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HOUSE OF ASSEMBLY.

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

J. M. HUGO,
Clerk of the House of Assembly.

A.B. 60—'51: Separate Representation of Voters
Bill

PAGE
2

VOLKSRAAD.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 160 van die Reglement van Orde.

J. M. HUGO,
Klerk van die Volksraad.

VW. 60—'51: Wetsontwerp op Afsonderlike Ver-
teenwoordiging van Kiesers ..

BLADSY
3

BILL

To make provision for the separate representation in Parliament and in the provincial council of the province of the Cape of Good Hope of Europeans and non-Europeans in that province, and to that end to amend the law relating to the registration of Europeans and non-Europeans as voters for Parliament and for the said provincial council; to amend the law relating to the registration of non-Europeans and natives in the province of Natal as voters for Parliament and for the provincial council of Natal; to establish a Board for Coloured Affairs; and to provide for matters incidental thereto.

(Introduced by the MINISTER OF THE INTERIOR.)

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

PRELIMINARY.

Definitions.

1. In this Act—
 - (i) "Minister" means the Minister of the Interior; (iii) 5
 - (ii) "non-European" means a person who is not a white person and who is not a native for the purposes of the Representation of Natives Act, 1936 (Act No. 12 of 1936); (iv) 10
 - (iii) "prescribed" means prescribed by regulation made under the principal Act; (v)
 - (iv) "principal Act" means the Electoral Consolidation Act, 1946 (Act No. 46 of 1946); (ii)
 - (v) "white person" means a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person, who, although in appearance obviously a white person, is generally accepted as a non-European. (i) 15

SEPARATE REGISTRATION OF EUROPEAN AND NON-EUROPEAN 20 VOTERS IN THE PROVINCE OF THE CAPE OF GOOD HOPE.

The Cape Coloured voters' list.

2. (1) As soon as possible after the date of commencement of this Act, the Minister shall cause a register (hereinafter referred to as the Cape Coloured voters' list) to be compiled.
- (2) Save as hereinafter in this section provided, the Cape 25
Coloured voters' list shall include all the names of non-Europeans, which at the aforesaid date are included in lists then valid according to the provisions of the principal Act, of persons qualified to vote in the province of the Cape of Good Hope at elections of members of the House of Assembly. 30
- (3) All non-Europeans whose names are not included in the lists referred to in sub-section (2) and who are qualified in terms of section *four* of the principal Act shall, upon application in the prescribed manner, be entitled to be registered in the Cape Coloured voters' list. 35
- (4) The removal of the name of any non-European from the Cape Coloured voters' list, on the ground that he is not qualified in terms of section *four* aforesaid, shall take place on objection duly made, in accordance with the prescribed procedure.
- (5) The Minister shall cause the Cape Coloured voters' list 40
to be divided—
 - (a) into four parts, one for each electoral division (hereinafter called a Union electoral division), as determined under the provisions of paragraph (a) of sub-section (2) of section *six*, for the House of Assembly; 45
 - (b) into two parts, one for each electoral division (hereinafter called a provincial electoral division), as determined under the provisions of paragraph (b) of sub-section (2) of section *six*, for the provincial council of the province of the Cape of Good Hope. 50
- (6) Each part of the Cape Coloured voters' list, as determined under sub-section (5), shall contain the names of persons registered in the said list who reside in the electoral division to which that part relates.

WETSONTWERP

Om voorsiening te maak vir die afsonderlike verteenwoordiging in die Parlement en in die provinsiale raad van die provinsie Kaap die Goede Hoop van blankes en nie-blankes in daardie provinsie en om met daardie doel die wet met betrekking tot die registrasie van blankes en nie-blankes as kiesers vir die Parlement en vir genoemde provinsiale raad te wysig; om die wet met betrekking tot die registrasie van nie-blankes en naturelle in die provinsie Natal as kiesers vir die Parlement en vir die provinsiale raad van Natal te wysig; om 'n Raad op Kleurlingsake in te stel en om vir daarmee in verband staande sake voorsiening te maak.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

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

INLEIDINGSBEPALINGS.

5 1. In hierdie Wet beteken—

Woordbepaling.

- (i) „blanke” iemand wat volgens voorkoms 'n blanke is of wat gewoonlik vir 'n blanke deurgaen, maar nie ook iemand wat, alhoewel hy volgens voorkoms klaarblyklik 'n blanke is, gewoonlik vir 'n nie-blanke deurgaen nie; (v)
- 10 (ii) „die Hoofwet” die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946); (iv)
- (iii) „Minister” die Minister van Binnelandse Sake; (i)
- 15 (iv) „nie-blanke” 'n persoon wat nie 'n blanke is nie en wat nie vir die doeleindes van die Naturelle-Verteenwoordigings-Wet, 1936 (Wet No. 12 van 1936), 'n naturel is nie; (ii)
- (v) „voorgeskryf” of „voorgeskrewe” deur 'n kragtens die Hoofwet uitgevaardigde regulasie voorgeskryf. (iii)

20 AFSONDERLIKE REGISTRASIE VAN BLANKE EN NIE-BLANKE KIESERS IN DIE PROVINSIE KAAP DIE GOEDE HOOP.

2. (1) So spoedig moontlik na die datum van inwerking-treding van hierdie Wet laat die Minister 'n register (hieronder **Kaapse Kleurling-kieserslys** die Kaapse Kleurling-kieserslys genoem) opstel.

- 25 (2) Behalwe soos hieronder in hierdie artikel bepaal, word in die Kaapse Kleurling-kieserslys opgeneem al die name van nie-blankes wat op genoemde datum opgeneem is in lyste, wat dan volgens die bepalings van die Hoofwet geldig is, van persone bevoeg om in die provinsie Kaap die Goede Hoop by verkiesings
- 30 van lede van die Volksraad te stem.

- (3) Alle nie-blankes wie se name nie in die in sub-artikel (2) vermelde lyste opgeneem is nie en wat ingevolge artikel vier van die Hoofwet bevoeg is, is geregtig na aansoek op die by regulasie voorgeskrewe wyse op registrasie in die Kaapse
- 35 Kleurling-kieserslys.

- (4) Die skrapping van die naam van 'n nie-blanke in die Kaapse Kleurling-kieserslys op gronde dat hy nie ooreenkomstig voormelde artikel vier bevoeg is nie, vind plaas na beswaar behoorlik gedoen ooreenkomstig die voorgeskrewe
- 40 prosedure.

(5) Die Minister laat die Kaapse Kleurling-kieserslys verdeel—

- (a) in vier dele vir die Volksraad, een vir elke kiesafdeling soos ingevolge paragraaf (a) van sub-artikel (2) van
- 45 artikel ses vasgestel (hieronder 'n Uniale kiesafdeling genoem);

- (b) in twee dele vir die provinsiale raad van die provinsie Kaap die Goede Hoop, een vir elke kiesafdeling soos ingevolge die bepalings van paragraaf (b) van sub-
- 50 artikel (2) van artikel ses vasgestel (hieronder 'n provinsiale kiesafdeling genoem).

- (6) Elke deel van die Kaapse Kleurling-kieserslys, soos ingevolge sub-artikel (5) bepaal, bevat die name van persone geregistreer in vermelde lys wat in die kiesafdeling waarop
- 55 daardie deel betrekking het, woon.

(7) Every person who is classified as a non-European on any voters' list in existence at the date of commencement of this Act, which has been framed under the principal Act, as for an electoral division in the province of the Cape of Good Hope, shall until the contrary is proved, be deemed to be a non-European for the purposes of this Act, and every person who is thus classified as a white person shall similarly be deemed to be a white person, until the contrary is proved. 5

Application of principal Act for the purpose of the compilation and keeping of the Coloured voters' list.

3. (1) The provisions of section *four*, sub-sections (1), (2) and (4) of section *six*, and, in so far as they are applicable to non-Europeans, the provisions of Chapter II of the principal Act shall apply, *mutatis mutandis*, for the purpose of the compilation and keeping of the Cape Coloured voters' list. 10

(2) Any regulations made under the principal Act in regard to the registration of non-European voters in the province of the Cape of Good Hope, and in regard to all matters incidental thereto, shall continue to apply as if the said regulations related to the registration of the said voters on the Cape Coloured voters' list. 15

(3) For the purposes of section *one hundred and eighty-six* of the principal Act, section *two* and sub-section (1) of section *three* of this Act shall be deemed to be a portion of the principal Act. 20

The European voters' list.

4. (1) As soon as the Cape Coloured voters' list has been framed in terms of the provisions of section *two*, every electoral officer who has been appointed under the principal Act in respect of any area of the province of the Cape of Good Hope, shall prepare a separate voters' list for white persons whose names are included in the voters' lists framed under the principal Act (hereinafter called the European voters' list), for each division in the area for which he has been appointed. 25 30

(2) (a) The European voters' list for each division shall be framed by removing from the list in force at the date of commencement of this Act (hereinafter called the existing voters' list) the names of all persons which are included in the Cape Coloured voters' list, and shall thereafter be maintained, in terms of the provisions of the principal Act, as a separate voters' list for white persons qualified to vote in such division, and shall not include the names of any non-Europeans. 35 40

(b) Subject to the provisions of sub-section (7) of section *two*, a person who in appearance obviously is a white person shall for the purposes of this sub-section be presumed to be a white person, until the contrary is proved. 45

(3) (a) As soon as, after the date of commencement of this Act, a general election is held for the House of Assembly, the European voters' list shall be the voters' list in the divisions concerned for the election under the provisions of the principal Act of members of the House of Assembly, representing constituencies in the province of the Cape of Good Hope, for the election of whom provision is made by the South Africa Act, 1909; and as soon as, after the said date, a general election of provincial councillors, for the election of whom provision is so made takes place in the province of the Cape of Good Hope, the European voters' list shall similarly be the voters' list in the divisions concerned for the election of such provincial councillors. 50 55 60

(b) For the purpose of the division of the province of the Cape of Good Hope into electoral divisions in terms of section *forty* of the South Africa Act, 1909, the words "the total number of voters" in sub-section (1) of the said section, shall after the date of commencement of this Act be deemed to refer to the total number of voters in the European voters' list. 65

(4) As soon as the European voters' list comes into force, in terms of sub-section (3), the provisions of the principal Act relating to the registration of non-European voters in the province of the Cape of Good Hope, shall be deemed to refer to the registration of the said voters in the Cape Coloured voters' list, and shall for that purpose continue to be in force. 70

(7) Elke persoon wat op 'n kieserslys wat op die datum van inwerkingtreding van hierdie Wet bestaan, en wat ingevolge die Hoofwet vir 'n kiesafdeling in die provinsie Kaap die Goede Hoop opgestel is, as 'n nie-blanke geklassifiseer word, word by die toepassing van hierdie Wet geag 'n nie-blanke te wees, totdat die teendeel bewys word, en elke persoon wat aldus as 'n blanke geklassifiseer is, word insgelyks geag 'n blanke te wees, totdat die teendeel bewys word.

3. (1) Die bepalings van artikel vier, sub-artikels (1), (2) en (4) van artikel ses van die Hoofwet, en, vir sover toepaslik op nie-blankes, die bepalings van Hoofstuk II van die Hoofwet, is *mutatis mutandis* by die opstel en hou van die Kaapse Kleurling-kieserslys van toepassing.

Toepassing van die Hoofwet vir doeleindes van die opstel en hou van die Kleurling-kieserslys.

(2) Regulasies wat ingevolge die Hoofwet met betrekking tot die registrasie van nie-blanke kiesers in die provinsie Kaap die Goede Hoop, en met betrekking tot alle daarmee in verband staande aangeleenthede, uitgevaardig is, bly van toepassing asof voormelde regulasies op die registrasie van genoemde kiesers in die Kaapse Kleurling-kieserslys betrekking het.

(3) By die toepassing van artikel honderd ses-en-tagtig van die Hoofwet word artikel twee, en sub-artikel (1) van artikel drie van hierdie Wet geag deel van die Hoofwet uit te maak.

4. (1) Sodra die Kaapse Kleurling-kieserslys ooreenkomstig die bepalings van artikel twee opgestel is, stel elke verkiesings-beampte wat kragtens die Hoofwet ten opsigte van 'n gebied in die provinsie Kaap die Goede Hoop aangestel is, 'n afsonderlike kieserslys op vir die blanke kiesers wie se name voorkom op die kieserslys ooreenkomstig die Hoofwet opgestel (hieronder die blanke kieserslys genoem) vir elke afdeling in die gebied waartoe hy aangestel is.

Die blanke kieserslys.

(2) (a) Die blanke kieserslys vir elke afdeling word opgestel deur in die lys wat by die datum van inwerkingtreding van hierdie Wet van krag is (hieronder die bestaande kieserslys genoem), die name van alle persone wat in die Kaapse Kleurling-kieserslys opgeneem is, te skrap, en word daarna ooreenkomstig die bepalings van die Hoofwet, in stand gehou as 'n afsonderlike kieserslys vir blankes wat bevoeg is om in so 'n afdeling te stem en sluit nie die name van enige nie-blankes in nie.

(b) Behoudens die bepalings van sub-artikel (7) van artikel twee, word iemand wat volgens voorkoms klaarblyklik 'n blanke is by die toepassing van hierdie sub-artikel vermoed 'n blanke te wees, totdat die teendeel bewys word.

(3) (a) Sodra 'n algemene verkiesing, na die datum van inwerkingtreding van hierdie Wet, vir die Volksraad gehou word, is die blanke kieserslys die kieserslys in die betrokke afdelings vir die verkiesing ingevolge die bepalings van die Hoofwet van lede van die Volksraad wat kiesafdelings in die provinsie Kaap die Goede Hoop verteenwoordig, en vir die verkiesing van wie voorsiening gemaak word deur die „Zuid-Afrika Wet, 1909”, en sodra, na genoemde datum, 'n algemene verkiesing van provinsiale raadslede, vir die verkiesing van wie voorsiening aldus gemaak word, in die provinsie Kaap die Goede Hoop plaasvind, is die blanke kieserslys insgelyks die kieserslys in die betrokke afdelings vir die verkiesing van bedoelde provinsiale raadslede.

(b) Ten einde die provinsie Kaap die Goede Hoop, ooreenkomstig artikel veertig van die „Zuid-Afrika Wet, 1909”, in kiesafdelings te verdeel, word dit na die datum van inwerkingtreding van hierdie Wet geag dat die woorde „het gezamentlik aantal kiezers” in sub-artikel (1) van genoemde artikel, verwys na die gesamentlike aantal kiesers in die blanke kieserslys.

(4) Sodra die blanke kieserslys ooreenkomstig sub-artikel (3) in werking kom, word die bepalings van die Hoofwet met betrekking tot die registrasie van nie-blanke kiesers in die provinsie Kaap die Goede Hoop, geag van toepassing te wees op die registrasie van genoemde kiesers in die Kleurling-kieserslys en bly voormelde bepalings vir genoemde doel van krag.

Names of
non-Europeans
in the Cape
Province and
Natal to remain
on voters' lists
until the next
general election.

5. (1) (a) Until the first general election after the date of commencement of this Act is held for the House of Assembly, the existing voters' list shall be the voters' list for the divisions concerned for the purposes of elections to fill casual vacancies in the House of Assembly; and until the first general election is so held for the provincial council of the province of the Cape of Good Hope, the existing voters' list shall be the voters' list for the divisions concerned, for the purpose of elections to fill casual vacancies in the provincial council of the province of the Cape of Good Hope.
- (b) Until the European voters' list comes into force under the provisions of sub-section (3) of section four, the existing voters' list shall continue to be subject to correction and amendment in terms of sections eighteen, twenty-two and twenty-three of the principal Act, and non-Europeans in the province of the Cape of Good Hope shall continue to be entitled to be registered in such list in accordance with the provisions of section four of the principal Act.
- (c) Any corrections or amendments made to the existing voters' list under the provisions of paragraph (b) shall also be appropriately made in the European voters' list and in the Cape Coloured voters' list.
- (2) A general election for the House of Assembly shall have the effect that the existing voters' list is no longer of force and effect as for the election of members of the House of Assembly, and a general election for the provincial council of the province of the Cape of Good Hope shall have the effect that the said list is no longer of force and effect as for election of members of the said provincial council.

DELIMITATION OF CAPE PROVINCE INTO NON-EUROPEAN CONSTITUENCIES.

Division of Cape
Province into
electoral divisions
for the purpose
of electing
members of the
House of
Assembly and
the provincial
council of the
Cape of Good
Hope and the
Board for
Coloured Affairs,
to represent
non-Europeans.

6. (1) As soon as may be after the date of commencement of this Act, the Governor-General shall appoint a Commission consisting of three judges of the Supreme Court to carry out the division of the province of the Cape of Good Hope as hereinafter in this section provided.
- (2) The Commission shall divide the province of the Cape of Good Hope—
- (a) into four Union electoral divisions;
- (b) into two provincial electoral divisions.
- (3) (a) The quota of voters for each such division shall be obtained by dividing the number of persons registered in the Cape Coloured voters' list by the number of persons to be elected.
- (b) The boundaries of each such division shall be fixed in such manner that the number of persons registered in the Cape Coloured voters' list who reside within each such division shall be approximately the same, due consideration being given by the Commission to community or diversity of interests, means of communication, physical features and sparsity or density of population in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.
- (4) For the purpose of carrying out their duties, the Commission shall be vested with the powers of a Commission appointed in terms of the Commissions Act, 1947 (Act No. 8 of 1947), and in this regard the provisions of sections three, five and six of the said Act shall apply *mutatis mutandis*.
- (5) The Commission shall submit to the Governor-General—
- (a) a list of the electoral divisions into which the said province has so been divided, together with the name given by the Commission to, and a description of the boundaries of, each such division;
- (b) a map of the said province showing these boundaries;
- (c) such further particulars as the Commission may deem necessary.
- (6) The Governor-General may refer to the Commission any matter relating to such list of divisions, or arising out of the powers or duties of the Commission.

5. (1) (a) Tot tyd en wyl die eerste algemene verkiesing na die datum van inwerkingtreding van hierdie Wet vir die Volksraad gehou word, is die bestaande kieserslys die kieserslys ten opsigte van die betrokke kiesafdelings, vir doeleindes van verkiesings om toevallige vakatures in die Volksraad te vul; en tot tyd en wyl die eerste algemene verkiesing aldus vir die provinsiale raad van die provinsie Kaap die Goede Hoop gehou word, is die bestaande kieserslys die kieserslys ten opsigte van die betrokke afdelings vir doeleindes van verkiesings om toevallige vakatures in die provinsiale raad van die provinsie Kaap die Goede Hoop te vul.
- (b) Tot tyd en wyl die blanke kieserslys ingevolge die bepalings van sub-artikel (3) van artikel vier in werking tree, bly die bestaande kieserslys onderhewig aan verbetering en wysiging kragtens artikels agtien, twee-en-twintig en drie-en-twintig van die Hoofwet, en bly nie-blankes in die provinsie Kaap die Goede Hoop geregigtig om in genoemde kieserslys ooreenkomstig die bepalings van artikel vier geregistreer te word.
- (c) Alle verbeterings of wysigings wat ooreenkomstig die bepalings van paragraaf (b) aan die bestaande kieserslys aangebring word, moet ook toepaslik aan die blanke kieserslys en die Kaapse Kleurling-kieserslys aangebring word.
- (2) 'n Algemene verkiesing vir die Volksraad het die uitwerking dat die bestaande kieserslys nie meer van krag is vir die verkiesing van volksraadslede nie, en 'n algemene verkiesing vir die provinsiale raad van die provinsie Kaap die Goede Hoop het die uitwerking dat bedoelde lys nie meer van krag is vir die verkiesing van lede van die betrokke provinsiale raad nie.

Name van nie-blankes in die Kaapprovinsie en Natal bly in kieserslyste tot volgende algemene verkiesing.

AFBAKENING VAN KAAPPROVINSIE IN NIE-BLANKE KIESAFDELINGS.

6. (1) So spoedig doenlik na die datum van inwerkingtreding van hierdie Wet stel die Goewerneur-generaal 'n kommissie aan wat bestaan uit drie regters van die Hooggeregshof om die verdeling van die provinsie Kaap die Goede Hoop soos hieronder in hierdie artikel bepaal, uit te voer.
- (2) Die kommissie moet die provinsie Kaap die Goede Hoop—
- (a) in vier Uniale kiesafdelings verdeel;
- (b) in twee provinsiale kiesafdelings verdeel.
- (3) (a) Die kwota van kiesers van elke sodanige kiesafdeling word verkry deur die getal persone wat op die Kaapse Kleurling-kieserslys geregistreer is deur die getal persone wat verkies moet word te verdeel.
- (b) Die grense van elke sodanige kiesafdeling word op so 'n wyse vasgestel dat die getal persone wat op die Kaapse Kleurling-kieserslys geregistreer is, en wat in elke sodanige kiesafdeling woon naasteby dieselfde is, met behoorlike inagneming deur die kommissie van gemeenskaplike of verskillende belange, verkeers-middele, natuurlike kenmerke en dunheid of digtheid van bevolking op sodanige wyse dat hoewel die kwota van kiesers die grondslag van verdeling uitmaak, die kommissaris nóg, tans, wanneer ookal hulle dit nodig ag, daarvan kan afwyk, dog in geen geval in 'n groter mate dan vyftien persent bo of vyftien persent benede die kwota nie.
- (4) Ten einde hulle pligte uit te voer, berus by die kommissie die bevoegdhede van 'n kommissie aangestel ingevolge die Kommissiewet, 1947 (Wet No. 8 van 1947), en in hierdie verband is die bepalings van artikels drie, vyf en ses van genoemde Wet *mutatis mutandis* van toepassing.
- (5) Die kommissie lê aan die Goewerneur-generaal voor—
- (a) 'n lys van die kiesafdelings waarin genoemde provinsie verdeel is, asook die naam deur die kommissie toegeken aan en 'n beskrywing van die grense van elke sodanige afdeling;
- (b) 'n kaart van genoemde provinsie wat hierdie grense aantoon;
- (c) sulke verder besonderhede as wat die kommissie mag nodig ag.
- (6) Die Goewerneur-generaal kan na die kommissie enige saak met betrekking tot sodanige lys van afdelings of ontstaande uit die bevoegdhede en pligte van die kommissie verwys.

Verdeling van Kaapprovinsie in kiesafdelings ten einde lede van die Volksraad en van die provinsiale raad van die Kaap die Goede Hoop en die Raad op Kleurlingsake te verkies om nie-blanke kiesers te verteenwoordig.

(7) The Governor-General shall proclaim the names and boundaries of electoral divisions as finally settled by the Commission.

(8) Whenever a delimitation of electoral divisions is required to be made in the Union, in terms of sub-section (2) of section *forty-one* of the South Africa Act, 1909 (save and except the delimitation that is required to take place, as soon as may be after the census that is required to be taken in the year 1951), the Commission that is appointed to undertake such delimitation, shall proceed at the same time to re-divide the province of the Cape of Good Hope in terms of the preceding provisions of this section, and shall be deemed to be for all purposes a Commission appointed in terms of the provisions of sub-section (1).

REPRESENTATION OF NON-EUROPEANS IN THE SENATE. 15

Additional
senator to be
nominated
to represent
non-Europeans.

7. In addition to the senators for the nomination or election of whom provision is made by the South Africa Act, 1909, the Representation of Natives Act, 1936, and the South-West Africa Affairs Amendment Act, 1949, a senator shall be nominated by the Governor-General on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the non-European population in the province of the Cape of Good Hope.

Qualifications,
disqualifications,
rights and duties
of a senator
nominated
under this Act.

8. (1) The qualifications for nomination as a senator under this Act shall be those prescribed for nominated senators in section *twenty-six* of the South Africa Act, 1909, save that, in addition, residence for five years within the province of the Cape of Good Hope, shall be a necessary requirement.

(2) The provisions of sections *fifty-one* to *fifty-six*, both inclusive, of the South Africa Act, 1909, shall apply to any senator nominated under this Act.

(3) The said senator—

(a) shall have all the rights, powers, privileges and immunities which senators nominated under the South Africa Act, 1909, have, and shall be subject to all the duties and obligations to which such senators are subject;

(b) shall be subject to the provisions of the Senate Act, 1926 (Act No. 54 of 1926).

REPRESENTATION OF NON-EUROPEANS IN THE HOUSE OF ASSEMBLY.

Representation
of non-Europeans
in the House
of Assembly.

9. (1) The persons whose names appear in the Cape Coloured voters' list for any Union electoral division shall be entitled to elect one member of the House of Assembly to represent such electoral division.

(2) The members of the House of Assembly who may be elected under this Act, shall be in addition to the members of the House of Assembly for the election of whom provision is made by the South Africa Act, 1909, the Representation of Natives Act, 1936 (Act No. 12 of 1936), and the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949).

(3) If the number of members of the House of Assembly prescribed in paragraph (a) of section *thirty-two* of the South Africa Act, 1909, is at any time hereafter decreased or increased by legal enactment, the number of members to be elected under the provisions of this Act shall bear, as nearly as possible, the same ratio to the number of members of the House of Assembly so increased or decreased, as the number of members first elected under the provisions of this Act bears to the number of one hundred and fifty.

(4) If the number of members who may be elected to the House of Assembly under this Act is altered in terms of the provisions of sub-section (3), the reference in paragraph (a) of sub-section (5) of section *two* to four parts, and in paragraph (a) of sub-section (2) of section *six* to four divisions, shall respectively, be deemed to be amended accordingly so as to give effect to such alteration.

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

10. (1) The members of the House of Assembly elected under this Act shall, notwithstanding any dissolution of the House of Assembly, hold their seats for a period of five years from the date of election: Provided that, in the case of a candidate who is declared elected in terms of sub-section (8) of section *thirty-six* of the principal Act, his tenure of office shall continue for a period of five years from the date on which polling would have taken place, if a poll had been necessary.

(2) If the seat of any member elected under this Act becomes vacant before the date of expiry of his tenure of office, the member elected in his stead shall be entitled to hold the seat until the aforesaid date.

(7) Die Goewerneur-generaal proklameer die name en grense van die kiesafdelings soos finaal deur die kommissie vasgestel.

- (8) Wanneer ingevolge sub-artikel (2) van artikel *een-en-veertig* van die „Zuid-Afrika Wet, 1909”, ’n afbakening in die Unie gedoen moet word (behalwe die afbakening wat so spoedig doenlik na die sensus wat in die jaar 1951 geneem moet word, moet plaasvind) gaan die kommissie wat aangestel is om so ’n afbakening te onderneem terselfdertyd voort om die provinsie Kaap die Goede Hoop ooreenkomstig die voorafgaande 10 bepalings van hierdie artikel te herverdeel, en word dit geag vir alle doeleindes ’n kommissie te wees wat ingevolge die bepalings van sub-artikel (1) aangestel is.

VERTEENWOORDIGING VAN NIE-BLANKES IN DIE SENAAT.

7. Benewens die senatore vir die benoeming of verkiesing 15 van wie voorsiening gemaak word deur die „Zuid-Afrika Wet, 1909”, die Naturelle-Verteenwoordigings-Wet, 1936, en die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, word ’n senator deur die Goewerneur-generaal benoem op grond van sy deure kennis uit hoofde van sy amptelike 20 ondervinding of andersins van die redelike behoeftes en wense van die nie-blanke bevolking in die provinsie Kaap die Goede Hoop.

Addisionele senator word benoem om nie-blankes te verteenwoordig.

8. (1) Die kwalifikasies vir benoeming as ’n senator kragtens hierdie Wet is soos vir benoemde senatore bepaal in artikel 25 *ses-en-twintig* van die „Zuid-Afrika Wet, 1909”, behalwe dat daarbenewens verblyf vir vyf jaar binne die provinsie Kaap die Goede Hoop, ’n nodige vereiste is.

Kwalifikasies, diskwalifikasies, regte en pligte van ’n senator kragtens hierdie Wet benoem.

- (2) Die bepalings van artikels *een-en-vyftig* tot en met *ses-en-vyftig* van die „Zuid-Afrika Wet, 1909”, is van toepassing op 30 enige senator kragtens hierdie Wet benoem.

(3) Elke sodanige senator—

- (a) het al die regte, bevoegdhede, voorregte en immunitete wat senatore kragtens die „Zuid-Afrika Wet, 1909”, benoem besit, en is onderhewig aan al die 35 pligte en verpligtings waaraan bedoelde senatore onderhewig is;

(b) is onderhewig aan die bepalings van die Senaat Wet, 1926 (Wet No. 54 van 1926).

VERTEENWOORDIGING VAN NIE-BLANKES IN DIE VOLKSRAAD.

9. (1) Die persone wie se name in die Kaapse Kleurling-kieserslys vir ’n Uniale kiesafdeling voorkom, is geregtig om een 40 volksraadslid te kies om so ’n kiesafdeling te verteenwoordig.

Verteenwoordiging van nie-blankes in die Volksraad.

- (2) Die volksraadslede wat kragtens hierdie Wet verkies kan word, word verkies benewens die volksraadslede vir die ver- 45 kiesing van wie voorsiening gemaak word deur die „Zuid-Afrika Wet, 1909”, die Naturelle-Verteenwoordigings-Wet, 1936 (Wet No. 12 van 1936), en die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949).

- (3) Indien die ledetal van die Volksraad soos bepaal by 50 paragraaf (a) van artikel *twee-en-dertig* van die „Zuid-Afrika Wet, 1909”, te eniger tyd hierna by wetgewing verminder of vermeerder word, moet die getal lede wat ingevolge die bepalings van hierdie Wet verkies word, so na moontlik in dieselfde verhouding staan tot die getal lede van die Volksraad 55 aldus vermeerder of verminder as die verhouding van die getal lede wat oorspronklik ingevolge die bepalings van hierdie Wet verkies is, tot die getal honderd-en-vyftig staan.

- (4) Indien die getal volksraadslede wat kragtens hierdie Wet verkies kan word, ooreenkomstig die bepalings van sub-artikel 60 (3) verander word, word die verwysing in paragraaf (a) van sub-artikel (5) van artikel *twee* na vier dele, en in paragraaf (a) van sub-artikel (2) van artikel *ses* na vier afdelings, onderskeidelik geag dienooreenkomstig gewysig te wees sodat aan so ’n verandering gevolg gegee word.

10. (1) Ondanks enige ontbinding van die Volksraad, beklee 65 die volksraadslede kragtens hierdie Wet verkies hul setels vir ’n tydperk van vyf jaar vanaf die datum van verkiesing: Met dien verstande dat in die geval van ’n kandidaat wat ooreenkomstig sub-artikel (8) van artikel *ses-en-dertig* van die Hoof- 70 wet verkose verklaar is, sy ampstermyn sal voortduur vir ’n tydperk van vyf jaar vanaf die datum waarop stemming sou plaasgevind het, indien stemming nodig gewees het.

Ampsduur van volksraadslede kragtens hierdie Wet verkies.

- (2) Indien die setel van ’n volksraadslid kragtens hierdie Wet verkies, oopval voor die verstrykingsdatum van sy amps- 75 duur, soos voormeld bereken, is die lid wat in sy plek verkies word geregtig om die setel tot voormelde datum te beklee.

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

11. (1) The qualifications for election as a member of the House of Assembly under this Act shall be those prescribed in section *forty-four* of the South Africa Act, 1909, save that, in addition, residence for two years within the province of the Cape of Good Hope, shall be a necessary requirement. 5

(2) The provisions of sections *fifty-one* to *fifty-six* both inclusive, of the South Africa Act, 1909, shall apply to all members of the House of Assembly elected under this Act.

(3) The aforesaid members shall not have the right to vote at the election of senators under the provisions of section *twenty-five* of the South Africa Act, 1909, but shall otherwise have all the rights, powers, privileges and immunities which members of the House of Assembly elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such members are subject. 15

REPRESENTATION OF NON-EUROPEANS IN THE PROVINCIAL COUNCIL OF THE PROVINCE OF THE CAPE OF GOOD HOPE.

Representation of non-Europeans in the provincial council of the province of the Cape of Good Hope.

12. (1) The persons whose names appear in the Cape Coloured voters' list for a provincial electoral division shall be entitled to elect one member of the provincial council of the province of the Cape of Good Hope, to represent such a division. 20

(2) The members of the provincial council who may be elected under this Act shall be in addition to the provincial councillors for the election of whom provision is made by the South Africa Act, 1909, and the Representation of Natives Act, 1936. 25

(3) The provisions of section *ten* shall apply *mutatis mutandis* in regard to the tenure of office of members of the provincial council elected under this Act.

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

13. (1) The qualification for election under this Act as a member of the provincial council of the Cape of Good Hope shall be the qualification prescribed in sub-section (2) of section *seventy* of the South Africa Act, 1909, save that— 30

(i) in addition residence for two years within the province of the Cape of Good Hope shall be a necessary requirement; 35

(ii) any person qualified to vote for the election of a member of the provincial council in terms of the Representation of Natives Act, 1936 (Act No. 12 of 1936), shall not be qualified for election as a member of the said provincial council. 40

(2) The provisions of section *seventy-two* of the South Africa Act, 1909, shall, *mutatis mutandis*, apply to all provincial councillors elected under this Act.

(3) The aforesaid provincial councillors shall not have the right to vote at an election of senators under paragraph (ii) of section *twenty-five* of the South Africa Act, 1909, but shall otherwise have all the rights, powers, privileges and immunities which provincial councillors elected under the South Africa Act have, and shall be subject to all the duties and obligations to which such provincial councillors are subject. 45 50

REGISTRATION OF NON-EUROPEAN VOTERS IN THE PROVINCE OF NATAL.

Registration of non-European voters in Natal.

14. (1) Any non-European or native in the province of Natal who is registered as a voter at the date of commencement of this Act, shall continue to be so registered, as long as he retains his qualifications in terms of sections *five* and *six* of the principal Act and remains resident in the said province. 55

(2) The name of any non-European or native who ceases to be qualified to be registered in terms of sub-section (1) shall be removed from the voters' list, and shall not thereafter be restored to it. 60

(3) After the date of commencement of this Act no non-European or native in the province of Natal shall, notwithstanding the provisions of section *five* of the principal Act, be entitled to be registered as a voter in the said province. 65

(4) The preceding provisions of this section shall not affect the right of any non-European to be registered on the Cape Coloured voters' list or of any native to be registered on the Cape native voters' roll in terms of the Representation of Natives Act, 1936 (Act No. 12 of 1936). 70

THE BOARD FOR COLOURED AFFAIRS.

Establishment of Board for Coloured Affairs.

15. (1) A Board for Coloured Affairs (hereinafter called the Board) is hereby established, consisting of three non-European members who shall be nominated by the Governor-General and eight non-European members who are to be elected. 75