste; vir vermindering van die koers waarteen rente betaalbaar is deur die Administrasie van die mandaatgebied Suidwes-Afrika op 'n deel van sy skuld aan die Regering; vir afskrywing van sekere skulde aan die Regering betaalbaar; vir bekragtiging van die waarborg deur die Regering van terugbetaling van 'n lening deur die Land- en Landboubank aan die Raad van Beheer oor die Mielienywerheid verstrek, en vir die waarborg deur die Regering van sekere lenings deur genoemde bank aan genoemde raad, en van sekere voorskotte deur genoemde bank aan mielie-koöperasies; en tot wysiging van Wette No. 10 van 1913, No. 32 van 1914, No. 20 van 1917, No. 29 van 1922, No. 32 van 1925, No. 46 van 1926, No. 55 van 1926, No. 28 van 1931, No. 57 van 1934, No. 49 van 1935, No. 34 van 1936 en No. 50 van 1937.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. Die surplus-staatsinkomste oor die boekjaar wat geëindig het op die een-en-dertigste dag van Maart, 1939, soos deur die Kontroleur- en Ouditeur-generaal gesertifiseer, word met uitsondering van die bedrag van vyfhonderd-en-vyftigduisend pond, oorgedra op 'n rekening, wat die „Addisionele Verdedigingsrekening” genoem word, in die bedrae wat van tyd tot tyd volgens oordeel van die Minister van Finansies benodig word vir of in verband met die voorsiening van vliegtuie, vaartuie, vestingwerke, geboue, masjinerie, wapens, ammunisie, toerusting of opleidingsfasiliteite, of vir of in verband met ander verdedigingsmaatreëls.

Besteding van surplus-staatsinkomste.

2. (1) Nieteenstaande andersluidende bepalings in enige ander wet vervat, word die Regering hiermee gemagtig om die Administrasie van die mandaatgebied Suidwes-Afrika te onthef van alle aanspreeklikheid vir betaling van rente bo vier persent per jaar op die bedrag van tweehonderd-en-drieduisend sewehonderd sewen-en-dertig pond tien sjielings en sewe pennies, synde daardie gedeelte van die gelde deur die Regering aan genoemde Administrasie voorgesket wat deur genoemde Administrasie aan plaaslike bestuursliggame voorgesket is.

Vermindering van koers waarteen rente deur mandaatgebied Suidwes-Afrika op deel van sy skuld aan Regering betaalbaar is.

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1938.

3. Die bedrag van tweehonderd-drie-en-twintig pond sestien sjielings en vier pennies, synde skulde in verband met die nedersetting van die Angolaboere betaalbaar aan die Land-nedersettingsfonds van Suidwes-Afrika gestig by die Land-nedersettingsfonds Ordonnansie, 1931 (Ordonnansie No. 2 van 1931), uitgevaardig deur die Wetgewende Vergadering van die mandaatgebied Suidwes-Afrika, ingevolge artikel vier van die Finansiële Reëlingswet, 1930 (Wet No. 34 van 1930), word afgeskryf, en genoemde bedrag is, ondanks die bepalings van sub-artikel (7) van genoemde artikel, nie terugbetaalbaar nie.

Afskrywing van sekere skulde deur die Angola-nedersetters aan die Landnedersettingsfonds van Suidwes-Afrika betaalbaar.

4. Die waarborg deur die Minister van Landbou en Bosbou op die sestiende dag van Februarie, 1939, aan die Land- en Landboubank van Suid-Afrika gegee ten aansien van die terugbetaling aan genoemde bank op of voor die dertigste dag van April 1939, van die lening van tagtigduisend pond deur genoemde bank verstrek aan die raad by artikel een van die Mielie-Reëlings Wysigingswet, 1935 (Wet No. 59 van 1935) ingestel, soos opnuut saamgestel ooreenkomstig paragraaf 2 van die Bylae van Proklamasie No. 131 van 1938, word hiermee bekragtig.

Waarborg van lening deur Landbank aan Raad van Beheer oor Mielienywerheid verstrek.

5. Die Minister van Landbou en Bosbou word hierby gemagtig—

Waarborg van landbanklening aan Raad van Beheer oor Mielienywerheid, en van gedeelte van Landbankvoorskot aan mielie-koöperasies.

(a) om die terugbetaling aan die Land- en Landboubank van Suid-Afrika te waarborg van enige lening wat deur die bank met instemming van genoemde Minister toegestaan mag word aan die Raad van Beheer oor die mielienywerheid in artikel twee van die by Proklamasie No. 77 van 1939 afgekondigde mieliereëling-

utilised by that board for the payment in terms of sub-section (4) of section *twenty-seven* of the said scheme of advances to producers of mealies on mealies of the 1939 crop; and

- (b) to guarantee the said bank against any loss, not exceeding nine pence per bag of mealies, which it may sustain in respect of the amount by which any advance made by it to any co-operative society or company on mealies of the 1939 mealie crop, exceeds an amount calculated at five shillings and three pence per bag of the mealies concerned.

Discharge of Kakamas Labour Colony from liability for portion of loan.

6. The Kakamas Labour Colony of the Dutch Reformed Church is hereby discharged from all liability for an amount of five thousand pounds (plus interest accrued thereon), being one-half of the amount of ten thousand pounds advanced by the Government to the said Colony in connection with the Rhenosterkop Irrigation Scheme at Kakamas.

Writing off of certain amounts due by P. F. Theron, district Laingsburg.

7. The sums of seventy-six pounds eight shillings and eleven pence, and fifty-two pounds eight shillings and nine pence, being debts due to the Government in respect of boring operations carried out on the farm Fortuin, in the district of Laingsburg, on behalf of P. F. Theron, formerly a farmer in the said district, are hereby written off, and the sureties for the payment of the said debts released from liability in respect thereof.

Amendment of First Schedule to Act 10 of 1913 as substituted by section 9 of, and the First Schedule to, Act 46 of 1925 and amended by section 3 of Act 50 of 1935.

8. (1) The First Schedule to the Financial Relations Act, 1913, is hereby amended by the deletion therefrom of item 11.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1939, and the laws in force in the province of the Cape of Good Hope, which relate to licences referred to in the said item, are, in so far as they relate to such licences, hereby repealed with effect as from the said date: Provided that the provisions of this section shall not affect the liability of any importer to make any payment, or the right of any importer to a refund of any amount paid, for any such licence in respect of any period prior to the said date, and that any payment made by or on behalf of any importer for any such licence in respect of any period commencing on or after the said date, shall be refunded.

(3) In lieu of the duties prescribed in the province of the Cape of Good Hope in respect of licences referred to in the said item, there shall for the year commencing the first day of January, 1939, and for every subsequent year be paid out of the Consolidated Revenue Fund to the Provincial Revenue Fund of that province an annual subsidy of one hundred and sixty thousand pounds.

Act 32 of 1914: Recovery of certain arrear rates in instalments.

9. (1) The levy of rates in terms of sub-section (1) of section *five* of the Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914 (Act No. 32 of 1914), for the periods 1928-1929 and 1932-1933, the year 1936 and the period 1937-1938 at less than the rate required by section *seven* of the said Act, as amended by section *eleven* of Act No. 21 of 1928, and the omission to levy rates for other material periods, prior to the thirtieth day of April, 1939, is hereby condoned.

(2) The amount due by any debtor in respect of rates levied in terms of sub-section (1) of section *five* of the said Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914, for the periods 1928-1929 and 1932-1933, the year 1936 and the period 1937-1938 shall be payable in equal annual instalments calculated over a period of twenty years reckoned from the first day of May, 1939. Such instalments shall be paid in addition to the rates imposed by section *ten* in respect of the period referred to therein and rates levied in respect of any later period.

(3) Any debtor who fails to pay, on or before the thirtieth day of April, 1940, and of every succeeding year, the instalment referred to in sub-section (2) for the immediately preceding period of twelve months, shall be liable to every such action (including stoppage of the supply of water from the works) as might at any time lawfully have been taken against him by reason of his failure to pay the said rates when they first became due.

Act 32 of 1914: Levy of rates during certain period.

10. Notwithstanding the provisions of section *seven* of the said Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914, as amended by section *eleven* of Act No. 21 of 1928, a fixed rate of ten shillings per morgen of irrigable land per annum shall be levied in respect of the period of five years from the first day of May, 1939.

skema bedoel, om deur daardie raad aangewend te word vir die betaling volgens sub-artikel (4) van artikel *sewen-en-twintig* van genoemde skema, van voorskotte aan mielieprodusente op mielies van die 1939 mielie-oes; en

- (b) om genoemde bank te waarborg teen enige verlies, nege pennies per sak mielies nie te bowe gaande nie, wat die bank mag ly ten opsigte van die bedrag waarmee enige voorskot deur hom aan 'n koöperatiewe vereniging of maatskappy verstrekk op mielies van die 1939 mielie-oes, 'n bedrag bereken teen vyf sjielings en drie pennies per sak van die betrokke mielies, te bowe gaan.

6. Die Kakamas-Arbeidskolonie van die Nederduits-Gereformeerde Kerk word hiermee onthef van alle aanspreeklikheid vir 'n bedrag van vyfduisend pond (met die rente daarop beloof), synde helfte van die bedrag van tienduise pond wat deur die Regering aan genoemde Kolonie voorgeskiet is in verband met die Rhenosterkop-besproeiingskema by Kakamas.

Kakamas-Arbeidskolonie onthef van aanspreeklikheid vir gedeelte van lening.

7. Die bedrae van ses-en-sewentig pond ag sjielings en elf pennies, en twee-en-vyftig pond ag sjielings en nege pennies, synde skulde aan die Regering betaalbaar ten opsigte van boorwerk op die plaas Fortuin, in die distrik Laingsburg, gedoen ten behoeve van P. F. Theron, vroeër 'n boer in genoemde distrik, word hiermee afgeskryf, en die borge vir die betaling van genoemde skulde van aanspreeklikheid ten aansien daarvan vrygestel.

Afskrywing van sekere bedrae deur P. F. Theron, distrik Laingsburg, verskuldig.

8. (1) Die Eerste Bylae van die „Finansiële Verhoudingswet, 1913”, word hiermee gewysig deur Item 11 te skrap.

Wysiging van Eerste Bylae van Wet 10 van 1913 soos vervang deur artikel 9 en die Eerste Bylae van Wet 46 van 1925, en gewysig deur artikel 3 van Wet 50 van 1935.

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van Januarie 1939, en die wette in die provinsie Kaap die Goeie Hoop van krag, wat betrekking het op lisensies in genoemde Item bedoel, word, vir sover hul betrekking het op daardie lisensies, hiermee herroep met inwerkingtreding vanaf genoemde datum: Met dien verstande dat die bepalinge van hierdie artikel die aanspreeklikheid van 'n invoerder om 'n betaling te doen, of die reg van 'n invoerder tot terugbetaling van 'n bedrag wat betaal is, vir so 'n lisensie ten opsigte van 'n tydperk voor genoemde datum, nie raak nie, en dat alle betalings deur of ten behoeve van invoerders gedoen vir sulke lisensies ten opsigte van 'n tydperk wat op of na genoemde datum begin, terugbetaal word.

(3) In die plek van die gelde wat in die provinsie Kaap die Goeie Hoop voorgeskryf is ten opsigte van lisensies in genoemde Item bedoel, word daar vir die jaar wat op die eerste dag van Januarie 1939, begin, en vir iedere daaropvolgende jaar, uit die Gekonsolideerde Inkomstefonds 'n jaarlikse toelae van honderden-sestigduisend pond in die Provinsiale Inkomstefonds van daardie provinsie gestort.

9. (1) Die heffing van belastinge ingevolge sub-artikel (1) van artikel *vyf* van die „Hartebeestpoort Besproeiingsskema (Krokodilrivier) Wet, 1914” (Wet No. 32 van 1914), vir die tydperke 1928-1929 en 1932-1933, die jaar 1936 en die tydperk 1937-1938 teen 'n minder bedrag as wat vereis word deur artikel *sewe* van genoemde Wet, soos gewysig deur artikel *elf* van Wet No. 21 van 1928, en die versuim om belastinge vir ander voor die dertigste dag van April 1939 ter sake synde tydperke te hef, word hiermee gekondoneer.

Wet 32 van 1914 Invordering van sekere agterstallige belastinge in paaiemente.

(2) Die bedrag deur 'n skuldenaar verskuldig ten opsigte van belastinge gehef ingevolge sub-artikel (1) van artikel *vyf* van gemelde „Hartebeestpoort Besproeiingsskema (Krokodilrivier) Wet, 1914”, vir die tydperke 1928-1929 en 1932-1933, die jaar 1936 en die tydperk 1937-1938, is betaalbaar in gelyke jaarlikse paaiemente bereken oor 'n tydperk van twintig jaar vanaf die eerste dag van Mei 1939. Bedoelde paaiemente moet betaal word benewens die belastinge wat deur artikel *tien* ten opsigte van die daarin vermeldde tydperk opgelê word en benewens belastinge wat ten opsigte van enige latere tydperk gehef word.

(3) 'n Skuldenaar wat versuim om voor of op die dertigste dag van April 1940 en elke daaropvolgende jaar die in sub-artikel (2) bedoelde paaiement vir die onmiddellik voorafgaande tydperk van twaalf maande te betaal, is onderhewig aan alle stappe (met inbegrip van stopsetting van die toevoer van water uit die werke) wat te eniger tyd wettig teen hom gedoen sou kon geword het weens sy versuim om genoemde belastinge te betaal toe hulle eers betaalbaar geword het.

10. Nieteenstaande die bepalinge van artikel *sewe* van genoemde „Hartebeestpoort Besproeiingsskema (Krokodilrivier) Wet, 1914”, soos gewysig deur artikel *elf* van Wet No. 21 van 1928, word 'n vaste belasting van tien sjielings per morg besproeibare grond per jaar gehef ten opsigte van die tydperk van vyf jaar vanaf die eerste dag van Mei 1939.

Wet 32 van 1914 Heffing van belastinge gedurende sekere tydperk.

Amendment of section 10 of Act 20 of 1917, as amended by section 5 of Act 21 of 1928.

11. Section *ten* of the Higher Education Additional Provision Act, 1917, is hereby amended by the addition at the end of sub-section (2) of the following proviso:

"Provided that the Minister may, after consultation with the Minister of Finance, at any time, by writing under his hand, waive any preference under the charge in favour of the holder of any bond over such property if he is satisfied that the value of the property is sufficient to cover the amount of the loan which has not been repaid, and the amount secured by such bond."

Insertion of new section 36bis in Act 29 of 1922.

12. The following new section is hereby inserted in the Death Duties Act, 1922, after section *thirty-six* :—

"Prevention of, or relief from, double taxation. 36bis. (1) The Governor-General may enter into an agreement with the Government of any other country or territory, whereby arrangements are made with such Government with a view to the prevention, mitigation or discontinuance of the levying, under the laws of the Union and of such other country or territory, of death duties in respect of the same property.

(2) As soon as may be after the conclusion of any such agreement the arrangements thereby made shall be notified by proclamation by the Governor-General in the *Gazette*, whereupon until such proclamation is revoked by the Governor-General, the arrangements notified therein shall, so far as they relate to immunity, exemption or relief in respect of Union death duties, have effect as if enacted in this Act, but only if and for so long as such arrangements, so far as they relate to immunity, exemption or relief in respect of death duties levied or leviable in such other country or territory have the effect of law in such country or territory.

(3) As soon as may be after the publication in the *Gazette* of any such proclamation copies thereof shall be laid upon the Tables of both Houses of Parliament.

(4) The Governor-General may at any time revoke any such proclamation by proclamation in the *Gazette*, and the arrangements notified in such earlier proclamation shall cease to have effect upon a date fixed in such latter proclamation, but the revocation of any proclamation shall not affect the validity of anything previously done thereunder.

(5) As soon as may be after the publication in the *Gazette* of any proclamation revoking any such proclamation copies thereof shall be laid upon the Tables of both Houses of Parliament."

Trading without licences in municipal beer halls or market halls.

13. (1) Notwithstanding anything contained in the Licences Consolidation Act, 1925 (Act No. 32 of 1925), the Executive Committee of any province of the Union may by resolution authorize the carrying on, without any licence prescribed by that Act, of any trade—

(a) upon premises in that province upon which kaffir beer is sold by an urban local authority, and upon which the right to carry on such trade is restricted to natives or Asiatics; or

(b) in a municipal market hall in that province, in which the right to carry on such trade is so restricted:

Provided that no such resolution shall authorize the carrying on of such trade by any person without the permission of the local authority concerned.

(2) Section *ten* of the Finance Act, 1937 (Act No. 50 of 1937) is hereby repealed.

Amendment of Second Schedule to Act 32 of 1925 as amended by section 13 of Act 64 of 1934.

14. (1) Part I of the Second Schedule to the Licences Consolidation Act, 1925, is hereby amended—

(a) by the insertion at the end of Item 2, of the following provision :—

"Exemption.

Any person licensed as a general dealer under Item 11 of this Part":

11. Artikel *tien* van die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917”, word hiermee gewysig deur aan die end van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg:

Wysiging van Artikel 10 van Wet 20 van 1917, soos gewysig deur artikel 5 van Wet 21 van 1928.

„Met dien verstande dat de Minister na overleg met de Minister van Finansiën, te eniger tyd door een geschrift door hem ondertekend, van zijn recht van voorkeur ingevolge de last afstand kan doen ten gunste van de houder van enig verband op zodanig eigendom, als hij zich vergewist heeft dat de waarde van het eigendom voldoende is om het bedrag van de lening dat niet terugbetaald is en het bedrag verzekerd onder zodanig verband, te dekken.”

12. Die volgende nuwe artikel word hiermee in die „Sterfrechten Wet, 1922”, na artikel *ses-en-dertig* ingevoeg:

Invoeging van nuwe artikel 36bis in Wet 29 van 1922.

„Voorkoming of verlichting van dubbelbelasting.

36bis. (1) De Goeverneur-generaal kan een overeenkomst met de regering van een ander land of gebied aangaan, waarbij regelingen met die regering getroffen worden, ten doel hebbende het heffen van sterfrechten ten opzichte van hetzelfde eigendom krachtens de wetten van de Unie en van dat ander land of gebied, te voorkomen, lenigen of staken.

(2) De regelingen getroffen door een zodanige overeenkomst moeten, zoo spoedig doenlik na de sluiting van de overeenkomst, door de Goeverneur-generaal bij proklamatie in de *Staatskoerant* bekendgemaakt worden, en daarna, totdat de proklamatie door de Goeverneur-generaal herroepen wordt, zijn de daarbij bekendgemaakte regelingen, zooverre zij betrekking hebben op immuniteit, vrystelling of verlichting ten opzichte van sterfrechten in de Unie, van kracht alsof zij bij deze Wet ingevoerd waren, maar slechts indien en terwijl de bedoelde regelingen, zooverre zij betrekking hebben op immuniteit, vrystelling of verlichting ten opzichte van sterfrechten die in dat ander land of gebied geheven worden of kunnen worden, de kracht van wet in dat land of gebied hebben.

(3) Afschriften van een zodanige proklamatie moeten, zoo spoedig doenlik na afkondiging daarvan in de *Staatskoerant*, in beide huizen van het Parlement ter Tafel gelegd worden.

(4) De Goeverneur-generaal kan te eniger tijd een zodanige proklamatie bij proklamatie in de *Staatskoerant* herroepen, en de regelingen die door de vorige proklamatie bekendgemaakt werden, zijn vanaf een datum vastgesteld door de latere proklamatie, niet langer van kracht, maar de herroeping van een proklamatie maakt geen inbreuk op de geldigheid van iets dat voorheen uit krachte daarvan gedaan werd.

(5) Afschriften van een proklamatie waardoor een zodanige proklamatie herroepen wordt, moeten, zoo spoedig doenlik na afkondiging daarvan in de *Staatskoerant*, in beide huizen van het Parlement ter Tafel gelegd worden.”

13. (1) Die Uitvoerende Komitee van 'n provinsie van die Unie kan, niesteenstaande andersluidende bepalings in die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), vervat, by besluit magtiging verleen tot die dryf, sonder 'n lisensie by daardie Wet voorgeskryf, van 'n handelsbesigheid—

Dryf van handelsbesigheid sonder lisensies in munisipale bierlokale en mark-sale.

(a) op 'n perseel in daardie provinsie waarop kafferbier deur 'n stedelike plaaslike bestuur verkoop word, en waarop die reg om bedoelde handelsbesigheid te dryf beperk is tot naturelle of Asiate; of

(b) in 'n munisipale marksaal in daardie provinsie, waarin die reg om bedoelde handelsbesigheid te dryf aldus beperk is:

Met dien verstande dat geen sodanige besluit enig iemand magtig om so 'n handelsbesigheid sonder toestemming van die betrokke plaaslike bestuur te dryf nie.

(2) Artikel *tien* van die Finansiëwet, 1937 (Wet No. 50 van 1937) word hiermee herroep.

14. (1) Deel I van die Tweede Bylae van die „Licenties Konsolidatie Wet, 1925”, word hiermee gewysig—

Wysiging van Tweede Bylae van Wet 32 van 1925, soos gewysig deur artikel 13 van Wet 64 van 1934.

(a) deur aan die end van Item 2 die volgende bepaling in te voeg: —

„Vrystelling:

Iemand die ingevolge Item 11 van dit Deel als een algemene handelaar gelisensieerd is.”;

- (b) by the insertion at the end of paragraph (1) of Item 8, of the following proviso :

“ Provided that in the case of any such person who buys hides and skins only and who satisfies the Receiver of Revenue by whom the licence is to be issued that his total purchases of hides and skins for the said purpose during the twelve months immediately preceding the date on which the liability to take out the licence arose, did not exceed two hundred and fifty pounds, the duty chargeable shall be five shillings ” ; and

- (c) by the insertion after the existing exemption under Item 10, of the following new exemption, the existing exemption becoming exemption (1) :

“ (2) Any person licensed as a general dealer under Item 11 of this Part.”

(2) Paragraphs (a) and (c) of sub-section (1) shall be deemed to have come into operation on the first day of January, 1939.

Professional
licences for 1939
deemed not to have
been issuable and
duties not to have
been payable.

15. Notwithstanding anything contained in any law the licences prescribed in Part II of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925) shall, in respect of the year commencing the first day of January, 1939, be deemed not to have been issuable, and the licence duties so prescribed shall, in respect of that year, be deemed not to have been payable.

Amendment of
section 228 of Act
46 of 1926 as sub-
stituted by section
14 of Act 64 of 1934
and amended by
section 16 of Act
49 of 1935.

16. (1) Section *two hundred and twenty-eight* of the Companies Act, 1926, is hereby amended by the substitution for proviso (c) to sub-section (5) of the following proviso :—

“ (c) if the receiver of revenue concerned is satisfied that any company does not intend, during the period for which the licence is to be taken out, to carry on any active operations in the Union in connection with its principal business, other than the registration of the transfer of shares in such company, the maximum duty payable by such company for that period shall, if the period commences before the first day of July in any year, be five pounds, and if the period commences upon or after the said date in any year, be two pounds ten shillings : Provided further that if during the period for which the licence was to be taken out the company does carry on such operations, the full duty in respect of such last-mentioned period less the amount of the duty already paid in respect of that period, shall become payable at the date upon which it commences to carry on such operations.”

(2) Sub-section (1) shall come into operation on the first day of January, 1940 : Provided that if the Receiver of Revenue concerned is satisfied that any company licensed under the said section for the year 1939, or any portion thereof, has during that year carried on no active operations in the Union in connection with its principal business, other than the registration of the transfer of shares in such company, the maximum duty payable by such company under the said section for the year 1940, shall be five pounds.

Reduction and
exemption from
payment of rent in
respect of leases
under section 7 of
Act 55 of 1926, as
amended by sec-
tion 58 of Act 36
of 1934.

17. (1) If the Minister of Mines is satisfied, after consideration of a report by the Mining Leases Board established by section *one* of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918), that the profits which will be derived from the mining of base minerals under any lease which it is proposed to grant under section *seven* of the Reserved Minerals Development Act, 1926, will be such that the lessee cannot reasonably be required to pay the full amount of the rent prescribed in sub-section (1) of section *eight* of the last-mentioned Act, he may, with the consent of the owner referred to in the said sub-section, reduce, in respect of such lease, the rent so prescribed.

(2) The said Minister may from time to time, if—

- (a) he is satisfied that the profits derived from the working of any area in respect of which a lease has been granted under section *seven* of the Reserved Minerals Development Act, 1926, are such that the lessee cannot reasonably be required to pay the full amount of the rent payable in respect of such lease ; and

- (b) deur aan die end van paragraaf (1) van Item 8 die volgende voorbehoudsbepaling in te voeg: —

„Met dien verstande dat in het geval van een zodanig persoon die alleen huiden en vellen koopt en die de Ontvanger van Inkomsten door wie die licentie uitgereikt dient te worden, overtuigt dat zijn totale aankopen van huiden en vellen voor genoemd doel gedurende de twaalf maanden die de datum waarop de verplichting om de licentie uit te nemen ontstond, onmiddellijk voorafgaan, tweehonderd-vyftig pond niet te boven gingen, de invorderbare rechten op vijf shillings te staan komen.”; en

- (c) deur na die bestaande vrystelling in Item 10, die volgende nuwe vrystelling in te voeg, terwyl die bestaande vrystelling vrystelling (1) word:

„(2) Iemand die ingevolge Item 11 van dit Deel als een algemene handelaar gelicensieerd is.”.

(2) Paragrafe (a) en (c) van sub-artikel (1) word geag in werking te getree het op die eerste dag van Januarie 1939.

15. Nieteenstaande andersluidende bepalings in enige wet word die lisensies wat voorgeskryf word in Deel II van die Tweede Bylae van die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), geag nie ten opsigte van die jaar wat op die eerste dag van Januarie 1939, begin het, vereis te gewees het nie, en word die aldus voorgeskrewe lisensiegelde geag nie ten opsigte van daardie jaar betaalbaar te gewees het nie.

Beroepslisensies vir 1939 geag nie vereis en lisensiegelde nie betaalbaar te gewees het nie.

16. (1) Artikel *tweehonderd agt-en-twintig* van die Maatskappywet, 1926, word hiermee gewysig deur voorbehoudsbepaling (c) by sub-artikel (5) deur die volgende voorbehoudsbepaling te vervang:

Wysiging van artikel 228 van Wet 46 van 1926, soos vervang deur artikel 14 van Wet 64 van 1934, en gewysig deur artikel 16 van Wet 49 van 1935.

- „(c) as die betrokke ontvanger van staatsinkomste oortuig is dat 'n maatskappy nie voornemens is om gedurende die tydperk waarvoor die lisensie uitgeneem moet word, enige besigheid in die Unie in verband met sy hoofbesigheid te dryf nie, behalwe die registrasie van die oordrag van aandele in daardie maatskappy, die maksimum belasting deur die maatskappy vir daardie tydperk betaalbaar, vyf pond is as die tydperk voor die eerste dag van Julie in enige jaar begin, en twee pond tien shillings as die tydperk op of na genoemde datum in enige jaar begin: Met dien verstande voorts dat as die maatskappy wel gedurende die tydperk waarvoor die lisensie uitgeneem moes word, aldus besigheid dryf, die volle belasting ten opsigte van laasgenoemde tydperk min die bedrag wat reeds aan belasting ten opsigte van daardie tydperk betaal is, betaalbaar word op die datum waarop hy begin om aldus besigheid te dryf.”.

(2) Sub-artikel (1) tree in werking op die eerste dag van Januarie 1940: Met dien verstande dat indien die betrokke ontvanger van staatsinkomste oortuig is dat 'n maatskappy wat ingevolge genoemde artikel vir die jaar 1939, of 'n gedeelte daarvan, gelisensieer is, gedurende daardie jaar geen besigheid in die Unie in verband met sy hoofbesigheid gedryf het nie, behalwe die registrasie van die oordrag van aandele in daardie maatskappy, die maksimum-belasting deur daardie maatskappy ingevolge genoemde artikel vir die jaar 1940 betaalbaar, vyf pond is.

17. (1) Indien die Minister van Mynwese oortuig is, na ooreweging van 'n verslag deur die Mynverhursraad by artikel een van die „Transvaal Mynverhuring en Minerale Wet Wyzigings Wet, 1918” (Wet No. 30 van 1918), ingestel, dat die winste wat verkry sal word uit die ontginning van onedele minerale onder 'n huurkontrak waaromtrent die voorneme bestaan om dit ingevolge artikel *sewe* van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926” toe te ken, sodanig sal wees dat van die huurder nie redelikerwys vereis kan word dat hy die volle bedrag van die huur betaal wat in sub-artikel (1) van artikel *agt* van laasgenoemde Wet voorgeskryf word nie, kan hy, met toestemming van die eienaar in genoemde sub-artikel bedoel, die aldus voorgeskrewe huur ten opsigte van daardie huurkontrak verminder.

Vermindering en vrystelling van betaling van huur gelde ten opsigte van huurkontrakte ingevolge artikel 7 van Wet 55 van 1926, soos gewysig deur artikel 58 van Wet 36 van 1934.

- (2) Genoemde Minister kan van tyd tot tyd, indien—

(a) hy oortuig is dat die winste wat verkry is uit die eksplorasie van 'n terrein ten opsigte waarvan 'n huurkontrak ingevolge artikel *sewe* van die „Wet op de Ontginning van Voorbehouden Mineralen, 1926”, toegeken is, sodanig is dat van die huurder nie redelikerwys vereis kan word dat hy die volle bedrag van die huur betaal wat ten opsigte van daardie huurkontrak betaalbaar is nie; en

- (b) the lessee is carrying on mining operations on such area in accordance with the provisions of paragraph (a) of sub-section (2) of section *eight* of the said Act,

exempt the lessee, upon application made by him, from payment, in respect of a period not exceeding three months, of that portion of the rent which is payable to the Government: Provided that no such exemption shall be granted in respect of any rent which became payable more than one month before the date upon which application for exemption was made.

Amendment of section 7 of Act 28 of 1931. 18. Section *seven* of the Entertainments (Censorship) Act, 1931, is hereby amended by the deletion of the proviso thereto.

Amendment of section 38 of Act 57 of 1934. 19. Section *thirty-eight* of the Land Settlement (Amendment) Act, 1934, is hereby amended by the substitution in sub-section (1) for the figures "1940" of the figures "1980".

Amendment of section 3 of Act 49 of 1935, as amended by section 7 of Act 35 of 1936, section 14 of Act 50 of 1937 and section 25 of Act 17 of 1938. 20. Section *three* of the Finance Act, 1935, is hereby amended by the deletion after the word "discounting" of the words "by that bank" and the substitution for the words "and the tenth day of September, 1937" of the words "the tenth day of September, 1937, and the nineteenth day of September, 1938".

Amendment of section 4 of Act 49 of 1935. 21. Section *four* of the Finance Act, 1935, is hereby amended—

- (a) by the substitution in sub-section (1) for the words "a minor irrigation work" of the words "an irrigation work the total cost of which does not exceed thirty thousand pounds.";
- (b) by the substitution for sub-section (2) of the following sub-section:—
 "(2) No irrigation subsidy shall be granted in respect of any irrigation work, the total cost of which exceeds thirty thousand pounds, unless the total cost of such irrigation work and the amount of any loan or of any subsidy to be granted in respect thereof have been separately specified in the estimates of expenditure and approved by Parliament."; and
- (c) by the deletion of sub-section (3).

Revival of sub-section (2) of section 4 of Act 33 of 1933. 22. Notwithstanding the provisions of section *five* of the Income Tax Act, 1936 (Act No. 34 of 1936), sub-section (2) of section *four* of the Gold Mines Excess Profits Duty Act, 1933, shall be deemed to have continued in force after the commencement of the first-mentioned Act, and not to have been repealed.

Short title. 23. This Act shall be called the Finance Act, 1939.

(b) die huurder op daardie terrein mynwerke uitvoer ooreenkomstig die bepalings van paragraaf (a) van sub-artikel (2) van artikel *agt* van genoemde Wet, die huurder, op aansoek deur hom gedoen, ten opsigte van 'n tydperk van hoogstens drie maande vrystel van betaling van daardie gedeelte van die huur wat aan die Regering betaalbaar is: Met dien verstande dat geen sodanige vrystelling verleen word nie ten opsigte van huur wat meer as 'n maand voor die datum waarop aansoek om vrystelling gedoen is, verval het.

18. Artikel *sewe* van die Vermaaklikheids-Sensuurwet, 1931, word hiermee gewysig deur die voorbehoudsbepaling daarby te skrap.

Wysiging van artikel 7 van Wet 28 van 1931.

19. Artikel *agt-en-dertig* van die Nedersettings Wysigingswet, 1934, word hiermee gewysig deur in sub-artikel (1) die syfers „1940” deur die syfers „1980” te vervang.

Wysiging van artikel 38 van Wet 57 van 1934.

20. Artikel *drie* van die Finansiewet, 1935, word hiermee gewysig deur die woorde „hy wissels verdiskonteer het” te vervang deur die woorde „wissels verdiskonteer is”, en die woorde „en die tiende dag van September 1937”, te vervang deur die woorde „die tiende dag van September 1937, en die negentiende dag van September 1938”.

Wysiging van artikel 3 van Wet 49 van 1935, soos gewysig deur artikel 7 van Wet 35 van 1936, artikel 14 van Wet 50 van 1937 en artikel 25 van Wet 17 van 1938.

21. Artikel *vier* van die Finansiewet, 1935, word hiermee gewysig—

Wysiging van artikel 4 van Wet 49 van 1935.

(a) deur in sub-artikel (1) die woorde „tot die boukoste van 'n klein besproeiingswerk toestaan” te vervang deur die woorde „toestaan tot die boukoste van 'n besproeiingswerk waarvan die gehele boukoste nie meer as dertigduisend pond bedra nie.”;

(b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Geen besproeiingssubsidie word toegestaan nie ten opsigte van 'n besproeiingswerk waarvan die gehele boukoste meer as dertigduisend pond bedra tensy die gehele boukoste van daardie besproeiingswerk, en die bedrag van enige lening of van enige subsidie wat ten opsigte daarvan toegestaan gaan word, afsonderlik in die begroting van uitgawes aangegee, en deur die Parlement goedgekeur is.”; en

(c) deur sub-artikel (3) te skrap.

22. Sub-artikel (2) van artikel *vier* van die Goudmyne-Oorwinsbelastingwet, 1933, word nieteenstaande die bepalings van artikel *vyf* van die Inkomstebelastingwet, 1936 (Wet No. 34 van 1936), geag van krag te gebly het na die inwerkingtreding van laasgenoemde Wet, en nie herroep te gewees het nie.

Weer-inwerkingstelling van sub-artikel (2) van artikel 4 van Wet 33 van 1933.

23. Hierdie Wet heet die Finansiewet, 1939.

Kort titel.

No. 35, 1939.]

ACT

To amend the Unbeneficial Occupation of Farms Act, 1937.

(Signed by the Governor-General in English.)
(Assented to 19th June, 1939.)

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 2 of Act
29 of 1937.

1. Section *two* of the Unbeneficial Occupation of Farms Act, 1937, (hereinafter referred to as the principal Act) is hereby amended by the addition at the end of sub-section (1) of the following proviso : " Provided further that the Minister may exclude from any appropriation under this sub-section of any portion or land, any mineral rights in respect thereof not referred to in paragraph (i) of the preceding proviso".

Substitution of
section 3 of Act
29 of 1937.

2. Section *three* of the principal Act is hereby repealed and the following section substituted therefore :

'Notices.

3. (1) Not less than three months before the Minister appropriates any portion or land referred to in section *two*, an officer designated thereto by him shall—

(a) give to every owner of and to every registered holder of a bond over such portion or land, and if the Minister proposes to appropriate any usufruct in respect of such portion or land or of any share therein, also to every usufructuary, whose whereabouts is known to such officer or readily ascertainable, by registered letter addressed to his last-known place of residence, a notice setting forth clearly the portion or land which the Minister proposes to appropriate and the compensation offered—

(i) for such portion or land ;

(ii) for any lease, sub-lease, rights, servitude or other interest under paragraph (b) ; and

(iii) for any improvements under paragraph (c),

and requiring him to notify such officer, within a period to be specified in such notice, whether or not he agrees to the compensation referred to in sub-paragraph (i), and to the payment to the persons concerned of the compensation referred to in sub-paragraphs (ii) and (iii) ;

(b) if such portion or land is subject to any lease, sub-lease, rights of a *colonus partiaris* or servitude of *usus* or other interest which the Minister proposes to appropriate, give to every registered lessee, sub-lessee, *colonus partiaris* or holder of such servitude or other interest, and to every registered holder of a bond over such lease, sub-lease, rights of a *colonus partiaris* or other interest, whose whereabouts is known to such officer or readily ascertainable, by registered letter addressed to his last-known place of residence, a notice setting forth clearly the portion or land which the Minister proposes to appropriate, and the compensation offered for such lease, sub-lease, rights, servitude or other interest, as the case may be, and requiring him to notify such officer within a period to be specified in such notice whether or not he agrees to such compensation ;

No. 35, 1939.]

WET

Tot wysiging van die Wet op Onvoordelige Okkupasie van Plase, 1937.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. Artikel twee van die Wet op Onvoordelige Okkupasie van Plase, 1937 (hieronder die Hoofwet genoem), word hiermee gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg: „Met dien verstande voorts dat die Minister by enige toeëiening kragtens hierdie sub-artikel van 'n gedeelte of grond, minerale regte ten opsigte daarvan, wat nie in paragraaf (i) van die voorgaande voorbehoudsbepaling bedoel word nie, kan uitsluit.”

Wysiging van
Artikel 2 van
Wet 29 van 1937.

2. Artikel drie van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van
Artikel 3 van
Wet 29 van 1937.

„Kennis-
gewings.

3. (1) Minstens drie maande voordat die Minister hom 'n gedeelte of grond in artikel twee bedoel, toeëien, moet 'n amptenaar deur hom daartoe aangewys—

(a) elke eienaar van en elke geregistreerde houer van 'n verband oor daardie gedeelte of grond, en as die Minister voornemens is om hom 'n vruggebruik ten opsigte van daardie gedeelte of grond of van 'n aandeel daarin toe te eien, ook elke vruggebruiker, wie se verblyfplek aan hom bekend is of maklik vasgestel kan word, by kennisgewing in duidelike bewoording per geregistreerde brief aan sy laasbekende woonplek gerig, verwittig van die gedeelte of grond wat die Minister voornemens is om hom toe te eien en van die vergoeding wat aangebied word—

(i) vir bedoelde gedeelte of grond;

(ii) vir enige huur, onderhuur, regte, serwituut of ander reg ingevolge paragraaf (b); en

(iii) vir enige verbeterings ingevolge paragraaf (c),

en hom aansê om bedoelde amptenaar binne 'n tydperk wat in die kennisgewing aangegee moet word, in kennis te stel of hy al dan nie instem met die in sub-paragraaf (i) bedoelde vergoeding, en met die betaling aan die betrokke persone van die in sub-paragraawe (ii) en (iii) bedoelde vergoeding;

(b) as daardie gedeelte of grond onderworpe is aan enige huur, onderhuur, regte van 'n *colonus partiarius* of serwituut van *usus* of ander reg wat die Minister voornemens is om hom toe te eien, elke geregistreerde huurder, onderhuurder, *colonus partiarius* of besitter van so 'n serwituut of ander reg, en elke geregistreerde houer van 'n verband oor bedoelde huur, onderhuur, regte van 'n *colonus partiarius* of ander reg, wie se verblyfplek aan bedoelde amptenaar bekend is of maklik vasgestel kan word, by kennisgewing in duidelike bewoording per geregistreerde brief aan sy laasbekende woonplek gerig, verwittig van die gedeelte of grond wat die Minister voornemens is om hom toe te eien, en die vergoeding wat hy aanbied vir bedoelde huur, onderhuur, regte, serwituut of ander reg, na gelang van die geval, en hom aansê om bedoelde amptenaar binne 'n tydperk wat in die kennisgewing aangegee moet word, in kennis te stel of hy al dan nie instem met die vergoeding;

- (c) if, according to a report by the board, improvements have been effected upon such portion or land, in respect of which any person who is or was an occupier of such portion or land has a claim for compensation or would have such a claim upon the termination of his occupation or his right of occupation, give to every such person who, according to the said report, has or would so have such a claim and whose whereabouts is known to such officer or readily ascertainable, by registered letter addressed to his last-known place of residence, a notice setting forth clearly the portion or land which the Minister proposes to appropriate, the improvements in question and the compensation offered for such improvements, and requiring him to notify such officer, within a period to be specified in such notice, whether or not he agrees to such compensation ;
- (d) if the whereabouts of any interested person referred to in paragraph (a), (b) or (c), is not readily ascertainable, publish in such manner as in his opinion is best calculated to bring the notice to the attention of such person, a notice stating that the Minister proposes to appropriate such portion or land, and calling upon such person to notify such officer of his address within a period to be specified in the notice ;
- (e) if it appears from the title deeds of such portion or land that there are fiduciaries (not being owners as defined in section one) or fideicommissaries in respect of such portion or land, or that there are persons not yet born who would have an interest in such portion or land, give to the Master of the Supreme Court appointed for the province in which such portion or land is situate, a notice in writing setting forth clearly the portion or land which the Minister proposes to appropriate, and particulars as to any compensation offered under paragraph (a), (b) or (c), and requiring him to notify such officer, within a period to be specified in such notice, whether or not he agrees to such compensation on behalf of such fiduciaries, fideicommissaries or persons, in so far as their interests may be concerned.

(2) When the said officer gives to any person any notice referred to in sub-section (1), he shall at the same time give to the registrar a written notice setting forth clearly the land or interest therein which the Minister proposes to appropriate, and after receipt thereof and until the land is transferred to the Government or such notice is withdrawn, the registrar shall not register any transaction affecting such land or interest.

(3) The Master concerned may for the purposes of paragraph (e) of sub-section (1) cause a valuation of the portion or land in question to be made by an appraiser appointed under sub-section (1) of section ten of the Administration of Estates Act, 1913, and such appraiser shall be entitled to remuneration, to be paid by the State, according to the tariff which may from time to time be prescribed under sub-section (2) of the said section."

Amendment of
section 4 of Act
29 of 1937.

3. Section four of the principal Act is hereby amended—
(a) by the insertion in sub-section (1)—

- (i) after the word "two" of the words "or for any improvement thereon";
- (ii) after the words "such interest" of the words "or improvement"; and
- (iii) after the words "interests therein" of the words "and improvements thereon"; and

(c) indien, volgens 'n verslag van die raad, verbeterings op daardie gedeelte of grond aangebring is, ten opsigte waarvan iemand wat 'n okkuperder van daardie gedeelte of grond is of was, aanspraak op vergoeding het of by beëindiging van sy okkupasie of reg tot okkupasie so 'n aanspraak sou hê, elke persoon wat volgens genoemde verslag so 'n aanspraak het of sou hê en wie se verblyfplek aan bedoelde amptenaar bekend is of maklik vasgestel kan word, by kennisgewing in duidelike bewoording per geregistreerde brief aan sy laasbekende woonplek gerig, verwittig van die gedeelte of grond wat die Minister voornemens is om hom toe te eien, die betrokke verbeterings en die vergoeding vir die verbeterings aangebied, en hom aansê om bedoelde amptenaar binne 'n tydperk wat in die kennisgewing aangegee moet word, in kennis te stel of hy al dan nie instem met daardie vergoeding;

(d) indien die verblyfplek van 'n belanghebbende persoon in paragraaf (a), (b) of (c) bedoel nie maklik vasgestel kan word nie, op die wyse wat na sy mening die beste daarop bereken is om die kennisgewing onder die aandag van daardie persoon te bring, 'n kennisgewing publiseer waarin vermeld word dat die Minister voornemens is om hom daardie gedeelte of grond toe te eien, en daardie persoon aangesê word om bedoelde amptenaar binne 'n tydperk wat in die kennisgewing aangegee moet word, van sy adres te verwittig;

(e) as dit uit die titelbewyse van daardie gedeelte of grond blyk dat daar *fiduciarii* (wat nie eienaars is soos omskryf in artikel een nie), of *fideicommissarii* ten opsigte van daardie gedeelte of grond bestaan, of dat daar persone is wat nog nie gebore is nie wat 'n reg oor daardie gedeelte of grond sou hê, die Meester van die Hooggeregshof wat aangestel is vir die provinsie waarin daardie gedeelte of grond geleë is, by skriftelike kennisgewing in duidelike bewoording verwittig van die gedeelte of grond wat die Minister voornemens is om hom toe te eien en van die besonderhede van die vergoeding ingevolge paragraaf (a), (b) of (c) aangebied, en hom aansê om bedoelde amptenaar binne 'n tydperk wat in die kennisgewing aangegee moet word, in kennis te stel of hy al dan nie ten behoeve van bedoelde *fiduciarii*, *fideicommissarii* of persone, in soverre hul belange geraak word, instem met daardie vergoeding.

(2) Wanneer genoemde amptenaar aan enig iemand kennis gee ingevolge sub-artikel (1), moet hy tegelykertyd die registrateur by skriftelike kennisgewing in duidelike bewoording verwittig van die grond of reg daaroor wat die Minister voornemens is om hom toe te eien, en na ontvangs van die kennisgewing en totdat die grond op die naam van die Regering getranspoteer word of daardie kennisgewing ingetrek word, mag die registrateur geen regshandeling wat daardie grond of reg raak, registreer nie.

(3) Die betrokke Meester kan vir die doeleindes van paragraaf (e) van sub-artikel (1) die betrokke gedeelte of grond deur 'n taksateur kragtens sub-artikel (1) van artikel tien van die Boedelwet, 1913, aangestel, laat waardeer, en so 'n taksateur is geregtig op vergoeding, deur die Staat betaalbaar, teen die tarief wat van tyd tot tyd kragtens sub-artikel (2) van genoemde artikel vasgestel word."

3. Artikel vier van die Hoofwet word hiermee gewysig— Wysiging van

(a) deur in sub-artikel (1)— Artikel 4 van

- (i) na die woorde „toegeëien is” die woorde „of vir enige verbeterings daarop”;
- (ii) na die woorde „daardie reg” die woorde „of verbeterings”; en
- (iii) na die woorde „regte daaroor” die woorde „en verbeterings daarop”,

in te voeg; en

Wet 29 van 1937.

(b) by the insertion in sub-section (2)—

- (i) after the word "interest", where it first occurs, of the words "or of a person to whom a notice under paragraph (c) of sub-section (1) of section *three* has been given in respect of such improvements"; and
- (ii) after the word "interest", where it occurs the second time, of the words "or upon such person".

Amendment of
section 5 of Act
29 of 1937.

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

- (a) by the insertion in paragraph (a) after the word "*two*" of the words "or in respect of any improvement upon such land"; and
- (b) by the substitution for the words "usufruct or *fideicommissum*" of the words "*fideicommissum*, or is subject to a usufruct and the usufructuary has not consented in writing to the payment of such money to the person who would be entitled thereto, had it not been for the usufruct,".

Substitution of
section 6 of Act
29 of 1937.

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

^{"Dispo sition of moneys paid to Master."} 6. (1) Any moneys received by a Master under section *five*, shall, subject to the provisions of sub-sections (2) and (7), be paid into the Guardians Fund for the benefit of the persons who are or may become entitled thereto, and shall bear interest at a rate to be determined from time to time by the Minister of Finance.

(2) If any such money has been paid in respect of land subject to a usufruct, it shall *mutatis mutandis* be subject to all the terms and conditions contained in the will or other instrument by which the usufruct was constituted: Provided that if at any time the Master is satisfied that the share in such money in respect of which any person is the usufructuary amounts to less than three hundred pounds, he may pay such share, in a lump sum or in such instalments as he may determine, to be enjoyed in full ownership, to such usufructuary or to the person who would be entitled thereto had it not been for the usufruct, or partly to the usufructuary and partly to such person, as the Master may deem expedient in view of the terms and conditions of the will or other instrument by which the usufruct was constituted and of the circumstances of the case.

(3) If any such money has been paid in respect of land subject to a *fideicommissum*—

- (a) it shall, *mutatis mutandis* and subject to the provisions of sub-section (7), be subject to all the terms and conditions contained in the will or other instrument by which the *fideicommissum* was constituted; and
- (b) the Master shall draw up a statement setting forth—
 - (i) the names of the persons who have any share or interest in that money;
 - (ii) the share or interest in the money of each such person; and
 - (iii) the share or interest in the money of persons not yet born, if any,
 and shall, whenever any facts by reason of which any person subsequently becomes or ceases to be a person referred to in sub-paragraph (i), come to his knowledge, amend such statement accordingly.

(4) The Master may, for the purpose of drawing up any such statement or of amending it so as to reflect correctly the matters to be set forth therein, cause such investigations to be made as appear to him to be expedient, and may, for the said purpose, from time to time—

- (a) by notice issued in such manner as in his opinion is best calculated to inform persons concerned of such notice—
 - (i) call upon all interested persons, or all interested person of a specified class, or all

(b) deur in sub-artikel (2)—

(i) na die woord „reg” waar dit die eerstemaal voorkom, die woorde „of van ’n persoon aan wie ingevolge paragraaf (c) van sub-artikel (1) van artikel drie ten opsigte van bedoelde verbeterings kennis gegee is,”; en

(ii) na die woord „reg” waar dit die tweede maal voorkom, die woorde „of op bedoelde persoon”, in te voeg.

4. Artikel vyf van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (a) na die woorde „toegeëien is” die woorde „of ten opsigte van enige verbetering op sodanige grond”, in te voeg; en

(b) deur die woorde „vruggebruik of *fideicommissum*” te vervang deur die woorde „*fideicommissum* of onderworpe is aan ’n vruggebruik en die vruggebruiker nie skriftelik ingestem het dat die geld uitbetaal word aan die persoon wat daarop geregtig sou wees as daar geen vruggebruik was nie,”.

Wysiging van
Artikel 5 van
Wet 29 van 1937.

5. Artikel ses van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

„Beskik-
king oor
geld by
Meester
inbetaal.

6. (1) Geld deur die Meester ingevolge artikel vyf ontvang, word behoudens die bepalinge van sub-artikels (2) en (7), ten voordele van die persone wat daarop geregtig is of mag word, in die Voogdyfonds gestort, en dra rente teen ’n koers wat van tyd tot tyd deur die Minister van Finansies bepaal word.

(2) Indien sodanige geld inbetaal is ten opsigte van grond wat aan ’n vruggebruik onderworpe is, is dit, *mutatis mutandis*, onderworpe aan al die bepalinge en voorwaardes wat vervat is in die testament of ander stuk waardeur die vruggebruik geskep is: Met dien verstande dat indien die Meester hom te eniger tyd vergewis het dat die gedeelte van daardie geld ten opsigte waarvan iemand die vruggebruiker is, minder bedra as driehonderd pond, hy daardie gedeelte in een bedrag of in sodanige periodieke betalings as wat hy mag bepaal, kan uitbetaal met volle beskikkingsreg daarvoor aan die vruggebruiker of aan die persoon wat daarop geregtig sou wees as daar geen vruggebruik was nie, of gedeeltelik aan die vruggebruiker en gedeeltelik aan bedoelde persoon, soos die Meester, gesien die bepalinge en voorwaardes van die testament of ander stuk waardeur die vruggebruik geskep is, en die omstandighede van die geval, mag goedvind.

(3) Indien sodanige geld inbetaal is ten opsigte van grond wat aan ’n *fideicommissum* onderworpe is—

(a) is dit, *mutatis mutandis* en behoudens die bepalinge van sub-artikel (7), onderworpe aan al die bepalinge en voorwaardes wat vervat is in die testament of ander stuk waardeur die *fideicommissum* geskep is; en

(b) moet die Meester ’n staat opstel waarin aangegee word—

(i) die name van die persone wat ’n aandeel in of reg oor daardie geld het;

(ii) die aandeel in of reg oor die geld van elke sodanige persoon; en

(iii) die aandeel in of reg oor die geld van persone wat nog nie gebore is nie (as daar sulke persone is),

en moet, wanneer hy feite te wete kom ter oorsake waarvan iemand daarna ’n in sub-paragraaf (i) bedoelde persoon word of nie langer so ’n persoon is nie, daardie staat dienoreenkomstig wysig.

(4) Die Meester kan, ten einde bedoelde staat op te stel of dit so te wysig dat dit die besonderhede wat daarin dien aangegee te word, juis weergee, sodanige ondersoek laat instel as wat hy raadsaam ag, en kan, van tyd tot tyd, vir genoemde doel—

(a) by kennisgewing op sodanige wyse uitgevaardig as wat na sy mening die beste daarop bereken is om die kennisgewing onder die aandag van die betrokke persone te bring—

(i) alle belanghebbende persone, of alle belanghebbende persone van ’n bepaalde

Vervanging van
Artikel 6 van
Wet 29 van 1937.

persons interested in a specified share in or portion of the money, and the guardians or curators of any such persons, to lodge with him within a specified period any claims which they or the persons under their guardianship or curatorship, as the case may be, may have in respect of such money, share or portion, together with such evidence in support of their claims as they may wish to submit ;

- (ii) publish a provisional statement setting forth the matters referred to in paragraph (b) of sub-section (3) in respect of such money, share or portion, and call upon all interested persons and the guardians or curators of such persons to lodge with him, within a specified period, any objections they may have against such statement, together with the grounds for such objections and such evidence in support thereof as they may wish to submit ; and
- (b) summon any person to give evidence or produce any document before him.

(5) The provisions of sections *six, seven and eight* of the John Dunn (Distribution of Land) Act, 1935, shall *mutatis mutandis* apply in respect of the Master and of any person subpoenaed to give evidence or to produce any document or giving evidence before him.

(6) The Master may, with the consent of the Minister of Justice, appoint upon such conditions as to remuneration or otherwise as may be specified in the letter of appointment, a person or persons to assist him in the performance of his duties and the exercise of his functions under sub-sections (3) and (4) ; and for that purpose any person so appointed may take affidavits and solemn or attested declarations and shall have the powers of and be deemed to be a commissioner of oaths.

(7) If at any time, according to the statement referred to in sub-section (3), the share of any fiduciary in such moneys amounts to less than three hundred pounds and the Master is satisfied that the statement in so far as it relates to such share, is correct, he may pay such share in a lump sum or in such instalments as he may determine, to be enjoyed in full ownership, to the fiduciary or the person who according to such statement is a fideicommissary in respect of that share, or partly to the fiduciary and partly to such person, as the Master may deem expedient in view of the terms and conditions of the will or other instrument by which the *fideicommissum* was constituted and of the circumstances of the case.

(8) No action shall lie against the Master in respect of any moneys paid by him in accordance with the provisions of sub-section (2) or (7)."

Amendment of
section 8 of Act
29 of 1937.

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

*Minister
absolved
from further
liability
upon pay-
ment of
compensa-
tion.

8. Upon payment of the amount of compensation agreed upon or determined by the court—

- (a) in respect of land appropriated under section *two*, to the owner thereof, or to the Master, as the case may be, or in respect of any interest therein which has been so appropriated, to the registered holder thereof, or to the Master, as the case may be, in accordance with the share to which such owner or holder is entitled according to the records of the deeds registry concerned ; or
- (b) in respect of any improvement upon such land, to the person to whom a notice under paragraph (c) of sub-section (1) of section

kategorie, of alle persone wat belanghebbendes is by 'n bepaalde aandeel in of gedeelte van die geld, en die voogde of kurators van sodanige persone, aansê om binne 'n vermelde tydperk enige aansprake wat hulle of persone onder hul voogdy of kuratele, na gelang van die geval, mag hê ten opsigte van daardie geld, aandeel of gedeelte, by hom in te dien, met die bewyse ter staving van hul aansprake wat hul verlang om voor te lê;

- (ii) 'n voorlopige staat bekendmaak waarin die in paragraaf (b) van sub-artikel (3) bedoelde besonderhede ten opsigte van daardie geld, aandeel of gedeelte aangegee word, en alle belanghebbende persone en die voogde en kurators van sodanige persone aansê om binne 'n vermelde tydperk enige besware wat hulle teen die staat mag hê, by hom in te dien, met die gronde vir daardie besware, en die bewyse ter staving daarvan wat hul verlang om voor te lê; en

- (b) enig iemand dagvaar om voor hom getuienis af te lê of 'n dokument oor te lê.

(5) Die bepalings van artikels *ses*, *sewe* en *agt* van die John Dunn Grondverdelings Wet, 1935, is *mutatis mutandis* van toepassing ten opsigte van die Meester en van enig iemand wat gedagvaar is om voor hom getuienis af te lê of 'n dokument oor te lê of wat voor hom getuienis aflê.

(6) Die Meester kan, met toestemming van die Minister van Justisie, op die voorwaardes wat betref vergoeding of andersins wat in die aanstellingsbrief vermeld mag word, 'n persoon of persone aanstel om hom behulpsaam te wees by die uitvoer van sy pligte en die verrigting van sy werksaamhede ingevolge sub-artikels (3) en (4); en vir daardie doel kan 'n aldus aangestelde persoon beëdigde en plegtige of geattesteerde verklarings afneem en het hy die bevoegdheid van 'n kommissaris van ede en word geag so 'n kommissaris te wees.

(7) Indien te eniger tyd die aandeel van een of ander *fiduciarius* in bedoelde geld volgens die in sub-artikel (3) bedoelde staat minder bedra as driehonderd pond en die Meester oortuig is dat die staat vir soverre dit betrekking het op daardie aandeel, juis is, kan hy daardie aandeel in een bedrag of in sodanige periodieke betalings as wat hy mag bepaal, uitbetaal met volle beskikkingsreg daarvoor, aan die *fiduciarius* of die persoon wat volgens daardie staat 'n *fideicommissarius* ten opsigte van daardie aandeel is, of gedeeltelik aan die *fiduciarius* en gedeeltelik aan bedoelde persoon, soos die Meester, gesien die bepalings en voorwaardes van die testament of ander stuk waardeur die *fideicommissum* geskep is, en die omstandighede van die geval, goedvind.

(8) Geen aksie kan teen die Meester ingestel word ten aansien van geld wat ooreenkomstig die bepalings van sub-artikel (2) of (7) deur hom uitbetaal is nie."

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

„Minister na betaling van vergoeding van verdere aanspreeklikheid.

8. Na betaling van die bedrag van vergoeding wat deur ooreenkoms of deur die hof bepaal is—

- (a) ten opsigte van grond ingevolge artikel *twee* toegeëien, aan die eienaar daarvan, of aan die Meester, na gelang van die geval, of ten opsigte van 'n reg daarvoor aldus toegeëien, aan die geregistreerde besitter daarvan, of aan die Meester, na gelang van die geval, ooreenkomstig die aandeel waarop bedoelde eienaar of besitter volgens die oorkondes in die betrokke registrasiekantoor van aktes geregtig is; of

- (b) ten opsigte van 'n verbetering op die grond, aan die persoon aan wie ingevolge paragraaf (c) van sub-artikel (1) van artikel *drie* ten

Wysiging van Artikel 8 van Wet 29 van 1937.

three has been given in respect of that improvement, or to the Master, as the case may be, the Minister shall be absolved from all further liability in respect of such land, interest or improvement."

Amendment of section 9 of Act 29 of 1937.

7. Section *nine* of the principal Act is hereby amended by the insertion after the word "*two*" of the words "or any improvement on such land", and the substitution for the words "or interest", where they occur the second time, of the words "interest or improvement".

Substitution of section 11 of Act 29 of 1937.

8. Section *eleven* of the principal Act is hereby repealed and the following section substituted therefor:

"Allotment of land appropriated under section *two*.

11. (1) The Minister may, on the recommendation of the board, allot land appropriated under section *two* or any portion thereof, at an allotment price which may be less than the aggregate of the compensation paid in respect of such land or portion together with any expenditure incurred in connection with such land or portion on improvements or otherwise, to any person who owned or carried on farming operations upon such land immediately prior to its appropriation.

(2) The provisions of the Land Settlement Act, 1912, as amended, shall *mutatis mutandis* apply in respect of land allotted under sub-section (1) and the person to whom such land has been allotted, as if such land had been allotted to such person under section *twenty* of the said Act."

Exclusion of mineral rights from certain appropriations.

9. The mineral rights (not being mineral rights referred to in paragraph (i) of the first proviso to sub-section (1) of section *two* of the principal Act) in respect of any portion or land appropriated under the said section before the commencement of this Act, shall be deemed to have been excluded from the appropriation of that portion or land.

Validation of certain notices.

10. Notices of appropriation purporting to have been issued under section *three* of the principal Act before the commencement of this Act and signed by the Secretary or Under-Secretary for Lands shall be deemed to have been issued by the Minister under the said section.

Short title.

11. This Act shall be called the Unbeneficial Occupation of Farms Amendment Act, 1939.

opsigte van daardie verbetering kennis gegee is, of aan die Meester, na gelang van die geval,

is die Minister vrygestel van alle verdere aanspreeklikheid ten opsigte van daardie grond, reg of verbetering.

7. Artikel *nege* van die Hoofwet word hiermee gewysig deur na die woorde „toegeëien is” die woorde „of ’n verbetering op die grond”, in te voeg, en die woorde „of reg”, waar hulle die tweede maal voorkom, deur die woorde „reg of verbetering”, te vervang. Wysiging van
Artikel 9 van
Wet 29 van 1937.

8. Artikel *elf* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang: Vervanging van
artikel 11 van
Wet 29 van 1937.

„Toekenning **11.** (1) Die Minister kan, op aanbeveling van van grond die Raad, grond ingevolge artikel *twee* toegeëien kragtens of ’n gedeelte daarvan, teen ’n toekenningsprys artikel 2 wat op minder bepaal kan word as die totaal van toegeëien. die vergoeding ten opsigte van daardie grond of gedeelte betaal, saam met enige onkoste wat op verbeterings of andersins in verband met daardie grond of gedeelte gemaak is, toeken aan enig iemand wat die eienaar was van of geboer het op daardie grond, onmiddellik voor die toeëiening daarvan.

(2) Die bepalings van die „Kroongrond Nederzettinge Wet, 1912,” soos gewysig, is *mutatis mutandis* van toepassing op grond ingevolge sub-artikel (1) toegeken, en die persoon aan wie die grond toegeken is, asof die grond ingevolge artikel *twintig* van genoemde Wet aan daardie persoon toegeken was”.

9. Die minerale regte (wat nie in paragraaf (1) van die eerste voorbehoudbepaling by sub-artikel (1) van artikel *twee* van die Hoofwet, bedoelde minerale regte is nie), ten opsigte van ’n gedeelte of grond ingevolge genoemde artikel toegeëien voor die inwerkingtreding van hierdie Wet, word geag by die toeëiening van daardie gedeelte of grond uitgesluit te gewees het. Uitsluiting van
minerale regte
van sekere toe-
eënings.

10. Kennisgewings van toeëiening wat heet uitgereik te gewees het ingevolge artikel *drie* van die Hoofwet, voor die inwerkingtreding van hierdie Wet, en deur die Sekretaris of Ondersekretaris van Lande onderteken is, word geag ingevolge genoemde artikel deur die Minister uitgereik te gewees het. Geldigverklaring
van sekere kennis-
gewings.

11. Hierdie Wet heet die Wysigingswet op Onvoordelige Okkupasie van Plase, 1939. Kort titel.

No. 36, 1939.]

ACT

To amend the Railways and Harbours Regulation, Control and Management Act, 1916.

(Signed by the Governor-General in Afrikaans.)
(Assented to 19th June, 1939.)

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 2 of Act
22 of 1916 as
amended by
section 1 of Act
21 of 1931.

1. Section *two* of the Railways and Harbours Regulation, Control and Management Act, 1916 as from time to time amended (hereinafter referred to as the principal Act), is hereby amended by the insertion of the word "aircraft" after the word "any" where it occurs for the first time in the definition of the word "ship", and by the deletion of the symbol "(u)" and the substitution therefor of "(u)bis."

Amendment of
section 3 of Act
22 of 1916 as
amended by
section 2 of Act
31 of 1927, section
1 of Act 40 of
1930 and section
2 of Act 21 of 1931.

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

- (a) by the substitution for the words "railway and harbour purposes" in paragraph (a) of the words "the purposes of any activity in which the Administration may lawfully engage";
- (b) by the insertion in paragraph (a) after the word "property" where it occurs for the second time of the following further proviso—

"and provided further that notwithstanding anything to the contrary in any law, should any dispute arise as to the compensation to be paid for any property so acquired, expropriated or taken, such dispute shall be determined by action instituted by the owner of such property, if the amount claimed be less than seven hundred and fifty pounds in the magistrate's court for the district in which such property is situate, or if the amount claimed be seven hundred and fifty pounds or more in the Division of the Supreme Court within whose area of jurisdiction the property is situate."

by deleting the words "and further" and by designating the remainder of the said paragraph from the words "to purchase" to the end, "(a)bis";

- (c) by the insertion after paragraph (g) of the following new paragraph—

"(g)bis. to remove any light which may be mistaken for a navigation light, if the owner of the property on which the light is exhibited or the person having charge of such light fails to extinguish or effectively to screen it within seven days of notice to do so having been served upon him, and to recover the expenses of such removal from the said owner or person."

- (d) by the substitution for paragraph (u) (A) of the following new paragraph—

"(u)bis. to raise, remove or destroy any sunken, stranded or abandoned ship or wreck within the area of the Administration's jurisdiction; to recover from the person liable in terms of this paragraph all costs incurred in such raising, removal or destruction, and in lighting, buoying, marking or detaining the ship or wreck, and on non-payment after written demand of such costs or any part thereof to sell such ship or wreck and out of the proceeds of the sale to defray such unpaid costs, rendering the overplus, if any, to the person entitled thereto and recovering any unpaid balance from the owner of such ship or wreck, or from the person who was the owner of the ship at the time it was sunk, stranded or abandoned, and such owner and such person shall be jointly and severally liable for the whole of such costs."

No. 36, 1939.]

WET

Tot wysiging van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916”.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. Artikel twee van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916” soos van tyd tot tyd gewysig (hierna die Hoofwet genoem), word hiermee gewysig deur die woord „luchtvaartuig” na die woorde „betekent een” in die omskrywing van die woord „schip”, in te voeg, en deur die simbool „(u) (A)” te skrap en dit deur „(u)bis” te vervang.

2. Artikel drie van die Hoofwet word hiermee gewysig—

(a) deur die woorde „spoorweg- en havendoeleinden” in paragraaf (a) te vervang deur die woorde „de doeleinden van iedere bedrijvigheid die de Administratie wettig ondernemen kan”;

(b) deur die volgende addisionele voorbehoudsbepaling aan paragraaf (a) na die woord „goed” waar dit vir die tweede maal voorkom, toe te voeg—

„met dien verstande verder dat niettegenstaande de bepalingen van een andere wet, indien een geschil ontstaat in verband met de vergoeding die voor eigendom aldus aangeworven, onteigend of genomen, betaald moet worden, zodanig geschil beslecht wordt door een aktie te worden ingesteld door de eigenaar van zodanig eigendom in het magistratshof van het distrikt waarin het eigendom gelegen is, indien het bedrag geëist minder dan zevenhonderd en vijftig pond bedraagt en in het hooggerechtshof binnen welks rechtsgebied het eigendom gelegen is, als het bedrag geëist zevenhonderd en vijftig pond of meer bedraagt”;

deur skapping van die woorde „en voorts” en deur die orige gedeelte van bedoelde paragraaf vanaf die woorde „schepen en luchtvaartuigen” tot die einde deur „(a)bis” aan te dui;

(c) deur die volgende nuwe paragraaf na paragraaf (g) in te voeg:

„(g)bis, ieder licht dat met een scheepvaartlicht verward kan worden, te verwijderen indien de eigenaar van het eigendom waarop het licht vertoond wordt of de persoon die over zodanig licht toezicht heeft, in gebreke blijft het uit te doen of doeltreffend te beschermen binnen zeven dagen nadat kennis om zulks te doen op hem gediend is, en de onkosten van zodanige verwijdering op de genoemde eigenaar of persoon te verhalen”;

(d) deur paragraaf (u) (A) deur die volgende nuwe paragraaf te vervang—

„(u)bis, ieder gezonken, gestrand, of verlaten schip of wrak binnen het gebied van de Administratie te lichten, te verwijderen of te vernietigen; de onkosten van zodanige lichting, verwijdering of vernietiging en van het schip of wrak van lichten of boeien te voorzien of het te merken of aan te houden, te verhalen op de overeenkomstig deze paragraaf aansprakelijke persoon, en bij wanbetaling van zodanige onkosten of een gedeelte daarvan op schriftelijke aanvraag dat schip of wrak te verkopen en uit de opbrengst van de verkoop die onbetaalde onkosten te vereffenen, en het overschot, indien er een is, aan de daartoe gerechtigde over te geven en enig onbetaald overschot op de eigenaar van zodanig schip of wrak of op de persoon die de eigenaar van het schip was toen het gezonken, gestrand of verlaten is, te verhalen, en zodanige eigenaar en zodanige persoon zijn gezamenlijk en afzonderlijk aansprakelijk voor het geheel van zodanige kosten”;

Wysiging van artikel 2 van Wet 22 van 1916, soos gewysig deur artikel 1 van Wet 21 van 1931.

Wysiging van artikel 3 van Wet 22 van 1916 soos gewysig deur artikel 2 van Wet 31 van 1927, artikel 1 van Wet 40 van 1930 en artikel 2 van Wet 21 van 1931.

- (e) by the insertion after paragraph (u)*bis* of the following new paragraph—

“(u)*ter* to give notice to the owner or other person legally responsible for the upkeep of any ship within the area of the Administration's jurisdiction calling upon him to remove or otherwise dispose of such ship which is not in the opinion of the Administration in a condition of seaworthiness, or is likely to become an obstruction, wreck or derelict, and should such owner or person fail to comply with such notice within the time specified therein, to do whatever may be necessary for the removal or disposal of such ship, and to recover all costs incurred from such owner or person.”

Amendment of section 10 of Act 22 of 1916 as amended by section 5 of Act 31 of 1927 and section 5 of Act 21 of 1931.

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

- (a) by the substitution for the words “in a compartment” wherever they occur in sub-sections (2) and (3) of the words “in a portion of a train”;
(b) by the insertion after the words “the charge having been incurred” in paragraph (a) of sub-section (3) of the following words:
“or where in any other case the passenger satisfies such servant that his failure to produce his free pass or ticket as aforesaid was not due to any intention to evade payment of the fare due.”
(c) by the insertion at the end of sub-section (3) after the existing proviso of the following words:
“and provided further that the Administration may prescribe particular circumstances under which no excess charge shall be demanded.”

Amendment of section 16 of Act 22 of 1916.

4. Section *sixteen* of the principal Act is hereby amended by the substitution for the word “five” in sub-section (4) of the word “ten”.

Amendment of section 30 of Act 22 of 1916.

5. Section *thirty* of the principal Act is hereby amended by the substitution for the word “ten” in sub-section (1) of the word “twenty-five”.

Substitution of section 32 of Act 22 of 1916 as amended by section 10 of Act 31 of 1927.

6. Section *thirty-two* of the principal Act is hereby repealed and the following section substituted therefor:

“32. Subject to the provisions of section *sixty-four* no person shall be entitled to a refund of an overcharge or rebate in respect of goods transported on a railway or to compensation for the loss, destruction, or deterioration of goods delivered for transport or for deposit in a cloakroom, unless as soon as can reasonably be expected, and in any event within four months after the date of delivery to the Administration a written claim to the refund or compensation has been made by him or on his behalf, containing full and detailed information as to the goods and supported by such documentary evidence as may reasonably be required.”

Amendment of section 35 of Act 22 of 1916 as amended by section 11 of Act 31 of 1927 and section 9 of Act 21 of 1931.

7. Section *thirty-five* of the principal Act is hereby amended by the addition of the following words at the end thereof:

“and in addition to such penalties such person shall, on conviction of an offence under paragraph (n) of this section, be liable to a further fine equal to the amount which would have been due or payable by such person to the Administration for the fare in respect of the journey performed if he had travelled in the first, second or third class, whichever amount in the opinion of the Court passing sentence is equitable, or in default of payment thereof, to imprisonment for a further period not exceeding one month.”

Amendment of section 40 of Act 22 of 1916.

8. (1) Section *forty* of the principal Act is hereby amended by the addition of the following new sub-section, and by designating the existing section sub-section (1):

“(2) Notwithstanding the provisions of sub-section (1), the Administration may prescribe differential rates of freight for transport of goods, for the purpose of stimulating traffic or the development of agriculture or industry or trade, or for any other similar purpose.”

- (2) If in any proceedings brought against the Administration the question arises whether the rate of freight prescribed

- (e) deur die volgende nuwe paragraaf na paragraaf (u)bis in te voeg :
- „(u)ter. aan de eigenaar, of ander persoon die wettig voor de instandhouding van een schip binnen het gebied van de Administratie verantwoordelijk is, kennis te geven, hem vermanende zodanig schip hetwelk naar de mening van de Administratie niet in een zeewaardige toestand verkeert, of waarschijnlijk een versperring, wrak of verlaten schip zal worden, te verwijderen of anderszins daarover te beschikken, en indien zodanige eigenaar of persoon in gebreke blijft binnen de daarin bepaalde tijd aan zodanige kennis uitvoering te geven, al datgene uit te voeren dat nodig mocht zijn voor het verwijderen van of beschikken over zodanig schip, en alle onkosten op zodanige eigenaar of persoon te verhalen.”
3. Artikel *tien* van die Hoofwet word hiermee gewysig—
- (a) deur die woorde „in een afdeeling” oral waar hul in sub-artikels (2) en (3) voorkom, te vervang deur die woorde „in een gedeelte van een trein” ;
- (b) deur invoeging van die volgende woorde na die woorde „dat de toeslag verschuldigd is” in paragraaf (a) van sub-artikel (3) :
- „of waar in een ander geval de reiziger zodanige dienaar overtuigt dat zijn verzuim om zijn vrijbiljet of plaatsbewijs als voornoemd te vertonen niet te wijten was aan opzet om betaling van de verschuldigde prijs te ontduiken.” ;
- (c) deur die volgende woorde aan die end van sub-artikel (3) na die bestaande voorbehoudsbepaling toe te voeg :
- „met dien verstande verder dat de Administratie bijzondere omstandigheden kan voorschrijven waaronder geen toeslag gevorderd wordt.”
4. Artikel *sestien* van die Hoofwet word hiermee gewysig deur die woord „vijf” in sub-artikel (4) te vervang deur die woord „tien”.
5. Artikel *dertig* van die Hoofwet word hiermee gewysig deur die woord „tien” in sub-artikel (1) te vervang deur die woorde „vijf en twintig”.
6. Artikel *twee-en-dertig* van die Hoofwet word hiermee herroep en die volgende artikel in die plek daarvan gestel :
- „32. Onderworpen aan de bepalingen van artikel *vier en zestig* vervalt het recht van terugvordering van hetgeen in verband met het vervoer van goederen over een spoorweg te veel betaald is of van een rabat en het recht tot vergoeding voor het verlies, de vernietiging of waardevermindering van goederen die voor vervoer zijn afgeleverd of in een bagagekamer zijn gedeponiseerd, tenzij zo spoedig redelijkerwijze verwacht kan worden, en in ieder geval binnen vier maanden na de datum van aflevering aan de Administratie, de rechthebbende of iemand van zijnentwege een schriftelijke vordering tot teruggave van het te veel betaalde of tot schadevergoeding ingediend heeft, zullende die vordering volledige en omstandige bijzonderheden bevatten omtrent de goederen en gestaafd zijn door zulke bewijsstukken als redelijkerwijze verlangd kunnen worden.”
7. Artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig deur toevoeging van die volgende woorde aan die end daarvan :
- „en benevens zodanige geldboeten kan bedoelde persoon bij veroordeling wegens een misdaad krachtens paragraaf (n) van dit artikel gestraft worden met een verdere geldboete gelijk aan het bedrag dat door zodanige persoon aan de Administratie voor de prijs ten opzichte van de reis verschuldigd of betaalbaar zou zijn geweest als hij in de eerste, tweede of derde klasse heeft gereisd, welk bedrag ook naar het oordeel van het hof dat de straf oplegt, billik is, of bij wanbetaling daarvan, met gevangenis voor een verdere tijdperk van ten hoogste een maand.”
8. (1) Artikel *veertig* van die Hoofwet word hiermee gewysig deur die toevoeging van die volgende nuwe sub-artikel en deur die bestaande artikel as sub-artikel (1) aan te dui :
- „(2) Niettegenstaande de bepalingen van sub-artikel (1) kan de Administratie voorkeurtarieven voor het vervoer van goederen voorschrijven voor het doel om verkeer te bevorderen of om de landbouw of nijverheid of handel te ontwikkelen, of voor een ander soortgelijk doel.”
- (2) As daar in 'n saak teen die Administrasie die vraag ontstaan of die voor die inwerkingtreding van hierdie Wet voor-

Wysiging van artikel 10 van Wet 22 van 1916 soos gewysig deur artikel 5 van Wet 31 van 1927 en artikel 5 van Wet 21 van 1931.

Wysiging van artikel 16 van Wet 22 van 1916.

Wysiging van artikel 30 van Wet 22 van 1916.

Vervanging van artikel 32 van Wet 22 van 1916 soos gewysig deur artikel 10 van Wet 31 van 1927.

Wysiging van artikel 35 van Wet 22 van 1916 soos gewysig deur artikel 11 van Wet 31 van 1927 en artikel 9 van Wet 21 van 1931.

Wysiging van artikel 40 van Wet 22 van 1916.

before the commencement of this Act for the transport of any goods was invalid, as being in contravention of the provisions of section *forty* of the principal Act before its amendment by sub-section (1) of this section, and there is produced to the Court trying the proceedings a certificate signed by the Minister stating that the said rate was prescribed for any purpose referred to in sub-section (2) of the said section *forty*, as amended by sub-section (1) of this section, the said rate shall, for the purposes of those proceedings, be deemed to have been validly prescribed.

Amendment of section 41 of Act 22 of 1916.

9. Section *forty-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "three by the chamber of commerce of such town and" of the words "one by the local chamber of industries, one by the local trade union, or if there are more than one such union, by the local trade unions jointly, and one by the chamber of commerce of that town, or if there is no such chamber of industries or trade union, or if no member is nominated by such last-mentioned chamber, or by such trade union or trade unions, two or three members, as the case may be, shall be nominated by the said chamber of commerce, and";
- (b) by the substitution for sub-section (2) of the following new sub-section—

"(2) The Governor-General may at his discretion refuse to appoint any person nominated for membership to an Advisory Board and may at any time remove any member of an Advisory Board from office.

Upon a refusal to appoint any nominated member or upon removal or retirement of a member, the Governor-General may appoint any person to be a member, always observing the method of nomination hereinbefore provided."

Substitution of section 56 of Act 22 of 1916 as amended by section 15 of Act 31 of 1927.

10. Section *fifty-six* of the principal Act is hereby repealed and the following section substituted therefor:

"56. All station masters, inspectors, station foremen, conductors, ticket examiners and guards, or other duly authorized servants of the Administration, may arrest and remove from any railway train or other conveyance, or any road motor vehicle or aircraft, or railway or harbour premises, any person found trespassing on the railways or harbours, or contravening any of the provisions of this Act or any regulation.

The person so arresting shall, with all convenient speed, deliver the person arrested or cause him to be delivered to a policeman to be dealt with according to law.

For the purposes of this section "policeman" means a person appointed under section *fifty-seven*, or a member of the South African Police Force established under the Police Act, 1912 (Act No. 14 of 1912)".

Substitution of section 57 of Act 22 of 1916.

11. Section *fifty-seven* of the principal Act is hereby repealed and the following section substituted therefor:

"Appointment of persons to maintain law and order upon the Railways and at the Harbours.

57. The Governor-General may, in manner provided in the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), appoint so many persons as may be deemed necessary for the duty of maintaining law and order upon the Railways and at the Harbours, and when any such person so appointed is carrying out that duty, he shall be capable of exercising all such powers and shall perform all such functions as are by law conferred on or are to be performed by a member of the South African Police Force established under the Police Act, 1912 (Act No. 14 of 1912), and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of such Force would in like circumstances be entitled."

Amendment of section 64 of Act 22 of 1916 as amended by section 16 of Act 31 of 1927.

12. Section *sixty-four* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "No action" of the words "No legal proceedings

geskrewe vragprys vir die vervoer van goedere ongeldig was, uit hoofde van die feit dat dit strydig is met die bepalings van artikel *veertig* van die Hoofwet voor die wysiging daarvan by sub-artikel (1) van hierdie artikel, en daar aan die hof wat die saak verhoor 'n deur die Minister ondertekende sertifikaat oorgelê word verklarende dat die genoemde tarief voorgeskryf is vir enige doel genoem in sub-artikel (2) van bedoelde artikel *veertig* soos gewysig by sub-artikel (1) van hierdie artikel, word die genoemde vragprys vir die doeleindes van daardie saak, as wettig voorgeskrewe beskou.

9. Artikel *een-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 41 van Wet 22 van 1916.

(a) deur die vervanging in sub-artikel (1) van die woorde „drie door de kamer van koophandel van zodanige stad en” deur die woorde „een door de plaatselijke kamer van nijverheid, een door de plaatselijke vakvereniging, of indien er meer dan één zodanige vereniging zijn, gezamenlik door de plaatselijke vakverenigingen, en een door de kamer van koophandel van die stad of indien er geen zodanige kamer van nijverheid of vakvereniging bestaat, of indien geen lid door zodanige laatst genoemde kamer of door zodanige vakvereniging of vakverenigingen benoemd wordt, worden twee of drie leden, naar gelang van het geval, door genoemde kamer van koophandel benoemd.”;

(b) deur sub-artikel (2) deur die volgende nuwe sub-artikel te vervang—

„(2) De Goeverneur-generaal kan naar goeddunken weigeren een persoon benoemd als lid van een adviserende raad aan te stellen en kan te eniger tijd een lid van een adviserende raad uit zijn ambt ontsetten.

Als de Goeverneur-generaal weigert een benoemd lid aan te stellen of als een lid uit zijn ambt ontszet wordt of bedankt, kan hij een persoon als lid aanstellen met inachtneming altijd van de hierin bepaalde wijze van benoeming.”

10. Artikel *ses-en-vyftig* van die Hoofwet word hiermee herroep en die volgende artikel in die plek daarvan gestel :

„56. Alle stationchefs, inspektors, stationvoormannen, kontrôleurs, kaartjesonderzoekers en kondukteurs of andere gemachtigde dienaren van de Administratie kunnen een ieder arresteren of uit een trein of ander rijtuig, of uit een padmotorrijtuig of luchtvaartuig, of van een spoorweg- of havenlokaliteit verwijderen, die de spoorwegen of havens wederrechtelik betreedt of de bepalingen van deze Wet of enige regulatie overtreedt.

De persoon, alzo een arrestatie doende, moet de gearresteerde ten spoedigste overgeven of doen overgeven aan een politiebeambte om volgens wet te worden behandeld.

Voor de doeleinden van dit artikel betekent „politie-beambte” een persoon krachtens artikel *zeven en vijftig* aangesteld, of een lid van de Zuidafrikaanse Politiemacht opgericht ingevolge de Politiewet, 1912 (Wet No. 14 van 1912).”

11. Artikel *sewen-en-vyftig* van die Hoofwet word hiermee herroep en die volgende artikel in die plek daarvan gestel :

„Aanstelling van personen om wet en orde te handhaven op Spoorwegen en aan Havens. 57. De Goeverneur-generaal kan op de wijze bepaald in de Spoorweg en Havendienst Wet, 1925 (Wet No. 23 van 1925), zoveel personen aanstellen als nodig geacht wordt, belast met het handhaven van wet en orde op de spoorwegen en aan de havens. Een aldus aangestelde persoon heeft bij het uitoefenen van zijn plicht alle zodanige bevoegdheden en verricht alle zodanige funkties als wettelik opgedragen zijn of als verricht moeten worden door een lid van de Zuidafrikaanse Politiemacht opgericht ingevolge de Politiewet, 1912 (Wet No. 14 van 1912), en is in handelen en nalaten in dezelfde mate aansprakelik als hij onder gelijke omstandigheden geweest zou zijn indien hij lid van genoemde macht geweest ware, en is in genot van alle schadeloosstellingen waartoe een lid van zodanige macht onder gelijke omstandigheden gerechtigd zou zijn.”

12. Artikel *vier-en-sestig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 64 van Wet 22 van 1916 soos gewysig deur artikel 16 van Wet 31 van 1927.

(a) deur die woorde „Geen aktie” in sub-artikel (1) deur die woorde „Geen rechtsgeding hoegenaamd” en die

whatsoever" and for the words "cause of action" of the words "cause of such proceedings";

- (b) by the substitution in sub-section (2) for the words "No action" of the words "No legal proceedings whatsoever", for the words "the action" and for the word "action" where it occurs for the last time of the words "such proceedings", and for the word "plaintiff" of the word "claimant";

- (c) by the addition of the following new sub-section—

"(3) Subject to the provisions of section *thirty-two* and of sub-section (2) of section *thirty-eight* no claim against the Administration shall be enforced unless a written claim has been lodged with the Administration within a reasonable time and in any event within four months of the date on which the cause of the claim is alleged to have arisen: Provided that if a court having jurisdiction is satisfied on application being made to it—

- (a) that the Administration is in no way prejudiced by reason of a failure to lodge such claim within the period required under this Act, or

- (b) that, having regard to any special circumstances, the claimant could not reasonably have been expected to have lodged such claim within the period so required,

such court may grant the claimant special leave to lodge such claim, and may make such order as to the costs of the application as may be just.

Amendment of section 68 of Act 22 of 1916 as amended by section 15 of Act 21 of 1931.

13. Section *sixty-eight* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following words :

"but where an accident involving loss of life is enquired into under this section by a magistrate or by a board of which a magistrate is a member, the enquiry held under this Act may be a joint enquiry of the board and inquest by the magistrate."

Amendment of the Fourth Schedule to Act 22 of 1916.

14. The Fourth Schedule to the principal Act is hereby amended by the deletion of item (l).

Short title.

15. This Act may be cited as the Railways and Harbours Regulation, Control and Management Amendment Act, 1939.

- woorde „grond van de aktie” deur die woorde „grond van zodanige regsgeding” te vervang;
- (b) deur die woorde „Geen aktie” in sub-artikel (2) deur die woorde „Geen regsgeding hoegenaamd” en die woorde „de aktie” waar hul ook in daardie sub-artikel voorkom deur die woorde „zodanige regs-geding”, en in die Engelse lesing, die woord „plaintiff” deur die woord „claimant” te vervang;
- (c) deur die volgende nuwe sub-artikel toe te voeg—
- „(3) Onderworpen aan die bepalingen van artikel twee en dertig en van sub-artikel (2) van artikel acht en dertig kan geen vordering teen die Administratie toegestaan worden tenzij een schriftelike eis binnen redelijke tijd en in ieder geval binnen vier maanden na de datum waarop de oorzaak van de vordering beweerd wordt te zijn ontstaan bij de Administratie ingediend wordt: Met dien verstande dat als een hof dat rechtsbevoegdheid heeft bij aanzoek bij hem daarvan overtuigd is—
- (a) dat de Administratie op geen wijze benadeeld wordt wegens een verzuim om zodanige vordering binnen de tijd ingevolge deze Wet vereist, in te dienen; of
- (b) dat met inachtneming van bijzondere omstandigheden, van de eiser redelijkerwijs niet kon verwacht worden zodanige vordering binnen de aldus vereiste tijd te hebben ingediend, dat hof de eiser bijzonder verlof mag verlenen om zodanige vordering in te dienen en kan het een order betreffende de kosten van de aanzoek maken zoals billik geoordeeld wordt.”
13. Artikel *agt-en-sestig* van die Hoofwet word hiermee gewysig deur die toevoeging van die volgende woorde aan die end van sub-artikel (1):
- „maar wanneer door een magistraat of door een raad waarvan een magistraat een lid is, krachtens dit artikel onderzoek ingesteld wordt naar een ongeluk waarbij verlies van leven heeft plaats gevonden, kan het onderzoek krachtens deze Wet ingesteld tegelijkertijd een onderzoek van de raad en een likschouwing van de magistraat zijn.”
14. Die Vierde Bylae tot die Hoofwet word hiermee gewysig deur die skrapping van item (l).
15. Hierdie Wet kan aangehaal word as die Spoorweë en Hawens Reglement, Bestuur en Beheer Wysigingswet, 1939.

Wysiging van
artikel 68 van
Wet 22 van 1916
soos gewysig deur
artikel 15 van
Wet 21 van 1931.

Wysiging van
die Vierde Bylae
tot Wet 22 van
1916.

Kort titel.

No. 37, 1939.]

ACT

To provide for the construction, equipment, deviation and closing of certain lines of railway and for matters incidental thereto.

*(Signed by the Governor-General in English.)**(Assented to 19th June, 1939.)*

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:—

Construction and equipment of certain lines of railway.

1. (1) The Governor-General may cause to be constructed and equipped upon a gauge of three feet six inches a line of railway of the length of approximately seven miles between Hercules and Koedoespoort, having a double track between Hercules and Capital Park, and a single track elsewhere, at a gross cost not exceeding the sum of one hundred and eighty-nine thousand and thirty-seven pounds.

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

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

Certain deviations and closing of certain sections of line authorized.

2. (1) The Governor-General may cause to be constructed and equipped deviations of an aggregate length of approximately sixty-nine miles, in the main line of railway between Amabele and New Imvani at a gross estimated cost of one million six hundred and ten thousand pounds, and for the purpose of such construction and equipment may exercise like powers to those conferred by section one in respect of the construction and equipment of the line referred to therein.

(2) Upon completion of the construction and equipment of the deviations referred to in sub-section (1), the Governor-General may by proclamation in the *Gazette* close, as from a date to be fixed in that proclamation, the portions of the existing main line of railway between Amabele and New Imvani which are situated between the points of junction of the said deviations with the existing line and from such date the said portions of the existing line shall be closed for all traffic.

(3) The Railway Administration may remove all buildings, materials and articles used or intended for use in connection with the portions of line so closed and may deal therewith as it thinks fit.

(4) No person shall have any claim against the Railway Administration for loss or damage in consequence of such closing or removal.

Cost of construction and equipment.

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

Confirmation of certain acts already done.

4. All acts done prior to the commencement of this Act in connection with the construction of the deviations referred to in section two are hereby ratified.

Powers incidental to construction and equipment.

5. (1) In respect of the construction and equipment of the line of railway referred to in section one the Governor-General shall have the powers conferred by any law of the Province of the Transvaal relating to the acquisition by expropriation or otherwise, of land or servitudes on or over land and the taking and leading of water for railway purposes, but subject to the obligations imposed by any such law: Provided that the width of the land taken shall not exceed seventy Cape feet for construction of each line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purposes of the lines.

(2) In respect of the construction and equipment of the deviations referred to in section two, the Governor-General shall have the powers conferred by the Railway Expropriation of Lands Ordinance, 1903 (Ordinance No. 20 of 1903), of the Transvaal, subject to the obligations imposed by that Ordinance:

No. 37, 1939.]

WET

Om voorsiening te maak vir die aanleg, uitrusting, verlegging en sluiting van sekere spoorlyne, en vir daarmee in verband staande sake.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. (1) Die Goewerneur-generaal kan 'n spoorlyn van 'n **Aanleg en uitrusting van sekere spoorlyne.** lengte van naasteby sewe myl tussen Hercules en Koedoespoort, met dubbelspoorlyn tussen Hercules en Capital Park en enkelspoorlyn elders, en met 'n spoorwydte van drie voet ses duim, laat aanlê en uitrus teen bruto-koste wat nie meer beloop nie dan die som van honderd negen-en-tagtigduisend sewen-entertig pond.

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

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

2. (1) Die Goewerneur-generaal kan verleggings van die hoofspoorlyn tussen Amabele en New Imvani van 'n gesamentlike lengte van naasteby negen-en-sestig myl laat aanlê en uitrus, teen 'n geraamde bruto-koste van eenmiljoen seshonderd-entien-duisend pond, en vir daardie aanleg en uitrusting kan hy gelyke bevoegdhede uitoefen as die wat artikel een verleen ten opsigte van die aanleg en uitrusting van die daarin vermelde lyn. **Magtiging tot verlegging en tot sluiting van sekere stukke van spoorlyn.**

(2) Na voltooiing van die aanleg en uitrusting van die verleggings vermeld in sub-artikel (1) kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* die dele van die bestaande hoofspoorlyn tussen Amabele en New Imvani wat geleë is tussen die aansluitingspunte van die verlegde lyne met die bestaande lyn, vanaf 'n dag, in daardie proklamasie vas te stel, sluit, en vanaf daardie dag is bedoelde dele van die bestaande lyn vir alle verkeer gesluit.

(3) Die Spoorwegadministrasie kan alle geboue, materiaal en voorwerpe, gebruik of bestem vir gebruik in verband met die aldus geslote dele van die lyn, verwyder en daarmee handel soos hy wenslik ag.

(4) Niemand kan die Spoorwegadministrasie aanspreek weens verlies of skade ten gevolge van daardie sluiting of verwydering.

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

4. Alle handelings wat voor die inwerkingtreding van hierdie Wet in verband met die aanleg van verleggings vermeld in artikel twee verrig is, word hiermee bekragtig. **Bekragtiging van sekere alreeds verrigte handelings.**

5. (1) Met betrekking tot die aanleg en uitrusting van die spoorlyn vermeld in artikel een, het die Goewerneur-generaal die bevoegdhede verleen deur enige wet van die Provinsie Transvaal aangaande die verkryging, hetsy deur onteiening, hetsy op ander wyse, van grond of serwitude op of oor grond en die toeëiening en lei van water vir spoorwegbehoefte, maar is ook onderworpe aan die verpligtings wat so'n wet opleë: Met dien verstande dat die breedte van die genome grond nie meer mag bedra nie as sewentig Kaapse voet vir die aanleg van elke lyn, met soveel verdere grond as wat nodig mag wees vir die hellings, deurgrawings, afwatering, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die lyne nodig mag wees. **Bevoegdhede in verband met aanleg en uitrusting.**

(2) Met betrekking tot die aanleg en uitrusting van die verleggings vermeld in artikel twee, het die Goewerneur-generaal die bevoegdhede verleen deur die „Railway Expropriation of Lands Ordinance, 1903” (Ordonnansie No. 20 van 1903), van Transvaal, maar is ook onderworpe aan die verpligtings wat daardie Ordonnansie opleë:

Provided that—

- (a) the width of the land taken shall not exceed seventy Cape feet for the construction of the line together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purposes of the line;
- (b) the settlement of questions as to compensation for the exercise of the rights and powers aforesaid shall not delay the exercise of those rights and powers, and such questions shall, save as provided in section *seven*, be determined as soon as possible under the Lands and Arbitration Clauses Act, 1882 (Act No. 6 of 1882), of the Cape of Good Hope.

Intersection of streets, roads and railways.

6. (1) At all places where the line of railway, the construction and equipment of which are authorized by section *one*, or any deviation, the construction and equipment of which are authorized by section *two*, intersects any street or road or railway, the Governor-General may cause such line of railway or deviation to be carried across or under the street or road or railway either by a level crossing or by means of a suitable bridge or subway, or may cause such street or road or railway to be carried across or under the said line of railway or the said deviation by means of a suitable bridge or subway.

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

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

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

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

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

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

(5) If the amount of compensation awarded is over two hundred pounds, the costs awarded by the board shall be taxed upon the superior court scale by the registrar of the provincial or local division of the Supreme Court having jurisdiction in the district in which the claim arose. If the amount referred to is not over two hundred pounds, the costs shall be taxed upon the magistrates' courts scale by the clerk of the magistrates' court of the district in which the claim arose.

Short title.

8. This Act shall be called the Railway Construction Act, 1939.

Met dien verstande dat—

- (a) die breedte van die genome grond nie meer mag bedra nie as sewentig Kaapse voet vir die aanleg van die lyn, met soveel **verdere** grond as wat nodig mag wees vir die hellings, deurgrawings, afwatering, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die lyn nodig mag wees;
- (b) die beslegting van kwessies omtrent skadevergoeding weens uitoefening van voormelde regte en bevoegdhede die uitoefening van daardie regte en bevoegdhede nie uitstel nie, en sodanige kwessies, behoudens die bepalings van artikel *sewe*, so spoedig moontlik besleg moet word volgens die „Lands and Arbitration Clauses Act, 1882” (Wet No. 6 van 1882), van die Kaap die Goeie Hoop.

6. (1) Op alle plekke waar die spoorlyn waarvan die aanleg **Kruising van** en uitrusting by artikel *een* gemagtig word, of 'n verlegging **strate, paaie en** waarvan die aanleg en uitrusting by artikel *twee* gemagtig **spoorweë.** word, 'n straat, pad of spoorweg kruis, kan die Goewerneur-generaal daardie spoorlyn of verlegging oor of onder die straat, pad of spoorweg of met 'n gelykgrondse oorgang of deur middel van 'n geskikte brug of duikweg laat lê, of kan hy die bedoelde straat, pad of spoorweg oor of onder daardie spoorlyn of verlegging deur middel van 'n geskikte brug of duikweg laat loop.

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

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

Skadevergoeding
van hoogstens £750
word deur 'n raad
bepaal.

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

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

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

(5) Indien die toegewese bedrag van skadevergoeding meer as tweehonderd pond bedra, word die deur die raad toegewese koste deur die griffier van die provinsiale of plaaslike afdeling van die Hooggeregshof wat jurisdiksie het oor die distrik waarin die eis ontstaan het, getakseer volgens die tarief van hoër houe. Indien die bedoelde bedrag nie meer as tweehonderd pond bedra nie word die koste deur die klerk van die magistraatshof van die distrik waarin die eis ontstaan het, getakseer volgens die magistraatshoftarief.

8. Hierdie Wet heet die Spoorwegaanlegwet, 1939.

Kort titel.

No. 38, 1939.]

ACT

To fix the rates of normal income tax and super income tax in respect of the year of assessment ending on the thirtieth day of June, 1939, and to amend the Income Tax Act, 1932.

*(Signed by the Governor-General in Afrikaans.)
(Assented to 19th June, 1939.)*

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 :—

Rates of
income tax.

1. (1) In terms of sub-section (2) of section *five* and sub-section (2) of section *twenty-five* respectively of the Income Tax Act, 1925, the rates of income tax to be levied in respect of the year of assessment ending the thirtieth day of June, 1939, shall be as follows :

(a) in so far as normal tax is concerned—

- (i) in the case of companies the sole or principal business of which is mining for gold, for each pound of taxable amount, three shillings ;
- (ii) in the case of companies the sole or principal business of which is mining for diamonds, for each pound of taxable amount, three shillings ;
- (iii) in the case of all other companies, for each pound of taxable amount, two shillings and six pence ;
- (iv) in the case of persons other than companies, for each pound of taxable amount, one shilling and as many two-thousandths of a penny as there are pounds in that amount, subject to a maximum rate of two shillings in every such pound ;
- (v) in the case of any company or person other than a company, who derives any portion of his income from mining for gold, in respect of each pound of the taxable amount so derived a percentage determined in accordance with the following formula :

$$y = 40 - \frac{500}{x}$$

in which *y* represents such percentage and *x* the ratio, expressed as a percentage, which the taxable income derived from mining for gold bears to the income derived therefrom ;

(b) in so far as super tax is concerned, for each pound of the amount subject to super tax, one shilling and as many five-hundredths of a penny as there are pounds in that amount subject to a maximum rate of five shillings in every such pound.

(2) (a) For the purposes of sub-paragraph (v) of paragraph (a) of sub-section (1), income derived from mining for gold shall include any income derived from silver, osmiridium or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.

(b) The tax determined in accordance with the said sub-paragraph shall be payable in addition to any tax determined in accordance with sub-paragraphs (i), (ii), (iii) and (iv) of paragraph (a) of sub-section (1).

(c) For the purpose of determining the taxable amount referred to in the said sub-paragraph there shall be deducted from the taxable income derived from mining for gold an abatement of an amount of twenty thousand pounds, or where the period assessed is less than twelve months, an abatement of an amount which bears to twenty thousand pounds the same proportion as the said period bears to twelve months,

No. 38, 1939.]

WET

Om die skale van normale inkomstebelasting en super-inkomstebelasting vas te stel vir die jaar van aanslag wat op die dertigste dag van Junie 1939 eindig, en om die Inkomstebelastingwet, 1932 te wysig.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 19 Junie 1939.)

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

1. (1) Ooreenkomstig respektiewelik sub-artikel (2) van artikel vyf en sub-artikel (2) van artikel vyf-en-twintig van die Inkomstebelastingwet, 1925, is die skale van inkomstebelasting wat gehef moet word oor die jaar van aanslag wat eindig op die dertigste dag van Junie 1939, as volg:

Skale van inkomstebelasting.

(a) wat normale belasting betref—

- (i) in die geval van maatskappye wie se enigste of vernaamste besigheid uit myn van goud bestaan, drie sjielings op elke pond van die belasbare bedrag;
- (ii) in die geval van maatskappye wie se enigste of vernaamste besigheid uit myn van diamante bestaan, drie sjielings op elke pond van die belasbare bedrag;
- (iii) in die geval van alle ander maatskappye, twee sjielings en ses pennies op elke pond van die belasbare bedrag;
- (iv) in die geval van persone wat nie maatskappye is nie, op elke pond van die belasbare bedrag een sjieling en soveel twee-duisendstes van 'n pennie as wat daardie bedrag ponde bevat, maar met twee sjielings op elke sodanige pond as maksimum van die skaal;
- (v) in die geval van 'n maatskappy of van 'n ander persoon as 'n maatskappy, wat enige gedeelte van sy inkomste uit die myn van goud verkry, ten opsigte van elke pond van die belasbare bedrag aldus verkry 'n persentasie vasgestel ooreenkomstig die volgende formule:

$$y = 40 - \frac{500}{x}$$

waarin y bedoelde persentasie voorstel en x die verhouding, in 'n persentasie uitgedruk, waarin die belasbare inkomste uit die myn van goud verkry, staan tot die inkomste daaruit verkry;

- (b) wat super-belasting betref, op elke pond van die bedrag wat aan super-belasting onderhewig is, een sjieling en soveel vyf-honderdstes van 'n pennie as wat daardie bedrag ponde bevat, maar met vyf sjielings op elke sodanige pond as maksimum van die skaal.
- (2) (a) Vir die doeleindes van sub-paragraaf (v) van paragraaf (a) van sub-artikel (1), sluit inkomste uit die myn van goud verkry die inkomste in wat verkry is van silwer, osmiridium of ander minerale wat in die loop van die myn van goud gewin mog word, en enige inkomste wat, volgens die mening van die Kommissaris, direk voortvloei uit die myn van goud.
- (b) Die belasting ooreenkomstig die vermelde sub-paragraaf vasgestel is betaalbaar benewens enige belasting ooreenkomstig sub-paragrafe (i), (ii), (iii) en (iv) van paragraaf (a) van sub-artikel (1) vasgestel.
- (c) Vir die doeleindes van die vasstelling van die belasbare bedrag in die vermelde sub-paragraaf bedoel, word van die belasbare inkomste uit die myn van goud verkry 'n korting afgetrek van 'n bedrag van twintigduisend pond, of waar die tydperk waarvoor aangeslaan word minder as twaalf maande beloop, 'n korting van 'n bedrag wat in dieselfde verhouding staan tot twintigduisend pond as die waarin daardie tydperk staan tot twaalf maande, verminder in albei

reduced in either case by one pound for every completed four pounds by which the taxable income so derived exceeds twenty thousand pounds, or the proportionate part of twenty thousand pounds, as the case may be, and the amount remaining after deduction of the abatement so calculated shall be the taxable amount for the purposes of the said sub-paragraph.

(3) The amounts arrived at by calculation in accordance with the provisions of sub-paragraphs (iii) and (iv) of paragraph (a) of sub-section (1) shall be subject to a rebate of thirty per centum: Provided that for the purpose of assessing any tax imposed by a provincial council in the exercise of its powers under section *eleven* and the First Schedule of the Financial Relations Act, 1913, as amended, on the incomes of persons and companies, the amount of normal tax payable under the Income Tax Acts of the Union by any taxpayer in respect of the year of assessment ending the thirtieth day of June, 1939, shall be deemed to be equal to the amount which would have been payable by such taxpayer as normal tax if the provision for such a rebate had not been enacted.

Amendment of
section 11 of
Act 28 of 1932.

2. (1) Section *eleven* of the Income Tax Act, 1932, is hereby amended—

(a) by the substitution for paragraph (b) thereof of the following paragraph:

“(b) any dividends which are shown to the satisfaction of the Commissioner to have been distributed out of profits on which a company has been assessed for super tax under the provisions of the Income Tax Acts of the Union relating to the levy of super tax on private companies”; and

(b) by the addition thereto of the following new sub-section, and by designating the existing section sub-section (1):

“(2) Any decision of the Commissioner under paragraph (b) of sub-section (1) shall be subject to objection and appeal as provided in the said Acts.”

(2) Sub-section (1) shall first take effect in respect of assessments made for the year of assessment ending the thirtieth day of June, 1939.

Short title.

3. This Act shall be called the Income Tax Act, 1939.

gevalle deur een pond vir elke voltallige vier pond waarby die belasbare inkomste aldus verkry twintig-duisend pond, of die eweredige gedeelte van twintig-duisend pond, na gelang van die geval, te bowe gaan, en die bedrag wat oorbly na die aldus berekende korting afgetrek is, is die belasbare bedrag vir die doeleindes van die vermelde sub-paragraaf.

(3) Die bedrae wat deur berekening ooreenkomstig die bepalinge van sub-paragraawe (iii) en (iv) van paragraaf (a) van sub-artikel (1) vasgestel word, is onderhewig aan 'n korting van dertig persent: Met dien verstande dat vir die aanslag van 'n belasting deur 'n provinsiale raad in die uitoefening van sy bevoegdhede kragtens artikel *elf* en die Eerste Bylae van die „Finansiële Verhoudingswet”, 1913, soos gewysig opgelê op inkomste van persone en maatskappye, die bedrag van die normale belasting deur 'n belastingpligtige kragtens die Inkomstebelastingwette van die Unie verskuldig vir die jaar van aanslag wat op die dertigste dag van Junie 1939 eindig, geag word gelyk te wees aan die bedrag wat daardie belastingpligtige as normale belasting sou verskuldig gewees het as geen voorsiening vir so 'n korting gemaak was nie.

2. (1) Artikel *elf* van die Inkomstebelastingwet, 1932, word hierby gewysig—

Wysiging van
artikel 11 van
Wet 28 van
1932.

(a) deur paragraaf (b) daarvan deur die volgende paragraaf te vervang:

„(b) alle dividende waaromtrent dit tot die bevrediging van die Kommissaris bewys word dat hulle uitgekeer is uit winste waarop 'n maatskappy vir superbelaasting aangeslaan is kragtens die bepalinge van die Inkomstebelastingwette van die Unie wat betrekking het op die heffing van superbelaasting op private maatskappye”; en

(b) deur toevoeging daaraan van die volgende nuwe sub-artikel, en deur die bestaande artikel sub-artikel (1) te noem:

„(2) Teen elke beslissing van die Kommissaris kragtens paragraaf (b) van sub-artikel (1) kan beswaar gemaak en geappelleer word soos in gemelde wette bepaal.”

(2) Sub-artikel (1) tree vir die eerste keer in werking met betrekking tot die aanslae vir die jaar van aanslag wat op die dertigste dag van Junie 1939 eindig.

3. Hierdie Wet heet die Inkomstebelastingwet, 1939.

Kort titel

No. 40, 1939.]

ACT

To provide for certain pensions, grants, gratuities and other pensionable benefits.

(Signed by the Governor-General in Afrikaans.)
(Assented to 19th June, 1939.)

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:—

Award of certain pension benefits.

1. Notwithstanding anything to the contrary in any law contained, it shall be lawful to award to the persons mentioned in the Schedule to this Act the pension, grant, gratuity or other pensionable benefit specified in the said Schedule, in respect of each such person.

Short title.

2. This Act shall be known as the Pensions (Supplementary) Act, 1939.

Schedule.

1. The award to Georgina D. Esselen, widow of E. Esselen, K.C., of a pension of £120 per annum, with effect from 1st October, 1938, payable during widowhood by the Treasury in such manner as it may deem fit.

2. The award to T. Sampson, formerly works inspector, South African Railways, of a pension of £78 per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

3. The award to H. W. A. S. Gordon, ex No. 8356 lance-sergeant, South African Police, who was injured during Police sports, of a pension of £75 per annum, with effect from 1st April, 1939.

4. The award to T. Pope, formerly engine driver, South African Railways, of a pension of £40 17s. per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

5. The award to J. J. Smith, formerly engine driver, South African Railways, of a pension of £30 per annum, with effect from 30th September, 1938.

6. The award to Anna C. Kemp, widow of P. J. Kemp, ex No. 7616 mechanic, South African Service Corps (Mechanical Transport), with effect from 1st April, 1938, of the pension to which she would have been entitled had the circumstances of her case conformed to the requirements of section sixteen of the War Special Pensions Act, 1919.

7. The award to Emily A. O'Malley, widow of G. O'Malley, ex No. 77 sapper, South African Water Supply Corps, of the pension to which she would have been entitled had the circumstances of her case conformed to the requirements of section sixteen of the War Special Pensions Act, 1919.

8. The award to J. D. de Waal, formerly teacher, Cape Education Department, with effect from 30th November, 1938, of the pension which had accrued to him in respect of his Cape teaching service up to the 31st December, 1919, as a charge against the Cape Provincial Administration.

9. The pension of M. A. Machen, formerly superintendent, Indwe Settlement, Department of Lands, to be increased to £120 per annum, with effect from 1st April, 1939.

10. The pension of J. A. Venter, formerly Posts and Telegraphs assistant, to be increased to £106 12s. per annum, with effect from date of retirement.

11. The pension of H. J. Cronjé, who was wounded during the Jameson Raid, to be increased from £41 12s. per annum to £60 per annum, with effect from 1st April, 1938, until he attains the age of sixty-five years.

12. That for the purposes of the War Special Pensions Act, 1919, the pre-war earnings of C. L. Chapman, ex No. 36 private, South African Medical Corps, be accepted at £6 per week.

13. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings, of A. Klerck, ex No. 11676 private, 4th South African Infantry, be accepted at £300 per annum with effect from 1st April, 1938.

14. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of ex-mechanic W. Pemberton, South African Service Corps (Mechanical Transport), be accepted at £4 per week, with effect from 1st April, 1938.

15. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of ex-private J. A. Brook, 2nd South African Infantry, be accepted at £200 per annum, with effect from 1st April, 1938.

16. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of ex-burgher P. G. Breedt, Rustenburg Commando, be accepted at £120 per annum, with effect from 1st October, 1938.

17. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of ex-driver J. Higgs, South African Service Corps (Mechanical Transport), be accepted at £120 per annum, with effect from 1st October, 1938.

18. That for the purposes of section four of the War Special Pensions Act, 1919, the pre-war earnings of D. R. Ross, ex No. 16126 private 2nd South African Infantry, be accepted at £120 per annum, with effect from 1st April, 1938.

19. The award to H. Campbell, ex No. 14662 private, 4th South African Infantry, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the lung condition described as chronic bronchitis, had application been made therefor prior to 1st April, 1932.

No. 40, 1939.

WET

Om voorsiening te maak vir sekere pensioene, toelae, gratifikasies en ander pensioenvoordele.

(Signed by the Governor-General in Afrikaans.)
(Assented to 19th June, 1939.)

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

1. Nieteenstaande enige andersluidende regsbepalings mag aan die persone vermeld in die Bylae tot hierdie Wet regsgeldig die pensioen, toelae, gratifikasie of ander pensioen voordeel toegeken word wat ten opsigte van elke sodanige persoon in bedoelde Bylae aangegee word. Toekenning van sekere pensioen-voordele.

2. Hierdie Wet heet die Pensioene (Aanvullings) Wet, Kort titel. 1939.

Bylae.

1. Die toekenning aan Georgina D. Esselen, weduwee van E. Esselen, K.C., van 'n pensioen van £120 per jaar met ingang van 1 Oktober 1938, betaalbaar gedurende weduweeskap deur die Tesourie op sodanige wyse as hy geskik ag.

2. Die toekenning aan T. Sampson, voorheen werksinspekteur, Suid-Afrikaanse Spoorweë, van 'n pensioen van £78 per jaar, met ingang van 30 September 1938, mits hy nie geregtig sal wees om tot die Kaapse Weduweespensioenfonds (Spoorweë) by te dra nie.

3. Die toekenning aan H. W. A. S. Gordon, ex No. 8356 onder-sersant, Suid-Afrikaanse Polisie, tydens 'n Polisieportbyeenkoms beseer, van 'n pensioen van £75 per jaar, met ingang van 1 April 1939.

4. Die toekenning aan T. Pope, voorheen masjinis, Suid-Afrikaanse Spoorweë, van 'n pensioen van £40 17s. per jaar, met ingang van 30 September 1938, mits hy nie geregtig sal wees om tot die Kaapse Weduweespensioenfonds (Spoorweë) by te dra nie.

5. Die toekenning aan J. J. Smith, voorheen masjinis, Suid-Afrikaanse Spoorweë, van 'n pensioen van £30 per jaar, met ingang van 30 September 1938.

6. Die toekenning aan Anna C. Kemp, weduwee van P. J. Kemp, ex No. 7616 werktuigkundige, Suid-Afrikaanse Dienskorps (Meganiese Vervoer), met ingang van 1 April 1938, van die pensioen waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

7. Die toekenning aan Emily A. O'Malley, weduwee van G. O'Malley, ex No. 77 sappeur, Suid-Afrikaanse Water-voorsieningskorps, van die pensioen waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

8. Die toekenning aan J. D. de Waal, voorheen onderwyser, Kaapse Onderwysdepartement, met ingang van 30 November 1938, van die pensioen wat aan hom toegekom het ten opsigte van sy Kaapse onderwys tot 31 Desember 1919, as 'n las teen die Kaapse Provinsiale Administrasie.

9. Die pensioen van M. A. Machen, voorheen superintendent, Indwenederssetting, Departement van Lande, verhoog te word tot £120 per jaar, met ingang van 1 April 1939.

10. Die pensioen van J. A. Venter, voorheen assistent, Poswese en Telegrafie, verhoog te word tot £106 12s. per jaar, met ingang van datum van aftrede.

11. Die pensioen van H. J. Cronjé, wat tydens die Jameson-inval gewond is, verhoog te word van £41 12s. per jaar tot £60 per jaar, met ingang van 1 April 1938, totdat hy die ouderdom van vyf-en-sestig jaar bereik.

12. Dat die voor-oorlogse verdienste van C. L. Chapman, ex No. 36 manskap, Suid-Afrikaanse Mediese Korps, vir die doeleindes van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £6 per week.

13. Dat die voor-oorlogse verdienste van A. Klerck, ex No. 11676 manskap, 4de Suid-Afrikaanse Infanterie, vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £300 per jaar, met ingang van 1 April 1938.

14. Dat die voor-oorlogse verdienste van oud-werktuigkundige W. Pemberton, Suid-Afrikaanse Dienskorps (Meganiese Vervoer) vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £4 per week, met ingang van 1 April 1938.

15. Dat die voor-oorlogse verdienste van oud-manskap J. A. Brook, 2de Suid-Afrikaanse Infanterie, vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £200 per jaar, met ingang van 1 April 1938.

16. Dat die voor-oorlogse verdienste van oud-burger P. G. Breedts, Rustenburgse Kommando, vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £120 per jaar, met ingang van 1 Oktober 1938.

17. Dat die voor-oorlogse verdienste van oud-drywer J. Higgs, Suid-Afrikaanse Dienskorps (Meganiese Vervoer) vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £120 per jaar, met ingang van 1 Oktober 1938.

18. Dat die voor-oorlogse verdienste van D. R. Ross, ex No. 16126 manskap, 2de Suid-Afrikaanse Infanterie, vir die doeleindes van artikel *vier* van die Oorlogs Speciale Pensioenen Wet, 1919, geneem word op £120 per jaar, met ingang van 1 April 1938.

19. Die toekenning aan H. Campbell, ex No. 14662 manskap, 4de Suid-Afrikaanse Infanterie, met ingang van 1 April 1938, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van die longtoestand beskryf as kroniese bronchitis, indien aansoek daarom voor 1 April 1932 gedoen was.

20. The award to J. R. Lawless, ex No. 379 private, South African Medical Corps, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of effects of influenza, had application been made therefor prior to 1st April, 1932.

21. The award to A. J. van der Merwe, who alleges having been injured in the Anglo-Boer War, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

22. The award to A. B. van Niekerk, who was injured during the Anglo-Boer war, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had he been on military service at the time of the injury, with effect from 1st April, 1938.

23. The award to Bessie P. Beatty, widow of lieutenant H. J. Beatty, South African General List, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

24. The award to Jane D. von Mollendorf, widow of A. H. von Mollendorf, ex No. 10270 private, 6th South African Infantry, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

25. The award to Ethel Eaton, widow of the late captain H. L. Eaton, Natal Light Horse, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *twenty-six* (2) of the War Special Pensions Act, 1919.

26. The award to Hester E. Berry, widow of V. W. Berry, sub-inspector, South African Police, of the gratuity to which she would have been entitled had the provisions of section *forty-one* of Act No. 32 of 1936 been applicable to her case; such gratuity to be paid in monthly instalments of £3, with effect from 1st October, 1938.

27. The award to J. G. Engela, formerly shop inspector, of a gratuity of £146 13s. 4d. as a charge against the Transvaal Provincial Administration.

28. The award to A. E. Wood, formerly chauffeur to the High Commissioner for the Union in London, of a gratuity of £79 6s. 8d.

29. The award to Minnie Nunn, widow of W. G. Nunn, formerly warrant victualling officer, South African Naval Service, of a gratuity of £20.

30. The award to E. Denny, father of the late L. W. Denny, formerly corporal air mechanic, South African Field Force, of a gratuity equivalent to the amount contributed by deceased to the Union Public Service Pension Fund.

31. The award to Louisa M. le Roux, formerly teacher, Cape Education Department, of a gratuity, equivalent to the amount contributed by her to the Cape Teachers' Pension Fund, as a charge against the Cape Provincial Administration.

32. The award to J. C. Stokes, father of the late T. J. Stokes, formerly postman, Department of Posts and Telegraphs, of a gratuity equivalent to the amount contributed by his son to the Union Public Service Pension Fund.

33. The award to C. J. Sweeney, formerly clerk, Native Affairs Department, Cape Colony, of a gratuity equivalent to the amount contributed by him to the Cape Civil Service Pension Fund.

34. The break in service of F. V. Clarke, station foreman, South African Railways, from 6th August, 1929, to 15th August, 1929 (both dates inclusive) to be condoned, being regarded as special leave of absence without pay, not counting as service, but preserving to him the benefit of his previous service for pension purposes, subject to a refund of the contributions paid to him, amounting to £114 6s. 5d. with interest thereon at the rate of 4½ per cent. per annum, compounded monthly.

35. That Esther C. Dunbar, sister, Emjanyana Leper Institution, be regarded as having been transferred from the service of the Cape Provincial Administration to a post in the Public Service, and that the provisions of section *twenty-six* of Act No. 32 of 1936 be applied in respect of such transfer.

36. That E. Mokale, native sergeant No. 1046, Native Affairs Department, be regarded for pension purposes as having elected to come under the provisions of section *sixty-seven* of Act No. 27 of 1923, within the prescribed period.

37. Item No. 39 of the Schedule to the Pensions (Supplementary) Act, 1935, in respect of an increased pension to G. Eyre, to be amended by the deletion of the words "1st April, 1935" and the substitution therefor of the words "date of retirement".

38. That C. D. Johnson, magistrate, Department of Justice, be regarded as having given written notice within the period prescribed in section *eight* (2) of the Public Service Superannuation Act, 1909 (Act No. 1 of 1910 (Natal)), of his intention to become a member of the Natal Public Service Superannuation Fund, and as having elected to contribute to that fund in respect of his service from 5th May, 1905, within the period prescribed by sub-section (3) of section *eleven* of that Act.

39. The award to P. C. Coomer, formerly clerk, South African Railways, of a pension of £114 19s. per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

40. The award to J. W. Golding, formerly ticket examiner, South African Railways, of a pension of £69 13s. per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

41. The award to P. J. W. Levy, formerly Dispenser, Grey's Hospital, Pietermaritzburg, of a gratuity of £100, as a charge against the Natal Provincial Administration.

42. Subject to the repayment of the sum of £745 13s. 7d. previously paid to G. J. Ferreira, formerly No. 3760 (F) second class detective sergeant, South African Police, he be awarded an annuity of £134 5s. plus a gratuity of £619 5s. 6d., with effect from the date of his discharge.

43. Subject to the repayment of the sum of £268 3s. 1d. previously paid to L. E. B. van Niekerk, formerly No. 5837 (F) second class detective

20. Die toekenning aan J. R. Lawless, ex No. 379 manskap, Suid-Afrikaanse Mediese Korps, met ingang van 1 April 1938, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van die gevolge van influensa, indien aansoek daarom voor 1 April 1932 gedoen was.

21. Die toekenning aan A. J. van der Merwe wat beweer dat hy in die Anglo-Boereoorlog beseer is, met ingang van 1 April 1938, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was.

22. Die toekenning aan A. B. van Niekerk, wat tydens die Anglo-Boereoorlog beseer is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien hy in militêre diens was ten tyde van die besering, met ingang van 1 April 1938.

23. Die toekenning aan Bessie P. Beatty, weduwee van Luitenant H. J. Beatty, Suid-Afrikaanse Algemene Lys, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

24. Die toekenning aan Jane D. von Mollendorf, weduwee van A. H. von Mollendorf, ex No. 10270 manskap, 6de Suid-Afrikaanse Infanterie, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

25. Die toekenning aan Ethel Eaton, weduwee van wyle kaptein H. L. Eaton, Natalse Ligte Kavallerie, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *ses-en-twintig* (2) van die Oorlogs Speciale Pensioenen Wet, 1919.

26. Die toekenning aan Hester E. Berry, weduwee van V. W. Berry, onder-inspekteur, Suid-Afrikaanse Polisie, van die gratifikasie waarop sy geregtig sou gewees het indien die bepalings van artikel *een-en-veertig* van Wet No. 32 van 1936 op haar geval toepaslik was; sodanige gratifikasie in maandelikse paaiemente van £3 betaal te word, met ingang van 1 Oktober 1938.

27. Die toekenning aan J. G. Engela, voorheen winkel-inspekteur, van 'n gratifikasie van £146 13s. 4d. as 'n las teen die Transvaalse Provinsiale Administrasie.

28. Die toekenning aan A. E. Wood, voorheen chauffeur vir die Hoë Kommissaris vir die Unie in Londen van 'n gratifikasie van £79 6s. 8d.

29. Die toekenning aan Minnie Nunn, weduwee van W. G. Nunn, voorheen titulêre proviandmeester, Suid-Afrikaanse Seediens, van 'n gratifikasie van £20.

30. Die toekenning aan E. Denny, vader van wyle L. W. Denny, voorheen korporaalgewerkteugkundige, Suid-Afrikaanse Veldmag, van 'n gratifikasie gelyk aan die bedrag deur hom tot die Uniestaatsdienspensioenfonds bygedra.

31. Die toekenning aan Louisa M. le Roux, voorheen onderwyseres, Kaapse Onderwysdepartement, van 'n gratifikasie gelyk aan die bedrag deur haar tot die Kaapse Onderwyserspensioenfonds bygedra, as 'n las teen die Kaapse Provinsiale Administrasie.

32. Die toekenning aan J. C. Stokes, vader van wyle T. J. Stokes, voorheen posbesteller, Departement van Poswese en Telegrafie, van 'n gratifikasie gelyk aan die bedrag deur sy seun tot die Uniestaatsdienspensioenfonds bygedra.

33. Die toekenning aan C. J. Sweeney, voorheen klerk, Departement van Naturellesake, Kaapkolonie, van 'n gratifikasie gelyk aan die bedrag deur hom tot die Kaapse Staatsdienspensioenfonds bygedra.

34. Die diensonderbreking van F. V. Clarke, stasievoorman, Suid-Afrikaanse Spoorweë, van 6 Augustus 1929 tot 15 Augustus 1929 (albei datums ingesluit) verskoon te word en beskou te word as spesiale verlof van afwesigheid sonder betaling, nie as diens geldende nie, maar aan hom die voordeel van sy vorige diens vir pensioendoeleindes voorbehoudende, onderworpe aan die terugbetaling van die bydraes aan hom betaal ten bedrae van £114 6s. 5d., met rente daarop teen 4½ persent per jaar maandeliks saamgestel.

35. Dat Esther C. Dunbar, suster, Emjanyana-Leprose-gestig, beskou word as oorgeplaas te wees uit die diens van die Kaapse Provinsiale Administrasie na 'n betrekking in die Staatsdiens en dat die bepalings van artikel *ses-en-twintig* van Wet No. 32 van 1936 op sodanige oorplasing toegepas word.

36. Dat E. Mokale, naturelle-sersant No. 1046, Departement van Naturellesake, vir pensioendoeleindes beskou word as verkies te hê om te ressorteer onder die bepalings van artikel *sewen-en-sestig* van Wet No. 27 van 1923 binne die voorgeskrewe tydperk.

37. Dat Item No. 39 van die Bylae tot die Pensioene (Aanvullings) Wet, 1935, ten opsigte van 'n verhoogde pensioen aan G. Eyre, gewysig word deur skraping van die woorde „1 April 1935” en die vervanging daarvan deur die woorde „datum van aftrede”.

38. Dat C. D. Johnson, magistraat, Departement van Justisie, beskou word as skriftelik kennis te gegee het binne die tydperk voorgeskryf in artikel *agt* (2) van die Staatsdiens-superannuasiewet 1909 (Wet No. 1 van 1910 (Natal)) van sy voorneme om lid te word van die Natalse Staatsdiens-superannuasiefonds en as verkies te hê om tot daardie fonds by te dra ten opsigte van sy diens vanaf 5 Mei 1905 binne die tydperk voorgeskryf deur sub-artikel (3) van artikel *elf* van daardie Wet.

39. Die toekenning aan P. C. Coomer, voorheen klerk, Suid-Afrikaanse Spoorweë, van 'n pensioen van £114 19s. per jaar, met ingang van 30 September 1938, mits dit hom nie vry sal staan om tot die Kaapse Weduweespensioenfonds (Spoorweë) by te dra nie.

40. Die toekenning aan J. W. Golding, voorheen kaartjiesondersoeker, Suid-Afrikaanse Spoorweë, van 'n pensioen van £69 13s. per jaar, met ingang van 30 September 1938, mits dit hom nie vry sal staan om tot die Kaapse Weduweespensioenfonds (Spoorweë) by te dra nie.

41. Die toekenning aan P. J. W. Levy, voorheen apteker, Grey-hospitaal, Pietermaritzburg, van 'n gratifikasie van £100 as 'n las teen die Natalse Provinsiale Administrasie.

42. Onderworpe aan die terugbetaling van die bedrag van £745 13s. 7d., vantevore aan G. J. Ferreira, voorheen No. 3760 (F), tweede-klas speurdersersant, Suid-Afrikaanse Polisie, betaal, 'n jaargeld van £134 5s. plus 'n gratifikasie van £619 5s. 6d. aan hom toegeken word, met ingang vanaf die datum van sy ontslag.

43. Onderworpe aan die terugbetaling van die bedrag van £268 3s. 1d., vantevore aan L. E. B. van Niekerk, voorheen No. 5837 (F), tweede-

sergeant, South African Police, he be awarded an annuity of £80 12s. plus a gratuity of £410 17s. 4d. with effect from the date of his discharge.

44. Subject to the repayment of the sum of £171 1s. 11d. previously paid to J. P. A. Vos, formerly No. 11185 detective head constable, South African Police, he be awarded an annuity of £61 16s. plus a gratuity of £351 19s., with effect from the date of his discharge.

45. The award to Captain F. Brehmer, formerly Consul of the Union of South Africa in Hamburg, of a pension of £300 per annum, with effect from 1st January, 1939.

46. The award to Colonel R. B. Turner, Commissioner of the Union of South Africa in British East African Territories, of a pension of £300 per annum, with effect from date of retirement.

47. The award to H. Brookshaw, formerly No. 8227 private, 1st South African Infantry, of a pension of £120 per annum, with effect from 1st April, 1938.

48. The award to G. C. P. Garisch, formerly station master, South African Railways, of a pension of £80 10s. per annum, with effect from 1st April, 1939, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

49. The award to Nina Suart, widow of M. W. Suart, formerly superintendent, Transvaal Town Police, of a pension of £72 per annum, with effect from 21st November, 1938, payable during widowhood.

50. The award to F. H. G. Wassman, formerly engine driver, South African Railways, of a pension of £60 15s. per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

51. The award to Antonie M. von Held, formerly teacher, Cape Education Department, of a pension of £60 per annum, with effect from 1st January, 1939, £12 17s. 3d. per annum of which to form a charge against the Cape Provincial Administration.

52. The award to D. G. Chalmers, formerly coach painter, South African Railways, of a pension of £49 6s. per annum, with effect from 30th September, 1938, subject to the condition that he shall not be eligible to contribute to the Cape Widows' Pension Fund (Railways).

53. The award to J. H. Armstrong, formerly male nurse Grahamstown Mental Hospital, of a pension of £36 per annum, with effect from 1st October, 1938.

54. The award to R. H. Farrell, formerly shedman, South African Railways, of a pension of £29 4s. per annum, with effect from 1st April, 1939.

55. The award to N. E. Mdhletshe, formerly No. 19166, Native Labour Corps, who was wounded in East Africa during the Great War, of a pension of £24 per annum, with effect from 1st April, 1938.

56. Subject to the repayment of the gratuity of £18 previously paid to H. Ndungane, formerly native constable, Department of Agriculture and Forestry, he be awarded a pension of £15 per annum, with effect from the date of retirement.

57. The award to H. M. James, formerly clerk, South African Railways, with effect from 30th September, 1938, of the maximum pension that could be granted, had the circumstances of his case permitted of the application thereto of section *eleven bis* of Act No. 23 of 1925, inserted by Act No. 18 of 1938 (section *four*); such pension to be reduced by an amount which will, in the opinion of the Government Consulting Actuaries offset the amount of contributions already refunded to him.

58. The award to Susara C. Huyser, widow of P. W. Huyser, burgher, Anglo-Boer war, with effect from 9th February, 1937, of the pension to which she would have been entitled, had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919, subject to the recovery of the pension paid to her under the Old Age Pensions enactments.

59. Subject to the provisions of the War Special Pensions Act, 1919, W. A. Bester, burgher, Anglo-Boer war, be awarded such alternative pension, with effect from 1st October, 1938, as would have been payable to him had his pre-war earnings amounted to £150 per annum.

60. The award to B. Hatem of Bultfontein, with effect from 1st October, 1938, of such pension as he would have been entitled to had the circumstances of his case conformed to the requirements of the Old Age Pensions Act, 1928, as amended.

61. The pension of H. G. Scott, formerly President, Native Appeal Court, Native Affairs Department, to be increased by £92 2s. per annum, with effect from the date of retirement.

62. The pension of Maria C. Prinsloo, widow of General A. M. Prinsloo, to be increased from £50 per annum to £120 per annum, with effect from 1st October, 1938.

63. The pension of A. M. G. Pretorius, formerly No. 6934 constable, South African Police, to be increased from £76 10s. per annum to £84 per annum, with effect from 1st October, 1938.

64. The pension of G. W. Holl, who was wounded whilst serving as a field-cornet during the Anglo-Boer war, to be increased from £30 per annum to £60 per annum, with effect from 1st April, 1939.

65. The pension of P. J. J. van Wyngaardt, formerly rifleman, South African Mounted Riflemen, to be increased from £30 9s. per annum to £36 per annum, with effect from 1st April, 1938, and be subject from time to time to increase or decrease, according to any variation in the degree of the disablement arising out of the injury which resulted in his retirement, as if the provisions of paragraphs (a) and (b) of sub-section (1) of section *twenty-nine* of the Government Service Pensions Act, 1936, applied in respect of his case: Provided that the pension shall at no time be decreased below £36 per annum.

66. For the purposes of the War Special Pensions Act, 1919, the pre-war earnings of Y. E. Slaney, ex No. 10584 private, 4th South African Infantry, to be accepted at £6 per week.

67. For the purposes of the War Special Pensions Act, 1919, the pre-war earnings of P. Veglia, ex No. 247 private, 1st South African Infantry, to be accepted at £6 per week, with effect from 1st April, 1938.

68. For the purposes of the War Special Pensions Act, 1919, the pre-war earnings of W. V. Simkins, ex No. 1686 sergeant, 1st South African

klas speurdersersant, Suid-Afrikaanse Polisie, betaal, 'n jaargeld van £80 12s. plus 'n gratifikasie van £410 17s. 4d. aan hom toegeken word, met ingang vanaf die datum van sy ontslag.

44. Onderworpe aan die terugbetaling van die bedrag van £171 1s. 11d., vantevore aan J. P. A. Vos, voorheen No. 11185, speurder-hoofkonstabel, Suid-Afrikaanse Polisie betaal, 'n jaargeld van £61 16s. plus 'n gratifikasie van £351 19s. aan hom toegeken word, met ingang vanaf datum van sy ontslag.

45. Die toekenning aan Kaptein F. Brehmer, voorheen Konsul van die Unie van Suid-Afrika in Hamburg, van 'n pensioen van £300 per jaar, met ingang van 1 Januarie 1939.

46. Die toekenning aan Kolonel R. B. Turner, Kommissaris van die Unie van Suid-Afrika in die Brits-Oos-Afrika-gebiede, van 'n pensioen van £300 per jaar, met ingang van datum van aftrede.

47. Die toekenning aan H. Brookshaw, voorheen No. 8227, manskas 1ste Suid-Afrikaanse Infanterie, van 'n pensioen van £120 per jaar met ingang van 1 April 1938.

48. Die toekenning aan G. C. P. Garisch, voorheen stasiemeeste Suid-Afrikaanse Spoorweë, van 'n pensioen van £80 10s. per jaar, met ingang van 1 April 1939, mits dit hom nie vry sal staan om tot die Kaapse Weduweespensioenfondse (Spoorweë) by te dra nie.

49. Die toekenning aan Nina Stuart, weduwee van M. W. Stuart, voorheen superintendent, Transvaalse Stadspolisie, van 'n pensioen van £72 per jaar, betaalbaar gedurende weduweeskap, met ingang van 21 November 1938.

50. Die toekenning aan F. H. G. Wassman, voorheen masjinis, Suid-Afrikaanse Spoorweë, van 'n pensioen van £60 15s. per jaar, met ingang van 30 September 1938, mits dit hom nie vry sal staan om tot die Kaapse Weduweespensioenfondse (Spoorweë) by te dra nie.

51. Die toekenning aan Antonie M. von Held, voorheen onderwyser, Kaapse Onderwysdepartement, van 'n pensioen van £60 per jaar, waarvan £12 17s. 3d. per jaar 'n las teen die Kaapse Provinsiale Administrasie moet wees, met ingang van 1 Januarie 1939.

52. Die toekenning aan D. G. Chalmers, voorheen passasierswaskilder, Suid-Afrikaanse Spoorweë, van 'n pensioen van £49 6s. per jaar met ingang van 30 September 1938, mits dit hom nie vry sal staan om tot die Kaapse Weduweespensioenfondse (Spoorweë) by te dra nie.

53. Die toekenning aan J. H. Armstrong, voorheen verpleger, Grahamstadse Sielsiekte-hospitaal, van 'n pensioen van £36 per jaar, met ingang van 1 Oktober 1938.

54. Die toekenning aan R. H. Farrell, voorheen loodsman, Suid-Afrikaanse Spoorweë, van 'n pensioen van £29 4s. per jaar, met ingang van 1 April 1939.

55. Die toekenning aan N. E. Mdhletshe, voorheen No. 19166, naturelle-arbeidskorps, gedurende die Groot Oorlog in Oos-Afrika gewond, van 'n pensioen van £24 per jaar, met ingang van 1 April 1938.

56. Onderworpe aan die terugbetaling van die gratifikasie van £18, voorheen aan H. Ndungane, voorheen naturelle-konstabel, Departement van Landbou en Bosbou, betaal, aan hom 'n pensioen van £15 per jaar toegeken word, met ingang van datum van sy aftrede.

57. Die toekenning aan H. M. James, voorheen klerk, Suid-Afrikaanse Spoorweë, met ingang van 30 September 1938, van die maksimum pensioen wat toegeken kan word indien die omstandighede van sy geval sulks was dat artikel *elf bis* van Wet No. 23 van 1925, ingevoeg deur Wet No. 18 van 1938 (artikel *vier*) daarop toegepas kon word; sodanige pensioen verminder te word met 'n bedrag wat, na die mening van die Raadgewende Aktuarisse van die Regering, die bedrag van bydraes reeds aan hom terugbetaal, sal verreken.

58. Die toekenning aan Susara C. Huyser, weduwee van P. W. Huyser, burger, Anglo-Boereoorlog, van die pensioen waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919, onderworpe aan die verhaal van die pensioen aan haar kragtens die Ouderdomspensioenwette betaal, met ingang van 9 Februarie 1937.

59. Onderworpe aan die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, aan W. A. Bester, burger, Anglo-Boereoorlog, sodanige alternatiewe pensioen toegeken te word as wat aan hom betaalbaar sou gewees het indien sy voor-oorlogse verdienste £150 per jaar bedra het, met ingang van 1 Oktober 1938.

60. Die toekenning aan B. Hatem van Bultfontein, met ingang van 1 Oktober 1938, van die pensioen waarop hy geregtig sou gewees het indien die omstandighede van sy geval voldoen het aan die vereistes van die Ouderdomspensioenwet, 1928, soos gewysig.

61. Die pensioen van H. G. Scott, voorheen president van die Naturelle-Appèlhof, Departement van Naturellesake, met £92 2s. per jaar verhoog te word, met ingang van datum van aftrede.

62. Die pensioen van Maria C. Prinsloo, weduwee van Generaal A. M. Prinsloo, van £50 per jaar tot £120 per jaar verhoog te word, met ingang van 1 Oktober 1938.

63. Die pensioen van A. M. G. Pretorius, voorheen No. 6934, konstabel, Suid-Afrikaanse Polisie, van £76 10s. per jaar tot £84 per jaar verhoog te word, met ingang van 1 Oktober 1938.

64. Die pensioen van G. W. Holl, wat gewond is terwyl hy as veldkornet gedurende die Anglo-Boereoorlog gedien het, van £30 per jaar tot £60 per jaar verhoog te word, met ingang van 1 April 1939.

65. Die pensioen van P. J. J. van Wyngaardt, voorheen skut, Suid-Afrikaanse Berede Skutters, van £30 9s. per jaar tot £36 per jaar verhoog te word, met ingang van 1 April 1938, en van tyd tot tyd onderhewig te wees aan vermeerdering of vermindering, ooreenkomstig enige wisseling in die graad van die ongeskiktheid voortkomende uit die besering wat sy aftrede tot gevolg gehad het, asof die bepalings van paragrafe (a) en (b) van sub-artikel (1) van artikel *negen-en-twintig* van die Regeeringsdiens Pensioenwet, 1936, op sy geval toepaslik was: Met dien verstande dat die pensioen op geen tydstip onderkant £36 per jaar verminder word nie.

66. Die voor-oorlogse verdienste van Y. E. Slaney, ex No. 10584, manskas, 4de Suid-Afrikaanse Infanterie, by die toepassing van die Oorlogs Speciale Pensioenen Wet, 1919, op £6 per week geneem te word.

67. Die voor-oorlogse verdienste van P. Veglia, ex No. 247, manskas, 1ste Suid-Afrikaanse Infanterie, by die toepassing van die Oorlogs Speciale Pensioenen Wet, 1919, op £6 per week geneem te word, met ingang van 1 April 1938.

68. Die voor-oorlogse verdienste van W. V. Sinkins, ex No. 1686, sersant, 1ste Suid-Afrikaanse Infanterie, by die toepassing van die

Infantry, to be accepted at £240 per annum, with effect from 1st April, 1939.

69. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of D. Grindlay, ex No. 16136 private, 4th South African Infantry, to be accepted at £5 per week, with effect from 1st April, 1939.

70. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of W. E. J. MacDougall, ex No. 5393 private, 4th South African Infantry, to be accepted at £4 10s. per week, with effect from 1st October, 1938.

71. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of W. J. Botha, ex No. 14042 private, 6th South African Infantry, to be accepted at £120 per annum, with effect from 1st October, 1938.

72. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of J. J. Fourie, ex-burgher, Anglo-Boer war, to be accepted at £120 per annum, with effect from 1st October, 1938.

73. The award to Hester J. M. de Ridder, widow of ex No. 888 private C. J. J. de Ridder, South African Medical Corps, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

74. The award to Margaret B. Hollern, widow of P. R. Hollern, ex No. 3700 sergeant, 4th South African Infantry, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

75. The award to Ellen Schwabe, widow of C. C. J. Schwabe, formerly gunner, South African Heavy Artillery, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

76. The award to W. J. Barentzen, formerly member of the Scandinavian Corps, who was wounded whilst on military service during the Anglo-Boer war, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927, and had the domiciliary requirements of section *forty-five* of that Act been met in his case.

77. The award to J. M. Geldenhuys, who alleges having been wounded and injured in the Anglo-Boer war, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

78. The award to J. N. Holloway, who alleges having been wounded in the Anglo-Boer war, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

79. The award to J. J. Jacobs, who alleges having been wounded in the Anglo-Boer war, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

80. The award to G. D. Kotze, who alleges having been wounded and injured in the Anglo-Boer war, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

81. The award to J. H. Smith, burgher in the Republican Forces, who alleges having received an injury to one of his eyes during the Anglo-Boer war, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

82. The award to A. J. B. van Rooyen, with effect from 1st October, 1938, of the compensation to which he would have been entitled for wounds received during the Anglo-Boer war, under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

83. The award to F. S. Venter, who was wounded in the Anglo-Boer war, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.

84. The award to M. J. P. Bierman, who alleges the loss of several sons through military service in the Anglo-Boer war, with effect from 1st April, 1938, of such dependant's compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor within the period prescribed in that Act, and subject to such adjustment, as from that date, of the pensions paid to him and his spouse under the Old Age Pensions Act, 1928, as amended, as the Treasury may determine.

85. The award to C. W. du Plooy, ex-private, Krugersdorp Commando, with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of bullet wound in hip, had application been made therefor prior to 1st April, 1932.

86. The award to W. J. H. Horn, ex No. 665 private, 8th South African Infantry, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of malaria and its effects, had application been made therefor prior to 1st April, 1932.

87. The award to Sam Romans, ex No. 2144 driver, Cape Auxiliary Horse Transport Company, with effect from 1st October, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of chest trouble, had application been made therefor prior to 1st April, 1932.

Oorlogs Speciale Pensioenen Wet, 1919, op £240 per jaar geneem te word, met ingang van 1 April 1939.

69. Die voor-oorlogse verdienste van D. Grindlay, ex No. 16136, manskap, 4de Suid-Afrikaanse Infanterie, by die toepassing van artikel vier van die Oorlogs Speciale Pensioenen Wet, 1919, op £5 per week geneem te word, met ingang van 1 April 1939.

70. Die voor-oorlogse verdienste van W. E. J. MacDougall, ex No. 5393, manskap, 4de Suid-Afrikaanse Infanterie, by die toepassing van artikel vier van die Oorlogs Speciale Pensioenen Wet, 1919, op £4 10s. per week geneem te word, met ingang van 1 Oktober 1938.

71. Die voor-oorlogse verdienste van W. J. Botha, ex No. 14042, manskap, 6de Suid-Afrikaanse Infanterie, by die toepassing van artikel vier van die Oorlogs Speciale Pensioenen Wet, 1919, op £120 per jaar geneem te word, met ingang van 1 Oktober 1938.

72. Die voor-oorlogse verdienste van J. J. Fourie, oud-burger, Anglo-Boereoorlog, by die toepassing van artikel vier van die Oorlogs Speciale Pensioenen Wet, 1919, op £120 per jaar geneem te word, met ingang van 1 Oktober 1938.

73. Die toekenning aan Hester J. M. de Ridder, weduwee van ex No. 888, manskap, C. J. J. de Ridder, Suid-Afrikaanse Mediese Korps, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

74. Die toekenning aan Margaret B. Hollern, weduwee van P. R. Hollern, ex No. 3700, sersant, 4de Suid-Afrikaanse Infanterie, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

75. Die toekenning aan Ellen Schwabe, weduwee van C. C. J. Schwabe, voorheen kannonier, Suid-Afrikaanse Grofgeskut, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die Oorlogs Speciale Pensioenen Wet, 1919.

76. Die toekenning aan W. J. Barentzen, voorheen lid van die Skandinawiese Korps, tydens militêre diens gedurende die Anglo-Boereoorlog gewond, met ingang van 1 Oktober 1938, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was en aan die domisilium-vereistes van artikel *vijf-en-veertig* van daardie Wet in sy geval voldoen was.

77. Die toekenning aan J. M. Geldenhuys, wat beweer dat hy in die Anglo-Boereoorlog gewond en beseer is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 Oktober 1938.

78. Die toekenning aan J. N. Holloway, wat beweer dat hy in die Anglo-Boereoorlog gewond is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 April 1938.

79. Die toekenning aan J. J. Jacobs, wat beweer dat hy in die Anglo-Boereoorlog gewond is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 Oktober 1938.

80. Die toekenning aan G. D. Kotze, wat beweer dat hy in die Anglo-Boereoorlog gewond en beseer is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 Oktober 1938.

81. Die toekenning aan J. H. Smith, burger in die Republikeinse Magte, wat beweer dat hy 'n besering aan een van sy oë gedurende die Anglo-Boereoorlog opgedoen het, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 Oktober 1938.

82. Die toekenning aan A. J. B. van Rooyen, van die vergoeding waarop hy geregtig sou gewees het vir wonde gedurende die Anglo-Boereoorlog opgedoen, kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 Oktober 1938.

83. Die toekenning aan F. S. Venter, wat gedurende die Anglo-Boereoorlog gewond is, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1927 gedoen was, met ingang van 1 April 1938.

84. Die toekenning aan M. J. P. Bierman, wat die verlies van verskeie seuns weens militêre diens in die Anglo-Boereoorlog beweer, met ingang van 1 April 1938, van sodanige vergoeding van 'n afhanklike waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom binne die tydperk in daardie Wet voorgeskrywe gedoen was, en onderhewig aan sodanige reëling vanaf daardie datum van die pensioene aan hom en sy eggenote betaal kragtens die Ouderdomspensioenwet, 1928, soos gewysig, soos die Tesourie mag vasstel.

85. Die toekenning aan C. W. du Plooy, oud-manskap, Krugersdorpse Kommando, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van 'n koeëlwond in die heup, indien aansoek daarom voor 1 April 1932 gedoen was, met ingang van 1 April 1938.

86. Die toekenning aan W. J. H. Horn, ex No. 665, manskap, 8ste Suid-Afrikaanse Infanterie, van die vergoeding waarop hy geregtig sou gewees het kragtens die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van malaria en sy gevolge, indien aansoek daarom voor 1 April 1932 gedoen was, met ingang van 1 Oktober 1938.

87. Die toekenning aan Sam Romans, ex No. 2144, drywer, Kaapse Hulp-Perde-vervoerafdeling, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van borskwaal, indien aansoek daarom voor 1 April 1932 gedoen was, met ingang van 1 Oktober 1938.

88. The award to W. V. Simkins, ex No. 1686 sergeant, 1st South African Infantry, with effect from 1st April, 1939, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the lung and kidney condition, had application been made therefor prior to 1st April, 1932.

89. The award to C. W. Wesson, ex No. 617 private, 5th South African Infantry (South African Medical Corps), with effect from 1st April, 1938, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the effects of malaria, had application been made therefor prior to 1st April, 1932.

90. The award to W. H. Hewitt, V.C., who was wounded in the Great War, with effect from 1st April, 1939, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.

91. The award to Dr. K. C. A. Schulz, Government veterinary surgeon, Department of Agriculture and Forestry, who was injured in the execution of his duty, of a gratuity of £629.

92. The award to Jane M. Watson, widow of H. Watson, formerly examiner, Department of Customs and Excise, of a gratuity of £380.

93. The award to Mrs. M. Baker, mother of the late J. D. Baker, formerly clerk, South African Railways, of a sum equivalent to the amount contributed by him to the Cape Civil Service Pension Fund.

94. The award to Ellen Arnold, widow of R. G. Arnold, formerly senior clerk, Public Works Department, of a gratuity of £300.

95. The award to Miss B. J. Paynter and Miss D. Paynter, respectively, of a sum equivalent to one half the amount contributed to the Cape Civil Service Pension Fund by the late W. P. Paynter, formerly station master, South African Railways.

96. The award to Jane C. E. Fraser, widow of K. Fraser, formerly No. 2833, sergeant, South African Police, of a gratuity of £200 payable in such manner as the Treasury may determine.

97. The award to D. Trapler, formerly temporary workman, Department of Posts and Telegraphs, who was injured in the execution of his duty, of a gratuity of £200.

98. The award to J. M. Harmse, who was wounded whilst serving as a corporal during the Anglo-Boer war, of a gratuity of £50.

99. The award to Cornelia M. Malan, widow of Jacobus J. Malan, who was wounded whilst on military service during the Anglo-Boer war, of a gratuity of £50.

100. The award to A. J. Botha, father of D. Botha, who died whilst on military service with the British East Africa Expeditionary Force, of a gratuity of £20.

101. The award of a gratuity of £20 to each of the following persons, who, as members of the late Natal Police Force, were granted the long service and good conduct medal prescribed by Natal Government Notice No. 583 of 1908: Blackburn, E. R.; Bliss, E. G.; Burton, J.; Crawford, J.; Creed, J. W.; Cummins, J. G.; Ellis, H. S.; Halvorsen, H.; Hogan, T. J.; Hunt, J. G.; John, W.; Kinsey, A. S.; Lardant, J.; Loker, W. J.; McCullough, F. R. G.; Monger, M.; Mulholland, W. J.; Nichols, F.; Parsons, W. F.; Pienaar, J. T.; Pratt, J. W.; Tomlinson, P. H.; Vellenzer, E.; Vermaak, C. P. and Wilkinson, A. E.

102. Subject to the repayment by Dr. J. J. du Pre le Roux, Assistant Health Officer, Public Health Department, of the sum of £261 16s. 4d. previously refunded to him, together with interest thereon at the rate of 4 per cent. per annum compounded annually as at 31st March, from date of refund in 1936 to date of repayment, the break in his service from 1st January, 1936, to 16th January, 1939, to be condoned, being regarded as leave without pay, not counting as service but preserving to him the benefit of his previous service for pension purposes.

103. Anne G. Whitby, matron of the Natal Training College Hostel, Pietermaritzburg, to be regarded as an officer of the Public Service and that the break in her service from 1st February, 1925, to 31st July, 1927, be condoned, being regarded as leave of absence without pay, not counting as service but preserving to her the benefit of her previous service for pension purposes, and that she be permitted to contribute to the Union Public Service Pension Fund in respect of her continuous service at such rates and under such conditions as the Treasury may determine.

104. The teaching service of H. S. van der Walt, clerk, Provincial Administration, Transvaal, from 1st February, 1922, to 30th November, 1926, to be reckoned for pension purposes as if his transfer to the Public Service on the 1st December, 1926, conformed to the requirements of section *twenty-eight* of Act No. 27 of 1923.

105. W. G. Stafford, magistrate, Department of Justice, to be regarded as having given written notice within the period prescribed in section *eight* (2) of the Public Service Superannuation Act, 1909 (Act No. 1 of 1910 (Natal)), of his intention to become a member of the Natal Public Service Superannuation Fund, and as having elected to contribute to that fund in respect of his service from 20th June, 1906, within the period prescribed by sub-section (3) of section *eleven* of that Act.

106. The payment of a sum of £100 to the executrix in the estate of the late Colonel Thomas Lyttleton de Havilland, formerly Serjeant-at-Arms, House of Assembly.

107. The award to Lena Petersen, widow of Victor Petersen, a retired cleaner of the Houses of Parliament, of a gratuity of £150 payable in instalments of £4 per month, with effect from 1st April, 1939: Provided that this award shall not be liable to be attached or be subject to any form of execution under a judgment or order of a Court.

108. The pension payable to Johan Herman van Zuylen, formerly Chief Translator, House of Assembly, to be increased to £665 per annum, with effect from 1st April, 1939.

88. Die toekenning aan W. V. Simkins, ex No. 1686, sersant, 1ste Suid-Afrikaanse Infanterie, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van die long- en nier-aandoening, indien aansoek daarom voor 1 April 1932 gedoen was, met ingang van 1 April 1939.

89. Die toekenning aan C. W. Wesson, ex No. 617, manskap, 5de Suid-Afrikaanse Infanterie (Suid-Afrikaanse Mediese Korps), van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, ten opsigte van die gevolge van malaria, indien aansoek daarom voor 1 April 1932, gedoen was, met ingang van 1 April 1938.

90. Die toekenning aan W. H. Hewitt, V.C., in die Groot Oorlog gewond, met ingang van 1 April 1939, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die Oorlogs Speciale Pensioenen Wet, 1919, indien aansoek daarom voor 1 April 1932 gedoen was.

91. Die toekenning aan Dr. K. C. A. Schulz, Staatsveearts, Departement van Landbou en Bosbou, tydens pligsvervulling beseer, van 'n gratifikasie van £629.

92. Die toekenning aan Jane M. Watson, weduwee van H. Watson, voorheen ondersoeker, Departement van Doeane en Aksyns, van 'n gratifikasie van £380.

93. Die toekenning aan Mev. M. Baker, moeder van wyle J. D. Baker, voorheen klerk, Suid-Afrikaanse Spoorweë, van 'n bedrag gelyk aan die bedrag deur hom tot die Kaapse Staatsdienspensioenfonds bygedra.

94. Die toekenning aan Ellen Arnold, weduwee van R. G. Arnold, voorheen senior klerk, Departement van Publieke Werke, van 'n gratifikasie van £300.

95. Die toekenning aan Mej. B. J. Paynter en Mej. D. Paynter, onderskeidelik, van 'n bedrag gelyk aan die helfte van die bedrag tot die Kaapse Staatsdienspensioenfonds bygedra deur wyle W. P. Paynter, voorheen stasiemeester, Suid-Afrikaanse Spoorweë.

96. Die toekenning aan Jane C. E. Fraser, weduwee van K. Fraser, voorheen No. 2833, sersant, Suid-Afrikaanse Polisie, van 'n gratifikasie van £200, op so 'n wyse betaalbaar as wat die Tesourie mag vasstel.

97. Die toekenning aan D. Trapler, voorheen tydelike werksman, Departement van Poswese en Telegrafie, tydens pligsvervulling beseer, van 'n gratifikasie van £200.

98. Die toekenning aan J. M. Harmse, tydens diens as korporaal in die Anglo-Boereoorlog gewond, van 'n gratifikasie van £50.

99. Die toekenning aan Cornelia M. Malan, weduwee van Jacobus J. Malan, tydens militêre diens gedurende die Anglo-Boereoorlog gewond, van 'n gratifikasie van £50.

100. Die toekenning aan A. J. Botha, vader van D. Botha, oorlede tydens militêre diens by die Britse-Oos-Afrika-magte, van 'n gratifikasie van £20.

101. Die toekenning van 'n gratifikasie van £20 aan elk van die volgende persone aan wie, as lede van die voormalige Natalse Polisiemag, die medalje vir lang diens en goeie gedrag, voorgeskryf deur Natalse Regeringskennisgewing No. 583 van 1908, toegeken is: Blackburn, E. R.; Bliss, E. G.; Burton, J.; Crawford, J.; Creed, J. W.; Cummins, J. G.; Ellis, H. S.; Halvorsen, H.; Hogan, T. J.; Hunt, J. G.; John, W.; Kinsey, A. S.; Lardant, J.; Loker, W. J.; McCullough, F. R. G.; Monger, M.; Mulholland, W. J.; Nichols, F.; Parsons, W. F.; Pienaar, J. T.; Pratt, J. W.; Tomlinson, P. H.; Vellenzer, E.; Vermaak, C. P. en Wilkinson, A. E.

102. Onderhewig aan die terugbetaling deur Dr. J. J. du Pre le Roux, Assistent-gesondheidsbeampte, Departement van Volksgesondheid, van die bedrag van £261 16s. 4d. voorheen aan hom uitbetaal, tesame met rente daarop teen 4 persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van uitbetaling in 1936 tot datum van terugbetaling, sy diensonderbreking van 1 Januarie 1936 tot 16 Januarie 1939 verskoon te word en beskou te word as verlof sonder betaling, nie as diens geldende nie maar aan hom die voordeel van sy vorige diens vir pensioendoeleindes voorbehoudende.

103. Anne G. Whitby, matrone van die Hostel van die Natalse Op-leidingskollege, Pietermaritzburg, beskou te word as staatsamptenaar en haar diensonderbreking vanaf 1 Februarie 1925 tot 31 Julie 1927 verskoon te word en beskou te word as verlof van afwesigheid sonder betaling, nie as diens geldende nie maar aan haar die voordeel van haar vorige diens vir pensioendoeleindes voorbehoudende en dat sy toegelaat word om tot die Pensioenfonds van die Uniestaatsdiens by te dra ten opsigte van haar aaneenlopende diens teen so 'n tarief en onder sulke voorwaardes as die Tesourie mag vasstel.

104. Die onderwysdiens van H. S. van der Walt, klerk, Provinsiale Administrasie, Transvaal, vanaf 1 Februarie 1922 tot 30 November 1926, vir pensioendoeleindes gereken te word asof sy oorplasing na die staatsdiens op 1 Desember 1926 voldoen het aan die vereistes van artikel *agt-en-twintig* van Wet No. 27 van 1923.

105. W. G. Stafford, magistraat, Departement van Justisie, beskou te word as skriftelik kennis te gee het binne die tydperk voorgeskryf in artikel *agt* (2) van die Staatsdiens-superannuasie Wet, 1909 (Wet No. 1 van 1910 (Natal)) van sy voorneme om lid te word van die Natalse Staatsdiens-superannuasiefonds, en as verkies te hê om tot daardie fonds by te dra ten opsigte van sy diens vanaf 20 Junie 1906, binne die tydperk deur sub-artikel (3) van artikel *elf* van daardie Wet voorgeskryf.

106. Die betaling van 'n bedrag van £100 aan die eksekutris in die boedel van wyle Kolonel Thomas Lyttleton de Havilland, voorheen Serjeant-at-Arms, Volksraad.

107. Die toekenning aan Lena Petersen, weduwee van Victor Petersen, afgetrede skoonmaker van die Parlementsuis, van 'n gratifikasie van £150, betaalbaar in paaiemente van £4 per maand met ingang van 1 April 1939: Met dien verstande dat hierdie toekenning nie onderhewig sal wees aan beslaglegging nie, nóg aan enige vorm van eksekusie kragtens 'n vonnis of bevel van 'n hof.

108. Die pensioen aan Johan Herman van Zuylen, voorheen Hoofvertaler, Volksraad, betaalbaar, verhoog te word tot £665 per jaar met ingang van 1 April 1939.

No. 41, 1939.]

ACT

To provide for the regulation of hours and conditions of work in shops and offices and for matters incidental thereto.

(Signed by the Governor-General in English.)

(Assented to 19th June, 1939.)

Definitions.

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

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

“area” includes any number of areas whether or not contiguous;

“calendar year” means a period of twelve months commencing on the first day of January in any year;

“commercial traveller” means an employee employed exclusively to travel from place to place for the purpose of obtaining orders for goods, and includes an assistant travelling with any such employee;

“designated area” means an area designated by the Minister under section *three*;

“designated inspector” means the officer designated by regulation as an inspector in respect of any area;

“director” means a person duly appointed or chosen as a director of a company, who controls the business of that company, or is a member of a body or group of persons so appointed or chosen who control the business of such company;

“emergency work” means any work which, owing to causes such as fire, storm, accident, act of violence or theft, must be done without delay;

“employee” means any person employed by, or working for any employer, in or in connection with a shop or in an office, and receiving, or being entitled to receive, any remuneration, and any other person whatsoever who in any manner assists an employer in the carrying on of any business in a shop, or the doing of any work performed in an office, but does not include a director or a person employed exclusively as a caretaker or watchman or in the delivery of goods or in the cleaning of premises or in the tending or harnessing of animals; and “employed” and “employment” have corresponding meanings;

“employer” means any person carrying on business in a shop, or conducting an office, who employs or provides work for any person in or in connection with such shop or in such office and remunerates or expressly or tacitly undertakes to remunerate him, or who permits any person whatsoever in any manner to assist him in the carrying on of his business in such shop or the doing of the work performed in such office; and “employ” and “employment” have corresponding meanings;

“increased hours” means that portion of any period during which an employee works for his employer during any one week or any one day, as the case may be, which is in excess of the hours prescribed in paragraph (a) or (h), respectively, of sub-section (1) of section *four*, and is spent by such employee in the performance of work which cannot reasonably be performed during ordinary working hours; but does not include any period during which such employee performs any emergency work or any work in terms of paragraph (a) or (b) of sub-section (2) of the said section;

“inspector” means an inspector appointed under section *thirteen*;

“local authority” includes any municipal council, borough council, town council, village council, town board, village management board, local board, health board, divisional council and any like institution;

“manager” means an employee who has authority to engage and dismiss employees or who supervises or con-

No. 41, 1939.]

WET

Om voorsiening te maak vir die reëling van werkure en -voorwaardes in winkels en kantore en vir daarmee in verband staande sake.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 19 Junie 1939.)

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

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

- „gebied”, ook enige aantal gebiede, hetsy al dan nie aangrensend;
- „kalenderjaar”, ’n tydperk van twaalf maande met ingang van die eerste dag van Januarie in enige jaar.
- „handelsreisiger”, ’n werknemer wat uitsluitlik in diens is om van plek na plek te reis ten einde bestellings vir goedere te verkry, en ook ’n assistent wat met so ’n werknemer saamreis;
- „aangewese gebied”, ’n gebied deur die Minister ingevolge artikel drie aangewys;
- „aangewese inspekteur”, die amptenaar by regulasie aangewys as ’n inspekteur ten opsigte van een of ander gebied;
- „direkteur”, iemand wat behoorlik aangestel of gekies is as ’n direkteur van ’n maatskappy en wat die besigheid van daardie maatskappy beheer, of lid is van ’n liggaam of groep van aldus aangestelde of gekose persone wat die besigheid van bedoelde maatskappy beheer;
- „noodwerk”, werk wat weens oorsake soos brand, storm, ongeluk, gewelddaad of diefstal sonder versuim verrig moet word;
- „werknemer”, iemand wat by ’n werkgewer in diens is of vir hom werk in of in verband met ’n winkel of in ’n kantoor, en wat ’n besoldiging ontvang of op besoldiging geregtig is, en enig iemand anders wie ookal wat op enige wyse ’n werkgewer bystaan by die dryf van enige besigheid in ’n winkel of die verrigting van enige werk wat in ’n kantoor gedoen word; maar omvat nie ’n direkteur nie of iemand wat uitsluitlik in diens is as ’n opsigter of nagwag, of in verband met die aflewering van goedere of die skoonmaak van ’n perseel of die oppas of inspan van diere; en „in diens” en „diens” het ooreenkomstige betekenis;
- „werkgewer”, iemand wat besigheid dryf in ’n winkel of wat ’n kantoor hou, en wat enige persoon in diens het of aan hom werk verskaf in of in verband met die winkel of in die kantoor, en daardie persoon besoldig of uitdruklik of stilswyend onderneem om hom te besoldig, of wat enige persoon hoegenaamd toelaat om hom op enige wyse by te staan by die dryf van sy besigheid in die winkel of by die verrigting van die werk wat in die kantoor gedoen word; en „in diens” en „diens” het ooreenkomstige betekenis;
- „verlengde ure”, daardie gedeelte van enige tydperk gedurende welke ’n werknemer vir sy werkgewer in een week of op een dag werk, na gelang van die geval, wat meer is as die ure in paragraaf (a) of (h), respektieflik, van sub-artikel (1) van artikel vier voorgeskryf, en deur die werknemer gewy word aan die verrigting van werk wat nie redelikerwyse gedurende gewone werkure verrig kan word nie; maar nie ook ’n tydperk gedurende welke die werknemer noodwerk of werk ingevolge paragraaf (a) of (b) van sub-artikel (2) van genoemde artikel verrig nie;
- „inspekteur”, ’n inspekteur ingevolge artikel dertien aangestel;
- „plaaslike bestuur” ook ’n munisipale raad, stadsraad, dorpsraad, dorpskomitee, dorpsbestuursraad, plaaslike raad, gesondheidsraad, afdelingsraad en enige dergelyke instelling;
- „bestuurder”, ’n werknemer wat bevoegdheid besit om werknemers in diens te neem en te ontslaan of wat

- trols the work of not less than ten whole-time employees ;
- “ Minister ” means the Minister of Labour, or any other Minister of State acting in his stead, or any other Minister of State to whom the Governor-General may from time to time assign the administration of this Act ;
- “ office ” means any premises in which there is performed bookkeeping, typewriting or any other clerical work whatsoever ;
- “ officer ” means a person on the fixed establishment of the public service or an inspector ;
- “ premises ” includes any land, structure, vehicle or vessel ;
- “ prescribed ” means prescribed by regulation ;
- “ regulation ” means a regulation made under this Act ;
- “ shop ” means—
- (a) any premises in or upon which any goods are sold or offered for sale by wholesale, retail or public auction ;
 - (b) any premises in or upon which any goods sold or intended for sale as aforesaid are received, stored, packed or unpacked or from which they are despatched ;
 - (c) any premises used as a restaurant, refreshment or tea room or eating house ;
 - (d) any premises used as a hairdresser's or barber's saloon ;
 - (e) any premises used as a receiving depot for articles of clothing or other soft goods which are to be laundered, dry-cleaned or dyed ; and
 - (f) any premises in or upon which shoes, boots or articles of clothing are repaired, or which are used as a receiving depot for any such goods which are to be repaired ;
- “ spreadover ” in relation to any employee, means the period in any one day reckoned from the time when such employee begins work to the time when he ceases work for that day ;
- “ this Act ” includes any regulation made thereunder ;
- “ week ” means a period of seven days commencing at midnight on a Sunday.

Application of Act.

2. (1) This Act shall not apply in respect of—
- (a) any office (other than an office in which work is performed as part of the business carried on in a shop which is not registered as a factory under the Factories Act, 1918), or any employee employed in any such office, except in so far as it has been applied in respect of such office or employee under sub-section (2) or (3) ;
 - (b) any employee doing work in or for any charitable institution in connection with the sale of goods, for which he receives no remuneration ;
 - (c) any employee employed—
 - (i) exclusively in any portion of a shop which is registered as a factory under the Factories Act, 1918 ;
 - (ii) in a sample room or showroom used by a commercial traveller in other than a designated area ;
 - (iii) by a baker solely in the making or baking of bread, biscuits, cakes, pastry or similar products ;
 - (iv) by a wholesale butcher solely in the slaughtering of animals or in the dressing, hanging or loading of meat ;
 - (v) in premises in respect of which any person holds or is required to hold a licence (other than a bottle liquor licence) under the Liquor Act, 1928 ;
 - (vi) in any premises used as an hotel or boarding house : Provided that this sub-paragraph shall not apply in respect of any employee employed in any portion of such premises which is used as a restaurant or refreshment or tea room ;
 - (vii) (otherwise than exclusively or mainly in connection with the sale of goods) in premises in respect of which any person holds or is required to hold a licence under Item 15 of Part I of the Second Schedule of the Licences Consolidation Act, 1925 ;

- toesig hou of beheer het oor die werk van minstens tien voltydse werknemers ;
- „Minister”, die Minister van Arbeid of enige ander Staatsminister wat namens hom optree, of enige ander Staatsminister aan wie die Goewerneur-generaal van tyd tot tyd die uitvoering van hierdie Wet mag opdra ;
- „kantoor”, ’n perseel waarin boekhou, tikwerk of enige ander klerklike werk hoegenaamd gedoen word ;
- „amptenaar”, ’n persoon op die vaste diensstaat van die staatsdiens of ’n inspekteur ;
- „perseel”, ook enige grond, struktuur, voer- of vaartuig ;
- „voorgeskrewe”, by regulasie voorgeskrewe ;
- „regulasie”, ’n regulasie ingevolge hierdie Wet uitgevaardig ;
- „winkel”—
- (a) ’n perseel waarin of waarop goedere verkoop of te koop aangebied word by wyse van groot- of kleinhandel of openbare veiling ;
 - (b) ’n perseel waarin of waarop goedere wat soos voormeld verkoop of vir verkoop bestem is, ontvang, gebêre, in- of uitgepak word, of vanwaar hulle versend word ;
 - (c) ’n perseel wat as ’n restaurant, verversings- of teekamer of eetlokaal gebruik word ;
 - (d) ’n perseel wat as ’n haarkappers- of barbierswinkel gebruik word ;
 - (e) ’n perseel wat as ’n ontvangslokaal gebruik word vir kledingstukke of ander weefstowwe wat gewas, uitgestoom of geverf moet word ; en
 - (f) ’n perseel waarin of waarop skoene, stewels of kledingstukke gerepareer word, of wat gebruik word as ’n ontvangslokaal vir enige sulke goedere wat gerepareer moet word ;
- „werkdag” met betrekking tot ’n werknemer, die tydperk op een dag, bereken vanaf die tydstip waarop die werknemer begin werk tot die tydstip waarop hy sy werk vir daardie dag staak ;
- „hierdie Wet”, ook enige regulasie wat uit kragte daarvan uitgevaardig word ;
- „week”, ’n tydperk van sewe dae met ingang vanaf middernag op ’n Sondag.

2. (1) Hierdie Wet is nie van toepassing nie ten opsigte van— Toepassing van Wet.

- (a) ’n kantoor (uitgesonderd ’n kantoor waarin werk gedoen word as deel van die besigheid wat in ’n winkel gedryf word wat nie kragtens die Fabriekswet, 1918, as ’n fabriek geregistreer is nie), of ’n werknemer wat in so ’n kantoor in diens is, behalwe vir sover dit kragtens sub-artikel (2) of (3) ten opsigte van sodanige kantoor of werknemer van toepassing verklaar is ;
- (b) ’n werknemer wat in of vir ’n liefdadigheidsinrigting in verband met die verkoop van goedere werk doen waarvoor hy geen besoldiging ontvang nie ;
- (c) ’n werknemer wat in diens is—
 - (i) uitsluitlik in ’n gedeelte van ’n winkel wat kragtens die Fabriekswet, 1918, as ’n fabriek geregistreer is ;
 - (ii) in ’n monsterlokaal of vertoonkamer gebruik deur ’n handelsreisiger, in ’n gebied wat nie ’n aangewese gebied is nie ;
 - (iii) by ’n bakker alleenlik om brood, beskuit, koek, pastei of soortgelyke produkte te maak of te bak ;
 - (iv) by ’n groothandelslagter alleenlik om diere te slag en om vleis te dresseer, op te hang of op te laai ;
 - (v) in ’n perseel ten opsigte waarvan iemand ’n lisensie (behalwe ’n bottel-dranklisensie) ingevolge die Drankwet, 1928, hou of verplig is om te hou ;
 - (vi) in ’n perseel wat as hotel of losieshuis gebruik word : Met dien verstande dat hierdie sub-paragraaf nie van toepassing is nie ten opsigte van ’n werknemer wat in diens is in ’n gedeelte van sodanige perseel wat as ’n restaurant of verversingslokaal of teekamer gebruik word ;
 - (vii) (anders as uitsluitlik of hoofsaaklik in verband met die verkoop van goedere) in ’n perseel ten opsigte waarvan iemand ’n lisensie ingevolge Item 15 van Deel I van die Tweede Bylae van die „Licenties Konsolidatie Wet, 1925”, hou of verplig is om te hou ;

- (viii) by a *bona fide* farmer in connection with the sale of any goods produced by him on land occupied by him for farming purposes, or in connection with the storing of such goods :
 - (ix) in connection with any sale of goods held at any agricultural, horticultural or similar show promoted by a society or association recognized by the Minister for the purposes of exemption under this sub-paragraph :
 - (x) by the State :
 - (xi) in any premises which are maintained wholly or partly from public funds and are used primarily for purposes of education or vocational training.
- (2) (a) The Minister may by notice in the *Gazette* declare one or more or all of the provisions of this Act to apply, as from a date specified in such notice, in respect of offices of a class specified therein, or in respect of such offices in an area so specified, and in respect of employees employed in any such offices.
- (b) Before the publication in the *Gazette* of a notice in terms of paragraph (a), the Minister shall cause to be published in the *Gazette* a preliminary notice—
- (i) stating the class of office, or the class of office and the area which he proposes to specify in such first mentioned notice, and the provisions of this Act which he proposes so to apply : and
 - (ii) calling upon all interested persons who have any objections to the proposed provisions of such first mentioned notice to lodge their objections in writing with an officer mentioned in the preliminary notice within thirty days of publication thereof.
- (c) If, after considering any objections lodged in terms of paragraph (b), the Minister considers it advisable to amend the said proposed provisions to an extent which the Minister considers to be material, he shall cause an amended preliminary notice complying with the provisions of paragraph (b) to be published.
- (d) In specifying any class of office in terms of paragraph (a) the Minister may apply such method of discrimination or differentiation as he may deem advisable.
- (e) The Minister shall cause to be published in one or more newspapers within seven days of the publication in the *Gazette*, of any notice or preliminary notice referred to in paragraph (a), (b) or (c), a statement directing the attention of all concerned to such notice.
- (3) The Minister may by like procedure cancel or amend any notice published under sub-section (2).
- (4) (a) The provisions of sections *four*, *five*, *six* and *eight* of this Act shall not apply to or in respect of any employee whose hours of work are regulated by an agreement, notice or award, published or made, or deemed to have been published or made, under the Industrial Conciliation Act, 1937, or by a determination, made, or deemed to have been made under the Wage Act, 1937, whether or not such agreement, notice, award or determination has been published or made before or after the commencement of this Act.
- (b) The provisions of section *seven* of this Act shall not apply to or in respect of any employee who is, in terms of any agreement, notice, award or determination referred to in paragraph (a), entitled to annual leave of absence on full pay.

Minister may designate areas in which certain provisions of this Act shall apply.

3. The Minister may by notice in the *Gazette* designate any area as being, from a date specified in such notice, an area within which the provisions of paragraphs (b) and (h) of sub-section (1) of section *four* and paragraphs (b) and (d) of sub-section (2) of the said section shall apply, and cancel or amend any such notice.

- (viii) by 'n *bona fide* boer in verband met die verkoop van enige goedere deur hom geproduseer op grond wat deur hom vir boerderydoeleindes bewoon word, of in verband met die berging van sodanige goedere;
 - (ix) in verband met enige verkoop van goedere gehou by 'n landbou-, tuinbou- of soortgelyke tentoonstelling op tou gesit deur 'n vereniging of genootskap wat vir vrystellingsdoeleindes ingevolge hierdie sub-paragraaf deur die Minister erken word;
 - (x) van die Staat;
 - (xi) in 'n perseel wat geheelenal of gedeeltelik uit staatsgelde in stand gehou en hoofsaaklik vir doeleindes van opvoeding of beroepsopleiding gebruik word.
- (2) (a) Die Minister kan deur kennisgewing in die *Staatskoerant* een of meer van of al die bepalings van hierdie Wet van toepassing verklaar vanaf 'n datum in die kennisgewing vermeld, ten opsigte van 'n daarin bepaalde kategorie van kantore, of ten opsigte van sodanige kantore in 'n aldus bepaalde gebied, en ten opsigte van werknemers wat in enige sodanige kantore in diens is.
- (b) Voor die bekendmaking van 'n kennisgewing in die *Staatskoerant* ingevolge paragraaf (a), laat die Minister 'n voorlopige kennisgewing in die *Staatskoerant* afkondig waarin—
- (i) die kategorie van kantore, of die kategorie van kantore en die gebied wat hy voornemens is om in sodanige eersgenoemde kennisgewing te bepaal, en die bepalings van hierdie Wet wat hy voornemens is om aldus toe te pas, vermeld word; en
 - (ii) alle belanghebbende persone wat enige beswaar het teen die voorgenome bepalings van sodanige eersgenoemde kennisgewing aangesê word om hul besware skriftelik in te dien by 'n in die voorlopige kennisgewing vermelde amptenaar, binne dertig dae na bekendmaking daarvan.
- (c) Indien die Minister, nadat hy enige besware wat ooreenkomstig paragraaf (b) ingedien is, in oorweging geneem het, dit raadsaam ag om genoemde voorgenome bepalings tot 'n mate wat die Minister wesenlik ag, te wysig, laat die Minister 'n gewysigde voorlopige kennisgewing afkondig, wat voldoen aan die bepalings van paragraaf (b).
- (d) By die bepaling van enige kategorie van kantore ingevolge paragraaf (a) kan die Minister volgens enige metode wat hy raadsaam ag onderskei of verskil maak.
- (e) Binne sewe dae na die bekendmaking in die *Staatskoerant* van enige in paragraaf (a), (b) of (c) bedoelde kennisgewing, of voorlopige kennisgewing, laat die Minister in een of meer nuusblaai 'n verklaring afkondig waarin die aandag van alle betrokke persone by sodanige kennisgewing bepaal word.
- (3) Die Minister kan deur soortgelyke prosedure enige ingevolge sub-artikel (2) bekendgemaakte kennisgewing intrek of wysig.
- (4) (a) Die bepalings van artikels *vier*, *vyf*, *ses* en *ag* van hierdie Wet is nie van toepassing nie op of ten opsigte van 'n werknemer wie se werkure deur 'n ooreenkoms, kennisgewing of uitspraak wat kragtens die Nywerheidsversoeningswet 1937, bekendgemaak of gedoen is of geag word bekendgemaak of gedoen te gewees het, of deur 'n vasstelling wat kragtens die Loonwet 1937, gemaak is of geag word gemaak te gewees het, onverskillig of sodanige ooreenkoms, kennisgewing, uitspraak of vasstelling voor of na die inwerking-treding van hierdie Wet bekendgemaak, gedoen of gemaak is.
- (b) Die bepalings van artikel *sewe* van hierdie Wet is nie van toepassing nie op of ten opsigte van 'n werknemer wat ingevolge 'n in paragraaf (a) bedoelde ooreenkoms, kennisgewing, uitspraak of vasstelling geregtig is op jaarlikse verlof met volle besoldiging.
3. Die Minister kan by kennisgewing in die *Staatskoerant*, enige gebied aanwys as een binne welke, vanaf 'n datum in daardie kennisgewing vermeld, die bepalings van paragrawe (b) en (h) van sub-artikel (1) van artikel *vier* en paragrawe (b) en (d) van sub-artikel (2) van genoemde artikel van toepassing is, en kan so 'n kennisgewing intrek of wysig.

Minister kan gebiede aanwys waarin sekere bepalings van hierdie Wet van toepassing is.

Hours of work
of employees.

4. (1) No employer shall require or permit any employee—
 - (a) to work for more than forty-six hours in any one week ;
or
 - (b) to work, in a designated area, on any day for a spread-over which exceeds the total number of hours during which the employee has been working for him on that day, by more than two hours : Provided that the provisions of this paragraph shall not apply in respect of any employee who is employed in or in connection with a restaurant or a refreshment or tea room or eating house ; or
 - (c) to work, in any circumstances in which the provisions of paragraph (b) do not apply, for a spread-over of more than twelve hours ; or
 - (d) to work for more than a continuous period of five hours without one uninterrupted interval of at least one hour : Provided that for the purposes of this paragraph periods of work interrupted by an interval of less than one hour shall be deemed to be continuous ;
or
 - (e) to work on any Sunday or public holiday ; or
 - (f) to work after one o'clock in the afternoon on more than five days in any week ; or
 - (g) who is under the age of eighteen years, to work later than eight o'clock at night, if such employee is employed in or in connection with a restaurant or a refreshment or tea room or eating house, or to work later than half past six o'clock in the afternoon, if such employee is employed in or in connection with a shop other than a restaurant, refreshment or tea room or eating house ; or
 - (h) to work, in any designated area, for more than eight hours on any one day : Provided that in any such area an employer may require or permit any employee—
 - (i) to work for nine hours on one day in the week ; and
 - (ii) to work for ten hours on the twenty-fourth day of December or the preceding day if the first-mentioned day is a Sunday ; or
 - (i) to work increased hours for a total period of more than thirty hours in any calendar year : Provided that in calculating any such period, any periods in such calendar year during which such employee performed work in connection with the packing or despatch of goods shall up to an aggregate of fifteen hours, not be taken into account.
- (2) Notwithstanding the provisions of paragraphs (a) and (h) of sub-section (1) an employer may require or permit an employee—
 - (a) to work, in addition to the hours prescribed in paragraph (a) of sub-section (1), for a total period of not more than one hour in any one week, for the purpose of attending to customers after completion of the ordinary working hours ;
 - (b) subject to the provisions of paragraph (a) of this sub-section to work, in a designated area, in addition to the hours prescribed in paragraph (h) of sub-section (1), for a period not exceeding fifteen minutes on any one day, for the purpose of attending to customers after completion of the ordinary working hours ;
 - (c) to work increased hours for a total period of not more than six hours in any one week ;
 - (d) subject to the provisions of paragraph (c) to work increased hours in a designated area for a period not exceeding three hours on any one day.
- (3) The provisions of sub-section (1), shall not apply in respect of emergency work.
- (4) (a) The provisions of paragraph (e) of sub-section (1) shall not apply to any employer who carries on business in a shop, in respect of any Sunday or public holiday upon which he is by law allowed to open such shop : Provided that he shall not require or permit any employee whom he has during any week required or permitted to work on such Sunday or public holiday, to work on more than six days during that week, and that he shall grant to any employee whom he has so required or permitted to work on a public holiday, within fourteen days after such public holiday, a day's holiday and pay the employee, in respect of such holiday, not later than the pay day next succeeding such holiday, remuneration at a rate not less than his ordinary

4. (1) Geen werkgewer mag vereis of toelaat nie dat enige werknemer— Werkure van werknemers.

- (a) meer as ses-en-veertig uur in een week werk ; of
- (b) in 'n aangewese gebied op enige dag, 'n werkdag werk wat meer as twee uur langer is as die totale aantal ure gedurende welke die werknemer op daardie dag vir hom gewerk het : Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van 'n werknemer wat in diens is in of in verband met 'n restaurant of 'n verversings- of teekamer of eetlokaal ; of
- (c) vir 'n werkdag van meer as twaalf uur werk, onder omstandighede waarin die bepalings van paragraaf (b) nie van toepassing is nie ; of
- (d) vir meer as 'n onafgebroke tydperk van vyf uur werk sonder een ononderbroke rustyd van minstens een uur : Met dien verstande dat by die toepassing van hierdie paragraaf, werktydperke wat deur 'n rustyd van minder as een uur onderbreek word geag word onafgebroke te wees ; of
- (e) op 'n Sondag of 'n openbare feesdag werk ; of
- (f) na eenuur in die namiddag op meer as vyf dae in enige week werk ; of
- (g) wat minder as agtien jaar oud is, later as agtuur in die aand werk, as die werknemer in diens is in of in verband met 'n restaurant of 'n verversings- of teekamer of eetlokaal, of later as half-sewe in die namiddag werk, as die werknemer in diens is in of in verband met 'n ander winkel as 'n restaurant, verversings- of teekamer of eetlokaal ; of
- (h) in 'n aangewese gebied vir meer as agt uur op een dag werk : Met dien verstande dat 'n werkgewer in so 'n gebied kan vereis of toelaat dat enige werknemer—
 - (i) vir nege uur op een dag in die week werk ; en
 - (ii) vir tien uur werk op die vier-en-twintigste dag van Desember of op die voorafgaande dag indien eersgenoemde dag 'n Sondag is ; of
- (i) om verlengde ure te werk vir 'n totale tydperk van meer as dertig uur in 'n kalenderjaar : Met dien verstande dat by die berekening van so 'n tydperk, enige tydperke in bedoelde kalenderjaar gedurende welke die werknemer werk verrig het in verband met die verpakking of versending van goedere, tot op 'n gesamentlike tydperk van vyftien uur, buite rekening gelaat word.

(2) Nieteenstaande die bepalings van paragrafe (a) en (h) van sub-artikel (1), mag 'n werkgewer vereis of toelaat dat 'n werknemer—

- (a) benewens die ure in paragraaf (a) van sub-artikel (1) voorgeskryf, vir 'n gesamentlike tydperk van hoogstens een uur in een week werk ten einde na afloop van die gewone werkure klante te bedien ;
- (b) behoudens die bepalings van paragraaf (a) van hierdie sub-artikel, in 'n aangewese gebied benewens die ure in paragraaf (h) van sub-artikel (1) voorgeskryf, vir 'n tydperk van hoogstens vyftien minute op een dag werk, ten einde na afloop van die gewone werkure klante te bedien ;
- (c) verlengde ure werk vir 'n gesamentlike tydperk van hoogstens ses uur in een week ;
- (d) behoudens die bepalings van paragraaf (c), verlengde ure werk in 'n aangewese gebied vir 'n tydperk van hoogstens drie uur op een dag.

(3) Die bepalings van sub-artikel (1) is nie van toepassing ten opsigte van noodwerk nie.

- (4) (a) Die bepalings van paragraaf (e) van sub-artikel (1) is nie van toepassing nie op 'n werkgewer wat in 'n winkel besigheid dryf, ten opsigte van enige Sondag of openbare feesdag waarop hy volgens wet bedoelde winkel mag open : Met dien verstande dat hy nie mag vereis of toelaat dat 'n werknemer van wie hy vereis het of wat hy toegelaat het om gedurende enige week op bedoelde Sondag of openbare feesdag te werk, vir meer as ses dae gedurende daardie week werk nie, en dat hy aan enige werknemer van wie hy aldus vereis het of wat hy aldus toegelaat het om op 'n openbare feesdag te werk, binne veertien dae na die openbare feesdag, 'n dag vakansie toestaan, en die werknemer ten opsigte van bedoelde vakansiedag, nie later nie as die eersvolgende betaaldag na bedoelde vakansiedag besoldig teen 'n skaal wat nie minder is nie as sy

rate of pay, as if he had on such holiday worked his average ordinary working hours for that day of the week.

(b) No such employer shall require or permit any employee to perform work in connection with stock-taking on a Sunday or public holiday.

(5) (a) Notwithstanding the provisions of paragraphs (e) and (f) of sub-section (1) and paragraph (b) of sub-section (4), an employer may require or permit an employee to perform work in connection with stock-taking—

(i) on one public holiday in any calendar year; and

(ii) after one o'clock in the afternoon on one day in any calendar year on which, in terms of paragraph (f) aforesaid, such employer may not require or permit such employee to work after one o'clock in the afternoon.

(b) An employer shall, not later than seven days after any day upon which, in terms of paragraph (a), he has required or permitted any employee to perform work in connection with stocktaking, furnish the prescribed particulars to the designated inspector.

(c) An employer shall grant to any employee whom he has so required or permitted to work on a public holiday, within thirty days after such public holiday, a day's holiday and shall pay the employee, in respect of such holiday, not later than the pay day next succeeding such holiday, remuneration at a rate not less than his ordinary rate of pay, as if he had on such holiday worked his average ordinary working hours for that day of the week.

(6) An inspector may by notice in writing direct any employer not to require or permit any employee named in such notice, or any employee of a class specified therein, or any of his employees to work increased hours during any period mentioned therein.

(7) An employee shall be deemed to be working for his employer, in addition to any period during which he is so working—

(a) during the whole of any interval in his work if—

(i) he is not free to leave the shop or office of his employer for the whole of such interval; or

(ii) the duration of such interval is not shown in the records required to be kept in terms of section eight; and

(b) during any other period during which he is on the premises or in the shop or office of his employer:

Provided that if it is proved that any such employee was not working for his employer during any portion of any period referred to in paragraph (b), the presumption provided for in this sub-section shall not apply in respect of such employee with reference to that portion of such period.

Employer to furnish particulars of increased hours and emergency work.

5. Every employer shall, not later than the seventh day of each month, furnish to the designated inspector in the prescribed form, full particulars of any periods worked during the preceding month by any employee employed by him, in excess of the hours prescribed in paragraphs (a) and (b) of sub-section (1) of section four, other than periods worked in terms of paragraph (a) or (b) of sub-section (2) of the said section, and of the reasons therefor.

Payment in respect of hours in excess of forty-six per week and for public holidays.

6. (1) An employer shall pay to an employee employed by him for each hour or part of an hour he is required or permitted to work in excess of forty-six hours per week, other than any period worked in terms of paragraph (a) or (b) of sub-section (2) of section four, at a rate which is not less than one and a quarter times—

(a) his hourly wage if he is paid by the hour; or

(b) his daily wage divided by eight if he is paid by the day; or

(c) his weekly wage divided by forty-six if he is paid by the week; or

gewone loonskaal, asof hy sy gemiddelde gewone werkkure vir daardie dag van die week op bedoelde vakansiedag gewerk het.

- (b) Geen sodanige werkgewer mag vereis of toelaat dat enige werknemer op 'n Sondag of openbare feesdag werk in verband met voorraadsopname verrig nie.
- (5) (a) Nieteenstaande die bepalinge van paragrafe (e) en (f) van sub-artikel (1) en paragraaf (b) van sub-artikel (4), mag 'n werkgewer vereis of toelaat dat 'n werknemer werk in verband met voorraadsopname verrig—
 - (i) op één openbare feesdag in 'n kalenderjaar; en
 - (ii) na eenuur in die namiddag op een dag in 'n kalenderjaar waarop so 'n werkgewer ingevolge voornoemde paragraaf (f) nie mag vereis of toelaat dat so 'n werknemer na eenuur in die namiddag werk nie.
- (b) 'n Werknemer moet, nie later nie as sewe dae na 'n dag waarop hy ingevolge paragraaf (a) vereis of toegelaat het dat 'n werknemer werk in verband met voorraadsopname verrig, die voorgeskrewe besonderhede aan die aangewese inspekteur verstrek.
- (c) 'n Werkgewer moet aan enige werknemer van wie hy aldus vereis het of wat hy aldus toegelaat het om op 'n openbare feesdag te werk, binne dertig dae na die openbare feesdag, 'n dag vakansie toestaan, en die werknemer ten opsigte van bedoelde vakansiedag, nie later nie as die eersvolgende betaaldag na bedoelde vakansiedag, besoldig teen 'n skaal wat nie minder is nie as sy gewone loonskaal, asof hy sy gemiddelde gewone werkkure vir daardie dag van die week op bedoelde vakansiedag gewerk het.
- (6) 'n Inspekteur kan by skriftelike kennisgewing enige werkgewer gelas om nie te vereis of toe te laat nie dat 'n in daardie kennisgewing by name genoemde werknemer, of enige werknemer wat val onder 'n daarin vermelde kategorie, of enigeen van sy werknemers, gedurende 'n daarin vermelde tydperk verlengde ure werk.
- (7) 'n Werknemer word geag vir sy werkgewer te werk, benewens enige tydperk gedurende welke hy aldus werk—
 - (a) gedurende die hele duur van enige rustyd in sy werk indien—
 - (i) dit hom nie vrystaan om die winkel of kantoor van sy werkgewer vir die hele duur van die rustyd te verlaat nie; of
 - (ii) die duur van die rustyd nie aangegee word nie in die aantekeninge wat ingevolge artikel agt gehou moet word; en
 - (b) gedurende enige ander tydperk gedurende welke hy op die perseel of in die winkel of kantoor van sy werkgewer is:

Met dien verstande dat indien bewys gelever word dat so 'n werknemer nie vir sy werkgewer gedurende enige gedeelte van 'n in paragraaf (b) bedoelde tydperk gewerk het nie, die vermoede wat deur hierdie sub-artikel geskep word, nie ten opsigte van daardie werknemer met betrekking tot daardie gedeelte van bedoelde tydperk van toepassing is nie.

5. Elke werkgewer moet nie later nie as die sewende dag van elke maand, in die voorgeskrewe vorm aan die aangewese inspekteur volledige besonderhede verstrek omtrent enige tydperke wat gedurende die voorafgaande maand deur enige werknemer in sy diens gewerk is, bo die ure in paragrafe (a) en (b) van sub-artikel (1) van artikel vier voorgeskryf, behalwe enige tydperke wat ingevolge paragraaf (a) of (b) van sub-artikel (2) van genoemde artikel gewerk is, en omtrent die redes daarvoor.

Werkgewer moet besonderhede van verlengde ure en noodwerk verstrek.

6. (1) 'n Werkgewer moet 'n werknemer by hom in diens, vir elke uur of deel van 'n uur bo ses-en-veertig uur per week waarvoor van hom vereis of waarvoor hy toegelaat word om te werk, behalwe 'n tydperk wat ingevolge paragraaf (a) of (b) van sub-artikel (2) van artikel vier gewerk is, besoldig teen 'n skaal van minstens een-en-'n-kwart maal—

Betaling ten opsigte van ure wat meer as ses-en-veertig per week beloop, en vir openbare feesdae.

- (a) sy loon per uur indien hy per uur betaal word; of
- (b) sy daaglikse loon, verdeel by agt, indien hy per dag betaal word; of
- (c) sy weeklikse loon, verdeel by ses-en-veertig, indien hy per week betaal word; of

- (d) his monthly wage divided by two hundred if he is paid by the month; or
- (e) his ordinary rate of pay if he is paid in any other manner.

(2) An employer shall, in respect of every public holiday, pay to every employee employed by him, remuneration at a rate not less than his ordinary rate of pay, as if such holiday had been a working day upon which such employee had worked his average ordinary working hours for that day of the week.

(3) The payment referred to in this section shall be made not later than the pay day next succeeding the week or public holiday in respect of which the payment is to be made.

Paid leave.

7. (1) Every employer shall grant to every employee employed by him, in respect of each period of twelve month's employment with him, and not later than two months after the termination of the said period, leave of absence on full pay of not less than fourteen consecutive days: Provided that—

- (a) the period of such leave shall not be concurrent with any period during which the employee is required to undergo training under the South Africa Defence Act, 1912; and
- (b) if any public holiday falls within the period of such leave, such holiday shall be added to the said period as a further period of leave of absence on full pay.

(2) The employer shall pay to an employee to whom leave is granted under sub-section (1), his pay in respect of the period of leave, not later than the last working day before the commencement of the said period.

(3) Upon termination of employment, the employer shall pay to the employee his full pay—

- (a) in respect of any period of leave which has accrued to him but was not granted before the date of termination of the employment; and
 - (b) for one day in respect of each completed month of employment with the employer after the date on which he last became entitled to leave in terms of sub-section (1), or in the case of an employee who has been employed for less than twelve months, after the date of commencement of his employment.
- (4) Any period during which an employee—
- (a) is on leave in terms of sub-section (1);
 - (b) is required to undergo training under the South Africa Defence Act, 1912;
 - (c) is absent from work on the instructions or at the request of the employer;
 - (d) is absent from work owing to illness;

shall be deemed to be employment for the purposes of sub-sections (1) and (3): Provided that the provisions of paragraph (d) shall not apply in respect of any period of absence of more than three consecutive days, if the employee fails, after a request for such a certificate by the employer, to submit to the employer a certificate by a medical practitioner that he was prevented by illness from doing his work, or in respect of that portion of any total period of absence during any twelve months of employment, which is in excess of thirty days.

(5) Any amount paid to an employee in terms of sub-section (2) or sub-section (3) shall be calculated at the rate of pay which the employee was receiving immediately prior to the date upon which the leave became due or his employment terminated, as the case may be.

(6) In this section the expression "employer" includes—

- (a) in the case of the death of an employer, the executor of his estate, or his heir or legatee; and
- (b) in the case of the insolvency of an employer or the liquidation of his estate, or the transfer or sale of his business, the trustee or liquidator or the new owner of the business,

if such executor, heir, legatee, trustee, liquidator or new owner continues to employ that employee.

(7) For the purposes of this section employment shall be deemed to commence from—

- (a) the date on which the employee entered the employer's service; or
- (b) a date one year prior to the date of commencement of this Act; or

(d) sy maandelikse loon verdeel by tweehonderd indien hy per maand betaal word; of

(e) sy gewone loonskaal indien hy op enige ander wyse betaal word.

(2) 'n Werkgewer moet, ten opsigte van iedere openbare feesdag, iedere werknemer by hom in diens, besoldig teen 'n skaal wat nie minder is nie as sy gewone loonskaal, asof die feesdag 'n werkdag was waarop bedoelde werknemer sy gemiddelde gewone werkure vir daardie dag van die week gewerk het.

(3) Die besoldiging in hierdie artikel bedoel moet uitbetaal word nie later nie as die eersvolgende betaaldag na die week of openbare feesdag ten opsigte waarvan die besoldiging geskied.

7. (1) Elke werkgewer moet aan iedere werknemer by hom in diens ten opsigte van elke tydperk van twaalf maande diens by hom, en nie later nie as twee maande na verstryking van genoemde tydperk, verlof van minstens veertien agtereenvolgende dae met volle besoldiging toestaan: Met dien verstande dat—

(a) die tydperk van sodanige verlof nie saamval nie met enige tydperk gedurende welke van die werknemer vereis word om oefening ingevolge die „Zuid-Afrika Verdedigings Wet, 1912”, te ondergaan; en

(b) indien enige openbare feesdag binne die tydperk van die verlof val, daardie feesdag aan genoemde tydperk toegevoeg word as 'n verdere tydperk van verlof met volle besoldiging.

(2) Die werkgewer moet aan 'n werknemer aan wie verlof kragtens sub-artikel (1) toegestaan word, sy besoldiging ten opsigte van die verloftydperk nie later nie as die laaste werkdag voor die aanvang van genoemde tydperk, uitbetaal.

(3) By beëindiging van sy diens, moet die werkgewer aan die werknemer sy volle besoldiging uitbetaal—

(a) ten opsigte van enige verloftydperk wat hom toegeval het maar nie voor die datum van beëindiging van die diens aan hom toegestaan is nie; en

(b) vir een dag ten opsigte van elke voltooide maand van diens by die werkgewer na die datum waarop hy laas ingevolge sub-artikel (1) op verlof geregtig geword het, of in die geval van 'n werknemer wat vir minder as twaalf maande in diens was, na die aanvangsdatum van sy diens.

(4) Enige tydperk gedurende welke 'n werknemer—

(a) ingevolge sub-artikel (1) met verlof is;

(b) verplig is om oefening te ondergaan ingevolge die „Zuid-Afrika Verdedigings Wet, 1912”; en

(c) op las of versoek van die werkgewer van sy werk afwesig is;

(d) weens siekte van sy werk afwesig is,

word by die toepassing van sub-artikels (1) en (3) geag diens te wees: Met dien verstande dat die bepalings van paragraaf (d) nie van toepassing is nie ten opsigte van 'n tydperk van afwesigheid van meer as drie agtereenvolgende dae, indien die werknemer, nadat hy deur die werkgewer om so 'n sertifikaat versoek is, versuim om 'n sertifikaat van 'n geneeskundige praktisyn dat hy deur siekte verhinder is om sy werk te doen, aan die werkgewer voor te lê, of ten opsigte van daardie gedeelte van 'n gesamentlike tydperk van afwesigheid gedurende enige twaalf maande diens, wat meer is as dertig dae.

(5) Enige bedrag wat ingevolge sub-artikel (2) of sub-artikel (3) aan 'n werknemer uitbetaal word, word bereken teen die skaal van besoldiging wat die werknemer ontvang het onmiddellik voor die datum waarop die verlof verskuldig geword of sy diens geëindig het, na gelang van die geval.

(6) In hierdie artikel beteken die uitdrukking „werk-gewer” ook—

(a) in die geval van die dood van 'n werkgewer, die eksekuteur van sy boedel, of sy erfgenaam of legataris; en

(b) in die geval van die insolvensie van 'n werkgewer of die likwidasie van sy boedel, of die oordrag of verkoop van sy besigheid, die kurator of likwidateur of die nuwe eienaar van die besigheid,

indien sodanige eksekuteur, erfgenaam, legataris, kurator, likwidator of nuwe eienaar daardie werknemer in sy diens aanhou.

(7) By die toepassing van hierdie artikel word diens geag 'n aanvang te neem vanaf—

(a) die datum waarop die werknemer by die werkgewer in diens getree het; of

(b) 'n datum een jaar voor die datum van inwerkingtreding van hierdie Wet; of

- (c) the date on which an employee who had, in terms of any law and within the period referred to in paragraph (b), been granted leave of absence on full pay, became entitled to such leave in terms of such law ; or
- (d) the date upon which an employee upon whom no agreement, notice or award published or made or deemed to have been published or made under the Industrial Conciliation Act, 1937, or determination made or deemed to have been made under the Wage Act, 1937, is binding, who had, in terms of any such agreement, notice, award or determination which has ceased to be binding, and within the period referred to in paragraph (b), been granted leave of absence on full pay, became entitled to such leave in terms of such agreement, notice, award or determination,

whichever may be the later date.

(8) Subject to the provisions of sub-section (3), no employer shall agree with an employee to pay, or pay to him any amount in lieu of leave.

Records to be kept by employer.

8. (1) Every employer shall from day to day keep a record, in the form and manner prescribed, in respect of each day, showing—

- (a) the name and occupation of each employee ;
- (b) the times at which each employee commences and ceases work ;
- (c) in respect of each employee, the times and duration of intervals in his work during which he is not deemed to be working under sub-section (7) of section four ;
- (d) the times during which he required or permitted any employee to work increased hours ;
- (e) if any employee is absent from his work, the reason for his absence ;
- (f) the names and occupation of persons working for him in or in connection with his shop or in his office, or assisting him in the carrying on of any business in his shop or the doing of any work performed in his office, who are not employees as defined in section one ;

and such other particulars as may be prescribed.

(2) Every employee shall make in such record such entries as may be prescribed.

(3) An inspector may in writing signed by him authorize the keeping of such record in a form other than the prescribed form, if the record so kept will in his opinion enable him to ascertain therefrom the required particulars.

(4) Every employer shall retain any record kept in terms of this section for a period of three years subsequent to the date of the record and shall on demand by an inspector made at any time during the said period of three years produce any such record for inspection.

Provision of seats.

9. (1) Every employer shall provide at such places in his shop as an inspector may from time to time direct or in the absence of a direction from an inspector, at such places in his shop as the employer may decide, one or more suitable seats for females employed in the shop, in such numbers that there shall be not less than one seat for three or less than three females, not less than two seats for more than three but not more than six females, and so forth, and shall allow every such female to make use of any such seat at all reasonable times.

(2) No employer shall require any such female so continuously to do work in the performance of which she is required to remain standing, that reasonable intervals during which she may use any seat referred to in sub-section (1) are not allowed to her.

Notices to be posted by employer.

10. Every employer shall affix and keep affixed in some conspicuous place upon his premises to be determined by him and in such other places upon his premises as an inspector may from time to time direct—

- (a) notices in the prescribed form in legible characters, in both the official languages of the Union containing—
 - (i) such summaries of or extracts from the provisions of this Act as may be prescribed ; and

- (c) die datum waarop 'n werknemer aan wie verlof met volle besoldiging ingevolge enige wet en binne die in paragraaf (b) bedoelde tydperk toegestaan was, op sodanige verlof ingevolge bedoelde wet geregtig geword het; of
- (d) die datum waarop 'n werknemer op wie geen ooreenkoms, kennisgewing of uitspraak wat ingevolge die Nywerheidversoeningwet, 1937, bekendgemaak of gedoen is of geag word bekendgemaak of gedoen te gewees het, of 'n vasstelling wat ingevolge die Loonwet, 1937, gemaak is of geag word gemaak te gewees het, bindend is, aan wie ingevolge sodanige ooreenkoms, kennisgewing, uitspraak of vasstelling wat opgehou het om bindend te wees en binne die in paragraaf (b) bedoelde tydperk, verlof met volle besoldiging toegestaan was, op sodanige verlof ingevolge daardie ooreenkoms, kennisgewing, uitspraak of vasstelling geregtig geword het,

na gelang die een of die ander datum later is.

(8) Behoudens die bepalinge van sub-artikel (3) mag geen werkgewer met 'n werknemer ooreenkoms om enige bedrag in plaas van verlof aan hom te betaal, of dit aan hom betaal nie.

8. (1) Elke werkgewer moet van dag tot dag in die voorgeskrewe vorm en op die voorgeskrewe wyse, ten opsigte van elke dag, aantekeninge hou waarin vermeld word—

Aantekeninge deur werkgewer gehou te word.

- (a) die naam en werk van elke werknemer;
- (b) die tye waarop elke werknemer sy werk begin en staak;
- (c) ten opsigte van elke werknemer, die tye en duur van rustye in sy werk gedurende welke hy nie ingevolge sub-artikel (7) van artikel vier geag word te werk nie;
- (d) die tye gedurende welke hy vereis of toegelaat het dat 'n werknemer verlengde ure werk;
- (e) indien 'n werknemer van sy werk afwesig is, die rede vir sy afwesigheid;
- (f) die name en werk van persone wat nie werknemers, soos in artikel een omskrywe, is nie, wat in of in verband met sy winkel of in sy kantoor vir hom werk, of wat hom bystaan by die dryf van enige besigheid in sy winkel of by die doen van werk wat in sy kantoor verrig word;

en sodanige ander besonderhede as wat voorgeskryf mag word.

(2) Elke werknemer moet in sodanige aantekeninge die inskrywings doen wat voorgeskryf mag word.

(3) 'n Inspekteur kan skriftelik onder sy handtekening verlof verleen tot die hou van sodanige aantekening in 'n ander as die voorgeskrewe vorm, indien die aantekening wat aldus gehou word volgens sy oordeel hom in staat sal stel om daaruit die vereiste besonderhede te wete te kom.

(4) Elke werkgewer moet alle aantekeninge ingevolge hierdie artikel gehou, vir 'n tydperk van drie jaar na die datum van die aantekeninge behou, en moet op versoek van 'n inspekteur gedoen te eniger tyd binne genoemde tydperk van drie jaar, enige sodanige aantekening vir besigtiging toon.

9. (1) Elke werkgewer moet op sulke plekke in sy winkel as wat 'n inspekteur van tyd tot tyd mag aanwys, of by ontstaan van 'n aanwysing deur 'n inspekteur, op sulke plekke in sy winkel as die werkgewer mag beslis, so 'n aantal geskikte sitplekke verskaf vir vrouspersone wat in die winkel in diens is, dat daar minstens een sitplek is vir drie of minder as drie vrouspersone, minstens twee sitplekke is vir meer as drie maar nie meer nie as ses vrouspersone, en so voort, en moet elke sodanige vrouspersoon toelaat om te alle redelike tye van enige sodanige sitplek gebruik te maak.

Verskaffing van sitplekke.

(2) Geen werkgewer mag vereis dat so 'n vrouspersoon so aanhoudend werk doen by die verrigting waarvan sy moet staan, dat redelike tussenpose gedurende welke sy 'n in sub-artikel (1) bedoelde sitplek kan gebruik, haar nie toegelaat word nie.

10. Elke werkgewer moet op 'n in die ooglopende plek op sy perseel deur hom te bepaal, en op sulke ander plekke op sy perseel as wat 'n inspekteur van tyd tot tyd mag aanwys—

Kennisgewings deur werkgewer aangeplak te word.

- (a) kennisgewings in die voorgeskrewe vorm, in leesbare letters, in albei amptelike tale van die Unie, aanheg en aangeheg hou waarin vervat is—
 - (i) sulke opsommings van of uittreksels uit die bepalinge van hierdie Wet as wat voorgeskryf mag word; en

(ii) the official address of the designated inspector ;
and

(b) a copy of any notice published under section *three* applicable to the area within which his premises are situate.

Victimization
forbidden.

11. (1) No employer shall dismiss any employee employed by him or reduce the rate of his remuneration or alter the conditions of his employment to conditions less favourable to him or alter his position relatively to other employees employed by him to his disadvantage, by reason of the fact that he suspects or believes (whether or not the suspicion or belief is justified or correct) that that employee has given information with regard to any matter which by or under this Act he is or could be required to give to an inspector or member of the South African Police, or to a person authorized under paragraph (b) of sub-section (5) of section *fourteen*, or has complied with any lawful requirement of an inspector, member of the South African Police or such authorized person, or has given evidence before a court of law.

(2) The court which convicts any person of an offence under sub-section (1) may in addition to any sentence which it may impose—

(a) in the case of an employee the reduction of the rate of whose remuneration or the alteration of whose position was the subject of the charge, order the employer to restore the position of such employee to that existing prior to the reduction or alteration, with effect from the date on which the reduction was made or his position was so altered ; and

(b) in the case of an employee whose dismissal was the subject of the charge, order the employer to pay to the said employee a sum equal to three times the monthly or thirteen times the weekly or seventy-eight times the daily or five hundred and ninety-eight times the hourly wage or salary of such employee according to the basis on which he was remunerated.

(3) Any such order shall have the effect of and may be executed as if it were a civil judgment in favour of that employee.

Confinement
allowance.

12. (1) No female shall work in a shop and no employer shall require or permit any female to work in his shop during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after the date of her confinement.

(2) Subject to such conditions as the Minister may from time to time determine, a sum calculated at a rate not exceeding twenty shillings per week for a period of twelve weeks, may be paid from public moneys, in a lump sum or in such instalments as the Minister may determine, to any female who discontinues work in a shop as a result of pregnancy.

(3) Whenever any amount has been paid to any female in terms of sub-section (2), an inspector may, subject to the instructions of the Minister, at any time apply to the magistrate's court of the district in which the person alleged to be the father resides, for an order that the said person shall pay to an officer specified by the court an amount equal to the amount so paid to such female from public moneys ; and the court, if satisfied that such person is the father and is able to pay the said amount or any lesser amount, shall order him to pay the said amount or such lesser amount to the officer so specified, in instalments or otherwise, within such period as the court may determine.

(4) The court may, at any time, upon the application of the person against whom such an order has been made, vary such order.

(5) Any amount paid to an officer so specified in pursuance of any order made under sub-section (3) or (4) shall be paid into the Consolidated Revenue Fund.

(6) Any order made under sub-section (3) or (4) shall have the effect of, and may be executed as if it were, a civil judgment in favour of the Crown.

Appointment of
inspectors.

13. (1) The Minister may, subject to the laws governing the public service, appoint any person as an inspector under this Act.

- (ii) die amptelike adres van die aangewese inspekteur ;
en
- (b) 'n afskrif aanheg en aangeheg hou van enige kennisgewing ingevolge artikel drie bekendgemaak, wat van toepassing is op die gebied waarbinne sy perseel geleë is.

11. (1) Geen werkgewer mag 'n werknemer in sy diens uit sy diens ontslaan of die skaal van sy besoldiging verminder of sy diensvoorwaardes verander in voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers in sy diens, tot sy nadeel verander, omrede dat hy vermoed of glo (onverskillig of die vermoede of geloof gegrond of juis is al dan nie) dat daardie werknemer inligting met betrekking tot enige aangeleentheid wat hy deur of kragtens hierdie Wet vereis of kan vereis word om te gee, aan 'n inspekteur of lid van die Suid-Afrikaanse Polisie of aan 'n ingevolge paragraaf (b) van sub-artikel (5) van artikel veertien gemagtigde persoon gegee het, of dat hy voldoen het aan enige wettige voorskrif van 'n inspekteur, lid van die Suid-Afrikaanse Polisie of sodanige gemagtigde persoon, of getuienis afgelê het voor 'n geregshof.

Viktimisasie verbied.

(2) Die hof wat iemand skuldig bevind aan 'n oortreding ingevolge sub-artikel (1) kan ook, benewens enige vonnis wat hy mag opleë—

- (a) die werkgewer gelas om, in die geval van 'n werknemer die vermindering van wie se skaal van besoldiging of die verandering van wie se posisie die onderwerp van die aanklag was, die posisie van daardie werknemer weer te herstel tot die wat voor die vermindering of verandering bestaan het, met uitwerking vanaf die datum waarop die vermindering gemaak of sy posisie aldus verander is ; en
- (b) die werkgewer gelas om, in die geval van 'n werknemer wie se ontslag die onderwerp van die aanklag was, aan bedoelde werknemer 'n bedrag te betaal wat gelyk is aan driemaal die maandelikse of dertienmaal die weeklikse of agt-en-sewentigmaal die daaglikse of vyfhonderd agt-en-negentigmaal die uurlikse loon of salaris van bedoelde werknemer, volgens die basis waarop hy besoldig is.

(3) Enige sodanige bevel het die uitwerking van en kan ten uitvoer gelê word asof dit 'n siviele vonnis ten gunste van daardie werknemer was.

12. (1) Geen vrouspersoon mag in 'n winkel werk en geen werkgewer mag vereis of toelaat dat enige vrouspersoon in sy winkel werk gedurende die tydperk wat vier weke voor die verwagte datum van haar bevalling begin en agt weke na die datum van haar bevalling eindig. Bevallings-toelaat.

(2) Onderhewig aan sulke voorwaardes as wat die Minister van tyd tot tyd mag bepaal, kan 'n bedrag, bereken teen 'n skaal van hoogstens twintig sjielings per week vir 'n tydperk van twaalf weke, uit staatsgelde, in 'n ronde som of in sulke paaieimente as wat die Minister mag bepaal, aan 'n vrouspersoon wat ten gevolge van swangerskap haar werk in 'n winkel staak, betaal word.

(3) Wanneer enige bedrag ingevolge sub-artikel (2) aan 'n vrouspersoon uitbetaal is, kan 'n inspekteur, onderhewig aan die instruksies van die Minister, te eniger tyd by die Magistraatshof van die distrik waarin die persoon wat die beweerde vader is, woon, aansoek doen om 'n bevel dat genoemde persoon 'n bedrag gelyk aan die bedrag wat aldus aan die vrouspersoon uit staatsgelde uitbetaal is, aan 'n deur die hof aangewese amptenaar moet betaal ; en die hof moet, indien oortuig dat bedoelde persoon die vader is en in staat is om genoemde bedrag of 'n mindere bedrag te betaal, hom gelas om genoemde bedrag, of die mindere bedrag, in paaieimente of andersins, binne die tydperk wat die hof mag bepaal, aan die aldus aangewese amptenaar te betaal.

(4) Die hof kan te eniger tyd, op aansoek van die persoon teen wie so 'n bevel gegee is, die bevel wysig.

(5) 'n Bedrag wat aan 'n aldus aangewese amptenaar ingevolge 'n bevel kragtens sub-artikel (3) of (4) gegee, betaal word, word in die Gekonsolideerde Inkomstefonds gestort.

(6) 'n Bevel kragtens sub-artikel (3) of (4) gegee, het die uitwerking van, en kan ten uitvoer gelê word asof dit 'n siviele vonnis ten gunste van die Kroon was.

13. (1) Die Minister kan, met inagneming van die wette wat die staatsdiens reël, enig iemand as inspekteur ingevolge hierdie Wet aanstel. Aanstelling van inspekteurs.

(2) Every inspector shall be furnished with a certificate signed by an officer thereto designated by the Minister and stating that he has been appointed as an inspector under this Act.

Powers of inspectors.

14. (1) Any inspector may, for the purpose of ascertaining whether the provisions of this Act are being complied with, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of the records required to be kept by the employer in terms of section eight, and may examine and make extracts from and copies of such records and may require an explanation of any entries in any such records and may seize any such records as in his opinion may afford evidence of any offence under this Act. An inspector may take with him into or on to any premises any interpreter or other assistant.

(2) Any employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or in the exercise on such premises of his powers under sub-section (1).

(3) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee.

(4) For the purposes of this section any interpreter shall, while acting under the lawful direction of the inspector he accompanies, be deemed to be an inspector.

(5) In this section the expression "inspector" includes—

- (a) any member of the South African Police; and
- (b) any person who has been authorized by the Minister to exercise the powers of an inspector under this section in respect of a particular shop or office or for a specified period or in a specified area, and to whom a certificate has been issued by an officer designated thereto by the Minister, stating that such person has been so authorized.

Requirements by an inspector.

15. (1) If, in the opinion of an inspector, any owner of a shop or office or any employer has failed to comply with the provisions of any regulation specified under sub-section (4) of section twenty-three such inspector may—

- (a) by notice in writing setting forth in which respect the owner or employer has, in his opinion, failed to comply with the provisions of such regulation, require such owner or employer to take the steps and make the structural alterations mentioned in such notice; or
- (b) by similar notice require such owner or employer to submit to him a statement setting forth the steps which such owner or employer proposes to take, and if structural alterations will, in the opinion of the inspector, be necessary, also drawings to scale, in plan and section, showing the structural alterations which such owner or employer proposes to make, in order to comply with the said provisions; and
- (c) by further notice in writing require such owner or employer to take the steps and make the structural alterations so proposed, without modification or with such modification as the inspector may determine,

within a period specified in such notice, not being less than fourteen days.

(2) The period within which the requirements of any notice under sub-section (1) are to be complied with may, at the request of the owner or employer concerned, from time to time, be extended by the inspector.

(3) The owner or employer concerned may appeal to the Minister against the terms of any notice under sub-section (1).

(4) The Minister may, upon any such appeal, cancel or confirm such notice, or vary any requirements stated therein.

(2) Elke inspekteur word voorsien van 'n sertifikaat onderteken deur 'n amptenaar wat deur die Minister daartoe aangewys is, wat meld dat hy as inspekteur ingevolge hierdie Wet aangestel is.

14. (1) 'n Inspekteur kan, ten einde uit te vind of al dan nie aan die bepalings van hierdie Wet voldoen word, te eniger tyd, sonder voorafgaande kennisgewing, enige perseel hoegenaamd betree, en kan, terwyl hy op of in die perseel is of te eniger ander tyd enige persoon wat op of in die perseel is of was, in die teenwoordigheid of afgesonderd van andere ondervra, en kan eis dat daardie persoon daar en dan, of op 'n deur die inspekteur bepaalde tyd en plek die aantekeninge wat ingevolge artikel 8 deur die werkgewer gehou moet word, oorkom, en kan sodanige aantekeninge ondersoek en uittreksels daaruit of afskrifte daarvan maak, en kan 'n uitleg vorder van enige inskrywings in sulke aantekeninge, en kan beslag lê op sulke aantekeninge wat volgens sy oordeel bewys mag oplewer van 'n misdryf ingevolge hierdie Wet. 'n Tolk of ander assistent kan 'n inspekteur vergesel as hy enige perseel binnegaan of betree.

Bevoegdhede van inspekteurs.

(2) 'n Werkgewer in verband met wie se besigheid enige perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye sodanige hulp verskaf as wat die inspekteur verlang om die perseel te betree of by die uitoefening op sodanige perseel van sy bevoegdhede ingevolge sub-artikel (1).

(3) 'n Inspekteur kan eis dat 'n werknemer op 'n deur die inspekteur bepaalde tyd en plek voor hom verskyn, en kan daardie werknemer daar en dan ondervra.

(4) Vir die doeleindes van hierdie artikel word 'n tolk, terwyl hy optree onder die regmatige bevel van die inspekteur wat hy vergesel, geag 'n inspekteur te wees.

(5) In hierdie artikel beteken die uitdrukking „inspekteur” ook—

- (a) enige lid van die Suid-Afrikaanse Polisie; en
- (b) enige persoon wat deur die Minister gemagtig is om die bevoegdhede van 'n inspekteur ingevolge hierdie artikel uit te oefen ten opsigte van 'n bepaalde winkel of kantoor of vir 'n aangegewe tydperk of in 'n aangegewe gebied, en aan wie deur 'n amptenaar deur die Minister daartoe aangewys 'n sertifikaat uitgereik is waarin verklaar word dat daardie persoon aldus gemagtig is.

15. (1) Indien enige eienaar van 'n winkel of kantoor, of enige werkgewer, volgens oordeel van 'n inspekteur versuim het om aan die bepalings van 'n ingevolge sub-artikel (4) van artikel drie-en-twintig bepaalde regulasie te voldoen, kan die inspekteur—

Voorskrifte deur inspekteur.

- (a) by skriftelike kennisgewing waarin hy moet vermeld in watter opsig die eienaar of werkgewer volgens sy oordeel versuim het om aan die bepalings van bedoelde regulasie te voldoen, aan die eienaar of werkgewer voorskryf om die maatreëls te tref en die bouveranderinge aan te bring wat in die kennisgewing vermeld word; of
- (b) by soortgelyke kennisgewing aan die eienaar of werkgewer voorskryf om aan hom 'n staat voor te lê waarin die maatreëls uiteengesit word wat die eienaar of werkgewer voornemens is om te tref, en indien bouveranderinge volgens oordeel van die inspekteur nodig sal wees, ook tekenings op skaal, van oppervlakte en deursnee, wat die bouveranderinge aantoon wat die eienaar of werkgewer voornemens is om aan te bring, ten einde aan genoemde bepalings te voldoen; en
- (c) by verdere skriftelike kennisgewing aan bedoelde eienaar of werkgewer voorskryf om bedoelde voorgenome maatreëls te tref en bedoelde voorgenome bouveranderinge aan te bring, sonder wysiging of met sodanige wysiging as wat die inspekteur mag bepaal, binne 'n in die kennisgewing vermelde tydperk, wat minstens veertien dae moet wees.

(2) Die tydperk binne welke aan die voorskrifte van 'n kennisgewing kragtens sub-artikel (1) voldoen moet word, kan op versoek van die betrokke eienaar of werkgewer, van tyd tot tyd, deur die inspekteur verleng word.

(3) Die betrokke eienaar of werkgewer kan by die Minister in hoër beroep gaan teen die bepalings van enige kennisgewing ingevolge sub-artikel (1).

(4) By so 'n beroep kan die Minister die kennisgewing intrek of bekragtig, of enige daarin vermelde voorskrif wysig.

(5) (a) The owner or employer concerned may appeal to the division of the Supreme Court within whose area of jurisdiction he resides against any decision of the Minister under sub-section (4), on giving security to the satisfaction of the registrar of that division for any costs that may be incurred by the Minister in connection with the appeal.

(b) The division of the Supreme Court to which appeal is made shall confirm the Minister's decision or give such other decision as in its opinion the Minister ought to have given.

(6) In the event of an appeal under sub-section (3) or (5), the period within which the owner or employer is to comply with the terms of such notice shall commence as from the date of the decision of the Minister or the Court, as the case may be.

(7) For the purposes of this section no regulation specified under sub-section (4) of section *twenty-three* shall be held to be invalid on the ground of uncertainty.

Submission to designated inspector of plans for erection, re-building or alteration of shops and offices.

16. Whenever any plan for the erection, rebuilding or alteration of any building used or intended for use as a shop or office in any area in which any regulation made under paragraph (c), (d) or (g) of sub-section (1) of section *twenty-three* applies, is in terms of any law, by-law or regulation submitted to a local authority or any officer of a local authority for approval by such local authority or officer, such local authority or officer shall, before approving such plan, submit it to the designated inspector for scrutiny, and shall not approve such plan without consulting the said inspector.

Inspector may enforce law, regulation or by-law administered by local authority.

17. (1) Subject to the instructions of the Minister an inspector may, if he has given notice that any person has contravened or failed to comply with any law, regulation or by-law, administered by a local authority and relating to any matter referred to in paragraph (c), (d), (e), (f) or (g) of sub-section (1) of section *twenty-three* or any requirement made under such law, regulation or by-law, to any officer of such local authority whose duty it is to administer the provisions of such law, regulation or by-law, and no steps have within thirty days after such notice been taken by the local authority to secure compliance with the said provisions or requirements by such person, himself take such steps, and shall for that purpose have all the powers which any officer of the local authority may have in connection with the administration or enforcement of such law, regulation, by-law or requirement.

(2) The local authority concerned shall be liable to pay to the Minister such costs in connection with the steps taken by the inspector or in connection with any prosecution following thereon, as may be prescribed.

Inspector or authorized person to produce certificate.

18. Any inspector or person authorized under paragraph (b) of sub-section (5) of section *fourteen*, exercising any power or performing any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate furnished to him in terms of sub-section (2) of section *thirteen*, or in terms of the said paragraph, as the case may be.

Exemptions.

19. (1) Whenever circumstances exist which, in the opinion of the Minister, justify the exemption in any area of any class of employers with reference to managers or any other class of employees employed by them from one or more or all of the provisions of section *four, five, six, seven, eight, nine* or *ten*, or of any regulation, the Minister may by notice in the *Gazette* and subject to such conditions as he may fix in such notice, exempt such class of employers with reference to such class of employees from one or more or all of such provisions, and may, if he deems it expedient, limit such exemption to a period stated in such notice. For the purposes of this sub-section "class of employers" or "class of employees" includes such group or section or type of employers or employees as may be specified by the Minister in the notice, and the Minister may, in so specifying, apply any method of differentiation or of discrimination he may deem advisable.

- (5) (a) Die betrokke eienaar of werkgewer kan by die afdeling van die Hooggeregshof binne die regsgebied waarvan hy woonagtig is in hoër beroep gaan teen 'n beslissing van die Minister ingevolge sub-artikel (4), nadat hy tot voldoening van die griffier van daardie afdeling sekerheid gestel het vir koste wat deur die Minister in verband met die beroep gemaak mag word.
- (b) Die afdeling van die Hooggeregshof waarna in hoër beroep gegaan word bevestig die beslissing van die Minister of gee so 'n ander beslissing as na sy mening die Minister moes gegee het.
- (6) In die geval van 'n beroep ingevolge sub-artikel (3) of (5) neem die tydperk waarbinne die eienaar of werkgewer aan die bepalings van die kennisgewing moet voldoen 'n aanvang vanaf die datum waarop die Minister of die Hof, na gelang van die geval, oor die saak beslis.
- (7) By die toepassing van hierdie artikel word geen ingevolge sub-artikel (4) van artikel *drie-en-twintig* bepaalde regulasie op grond van onsekerheid as ongeldig beskou nie.

16. Wanneer 'n plan vir die oprigting, herbou of verandering van 'n gebou wat gebruik word of bestem is vir gebruik as 'n winkel of kantoor in 'n gebied waarin 'n kragtens paragraaf (c), (d) of (g) van sub-artikel (1) van artikel *drie-en-twintig* uitgevaardigde regulasie van toepassing is, ooreenkomstig wetsbepaling, bywet of regulasie aan 'n plaaslike bestuur of 'n beampte van 'n plaaslike bestuur, vir goedkeuring deur die plaaslike bestuur of bedoelde beampte, voorgelê word, moet die plaaslike bestuur of beampte die plan, voordat hy dit goedkeur, aan die aangewese inspekteur ter insage voorlê, en mag die plan nie goedkeur nie sonder om genoemde inspekteur te raadpleeg.

Voorlegging aan aangewese inspekteur van planne vir oprigting, herbou of verandering van winkels en kantore.

17. (1) Onderhewig aan die instruksies van die Minister, kan 'n inspekteur, indien hy kennis gegee het dat iemand 'n wetsbepaling, regulasie of bywet wat deur 'n plaaslike bestuur uitgevoer word en betrekking het op 'n in paragraaf (c), (d), (e), (f) of (g) van sub-artikel (1) van artikel *drie-en-twintig* bedoelde aangeleentheid, of enige voorskrif kragtens sodanige wetsbepaling, regulasie of bywet gedoen, oortree het of versuim het om daaraan te voldoen, aan 'n beampte van bedoelde plaaslike bestuur wie se plig dit is om die bepalings van daardie wetsbepaling, regulasie of bywet uit te voer, en geen stappe binne dertig dae na die kennisgewing deur die plaaslike bestuur gedoen is om voldoening aan genoemde bepalings of voorskrif deur bedoelde persoon te bewerkstellig nie, self sulke stappe doen, en het vir daardie doel al die bevoegdhede wat enige beampte van die plaaslike bestuur in verband met die uitvoer of afdwing van bedoelde wetsbepaling, regulasie, bywet of voorskrif besit.

Inspekteur kan wetsbepaling, regulasie of bywet deur plaaslike bestuur uitgevoer, afdwing.

(2) Die betrokke plaaslike bestuur is aanspreeklik om aan die Minister die koste wat voorgeskryf mag word, te betaal in verband met die stappe deur 'n inspekteur gedoen of in verband met enige vervolging wat daarop volg.

18. 'n Inspekteur of 'n ingevolge paragraaf (b) van sub-artikel (5) van artikel *veertien* gemagtigde persoon, wat 'n bevoegdheid uitoefen of 'n plig vervul wat deur hierdie Wet aan hom verleen of opgedra word, moet, op aanvraag, die sertifikaat wat ingevolge sub-artikel (2) van artikel *dertien* of ingevolge genoemde paragraaf, na gelang van die geval, aan hom verstrekk is, toon.

Inspekteur of gemagtigde persoon moet sertifikaat toon.

19. (1) Wanneer daar omstandighede bestaan wat volgens oordeel van die Minister, die vrystelling van enige kategorie van werkgewers met betrekking tot bestuurders of enige ander kategorie van werknemers by hul in diens, in enige gebied, van een of meer van, of van al die bepalings van artikel *vier*, *vyf*, *ses*, *sewe*, *agt*, *nege* of *tien*, of van enige regulasie, regverdig, kan die Minister by kennisgewing in die *Staatskoerant*, en onderhewig aan sulke voorwaardes as wat hy in die kennisgewing mag vasstel, bedoelde kategorie van werkgewers met betrekking tot bedoelde kategorie van werknemers van een of meer van, of van al daardie bepalings vrystel, en, as hy dit raadsaam ag, sodanige vrystelling tot 'n in die kennisgewing vermelde tydperk beperk. Vir die doeleindes van hierdie sub-artikel beteken „kategorie van werkgewers” of „kategorie van werknemers” ook sodanige groep of afdeling of soort werkgewers of werknemers as wat die Minister in die kennisgewing mag bepaal, en die Minister kan by so 'n bepaling volgens enige metode wat hy raadsaam ag onderskei of verskil maak.

Vrystellings.

(2) The Minister may by further notice in the *Gazette* cancel or amend any notice published in terms of sub-section (1).

(3) Whenever circumstances exist, which in the opinion of the Minister, justify the exemption of any individual employer with reference to all employees or any particular employee employed by him, from one or more or all of the provisions of section *four, five, six, seven, eight, nine or ten*, or of any regulation, the Minister may authorize under licence signed by an officer and subject to such conditions and for such period as may be specified therein, the exemption of that employer with reference to all employees or any particular employee employed by him from one or more or all of the said provisions.

(4) The Minister may from time to time by writing under his hand delegate the powers conferred upon him by this section to any officer, and withdraw such delegation.

(5) Any exemption granted in terms of sub-section (3) may at any time be withdrawn at the discretion of the Minister or by an officer to whom powers have been delegated under sub-section (4).

Offences and penalties.

20. Any person who—

- (a) contravenes or fails to comply with any provision of sub-section (1), (4) or (5) of section *four*, section *five*, section *six*, sub-section (1), (2), (3) or (8) of section *seven*, sub-section (1), (2) or (4) of section *eight*, section *nine, ten or eleven*, sub-section (1) of section *twelve* or section *sixteen*; or
- (b) contravenes or fails to comply with any notice under sub-section (6) of section *four*, requirement under section *fourteen*, or notice under sub-section (1) of section *fifteen*, or the conditions of any notice under sub-section (1) or (2) or of any licence under sub-section (3) of section *nineteen*; or
- (c) knowingly makes or causes to be made or connives at the making of any false entry in any record kept under section *eight*, or who prevents the making of correct entries therein; or
- (d) falsely holds himself out to be an inspector or person authorized under paragraph (b) of sub-section (5) of section *fourteen*; or
- (e) refuses or fails to answer to the best of his knowledge any question put to him by any person in the exercise of his functions under section *fourteen*, or hinders any person in the exercise of his functions under the said section,

shall be guilty of an offence and liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Acts or omissions by managers, agents or employees.

21. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts whether lawful or unlawful of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer, or the manager, agent or employee or both of them, may be so convicted and sentenced.

(2) Die Minister kan, by 'n verdere kennisgewing in die *Staatskoerant*, 'n ingevolge sub-artikel (1) bekendgemaakte kennisgewing intrek of wysig.

(3) Wanneer daar omstandighede bestaan wat volgens oordeel van die Minister, die vrystelling regverdig van 'n indiwiduele werkgewer met betrekking tot alle werknemers of 'n bepaalde werknemer by hom in diens, van een of meer van, of van al die bepalings van artikel *vier*, *vyf*, *ses*, *sewe*, *agt*, *nege* of *tien*, of van enige regulasie, kan die Minister, deur 'n sertifikaat deur 'n amptenaar onderteken, en onderhewig aan die voorwaardes en vir die tydperk wat daarin vermeld word, die vrystelling magtig van daardie werkgewer met betrekking tot alle werknemers of 'n bepaalde werknemer by hom in diens, van een of meer van, of van al die genoemde bepalings.

(4) Die Minister kan van tyd tot tyd by 'n deur hom ondertekende geskrif, die bevoegdhede wat deur hierdie artikel aan hom verleen word, aan 'n amptenaar oordra, en kan so 'n oordrag intrek.

(5) 'n Vrystelling ingevolge sub-artikel (3) verleen, kan te eniger tyd na goëddunke van die Minister, of deur 'n amptenaar aan wie bevoegdhede ingevolge sub-artikel (4) oorgedra is, ingetrek word.

20. Iemand wat—

- (a) enige bepaling van sub-artikel (1), (4) of (5) van artikel *vier*, artikel *vyf*, artikel *ses*, sub-artikel (1), (2), (3) of (8) van artikel *sewe*, sub-artikel (1), (2) of (4) van artikel *agt*, artikel *nege*, *tien* of *elf*, sub-artikel (1) van artikel *twalf* of artikel *sestien*, oortree of versuim om daaraan te voldoen; of
- (b) 'n kennisgewing kragtens sub-artikel (6) van artikel *vier*, voorskrif ingevolge artikel *veertien*, of kennisgewing kragtens sub-artikel (1) van artikel *vyftien*, of die voorwaardes van 'n kennisgewing kragtens sub-artikel (1) of (2) of van 'n sertifikaat kragtens sub-artikel (3) van artikel *negentien*, oortree of versuim om daaraan te voldoen; of
- (c) willens en wetens 'n valse inskrywing in 'n aantekening ingevolge artikel *agt* gehou, doen of laat doen of die doen daarvan oogluikend toelaat, of wat verhinder dat juiste inskrywings daarin gedoen word; of
- (d) hom valselyk as 'n inspekteur of 'n ingevolge paragraaf (b) van sub-artikel (5) van artikel *veertien* gemagtigde persoon voordoen; of
- (e) weier of versuim om na sy beste wete op enige vraag wat deur iemand by die uitoefening van sy werksaamhede ingevolge artikel *veertien* aan hom gestel word, te antwoord, of iemand by die uitoefening van sy werksaamhede ingevolge genoemde artikel hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met beide sodanige boete en gevangenisstraf.

Misdrywe en strafbepalings.

21. (1) Wanneer enige bestuurder, agent of werknemer van 'n werkgewer enige daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as 'n werkgewer dit begaan het, dan, tensy bewys gelewer word dat—

Dade of versuim van bestuurders, agente of werknemers.

- (a) die werkgewer daardie daad of versuim van die bestuurder, agent of werknemer nie deur die vingers gesien of toegelaat het nie; en
- (b) die werkgewer alle redelike maatreëls getref het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim hetsy wettig of onwettig, van die ten laste gelegde soort onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die diensloop van die bestuurder, agent of werknemer geval het nie,

word veronderstel dat die werkgewer self daardie daad of versuim begaan het en kan hy ten opsigte daarvan skuldig bevind en gevonnies word; en die feit dat die werkgewer 'n daad of versuim van die betrokke soort verbied het, strek op sigself nog nie tot voldoende bewys dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van enige werkgewer 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan het, kan hy ten opsigte daarvan skuldig bevind en gevonnies word asof hy die werkgewer was.

(3) Of die werkgewer of die bestuurder, agent of werknemer, of albei van hulle, kan aldus skuldig bevind en gevonnies word.

Evidence.

22. (1) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer, or by his manager, agent or employee, or found upon or in any premises occupied by that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(2) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any form submitted to an inspector under section *five*, or in any record kept by any person under section *eight*, or has been recorded or made by any person in such record, the person who submitted such form, or kept such record, or recorded or made such statement or entry, as the case may be, shall be presumed until the contrary is proved, wilfully to have falsified that form or record.

(3) Whenever any person is charged under sub-section (1) of section *eleven* with having dismissed any person employed by him, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, by reason of his suspicion or belief in the existence of any fact referred to in that sub-section and stated in the charge, and it is proved that the accused dismissed that person or reduced the rate of his remuneration or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the suspicion or belief stated in the charge.

Regulations.

23. (1) The Governor-General may make regulations as to—

- (a) the duties of officers ;
- (b) the procedure to be followed in applying for recognition in terms of sub-paragraph (ix) of paragraph (c) of sub-section (1) of section *two* ;
- (c) the sanitation, ventilation and lighting in shops or offices, and the duties of owners of shops or offices or of employers in connection therewith ;
- (d) the accommodation and conveniences to be provided in shops or offices by owners or employers for employees while they are working therein ;
- (e) the clothing to be provided by employers for employees who handle specified articles in the course of their work, or who are employed in specified trades or occupations ;
- (f) the first-aid equipment to be provided in shops or offices by employers ;
- (g) the steps to be taken by owners of buildings used or intended for use as shops or offices or by employers, in connection with the structure of such buildings or otherwise, in order to prevent or extinguish fires, and to ensure the safety, in the event of fire, of persons in such buildings ;
- (h) the manner in which any notice under sub-section (1) of section *fifteen* shall be served, and the manner in which and time within which an appeal under sub-section (3) or (5) of the said section against the terms of any such notice may be noted and prosecuted ;
- (i) all matters which by this Act are required or permitted to be prescribed ;
- (j) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different regulations may be made under sub-section (1) in respect of different classes of shops or offices or of different classes of employers or employees or of different areas, and in

22. (1) By prosesverrigtings ingevolge hierdie Wet, is 'n Bewyslewing, verklaring of inskrywing wat bevat is in enige boek of geskrif wat deur enige werkgewer of deur sy bestuurder, agent of werknemer gehou is, of wat gevind word op of in 'n perseel in okkupasie van daardie werkgewer, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy dit bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer of deur 'n bestuurder, agent of werknemer van daardie werkgewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(2) Wanneer by prosesverrigtings ingevolge hierdie Wet bewys word dat enige onware verklaring of inskrywing voorkom in 'n formulier wat aan 'n inspekteur ingevolge artikel vyf voorgelê is, of in 'n aantekening wat enige persoon ingevolge artikel agt gehou het, of deur enige persoon in sodanige aantekening te boek gestel of gedoen is, word veronderstel, totdat die teendeel bewys word, dat die persoon wat die formulier voorgelê of sodanige aantekening gehou of sodanige verklaring of inskrywing te boek gestel of gedoen het, na gelang van die geval, opsetlik daardie formulier of aantekening vervals het.

(3) Wanneer iemand ingevolge sub-artikel (1) van artikel elf aangekla word dat hy een of ander persoon uit sy diens ontslaan het of die skaal van sy besoldiging verminder het of sy diensvoorwaardes verander het in voorwaardes wat minder gunstig is vir hom of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het op grond van sy vermoede of geloof van die bestaan van enige in daardie sub-artikel vermelde en in die aanklag beweerde, feit, en dit bewys word dat die beskuldigde daardie persoon uit sy diens ontslaan het, of die skaal van sy besoldiging verminder het of sy diensvoorwaardes verander het in voorwaardes wat minder gunstig is vir hom, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, word dit vermoed, totdat die teendeel bewys word, dat die beskuldigde aldus gehandel het weens die in die aanklag beweerde vermoede of geloof.

23. (1) Die Goewerneur-generaal kan regulasies uitvaardig Regulasies, wat betref—

- (a) die pligte van amptenare;
- (b) die prosedure wat gevolg moet word wanneer aansoek om erkenning ingevolge sub-paragraaf (ix) van paragraaf (c) van sub-artikel (1) van artikel twee gedoen word;
- (c) die higiëniese versorging, lugtoevoer en verligting in winkels of kantore, en die pligte van eienaars van winkels of kantore of van werkgewers in verband daarmee;
- (d) die akkommodasie en geriewe wat in winkels of kantore deur eienaars of werkgewers vir werknemers verskaf moet word terwyl hulle daarin werk;
- (e) die kleding wat deur werkgewers verskaf moet word aan werknemers wat bepaalde artikels in die loop van hul werk hanteer, of wat in bepaalde bedrywe of beroepe in diens is;
- (f) die eerstehulp-toerusting wat in winkels of kantore deur werkgewers voorsien moet word;
- (g) die maatreëls wat deur eienaars van geboue gebruik of bestem vir gebruik as winkels of kantore of deur werkgewers, in verband met die struktuur van sodanige geboue of andersins, getref moet word ten einde brande te voorkom of te blus, en die veiligheid van persone in sodanige geboue, in geval van brand, te verseker;
- (h) die wyse waarop enige kennisgewing ingevolge sub-artikel (1) van artikel vyftien geding moet word, en die wyse waarop en tyd binne welke 'n hoër beroep ingevolge sub-artikel (3) of (5) van genoemde artikel teen die bepalings van so 'n kennisgewing aangeteken en voortgesit moet word;
- (i) enige aangeleentheid wat ingevolge hierdie Wet moet of kan voorgeskryf word;
- (j) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Verskillende regulasies kan kragtens sub-artikel (1) uitvaardig word ten opsigte van verskillende soorte winkels of kantore of van verskillende kategorieë van werkgewers of werk-

making such regulations the Governor-General may apply such method of discrimination or differentiation as he may deem advisable.

(3) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding the penalties prescribed in section *twenty*.

(4) The Governor-General may, in any notice by which any regulations under paragraph (c), (d), (f) or (g) of sub-section (1) is published, specify the regulations made under any of the said paragraphs in respect of which the provisions of section *fifteen* shall apply.

(5) The Minister may from time to time determine the areas in which the provisions of any regulations made under paragraph (c), (d), (e), (f) or (g) of sub-section (1) shall apply. After making any such determination, the Minister shall cause to be published in the *Gazette* a notice specifying the areas so determined and the date from which the provisions of any such regulations shall apply.

Repeal of laws.

24. (1) The laws mentioned in the Schedule of this Act are hereby repealed or amended to the extent set forth in the fourth column of that Schedule.

(2) In any agreement, notice or award published or made, or deemed to have been published or made, under the Industrial Conciliation Act, 1937, or in any determination made, or deemed to have been made, under the Wage Act, 1937, any reference to any provision of a Provincial Ordinance repealed by sub-section (1) shall be deemed to be a reference to the corresponding provision of this Act.

Short title and commencement.

25. This Act shall be called the Shops and Offices Act, 1939 and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

LAWS REPEALED OR AMENDED.

Province or Union.	No. and year of law.	Short title of Law.	Extent of repeal or amendment.
Cape Province	Act No. 20 of 1899.	The Shop Assistants Act 1899.	The repeal of the whole.
"	Ord. No. 14 of 1930.	Shop Hours Ordinance, 1930.	The deletion in section <i>three</i> of all the words after the words "in each week." The repeal of section <i>seven</i> . The repeal of Part III. The repeal of sub-section (5) of section <i>twenty-four</i> , as amended by section <i>two</i> of Ordinance No. 21 of 1931.
" ..	Ord. No. 8 of 1932.	Shop Hours Amendment Ordinance, 1932.	The repeal of the whole.
" ..	Ord. No. 36 of 1935.	Shop Hours Ordinance (Amendment) Ordinance 1935.	The repeal of section <i>three</i> .
" ..	Ord. No. 11 of 1936.	Shop Hours (Amendment) Ordinance, 1936	The repeal of section <i>two</i> .
Province of Natal	Ord. No. 12 of 1919.	The Shop Hours Ordinance, 1919	The repeal of section <i>ten</i> .

nemers, of van verskillende gebiede, en die Goewerneur-generaal kan, by die uitvaardiging van sodanige regulasies, volgens enige metode wat hy raadsaam mag ag, onderskei of verskil maak.

(3) Regulasies ingevolge sub-artikel (1) uitgevaardig kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf wat nie swaarder is nie as die strawwe in artikel *twintig* voorgeskryf.

(4) Die Goewerneur-generaal kan, in enige kennisgewing waarby regulasies ingevolge paragraaf (c), (d), (f) of (g) van sub-artikel (1) bekendgemaak word, bepaal ten opsigte van welke regulasies, ingevolge een of ander van genoemde paragraawe uitgevaardig, die bepalinge van artikel *vyftien* van toepassing is.

(5) Die Minister kan van tyd tot tyd die gebiede vasstel waarin die bepalinge van enige ingevolge paragraaf (c), (d), (e), (f) of (g) van sub-artikel (1) uitgevaardigde regulasies van toepassing is. Na so 'n bepaling laat die Minister in die *Staatskoerant* 'n kennisgewing publiseer, waarin die aldus bepaalde gebiede en die datum vanaf welke die bepalinge van bedoelde regulasies van toepassing is, aangegee word.

24. (1) Die Wette in die Bylae van hierdie Wet vermeld word hiermee herroep of gewysig soos in die vierde kolom van daardie Bylae aangetoon. **Herroeping van Wette.**

(2) 'n Verwysing na enige bepaling van 'n Provinsiale Ordonnansie wat deur sub-artikel (1) herroep is, in 'n ooreenkoms, kennisgewing of uitspraak wat ingevolge die Nywerheidsversoeningswet, 1937, bekendgemaak of gedoen is of geag word bekendgemaak of gedoen te gewees het, of in enige vasstelling wat ingevolge die Loonwet, 1937, gemaak is of geag word gemaak te gewees het, word geag 'n verwysing na die ooreenstemmende bepaling van hierdie Wet te wees.

25. Hierdie Wet heet die Wet op Winkels en Kantore, 1939, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word. **Kort titel en inwerking-treding.**

Bylae.

HERROEPING OF GEWYSIGDE WETTE.

Provinsie of Unie.	No. en jaar van Wet.	Kort titel van Wet.	In hoever herroep of gewysig.
Kaapprovinsie.	Wet No. 20 van 1899.	„The Shop Assistants Act, 1899”	Die herroeping van die geheel.
	Ord. No. 14 van 1930.	Winkelure-Ordonnansie, 1930	Die skrapping in artikel drie van alle woorde na die woorde „vasgestelde vrymiddag”. Die herroeping van artikel <i>sewe</i> . Die herroeping van Deel III.
	Ord. No. 8 van 1932.	Winkelure-Wysigingsordonnansie, 1932.	Die herroeping van sub-artikel (5) van artikel vier-en-twintig, soos gewysig deur artikel twee van Ordonnansie No. 21 van 1931.
	Ord. No. 36 van 1935.	Wysigingsordonnansie op Winkelure, 1935.	Die herroeping van artikel drie.
„	Ord. No. 11 van 1936.	Winkelure-Wysigingsordonnansie, 1936.	Die herroeping van artikel twee.
Natal ..	Ord. No. 12 van 1919.	„De Winkeluren Ordonnantie, 1919”.	Die herroeping van artikel tien.

Province or Union.	No. and year of law.	Short title of Law.	Extent of repeal or amendment.
Natal ..	Ord. No. 6 of 1931.	The Shop Hours Further Amendment Ordinance 1931.	The repeal of the whole.
Orange Free State	Ord. No. 6 of 1925.	Shop Hours and Half - holiday Ordinance, 1925.	The repeal of section <i>twelve</i> and of sections <i>fourteen</i> to <i>eighteen</i> inclusive, in so far as they relate to the granting of a half-holiday to shop assistants. The repeal of sections <i>twenty</i> , <i>twenty-one</i> and <i>twenty-two</i> . The deletion in section <i>twenty-two</i> A as inserted by section <i>four</i> of Ordinance No. 4 of 1932, of the words "any attendance register or." The deletion in section <i>twenty-five</i> of all the words after the words "as if he was the shop-keeper."
" ..	Ord. No. 9 of 1930.	Shop Hours and Half - holiday Amendment Ordinance, 1930.	The repeal of section <i>two</i> .
" ..	Ord. No. 4 of 1932.	Shop Hours and Half-holiday Ordinance Amendment Ordinance, 1932.	The repeal of section <i>two</i> in so far as it relates to the granting of a half-holiday to shop assistants. The repeal of section <i>three</i> .
" ..	Ord. No. 7 of 1933.	Shop Hours and Half - holiday Ordinance Amendment Ordinance, 1933.	The repeal of the whole.
Transvaal	Ord. No. 5 of 1923.	Shop Hours Ordinance, 1923.	The repeal of sub-section (2) of section <i>one</i> , as amended by section <i>one</i> of Ordinance No. 12 of 1935 and section <i>one</i> of Ordinance No. 8 of 1936. The deletion in sub-section (3) of section <i>three</i> of the words "and to employ his assistants therein." The repeal of sections <i>seven</i> , <i>eight</i> and <i>nine</i> . The deletion in sub-section (1) of section <i>ten</i> of the words "attendance register or time-table." The repeal of paragraph (1) of section <i>eleven</i> , and the deletion in paragraph (2) of the said section of all the words after the word "inspectors." The repeal of sub-section (2) of section <i>thirteen</i> .
" ..	Ord. No. 10 of 1925.	Shop Hours Amendment Ordinance, 1925.	The repeal of section <i>two</i> .
" ..	Ord. No. 19 of 1928.	Shop Hours Amendment Ordinance, 1928.	The repeal of sections <i>three</i> and <i>four</i> .
" ..	Ord. No. 12 of 1935.	Shop Hours Amendment Ordinance, 1935.	The repeal of section <i>five</i> .
" ..	Ord. No. 8 of 1936.	Shop Hours Amendment Ordinance, 1936.	The repeal of section <i>one</i> .
Union ..	Act No. 10 of 1913.	The Financial Relations Act, 1913.	The deletion in Item 8 of the Second Schedule of the words "and the restriction of hours of work of shop assistants."

Provinsie of Unie.	No. en jaar van Wet.	Kort titel van Wet.	In hoever herroep of gewysig.
Natal ..	Ord. No. 6 van 1931.	Die Verdere Wysigingsordonnansie op Winkelure, 1931.	Die herroeping van die geheel.
Oranje-Vrystaat	Ord. No. 6 van 1925.	Winkelure en Halfvakansiedag Ordonnansie, 1925.	Die herroeping van artikel <i>twalf</i> , en van artikels <i>veertien</i> tot en met <i>agtien</i> vir sover hul betrekking het op die toekenning van 'n half-vakansiedag aan winkelassistenten. Die herroeping van artikels <i>twintig</i> , <i>een-en-twintig</i> en <i>twee-en-twintig</i> . Die skraping in artikel <i>twee-en-twintig</i> A soos ingevoeg deur artikel <i>vier</i> van Ordonnansie No. 4 van 1932, van die woorde „enige werksuur-register of”. Die skraping in artikel <i>vyf-en-twintig</i> van alle woorde na die woorde „asof hy die winkelier was”. Die herroeping van artikel <i>twee</i> .
„	Ord. No. 9 van 1930.	Winkelure en Half-vakansiedag Wysigings-Ordonnansie, 1930.	Die herroeping van artikel <i>twee</i> vir sover dit betrekking het op die toekenning van 'n half-vakansiedag aan winkelassistenten. Die herroeping van artikel <i>drie</i> .
„	Ord. No. 4 van 1932	Winkelure en Half-vakansiedag Ordonnansie Wysigings-Ordonnansie, 1932.	Die herroeping van die geheel.
„	Ord. No. 7 van 1933.	Winkelure en Half-vakansiedag Ordonnansie Wysigings-Ordonnansie, 1933.	Die herroeping van subartikel (2) van artikel <i>een</i> soos gewysig deur artikel <i>een</i> van Ordonnansie No. 12 van 1935 en artikel <i>een</i> van Ordonnansie No. 8 van 1936. Die skraping in subartikel (3) van artikel <i>drie</i> van die woorde „en sy bediendes daarin laat werk”. Die herroeping van artikels <i>sewe</i> , <i>agt</i> en <i>nege</i> . Die skraping in subartikel (1) van artikel <i>tien</i> van die woorde „aanwesighedsregister of tydtafel”. Die herroeping van paragraaf (1) van artikel <i>elf</i> en die vervanging in paragraaf (2) van genoemde artikel van alle woorde na die woord „voorgeskryf” deur die woord „word”. Die herroeping van subartikel (2) van artikel <i>dertien</i> .
ransvaal	Ord. No. 5 van 1923.	Winkelure Ordonnansie, 1923.	Die herroeping van artikel <i>twee</i> .
„	Ord. No. 10 van 1925.	Winkelure Wysigings Ordonnansie, 1925.	Die herroeping van artikels <i>drie</i> en <i>vier</i> .
„	Ord. No. 19 van 1928.	Winkelure-Wysigingsordonnansie, 1928.	Die herroeping van artikel <i>vyf</i> .
„	Ord. No. 12 van 1935.	Winkelure-Wysigingsordonnansie, 1935.	Die herroeping van artikel <i>een</i> .
„	Ord. No. 8 van 1936.	Winkelure-Wysigingsordonnansie, 1936.	Die skraping in Item 8 van die Tweede Bylae van die woorde „en de beperking van de werkuren van winkelbedienden”.
Unie ..	Wet No. 10 van 1913.	„Financiële Verhoudingswet, 1913.”	